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| Town of Moraga | Agenda Item |
| Public Hearings | X.A. |

Meeting Date: January 28, 2015

TOWN OF MORAGA

STAFF REPORT

To: Honorable Mayor and Councilmembers

From: Ella Samonsky, Associate Planner

Subject: Consider Moraga Town Center Homes Project and Appeal of Planning Commission Decision to Approve the Conceptual Development Plan for the Moraga Town Center Homes project, a 36-Unit Attached Single Family Subdivision and an Associated Zoning Amendment, Including Consideration of:

- 1. Introducing and Waiving the First Reading of an Ordinance Amending Moraga Municipal Code Chapter 8.48 to add 12-DUA PD Land Use Classification, and Amending the Zoning Map for the Moraga Town Center Homes Property (APNs: 257-180-082-6 and 257-190-057-6) from Suburban Office (SO) to 12-DUA Planned Development (12-DUA-MC-PD); and**
- 2. Adoption of Resolution No. __-2015 Considering the Appeal, Upholding the Planning Commission's decision and Approving the Conceptual Development Plan for the Moraga Town Center Homes Project**

Request

Hold a public hearing, accepting testimony from the appellants, the applicant, and the public, discuss the appeal of the Planning Commission decision to approve the Conceptual Development Plan for the Moraga Town Center Homes project, and consider approval of the project and an associated zoning text amendment to Chapter 8.48 and rezone of the project site. Two separate actions are to be considered by the Town Council:

- 1. Introduce and Waive the First Reading of an Ordinance Amending Moraga Municipal Code Chapter 8.48 to add 12-DUA PD Land Use Classification, and Amending the Zoning Map for the Moraga Town Center Homes Property (APNs: 257-180-082-6 and 257-190-057-6) from Suburban Office (SO) to 12-DUA Planned Development (12-DUA-MC-PD); and**
- 2. Adopt Resolution No. __-2015 Considering the Appeal, Upholding the Planning Commission's decision and Approving the Conceptual Development Plan for the Moraga Town Center Homes Project**

1 **De Novo Review**

2
3 As indicated in the Moraga Municipal Code, Section 8.12.200, the Town Council shall
4 consider an appeal as a new matter (De Novo), and can review the project in its
5 entirety, irrespective of the precise details of the appeal. The Town Council must also
6 adopt the required findings to approve or deny the Conceptual Development Plan.

7
8 The proposed rezone is a legislative action that requires approval by the Town Council
9 irrespective of the appeal.

10
11 **Background**

12
13 The proposed Moraga Town Center Homes project has been under consideration by
14 the Town since mid-2012, with submittal of various concepts reviewed at a series of
15 study sessions, the outcomes of which have informed the development proposal
16 currently under review. As indicated in the project chronology (Table 1), prior to the
17 current submittal, the applicant presented three different development proposals for the
18 site, all for residential projects ranging from 50 to 54 units. The applicant held study
19 sessions with the Planning Commission and Design Review Board, and conducted
20 several community meetings in 2013 to solicit input on these proposals. At these 2013
21 meetings, the Planning Commission, Design Review Board and applicant heard public
22 concerns about the project density, height, neighborhood compatibility and impacts on
23 public facilities. Following these meetings, the applicant elected to redesign the project
24 to the current 36-unit proposal, which was submitted in 2014.

25
26 An Irrevocable Offer of Dedication for an approximately 84-foot wide right-of-way
27 extends across a portion of the site. The dedication was based on a previous project
28 condition of approval and was recorded but never formally accepted by the Town. On
29 July 25, 2012, the Town Council held a public meeting and reviewed a request from the
30 property owner to vacate the offer of dedication. The Council adopted Resolution 61-
31 2012 and agreed to consider the vacation of the Offer of Dedication along with the City
32 Ventures development application, at which time the Town would also consider the
33 project's conformance to certain standards, such as the inclusion of a pedestrian/bike
34 trail along the segment of Laguna Creek between Moraga Way and Country Club Drive,
35 landscaping along Moraga Way consistent with the nearby Sonsara development, and
36 the development of a park on-site.

37
38 **Table 1: Project Chronology**

| Date | Milestone |
|------------------|---|
| June 25, 2012 | Pre-application plan submitted (52 units) |
| July 12, 2012 | Pre-application plan submitted (50 units) |
| July 25, 2012 | Town Council agreed to consider vacating Offer of Dedication |
| August 3, 2012 | Revised pre-application plans submitted (50 units) |
| November 5, 2012 | Joint Planning Commission and Design Review Board study session |

| | |
|------------------------|--|
| February 1, 2013 | Application submitted for proposed 54-unit project |
| March 1, 2013 | Letter deeming application incomplete |
| April 11, 2013 | Additional plans and application materials submitted |
| May 6, 2013 | Second letter deeming application incomplete |
| May 20, 2013 | Planning Commission study session |
| June-August, 2013 | Five community meetings held by project applicant, City Ventures |
| January 30, 2014 | Application submitted for proposed 36-unit project |
| February 25 & 27, 2014 | Community meetings held by project applicant, City Ventures |
| February 28, 2014 | Letter deeming application incomplete |
| March 10, 2014 | Design Review Board study session |
| April 21, 2014 | Additional plans and reports submitted |
| May 27, 2014 | Design Review Board preliminary design review |
| June 16, 2014 | Revised Plans submitted |
| July 2, 2014 | Project conceptual design review, conceptual development plan application deemed complete; subdivision and grading applications incomplete |
| July 14, 2014 | Design Review Board meeting; Recommend Design Review approval |
| July 21, 2014 | Planning Commission meeting; on a 3-2-1 vote recommends Town Council approve SO Zoning Text Amendments |
| July 31, 2014 | Revised subdivision application materials submitted. |
| August 19, 2014 | Letter deeming vesting tentative map application incomplete |
| September 4, 2014 | Public meeting notices mailed/posted |
| September 18, 2014 | Planning Commission Hearing: Item continued to October 6, 2014 |
| October 6, 2014 | Planning Commission Hearing: Item rescheduled to November 17, 2014 |
| November 4, 2014 | Public meeting notices mailed/posted |
| November 7, 2014 | Public meeting notice published in newspaper |
| November 17, 2014 | Planning Commission Hearing |
| December 1, 2014 | Appeal submitted to Planning Department |
| January 12, 2015 | Public meeting notices mailed |
| January 16, 2015 | Public meeting notice published in newspaper |
| January 28, 2015 | Town Council Hearing |

1 Regulatory Context

2
3 *Moraga Center Specific Plan*

4 The project site is located within the Moraga Center Specific Plan area, and is therefore
5 subject to the policies, regulations and requirements established by the Specific Plan,
6 including Design Guidelines. The MCSP was adopted in 2010, following a seven-year
7 community process that involved local stakeholders, property and business owners, and
8 Town decision-makers including the Design Review Board, Planning Commission and
9 Town Council. The Specific Plan defines a land use and circulation plan, goals, policies
10 and actions that regulate future development in a 187-acre area centered around the
11 existing Moraga Center shopping district. The MCSP includes, along with the land use
12 plan, development standards intended to promote higher intensity mixed use, residential
13 and infill development. The MSCP allocates land within the Specific Plan Area into 17
14 “sub-areas” and establishes the amount, type, and location of future land uses and
15 corresponding development that will be permitted. It also calls for pedestrian-oriented
16 design, creeks and waterways preservation, and creating a central focus or “village” for
17 the Town.

18
19 The project site is in MCSP Area 13, which is designated Mixed Office/Residential. The
20 MCSP Mixed Office/Residential Use designation allows offices for professional and
21 personal services, high-density residential at 12-20 units per acre, residential care,
22 certain recreation, education and public assembly uses, and public services (fire and
23 police).

24
25 The Specific Plan was adopted by resolution rather than by ordinance, meaning that it
26 provides policy guidance; similar to that of the General Plan, as opposed to constituting
27 zoning for the area. As stated in the Specific Plan, its implementation is to occur
28 through adoption of corresponding amendments to the Zoning Ordinance and Zoning
29 Map that would reflect the policies and land use program, including the Mixed Office
30 Residential district, called for by the Specific Plan. Although the Town adopted a
31 Residential 20 Dwelling Units per Acre (R20) zoning district at the time the Specific Plan
32 was adopted, other necessary zoning changes have not yet been enacted.

33
34 *Moraga General Plan*

35 The 2002 General Plan states the long-range guiding principles for the physical
36 development of the Town of Moraga. It provides a framework for developing specific
37 plans, ordinances and other long-range planning documents, which in turn implement
38 the policies and strategies of the General Plan. State statutes require that a General
39 Plan be internally consistent, and that implementing documents, such as a Specific Plan
40 or Zoning Ordinance be consistent with the General Plan.

41
42 At the level of project review, analyzing the project’s consistency with applicable policies
43 and regulations is a critical component and key finding for almost all land use approvals.
44 In the planning context consistency means that policies, programs or projects are in
45 agreement or harmonious with one another, but does not imply exact duplication. The
46 Governor’s Office of Planning and Research (OPR) provides as a general rule for
47 determination of consistency that “an action, program, or project is consistent with the

1 general plan if, considering all its aspects, it will further the objectives and policies of the
2 general plan and not obstruct their attainment.¹”
3

4 The General Plan identifies and assigns the “Moraga Center Specific Plan” land use
5 designation, and called for the preparation of a Specific Plan for this area (Policy LU
6 3.1). Further, General Plan Policy LU1.2 lists a Residential 16-DUA designation, with a
7 density range of 11 to 16, which may currently only be used in the Rheem Park Specific
8 Plan and Moraga Center Specific Plan areas. At the time the MCSP was adopted, the
9 Town Council adopted findings of consistency with the General Plan and the General
10 Plan was amended in order to ensure that the two documents were consistent, pursuant
11 to State Law. For example, Land Use Policy LU2.1 which regulates building height was
12 modified to include a sentence allowing for taller buildings (greater than two stories) for
13 development within the specific plan areas.
14

15 *Scenic Corridor*

16 The project fronts onto Moraga Way, a designated Scenic Corridor. Development along
17 or near (within 500 feet) a scenic corridor is subject to additional regulation and design
18 review consistent with MMC §8.132, Scenic Corridors. The Scenic Corridor regulations
19 and guidelines establish additional design regulations intended to preserve the aesthetic
20 quality of these corridors and to ensure high quality design.
21

22 *Planned Development District, General Plan and Zoning Designations*

23 The purpose of the PD District is to apply flexible regulations to a large-scale integrated
24 development to provide an opportunity for cohesive design, and to allow for
25 diversification in the relationship of uses, building structures, lot sizes and open spaces
26 while ensuring compliance with the General Plan. Moraga Municipal Code Chapter
27 8.48 prescribes a three-step Planned Development process that includes approval of a
28 Conceptual Development Plan, General Development Plan, and Precise Development
29 Plan. The proposed project is the first step, the Conceptual Development Plan, of this
30 three step process.
31

32 MMC Chapter 8.48 applies the PD Designation in combination with a residential land
33 use designation corresponding to the allowed density of the site. The MMC currently
34 includes land use designations and standards for the following residential densities: 3-
35 DUA, 6-DUA, 10-DUA-RP² and 20-DUA districts.
36

37 Site Setting and Site Description

38 The project site is located within the southwestern portion of the Moraga Center Specific
39 Plan in Area 13, which is generally bounded by Moraga Way to the north, Country Club
40 Drive to the south, and the Sonsara subdivision and residential subdivisions to the north
41 and west (Figure 1). The project site is outside the commercial core of the Specific Plan
42 Area and is adjacent to the existing Moraga Country Club development. The portion of
43 the Country Club development located closest to the project mostly comprises one-to-
44 two story attached residences. To the immediate northwest, along Moraga Road, are

¹Planner’s Guide to Specific Plans, Governor’s Office of Planning and Research, Sacramento, 2001.

² The 10-DUA RP classification was adopted by the Town Council on September 10, 2014, in conjunction with their approval of the Via Moraga Conceptual Development Plan and applies only to the Rheem Park area.

1 commercial office buildings, and then the Moraga Country Club golf course. Across
2 Moraga Way is a large undeveloped lot. This vacant lot is designated in the MCSP for
3 future use as mixed office residential along Moraga Way, transitioning to a medium to
4 high density residential designation on portions of the site to the east. Bordering the
5 project site to the southeast is the Moraga Orinda Fire District Station and
6 Administrative Offices and Laguna Creek. Across the creek is a mix of office and
7 commercial uses.

8
9

Figure 1: Project Site and Vicinity



10
11

12 Two public roadways, Moraga Way and Country Club Drive, border the site. Moraga
13 Way, a designated scenic corridor is north of the site, and is approximately 80-foot wide
14 and includes two travel lanes with wide gravel or partially paved shoulders. To the south
15 of the site is Country Club Drive, which is approximately 100-foot wide with two travel
16 lanes, separated by a wide 40-foot median extending from near Laguna Creek to St.
17 Andrews Drive. Street parking is currently permitted on Country Club Drive and Moraga
18 Way.

19

20 CEQA Determination

21 The project is located within the boundaries of the Moraga Center Specific Plan, which
22 was evaluated under the California Environmental Quality Act (CEQA) in a program EIR
23 (SCH # 2000031129) certified by the Town Council on January 27, 2010. The “tiering”
24 provisions of CEQA allow that additional environmental is not required for a subsequent
25 project or activity that is within the scope of activities analyzed in a program EIR, and
26 that would not have any effects not previously analyzed, or require any additional
27 mitigation measures.

28

29 As documented in the Environmental Document (Attachment F, Exhibit VI), staff
30 evaluated the applicability of the MCSP EIR pursuant to Sections 15162 and 15168 (c)
31 of the CEQA Guidelines and through use of the CEQA Checklist has documented
32 (Appendix G of the CEQA Guidelines), that the proposed Town Center Homes project
33 will not have any potentially significant environmental effects that were not adequately

1 analyzed in the earlier EIR, and that the mitigation measures from the earlier EIR can
2 be applied to the proposed project.

3
4 In particular, the analysis finds that there is no involvement of new significant
5 environmental effects nor a substantial increase in the severity of previously identified
6 significant effects. Further, there is no new information of substantial importance which
7 was not known and could have been known with the exercise of reasonable diligence at
8 the time the MCSP EIR was certified that shows the project will have new significant
9 effects or more severe effects than analyzed in the MCSP EIR, or that new mitigation
10 measures or previously infeasible mitigation measures would reduce any significant
11 environmental effect. A Mitigation Monitoring and Reporting Plan adopting and applying
12 those mitigation measures to the proposed project has been prepared.

13 14 **Project Description**

15
16 The Moraga Town Center Homes project proposes a 36-unit attached single-family
17 subdivision on the project site. Two different housing types are proposed: attached
18 townhomes and duplexes, referred to as 'cottages' in the application. A private street
19 would provide access between Moraga Way and Country Club Drive, with internal auto
20 courts accessing garages and the individual townhomes. The project requires a
21 rezoning of the project site to a Planned Development District and a zoning text
22 amendment to the Planned Development District to add the 12 dwelling-unit per acre
23 designation, consistent with development densities within the specific plan area.

24 25 **Zoning Text Amendment and Rezoning**

26 As previously described, the Municipal Code does not currently include a corresponding
27 zoning district allowing for the Specific Plan's-designated densities. The applicant has
28 therefore applied for a rezoning to Planned Development (PD) District, and an
29 amendment of Chapter 8.48 to add a 12-PD land use classification. This designation
30 would not correspond completely with the 11-16 DUA residential density categories
31 listed in General Plan Policy LU1.2 since it would not reflect the full range of residential
32 densities permitted, but it would accommodate the proposed project density of 12
33 dwelling units per acre and be within the corresponding density range listed in the
34 General Plan and Moraga Center Specific Plan.

35
36 In addition to the rezoning, certain text changes to the Zoning Ordinance are needed to
37 ensure that Municipal Code provisions and General Plan policies are consistent with
38 each other, and with the proposed project. The requested text changes include the
39 following, with proposed amendments shown in bold/italic.

40 41 **8.48.040 Development standards for single-family residential uses in planned** 42 **development district.**

43 A. When the planned development district consists of single-family residential
44 use, it shall be designated (depending upon the density applicable to it)
45 either:

46 1. N-OS-PD;

1 **Table 2: Mixed Office Residential Designation Development Standards and**
 2 **Project Characteristics**
 3

| Moraga Center Specific Plan, Table 4-9: Mixed Office-Residential Land Use Standards | | Proposed Project | |
|--|--------------------|--|---|
| Minimum Lot Area (sq. ft.) | | 10,000 sq. ft. Min. | 3.06 Acres |
| Minimum Lot Frontage | | 100 ft. | 368 ft. |
| Minimum Lot Depth | | 100 ft. | 110 ft. |
| Maximum Residential Density | | 20 DUA | 12 DUA |
| Dwelling Units | | 36-61 | 36 |
| Maximum Height (ft.) | | 45 ft. | 38 ft. 4 in. |
| Maximum Stories | | 3 | 2 3 (units 17-20, 23-26, 29-30, 34-35) |
| Building Setbacks (ft.) | Moraga Way | 0 | 11.1 - 22.5 ft. |
| | Country Club Drive | 0 | 4.9 – 10 ft. |
| | West Side | 0 | 6.5 – 49 ft. |
| | East Side | 0 | 45-91.5 ft. |
| Minimum Building Separation | | 25 ft. (2 Stories) 35 ft. (3 Stories) | 25 ft. (Townhomes) 10 ft. (Duplexes) |
| Floor Area Ratio | | 0.85 | 0.53 |
| Lot Coverage (%) | | 60% | 33.9% |
| Parking | Automobile | 90 | 90 |
| | Bicycle | 36+ | NA |

4 **Table 3: Conceptual Development Plan Development Standards**
 5

| Site Standards | |
|--|-----------------------------------|
| Residential Density | 12 dwelling units per acre |
| Lot Coverage | 35% |
| Floor Area Ratio ¹ | 0.55 |
| Setbacks and Building Separations | |
| Moraga Way Setback | Average setback of 15' or greater |
| Building A | 22' |
| Building B | 12' |
| Building C | 15' |
| Building D | 11' |
| Country Club Drive Setback | |
| Building E | 10' |
| Building F | 7' |
| Building G | 10' |
| Building H | 10' |

| | |
|---|---|
| Building I | 4' |
| Building J | 9' |
| Building K | 9' |
| Interior Side Setback | |
| Northwestern Property Line | 6' |
| MOFD Property ² Line | 20' |
| Southeastern Property Line (Creek) | 90' |
| Minimum Building Separation ³ | |
| Buildings A, B, C, D | 25' |
| Buildings E, F, G, H, I, J, K | 10' |
| Other Standards | |
| Maximum Building Height | 39' |
| Maximum Building Stories | 3 for units 17-20, 23-26, 29, 30, 34, and 35; 2 for all other units |
| Private Outdoor Space | Minimum of 50 square feet with minimum dimension of 5 ft. |
| Parking Spaces | 2 spaces per residence; 1 guest space per 2 residences |
| ¹ Floor Area Ratio calculated on a pre-subdivision basis | |
| ² MOFD Property identified as APN 257-190-056 | |
| ³ Distance measured from building face to building face, excluding steps, decks, balconies | |

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Site Plan

The 36 units are laid out on the site with 15 units in duplexes and a triplex fronting along Country Club Drive, and 21 units in four buildings that are internally oriented towards pedestrian paths or paseos. The duplexes and triplex are separated from the townhomes by an internal drive. There are common areas located within the pedestrian paseos, adjacent to building A and B and adjacent to the creek on Country Club Drive.

The residences fronting on Country Club Drive would be two-story homes designed as six duplexes and one triplex. Units would range in size from 1,973 to 2,380 sq. ft. and include 3 or 4 bedrooms. Each home would have a private yard, of approximately 230 square feet, a front porch and an attached private 2-car garage. Each duplex or triplex would be separated by 10 feet between buildings. The applicant's intent is to create a residential street frontage that reflects the development style of the existing neighborhood across Country Club Drive by dividing the units into multiple smaller two-story buildings that have front entries facing the street.

The two- to three-story townhome buildings are located within the central portion of the site and front on Moraga Way, with the long axis of each building oriented perpendicular to Moraga Way. Units would range from 1,846 to 2,398 sq. ft., each with 4 bedrooms. The larger units would have a loft feature (partial 3rd level). The front entrances of the homes would face an internal pedestrian path or paseo. Each townhome would have a small private front patio of approximately 70 to 100 square feet in area along a pedestrian paseo, and an attached 2-car garage accessed along a shared drive aisle.

1 The rows of townhomes would be separated by a distance of 25 feet or greater. Along
2 the pedestrian paseos the buildings would be 25 to 33 feet apart, and the autocourts
3 would have a separation of 30 to 35 feet. An internal road, parking and landscaping
4 would separate the duplex units by 48 feet from the nearest townhome units. All of the
5 homes would incorporate green design features including solar panels as a standard
6 feature on each home.

7
8 A 10,460-square foot pocket park (“Rock Park”) would be located along Laguna Creek
9 in the southeastern corner of the site. It would have a lawn area, natural play features
10 for children, BBQ and benches, and a trail alongside the creek. Approximately 3,200
11 square feet of the park would be riparian vegetation buffer along the Laguna Creek
12 corridor. The park would be private, i.e. not formally designated as a public park,
13 although public access would be granted.

14 15 *Circulation and Parking*

16 Vehicular and bicycle circulation to and through the site would include a new private
17 roadway from Moraga Way through the site to Country Club Drive and internal drives
18 within the project would provide vehicular access to the garages and homes. The
19 access way shown on the western edge of the project site (adjacent to the existing
20 office building) would be limited to emergency vehicles only. All roadways within the
21 project are designed to be consistent with emergency access requirements. Pedestrian
22 circulation would be provided by paseos between the rows of townhomes and by an
23 interior sidewalk that connects the terminus of the paseos to Country Club Drive.
24 Sidewalks would be provided along Moraga Way and Country Club Drive, and internally
25 connect the two streets.

26
27 A total of 90 spaces would be provided through standard two-car (side-by-side) garages
28 for each home, and an additional eighteen (18) on-site guest parking spaces.

29 30 *Architecture*

31 The applicant characterizes the architecture as ‘Timeless Bay Area Traditional’,
32 intended to be consistent with architecture found in the Lamorinda area. The residences
33 have pitched roofs, gables, bay windows, trellises, and awnings. The buildings are
34 finished with combinations of shingles, siding, stucco and stone veneer. Entry features,
35 window treatments, siding treatments and architectural features of the individual
36 buildings are varied so that no two buildings are identical. Front and rear yards and
37 covered porches are provided for each duplex unit and covered porches and patios are
38 provided for each townhouse facing and visible from the paseos or street. The garage
39 doors all face interior drives and auto courts. Wood corbels, trellises and window boxes
40 frame the garage doors, which are recessed by approximately 1 foot from the face of
41 the building, creating some relief in the plane of the ground floor and softening the
42 appearance of the auto courts.

43 44 *Landscaping and Streetscape*

45 The landscaping concept includes an approximately 35-foot landscaping buffer along
46 Moraga Way, 20 feet of which would extend into the Moraga Way public right-of-way in
47 line with the curb line immediately east of the creek and 12-22 feet of which would be on
48 the project site. The applicant has agreed to provide landscaping in the public right of

1 way, which would occupy the area that is currently a dirt and gravel shoulder between
2 the paved roadway and the property line of the project site. The proposed bicycle lane
3 and landscape frontage improvements along Moraga Way would remove the informal
4 parking spaces adjacent to the project site. Existing redwood trees along the boundary
5 with the Fire District property would remain, but the other existing trees on the site
6 would be removed. The project would include interior landscaping (hardscape and
7 softscape) of common areas, in addition to the private yards.

8
9 The Country Club Drive frontage is proposed to be modified to widen the travel lane and
10 add a bicycle lane. Parking would still be available for the length of the frontage and a
11 sidewalk and landscape strip would be installed. Along with the roadway improvement,
12 the landscaping in the median would be irrigated and enhanced with additional trees
13 and shrubs.

14 15 **Design Review Board Review**

16
17 At a March 10, 2014 study session the Design Review Board took comment from the
18 public. Various individuals commented on the architecture, location of the park and site
19 circulation, and encouraged more articulation on the facades and along the auto courts
20 and more variation in the rooflines and setback. The applicant responded with plan
21 revisions and a separate study of options for parking along Country Club Drive adjacent
22 to the site.

23
24 On May 27, 2014 the Design Review Board reviewed the revised plans, and expressed
25 support for the revisions made. The DRB recommended additional revisions including
26 further varying the setback along Moraga Way, providing recessed garage doors and/or
27 better screening on the auto courts; and reducing the median to accommodate a bike
28 lane and parking on one side along Country Club Drive (Per the Town's requirements,
29 the project is required to improve up to the centerline of streets fronting the project).
30 The DRB then continued the meeting to July 14 to allow for completion of the
31 environmental review and a Draft Action Memo.

32
33 In response to the comments from the DRB the applicant setback Buildings A and C
34 and pulled forward buildings B and D to create a staggered setback on Moraga Way.
35 The garage doors were all recessed one foot and trellises, window boxes and corbels
36 were added on the auto courts. The architecture was modified to create greater
37 variation in the facades, add articulation along Moraga Way and increase the depth of
38 the porches.

39
40 On July 14, the Design Review Board continued the public hearing, completed
41 preliminary design review and recommended design review approval of the project to
42 the Planning Commission with the requirement that subsequent plans and detailed
43 architecture, landscape and streetscape plans return to the DRB for final design review
44 and approval. The approved Action Memo included conditions requiring an internal
45 pedestrian pathway to the pocket park, minimum porch dimensions of 5 feet, preferably
46 6 feet, clustering and screening of roof penetrations, screening trash holding areas and
47 a recommendation to modify the Country Club frontage to widen the travel lane and add
48 a bicycle lane.

1 During the July 14th hearing, the DRB discussed garage design, on-site parking, the
2 proximity of the MOFD facility and proposed driveway, and potential impacts of the
3 development on the views of the hills, including how such views should be assessed
4 absent a Town policy on viewsheds. The Board acknowledged the neighborhood's
5 existing parking issues, noting, however, that those issues are not of the project's
6 making, and that the project would meet the Town's parking standards. Nonetheless the
7 DRB encouraged the applicant to try to add more on-site parking. The Design Review
8 Board felt that some of the issues raised were land use issues best addressed by the
9 Planning Commission. No changes to the parking, driveway location or to address
10 viewsheds were recommended. Considering the streetscape aesthetics and Scenic
11 Corridor Design Guidelines, the Design Review Board did not favor allowing parking
12 along the Moraga Way frontage.

13

14 **Planning Commission Review**

15

16 On November 17, 2014 the Planning Commission held a public hearing to consider the
17 Conceptual Development Plan and proposed zoning text amendment and zoning.
18 Commissioner Onoda did not participate in the hearing or decision. During the hearing,
19 the Commission discussed the relationship between the MCSP and General Plan as it
20 applied to the project. The Planning Commission established that they were considering
21 the project's consistency with the MCSP guidelines when approving the development
22 standards in the CDP. The majority of the Commissioners could make the findings to
23 approve, remarking on the MCSP design and policy guidance. Some Commissioners
24 were expressly in favor of the residential use of the site and the addition of duplexes
25 and townhomes to Moraga's housing stock as a means to diversify housing options.
26 Commissioner Comprelli noted that he could not make the findings, expressing concern
27 over the park location and size and project density. The Commission voted 5-1 to
28 recommend the Town Council adopt the amendment to MMC Chapter 8.48 to add the
29 12-DUA land classification designation and rezone the project site (Resolution 19-14,
30 Attachment C), and 5-1 to approve the Conceptual Development Plan with some
31 modifications to the conditions of approval (Resolution No. 20-14, Attachment D).

32

33 During the discussion, Commissioners were generally supportive of the project
34 architecture and the use of duplex units on Country Club Drive. The Commission heard
35 from the public about the shortage of street parking in the neighborhood, which was
36 further exacerbated by parking demand for swim meets and practices at the Moraga
37 Country Club. The Commission discussed the interface with Moraga Way and the use
38 of the right-of-way for landscaping. The Commission had differing opinions about the
39 pocket park; some felt the park was too small and should be more centrally located and
40 others felt that the open space, which was for resident use, was best situated adjacent
41 to the creek. Although small, the Commission felt that the private park should be
42 publically accessible, and modified Condition 17 to that effect.

43

44 **Neighbor/Community Concerns**

45

46 Notices of all prior Design Review Board, and Planning Commission public meetings
47 and hearings, and this Town Council hearing were mailed to property owners within a
48 750 foot radius of the property (approximately 136 addresses). The applicant installed

1 story poles on the site between late June and early December 2014 to demonstrate the
2 project's height and massing along Moraga Road and Country Club Drive.

3
4 Public comments during the November 17 Planning Commission hearing focused on
5 the following issues:

- 6 • Traffic: Concerns about increased traffic due to the development
- 7 • Height and Massing: Concern the buildings are too tall and dense or large for the
8 site.
- 9 • Duplex Setbacks: Concern the residences are too close to Country Club Drive
10 and felt there should be a greater second story step back.
- 11 • Scenic Corridor: That the project does not reflect the semi-rural character of the
12 scenic corridor nor does it conform to the scenic corridor guidelines. Buildings too
13 large and close to scenic corridor, some felt the setback should match adjacent
14 buildings.
- 15 • Parking: Comments that there is insufficient on-street parking in the
16 neighborhood, especially during MCC events. Concern that the on-site guest
17 parking would not be sufficient and future residents will use on-street parking.
- 18 • Country Club Frontage: Felt the median on Country Club Drive could be
19 improved and needs more landscaping to screen cars and light.
- 20 • ROW Landscaping: Concern about allowing the landscaping of the public ROW
21 in case the ROW is needed to widen the road and that it would benefit the future
22 residents more than the Town.
- 23 • Proximity to the MOFD Fire Station and Training Facility: Concern about potential
24 conflict with future residences and potential restriction of MOFD operation or
25 service. Concern Country Club Drive is too narrow which could be issue if there
26 was an emergency during an event.
- 27 • Housing: Support for new housing and more diverse housing types in Moraga.

28
29 In addition to the public comments at this and other study sessions and hearings, the
30 Town has received numerous mail and email comments during the course of project
31 review. All of this written correspondence was provided to the Planning Commission for
32 the November 17 public hearing, and is included in the public record for this Town
33 Council hearing. All letters and emails received since the November 17, 2014 hearing
34 are included in Attachment I.

35 36 **Appeal of Planning Commission Decision**

37
38 The Planning Commission decision to approve the Conceptual Development Plan was
39 appealed on December 1, 2015 by three residents, Scott Bowhay, Denise Coane and
40 Richard Olsen (Attachment E). The three appellants, in their joint appeal, raised the
41 following grounds for appeal:

- 42
43 • Non-Conformance with the General Plan, the MCSP and/or the Moraga
44 Municipal, with concerns that focused on visual impacts and consistency with the
45 Scenic Corridor guidelines and neighborhood compatibility
- 46 • Failure to address regional traffic impacts and cumulative impacts of projects
47 within the Town
- 48 • Failure to address traffic safety along Country Club Drive

- 1 • Failure to acknowledge the precedent-setting consequences of approving the
2 project
- 3 • Failure to respond to Moraga-Orinda Fire District and Moraga Country Club HOA
4 concerns

5
6 The following discussion section addresses each of the issues raised in the appeal
7 letter and provides some additional information on broader concerns related to those
8 issues that were discussed during the Planning Commission review of the project.

9
10 **Discussion**

11
12 **A. Visual Impacts and Conformance with the Scenic Corridor Guidelines**

13
14 The appellant maintains that the project is not consistent with General Plan policies, the
15 MCSP and the Municipal Code, as noted in detail on pages 2 to 6 of the appeal letter.
16 The letter specifically notes that the project is not consistent with certain General Plan
17 policies intended to preserve visual quality, or with the Town’s policies and regulations
18 for scenic corridors.

19
20 The Town’s General Plan recognizes and reflects the importance of views for the
21 aesthetic quality and character of the Town. General Plan Policies CD 1.3 View
22 Protection and LU1.3 Residential Building Height both make reference to protecting
23 views and viewsheds. Although, the Town of Moraga has not adopted a definition of a
24 viewshed or measurable standards as to the extent of a view or viewshed that must
25 remain unobstructed or the vantage points from which a view must be accessible.

26
27 A viewshed is often considered as a range of sight from a given vantage point,
28 comprising both distant vistas and objects in the foreground (near view). The Town
29 Center Homes project would have effects on the viewshed in that it would change the
30 appearance of the site by introducing buildings and development to a currently vacant
31 property. Development of the site would affect certain views of more distant hillsides
32 that are currently available across the vacant parcel, particularly as viewed from the
33 sidewalk and street in the immediate vicinity of the project site. Also, the proposed
34 building and landscape improvements would be visible from in the near view, and their
35 appearance would become part of the viewshed from the scenic corridor.

36
37 General Plan policy Community Design (CD) 1.3, View Protection, states that the Town
38 should “protect important elements of the natural setting to maintain the Town’s semi-
39 rural character. Give particular attention to viewsheds along the Town’s scenic
40 corridors, protecting ridgelines, hillside areas, mature native tree groupings, and other
41 significant natural features.” Other Community Design Element policies such as CD 1.4
42 Canyon and Valley Areas, CD 1.5, Ridgelines and Hillside Areas and CD 1.6
43 Vegetation, all encourage preservation of certain natural areas from development and
44 preservation of natural resources, such as mature trees and waterways that promote
45 the semi-rural character of Moraga. In the context of these and other Community
46 Design policies, a reasonable interpretation is that the Town preserves views through
47 protecting scenic resources, among which is the visual quality of the Town’s scenic
48 corridors.

1 Therefore the design quality and character of what is being created on site influences
2 the view, as does the effect of that development on the composite character of the near
3 and distant views of the site, including views from and along scenic corridors. The
4 Specific Plan anticipates development on this and other vacant sites in the area, as
5 does the zoning designation that predated the Specific Plan. Such development will
6 inevitably have some effect on the character and quality of views.

7
8 Therefore, the Town, in considering approval of a project must consider whether the
9 development allowed by the Specific Plan inappropriately or excessively degrades
10 scenic views and viewsheds, in a way that would not be consistent with the above-
11 referenced goals and policies. The consideration of other related policies, such as
12 those related to project design, size, scale, height and compatibility with surrounding
13 neighborhoods and development, is important with respect to the findings for a project
14 decision.

15
16 General Plan Policy, CD5.2, Design, aims to ensure “developments are planned,
17 designed and constructed to enhance the local area, reflecting the scale and quality of
18 their surroundings.” This policy is implemented through development standards, design
19 review and the application of design guidelines.

20 21 *Building Design and Articulation*

22 Among other goals, the MCSP’s design guidelines were developed to create a
23 compatible appearance for the pedestrian friendly mixed-use ‘village’ of the specific plan
24 and reflect the recommendations of Policy CD 5.2: Design to “encourage designs that
25 help to break up large building masses, for example by breaking one large building into
26 several smaller buildings; providing variations in rooflines; creating a three-dimensional
27 façade rather than a massive, flat façade; and using landscaping to soften building
28 edges”.

29
30 The proposed project underwent several rounds of design review during which the
31 Design Review Board and Planning Commission considered its conformance with the
32 MCSP development standards and design guidelines for residential project, providing
33 recommendations for changes and adjustments to that design to better meet those
34 standards.

35
36 The Design Review Board recommended various changes to the project design to
37 further articulate and break up the facades, individualize the building designs, vary the
38 roofline and soften the auto courts with landscaping. As conditioned, the DRB
39 recommended the Planning Commission approve the preliminary design review, based
40 on findings that the project will conform to the Town’s standards of good design and will
41 not have an adverse impact on surrounding properties (Attachment C , Exhibit III).

42 43 *Building Height*

44 General Plan Policy LU1.3 Residential Building Height states that in order to “limit visual
45 impacts on adjacent properties and protect views” those residential buildings should not
46 have more than two stories, with the exception of the sites within the specific plan
47 areas. This implies that the height of a two story building is generally non-intrusive, with
48 additional height acceptable within the Specific Plan areas provided that it is designed

1 to reduce or minimize the visual impact of the building when viewed from adjacent
2 properties.

3
4 The majority of the units, or 66%, (15 duplex units and 9 of the townhomes) are two
5 stories. The maximum building height of the townhome units (12 of the 36 units) that
6 include a third story loft is 38' 4", which is about six feet less than the 45 foot maximum
7 height described in the MCSP (MCSP Table 4-9), and 3' 4" higher than the 35 foot
8 maximum height for a two-story structure in other zoning districts in Moraga. The
9 physical height of the townhome buildings is closer in dimension to a two story building.

10
11 Units with third story lofts are all located in the center of the site; set back some
12 distance from Moraga Way and separated from Country Club Drive by the duplexes and
13 the internal driveway. The Planning Commission considered the design and height of
14 the Townhomes and conditioned the project to restrict the units that could have a third
15 story and to require the third story, when included, to be stepped back a minimum of 2
16 feet from the second story, both from the front (pedestrian paseo) and rear (auto
17 courts). This provision is so that a person on the sidewalk or in the paseos would not be
18 able to see three stories in the same view plane.

19
20 *Consistency with the Scenic Corridor Guidelines*

21 The Community Design Element includes policies specific to the scenic corridors. In
22 turn these are implemented through MMC Chapter 8.132: Scenic Corridors, and the
23 scenic corridor design guidelines. General Plan Policies CD3.2 Visual Character and
24 CD 3.5 Landscaping and Amenities, promote improvement of the visual character of the
25 scenic corridor through placement and design of structures, "lighting, landscaping and
26 signage" and additional "street tree planting, berms, fencing and ornamental
27 landscaping". The appellants raised concerns that the project is inconsistent with the
28 scenic corridor guidelines, in particular that the project would create a 'walled' effect, be
29 visually dominant and be incompatible with the surrounding development.

30
31 As previously noted, the MCSP's standards and policies articulate a village concept,
32 including medium and higher density mixed use and residential development of a
33 somewhat more urban character than other areas of Moraga. The Specific Plan does
34 not suggest alternate guidelines for scenic corridors beyond those included in the
35 Municipal Code. There is thus some degree to which the Town, in approving a project
36 located on a scenic corridor yet within the Specific Plan, has to balance the intent of the
37 Specific Plan with the Town's regulations that support a rustic and semi-rural character
38 for scenic corridors.

39
40 While the MCSP development standards allow for buildings of 45 feet in height and do
41 not set a minimum setback, the project's proposed development standards limits all
42 units facing the scenic corridor to two stories in height with setbacks an average of 15
43 feet from Moraga Way. The two story townhomes have a pitched roof that slopes
44 upwards away from the scenic corridor, decreasing the sense of mass and wall height
45 as viewed from the roadway.

46
47 Along the scenic corridor the townhome units are divided into four buildings, each
48 separated by 25 feet or more, which would allow for views between the buildings and

1 more frequent variations in mass and void. The four buildings have a varied setback
2 from the property line, ranging from 11 to 22 feet, and the facade of each building is
3 further articulated and broken up with projections, trellises, awnings and a variation in
4 material. This provides articulation along the scenic corridor frontage as demonstrated
5 in the Building Mass Diagram on Sheet A 5.1.1 and Section A on Sheet A3.2 of the
6 project plans.

7
8 Beyond the townhomes, the duplex units provide smaller but more frequent separation
9 of 10 feet between buildings. This would allow for some limited view corridors through
10 the site when viewed from the street. However, given the internal landscaping and
11 difference in separation distance and placement of the townhomes as compared to the
12 duplex units, a completely unobstructed view from Moraga Way to Country Club Drive
13 at the ground level is unlikely. The separation between the duplex units (approximately
14 10 feet) is less than the standard building separation in MCSP Table 4-9. The Planning
15 Commission determined, that although different from the MCSP guidelines, that this
16 separation was appropriate for the duplex units to transition in building form and density
17 between the project site and the adjacent Moraga Country Club development.

18
19 The design guidelines for scenic corridors recommend a 15-foot landscape buffer for
20 commercial and multifamily residential developments. A buffer is a more generalized
21 term speaking to the separation from the road and may not correspond exactly to a
22 setback. A setback may limit the location of structures but allow driveways, pavement
23 and parking, different from the intent of a landscape buffer. The project proposes a
24 landscaped buffer, more than 30 feet wide located along Moraga Way; 20 feet of this
25 area located within the right of way and 11 to 22 feet on the property, in front of the
26 townhomes. The proposed landscape plan includes a variety of trees, shrubs and
27 groundcovers with different heights and textures, incorporates a low berm, and rustic
28 design elements such as a split rail fence and winding path.

29
30 Because the underlying Suburban Office zoning establishes a somewhat different set of
31 standards from those in the proposed PD, the applicant has provided a rendering of an
32 office building that could be built in conformance with the SO development standards
33 (Image 1). Given the current zoning, an office building would be the anticipated use for
34 the site. The building depicted is 35 feet in height, two stories and setback
35 approximately 27 feet from the property line.

36
37 The rendering of the office building demonstrates the visual effect of a uniform setback,
38 and flat, rather than more well-articulated façade more typical of a commercial building.
39 Also the comparison building is somewhat larger than the several separate structures in
40 the proposed project. As can be seen in the rendering (Image 2), the project's smaller
41 buildings allow for more variation in the setback and variation in roof pitch that helps to
42 reduce the appearance of bulk.

1 **Image 1: Rendering Suburban Office Building from Moraga Way**



2
3
4

Image 2: Rendering Proposed Project from Moraga Way



5
6

7 During their deliberations, the Design Review Board and Planning Commission
8 considered building height and associated visual impacts. The Design Review Board
9 discussed the relationship and difference between the viewshed (including distant
10 views) and the appearance of the scenic corridor streetscape (near view). While views
11 were acknowledged as important to the Town, Board members also commented that
12 they were considering adopted Town policies, including land use standards and design
13 guidelines in the MCSP. The Planning Commission affirmed the fact that, in its adoption
14 the MCSP was determined to be consistent with the General Plan, and thus
15 appropriately set the development standards for the project site. Based on the design
16 and layout, the Commission voted 5-1 to approve the project, based on findings that the

1 project was consistent with the General Plan, including policies in the Community
2 Design Element related to the scenic corridors, and Scenic Corridor standards.

3
4 **B. Neighborhood Compatibility and Concerns of MOFD and the Moraga Country**
5 **Club Homeowners Association**
6

7 The appeal letter states that the project is the antithesis of requirements for preservation
8 of the Town's semi-rural environment. As noted above, the appeal maintains that the
9 project does not conform with Moraga's General Plan and cites a number of concerns
10 about neighborhood compatibility, including issues of conformance with General Plan
11 policies, LU4.6: Public Safety Facility Compatibility, CD 4.3: Residential Infill and CD
12 5.2: Design and two associated implementing programs IP-E2: Residential Design
13 Guidelines and IP-E3: Multi-Family Residential Design Guidelines, that call for new
14 development to respect the character and quality of surrounding existing development.

15
16 The project site is a vacant parcel at the southern edge of the Moraga Center Specific
17 Plan area. The site is surrounded by a mix of residential, commercial/office and public
18 safety uses. Nearby development on Moraga Way includes the existing office
19 developments to the west, which are also in the Specific Plan area and consistent with
20 the MCSP's Mixed Office/Residential designation. Across Moraga Way there are larger,
21 vacant parcels in the specific plan area that are planned for mixed office-residential,
22 medium density residential and higher density senior residential uses. Accordingly, the
23 project's "neighborhood" is defined, in part, by future development that could occur per
24 the MCSP's land use plan, as well as by adjacent existing development.

25
26 General Plan policy CD 4.3: Infill Development directs that new residential development
27 in existing neighborhoods should reflect "the size, scale, height, setbacks, and character
28 of existing development" and "should not create adverse impacts on adjacent properties
29 or detract from overall neighborhood character." The project site represents a
30 transitional zone between a commercial district and a mixed use district, and from those
31 areas in the MCSP to the adjacent Country Club residential neighborhood.

32
33 This transitional location presents a challenge when considering "neighborhood
34 compatibility." On one hand, the Specific Plan (and related General Plan policy CD6.5)
35 seeks to "create a community focal point and mixed-use activity center of businesses
36 and higher density residences with a unified 'village' character" – on the other, the
37 General Plan respects the residential character of neighborhoods like the Country Club.
38 The Town must balance these policy objectives in considering the approval of the
39 project.

40
41 As mentioned under the section on visual impacts, General Plan policy CD 5.2: Design,
42 is implemented through design review and the application of design guidelines, as
43 called for in IP-E2 and IP-E3 for single family and multifamily developments
44 respectively. The guidelines for single family and multifamily residential design were
45 created for the Town's lower density neighborhoods, and more general in design
46 direction than those created for the MCSP. Since the project is within the MCSP area, in
47 a mixed use neighborhood, the design guidelines developed for the MCSP apply to the
48 project. The MCSP design guidelines will apply to all development in the MCSP, which

1 represent the future character of the mixed use district (which include the properties on
2 three sides of the project).

3
4 During the discussion at the Planning Commission hearing, members of the public and
5 Commission raised concerns about the use of portions of the Moraga Way right of way
6 for landscaping and the potential constraint this might present for future needs, such as
7 road widening. The appeal raised a similar issue and further questions if the Town
8 giving right-of-way to the developer to accommodate improvements that should be on
9 private property.

10
11 The proposed improvements do not constitute a gift or grant of public property within the
12 Moraga Way or Country Club Drive right of way to the property owner or developer.
13 Under State law, when a property is developed, the developer is responsible for
14 constructing any necessary public improvements in the public right of way, such as
15 sidewalks, curb and gutter and striping, for the length of the property frontage. The right-
16 of-way remains public property, and the Town will accept the improvements once
17 construction is complete and the improvements have been inspected to meet town
18 standards.

19
20 In the case of Country Club Drive, the right of way is 100 feet in width, well over the
21 standard width for a two lane collector street (48 feet, 60 feet with sidewalks and
22 landscape strip). The Town owns ample right of way within which to accommodate the
23 proposed widened travel lane and bicycle lane. Regardless of the configuration of the
24 proposed improvements, the Town would not require a dedication of land to complete
25 the street.

26
27 The Moraga Way right-of-way is approximately 80 feet wide, resulting in large unpaved
28 shoulders of over 20 feet. The project is proposing, in addition to installing a sidewalk
29 and bike lane, landscaping a portion of the right-of-way. The HOA would be required to
30 maintain the landscaping, but would not own or have any interests in the property. The
31 Town could, at its discretion, remove the landscaping at any time for road widening or to
32 add parking. As mentioned under the section on scenic corridors, the proposed
33 landscaping would enhance the landscape buffer along the scenic corridor, however a
34 buffer does not correspond to a setback and therefore the addition or removal of the
35 landscaping in the ROW would not affect the building setbacks. The 11 to 22 feet of
36 landscaping would provide a buffer on-site.

37
38 *Compatibility with the Moraga Country Club Residential Neighborhood*

39 The appeal also states that Town planning staff and the Planning Commission failed to
40 acknowledge and respond to concerns of the Moraga Country Club Homeowners
41 Association and that the project is incompatible with the existing residential
42 neighborhood. The existing Moraga Country Club (MCC) neighborhood to the south of
43 the project site is a planned development, outside of the Moraga Center Specific Plan
44 area. Along Country Club Drive are townhomes, clustered in groups of two to four units,
45 with narrow side yards (Figure 3). The homes are generally two-story with single story
46 garages and other elements. A 32 foot-wide shared driveway/access road parallels,
47 with homes set back between 20 and 50 feet from the curb of Country Club Drive.

1 **Figure 3: Aerial of Townhomes on Country Club Drive**



2
3

4 The applicant, during the course of project review, modified the proposed unit types
5 along the Country Club Drive frontage to duplex/triplex units, in part to create a better
6 transition in form and density to the homes across the street. The duplex/triplex units
7 reflect MCC's development pattern in that the frontage consists of a larger number of
8 small buildings, all two story in height, with more frequent breaks between the buildings
9 and side and rear yards.

10

11 Despite some similarities, the proposed duplexes have smaller setbacks than the MCC
12 units, at 4 to 10 feet from the property line and 14 to 20 feet from the curb of Country
13 Club Drive. However, because these units do not have paved driveways or garages
14 fronting on Country Club Drive, the front yards can provide more dense and continuous
15 landscaping along the project frontage. In its project approval, the Planning
16 Commission further conditioned the project to require additional stepping back of the
17 second story of the duplex and triplex units to create greater variation in the facades
18 and to break up the front wall height, reducing the sense of building height and mass
19 along Country Club Drive.

20

21 Country Club Drive is one of the wider streets in Moraga with a 100 foot right of way and
22 41 foot wide landscaped median that provides a significant separation and buffer
23 between the existing homes and the proposed project site. The July 9, 2014, letter from
24 Donald Maddison, President of the Moraga Country Club's (MCC) Board of Directors,
25 requested that the project be conditioned to landscape the median on Country Club
26 Drive with berms, trees and shrubs and that traffic calming be considered. As part of the
27 project approval, the Planning Commission required the applicant to landscape the
28 entire width of the median, as suggested by the MCC, to improve the appearance and
29 provide screening for headlights of cars entering and leaving the project driveway. The
30 landscaping, which would be required to be irrigated, would be designed with Public
31 Works to ensure that it can be maintained to Town standards, and would be reviewed
32 and approved by the Design Review Board as part of the General Development Plan.

1 With these conditions, and in consideration of the overall design of the project, the
2 Planning Commission was able to make the findings necessary for project approval,
3 including findings related to compatibility with adjacent residential uses.

4
5 *Compatibility with Public Safety Facility*

6 The appeal states that Town planning staff and the Planning Commission failed to
7 acknowledge and respond to concerns of the Moraga-Orinda Fire Protection District.
8 To the east, the existing MOFD fire station, administration office, and training yard is a
9 periodic source of noise and training activities that could disturb residents of the
10 proposed project. Fire training operations occur outside of typical business hours and
11 produce light and noise as well as potential over-spray from hoses.

12
13 The appeal cited concerns raised in letters from MOFD dated July, 2008 and June,
14 2014, that MOFD training and operations may be considered a nuisance by future
15 residents of the proposed subdivision and that they will come to object to the fire station
16 and training facility continuing operation. In addition, development of the project site
17 would deprive the MOFD of an opportunity to have a second EVA from the rear of their
18 property to Country Club Drive.

19
20 The July 2008 letter commented on the Draft EIR for the Moraga Center Specific Plan,
21 and was not specifically directed at the current project, which was not then an active
22 application. At the time, the Town responded to the MOFD's comments in the Final EIR,
23 (letter #37), and added new information and analysis on the consistency with General
24 Plan Policy LU4.6 to Section 4.L. based on information provided in MOFD's letter.
25 Included in the discussion was that MCSP buildout would have a potentially significant
26 impact on fire protection services because MOFD would require new staff, equipment,
27 and facilities to maintain service standards, and that service could be restricted by the
28 design and location of new signals, as well as circulation and access of projects in the
29 MCSP area. The Town also revised MCSP EIR Mitigation Measure 4.L-1b to require
30 development impact fees for fire protection services and coordination with MOFD for
31 review of project plans and circulation and emergency vehicle access, to reduce
32 potentially significant impact to fire protection services to less than significant levels.
33 The Final EIR with the revised information and mitigation measures was certified by
34 Town Council with the adoption of the MCSP, as complete and adequate, in
35 conformance with CEQA. Mitigation Measures specified in the MCSP EIR are
36 applicable to the project.

37
38 In their June 4, 2014 letter MOFD requested that the project CC&Rs include disclosures
39 to all prospective buyers acknowledging that the project is adjacent to a fire station and
40 training area where there could be impacts from temporary noise, unexpected water off-
41 site, and visual impacts from equipment, ladders and personnel and that the broker and
42 developer show a video of MOFD training operations and provide written disclosure to
43 potential homebuyers. In subsequent communication with staff and the applicant
44 MOFD reiterated their concern about reducing potential conflict with future neighbors
45 and requested the project incorporate a sound wall, sound rated windows and doors,
46 landscape screening and a 'fire station ahead' beacon near the driveway on Moraga
47 Road (Attachment G). MOFD reviewed the development plans for fire safety and access
48 and did not request or require an EVA extending across the property from the rear of

1 the fire station training yard or a secondary entrance connecting to the project site. CDP
2 Conditions of Approval 19 through 23 reflect MOFD's recommendations.

3
4 During the public hearing, the MOFD Fire Chief Healy gave testimony on the training
5 operations at Fire Station 41 and responded to resident concerns about safety and
6 access. When asked, the Fire Chief reported no known issues or constraints presented
7 by the width of Country Club Drive, with vehicles legally parked. He added that MOFD
8 did not have a position in support or opposition to the project and was principally
9 concerned with being 'good neighbors'. The Planning Commission reviewed the
10 conditions placed in the CDP to minimize potential for conflict with Fire Station 41, and
11 added a further condition (#20) stating that the applicant shall record a deed restriction
12 outlining (MOFD) station operations and training activities in a form approved by the
13 Town. In approving the project, the Planning Commission found that the project would
14 be compatible with the MOFD facility and relevant General Plan policies in this regard.

15
16 Subsequent to the hearing, on January 22nd, Chief Healy reported to the MOFD Board
17 of Directors the ongoing communication with the Town and applicant, and that the
18 Planning Commission had addressed MOFD concerns and incorporated all the
19 recommended measures into the project conditions (Attachment H). At the meeting the
20 MOFD Board stated that they consider residential uses incompatible with the fire station
21 and training facility.

22 23 **C. Lamorinda Traffic Impacts**

24
25 The appeal notes that Planning staff and the Commission failed to recognize and act
26 upon regional traffic impacts of the proposed project and the cumulative impacts of
27 other already-approved, pending and projected projects within the Town. Traffic
28 impacts for a residential development on the proposed project site were analyzed as
29 part of the cumulative traffic impacts in the Moraga Center Specific Plan EIR. Among
30 other aspects, the traffic analysis considered, in some detail, long and short-range
31 impacts to regional routes of significance connecting through the cities of Lafayette and
32 Orinda. The MCSP EIR traffic analysis projected future traffic based on a scenario of full
33 build-out (at the highest density or greatest number of new residential units and
34 commercial spaces) of the MCSP area. At full build-out, the overall trip generation for
35 the MCSP is estimated at 5,060 trips. The EIR concluded that implementation of the
36 Specific Plan would have significant, unavoidable traffic impacts, and the Town Council
37 acknowledged this significant impact and adopted a Statement of Overriding
38 Considerations when the Specific Plan was approved and the EIR certified.

39
40 Staff required the applicant to provide a traffic memo for the proposed project which was
41 peer-reviewed by the Town's consultant. For the project site, the MCSP projected traffic
42 generation based on the assumption that the site would be built-out at the highest
43 permitted density (20 DUA). The proposed project, at 36 units (12 DUA) is estimated to
44 generate 210 vehicle trips per day, approximately 150 fewer trips than was assumed for
45 the site when the EIR was prepared. This reduction in traffic generation would result in
46 2.9% decrease in the Specific Plan's overall projected trip generation. Based on the
47 above information, the Planning Commission was able to make the finding that the

1 streets were adequate to carry anticipated traffic, and increased densities will not
2 generate traffic in such amounts as to overload the street network.

3
4 CEQA does not require the lead agency for a project that “tiers” from an approved
5 environmental document, as is the case with this project, to re-analyze or re-make
6 findings of overriding consideration when such a project is consistent with the scope of
7 impacts previously identified.

8 9 **D. Streetscape on Country Club Drive**

10
11 The appeal maintains that the Planning Commission failed to recognize and act upon
12 severe traffic safety problems on Country Club Drive that currently exist and would be
13 exacerbated by the proposed changes to the roadway and median. Many residents at
14 the public hearings, and in written comments, reported a shortage of street parking in
15 the neighborhood and stated that they felt the travel lane on Country Club Drive was too
16 narrow to safely park at the curb. At the Town’s request the applicant provided four
17 alternatives for frontage improvements that would correct the deficiencies in the road
18 width and potentially add parking (Attachment F, Exhibit VIII).

19
20 After reviewing the four designs, including options for angled or double loaded parking
21 configurations, the Design Review Board recommended frontage improvements similar
22 to the existing configuration that would include a 14 foot wide travel lane, five foot wide
23 bicycle lane, sidewalk and parking lane adjacent to the curb. (The developer would be
24 required to extend the roadway improvement beyond the project frontage to taper the
25 median and provide a safe lane transition.) The widening of the travel lane and addition
26 of bike lane would require the existing 41 foot median to be reduced in width by 7.5 feet.
27 However, even with the reduction, the median would be over 30 feet wide (greater than
28 the travel, bike, and parking lane combined.)

29
30 The Planning Commission discussed the options for frontage improvements on Country
31 Club Drive and included conditions of approval that the final design should include a full
32 width travel lane, parking lane, and a bike lane, but that the ultimate design should be
33 reviewed and approved by the Planning Commission with the General Development
34 Plan and Tentative Map. The final design of the frontage improvements and lane
35 transitions would also be reviewed by the Public Works department to ensure they meet
36 traffic safety standards.

37 38 **E. Precedence of Project Approval**

39
40 The appeal states that the Planning Commission failed to acknowledge the precedent-
41 setting consequences of approving the project relative to all the similarly-designated
42 parcel in the MCSP. The proposed project includes a zoning amendment from
43 Suburban Office to a Planned Development (PD) District, which allows for residential
44 development based on site specific development standards. While the proposed zoning
45 must be consistent with the MCSP Mixed Office Residential District, the design and
46 development standards for each PD are considered independently and apply only to the
47 project site for which they are approved. Therefore, approval of the Conceptual
48 Development Plan for the Moraga Town Center Homes project would not entitle any

1 other property, or confer those standards to other properties within or outside the
2 MCSP.

3
4 **Findings for Approval of Rezone and Conceptual Development Plan**

5
6 In considering the proposed rezone and Conceptual Development Plan, the Town
7 Council must consider the required findings from the Moraga Municipal Code. The
8 findings are as follows:

- 9
- 10 • The total development and each unit of development can exist as an
11 independent unit capable of creating an environment of sustained desirability and
12 stability or that adequate assurance will be provided that this objective will be
13 attained and that the uses proposed will not be detrimental to present and
14 potential surrounding uses;
 - 15 • The streets and thoroughfares proposed are suitable and adequate to carry
16 anticipated traffic, and increased densities will not generate traffic in such
17 amounts as to overload the street network outside the development;
 - 18 • Development other than single-family residential can be properly justified and is
19 consistent with the general plan;
 - 20 • Any proposed exception from standard ordinance requirements is warranted by
21 the design and amenities incorporated in the conceptual development plan, in
22 accord with adopted policy of the planning commission and town council;
 - 23 • The area surrounding the development can be planned and zoned in
24 coordination and substantial compatibility with the proposed development;
 - 25 • The development conforms with the general plan; and
 - 26 • Existing or proposed utility services will be adequate for the population densities
27 proposed.

28 As described in detail in the attached Planning Commission staff report and draft
29 ordinance and resolution, the Planning Commission found that the findings could be
30 made.

31
32 **Conclusion**

33
34 The proposed project is the first within the MCSP Mixed-Use Office Residential
35 designation. The MCSP's standards and policies aim for mixed use 'village', which
36 includes medium and high density residential development that are, to some extent,
37 different from the existing housing in Moraga. There exists an inherent tension in
38 balancing the slightly more urban character of the Specific Plan area and other policies,
39 such as those related to the scenic corridor, that emphasize a rustic and semi-rural
40 character of the Town. The project design is based on the standards of the MCSP but
41 has been adapted, including modification made by the Design Review Board and
42 Planning Commission, based on the site context. Changes include the product type and
43 density on Country Club Drive, height/stories and setbacks of the townhomes. The
44 Town Council should consider the balance of these factors and whether the project
45 overall furthers the objectives and policies of the Town and the requisite finding can be
46 made.

1 **Fiscal Impact**

2
3 None. The Town’s adopted fee schedule is based on the actual costs to process a
4 project, and thus all of the costs incurred for the review and hearings for the CDP,
5 zoning text amendment and zoning change have been borne by the applicant.
6

7 **Alternatives**

8
9 **Alternative A:**

10 1) Introduce and Waive the First Reading of an Ordinance Amending Moraga
11 Municipal Code Chapter 8.48 to add 12-DUA PD Land Use Classification, and
12 Amending the Zoning Map for the Moraga Town Center Homes Property (APNs:
13 257-180-082-6 and 257-190-057-6) from Suburban Office (SO) to 12-DUA
14 Planned Development (12-DUA-MC-PD); and
15

16 2) Adopt Resolution No. __-2014 the Appeal, Upholding the Planning Commission’s
17 decision and Approving the Conceptual Development Plan for the Moraga Town
18 Center Homes Project; or
19

20 **Alternative B:**

21 Direct staff to return with a resolution approving the appeal and denying the
22 project or a resolution and ordinance approving the project with modifications,
23 based on findings articulated by the Council; or
24

25 **Alternative C:**

26 Provide alternate direction to staff and/or the applicant.
27
28

29 **Recommendation**

30
31 It is recommended that the Town Council take the following actions:
32

33 1) Introduce and Waive the First Reading of an Ordinance Amending Moraga
34 Municipal Code Chapter 8.48 to add 12-DUA PD Land Use Classification, and
35 Amending the Zoning Map for the Moraga Town Center Homes Property
36 (APNs: 257-180-082-6 and 257-190-057-6) from Suburban Office (SO) to 12-
37 DUA Planned Development (12-DUA-MC-PD); and
38

39 2) Adopt Resolution No. __-2014 Considering the Appeal, Upholding the
40 Planning Commission’s decision and Approving the Conceptual Development
41 Plan for the Moraga Town Center Homes Project.

1 **Report reviewed by: Jill Keimach, Town Manager**
2 **Karen Murphy, Assistant Town Attorney**
3

4 **Attachments:**

- 5 **A.** Draft Ordinance No. __-2015 Amending Moraga Municipal Code Chapter 8.48 to
6 add 12-DUA PD Land Use Classification, and Amending the Zoning Map for the
7 Moraga Town Center Homes Property (APNs: 257-180-082-6 and 257-190-057-
8 6) from Suburban Office (SO) to 12-DUA Planned Development (12-DUA-MC-
9 PD)
- 10 **B.** Resolution No. __-2015 Considering the Appeal, Upholding the Planning
11 Commission's decision and Approving the Conceptual Development Plan for the
12 Moraga Town Center Homes Project
- 13 **C.** Planning Commission Resolutions 19-14
- 14 **D.** Planning Commission Resolution 20-14
- 15 **E.** Appeal Letter, Bowhay, Coane and Olsen, December 1, 2014
- 16 **I.** Letter Correcting Appeal Information, Olsen, January 22, 2015
- 17 **F.** Staff Report to Planning Commission, November 17, 2014
 - 18 **I.** Draft Resolution No. #-2014 Approving the Conceptual Development plan
 - 19 **II.** Draft Resolution No. #-2014 Recommending Amending Chapter 8.48 and
20 Rezoning to a Planned Development District
 - 21 **III.** Design Review Board Action Memorandum
 - 22 **IV.** Moraga 2002 General Plan Conformance Analysis
 - 23 **V.** Moraga Center Specific Plan Design Guidelines Conformance Analysis
 - 24 **VI.** CEQA Document and Mitigation Monitoring and Reporting Plan
 - 25 **VII.** Correspondence Received
 - 26 **VIII.** Parking Scenarios for Country Club Drive
 - 27 **IX.** Project Plans, received July 31, 2014
- 28 **G.** MOFD Communication, September-November , 2014
- 29 **H.** MOFD Memorandum, January 21, 2015
- 30 **I.** Communications
- 31 **J.** Applicants Response to Appeal

ATTACHMENT A

**DRAFT ORDINANCE
AMENDING MMC CHAPTER 8.48
AND THE ZONING MAP**

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

**Amending Moraga Municipal Code)
§8.48.040 to Add 12-DUA-PD Zoning)
District (12-PD) and Amending the)
Zoning Map to Zone the Site of the)
Proposed Town Center Homes Project)
(APNs: 257-180-082-6 and 257-190-057-)
6) 12-PD)**

ORDINANCE NO. XXXX

WHEREAS, General Plan Policy LU3.3 allows for the Residential 16-DUA density, which includes a density range of 11-16 DUA, within Specific Plan areas; and

WHEREAS, the Town adopted the Moraga Center Specific Plan in January of 2010; and

WHEREAS, the Moraga Center Specific Plan Land Use Diagram designates Area 13, between Country Club Drive and Moraga Way, as Mixed Office-Residential and identifies various land uses for this area, including residential development at 12-20 dwelling units per acre; and

WHEREAS, on January 30, 2014 City Ventures (applicant) and Russell Bruzzone, Inc. (owner) filed an application to develop a thirty six (36) unit attached single-family residential subdivision on the subject property, a 3.06 acre infill site located in Area 13 of the Moraga Center Specific Plan, between Moraga Way and Country Club Drive, (APNs: 257-180-082-6 and 257-190-057-6); and

WHEREAS, the application includes a request to re-zone the property from Suburban Office to Planned Development-12 Dwelling Units Per Acre (PD-12) to accommodate the proposed project density, uses and development standards, and to amend the Zoning Ordinance to reflect the proposed residential density, consistent with the Moraga Center Specific Plan; and

WHEREAS, MMC Section 8.48.040 specifies development standards for single family planned developments at various densities, but does not include a PD-12 Land Use classification or minimum lot size; and

WHEREAS, State Law requires the General Plan to be internally consistent, and for the Zoning Ordinance to be consistent with the General Plan; and

WHEREAS, the proposed amendments would serve to make consistent policies and regulations of the Town with regard to permitted residential uses in the Moraga Center Specific Plan Area; and

WHEREAS, public hearing notices for consideration of the Conceptual Development Plan, Rezoning to Planned Development District and Amendment to the text of the Planned Development Zoning District were published in the newspaper on November 7, 2014 and mailed to all property owners within 750 feet of the subject property on November 4, 2014; and

WHEREAS, on November 17, 2014 the Planning Commission held a public hearing to consider the applications, and adopted Resolutions 19-14 recommending the Zoning Ordinance Amendment, Rezoning and Zoning Map Amendment and Resolution 20-14 approving a Conceptual Development Plan based on the revised proposal submitted on June 26, 2014; and

WHEREAS, prior to approving the project, the Planning Commission considered the Moraga Center Specific Plan Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Plan certified by the Town of Moraga in January 2010 and the Environmental Documentation that provides an analysis of the consistency of the Town Center Homes project with the development analyzed in the Moraga Center Specific Plan EIR and is attached to the November 17, 2014, staff report as Attachment G and incorporated herein by reference (the "Environmental Documentation"); and

WHEREAS, public hearing notices for consideration of the proposed rezone, text amendment and an appeal from the Planning Commission's decision on the Conceptual Development Plan were published in the newspaper on January 16, 2015 and mailed to all property owners within 750 feet of the subject property on January 12, 2015; and

WHEREAS, the Town Council considered the proposed rezone, text amendment and an appeal from the Planning Commission's decision on the Conceptual Development Plan at a public hearing on January 28, 2015, and received detailed input and testimony from the appellants and Applicant, as well as others; and

WHEREAS, the Town Center Homes project is located within the boundaries of the Moraga Center Specific Plan, which was evaluated under CEQA in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. As allowed by CEQA Guidelines Section 15168(c) the Moraga Center Specific Plan is a program EIR, which may be relied upon as the CEQA document for specific subsequent activities, such as site specific development projects, which are included in the program. As documented in the Environmental Documentation, the proposed project will not have any potentially significant environmental effects that were not adequately analyzed in the earlier EIR, and the mitigation measures from the earlier EIR can be applied to the proposed project, and;

WHEREAS, a Mitigation Monitoring and Reporting Plan adopting and applying those mitigation measures to the proposed project has been prepared, included as Exhibit G of the November 17, 2014 staff report and is incorporated herein by reference.

THE TOWN COUNCIL OF THE TOWN OF MORAGA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Town Council hereby finds that:

A. Pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2) and based on the entire record, the Town Council finds that no new environmental effects could occur and no new mitigation measures are required as a result of this rezone. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, there is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the MCSP EIR was certified that shows the project will have new significant effects or more severe effects than analyzed in the MCSP EIR or that new mitigation measures or previously infeasible mitigation measures would reduce any significant environmental effect.

B. The Town Council hereby finds as follows in support of the Zoning Ordinance Amendment, Rezoning, and Zoning Map Amendment:

(i) The change proposed is consistent with the objectives, policies, general land uses and programs specific in the general plan and applicable specific plan because the Moraga General Plan designates the project site as within the Moraga Center Specific Plan, which calls for a mixed office and residential used at twelve to twenty units per acre (12-20 DUA). Medium density residential land use will revitalize the existing Moraga Center through increasing nearby residents that will support the expansion of retail opportunities in and around the Center. The new residential development will also support the development of a ‘village’ within the Specific Plan that is walkable and promotes transit. Rezoning for the project will allow development consistent with the minimum density in the mixed office-residential land use designation of the Moraga Center Specific Plan;

(ii) In the case of a general land use regulation, the change proposed is compatible with the uses authorized in, and regulations prescribed for, the land use district for which it is proposed. No amendment to the General Plan is proposed. However, the proposed amendment of the zoning district map to rezone the project site to Planned Development allows for residential uses and permits flexible development standards to permit a project consistent with the density and design standards in the Moraga Center Specific Plan, which implements the General Plan. The proposed municipal code amendments will allow for development to occur as a planned development for medium density residential at 12 Dwelling Units per Acre, which is not allowed in any other residential zoning district in the Municipal Code but is specified in the Specific Plan area.

(iii) A community need is demonstrated for the change proposed because by amending the PD district text, rezoning the project site as a PD and amending the zoning map would allow new residential development at a higher density, such as townhomes, duplexes and triplexes, that would meet the community’s need to diversify housing options, as identified in General Plan Policy H2.1. and in conformance with the adopted Specific Plan. In addition, the residential land use would be located near retail commercial areas, transit and trails implementing the Moraga General Plan sand Specific Plan policies that call for a walkable community in the Town center; and

(iv) Its adoption will be in conformity with public convenience, general welfare and good zoning because the project site would be developed with medium density housing that would provide a transition in density from nearby lower density residential neighborhoods and the higher density residential and commercial land uses envisioned for the center of the Specific Plan area. The zoning of the project site for 12-PD will direct growth to an urban infill parcel and not involve the development of environmentally sensitive greenfield, hillsides and ridgelines. The project will landscape and maintain the Moraga Way right-of-way and provide sidewalk and bikes lane along its frontages providing for the convenience of pedestrians and bicyclists.

SECTION 2. Subsections (A) and (B) of Section 8.48.040, Development standards for single-family residential uses in planned development district, of the Moraga Municipal Code are hereby deleted and replaced with the following:

“A. When the planned development district consists of single-family residential use, it shall be designated (depending upon the density applicable to it) either:

1. N-OS-PD;
2. 1-PD;
3. 2-PD;
4. 3-PD;
5. 6-PD.
6. 10-PD, as to the Rheem Park Specific Plan Area as defined in the General Plan (RP)
7. 12-PD-MC, as to the Moraga Center Specific Plan Area as defined in the General Plan (MC)

B. Except as provided in subsection D of this section the minimum lot sizes shall be as designated on the following table:

| Land Use Classification | Minimum Lot Size |
|-----------------------------|---|
| N-OS-PD | 40,000 sq. ft. |
| X-PD ¹ | 5, 10, 20 or more acres depending upon the development standards imposed under Section 8-3606 |
| 1-PD | 30,000 sq. ft. |
| 2-PD | 20,000 sq. ft. |
| 3-PD | 10,000 sq. ft. |
| 6-PD | 10,000 sq. ft. ² |
| 10-PD-RP ³ | 2,500 sq. ft. ⁴ |
| <u>12-PD-MC⁵</u> | <u>2,500 sq. ft.⁴</u> |

1 Any Planned Development District

2 Except for condominium development as provided in Section 8.32.060(C)

3 Applies to properties in the Rheem Park Specific Plan area only

4 For detached single-family residences

5 Applies to properties in the Moraga Center Specific Plan area only”

SECTION 3. The 3.06 acre parcel identified by Assessor Parcel Numbers 257-180-082 and 257-190-057 is rezoned from the Suburban Office (SO) to the Planned Development (PD) District.

SECTION 4. The zoning map described in Section 8.044.030 of the Municipal Code is amended to reflect the rezoning described in Section 3 above.

SECTION 5. The Town Council hereby declares that it would have passed this Ordinance, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 6. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Moraga held on January 28, 2015 and was adopted and ordered published at a regular meeting of the Town Council on February XX, 2015 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Roger Wykle, Mayor

Attest: _____
Marty C. McInturf, Town Clerk

ATTACHMENT B

**DRAFT RESOLUTION
CONSIDERING THE APPEAL**

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Considering an Appeal, Upholding the)
Planning Commission's Decision and)
Approving a Conceptual Development Plan)
for the Town Center Homes Project, a 36-)
Unit Multi-Family Residential Development)

Resolution No. XX - 2015

WHEREAS, on January 30, 2014 City Ventures (applicant) and Russell Bruzzone, Inc. (owner) filed an application to develop a thirty six (36) unit multi-family residential subdivision on the subject property, a 3.06 acre infill site located within the Moraga Center Specific Plan, between Moraga Way and Country Club Drive, (APNs: 257-180-082-6 and 257-190-057-6); and

WHEREAS, prior to filing of the application, the Town of Moraga has held a series of public workshops and study sessions since June 2012 to consider and provide input on the project which included study sessions before the Design Review Board, Planning Commission and joint sessions of the Planning Commission/Design Review Board; and

WHEREAS, the applicant has made eight revisions to the proposed plans to respond to comments provided by the Planning Commission, Design Review Board and by members of the public at those workshops and at five public workshops independently conducted by the applicant; and

WHEREAS, on May 27 and July 14, 2014, the Design Review Board held duly-noticed public meetings to consider design-related aspects of the project, including conformance of the project site plan, grading, circulation, architecture, and landscaping; and

WHEREAS, on July 14, 2014, the Design Review Board recommended that the project be forwarded to the Planning Commission for consideration for approval; and

WHEREAS, on July 31, 2014, the Applicant submitted additional project revisions to the Town of Moraga including modifications to setbacks of residential structures from Moraga Way and various modifications to the plans to respond to comments from the Public Works Department and the Moraga-Orinda Fire District; and

WHEREAS, public hearing notices for consideration of the Conceptual Development Plan were published and mailed to all property owners within 750 feet of the subject property on September 4, 2014; and

WHEREAS, on September 18, 2014 the Planning Commission continued the public hearing to October 6, 2014; and

WHEREAS, at the request of the applicant the October 6, 2014 hearing was postponed to November 17, 2014; and

WHEREAS, public hearing notices for consideration of the rezoning to Planned Development District and amendment to the text of the Planned Development Zoning District (“Zoning Ordinance Amendment”) and the Conceptual Development Plan were published in the newspaper on November 7, 2014 and mailed to all property owners within 750 feet of the subject property on November 4, 2014; and

WHEREAS, on November 17, 2014, prior to acting on the project application, the Planning Commission considered the Moraga Center Specific Plan (MCSP) Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Plan certified by the Town of Moraga in January 2010 and Environmental Documentation for the project, included as Attachment G to the November 17, 2014, staff report and incorporated herein by reference, that provides an analysis of the consistency of the Town Center Homes project with the development analyzed in the Moraga Center Specific Plan EIR (the “Environmental Documentation”); and

WHEREAS, on November 17, 2014, the Planning Commission opened the public hearing and heard testimony on the application for Zoning Ordinance Amendment and for a Conceptual Development Plan; and

WHEREAS, on November 17, 2014 the Planning Commission voted to adopt Resolution 19-14 recommending that the Town Council rezone the Project site to Planned Development District and adopt the Zoning Ordinance Amendment, and Resolution 20-14 approving the Conceptual Development Plan; and

WHEREAS, on December 1, 2014, Richard Olsen, Scott Bowhay and Denise Coane filed an appeal of the Planning Commission approval of the proposed project; and

WHEREAS, public hearing notices for consideration of the proposed Zoning Ordinance Amendment and an appeal from the Planning Commission’s decision on the Conceptual Development Plan were published in the newspaper on January 16, 2015 and mailed to all property owners within 750 feet of the subject property on January 12, 2015; and

WHEREAS, on January 28, 2015 the Town Council held a public hearing accepting testimony from the appellant, the applicant and the public, discussed the appeal and Zoning Ordinance Amendment; and

WHEREAS, on January 28, 2015, the Town Council waived the first reading and introduced the Zoning Ordinance Amendment.

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Moraga, based on the project plans, the staff report, the CEQA documentation and all attachments, all written and oral testimony and comments and all other information presented in this matter, determines as follows:

PART 1: CEQA FINDINGS:

1. The project is located within the boundaries of the Moraga Center Specific Plan, which was evaluated under CEQA in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. As allowed by CEQA Guidelines Section 15168(c) the Moraga Center Specific Plan is a program EIR, which may be relied upon as the CEQA document for specific subsequent activities, such as site specific development projects, which are included in the program. As documented in the Environmental Documentation, the proposed project will not have any potentially significant environmental effects that were not adequately analyzed in the earlier EIR, and the mitigation measures from the earlier EIR can be applied to the proposed project.
2. A Mitigation Monitoring and Reporting Plan adopting and applying those mitigation measures to the proposed project has been prepared, included as Exhibit G of the November 17, 2014 staff report in incorporated herein by reference.
3. Pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2) and based on the entire record, the Planning Commission finds that no new environmental effects could occur and no new mitigation measures are required. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, there is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the MCSP EIR was certified that shows the project will have new significant effects or more severe effects than analyzed in the MCSP EIR or that new mitigation measures or previously infeasible mitigation measures would reduce any significant environmental effect.

PART 2: CONCEPTUAL DEVELOPMENT PLAN FINDINGS:

The Town Council of the Town of Moraga makes the following findings to approve the Conceptual Development Plan and deny the appeal, pursuant to Moraga Municipal Code Section 8.48.100:

- (a) The total development and each unit of development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that this objective will be attained and that the uses proposed will not be detrimental to present and potential surrounding uses.**

The project is designed to have varied architectural styles and detail on each of its buildings, including individual entrances, private open space in the form of a patio or rear yard and a two car garage for each unit. Units will have between three and four bedrooms and 1,846 and 2,398 square feet of living space, providing livable and desirable units. The development will have an approximately 10,000 square foot private park, including recreational amenities, located adjacent to Laguna Creek for the use of the residents, as well as internal passive open space and landscaping along the Moraga Way scenic corridor. Conditions of approval require design review of the final architectural, landscape, lighting and streetscape plans by the Design Review board to ensure the development will be attractive and high quality. A Homeowners Association

will be formed, whose responsibility will include maintenance of common areas and amenities, to ensure their ongoing upkeep and attractiveness.

The development is designed with two story duplex and triplex units fronting along Country Club Drive to provide a transition in density from the exiting residential neighborhood to the two and three story townhomes located adjacent to Moraga Way. The project is designed so that landscaping, parking and an internal driveway are adjacent to the western property line to provide separation between the existing office building and the future residences. The project will construct a sound wall and will locate internal drives, parking and landscaping closest to along the property line adjacent to the Moraga-Orinda Fire District Station (MOFD) to minimize possible disturbance of residents from MOFD activities. Conditions of Approval specify that the development include notification of adjacent land uses to prospective homebuyers and in the CC&Rs of the development so as to reduce potential conflicts between these uses.

The duplexes and triplex along Country Club Drive will have four to ten foot minimum setbacks from Country Club Drive and the building facades will be articulated with projections and inlets that provide variation in streetscape and break up the massing of the buildings. Approximately 40% of the second story on each building will be stepped back from the first floor by 5 to 8 feet. A condition of approval requires an additional 30 percent of each building be stepped back by at least three feet from the lower story building face, further recessing the upper story massing and diminishing the sense of height of the two story elements as viewed from the street.

The proposed residential development will be served by two driveways off Country Club Drive and Moraga Way, with internal sidewalks and pedestrian paseos that will allow for independent access of the units by vehicles, bicycles and pedestrians from the public street. Eighteen guest parking spaces will be provided onsite. The project will not rely upon access from adjacent properties and community utilities and services have been found to be adequate to serve the level of proposed development.

(b) The street proposed is suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the development.

The project is located within the boundaries of the Moraga Center Specific Plan, the land use and policies of which were evaluated under the California Environmental Quality Act (CEQA) in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. The proposed Town Center Homes project would generate an about 210 vehicle trips per day, approximately 150 fewer trips than was assumed for the site when the EIR was prepared because the project will have 36 units, while the Specific Plan assumed up to 61 units. This reduction in traffic generation would result in 2.9% decrease in the Specific Plan's overall trip generation (estimated at 5,060 trips).

(c) Development other than single family residential can be properly justified and is consistent with the general plan.

The project will be attached single family homes consistent with the Moraga Center Specific Plan because it would propose medium-density residential uses within Area 13,

which is designated Mixed Office-Residential in the Specific Plan and which allows for residential development of the type and density proposed. The project conforms to the development standards for the Specific Plan Mixed Office Residential District, as follows:

- 1) The project site exceeds the minimum site area, lot frontage and site depth standards for the District; and
- 2) The development density, at 12 units per acre, is within the 12 - 20 units per acre density standard; and
- 3) The building setbacks of 11 - 22 feet along Moraga Way and 4 - 10 feet along Country Club Drive exceed the District's minimum setback requirement (0 (zero) feet); and
- 4) The maximum height of the proposed buildings (38 ft. 4 in.) is below the maximum height standard of 45 feet; and
- 5) The 2 and 3 story buildings are within the 3-story maximum building envelope allowed; and
- 6) The lot coverage of the proposed project of 33.3% is below the allowable maximum lot coverage of 60%; and
- 7) The project's Floor Area Ratio (FAR) of 0.53 is below the allowable maximum FAR of 0.85; and
- 8) The proposed number of parking spaces (2.5 per unit/90 spaces total) meets the parking standards specified in the MCSP.

(d) Any proposed exception from standard ordinance requirements is warranted by the design and amenities incorporated into the conceptual development plan in accord with adopted policy of the planning commission and town council.

The building separations between the proposed duplex and triplex units, while narrower than the recommended design standard in the Specific Plan Mixed Office Residential district, are appropriate and reasonable because the smaller-scale duplex and triplex units create an effective transition between the larger townhouse buildings elsewhere on the site, and the lower-density residential development across Country Club Drive. Further, the duplex and triplex units are smaller structures than the townhome buildings and the smaller separation proportionate to that scale, while continuing to provide adequate open spaces and individual yards.

(e) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development.

The project is within the Moraga Center Specific Plan, which was adopted to provide coordinated and more detailed planning for this area, considering existing and future development of this site and properties adjacent to it. The site is designated for mixed residential and office development that reflects the office and residential uses that abut the property and transition between existing and planned residential uses. The proposed residential use would support the commercial uses of the Moraga Center by providing higher density housing in proximity and convenient walking distance to these uses. The project is consistent with the permitted density range of 12-20 DUA, and therefore with the overall land use plan and future development in the Moraga Center. A zoning ordinance amendment and zoning change are being separately processed to create the 12-DUA-MC-PD classification and rezone the site to a Planned Development

District. The Conceptual Development Plan approval is effective upon the effectiveness of the Zoning Ordinance Amendment.

(f) The development conforms with the general plan and specific plan.

General Plan Policy LU3.1 is the impetus for the Moraga Center Specific Plan, which directs the long-range transformation of the Town Center area. The Moraga Center Specific Plan conforms to, and is an implementation program of, the General Plan. The proposed project conforms to General Plan Policy LU3.1 because it will further the goals of the specific plan, including introducing new residential uses that would help to revitalize the Moraga Center, expand retail opportunities, and create a mixed use “village” that serves as an activity center for the community. The project is also located in close proximity to the commercial center, transit stops, and community facilities, thereby supporting these facilities and promoting pedestrian, bicycle and transit travel within the Specific Plan Area.

Community Design Element policies CD3.2 Visual Character and CD 3.5 Landscaping and Amenities, promotes improvement of the visual character of the scenic corridor with landscaping, lighting and attractive signs and street furnishing. The proposed project would landscape a 31 to 42-foot wide buffer along the Moraga Way scenic corridor that is both on the subject property and in the dirt and gravel shoulder of the roadway. The conceptual landscaping includes a variety of trees, shrubs and groundcover, winding sidewalk and split rail fences that would add visual interest and enhance the appearance of the scenic corridor. Details of the lighting and signage are not provided with the Conceptual Development Plan, but would be subject to design review and consideration by the Planning Commission as part the General Development Plan to ensure quality design.

Policies CD5.1 Location, CD5.2 Design, CD5.3 Open Space, and CD5.4 Pedestrian Amenities addressed the siting of new development, encouraged new housing close commercial centers, transit stops, and community facilities, attractive architecture and the provision of open space and high quality pedestrian environments. The project is located near the commercial center and transit and trails, and so is consistent with the General Plan policy direction for the location of new housing. The project proposes multiple smaller buildings of townhomes and duplexes, rather than one large residential building, and each building is articulated with projections, inlets, porches, trellises that break up the façade. Each home has a private garage and outdoor open space in the form of a patio or rear yard.

The project is consistent with Housing Element policies H1.4 Design Excellence and H2.1 Housing Variety because the proposed project would add townhomes and duplexes, which are a less common housing product in Moraga, and could serve to allow current Moraga residents to downsize their home and remain within the community. The project would be attractively designed with well-articulated facades, varied rooflines and quality building materials and finished, and useable private and shared open space for residents.

The project is also consistent with the MCSP as it would create medium-density residential uses within Area 13 that would support the economic vitality of the nearby

shopping center, businesses and offices and locate new population within walking and biking distance of trails, transit and community facilities.

(g) Existing or proposed utility services will be adequate for the population densities proposed.

The MCSP EIR evaluated the impact of full implementation of the MCSP, with 720 units of new housing and a projected increase of 1,614 people, on utilities services. The EIR found that there would be no significant impact on sanitary sewer, water, stormwater and solid waste service. The proposed amount of development is less than that analyzed in the MSCP for this site, and therefore the project would have a lower demand on utilities and services than anticipated in the MCSP EIR.

PART 3: DENIAL OF APPEAL, UPHOLDING PLANNING COMMISSION ACTION AND APPROVAL OF CONCEPTUAL DEVELOPMENT PLAN:

The Town Council of the Town of Moraga hereby denies the appeal, upholds the Planning Commission action and approves the Conceptual Development Plan to allow 36 residential units on the subject property, subject to the following conditions of approval and effective upon the effective date of the Zoning Ordinance Amendment.

Planning Standard Conditions

1. This approval authorizes the Conceptual Development Plan approval of the “Town Center Homes” project as approved by the Town of Moraga Planning Commission on November 17, 2014, and consisting of the Site Concept Plan (Sheet A1.1) and supporting architectural, civil and landscape plans, dated November 12, 2014. The Site Concept Plan approval allows for development of up to 36 multi-family cottages and townhomes and associated improvements on the 3.06 acre site (APN 257-180-082 and 257-190-057).
2. Further Approvals. Further approvals necessary to allow development of the site include, but may not be limited to General Development Plan, Precise Development Plan, Vesting Tentative Map, Final Map, Improvement Plans, Building Permit Plans, Final Design Review and off-site improvements in the public right-of-way for Moraga Way and Country Club Drive adjacent to the site. All such plans shall be in substantial conformance with the approval listed in Condition #1, above, as approved by the Planning Commission on November 17, 2014 and more fully described in the Resolution and its Exhibits and as modified by these conditions of approval. Additional conditions of approval, or modification/refinement of these Conditions of Approval may be required with these further approvals.
3. CEQA Compliance. All required mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) Moraga Center Specific Plan EIR, (SCH#2000031129) as adapted to this project and included as Exhibit G of the Planning Commission Staff Report on November 17, 2014, shall be implemented and monitored in accordance with Town procedures.
4. Applicant Responsible for Compliance with Conditions. The applicant shall ensure compliance with all of the conditions herein, including submittal to the project planner of

required approval signatures at the times specified. Notice of failure to comply with any condition shall be provided to the applicant by the Town, and a reasonable opportunity to gain compliance provided. Applicant's failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the approval.

5. Town staff (including authorized agents) shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
6. Where compliance with the conditions of approval or applicant initiated changes to the Town Center Homes Subdivision requires additional staff work, that time shall be billed at the Town's established billing rates.
7. All new improvements constructed on the site shall be in compliance with all local State and federal laws, statutes, ordinances, regulations, rules, orders, judgments, decrees, permits, approvals and the like requirements applicable thereto and in force the time thereof ("applicable law"), and as may legally modified by a development agreement. "Local, state and federal" applicable law shall include without limitation, the applicable law of the Town of Moraga; Contra Costa County; Moraga-Orinda Fire District, Bay Area Air Quality Management District, San Francisco Bay Area Regional Water Quality Control Board; California Department of Fish and Wildlife, US Army Corps of Engineers; State of California; and United States of America.

Planning Special Conditions of Approval

8. The Site Plan shall be modified to reflect the following:
 - a. The landscape area in front of the project adjacent to Moraga Way shall be revised to include raised landscaped berms or grade changes that are contoured to blend with the surrounding landscape.
 - b. The second story of the buildings located along Country Club Drive shall be stepped back from the first story building face by a minimum of 3 feet for 30% of the façade length and stepped back minimum of 5 feet for 40% of the façade length.
 - c. All third story lofts shall be stepped back a minimum of 2 feet from the second story.
9. The final plans for reconfiguration of Country Club Drive shall be consistent with Option 1 in the plan by C2C Consultants, including, a 14-foot travel lane, 5-foot bike lane and parking lane. This final design and landscaping for Country Club Drive shall be consistent with Public Works standards and subject to review and approval by the Design Review Board prior to approval of the improvement plans.
10. Final architecture and home designs for all homes shall include varied materials, articulation and high quality building materials that substantially conform to the conceptual plans and elevations included in the July 31, 2014 Plan Set, as may be modified based on

final Design Review Board review approval. Modifications to the existing plans and the completion of additional plans and submittals shall be undertaken in accordance with the Design Review Memorandum adopted by the Design Review Board on July 14, 2014, and shall include:

- a. Final site plan;
- b. Final architectural building, floor, exterior elevation and roof plans;
- c. Complete color and material palette;
- d. Final landscape plan including irrigation, walls, fences, and detailed site improvements and signage for the Rock Park;
- e. Final exterior lighting plan, including location and specifications of all light fixtures to demonstrate compliance with lighting-related Design Guidelines.
- f. Final streetscape plan, including landscaping, paving treatments, community signage and street furniture.
- g. Subdivision signage.
- h. Design of any public improvements specified by Conditions of Approval that have not yet been reviewed by the DRB.

11. The final site and landscape plan shall include:

- a. A clear internal pedestrian path connecting the development to the pocket park
- b. Bicycle facilities, including bicycle racks in the pocket park

12. The applicant, or project sponsor, shall form a Homeowners Association (HOA) for the purposes of owning, managing and maintaining all the subdivision features not in private ownership, including the pocket park, the bio-retention areas, the entrance driveways, street and sidewalks, common area landscaping, and front yard landscaping.

13. The HOA managing and maintaining all the subdivision features within the Town of Moraga Right of Way, including landscaping along the Moraga Way and Country Club Drive frontages. The HOA shall record a landscape maintenance agreement and easement with the Town for improvements in the public ROW.

14. The applicant shall install enhanced landscaping and irrigation in the Country Club Drive median. Proposed landscaping shall use drought tolerant and native plants and be approved by Public Works Department. The HOA shall maintain the median landscaping for a minimum of five years, exclusive of the required two year warranty period, or shall contribute a lump sum amount to the Town upon turn-over of the facilities for Town maintenance equivalent to five years of maintenance costs.

15. The applicant shall include in the CC&Rs for the development requirements that:

- a. Residents park their vehicles in their garage.
- b. Restrict the on-site unenclosed parking space for use by guests and visitors.
- c. Prohibit the conversion of garage spaces to non-parking uses.

16. To comply with General Plan policy H1.5 and OS5.2, all homes shall be designed to meet at least 90 points on the "Build it Green" checklist or equivalent certification checklist, demonstrating energy efficiency and sustainability beyond current code requirements. Photovoltaic panels shall be offered to buyers as an option.

17. An approximately 10,450 square foot private “pocket” park shall be provided within the area adjacent to Laguna Creek, and shall provide accessible open space and associated amenities for use by the residents, including a picnic table, seating and BBQ, trail and other facilities determined by the Planning Director to offer an equivalent or better level of amenity to residents of the subdivision. This park shall not be counted against the required park dedication or in-lieu fees specified by the Town.

Development Standards

18. The Development Standards for the project are set forth below.

a. **Development Standards**

| | |
|--|-----------------------------------|
| Site Standards | |
| Residential Density | 12 dwelling units per acre |
| Lot Coverage | 35% |
| Floor Area Ratio ¹ | 0.55 |
| Setbacks and Building Separations | |
| Moraga Way Setback | Average setback of 15’ or greater |
| Building A | 22’ |
| Building B | 12’ |
| Building C | 15’ |
| Building D | 11’ |
| Country Club Drive Setback | |
| Building E | 10’ |
| Building F | 7’ |
| Building G | 10’ |
| Building H | 10’ |
| Building I | 4’ |
| Building J | 9’ |
| Building K | 9’ |
| Interior Side Setback | |
| Northwestern Property Line | 6’ |
| MOFD Property ² Line | 20’ |
| Southeastern Property Line (Creek) | 90’ |
| Minimum Building Separation ³ | |
| Buildings A, B, C, D | 25’ |
| Buildings E, F, G, H, I, J, K | 10’ |
| Other Standards | |
| Maximum Building Height | 39’ |

| | |
|--|---|
| Maximum Building Stories | 3 for units 17-20, 23-26, 29, 30, 34, and 35; 2 for all other units |
| Private Outdoor Space | Minimum of 50 square feet with minimum dimension of 5 ft. |
| Parking Spaces | 2 spaces per residence; 1 guest space per 2 residences |
| ¹ Floor Area Ratio calculated on a pre-subdivision basis ² MOFD Property identified as APN 257-190-056 ³ Distance measured from building face to building face, excluding steps, decks, balconies | |

- b. **Future Homeowner Modifications:** The applicant shall include in the CC&Rs for the development restrictions on future expansion of the building footprints, enclosure of deck and patio areas and covering yard areas from the sky.

Moraga-Orinda Fire District

19. The applicant, broker or real estate agent shall prepare and provide potential homebuyers with a written disclosure informing them of the Moraga-Orinda Fire District (MOFD) training facility activities and a video of those activities.
20. The applicant shall include a disclosure in the CC&R notifying residents of the adjacent fire station and potential temporary light, noise and visual impacts from training exercises.
21. The applicant shall along the shared property line with the MOFD property, APN 257-190-056:
- a. Construct an 8 foot solid masonry wall and 6 foot solid wood privacy fence adjacent to the driveway and parking lot, as shown on the Site Plan, Sheet A.3.1. The wall is to have a decorative finish that shall be included in the landscape plans for review by the Design Review Board.
 - b. Plant trees along the southern property line, adjacent to Building I, J and K, that shall grow as high as the height of the duplexes and provide landscape screening of the MOFD yard.
 - c. Use sound rated doors and windows on the second and third stories of the residences within 60 feet of the property line.
22. The applicant shall investigate, in consultation with the Town of Moraga Public Works Department and the MOFD, the necessity of installing a 'Fire Station Ahead Beacon' at the driveway entrance on Moraga Road to alert vehicles when fire engines are exiting onto Moraga Way. The design and location of the beacon to be reviewed and approved by MOFD and the Public Works Department, and included in the streetscape plans for review by the Design Review Board.
23. The applicant shall grade and resurface the MOFD property to remove the mound of dirt that extends onto the project site.

Other Conditions

24. This approval and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. Subsequent approvals shall be subject to additional conditions of approval.

25. Applicant shall indemnify, hold harmless and defend (with legal counsel approved by the Town Attorney) the Town, its officials, employees and representatives (the "Town Indemnitees") from and against any and all claims, damages, liabilities, actions or proceedings, including any CEQA challenge, arising out of the Town's approvals associated with the application for the Moraga Town Homes Subdivision 9381 (the "Project Approvals"). Applicant shall also pay all filing court costs and similar out-of-pocket expenses required for Town and applicant to defend Litigation.

PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting on January 28, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Roger Wykle, Mayor

ATTEST:

Marty C. McInturf, Town Clerk

ATTACHMENT C

**PLANNING COMMISSION
RESOLUTIONS 19-14**

BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

In the Matter of:

Resolution No. 19-14 PC

Recommending the Town Council Amend)
Moraga Municipal Code §8.48.040 to Add)
12-DUA-PD Zoning District (12-PD) and)
Amend the Zoning Map to Zone the Project)
Site (APNs: 257-180-082-6 and 257-190-)
057-6) 12-PD)

Adoption: November 17, 2014

Appeal Period Ends: November 27, 2014:

WHEREAS, General Plan Policy LU3.3 allows for the Residential 16-DUA density, which includes a density range of 11-16 DUA, within Specific Plan areas; and

WHEREAS, the Town adopted the Moraga Center Specific Plan in January of 2010; and

WHEREAS, the Moraga Center Specific Plan Land Use Diagram designates Area 13, between Country Club Drive and Moraga Way, as Mixed Office-Residential and identifies various land uses for this area, including residential development at 12-20 dwelling units per acre; and

WHEREAS, on January 30, 2014 City Ventures (applicant) and Russell Bruzzone, Inc. (owner) filed an application to develop a thirty six (36) unit attached single-family residential subdivision on the subject property, a 3.06 acre infill site located within the Moraga Center Specific Plan, between Moraga Way and Country Club Drive, (APNs: 257-180-082-6 and 257-190-057-6); and

WHEREAS, the application includes a request to re-zone the property from Suburban Office to Planned Development-12 Dwelling Units Per Acre (PD-12) to accommodate the proposed project density, uses and development standards, and to amend the Zoning Ordinance to reflect the proposed residential density, consistent with the Moraga Center Specific Plan; and

WHEREAS, MMC Section 8.48.040 specifies development standards for single family planned developments at various densities, but does not include a PD-12 Land Use classification or minimum lot size; and

WHEREAS, State Law requires the General Plan to be internally consistent, and for the Zoning Ordinance to be consistent with the General Plan; and

WHEREAS, the proposed amendments would serve to make consistent policies and regulations of the Town with regard to permitted residential uses in the Moraga Center Specific Plan Area; and

WHEREAS, on May 27 and July 14, 2014, the Design Review Board held duly-noticed public meetings to consider design-related aspects of the project, including conformance of the project site plan, grading, circulation, architecture, and landscaping; and

WHEREAS, on July 14, 2014, the Design Review Board recommended that the project be forwarded to the Planning Commission for consideration for approval; and

WHEREAS, on July 31, 2014, the Applicant submitted additional project revisions to the Town of Moraga including modifications to setbacks of residential structures from Moraga Way and various modifications to the plans to respond to comments from the Public Works Department and the Moraga-Orinda Fire District; and

WHEREAS, public hearing notices for consideration of the Conceptual Development Plan, Rezoning to Planned Development District and Amendment to the text of the Planned Development Zoning District were published in the newspaper on November 7, 2014 and mailed to all property owners within 750 feet of the subject property on November 4, 2014; and

WHEREAS, on November 17, 2014 the Planning Commission held a public hearing to consider the applications, including a Conceptual Development Plan based on the revised proposal submitted on June 26, 2014; and

WHEREAS, prior to approving the project, the Planning Commission considered the Moraga Center Specific Plan Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Plan certified by the Town of Moraga in January 2010 and the Environmental Documentation that provides an analysis of the consistency of the Town Center Homes project with the development analyzed in the Moraga Center Specific Plan EIR and is attached to the November 17, 2014, staff report as Attachment G and incorporated herein by reference (the "Environmental Documentation").

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Moraga, based on the project plans, staff report, CEQA documentation and all attachments, all written and oral testimony and comments and all other information presented, adopts the following recommendations and findings:

1. The project is located within the boundaries of the Moraga Center Specific Plan, which was evaluated under CEQA in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. As allowed by CEQA Guidelines Section 15168(c) the Moraga Center Specific Plan is a program EIR, which may be relied upon as the CEQA document for specific subsequent activities, such as site specific development projects, which are included in the program. As documented in the Environmental Documentation, the proposed project will not have any potentially significant environmental effects that were not adequately analyzed in the earlier EIR, and the mitigation measures from the earlier EIR can be applied to the proposed project.

2. A Mitigation Monitoring and Reporting Plan adopting and applying those mitigation measures to the proposed project has been prepared, included as Exhibit G of the November 17, 2014 staff report in incorporated herein by reference.

3. Pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2) and based on the entire record, the Planning Commission finds that no new environmental effects could occur and no new mitigation measures are required. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, there is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the MCSP EIR was certified that shows the project will have new significant effects or more severe effects than analyzed in the MCSP EIR or that new mitigation measures or previously infeasible mitigation measures would reduce any significant environmental effect.

2. The Planning Commission hereby finds as follows in support of the Zoning Ordinance Amendment, Rezoning, and Zoning Map Amendment:

- a) **The change proposed is consistent with the objectives, policies, general land uses and programs specific in the general plan and applicable specific plan** because the Moraga General Plan designates the project site as within the Moraga Center Specific Plan, which calls for a mixed office and residential used at twelve to twenty units per acre (12-20DUA). Medium density residential land use will revitalize the existing Moraga Center through increasing nearby residents that will support the expansion of retail opportunities in and around the Center. The new residential development will also support the development of a 'village' within the Specific Plan that is walkable and promotes transit. Rezoning for the project will allow development consistent with the minimum density in the mixed office-residential land use designation of the Moraga Center Specific Plan;
- b) **In the case of a general land use regulation, the change proposed is compatible with the uses authorized in, and regulations prescribed for, the land use district for which it is proposed.** No amendment to the General Plan is proposed. However, the proposed amendment of the zoning district map to rezone the project site to Planned Development allows for residential uses and permits flexible development standards to permit a project consistent with the density and design standards in the Moraga Center Specific Plan, which implements the General Plan. The proposed municipal code amendments will allow for development to occur as a planned development for medium density residential at 12 Dwelling Units per Acre, which is not allowed in any other residential zoning district in the Municipal Code but is specified in the Specific Plan area.
- c) **A community need is demonstrated for the change proposed** because by amending the PD district text, rezoning the project site as a PD and amending the zoning map would allow new residential development at a higher density, such as townhomes, duplexes and triplexes, that would meet the community's need to diversify housing options, as identified in General Plan Policy H2.1. and in conformance with the adopted Specific Plan. In addition, the residential land use would be located near retail commercial areas, transit and trails implementing the Moraga General Plan sand Specific Plan policies that call for a walkable community in the Town center; and
- d) **Its adoption will be in conformity with public convenience, general welfare**

and good zoning because the project site would be developed with medium density housing that would provide a transition in density from nearby lower density residential neighborhoods and the higher density residential and commercial land uses envisioned for the center of the Specific Plan area. The zoning of the project site for 12-PD will direct growth to an urban infill parcel and not involve the development of environmentally sensitive greenfield, hillsides and ridgelines .The project will landscape and maintain the Moraga Way right-of-way and provide sidewalk and bikes lane along its frontages providing for the convenience of pedestrians and bicyclists.

3. The Planning Commission hereby recommends that the Town Council amend Chapter 8.48.040 of the Municipal Code as follows:

8.48.040 Development standards for single-family residential uses in planned development district.

- A. When the planned development district consists of single-family residential use, it shall be designated (depending upon the density applicable to it) either:
1. N-OS-PD;
 2. 1-PD;
 3. 2-PD;
 4. 3-PD;
 5. 6-PD.
 6. 10-PD, as to the Rheem Park Specific Plan Area as defined in the General Plan. (RP)
 7. 12-PD-MC, as to the Moraga Center Specific Plan Area as defined in the General Plan (MC)
- B. Except as provided in subsection D of this section the minimum lot sizes shall be as designated on the following table:

| Land Use Classification | Minimum Lot Size |
|-----------------------------|---|
| N-OS-PD | 40,000 sq. ft. |
| X-PD ¹ | 5, 10, 20 or more acres depending upon the development standards imposed under Section 8-3606 |
| 1-PD | 30,000 sq. ft. |
| 2-PD | 20,000 sq. ft. |
| 3-PD | 10,000 sq. ft. |
| 6-PD | 10,000 sq. ft. ² |
| 10-PD-RP ³ | 2,500 sq. ft. ⁴ |
| <u>12-PD-MC⁵</u> | <u>2,500 sq. ft. ⁴</u> |

1 Any Planned Development District

2 Except for condominium development as provided in Section 8.32.060(C)

- 3 Applies to properties in the Rheem Park Specific Plan area only
- 4 For detached single-family residences
- 5 Applies to properties in the Moraga Center Specific Plan area only

4. The Planning Commission hereby recommends that the Town Council of the Town of Moraga:

- a. Rezone the 3.06 acre parcel identified by Assessor Parcel Numbers 257-180-082 and 257-190-057 from the Suburban Office (SO) to the Planned Development (PD) District; and
- b. Amend the zoning map described in Section 8.044.030 of the Municipal Code accordingly.

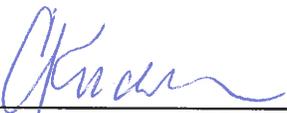
PASSED AND ADOPTED by the Planning Commission of the Town of Moraga on November 17, 2014, the following vote:

Ayes: Babcock, Levenfeld, Marnane, Woehleke, Kuckuk

Noes: None

Abstain: Onoda

Absent: None



Christine Kuckuk, Chair

Attest: 

Ellen Clark, Planning Director

ATTACHMENT D

**PLANNING COMMISSION
RESOLUTION 20-14**

BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

In the Matter of:

Resolution No. 20-14 PC

Approval of a Conceptual Development)
Plan for the Town Center Homes Project, a)
36-Unit Multi-Family Residential)
Development)

Adoption Date: November 17, 2014

Appealed: December 1, 2014

WHEREAS, on January 30, 2014 City Ventures (applicant) and Russell Bruzzone, Inc. (owner) filed an application to develop a thirty six (36) unit multi-family residential subdivision on the subject property, a 3.06 acre infill site located within the Moraga Center Specific Plan, between Moraga Way and Country Club Drive, (APNs: 257-180-082-6 and 257-190-057-6); and

WHEREAS, prior to filing of the application, the Town of Moraga has held a series of public workshops and study sessions since June 2012 to consider and provide input on the project which included study sessions before the Design Review Board, Planning Commission and joint sessions of the Planning Commission/Design Review Board, and Design Review Board approval; and

WHEREAS, the applicant has made eight revisions to the proposed plans to respond to comments provided by the Planning Commission, Design Review Board and by members of the public at those workshops and at five public workshops independently conducted by the applicant; and

WHEREAS, on May 27 and July 14, 2014, the Design Review Board held duly-noticed public meetings to consider design-related aspects of the project, including conformance of the project site plan, grading, circulation, architecture, and landscaping; and

WHEREAS, on July 14, 2014, the Design Review Board recommended that the project be forwarded to the Planning Commission for consideration for approval; and

WHEREAS, on July 31, 2014, the Applicant submitted additional project revisions to the Town of Moraga including modifications to setbacks of residential structures from Moraga Way and various modifications to the plans to respond to comments from the Public Works Department and the Moraga-Orinda Fire District; and

WHEREAS, public hearing notices for consideration of the Conceptual Development Plan were published and mailed to all property owners within 750 feet of the subject property on September 4, 2014; and

WHEREAS, on September 18, 2014 the Planning Commission continued the public hearing to October 6, 2014; and

WHEREAS, at the request of the applicant the October 6, 2014 hearing was postponed to November 17, 2014; and

WHEREAS, public hearing notices for consideration of the Rezoning to Planned Development District and Amendment to the text of the Planned Development Zoning District (“Zoning Ordinance Amendment”) and the Conceptual Development Plan were published in the newspaper on November 7, 2014 and mailed to all property owners within 750 feet of the subject property on November 4, 2014; and

WHEREAS, prior to approving the project, the Planning Commission considered the Moraga Center Specific Plan (MCSP) Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Plan certified by the Town of Moraga in January 2010 and Environmental Documentation for the project, included as Attachment G to the November 17, 2014, staff report and incorporated herein by reference, that provides an analysis of the consistency of the Town Center Homes project with the development analyzed in the Moraga Center Specific Plan EIR (the “Environmental Documentation”); and

WHEREAS, the Planning Commission had recommended that the Town Council rezone the Project site to Planned Development District and adopt the Zoning Ordinance Amendment.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the Town of Moraga, based on the project plans, the staff report, the CEQA documentation and all attachments, all written and oral testimony and comments and all other information presented, determines as follows:

PART 1: CEQA FINDINGS:

1. The project is located within the boundaries of the Moraga Center Specific Plan, which was evaluated under CEQA in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. As allowed by CEQA Guidelines Section 15168(c) the Moraga Center Specific Plan is a program EIR, which may be relied upon as the CEQA document for specific subsequent activities, such as site specific development projects, which are included in the program. As documented in the Environmental Documentation, the proposed project will not have any potentially significant environmental effects that were not adequately analyzed in the earlier EIR, and the mitigation measures from the earlier EIR can be applied to the proposed project.
2. A Mitigation Monitoring and Reporting Plan adopting and applying those mitigation measures to the proposed project has been prepared, included as Exhibit G of the November 17, 2014 staff report in incorporated herein by reference.
3. Pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2) and based on the entire record, the Planning Commission finds that no new environmental effects could occur and no new mitigation measures are required. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, there is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the MCSP EIR was certified that shows the project will have new significant effects or more severe effects than analyzed in the MCSP EIR or

that new mitigation measures or previously infeasible mitigation measures would reduce any significant environmental effect.

PART 2: CONCEPTUAL DEVELOPMENT PLAN FINDINGS:

The Planning Commission of the Town of Moraga makes the following findings to approve a Conceptual Development Plan, pursuant to Moraga Municipal Code Section 8.48.100.

- (a) The total development and each unit of development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that this objective will be attained and that the uses proposed will not be detrimental to present and potential surrounding uses.**

The project is designed to have varied architectural styles and detail on each of its buildings, including individual entrances, private open space in the form of a patio or rear yard and a two car garage for each unit. Units will have between three and four bedrooms and 1,846 and 2,398 square feet of living space, providing livable and desirable units. The development will have an approximately 10,000 square foot private park, including recreational amenities, located adjacent to Laguna Creek for the use of the residents, as well as internal passive open space and landscaping along the Moraga Way scenic corridor. Conditions of approval require design review of the final architectural, landscape, lighting and streetscape plans by the Design Review board to ensure the development will be attractive and high quality. A Homeowners Association will be formed, whose responsibility will include maintenance of common areas and amenities, to ensure their ongoing upkeep and attractiveness.

The development is designed with two story duplex and triplex units fronting along Country Club Drive to provide a transition in density from the existing residential neighborhood to the two and three story townhomes located adjacent to Moraga Way. The project is designed so that landscaping, parking and an internal driveway are adjacent to the western property line to provide separation between the existing office building and the future residences. The project will construct a sound wall and will locate internal drives, parking and landscaping closest to along the property line adjacent to the Moraga Orinda Fire District Station (MOFD) to minimize possible disturbance of residents from MOFD activities. Conditions of Approval specify that the development include notification of adjacent land uses to prospective homebuyers and in the CC&Rs of the development so as to reduce potential conflicts between these uses.

The duplexes and triplex along Country Club Drive will have four to ten foot minimum setbacks from Country Club Drive and the building facades will be articulated with projections and inlets that provide variation in streetscape and break up the massing of the buildings. Approximately 40% of the second story on each building will be stepped back from the first floor by 5 to 8 feet. A condition of approval requires an additional 30 percent of each building be stepped back by at least three feet from the lower story building face, further recessing the upper story massing and diminishing the sense of height of the two story elements as viewed from the street.

The proposed residential development will be served by two driveways off Country Club Drive and Moraga Way, with internal sidewalks and pedestrian paseos that will allow for independent access of the units by vehicles, bicycles and pedestrians from the public street. Eighteen guest parking spaces will be provided onsite. The project will not rely upon access from adjacent properties and community utilities and services have been found to be adequate to serve the level of proposed development.

(b) The street proposed is suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the development.

The project is located within the boundaries of the Moraga Center Specific Plan, the land use and policies of which were evaluated under the California Environmental Quality Act (CEQA) in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. The proposed Town Center Homes project would generate an about 210 vehicle trips per day, approximately 150 fewer trips than was assumed for the site when the EIR was prepared because the project will have 36 units, while the Specific Plan assumed up to 61 units. This reduction in traffic generation would result in 2.9% decrease in the Specific Plan's overall trip generation (estimated at 5,060 trips).

(c) Development other than single family residential can be properly justified and is consistent with the general plan.

The project will be attached single family homes consistent with the Moraga Center Specific Plan because it would propose medium-density residential uses within Area 13, which is designated Mixed Office-Residential in the Specific Plan and which allows for residential development of the type and density proposed. The project conforms to the development standards for the Specific Plan Mixed Office Residential District, as follows:

- 1) The project site exceeds the minimum site area, lot frontage and site depth standards for the District, and,
- 2) The development density, at 12 units per acre is within the 12-20 units per acre density standard; and,
- 3) The building setbacks of 11 - 22 feet along Moraga Way and 4 - 10 feet along Country Club Drive exceed the District's minimum setback requirement (0 (zero) feet), and,
- 4) The maximum height of the proposed buildings (38 ft. 4 in.) is below the maximum height standard of 45 feet; and
- 5) The 2 and 3 story buildings are within the 3-story maximum building envelope allowed; and,
- 6) The lot coverage of the proposed project of 33.3% is below the allowable maximum lot coverage of 60%; and,
- 7) The project's Floor Area Ratio (FAR) of 0.53 is below the allowable maximum FAR of 0.85; and,
- 8) The proposed number of parking spaces (2.5 per unit/90 spaces total) meets the parking standards specified in the MCSP.

(d) Any proposed exception from standard ordinance requirements is warranted by the design and amenities incorporated into the conceptual development plan in accord with adopted policy of the planning commission and town council.

The building separations between the proposed duplex and triplex units, while narrower than the recommended design standard in the Specific Plan Mixed Office Residential district, are appropriate and reasonable because the smaller-scale duplex and triplex units create an effective transition between the larger townhouse buildings elsewhere on the site, and the lower-density residential development across Country Club Drive. Further, the duplex and triplex units are smaller structures than the townhome buildings and the smaller separation proportionate to that scale, while continuing to provide adequate open spaces and individual yards.

(e) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development.

The project is within the Moraga Center Specific Plan, which was adopted to provide coordinated and more detailed planning for this area, considering existing and future development of this site and properties adjacent to it. The site is designated for mixed residential and office development that reflects the office and residential uses that abut the property and transition between existing and planned residential uses. The proposed residential use would support the commercial uses of the Moraga Center by providing higher density housing in proximity and convenient walking distance to these uses. The project is consistent with the permitted density range of 12-20 DUA, and therefore with the overall land use plan and future development in the Moraga Center. A zoning ordinance amendment and zoning change are being separately processed to create the 12-DUA-MC-PD classification and rezone the site to a Planned Development District. The Conceptual Development Plan approval is effective upon the effectiveness of the Zoning Ordinance Amendment.

(f) The development conforms with the general plan; and

General Plan Policy LU3.1 is the impetus for the Moraga Center Specific Plan, which directs the long-range transformation of the Town Center area. The Moraga Center Specific Plan conforms to, and is an implementation program of, the General Plan. The proposed project conforms to General Plan Policy LU3.1 because it will further the goals of the specific plan, including introducing new residential uses that would help to revitalize the Moraga Center, expand retail opportunities, and create a mixed use "village" that serves as an activity center for the community. The project is also located in close proximity to the commercial center, transit stops, and community facilities, thereby supporting these facilities and promoting pedestrian, bicycle and transit travel within the Specific Plan Area.

Community Design Element policies CD3.2 Visual Character and CD 3.5 Landscaping and Amenities, promotes improvement of the visual character of the scenic corridor with landscaping, lighting and attractive signs and street furnishing. The proposed project would landscape a 31 to 42-foot wide buffer along the Moraga Way scenic corridor that is both on the subject property and in the dirt and gravel shoulder of the roadway. The conceptual landscaping includes a variety of trees, shrubs and groundcover, winding sidewalk and split rail fences that would add visual interest and enhance the appearance of the scenic corridor. Details of the lighting and signage are not provided with the Conceptual Development Plan, but would be subject to design review and consideration by the Planning Commission as part the General Development Plan to ensure quality design.

Policies CD5.1 Location, CD5.2 Design, CD5.3 Open Space, and CD5.4 Pedestrian Amenities addressed the siting of new development, encouraged new housing close commercial centers, transit stops, and community facilities, attractive architecture and the provision of open space and high quality pedestrian environments. The project is located near to the commercial center and to transit and trails, and so is consistent with the General Plan policy direction for the location of new housing. The project proposes multiple smaller buildings of townhomes and duplexes, rather than one large residential building, and each building is articulated with projections, inlets, porches, trellises that break up the façade. Each home has a private garage and outdoor open space in the form of a patio or rear yard.

The project is consistent with Housing Element policies H1.4 Design Excellence and H2.1 Housing Variety because the proposed project would add townhomes and duplexes, which are a less common housing product in Moraga, and could serve to allow current Moraga residents to downsize their home and remain within the community. The project would be attractively designed with well-articulated facades, varied rooflines and quality building materials and finished, and useable private and shared open space for residents.

The project is also consistent with the MCSP as it would create medium-density residential uses within Area 13 that would support the economic vitality of the nearby shopping center, businesses and offices and locate new population within walking and biking distance of trails, transit and community facilities.

(g) Existing or proposed utility services will be adequate for the population densities proposed.

The MCSP EIR evaluated the impact of full implementation of the MCSP, with 720 units of new housing and a projected increase of 1,614 people, on utilities services. The EIR found that there would be no significant impact on sanitary sewer, water, stormwater and solid waste service. The proposed amount of development is less than that analyzed in the MSCP for this site, and therefore the project would have a lower demand on utilities and services than anticipated in the MCSP EIR.

PART 3: APPROVAL OF CONCEPTUAL DEVELOPMENT PLAN:

The Planning Commission of the Town of Moraga hereby approves the Conceptual Development Plan to allow 36 residential units on the subject property, subject to the following conditions of approval and effective upon the effective date of the Zoning Ordinance Amendment.

Planning Standard Conditions

1. This approval authorizes the Conceptual Development Plan approval of the “Town Center Homes” project as approved by the Town of Moraga Planning Commission on November 17, 2014, and consisting of the Site Concept Plan (Sheet A1.1) and supporting architectural, civil and landscape plans, dated November 12, 2014. The Site Concept Plan approval allows for development of up to 36 multi-family cottages and townhomes and associated improvements on the 3.06 acre site (APN 257-180-082 and 257-190-057).

2. Further Approvals. Further approvals necessary to allow development of the site include, but may not be limited to General Development Plan, Precise Development Plan, Vesting Tentative Map, Final Map, Improvement Plans, Building Permit Plans, Final Design Review and off-site improvements in the public right-of-way for Moraga Way and Country Club Drive adjacent to the site. All such plans shall be in substantial conformance with the approval listed in Condition #1, above, as approved by the Planning Commission on November 17, 2014 and more fully described in the Resolution and its Exhibits and as modified by these conditions of approval. Additional conditions or approval, or modification/refinement of these Conditions of Approval may be required with these further approvals.
3. CEQA Compliance. All required mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) Moraga Center Specific Plan EIR, (SCH#2000031129) as adapted to this project and included as Exhibit G of the Planning Commission Staff Report on November 17, 2014, shall be implemented and monitored in accordance with Town procedures.
4. Applicant Responsible for Compliance with Conditions. The applicant shall ensure compliance with all of the conditions herein, including submittal to the project planner of required approval signatures at the times specified. Notice of failure to comply with any condition shall be provided to the applicant by the Town, and a reasonable opportunity to gain compliance provided. Applicant's failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the approval.
5. Town staff (including authorized agents) shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
6. Where compliance with the conditions of approval or applicant initiated changes to the Town Center Homes Subdivision requires additional staff work, that time shall be billed at the Town's established billing rates.
7. All new improvements constructed on the site shall be in compliance with all local State and federal laws, statutes, ordinances, regulations, rules, orders, judgments, decrees, permits, approvals and the like requirements applicable thereto and in force the time thereof ("applicable law"), and as may legally modified by a development agreement. "Local, state and federal" applicable law shall include without limitation, the applicable law of the Town of Moraga; Contra Costa County; Moraga Orinda Fire District, Bay Area Air Quality Management District, San Francisco Bay Area Regional Water Quality Control Board; California Department of Fish and Wildlife, US Army Corps of Engineers; State of California; and United States of America.

Planning Special Conditions of Approval

8. The Site Plan shall be modified to reflect the following:

- a. The landscape area in front of the project adjacent to Moraga Way shall be revised to include raised landscaped berms or grade changes that are contoured to blend with the surrounding landscape.
 - b. The second story of the buildings located along Country Club Drive shall be stepped back from the first story building face by a minimum of 3 feet for 30% of the façade length and stepped back minimum of 5 feet for 40% of the façade length
 - c. All third story lofts shall be stepped back a minimum of 2 feet from the second story.
9. The final plans for reconfiguration of Country Club Drive shall include a 14-foot travel lane, 5-foot bike lane, sidewalk and parking lane. This final design and landscaping for Country Club Drive shall be consistent with Public Works standards and subject to review and approval by the Planning Commission with the General Development Plan.
10. Final architecture and home designs for all homes shall include varied materials, articulation and high quality building materials that substantially conform to the conceptual plans and elevations included in the July 31, 2014 Plan Set, as may be modified based on final Design Review Board review approval. Modifications to the existing plans and the completion of additional plans and submittals shall be undertaken in accordance with the Design Review Memorandum adopted by the Design Review Board on July 14, 2014, and shall include:
 - a. Final site plan;
 - b. Final architectural building, floor, exterior elevation and roof plans;
 - c. Complete color and material palette;
 - d. Final landscape plan including irrigation, walls, fences, and detailed site improvements and signage for the Rock Park;
 - e. Final exterior lighting plan, including location and specifications of all light fixtures to demonstrate compliance with lighting-related Design Guidelines.
 - f. Final streetscape plan, including landscaping, paving treatments, community signage and street furniture;
 - g. Subdivision signage.
 - h. Design of any public improvements specified by Conditions of Approval that have not yet been reviewed by the DRB.
11. The final site and landscape plan shall include:
 - a. A clear internal pedestrian path connecting the development to the pocket park
 - b. Bicycle facilities, including bicycle racks in the pocket park
12. The applicant, or project sponsor, shall form a Homeowners Association (HOA) for the purposes of owning, managing and maintaining all the subdivision features not in private ownership, including the pocket park, the bio-retention areas, the entrance driveways, street and sidewalks, common area landscaping, and front yard landscaping.
13. The HOA managing and maintaining all the subdivision features within the Town of Moraga Right of Way, including landscaping along the Moraga Way and Country Club Drive frontages. The HOA shall record a landscape maintenance agreement and easement with the Town for improvements in the public ROW.

14. The applicant shall install enhanced landscaping and irrigation in the Country Club Drive median. Proposed landscaping shall use drought tolerant and native plants and be approved by Public Works Department. The HOA shall maintain the median landscaping for a minimum of five years, exclusive of the required two year warranty period, or shall contribute a lump sum amount to the Town upon turn-over of the facilities for Town maintenance equivalent to five years of maintenance costs.
15. The applicant shall include in the CC&Rs for the development requirements that:
- Residents park their vehicles in their garage
 - Restrict the on-site unenclosed parking space for use by guests and visitors.
 - Prohibit the conversion of garage spaces to non-parking uses
16. To comply with General Plan policy H1.5 and OS5.2, all homes shall be designed to meet at least 90 points on the “Build it Green” checklist or equivalent certification checklist, demonstrating energy efficiency and sustainability beyond current code requirements. Photovoltaic panels shall be offered to buyers as an option.
17. An approximately 10,450 square foot private “pocket” park shall be provided within the area adjacent to Laguna Creek, and shall provide publicly accessible open space and associated amenities for use by the residents, including a picnic table, seating and BBQ, trail and other facilities determined by the Planning Director to offer an equivalent or better level of amenity to residents of the subdivision. This park shall not be counted against the required park dedication or in-lieu fees specified by the Town.

Development Standards

18. The Development Standards for the project are set forth below.

a. Development Standards

| Site Standards | |
|--|-----------------------------------|
| Residential Density | 12 dwelling units per acre |
| Lot Coverage | 35% |
| Floor Area Ratio ¹ | 0.55 |
| Setbacks and Building Separations | |
| Moraga Way Setback | Average setback of 15' or greater |
| Building A | 22' |
| Building B | 12' |
| Building C | 15' |
| Building D | 11' |
| Country Club Drive Setback | |
| Building E | 10' |
| Building F | 7' |
| Building G | 10' |

| | |
|--|---|
| Building H | 10' |
| Building I | 4' |
| Building J | 9' |
| Building K | 9' |
| Interior Side Setback | |
| Northwestern Property Line | 6' |
| MOFD Property ² Line | 20' |
| Southeastern Property Line (Creek) | 90' |
| Minimum Building Separation ³ | |
| Buildings A, B, C, D | 25' |
| Buildings E, F, G, H, I, J, K | 10' |
| Other Standards | |
| Maximum Building Height | 39' |
| Maximum Building Stories | 3 for units 17-20, 23-26, 29, 30, 34, and 35; 2 for all other units |
| Private Outdoor Space | Minimum of 50 square feet with minimum dimension of 5 ft. |
| Parking Spaces | 2 spaces per residence; 1 guest space per 2 residences |
| ¹ Floor Area Ratio calculated on a pre-subdivision basis ² MOFD Property identified as APN 257-190-056 ³ Distance measured from building face to building face, excluding steps, decks, balconies | |

- b. **Future Homeowner Modifications:** The applicant shall include in the CC&Rs for the development restrictions on future expansion of the building footprints, enclosure of deck and patio areas and covering yard areas from the sky.

Moraga Orinda Fire District

19. The applicant, broker or real estate agent shall prepare and provide potential homebuyers with a written disclosure informing them of the Moraga Orinda Fire District (MOFD) training facility activities and a video of those activities.
20. The applicant shall include a disclosure in the CC&R notifying residents of the adjacent fire station and potential temporary light, noise and visual impacts from training exercises. The applicant shall record against the property a notice and disclosure of MOFD training and operational exercises in a form approved by the Town.
21. The applicant shall along the shared property line with the MOFD property, APN 257-190-056:
- Construct an 8 foot solid masonry wall and 6 foot solid wood privacy fence adjacent to the driveway and parking lot, as shown on the Site Plan, Sheet A.3.1.

The wall is to have a decorative finish that shall be included in the landscape plans for review by the Design Review Board.

- b. Plant trees along the southern property line, adjacent to Building I, J and K, that shall grow as high as the height of the duplexes and provide landscape screening of the MOFD yard.
- c. Use sound rated doors and windows on the second and third stories of the residences within 60 feet of the property line.

22. The applicant shall investigate, in consultation with the Town of Moraga Public Works Department and the MOFD, the necessity of installing a 'Fire Station Ahead Beacon' at the driveway entrance on Moraga Road to alert vehicles when fire engines are exiting onto Moraga Way. The design and location of the beacon to be reviewed and approved by MOFD and the Public Works Department, and included in the streetscape plans for review by the Design Review Board.

23. The applicant shall grade and resurface the MOFD property to remove the mound of dirt that extends onto the project site.

Other Conditions

24. This approval and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. Subsequent approvals shall be subject to additional conditions of approval.

25. Applicant shall indemnify, hold harmless and defend (with legal counsel approved by the Town Attorney) the Town, its officials, employees and representatives (the "Town Indemnitees") from and against any and all claims, damages, liabilities, actions or proceedings, including any CEQA challenge, arising out of the Town's approvals associated with the application for the Moraga Town Homes Subdivision 9381 (the "Project Approvals"). Applicant shall also pay all filing court costs and similar out-of-pocket expenses required for Town and applicant to defend Litigation.

ADOPTED by the Planning Commission of the Town of Moraga on November 17, 2014, by the following vote:

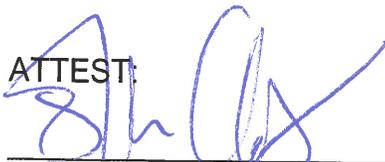
AYES: Babcock, Levenfeld, Marnane, Woehleke, Kuckuk

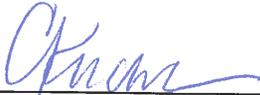
NOES: None

ABSTAIN: Onoda

ABSENT: None

ATTEST:


Ellen Clark, Planning Director


Christine Kuckuk, Chair

ATTACHMENT E

**APPEAL LETTER
BOWHAY, COANE AND OLSEN
DECEMBER 1, 2014**

RECEIVED

DEC 01 2014

TOWN OF MORAGA

December 1, 2014

Ms. Ellen Clark, Planning Director
Town of Moraga
329 Rheem Boulevard
Moraga, CA 94556

Re: Appeal of Actions Taken by the Town of Moraga Planning Commission
at its 11/17/14 Public Hearing relative to City Ventures Proposed Moraga
Town Center Homes Project

Dear Ms. Clark:

In conformance with Moraga Municipal Code Section 8.12, Article 4, SubSection 8.12.200 ("Appeal of decision"), the undersigned parties hereby Appeal the findings of and decisions made by the Town of Moraga Planning Commission at a Public Hearing on November 17, 2014 on Items 5A1 and 5A2 on that meeting's Agenda, which items relate to City Ventures proposed Moraga Town Center Homes development.

The intended result of this Appeal is that a Public Hearing shall be held before the Moraga Town Council as required by Moraga Municipal Code SubSection 8.12.190 ("Designation of hearing body on appeal"), which hearing should be a De Novo Hearing as required by Moraga Municipal Code SubSection 8.12.200, Paragraph D.

Appellants have standing to bring this Appeal, as they are residents of and property owners in the Town of Moraga.

Enclosed with this document is a Cashier's Check in the amount of \$1,000.00 U.S., payable to the Town of Moraga, which is provided in order to satisfy the Town of Moraga-required Appeal Fee.

Following are the grounds on which this Appeal is based. We believe these grounds have all been previously raised in public testimony and/or in written correspondence and/or via oral communications with the Town's staff and the Town's Agencies (i.e. the Design Review Board and/or the Planning Commission):

Non-conformance with the Town of Moraga's General Plan and/or the Moraga Center Specific Plan and/or the Moraga Municipal Code –

We believe that both the Town's Planning Staff, in recommending the actions taken by the Town of Moraga's Planning Commission at the cited November 17th, 2014 Public Hearing relative to City Ventures proposed Moraga Town Center Homes Project -- and the Planning Commission, in approving the Town Planning Staff's recommendations -- failed to follow the provisions of the Town of Moraga General Plan and/or the Moraga Center Specific Plan and/or the Moraga Municipal Code in the following regards and that those failures either singly, or in combination, constitute more than sufficient grounds for the acceptance of this Appeal.

Throughout all of the above-cited Town of Moraga Planning-related documents, **a dominant requirement is the preservation of the Town's Semi-Rural Environment. The proposed project is, in fact, the antithesis of that requirement.** It is an urban, high-density development that in its size, scale, building masses, siting, setbacks, view impacts and density is totally inconsistent with, and totally out of character with, anything previously developed anywhere within the municipal boundaries of the Town of Moraga, both before Moraga's incorporation and in the 40 years since then. The proposed project makes a mockery of Town's ambition of preserving its semi-rural environment.

The proposed project clearly does not conform to the Town's Scenic Corridor requirements. The proposed project is sited on Moraga Way, which roadway is designated in the General Plan as a "major scenic corridor". Per SubSection 8.132.020 Subparagraph A ("Area subject to regulations"): "Land located within five hundred (500) feet of a major scenic corridor is subject the regulations set forth in this chapter." Therefore, the site of the proposed development is clearly required to conform to the Development guidelines in SubSection 8.132.050. It does not appear to conform to any of the following requirements of 8.132.050:

-Paragraph B1requires that: "The design and location of each building and landscaping shall create a compatible visual relationship with surrounding development and with the natural terrain..." We contend that the proposed development is not at all visually compatible with the adjacent Moraga Country Club townhouses on Country Club Drive, which are

smaller in mass, significantly shorter in height, are set back farther from the street and are much more intensely landscaped than the developer's proposed landscaping

-Paragraph B2 – requires that: “Buildings and landscaping shall be so located that each does not create a walled effect along the scenic corridor. Setbacks and building heights may be made more restrictive than otherwise permitted by the applicable zoning regulations. In general, the greater the mass or bulk, the greater the setback should be.”

We submit that the design of the project's buildings along Moraga Way does, in fact, create a walled effect. We further contend that the Town's Planning Staff and Planning Commission failed in their responsibilities by failing, in the case of the Planning Staff, to recommend – and, in the case of the Planning Commission, to then impose -- more restrictive limits on the bulk and mass of the project's buildings and by also failing to impose greater setbacks and lower building heights.

-Paragraph B4 – requires that: “Each structure or feature reviewable under this chapter shall be limited to scale and siting to reduce visual dominance or obstruction of existing landforms...”. One of the most prominent (if not the most prominent) of the existing landforms anywhere within the Town of Moraga that are proximal to a major scenic corridor is Indian Ridge, which ridge lies immediately west of the project's site. The masses and heights of the buildings proposed to be constructed within this development would materially impact -- in fact, would virtually eliminate -- any views of Moraga Ridge from the Moraga Way Scenic Corridor for practically the entire length of the proposed project along Moraga Way.

We question the methodology used by and the concessions to the developer that were suggested by the Town Planning Staff and the Town's Director of Public Works in order to establish that the project would be set back 15 feet from the Moraga Way Scenic Corridor . At the November 17th hearing, the Town's Planning Staff reported that, in order to augment the 15 foot setback ,the Town is offering, gratis, an easement to use 20 feet of the publicly owned Moraga Way right-of-way. That concession by the Town would then enable the portions of the project's buildings that are closest to Moraga Way to protrude way beyond the actual physical setbacks of the adjoining buildings on Moraga Way (i.e. the Administration Building of the Moraga-Orinda Fire District at 1280 Moraga and the Office

Building at 1150 Moraga Way). Further, the 15 foot “average” setback is composed of distances as short as 11 feet, which is much too close to the property line for such extreme building heights (38 feet), which heights result in a nearly 3½ to 1 height-to-setback ratio. The result, which is easily recognizable when one views the project’s story poles, is a jarring obtrusion of the proposed massive 3-story buildings that is totally inconsistent with the alignments of the surrounding buildings on Moraga Way.

We would further suggest that, as a result of traffic that would be generated to and from Moraga Way by the proposed subdivision and will be generated as a result of the very significant traffic flows that will also be generated in the not-too-distant future from the development of MCSP Areas 2 and 5, the Town of Moraga may soon need to add a two-way turning lane to the middle of this section of Moraga Way (like the ones that already exist on Moraga Way immediately south of School Street) -- or even signal controlled turning lanes. Any such Moraga Way improvements would then require the Town to reclaim the land it had been allowing the Moraga Town Center Homes to use for Moraga Way setback purposes. That would then result in significant aesthetic consequences to the Moraga Way frontage of the proposed project and to the Moraga Way Scenic Corridor.

It is worth sharing that at an August 28, 2014 presentation to the Moraga Valley Kiwanis Club, former Town of Moraga Planning Director Shawna Brekke-Read offered that she personally had a problem with the way that the supposed 15 foot setback from Moraga Way requirement was proposed to be accomplished!

The proposed project also fails to conform to the following General Plan requirements:

-LU1.3 Residential Building Height -- requires that the Town: “Restrict residential building heights to limit visual impacts on adjacent properties and protect views.” As previously noted, the proposed project’s structures will have significant adverse visual impacts on the adjacent properties that are located in the Moraga Country Club along Country Club Drive. As also previously noted, due to their excessive height, the proposed buildings will block the views of Indian Ridge from the Moraga Way Scenic Corridor.

-CD1.3 View Protection – requires that the Town: “Protect important elements of the natural setting to maintain the town’s semi-rural character. Give particular attention to viewsheds along the town’s scenic corridors...” As we previously submitted and now again note: The project does nothing to maintain the town’s semi-rural character. Rather, if allowed to proceed, it would significantly impair that character. The project would also destroy the view of Indian Ridge from the Moraga Way scenic corridor for most of the length of the proposed project along Moraga Way.

-IP-E2 Infill Development – requires the Town: “to promote more sensitive building additions and infill projects that preserve the scale and character of the existing neighborhood” We contend that the proposed project would have exactly the opposite effect. It is absolutely inconsistent with the scale and character of the existing Moraga Country Club neighborhood. Because of that clear inconsistency, it would also be likely to adversely affect the values of those properties in the Moraga Country Club.

-IP-E3 Multi-Family Residential Design Guidelines – require the Town: “...to encourage buildings that reflect the scale and quality of their surroundings and which fit the character of existing residential neighborhoods.” We submit that it is clear, beyond any doubt, for the reasons previously stated and restated in the preceding recitals of the project’s many failings to conform to the Town’s requirements, that the proposed project does not satisfy the immediately preceding requirements.

-CD4.3 Infill Development – requires that the Town: “Ensure that new residential development in existing neighborhoods reflect the size, scale, height, setbacks and character of existing development.” Further, “...new homes... should not create impacts on adjacent properties or detract from overall neighborhood character.” It should be readily apparent from Appellants’ preceding analyses of this project that the proposed project does not comply with those requirements.

-CD5.2 Design – requires that the Town: “Ensure that new multi-family developments are planned, designed and constructed to enhance the local area, reflecting the scale and quality of their surroundings.” We submit that the building masses, heights, insufficient setbacks and other negative elements of the proposed project do not conform to the preceding

requirement. Rather than “enhance” the project will demonstrably detract from the local area.

-LU4.6 – requires that: “uses and buildings located in the vicinity of public safety facilities and training operations are compatible.” We submit that the proposed project is clearly incompatible with the activities and training operations that are conducted at the immediately adjoining Moraga-Orinda Fire District (MOFD) Station 41 and on the MOFD’s District Training Grounds that lie immediately behind that station. This obvious incompatibility was originally cited in a letter dated July 31, 2008 (attached) that was authored by the MOFD’s then-District Legal Counsel Steven R. Meyers of Meyers, Nave, Riback Silver and Wilson, which letter was addressed to former Moraga Planning Director Lori Salamack. Accordingly, the Town and its Planning Staff were long ago made well aware of this specific General Plan non-conformity. Additional details as to the specific elements of that non-conformity were contained in an E-mail to the Planning Commission by Richard J. Olsen dated November 12, 2014 (copy also attached).

We would also like to share a related observation having to do with the MOFD’s operations from the Station 41 site that will prospectively affect the safety of the citizens of the Town of Moraga if the proposed project is approved as presently constituted: A member of the public who testified at the November 17, 2014 Planning Commission Hearing on this proposed project noted a negative impact of the proposed project on future fire district operations. At one time, the district used the property immediately behind the Fire District’s Training Grounds for emergency vehicle access to and from Country Club Drive. The property’s owner then terminated that access. The MOFD has long publicly indicated its desire to regain that access, as it would lead to safer access to and from the fire station – as opposed to the current sole MOFD property access point from Moraga Way. It would also provide an alternative exit for responses into the Moraga Valley were Moraga Way to be blocked or otherwise inaccessible. The siting of buildings directly behind the MOFD’s property would permanently deprive the MOFD of any future opportunity to regain direct access to Country Club Drive from the MOFD’s property -- to the detriment of the public safety of the citizens of the Town of Moraga.

Failure of the Planning Staff Planning Commission to Both Recognize and then Act Upon the Regional (Lamorinda) Traffic Impacts of the Proposed Project and the Cumulative Impacts of other Already-approved, Pending and Projected Developments within the Town of Moraga –

Based upon published Town of Moraga sources, it would appear that currently, the combined number of potential new residential units that have been approved, are pending, or are potentially developable in the 2015-2012 time period (i.e. the time period covered by the Town's pending Housing Element) could be as high as 1260 units. (The "Preserve Lamorinda Open Space" organization in a recent bulletin estimated that total number as 1207 units.) An estimate of between 1200 to 1260 units would therefore seem to be reasonable.

Absent very substantial mitigation, which is not currently on the horizon, the cumulative potential impacts of that many units would overwhelm the carrying capacities of the roadways into an out of Moraga and would also severely impact traffic flows within the City of Orinda and the City of Lafayette. The resultant traffic delays would engender significant economic losses in terms of time lost by income earning drivers entrapped on those roadways and through increased fuel consumption. Additional impacts of the resultant traffic jams would include increased vehicle emissions. The smog and ozone-producing results from that situation on the health of Moragans (and the health of the citizens of Orinda and Lafayette) -- and also the environmental and climate impacts -- would be totally unacceptable. Yet, those cumulative impacts were not addressed or analyzed in the Planning Staff's reports, nor were they discussed by the Planning Commission at the time it took the subject actions relative to City Ventures Moraga Town Center Project. We believe that omission to be a major flaw in the process that was followed leading up to the approval of the proposed project's Conceptual Development Plan. Any single development that contributes to an eventually very significant cumulative development number is significant in-and-of-itself.

We also question the estimates of the traffic impacts to be generated from the subject project as developed by the Developer's Traffic Engineer. It is our view that the Town's Staff and/or the Planning Commission should have insisted that the Town's Traffic Engineer independently assess those impacts (at developer expense).

Failure of the Planning Commission to Recognize and then Act Upon the Severe Traffic Safety Problems on Country Club Drive that Currently Exist and Will be Exacerbated by the Developer's Proposed Changes to the Roadway and the Median

Country Club Drive, which was originally rebuilt into its present form prior to Moraga's incorporation, is – and has long been – an unsafe roadway. Its many design deficiencies include inadequate roadway width to accommodate both on-street parking and a vehicle lane. (Exiting from the driver's side of a parked car onto the adjoining vehicle traffic lane can be a death-defying act!) From among four flawed Country Club redesign options prepared by the developer's Engineers, the Town's Design Review Board and the Planning Commission chose Option 1 as their preference. It involves removing 15.57 feet from the East side of the median, beginning at the north end of the bridge and extending up to (but not past) the north edge of the proposed project's boundary. A primary purpose of that change is to provide up to 37 additional on-street parking spaces that would primarily serve the project's residents and their guests. The proposed change to the roadway also involves the addition of a new 5 foot wide Bike Lane. The total roadway width on the East side of Country Club Drive for the relatively short length of that proposed change would consist of an 8 foot wide parking lane against the median, a 14 foot wide driving lane, a 5 foot wide Bike Lane and an 8 foot wide parking lane against the existing curb and gutter, for a total width of 35 feet. Once the north boundary of the project is reached, the developer's proposal is for the bike lane to abruptly terminate. Parking along the median would also terminate, and the median would immediately bulb back out to its present form.

We contend that the above-described abrupt termination of the revamped alignment would make it even more unsafe for both vehicle drivers and bicyclists to traverse the east side of Country Club Drive than the present alignment does.

It is our understanding from testimony provided by the Town's Planning Staff at the November 17, 2014 Public Hearing that the Town's Public Works Director was actually the person who suggested that 15.57 feet of Town-owned median be essentially "gifted" to the developer, with no compensation being paid to the Town. If that Median Carve-Out

concession were not offered by the Town, then, in order to accommodate the requisite 35 foot roadway width, the developer would instead need to setback their so-called “Cottages” by an additional 15.57 feet, which might then conceivably significantly impact the number of units that could be built within the proposed project.

Failure of the Planning Commission to Acknowledge the Precedent-Setting Consequences of Approving This Project relative to all the similarly-designated parcels within the Moraga Center Specific Plan

If the requested Appeal is denied, the proposed project would be the first approved higher-density development within the Moraga Center Specific Plan. As such, it would then constitute a precedent and a model for all future development in the areas of the MCSP that carry similar density designations (i.e. “Mixed Office/ Residential” or “10-12 du/ac”). That is, it would be applicable not just to Area 13, but also to Areas 3, 16 and 17. The Planning Commission did not consider -- let alone address -- what the impact on the Town’s semi-rural character and other environmental and aesthetic qualities would be if a Moraga Town Center Homes-like project were then to be built on each of those other areas. We consider that to be a major failing and clear evidence of a lack of thoughtful and thorough review on the part of the Planning Commission.

Failure of the Town Planning Staff and Planning Commission to fully and completely acknowledge and respond to correspondence expressing concerns from major local parties having significant interests in these proceedings – namely the Moraga-Orinda Fire Protection District and the Moraga Country Club Homeowners Association

In addition to the previously cited correspondence from the MOFD’s Legal Counsel to the Town with respect to the proposed project’s non-conformance with General Plan LU4.6, the MOFD also provided a letter to former Planning Director Shawna Brekke-Read dated June 4, 2014 concerning this project. The intent of that letter (copy attached) was to “document the concerns of the Moraga-Orinda Fire district regarding the proposed City Ventures project...” The letter, authored by MOFD Fire Chief Stephen Healy, related the MOFD Board of Directors desire that both the Town and City Ventures “...understand the consequences of the proposed project and its **potentially adverse effect** (emphasis added) on

both residents and the MOFD fire training site.” As Fire Chief Healy further reported to the Planning Commission at its November 17th Public Hearing on City Ventures proposed project, the MOFD has not yet reached any decision on whether to possibly oppose the project. That position was again reconfirmed by the MOFD’s Board during the Facilities Committee Report segment of that Board’s November 19th Regular Meeting. The Town’s Planning Staff, in recommending that the Planning Commission approve the Conceptual Plan for the proposed development without first receiving the MOFD’s concurrence in that action, and the Planning Commission in approving that staff recommendation, both have intentionally ignored the potential direct adverse impacts of City Ventures proposed project on the activities of the MOFD and the derivative impacts on the safety of the citizens of the Town of Moraga.

On July 9, 2014, Donald Maddison, President of the Moraga Country Club’s (MCC) Board of Directors, sent a letter to Town of Moraga Contract Planner, Doug Donaldson (copy attached), in which Mr. Maddison conveyed the MCC Board’s views on a vision of what appropriate improvements should be made to Country Club Drive to help mitigate some of the adverse impacts of City Ventures’ proposed development. Those suggested improvements included significantly increased landscaping within the median. It is undoubtedly safe to imply that the MCC Board’s letter did not envision carving 15.57 feet out of the median. During its November 17th proceedings the Planning Commission did not acknowledge or comment upon the MCC Board’s letter or request.

To conclude: We believe that the preceding contentions and observations are more than sufficient to enable the Town Council to ultimately either deny the Moraga Town Center Homes application or to conditionally grant it, after imposing material changes on the proposed project.

Thank you for your attention to and consideration of the above.

Sincerely,



Scott P. Bowhay
1671 Camino Pablo
Moraga, CA 94556



Denise L. Coane
38 Sea Pines
Moraga, CA 94556



Richard J. Olsen
1861 Saint Andrews
Moraga, CA 94556

Attachments:

- Letter Dated 7/31/08 from Steven R. Meyers (Meyers, Nave, Riback, Silver & Wilson) on behalf of the Moraga-Orinda Fire District (MOFD) Objecting to Prospective Impacts of the MCSP on the MOFD's Operations, in Violation of the Moraga General Plan

- E-mail Dated 11/ 12 /14 from Richard J. Olsen re the Impacts of the Proposed City Ventures Project on the MOFD's Operations and Training Activities

- Letter Dated 6/4/14 from MOFD Fire Chief Stephen Healy on behalf of the MOFD's Board of Directors Stating MOFD "Concerns" re the Proposed City Ventures Project

- Letter Dated 7/9/14 from Donald Maddison, President of the Moraga Country Club Board of Directors, Requesting Country Club Median Improvements to Mitigate Some of the Proposed City Venture Project's Potential Impacts

July 31, 2008

Lori Salamack
Director, Planning Department
Town of Moraga
329 Rheem Blvd
Moraga, CA 94556

Re: Comments on Moraga Center Specific Plan and Environmental Impact Report

Dear Ms. Salamack:

We represent the Moraga-Orinda Fire District (MOFD or District). We submit these comments on the Moraga Center Specific Plan (MCSP) and its environmental impact report (EIR) on behalf of MOFD. The provision of "a high level of fire and life safety services" is a main goal of the Town General Plan (Public Safety Element Goal PS2). MOFD is committed to providing this high level of service. It must have adequate staffing, equipment and facilities to meet this high standard. The MCSP and other proposed development in the District's service area will, without question, have a significant impact on fire and emergency services. However, without any analysis, the EIR simply dismisses the impact as less than significant and does not include any mitigation measures for impacts on fire and emergency services. This is in direct contradiction to General Plan and CEQA principles which require new development to pay the costs of its impacts on public services.

This flaw in the EIR will have grave consequences to existing and future Town and District residents. It is literally a life and death issue. The MCSP cannot be served by Fire Station 41's¹ current facilities, equipment and staff. The demands from the MCSP will reduce existing service levels and endanger people and property. This result contravenes core Town policies and will be unacceptable to Town residents. Therefore, the EIR must be revised to identify a significant impact on the District and require a mitigation plan to address these impacts.

MOFD also is concerned about the effect of the MCSP on the Station 41 property which is located within the Plan area. The proposed new land use regulations affect the status of the existing use and appear to constrain the ability of the District to expand its Station 41 facilities. MOFD's primary concern is that, under the proposed land use plan and regulations, the District's use is not a permitted use. The MCSP also must be consistent with the Town General Plan policies on maintaining MOFD service levels and addressing District needs.

¹ Station 41 is located at 1280 Moraga Way within the MCSP area. Therefore, it will be the station responding to fire and emergency services calls from the MCSP development.

development in the Town, such as the Indian Valley project (regardless of the number of homes actually built there), since it is the closest station to that proposed development.

- Building heights of up to 45 feet are permitted by the MCSP. The District has only one aerial ladder. In the event of a serious fire in the MCSP area, or simultaneous fires at St. Mary's College and the Plan area (in the aftermath of an earthquake or other disaster), a single aerial ladder will likely be insufficient to protect people and property. This lack of adequate equipment will create life threatening situations for people on upper floors and firefighters called upon to rescue them.
- The MCSP will result in significant traffic impacts on certain intersections. These traffic impacts will adversely affect the District's response times. The reduced level of service for intersections in Lafayette also may slow the response times for mutual aid assistance coming into the Town.

The significant impacts on MOFD must be addressed by mitigation measures. These measures should be included in the Final EIR. The following mitigation measures would support a finding of a less than significant impact on MOFD and the provision of fire and emergency services:

- (1) new building(s) and property to accommodate expansion and replacement of Station 41 and its administration building;
- (2) provision of a new ambulance and other equipment;
- (3) provision of a new aerial ladder fire engine; and
- (4) a fee for fire and emergency services impacts imposed on all MCSP development.

Other Issues of Concern with MCSP EIR

The MCSP includes a new traffic signal located adjacent to Station 41 on Moraga Way. The Town needs to coordinate with the District on the location and design of this new signal.

The EIR should analyze the compatibility of the proposed high density residential use surrounding the Station 41 property. The Station's operation and noise may not be compatible with the proposed residential use. The District is concerned that residents in these new developments will object to Station uses. General Plan Land Use Element Policy LU4.6 requires that "uses and buildings located in the vicinity of public safety facilities and training operations are compatible". The EIR Land Use chapter should address the Project's consistency with this compatibility standard.

The proposed street design and building setbacks should be reviewed by the District to assure they meet fire service standards.

The EIR inaccurately describes the fire flow tax. The revenue from this existing tax is not exclusively for use within the Town, but can be applied throughout the District for ongoing capital costs for facilities and equipment. The tax is imposed on all properties and does not address the impacts of new development. The EIR also inaccurately describes the District's fire flow requirements. The minimum required flow is 2,250 GPM (not 1,000 and 2,000 GPM) and the requirement may be higher if large wood frame buildings are constructed (which appear likely under the MCSP).

MCSP is Inconsistent with Town General Plan Policies on District and Fire Services

The MCSP is not consistent with the Town General Plan policies on fire and emergency services. The Public Safety Element of the Town General Plan requires a "high level of fire and safety services" (Public Safety Element Goal PS2). The General Plan also has numerous policies to address the impact of new development on fire and emergency medical services, including the following:

- Public Safety Element Policy PS3.1 Cooperation with Moraga-Orinda Fire District.

Cooperate with the Moraga-Orinda Fire District in developing standards, guidelines and local ordinances to assure provision of adequate fire protection and emergency medical service for all persons and property in the community.

- Public Safety Element Policy PS3.3 Response Times.

Provide maximum emergency driving times of 3 minutes and/or a travel distance of not more than 1.5 miles for response vehicles from the closest fire station to arrive and effectively control fires and respond to medical and other emergencies in the community.

- Public Safety Element Policy PS3.5 Development Review for Emergency Response Needs.

Evaluate new development proposals to ascertain and mitigate problems associated with emergency response needs.

The MCSP is not consistent with these policies. There is no evaluation of the Plan's impact on fire and emergency services. The EIR states, in conclusory fashion, that the MCSP is consistent with the General Plan policy because "in order to maintain services at existing levels, new development will be required to pay appropriate development impact fees". However, no development fee is imposed on the Project for fire and emergency services. Therefore, in order to be consistent with the General Plan, the MCSP must include the measures described above to address the development impacts on District services. The Public Service Element of the MCSP should be revised to address the impacts on fire and emergency services and describe the required mitigation plan. The Finance Plan should be revised to address funding for the mitigation plan.

The MCSP's land use plan and regulations that apply to the Station 41 property also are inconsistent with these General Plan policies. Station 41 is located within the Mixed Commercial Residential land use area. Public Services (fire & police) are not a permitted use under this land use category. This raises significant concerns about whether the existing Station will become a non-conforming use and whether expansion or renovation of the Station will be permitted. Also, the Specific Plan does not address the compatibility of the land uses allowed under the Mixed Commercial Residential area surrounding the District property with the Station 41 use. These issues should be addressed in the Specific Plan. The land use designation of the Station 41 property and surrounding area should be consistent with the current District use and its need for future expansion.

Conclusion

The District has significant concerns about the MCSP and its EIR. The EIR should be revised to describe the significant impact the MCSP and other new development will have on the District. The EIR should include a mitigation plan acceptable to the District to address impacts of the MCSP. The MCSP should be revised to make it clear that public services is a permitted use under the land use category applicable to the Station 41 property and the adjacent surrounding property.

Very truly yours,



Steven R. Meyers

cc: Chief Pete Nowicki
Moraga Orinda Fire District Board of Directors



Moraga-Orinda Fire District

Fire Chief Stephen Healy

DATE: June 4, 2014
TO: Shawna Brekke-Read, Planning Director
SUBJECT: City Ventures Project Adjacent to Fire Station-41

This letter is written to document the concerns of the Moraga-Orinda Fire District (MOFD) regarding the proposed City Ventures project to be built adjacent to Fire Station-41.

MOFD's principal concern regarding this project is the proximity of the housing units to the fire training grounds, located behind the fire station. During fire training activities, firefighters often use equipment and machinery that is very loud. As mitigation, Firefighters could conduct training exercises during business hours; conducting (required) night drills during early evening hours in the winter-time and minimizing week-end training exercises; however, these measures may impair the effectiveness of our training programs and there will still be periodic noise and visual effects that many residents will find unpleasant.

In addition, large hose-streams will be deployed, which can lead water inadvertently traveling off-site, both as air-borne streams and mist and as run-off. Obviously, with neighbors in close proximity, Firefighters would use caution, but there can be no guarantee that water will not be occasionally traveling over the property line. This water could impact people and damage private property.

The issue of privacy for residents is also of concern to MOFD. The present site map calls for six (6) units to have rear windows that face the training grounds, and certain MOFD equipment may be visible to other units. Particularly with respect to the six units, and possibly as to others, residents will occasionally be (inadvertently) observed by Firefighters in their homes, particularly at night or when Firefighters are above-ground on ladders, in training towers, or in the basket of the aerial ladder truck, which is stationed on site. These trainings are vitally important to the development and maintenance of key firefighting and rescue skills and there is no practical way to mitigate the privacy issues.

MOFD personnel inherently understand the impact of the fire training site on the residents because they live in this environment during their working hours. Therefore, MOFD is justifiably concerned about this and its ability to remain good neighbors.

With these concerns in mind, MOFD first voiced objection to the placement of residential housing units next to the fire training grounds in the 2000s during the development of the

Moraga Specific Plan. Today, as the project moves forward, MOFD remains concerned about the aforementioned issues as well as two new issues: 1) a walking trail proposed on or adjacent to the fire training grounds, and 2) the height of the proposed wall along the property line.

As proposed, the walking trail (which the MOFD Board of Directors has not yet considered) is planned to parallel the Moraga Creek. MOFD does not oppose a trail, so long as it is south of the fire training ground curb-line (on the creek-side) and separated by a wall which is high enough and properly constructed to reasonably protect the public and restrict their access to the MOFD site. MOFD cannot agree to a trail to the north of the curb-line, because it will encumber what is already a very limited training area. If the trail can be placed south of the curb-line, MOFD would consider selling its portion of the property to the south of the curb-line to facilitate the trail project moving forward.

At the March 19, 2014 Board of Directors meeting, MOFD staff was directed to continue working with the town of Moraga and City Ventures to ensure that both understand the consequences of the proposed project and its potentially adverse effect on both residents and the MOFD fire training site. As a result, MOFD staff is 1) researching an appropriate notification process for resident noise and water concerns, 2) producing a video for City Ventures sales staff that shows a general description of the training and operational impacts on and about the fire training grounds, and 3) working with town staff and the City Ventures to relocate the site EVA and main access to make the main driveway farther from the fire station property.

Since the March 19, 2014 Board of Directors meeting, staff has met with City Ventures representatives, who stated that a proposed children's playground has been eliminated from the project and that it will be replaced by boulders.

Staff was also directed to 1) ensure that the developer and the broker to show the video to prospective buyers and residents, (as well as provide written disclosure and proof of such to all prospective residents), and 2) engage City Ventures with the HOA CCRs to ensure that residents are aware of the issues with the fire district site and to take such steps as may be necessary to prevent future legal conflicts between the residents and MOFD over the conduct of training exercises. As to the latter point, we suggest that the six units mentioned above be moved or redesigned to reduce the impacts of MOFD training exercises and that a document be recorded against all the properties in the project, possibly in the CC&Rs, putting the residents and future purchasers on notice as to the MOFD site and its activities, and a separate document granting an easement to MOFD for water flows described above. We would be happy to have our counsel work with City Ventures' counsel on appropriate language.

MOFD and the Town of Moraga share the responsibility of providing services and safety to the community. Both agencies are committed to customer service and have the best intentions; in what they do, and with whom the work. Although the Specific Plan is presently in conflict with the MOFD, the fire district remains committed to working with both the Town and City Ventures to find solutions that work for everyone, yet allow the fire district to train its Firefighters to fulfill its important missions of saving lives and property.

Sincerely,



Stephen Healy,
Fire Chief

Cc: MOFD Board of Directors
Jill Keimach, Town Manager
Charity Wagner, City Ventures

Subject: High-Density Residential Uses Immediately Adjacent to the MOFD's Station 41 & District Training Grounds are Incompatible with Fire District Operations and Training Activities

From: "Richard J. Olsen" <rjolsen@pacbell.net>

Date: 11/12/2014 5:20 PM

To: planning@moraga.ca.us

BCC: Dick Olsen <rjolsen@pacbell.net>

Dear Members of the Town of Moraga Planning Commission:

I am writing to express my concerns about the impact of the proposed City Ventures high-density residential development immediately adjacent to Moraga-Orinda Fire District (MOFD) Station 41 at 1280 Moraga Way on the operations and training activities of the MOFD. Those concerns are based upon my prior experiences as a 12-year member of the Fire Commission for the former Moraga Fire District (MFD) and as a former Director of the MOFD. During those periods -- and subsequently -- I frequently observed the fire and rescue service training activities that are routinely conducted on the MOFD's District Training Grounds behind Station 41. Those activities -- which occur during the day and at night, during weekdays, weekends and on holidays -- are extremely noisy and at times potentially dangerous. They are inherently incompatible with any possible immediately adjoining residential uses. When I served on the former Moraga Fire Commission, that Commission regularly received complaints from residents of the Moraga Country Club townhouses located clear across Country Club Drive from Station 41 because of the noise generated by training activities behind Station 41. Any suggestion that the impacts of fire training activities on immediately adjoining residences can somehow be significantly mitigated is purely wishful thinking. The inevitable results of placing residences cheek-by-jowl against the MOFD's fire training grounds will be a continuous set of complaints from those adjoining residents, ill will directed towards the fire district and quite possibly, a politically imposed reduction in the level and intensity of those training activities conducted by the MOFD. That would then lead directly to a reduction in the life and property saving skill sets of the MOFD's firefighters. As current MOFD Board Director Fred Weil has suggested at more than one MOFD Board meeting, a planning policy decision that would allow the placement of residences immediately adjacent to a fire training center would be as foolish as approving the construction of housing at the end of an airport runway.

Even in Urban areas (e.g. Oakland and San Francisco), Fire Service Training Centers are not normally located adjacent to residential occupancies. Rather, they are usually situated in industrial zones. Here in Contra Costa County, the problem of noise impacts from fire training activities on nearby residential occupancies has also been felt by the Contra Costa County Fire Protection District (Con Fire). That district's training facility, located on Treat Boulevard in Concord across from De La Salle High School, has long been a source of

repeated noise complaints from adjacent residential property owners. As a result, Con Fire's long-term plan is to relocate its training center to a site at the Naval Weapons Station. Unfortunately, no similar alternative site exists anywhere within the Moraga-Orinda Fire District's boundaries. There is the alternative of sending MOFD units outside the district for training purposes. However, that would significantly degrade the district's emergency response capabilities for the time period those units are absent from the fire district.

The Bruzzones, who are the owners of the property now being proposed for development, have long been made aware -- first by the former Moraga Fire District and more recently its successor the Moraga-Orinda Fire District -- of both fire districts' intent to acquire the lands around Fire Station 41, in order to expand the training center and by means of such land acquisition to also further isolate the fire and rescue training center from any and all adjoining land uses. During my tenure on the former Moraga Fire Commission, we attempted to acquire the property that lies between the training area behind Station 41 and Country Club Drive for a future expansion of that training area. Unfortunately, we were rebuffed in that attempt by the late Mr. Russell Bruzzone. We then decided that, in the interests of trying to maintain the best possible relations with the Bruzzone family, we would not pursue acquisition of the property via Eminent Domain proceedings. In retrospect, that may have been a mistake.

The former Moraga Fire District and its successor, the Moraga-Orinda Fire District have also long made the Town of Moraga aware of both fire districts' desire to acquire the properties adjoining Station 41 and their reasons for doing so. I specifically recall during my service as Chair of the former Moraga Fire Commission authoring a letter to the Town on the Moraga Fire District's behalf requesting that, as part of a General Plan review, the zoning surrounding the Station 41 site be designated as "Public Institution", in order to reserve the property for the fire district's future use. More recently, during the reviews of the Moraga Center Specific Plan (MCSP) and its EIR, the Moraga-Orinda Fire District's then Legal Counsel, Steven Meyers of Meyers Nave, submitted a five page letter of comment to the Town's then-Planning Director Lori Salamack. Mr. Meyers letter on behalf of the MOFD contained numerous critical comments relative to the perceived failures of both the MCSP and the related EIR to fully describe and then mitigate the MCSP's prospective impacts on the MOFD. On page 3 of that letter,, Mr. Meyers stated: "**The Station's operation and noise may not be compatible with the proposed residential use. The District is concerned that residents in these new developments will object to Station uses. General Plan Land Use Element Policy LU4.6 requires that 'uses and buildings located in the vicinity of public safety facilities and training operations are compatible'**" (emphasis added). On page 5 of Mr. Meyers' letter he further observed: "Also the Specific Plan does not address the compatibility of the land uses allowed under the Mixed Commercial Residential area surrounding the District property with the Station 41 use." and "The land use designation of the Station 41 property and surrounding area should be consistent with the current District use and its need for future expansion"(underlining

added).

Subsequently, an MOFD Board Ad Hoc Facilities Committee, which I Chaired, performed an eight-months-long study of the MOFD's future facilities needs. The resultant report was publicly presented to the full MOFD Board at two Public Meetings and was formally adopted by the MOFD's Board as district policy. In so far as I am aware, it remains district policy today. (The report continues to be posted on and accessible via the MOFD's website.) That Facilities Report specifically raised the question: "Should consideration be given to relocating Station 41?" In order to address that question, former MOFD Fire Chief Bradley and I met with Planning Director Lori Salamack and then newly hired Town Manager Jill Keimach to discuss that specific issue -- including potential alternative locations for the station. The advice we received from the Town's staff was that Station 41 should remain in its present location. That recommendation was then included in the resultant Facilities Committee Report. A personal comment: Had I been advised by Ms. Salamack at that time that the Town would be willing to seriously contemplate the possibility of allowing high density residential development immediately adjacent to Station 41 and the fire district's Training Grounds, I would most definitely not have authored and then supported the Facilities Committee Report's recommendation that Station 41 should remain at its present site.

Finally, based upon my understanding of planning law (I was a member of the Town's first planning body -- the Interim Design Review Board -- and also a significant participant in the preparation of the Town's first General Plan) in order to approve the concept of building a high-density residential project smack dab up against Station 41 and the MOFD's District Training Grounds, your Commission would have to find that City Ventures proposal complied with the above-cited Town of Moraga General Plan Land Use element Policy LU4.6. Based upon my above analysis and arguments, I cannot see how you could possibly legally or logically make that finding.

Thank you very much for your consideration of the above.

Sincerely,

Richard J. ("Dick") Olsen
1861 Saint Andrews Drive
Moraga, CA 94556-1057
Phone: 925/376-4386
Fax: 925/376-4319
Mobile: 925/286-8114
E-mail: rjolsen@pacbell.net



July 9, 2014

Town of Moraga
Design Review Board
Attn: Doug Donaldson, Contract Planner
329 Rheem Blvd.
Moraga CA 94556

Re: Applicant – City Ventures
444 Spear Street, Suite 105
San Francisco, CA 94105

Owner – Russell Bruzzone Inc. and Moraga General Properties, LLC
899 Hope Lane
Lafayette CA 94595

Dear Mr. Donaldson,

As you may know, the scenic corridor along Country Club Drive was the original entrance into the Town of Moraga. We ask the Town to preserve the key elements of this historic piece of land for all citizens of Moraga by landscaping the median on Country Club Drive. The Town has an opportunity to create a beautiful corridor showcasing the historic bridge and original urns located in the median.

On behalf of the members of the Moraga Country Club that reside on Country Club Drive, I ask that the Town of Moraga require, as a 'Condition of Approval', landscaping along the median strip located between the existing homes along Country Club Drive and the proposed City Ventures' development (that also has frontage on Moraga Way). The landscaping, which is necessary to mitigate noise and light from the City Ventures development, would include the installation of appropriate berms, trees and shrubs to create a scenic corridor along Moraga's first entrance, known today at Country Club Drive.

We ask this of the Town in order to mitigate noise and light from the increased traffic resulting from the proposed City Ventures' development. Median modifications could have the additional benefit of "traffic calming".

Sincerely,

Donald Maddison, D.Eng.
President, Moraga Country Club Board of Directors

Cc: Board of Directors

January 22, 2015

Ms. Ellen Clark, Planning Director
Town of Moraga
329 Rheem Boulevard
Moraga, CA 94556

RECEIVED

JAN 22 2015

Moraga Planning Department

Re: Minor Corrections to Appeal Filed December 1, 2014 re Actions Taken by the Town of Moraga Planning Commission at its 11/17/14 Public Hearing relative to City Ventures Proposed Moraga Town Center Homes Project

Dear Ms. Clark:

As I recently briefly mentioned to Moraga's Town Manager Jill Keimach and subsequently reported yesterday to Associate Planner Ella Samonsky, in reviewing the Appeal that Appellants Scott Bowhay, Denise Coane and I filed on December 1st relative to the above-subject matter, we found two minor errors in that document that we believe needed to be addressed and corrected.

On pages 8, 9 and 10 of the Appeal, mention is made of certain Town and Developer-Proposed Changes to the Country Club Drive Roadway and Median immediately adjacent to the site of City Ventures proposed project. While the numbers included in that discussion were supposed to have been taken from the Planning Commission's approved Option 1, they inadvertently were not. The numbers used in the Appeal document overstated by 8 feet the amount by which the median was to be diminished. They similarly overstated by that same amount both the resultant width of Country Club Drive and the amount of additional setback of the so-called "Cottages" proposed to be built along Country Club Drive that would result were the proposed widening of Country Club Drive achieved by taking the land required for that widening from the project site rather than by carving out a portion of the median. Also, the total number of off-street parking spaces that would result from the use of Option 1 would then be only 22, rather than the 37 noted in the original version of the Appeal. Pages 8, 9, 10 of the attached, revised Appeal document therefore reflect those number changes – and only those number changes. None of the rest of the Appeal's narrative has been altered in any form or fashion.

Additionally, on both page 6 and in the list of Attachments to the Appeal that appear on page 11, the date of the E-mail I sent to the Town of Moraga Planning Commission and the Town's Design Review Board should have read November 5, 2012 – which was the date I submitted my comments and also the date when those two bodies first publicly met with City Ventures to discuss the Applicant's initial intentions relative to developing the property in question. Those two changes have also been made in the attached, revised document.

We could have simply advised you of the above, necessary changes by a Corrections Letter and left it for you and any other readers of our Appeal to then relate that letter to the original text. However, we believe that providing a "clean" revised copy of the Appeal that incorporates the necessary corrections directly within the Appeal's text, will make it much easier for any and all reviewers to understand all of the facts included in the Appeal – without the necessity of going back and forth between a corrections letter and the original document.

Ms. Coane and Mr. Bowhay completely concur in the above and in the attached revised Appeal. If you would prefer that they also directly sign the revised Appeal, we would be happy to immediately accommodate that need.

Thank you very much for your attention to the above.

Sincerely,



Richard J. Olsen

Cc: Ms. Denise Coane
Mr. Scott Bowhay

Attachment: Revised Appeal Document

December 1, 2014

Ms. Ellen Clark, Planning Director
Town of Moraga
329 Rheem Boulevard
Moraga, CA 94556

Re: Appeal of Actions Taken by the Town of Moraga Planning Commission
at its 11/17/14 Public Hearing relative to City Ventures Proposed Moraga
Town Center Homes Project

Dear Ms. Clark:

In conformance with Moraga Municipal Code Section 8.12, Article 4, SubSection 8.12.200 (“Appeal of decision”), the undersigned parties hereby Appeal the findings of and decisions made by the Town of Moraga Planning Commission at a Public Hearing on November 17, 2014 on Items 5A1 and 5A2 on that meeting’s Agenda, which items relate to City Ventures proposed Moraga Town Center Homes development.

The intended result of this Appeal is that a Public Hearing shall be held before the Moraga Town Council as required by Moraga Municipal Code SubSection 8.12.190 (“Designation of hearing body on appeal”), which hearing should be a De Novo Hearing as required by Moraga Municipal Code SubSection 8.12.200, Paragraph D.

Appellants have standing to bring this Appeal, as they are residents of and property owners in the Town of Moraga.

Enclosed with this document is a Cashier’s Check in the amount of \$1,000.00 U.S., payable to the Town of Moraga, which is provided in order to satisfy the Town of Moraga-required Appeal Fee.

Following are the grounds on which this Appeal is based. We believe these grounds have all been previously raised in public testimony and/or in written correspondence and/or via oral communications with the Town’s staff and the Town’s Agencies (i.e. the Design Review Board and/or the Planning Commission):

Non-conformance with the Town of Moraga's General Plan and/or the Moraga Center Specific Plan and/or the Moraga Municipal Code –

We believe that both the Town's Planning Staff, in recommending the actions taken by the Town of Moraga's Planning Commission at the cited November 17th, 2014 Public Hearing relative to City Ventures proposed Moraga Town Center Homes Project -- and the Planning Commission, in approving the Town Planning Staff's recommendations -- failed to follow the provisions of the Town of Moraga General Plan and/or the Moraga Center Specific Plan and/or the Moraga Municipal Code in the following regards and that those failures either singly, or in combination, constitute more than sufficient grounds for the acceptance of this Appeal.

Throughout all of the above-cited Town of Moraga Planning-related documents, **a dominant requirement is the preservation of the Town's Semi-Rural Environment. The proposed project is, in fact, the antithesis of that requirement.** It is an urban, high-density development that in its size, scale, building masses, siting, setbacks, view impacts and density is totally inconsistent with, and totally out of character with, anything previously developed anywhere within the municipal boundaries of the Town of Moraga, both before Moraga's incorporation and in the 40 years since then. The proposed project makes a mockery of Town's ambition of preserving its semi-rural environment.

The proposed project clearly does not conform to the Town's Scenic Corridor requirements. The proposed project is sited on Moraga Way, which roadway is designated in the General Plan as a "major scenic corridor". Per SubSection 8.132.020 Subparagraph A ("Area subject to regulations"): "Land located within five hundred (500) feet of a major scenic corridor is subject the regulations set forth in this chapter." Therefore, the site of the proposed development is clearly required to conform to the Development guidelines in SubSection 8.132.050. It does not appear to conform to any of the following requirements of 8.132.050:

-Paragraph B1 requires that: "The design and location of each building and landscaping shall create a compatible visual relationship with surrounding development and with the natural terrain..." We contend that the proposed development is not at all visually compatible with the adjacent Moraga Country Club townhouses on Country Club Drive, which are

smaller in mass, significantly shorter in height, are set back farther from the street and are much more intensely landscaped than the developer's proposed landscaping

-Paragraph B2 – requires that: “Buildings and landscaping shall be so located that each does not create a walled effect along the scenic corridor. Setbacks and building heights may be made more restrictive than otherwise permitted by the applicable zoning regulations. In general, the greater the mass or bulk, the greater the setback should be.”

We submit that the design of the project's buildings along Moraga Way does, in fact, create a walled effect. We further contend that the Town's Planning Staff and Planning Commission failed in their responsibilities by failing, in the case of the Planning Staff, to recommend – and, in the case of the Planning Commission, to then impose -- more restrictive limits on the bulk and mass of the project's buildings and by also failing to impose greater setbacks and lower building heights.

-Paragraph B4 – requires that: “Each structure or feature reviewable under this chapter shall be limited to scale and siting to reduce visual dominance or obstruction of existing landforms...”. One of the most prominent (if not the most prominent) of the existing landforms anywhere within the Town of Moraga that are proximal to a major scenic corridor is Indian Ridge, which ridge lies immediately west of the project's site. The masses and heights of the buildings proposed to be constructed within this development would materially impact -- in fact, would virtually eliminate -- any views of Moraga Ridge from the Moraga Way Scenic Corridor for practically the entire length of the proposed project along Moraga Way.

We question the methodology used by and the concessions to the developer that were suggested by the Town Planning Staff and the Town's Director of Public Works in order to establish that the project would be set back 15 feet from the Moraga Way Scenic Corridor . At the November 17th hearing, the Town's Planning Staff reported that, in order to augment the 15 foot setback ,the Town is offering, gratis, an easement to use 20 feet of the publicly owned Moraga Way right-of-way. That concession by the Town would then enable the portions of the project's buildings that are closest to Moraga Way to protrude way beyond the actual physical setbacks of the adjoining buildings on Moraga Way (i.e. the Administration Building of the Moraga-Orinda Fire District at 1280 Moraga and the Office

Building at 1150 Moraga Way). Further, the 15 foot “average” setback is composed of distances as short as 11 feet, which is much too close to the property line for such extreme building heights (38 feet), which heights result in a nearly 3½ to 1 height-to-setback ratio. The result, which is easily recognizable when one views the project’s story poles, is a jarring obtrusion of the proposed massive 3-story buildings that is totally inconsistent with the alignments of the surrounding buildings on Moraga Way.

We would further suggest that, as a result of traffic that would be generated to and from Moraga Way by the proposed subdivision and will be generated as a result of the very significant traffic flows that will also be generated in the not-too-distant future from the development of MCSP Areas 2 and 5, the Town of Moraga may soon need to add a two-way turning lane to the middle of this section of Moraga Way (like the ones that already exist on Moraga Way immediately south of School Street) -- or even signal controlled turning lanes. Any such Moraga Way improvements would then require the Town to reclaim the land it had been allowing the Moraga Town Center Homes to use for Moraga Way setback purposes. That would then result in significant aesthetic consequences to the Moraga Way frontage of the proposed project and to the Moraga Way Scenic Corridor.

It is worth sharing that at an August 28, 2014 presentation to the Moraga Valley Kiwanis Club, former Town of Moraga Planning Director Shawna Brekke-Read offered that she personally had a problem with the way that the supposed 15 foot setback from Moraga Way requirement was proposed to be accomplished!

The proposed project also fails to conform to the following General Plan requirements:

-LU1.3 Residential Building Height -- requires that the Town: “Restrict residential building heights to limit visual impacts on adjacent properties and protect views.” As previously noted, the proposed project’s structures will have significant adverse visual impacts on the adjacent properties that are located in the Moraga Country Club along Country Club Drive. As also previously noted, due to their excessive height, the proposed buildings will block the views of Indian Ridge from the Moraga Way Scenic Corridor.

-CD1.3 View Protection – requires that the Town: “Protect important elements of the natural setting to maintain the town’s semi-rural character. Give particular attention to viewsheds along the town’s scenic corridors...” As we previously submitted and now again note: The project does nothing to maintain the town’s semi-rural character. Rather, if allowed to proceed, it would significantly impair that character. The project would also destroy the view of Indian Ridge from the Moraga Way scenic corridor for most of the length of the proposed project along Moraga Way.

-IP-E2 Infill Development – requires the Town: “to promote more sensitive building additions and infill projects that preserve the scale and character of the existing neighborhood” We contend that the proposed project would have exactly the opposite effect. It is absolutely inconsistent with the scale and character of the existing Moraga Country Club neighborhood. Because of that clear inconsistency, it would also be likely to adversely affect the values of those properties in the Moraga Country Club.

-IP-E3 Multi-Family Residential Design Guidelines – require the Town: “...to encourage buildings that reflect the scale and quality of their surroundings and which fit the character of existing residential neighborhoods.” We submit that it is clear, beyond any doubt, for the reasons previously stated and restated in the preceding recitals of the project’s many failings to conform to the Town’s requirements, that the proposed project does not satisfy the immediately preceding requirements.

-CD4.3 Infill Development – requires that the Town: “Ensure that new residential development in existing neighborhoods reflect the size, scale, height, setbacks and character of existing development.” Further, “...new homes... should not create impacts on adjacent properties or detract from overall neighborhood character.” It should be readily apparent from Appellants’ preceding analyses of this project that the proposed project does not comply with those requirements.

-CD5.2 Design – requires that the Town: “Ensure that new multi-family developments are planned, designed and constructed to enhance the local area, reflecting the scale and quality of their surroundings.” We submit that the building masses, heights, insufficient setbacks and other negative elements of the proposed project do not conform to the preceding

requirement. Rather than “enhance” the project will demonstrably detract from the local area.

-LU4.6 – requires that: “uses and buildings located in the vicinity of public safety facilities and training operations are compatible.” We submit that the proposed project is clearly incompatible with the activities and training operations that are conducted at the immediately adjoining Moraga-Orinda Fire District (MOFD) Station 41 and on the MOFD’s District Training Grounds that lie immediately behind that station. This obvious incompatibility was originally cited in a letter dated July 31, 2008 (attached) that was authored by the MOFD’s then-District Legal Counsel Steven R. Meyers of Meyers, Nave, Riback, Silver and Wilson, which letter was addressed to former Moraga Planning Director Lori Salamack. Accordingly, the Town and its Planning Staff were long ago made well aware of this specific General Plan non-conformity. Additional details as to the specific elements of that non-conformity were contained in an E-mail to the Planning Commission and the Design Review Board by Richard J. Olsen dated November 5, 2012 (copy also attached).

We would also like to share a related observation having to do with the MOFD’s operations from the Station 41 site that will prospectively affect the safety of the citizens of the Town of Moraga if the proposed project is approved as presently constituted: A member of the public who testified at the November 17, 2014 Planning Commission Hearing on this proposed project noted a negative impact of the proposed project on future fire district operations. At one time, the district used the property immediately behind the Fire District’s Training Grounds for emergency vehicle access to and from Country Club Drive. The property’s owner then terminated that access. The MOFD has long publicly indicated its desire to regain that access, as it would lead to safer access to and from the fire station – as opposed to the current sole MOFD property access point from Moraga Way. It would also provide an alternative exit for responses into the Moraga Valley were Moraga Way to be blocked or otherwise inaccessible. The siting of buildings directly behind the MOFD’s property would permanently deprive the MOFD of any future opportunity to regain direct access to Country Club Drive from the MOFD’s property -- to the detriment of the public safety of the citizens of the Town of Moraga.

Failure of the Planning Staff Planning Commission to Both Recognize and then Act Upon the Regional (Lamorinda) Traffic Impacts of the Proposed Project and the Cumulative Impacts of other Already-approved, Pending and Projected Developments within the Town of Moraga –

Based upon published Town of Moraga sources, it would appear that currently, the combined number of potential new residential units that have been approved, are pending, or are potentially developable in the 2015-2012 time period (i.e. the time period covered by the Town's pending Housing Element) could be as high as 1260 units. (The "Preserve Lamorinda Open Space" organization in a recent bulletin estimated that total number as 1207 units.) An estimate of between 1200 to 1260 units would therefore seem to be reasonable.

Absent very substantial mitigation, which is not currently on the horizon, the cumulative potential impacts of that many units would overwhelm the carrying capacities of the roadways into an out of Moraga and would also severely impact traffic flows within the City of Orinda and the City of Lafayette. The resultant traffic delays would engender significant economic losses in terms of time lost by income earning drivers entrapped on those roadways and through increased fuel consumption. Additional impacts of the resultant traffic jams would include increased vehicle emissions. The smog and ozone-producing results from that situation on the health of Moragans (and the health of the citizens of Orinda and Lafayette) -- and also the environmental and climate impacts -- would be totally unacceptable. Yet, those cumulative impacts were not addressed or analyzed in the Planning Staff's reports, nor were they discussed by the Planning Commission at the time it took the subject actions relative to City Ventures Moraga Town Center Project. We believe that omission to be a major flaw in the process that was followed leading up to the approval of the proposed project's Conceptual Development Plan. Any single development that contributes to an eventually very significant cumulative development number is significant in-and-of-itself.

We also question the estimates of the traffic impacts to be generated from the subject project as developed by the Developer's Traffic Engineer. It is our view that the Town's Staff and/or the Planning Commission should have insisted that the Town's Traffic Engineer independently assess those impacts (at developer expense).

Failure of the Planning Commission to Recognize and then Act Upon the Severe Traffic Safety Problems on Country Club Drive that Currently Exist and Will be Exacerbated by the Developer's Proposed Changes to the Roadway and the Median

Country Club Drive, which was originally rebuilt into its present form prior to Moraga's incorporation, is – and has long been – an unsafe roadway. Its many design deficiencies include inadequate roadway width to accommodate both on-street parking and a vehicle lane. (Exiting from the driver's side of a parked car onto the adjoining vehicle traffic lane can be a death-defying act!) From among four flawed Country Club redesign options prepared by the developer's Engineers, the Town's Design Review Board and the Planning Commission chose Option 1 as their preference. It involves removing 7.57 feet from the East side of the median, beginning at the north end of the bridge and extending up to (but not past) the north edge of the proposed project's boundary. A primary purpose of that change is to provide up to 22 additional on-street parking spaces that would primarily serve the project's residents and their guests. The proposed change to the roadway also involves the addition of a new 5 foot wide Bike Lane. The total roadway width on the East side of Country Club Drive for the relatively short length of that proposed change would consist of: a 14 foot wide driving lane, a 5 foot wide Bike Lane and an 8 foot wide parking lane against the existing curb and gutter, for a total width of 27 feet. Once the north boundary of the project is reached, the developer's proposal is for the bike lane to abruptly terminate and the median would immediately bulb back out to its present form.

We contend that the above-described abrupt termination of the revamped alignment would make it even more unsafe for both vehicle drivers and bicyclists to traverse the east side of Country Club Drive than the present alignment does.

It is our understanding from testimony provided by the Town's Planning Staff at the November 17, 2014 Public Hearing that the Town's Public Works Director was actually the person who suggested that 7.57 feet of Town-owned median be essentially "gifted" to the developer, with no compensation being paid to the Town. If that Median Carve-Out

concession were not offered by the Town, then, in order to accommodate the requisite 27 foot roadway width, the developer would instead need to setback their so-called “Cottages” by an additional 7.57 feet, which might then conceivably significantly impact the number of units that could be built within the proposed project.

Failure of the Planning Commission to Acknowledge the Precedent-Setting Consequences of Approving This Project relative to all the similarly-designated parcels within the Moraga Center Specific Plan

If the requested Appeal is denied, the proposed project would be the first approved higher-density development within the Moraga Center Specific Plan. As such, it would then constitute a precedent and a model for all future development in the areas of the MCSP that carry similar density designations (i.e. “Mixed Office/ Residential” or “10-12 du/ac”). That is, it would be applicable not just to Area 13, but also to Areas 3, 16 and 17. The Planning Commission did not consider -- let alone address -- what the impact on the Town’s semi-rural character and other environmental and aesthetic qualities would be if a Moraga Town Center Homes-like project were then to be built on each of those other areas. We consider that to be a major failing and clear evidence of a lack of thoughtful and thorough review on the part of the Planning Commission.

Failure of the Town Planning Staff and Planning Commission to fully and completely acknowledge and respond to correspondence expressing concerns from major local parties having significant interests in these proceedings – namely the Moraga-Orinda Fire Protection District and the Moraga Country Club Homeowners Association

In addition to the previously cited correspondence from the MOFD’s Legal Counsel to the Town with respect to the proposed project’s non-conformance with General Plan LU4.6, the MOFD also provided a letter to former Planning Director Shawna Brekke-Read dated June 4, 2014 concerning this project. The intent of that letter (copy attached) was to “document the concerns of the Moraga-Orinda Fire district regarding the proposed City Ventures project...” The letter, authored by MOFD Fire Chief Stephen Healy, related the MOFD Board of Directors desire that both the Town and City Ventures “...understand the consequences of the proposed project and its **potentially adverse effect** (emphasis added) on

both residents and the MOFD fire training site.” As Fire Chief Healy further reported to the Planning Commission at its November 17th Public Hearing on City Ventures proposed project, the MOFD has not yet reached any decision on whether to possibly oppose the project. That position was again reconfirmed by the MOFD’s Board during the Facilities Committee Report segment of that Board’s November 19th Regular Meeting. The Town’s Planning Staff, in recommending that the Planning Commission approve the Conceptual Plan for the proposed development without first receiving the MOFD’s concurrence in that action, and the Planning Commission in approving that staff recommendation, both have intentionally ignored the potential direct adverse impacts of City Ventures proposed project on the activities of the MOFD and the derivative impacts on the safety of the citizens of the Town of Moraga.

On July 9, 2014, Donald Maddison, President of the Moraga Country Club’s (MCC) Board of Directors, sent a letter to Town of Moraga Contract Planner, Doug Donaldson (copy attached), in which Mr. Maddison conveyed the MCC Board’s views on a vision of what appropriate improvements should be made to Country Club Drive to help mitigate some of the adverse impacts of City Ventures’ proposed development. Those suggested improvements included significantly increased landscaping within the median. It is undoubtedly safe to imply that the MCC Board’s letter did not envision carving 7.57 feet out of the median. During its November 17th proceedings the Planning Commission did not acknowledge or comment upon the MCC Board’s letter or request.

To conclude: We believe that the preceding contentions and observations are more than sufficient to enable the Town Council to ultimately either deny the Moraga Town Center Homes application or to conditionally grant it, after imposing material changes on the proposed project.

Thank you for your attention to and consideration of the above.

Sincerely,

Scott P. Bowhay
1671 Camino Pablo
Moraga, CA 94556

Denise L. Coane
38 Sea Pines
Moraga, CA 94556

Richard J. Olsen
1861 Saint Andrews
Moraga, CA 94556

Attachments:

- Letter Dated 7/31/08 from Steven R. Meyers (Meyers, Nave, Riback, Silver & Wilson) on behalf of the Moraga-Orinda Fire District (MOFD) Objecting to Prospective Impacts of the MCSP on the MOFD's Operations, in Violation of the Moraga General Plan
- E-mail Dated 11/ 5 /12 from Richard J. Olsen to the Town of Moraga Planning Commission and the Town of Moraga Design Review Board re the Impacts of the Proposed City Ventures Project on the MOFD's Operations and Training Activities
- Letter Dated 6/4/14 from MOFD Fire Chief Stephen Healy on behalf of the MOFD's Board of Directors Stating MOFD "Concerns" re the Proposed City Ventures Project
- Letter Dated 7/9/14 from Donald Maddison, President of the Moraga Country Club Board of Directors, Requesting Country Club Median Improvements to Mitigate Some of the Proposed City Venture Project's Potential Impacts

ATTACHMENT F

**STAFF REPORT
PLANNING COMMISSION,
NOVEMBER 17, 2014**



Planning Commission

Staff Report

FOR COMMISSION ACTION
NOVEMBER 17, 2014

Moraga Town Center Homes

(APN: 257-180-082 and 257-190-057)

Conduct a Public Hearing on the Moraga Town Center Homes subdivision, a 36-Unit Attached Single Family Residential Development, and Consider:

- 1. Resolution No. __-2014 Recommending the Town Council Amend Moraga Municipal Code Chapter 8.48 to add 12-DUA PD Land Use Classification, and Rezone the Project Site to Planned Development District, under Moraga Municipal Code Chapter 8.48.(MCSP, SO, ES/DD);**
- 2. Resolution No. __-2014 Approving a Conceptual Development Plan for the Moraga Town Center Homes project**

I. Project Overview & Summary

The Moraga Town Center Homes project proposes a 36-unit attached single-family residential development in the Moraga Center Specific Plan (MCSP) Area 13. The project site is a vacant 3.06-acre site situated between Moraga Way and Country Club Drive, between Moraga-Orinda Fire District Station 41 and 1150 Moraga Way. The project site (and area) is designated mixed-use office and residential in the Specific Plan, with a range of residential density from 12-20 units per acre permitted. The site is currently zoned Suburban Office (SO) which does not allow residential uses. Therefore a zoning text amendment to either allow a project specific residential density of 12 dwelling units per acre in a Planned Development (PD) Zoning District or to update the SO zoning regulations to allow residential uses of 12-20 dwelling units per acre consistent with the MCSP would be required. At this time, staff recommends the more focused zoning amendment to Planned Development, which would allow for the proposed residential uses, and customized development standards to be approved through the Planned Development process. The Planning Commission is requested to consider a recommendation to the Planning Commission to re-zone the site to Planned Development, and approval of the Conceptual Development Plan as the first step of the Planned Development process.

II. Application Basics

A. Requested Approvals:

- Amendment of Moraga Municipal Code (MMC) Chapter 8.48 to add 12-DUA PD Land Use Classification.
- Rezoning to Planned Development District, under MMC §8.12.100 and Chapter 8.48
- Conceptual Development Plan, under MMC §8.48.090

The Planning Commission is requested to conduct a public hearing and consider approval of the Conceptual Development Plan and recommendations to the Town Council to amend the Zoning Ordinance text to create a Planned Development (PD) district at the requested project density, and apply the PD District to the project site through a re-zoning/Zoning Map amendment. The Conceptual Development Plan would govern the general land use and site layout for subsequent approvals, and would be the first step in the planned development process. Draft resolutions for the approvals, including Conditions of Approval for the CDP, are included in Attachments A and B. If the Town Council approves the Zoning Amendments, the Planning Commission would consider approval of the Tentative Map and General Development Plan at a future meeting.

B. CEQA Determination

The program-level Moraga Center Specific Plan Environmental Impact Report (EIR), adopted in 2010, adequately analyzed the potential environmental impacts of the proposed project, and no additional CEQA review is required. The environmental documentation (Attachment F) includes a supporting CEQA Checklist and a draft Mitigation Monitoring and Reporting Plan. (Also see CEQA discussion in Section VI., below)

C. Parties Involved:

- Applicant City Ventures, 444 Spear St., San Francisco, CA 94105
- Property Owner Russell Bruzzone, Inc., 899 Hope Lane, Lafayette, CA 94549
- Architect Hunt, Hale, Jones, 444 Spear Street, #200, San Francisco, CA 94105
- Engineer C2G Civil Consultants, 444 Scotts Valley Drive, Suite 6, Scotts Valley, CA 95066
- Landscape Architect Van Dorn Abed Landscape Architects, Inc., 81 14th St. San Francisco, CA 94103

Table 1: Land Use Information

| Location | | Existing Use | Zoning District | General Plan Designation |
|------------------------|-------|---|---------------------------------------|---|
| Subject Property | | Vacant/Undeveloped | SO- Suburban Office | MCSP-Mixed Office/Residential 12-20 DUA |
| Surrounding Properties | North | Old Orchard-Vacant/Undeveloped; Residential beyond | CC-Community Commercial, 3 DUA, 6 DUA | MCSP-Mixed Office/Residential, Residential 3-DUA, Residential 10-12-DUA |
| | South | Residential; 1 and 2-Story attached, approx. 8 DUA | 3-DUA | 3-DUA |
| | East | 2-Story Offices Buildings; Golf Course beyond. | SO- Suburban Office | MCSP-Mixed Office/Residential 12-20 DUA |
| | West | MOFD Fire Station, Laguna Creek; Community garden beyond. | SO- Suburban Office | MCSP-Mixed Office/residential 12-20 DUA |

Table 2: Special Characteristics

| Characteristic | Applies to Project? | Explanation |
|--------------------|---------------------|--|
| Creeks | Yes | Laguna Creek forms part of the eastern side of the project site. |
| Trails/Open Space | Yes | No trails are currently located on the site, but one is proposed to connect to the Lafayette-Moraga trail, located approximately 125 feet from the site. |
| Specific Plan Area | Yes | Area 13 of the Moraga Center Specific Plan. |
| Trees | Yes | Native and orchard trees on site. Project will require removal of 4 native and 11 orchard trees. |
| Grading | Yes | Grading will be required on-site and on part of the MOFD Station 41 property. |
| Scenic Corridor | Yes | Moraga Way is a scenic corridor. |

Table 3: Project Chronology

| Date | Milestone |
|------------------|---|
| June 25, 2012 | Pre-application plan submitted (52 units) |
| July 12, 2012 | Pre-application plan submitted (50 units) |
| July 25, 2012 | Town Council agreed to consider vacating Offer of Dedication |
| August 3, 2012 | Revised pre-application plans submitted (50 units) |
| November 5, 2012 | Joint Planning Commission and Design Review Board study session |

| | |
|------------------------|--|
| February 1, 2013 | Application submitted for proposed 54-unit project |
| March 1, 2013 | Letter deeming application incomplete |
| April 11, 2013 | Additional plans and application materials submitted |
| May 6, 2013 | Second letter deeming application incomplete |
| May 20, 2013 | Planning Commission study session |
| June-August, 2013 | Five community meetings held by project applicant, City Ventures |
| January 30, 2014 | Application submitted for proposed 36-unit project |
| February 25 & 27, 2014 | Community meetings held by project applicant, City Ventures |
| February 28, 2014 | Letter deeming application incomplete |
| March 10, 2014 | Design Review Board study session |
| April 21, 2014 | Additional plans and reports submitted |
| May 27, 2014 | Design Review Board preliminary design review |
| June 16, 2014 | Revised Plans submitted |
| July 2, 2014 | Project conceptual design review, conceptual development plan application deemed complete; subdivision and grading applications incomplete |
| July 14, 2014 | Design Review Board meeting; Recommend Design Review approval |
| July 21, 2014 | Planning Commission meeting; on a 3-2-1 vote recommends Town Council approve SO Zoning Text Amendments |
| July 31, 2014 | Revised subdivision application materials submitted. |
| August 19, 2014 | Letter deeming vesting tentative map application incomplete |
| September 4, 2014 | Public meeting notices mailed/posted |
| September 18, 2014 | Planning Commission Hearing: Item continued to October 6, 2014 |
| October 6, 2014 | Planning Commission Hearing: Item rescheduled to November 17, 2014 |
| November 4, 2014 | Public meeting notices mailed/posted |
| November 7, 2014 | Public meeting notice published in newspaper |
| November 17, 2014 | Planning Commission Hearing |

Figure 1: Project Vicinity



III. Regulatory Background

The proposed project is located within the Moraga Center Specific Plan Area and will require both a zoning change and a zoning text amendment to conform to the Specific Plan designation and the proposed residential density.

Moraga Center Specific Plan

The site is located within the Moraga Center Specific Plan area, and is therefore subject to the policies, regulations and requirements established by the Specific Plan, including Design Guidelines.

The MCSP was adopted in 2010, following a seven-year community process that involved local stakeholders, property and business owners, and Town decision-makers including the Design Review Board, Planning Commission and Town Council. The Specific Plan defines a land use and circulation plan, goals, policies and actions that regulate future development in a 187-acre area centered around the existing Moraga Center shopping district.

The project site is in MCSP Area 13, which is designated Mixed Office/Residential. Higher density residential uses of 12 to 20 DUA, professional and personal services, public services and recreation, education and public assembly uses are permitted in this land use designation.

Scenic Corridor

The project fronts onto Moraga Way, a designated Scenic Corridor. Development along or near (within 500 feet) a scenic corridor is subject to additional regulation and design review

consistent with MMC §8.132, Scenic Corridors. The Scenic Corridor regulations and guidelines establish additional design regulations, intended to preserve the aesthetic quality of these corridors and to ensure high quality design.

Planned Development District, General Plan and Zoning Designations

The purpose of the PD District is to apply flexible regulations to a large-scale integrated development to provide an opportunity for cohesive design, and to allow for diversification in the relationship of uses, building structures, lot sizes and open spaces while ensuring compliance with the General Plan. Moraga Municipal Code Chapter 8.48 prescribes a three-step Planned Development process that includes approval of a Conceptual Development Plan, General Development Plan, and Precise Development Plan. Under MMC Chapter 8.48 the PD Designation is applied in combination with a residential land use designation corresponding to the allowed density of the site.

The MMC currently includes land use designations and standards for the following residential densities: 3-DUA, 6-DUA, 10-DUA-RP¹ and 20-DUA districts. General Plan Policy LU1.2 lists a Residential 16-DUA designation, with a density range of 11 to 16. This residential designation may be used only in the Rheem Park Specific Plan and Moraga Center Specific Plan areas.

The Planning Commission previously considered and recommended Town Council approval of Zoning Ordinance amendments that would amend the Suburban Office district to reflect the Specific Plan's "Mixed Office-Residential" land use designation within the MCSP area, and would allow the proposed 36-unit Moraga Town Center Homes residential project to proceed as a permitted use. However, since the Planning Commission's consideration, staff has held additional discussions with the applicant, and, at this time, recommends the alternate approach to adopt more focused amendments for the project site to be re-zoned Planned Development. The development standards, which would be specific to the proposed project design, would be incorporated into the Conceptual Development Plan. The previously considered Suburban Office Zoning amendments would be brought back as part of a broader set of zoning amendments that would create conforming zoning districts throughout the MCSP area.

IV. Project Setting

Neighborhood/Area Description

The project site is located within the southwestern portion of the Moraga Center Specific Plan in Area 13, which is generally bounded by Moraga Way to the north, Country Club Drive to the south, and the Sonsara subdivision and residential subdivisions to the north and west. The project site is outside the commercial core of the Specific Plan Area and is adjacent to the existing Moraga Country Club development. The portion of the Country Club development located closest to the project mostly comprises one-to-two story attached residences. To the

¹ The 10-DUA PD classification was adopted by the Town Council on September 10, 2014, in conjunction with their approval of the Via Moraga Conceptual Development Plan and applies only to the Rheem Park area.

immediate northwest, along Moraga Road, are commercial office buildings, and then the Moraga Country Club golf course. Across Moraga Way is a large undeveloped lot. This vacant lot is designated in the MCSP for future use as mixed office residential along Moraga Way, transitioning to a medium to high density residential designation on portions of the site to the east. Bordering the project site to the southeast is the Moraga Orinda Fire District Station and Administrative Offices and Laguna Creek. Across the creek is a mix of office and commercial uses.

Two public roadways, Moraga Way and Country Club Drive, border the site. To the north of the site is Moraga Way, a designated scenic corridor. It is approximately 62-feet wide and includes two travel lanes with wide gravel or partially paved shoulders. To the south of the site is Country Club Drive, which is approximately 90-feet wide with two travel lanes, separated by a wide 40-foot median extending from near Laguna Creek to St. Andrews Drive. Street parking is currently permitted on Country Club Drive and Moraga Way.

Site Conditions

The 3.06-acre L-shaped project site fronts on Moraga Way and Country Club Drive (Figure 1). It wraps around 2 sides of the Moraga Orinda Fire District (MOFD) Station 14 and Administrative Offices and adjoins Laguna Creek along its 150-foot easternmost property line. The site is vacant and includes a small hill located in the central southern portion. The base topography of the site drops about 10 feet from north to south. The surface of the project site is soil, grass and gravel with non-native and native vegetation and a small number of trees.

V. Project Description

The Moraga Town Center Homes project proposes a 36-unit attached single-family subdivision on the project site. Two different housing types are proposed: attached townhomes and duplexes, referred to as 'cottages' in the application. A private street would provide access from Moraga Way and Country Club Drive, with internal auto courts accessing garages and the individual townhomes. An approximately 10,500 square-foot pocket park ("Rock Park") is proposed along Laguna Creek, a portion of which would include the riparian corridor. Figure 2 shows the proposed site plan, and a full set of the current plans is provided separately (Attachment I).

Planned Development Zoning and Text Amendment

As previously described, the existing SO Zoning does not permit residential uses, nor is not a corresponding Zoning District allowing for the Specific Plan-designated densities in the Municipal Code. The applicant has therefore applied for rezoning to Planned Development (PD) District, and amendment of Chapter 8.48 to add a 12-PD land use classification. This designation would not correspond completely with the 11-16 DUA residential density categories listed in General Plan Policy LU1.2 (since it would not reflect the full range of residential densities permitted), but it would accommodate the proposed project density of 12 dwelling units per acre and be within the corresponding density range listed in the General Plan.

In addition to the rezoning, certain text changes to the Zoning Ordinance are needed to ensure that Municipal Code provisions and General Plan policies are consistent with each other, and with the proposed project. The requested text changes include the following, with proposed amendments shown in bold/italic².

8.48.040 Development standards for single-family residential uses in planned development district.

- A. When the planned development district consists of single-family residential use, it shall be designated (depending upon the density applicable to it) either:
 - 1. N-OS-PD;
 - 2. 1-PD;
 - 3. 2-PD;
 - 4. 3-PD;
 - 5. 6-PD.
 - 6. 10-PD, as to the Rheem Park Specific Plan Area as defined in the General Plan (RP)
 - 7. 12-PD as to the Moraga Center Specific Plan Area as defined in the General Plan (MC)**

- B. Except as provided in subsection D of this section the minimum lot sizes shall be as designated on the following table:

| Land Use Classification | Minimum Lot Size |
|-----------------------------|---|
| N-OS-PD | 40,000 sq. ft. |
| X-PD ¹ | 5, 10, 20 or more acres depending upon the development standards imposed under Section 8-3606 |
| 1-PD | 30,000 sq. ft. |
| 2-PD | 20,000 sq. ft. |
| 3-PD | 10,000 sq. ft. |
| 6-PD | 10,000 sq. ft. ² |
| 10-PD-RP ³ | 2,500 sq. ft. ⁴ |
| 12-PD-MC⁵ | 2,500 sq. ft.⁴ |

1 Any Planned Development District
 2 Except for condominium development as provided in Section 8.32.060(C)
 3 Applies to properties in the Rheem Park Specific Plan area only
 4 For detached single-family residences

² The Town Council waived the second reading and adopted the ordinance amending Chapter 8.48 to add the 10-PD-RP classification and modifying the PD standards at its October 8, 2014 meeting.

5 Applies to properties in the Moraga Center Specific Plan area only

Conceptual Development Plan

A summary of the project characteristics and proposed development standards is included in Table 4. As noted above, a component of the Planned Development rezoning is to define appropriate development standards for the site, including height and setbacks. The proposed Conceptual Development Plan (CDP), includes a conceptual site plan, architecture, and landscaping to reflect the proposed development standards of the site, and is based on the standards listed in MSCP Table 4-9 for the Mixed Office Residential land use designation.

For a PD, the development standards shall be those the “planning commission finds are most appropriate for the use or uses proposed and which are consistent with the General Plan and Town of Moraga Design Guidelines” (MMC §8.48.060.A). In the case of the proposed 12-DUA district, the Moraga Center Specific Plan provides base development standards to which the project is in general conformance, with a modification to the standard for building separation. These standards are presented and discussed in more detail in below.

Table 4: Development Standards and Project Characteristics

| Standard: | | Proposed Total | Moraga Center Specific Plan, Table 4-9: Mixed Office-Residential Land Use Standards |
|-----------------------------|----------------------|-----------------------|---|
| Lot Area (sq. ft.) | | 3.06 Acres | 10,000 sq. ft. Min. |
| Gross Floor Area (sq. ft.) | | 70,645 | 113,299 |
| Floor Area Ratio | | 0.53 | 0.85 |
| Dwelling Units ¹ | | 36 | 36-61 |
| | Maximum Height (ft.) | 38' 4" | 45" |
| | Stories | 2 & 3 | 3 |
| | Size | 1,846 – 2,398 sq. ft. | NA |
| Building Setbacks (ft.) | Moraga Way | 11.1 - 22.5 ft. | 0 |
| | Country Club Drive | 4.9 – 10 ft. | 0 |
| | West Side | 6.5 – 49 ft. | 0 |
| | East Side | 45-91.5. ft. | 0 |
| Lot Coverage (%) | | 33.9% | 60% |
| Usable Open Space (sq. ft.) | | 26,018 | NA |
| Parking | Automobile | 90 | 90 |
| | Bicycle | 36+ | NA |

¹ Includes 2-Story Cottage; 15 units; 5 floor plans and 2.5-Story Townhome; 21 units; 6 floor plans

Figure 2: Site Plan



A. Housing Types

The applicant describes the project as “luxury medium density” housing, with two styles of for-sale units: “cottages” and “townhomes”.

Cottages: The cottages would be two-story homes designed as six duplexes and one triplex, all facing Country Club Drive. Units would range in size from 1,973 to 2,380 sq. ft. and include 3 or 4 bedrooms. Each home would have a private yard, of approximately 230 square feet, a front porch and an attached private 2-car garage. Each duplex or triplex would be separated by 10 feet between buildings. The applicant’s intent is to create a residential street frontage that reflects the development style of the existing neighborhood across Country Club Drive by dividing the units into multiple smaller two-story buildings that have front entries facing the street.

Townhomes: The townhomes would be two- to three-story buildings located within the central portion of the site and fronting on Moraga Way, with the long axis of each building oriented perpendicular to Moraga Way. Units would range from 1,846 to 2,398 sq. ft., each with 4 bedrooms. The larger units would have a loft feature (partial 3rd level). The front entrances of the homes would face an internal pedestrian path. Each townhome would have a small private front patio of approximately 70 to 100 square feet in area along a pedestrian paseo, and an attached 2-car garage accessed along a shared drive aisle.

The rows of townhomes would be separated by a distance of 25 feet or greater. Along the pedestrian paseos the buildings would be 25 to 33 feet apart, and the autocourts would have a separation of 30 to 35 feet. An internal road, parking and landscaping would separate the duplex units by 48 feet from the nearest townhome units. All of the homes would incorporate green design features including solar panels as a standard feature on each home.

B. Open Space

A 10,460-square foot pocket park (“Rock Park”) would be located along Laguna Creek in the southeastern corner of the site. It would have a lawn area, natural play features for children, BBQ and benches, and a trail alongside the creek. Approximately 3,200 square feet of the park would be riparian vegetation buffer along the Laguna Creek corridor. The park would be private, i.e. not formally designated as a public park, although at this time the applicant does not propose to restrict public access to it.

C. Landscaping

The landscaping concept includes an approximately 35-foot landscaping buffer along Moraga Way, 20 feet of which would extend into the Moraga Way public right-of-way in line with the curblin immediately east of the creek and 12-22 feet of which would be on the project site. The landscaping in the public right of way would occupy the area that is currently a dirt and gravel shoulder between the paved roadway and the property line of the project site. Existing redwood trees along the boundary with the Fire District property would remain, but the other existing trees on the site would be removed. The project would include interior landscaping (hardscape and softscape) of common areas, in addition to the private yards.

D. Circulation

Vehicular and bicycle circulation to and through the site would include a new private roadway from Moraga Way through the site to Country Club Drive and internal drives within the project would provide vehicular access to the garages and homes. The access way shown on the western edge of the project site (adjacent to the existing office building) would be limited to emergency vehicles only. All roadways within the project are designed to be consistent with emergency access requirements. Pedestrian circulation would be provided by paseos between the rows of townhomes and by an interior sidewalk that connects the terminus of the paseos to Country Club Drive. Sidewalks would be provided along Moraga Way and Country Club Drive, and internally to connect between two streets.

E. Grading and Drainage

Approximately 9,700 cubic yards of cut and 1,300 cubic yards of fill would be required to grade the site and remove the small hill in the south central area while respecting the base topography and retaining the existing drainage patterns. Several short retaining walls are proposed to define drainage areas and place the building pads close to existing elevations along Moraga Way and Country Club Drive. The applicant also proposes cutting approximately 720 cubic yards from the MOFD property to eliminate the need for a retaining wall along the shared property line. MOFD supports this proposal as it also would improve the usability of their site. In total, approximately 9,100 cubic yards of soil would be hauled off-site.

Stormwater treatment areas would consist of high-infiltration soil media and drain rock, implementing an onsite hydro-modification plan designed to fulfill the Contra Costa Clean Water C.3 design criteria.

The preliminary grading and improvement plans for the project would be approved with the vesting tentative map. The Public Works Department is still reviewing the stormwater control plan as part of the tentative map.

F. Parking

A total of 90 spaces would be provided through standard two-car (side-by-side) garages for each home, and an additional eighteen (18) on-site guest parking spaces. This meets the parking ratios established in MMC Chapter 8.76, Off Street Parking and Loading and the Specific Plan. The proposed bicycle lane and landscape frontage improvements along Moraga Way would remove parking along Moraga Way adjacent to the project site. Public parking would still be allowed along Country Club Drive.

G. Offer of Dedication for Right-of Way

An Irrevocable Offer of Dedication for an approximately 84-foot wide right-of-way extends across a portion of the site. The dedication was based on a previous project condition of approval and was recorded but never formally accepted by the Town. On July 25, 2012, the Town Council held a public meeting and reviewed a request from the property owner to vacate the offer of dedication. The Council adopted Resolution 61-2012 and agreed to consider the vacation of the Offer of Dedication along with the City Ventures development application, at which time the Town would also consider the project's conformance to certain standards, such as the inclusion of a pedestrian/bike trail along the segment of Laguna Creek

between Moraga Way and Country Club Drive, landscaping along Moraga Way consistent with the nearby Sonsara development, and the development of a park.

VI. Issues Raised

Concerns regarding the project have been raised by community members, as well as by the Design Review Board, Moraga Orinda Fire District and staff. These concerns, both general and specific have been extensively discussed at various public meetings, and separately with the applicant. In response, the applicant has revised the project over time from its initial design. A summary of the community discussion and comments is provided below; staff analysis of a number of these key issues is included in Section VI. C. below.

Notice of this public meeting was mailed to 137 addresses in a 750-foot radius of the project on November 4, 2014 and to other members of the public who have requested notification of public meetings and hearings. The meeting notice was published in the newspaper on November 7, 2014

A. Neighbor/Community Concerns:

As noted in the project chronology, the applicant conducted several community meetings over the past year, including two meetings held in 2014 to introduce the current proposed design. According to the applicant, community members expressed concerns about the project density, height, neighborhood compatibility and impacts on public facilities during the summer 2013 meetings. During the meetings held this year, concerns were mainly about parking on-site and in the surrounding neighborhood.

Comments made by members of the public at the March 10, May 27 and July 14, 2014 Design Review Board meetings focused on parking on-site and in the surrounding neighborhood, project density, building height, proximity to the Fire Station, the modifications of the Country Club Drive site frontage, and traffic. Comments from the public also addressed impacts on the views of ridgelines and of the Moraga Way scenic corridor.

Since the July 14 DRB meeting, staff has received additional letters, e-mails and in-person comments from approximately 22 residents regarding the project. Concerns expressed included:

- Scenic Corridor: That the project does not reflect the semi-rural character of the scenic corridor does not conform to scenic corridor guidelines and that the buildings will be highly visible. Some comments suggested that the Moraga Road setback should be larger, similar to adjacent buildings and the Sonsara subdivision.
- Height and Scale of Buildings: Concern that the two story buildings are too close to the roadway and that the massing/density of the buildings are too large and tall.
- Parking: Concern that there is insufficient parking on site, and that residents will not use garages for parking and will use guest parking and on-street parking instead. Comments noted that the neighborhood has insufficient street parking, that many residents and the Moraga Country Club users park on the street, and the project will make the situation worse.

- Traffic: Concern that new residents will increase congestion, especially at the Moraga Way and Saint Andrews intersection. Some comments supported development of bike lanes on both frontages, preferably with separation from roadway.
- Country Club Drive Frontage: Concern that current conditions are unsafe, with a narrow travel and parking lane and insufficient room for bicyclists. Some comments oppose moving or removing the median cut-through from current location, and others requested that additional landscaping in the Country Club Drive median be provided to visually screen the project from residences opposite.
- Impact on Public Facilities/Resources: Concerns that new residents will burden local schools, emergency services and increase traffic congestion, especially on Moraga Way. Comments on adequacy of park and open space for recreation needs of future residents, especially children. Some supported the project based on a need for new housing stock in Moraga to support retail and institutional uses.
- Land Use: Concern about the use of undeveloped land for development and that new development should be located elsewhere in Moraga, or should be in a different neighborhood that already has similar multifamily development. Some comments expressed support for using the site for new residences because it would be an infill site adjacent to townhomes in the center of Town.

Written public comments received by the Planning Department after July 14, through September 1, 2014 are included in Attachment F.

B. Commission/Committee Review:

Design Review Board

The Design Review Board discussed the proposed project and took comment from the public at the March 10, 2014 study session, and commented on the architecture, location of the park, site circulation, encouraging more articulation on the facades and along the auto courts and more variation in the rooflines and setback. The applicant responded with a set of plan revisions along with a separate study of options for parking along Country Club Drive adjacent to the site.

On May 27, 2014 the Design Review Board reviewed the revised plans, and expressed support for the most recent changes. The DRB also recommended that the applicant further vary the setback along Moraga Way, modify the garage doors by providing recesses and/or trellises for better screening and reduce the median to accommodate bike lane and parking on one side of Country Club Drive. The DRB then continued the meeting to July 14 so that the environmental review could be completed and a Draft Action Memo could be prepared.

On July 14, the Design Review Board held another public hearing, completed design review and recommended design review approval of the project to the Planning Commission with a Design Review Action Memorandum (Attachment C). (Note that design review approval by the Planning Commission is not among the requested actions at this hearing). The DRB discussed garage design, on-site parking, the proximity of the MOFD and proposed driveway, and potential impacts of the development on view of the hills, and how such views should be assessed absent a Town policy on viewsheds. The Board acknowledged that the

neighborhood had existing parking issues that were a concern, but also that the project was meeting the Town's parking standards and that the issue was not of the project's making, and encouraged the applicant to try to add more on-site parking. The Board considered the relationship and difference between the viewshed (distant views) and the appearance of the scenic corridor streetscape (near view). While views were acknowledged as important to the Town, Board members also commented that they were considering adopted Town policies, including land use standards in the MCSP. The Design Review Board felt that some of these questions were land use issues best addressed by the Planning Commission and did not recommend changes to the parking, driveway location or to address viewsheds. Considering the streetscape aesthetics, the Design Review Board recommended a streetscape design for Country Club Drive (Option 1) which would reduce the median from approximately 41 feet to 34 feet and provide a 14-foot travel lane, a 5-foot bike lane and 8-foot parallel parking stalls in the westbound direction, and did not favor allowing parking along the Moraga Way frontage, consistent with the Scenic Corridor Design Guidelines.

The Action Memo recommends that the Planning Commission adopt the CEQA Mitigation Monitoring and Reporting Plan as adapted to this project; that the Planning Commission find the project to be consistent with applicable policies of the General Plan and Moraga Center Specific Plan; and that the Planning Commission make the necessary findings for Design Review approval. The Action Memorandum includes several Conditions of Approval/modifications to the plan, including:

- Creating clear internal pedestrian pathways to the pocket park;
- Requiring porches to have a minimum dimension of 5 feet, preferably 6 feet;
- Clustering roof penetrations (for vent stacks, etc) and screening;
- Screening trash holding areas;
- Recommending Option 1 (described above) for the proposed frontage improvements along Country Club Drive; and
- Returning the project to the Design Review Board for Final Design Review approval with final landscape, lighting, and streetscape plans, final architecture, a full color and material palette and a final public improvements plan.

Parks and Recreation Commission

The Park and Recreation Commission discussed the Moraga Town Center Homes project at its August 19, 2014 regular meeting. Commissioners commented that the size of 'Rock Park' was too small for a public park and that for users it may be better to have the park more centrally located in the development. The commission also noted that there was not a clearly identified pedestrian trail along the creek or through the development, which would serve the flow of pedestrian traffic to and through the Moraga Center Specific Plan Area.

Other Agencies

The Moraga Orinda Fire District (MOFD) provided comment on the proposed project in several letters. The most recent letter resulted in a modification to the plans to ensure that the internal streets are at least 26 feet wide to accommodate a fire truck with extended ladder. In a letter from June 4, 2014 the MOFD expressed concern about potential impacts to new residences from MOFD operations and adequate separation of Fire Station facilities from a potential trail extension on their property adjacent to the creek. MOFD requested that the

CC&Rs include disclosures to all prospective buyers acknowledging that the project is adjacent to a fire station and training area where there could be impacts from temporary noise, unexpected water off-site, and visual impacts from equipment, ladders and personnel and that the broker and developer show a video of MOFD training operations and provide written disclosure to potential homebuyers. In subsequent communication with the applicant MOFD reiterated their concern about reducing potential conflict with future neighbors and requested the project incorporate a sound wall, landscape screening and a warning beacon near the driveway on Moraga Road. Conditions of Approval 19 through 23 in the draft resolution address the MOFD requests and require homebuyer and CC&R disclosures.

The Central Contra Costa Sanitary District has sent a letter indicating that they will be able to serve the project.

C. Staff Analysis

Staff has analyzed the proposed project for conformance with the policies of the 2002 Moraga General Plan, the Moraga Center Specific Plan, the Scenic Corridor Regulations and evaluated the project issues, including those outlined above in Neighbor/Community Concerns. While the applicant has made a number of substantial revisions to the project site plan and design over time, including a reduction in the number of residential units and redesign of the layout and configuration of buildings, there continues to be community concern about the appearance of the project along its frontages, consistency with scenic corridor guidelines, and relationship/interface with existing development. The following sections present and analyze the key issues associated with the project and recommend Conditions of Approval to address those issues for consideration by the Planning Commission.

1. Moraga 2002 General Plan Consistency:

The Moraga 2002 General Plan is a strategic tool for guiding the Town's physical development. The General Plan guides the Town's long-term development by establishing the overall policy framework for development decision-making. General Plan Policy LU3.1 is the impetus for the Moraga Center Specific Plan, which was adopted in 2010. It sets the vision and key standards for the specific plan area as a "community focal point and activity center," including concepts for housing and mixed use development that pertain to the project site. The consistency with the development standards of the Specific Plan is discussed below.

The Moraga Center Specific Plan serves to implement the General Plan, and, at the time of its adoption, findings of conformance with the General Plan were made, as required by State law. A detailed analysis of conformance with the Moraga 2002 General Plan is included in Attachment D. As previously discussed, General Plan Policy LU1.2 lists a Residential16-DUA designation, including a density range from 11- to 16-DUA that may be applied to properties within Specific Plan areas. The zoning text amendment necessary for the project would create a residential density of 12-DUA as a classification within in the Planned Development zoning district, which would fall within the range described in the General Plan, and therefore would be consistent with it.

General Plan Policy LU1.3 Residential Building Height calls for restricting building heights of buildings and limiting residential structures to one story or portion thereof directly over another story, inclusive of garages. This policy has an exception to the two-story maximum for the specific plan areas. The project is located within the MCSP area and, while proposing some three story homes, utilizes loft space for the third story which reduces total building height to 38 feet or less. The majority of the homes would be two-story and the design attempts to minimize height of the proposed third stories, which would be consistent with the policy.

The Community Design Element Policies CD5.1 Location, CD5.2 Design, CD5.3 Open Space and CD5.4 Pedestrian Amenities aim to ensure that multiple unit developments are centrally located, well designed, and include resident and pedestrian amenities. The development is within walking distance of the Moraga Shopping Center as well as offices, shops, churches and the Moraga-Lafayette trail and would build out sidewalks and bicycle lanes along the public roads and pedestrian paths that transverse the site. The paseos and sidewalks are lined with trees and landscaping, and there are patios and porches nearby, that would provide a comfortable and engaging pedestrian environment. The architecture is well articulated and uses multiple materials and individualistic design for each building which would add visual interest to the streetscape. The project is therefore consistent with the general plan policies direction for the development of new multi-unit housing. Community Design Element Policies related to scenic corridor and community aesthetics are discussed below in the section on Scenic Corridor and Visual Impacts.

2. Consistency with MCSP Development Standards

The MCSP provides a planning framework to guide redevelopment, new development, and future growth in the Town center while protecting the environment and preserving the Town’s semi-rural character. Key objectives of the Plan include revitalization of the existing Moraga Center through increased residential development and the expansion of retail opportunities in and around the Center. The MCSP provides base development standards for each designation, including the Mixed Office-Residential (discussed below) and corresponding design guidelines. A complete analysis of conformance with the Moraga Center Specific Plan Design Guidelines is included in Attachment E.

As shown in Table 5, the project is at the lowest end of the density range designated for this site in the MCSP Mixed Office-Residential district and has lower height, lot coverage and FAR than the maximum permitted, while providing wider building and creek setbacks than those required.

Table 5. Mixed Office Residential District Standards

| Mixed Office/Residential (MCSP Table 4-9) | Proposed |
|---|--|
| Density | 12-20 dwelling units per acre |
| Site Area | 12 dwelling units per acre |
| Site Area | 10,000 square feet |
| Min Lot Frontage | 370 feet on Moraga Way 570 feet on Country Club Drive |
| Min. Site Depth | 100 feet-335 feet |

| Mixed Office/Residential (MCSP Table 4-9) | | Proposed |
|--|---|---|
| Building Setback | 0 feet (the MCSP does not require any setbacks in the Mixed Office/Residential designation) | 11-22 feet on Moraga Way 4-10 feet on Country Club Drive |
| Parking Spaces | 2 spaces per residence 1 guest parking space per 2 residences | Two-car garage per residence, plus 18 guest parking spaces |
| Building Height | 45' | 38' 4" |
| Min Building Separation | 25' between 2-stories 35' between 3-stories | 25 feet between townhomes. The project has two story townhomes with a third floor loft. The duplexes have a side yard separation of 10 feet |
| Lot Coverage | 60% | 33.3% |
| Max Stories | 3-story | 2-story and partial 3 rd story |
| FAR | 0.85 | 0.53 |

Building Separation

The separation between the cottage units (approximately 10 feet) is less than the standard building separation in MCSP Table 4-9.

The Moraga Country Club has two-story townhomes attached in sets of 2 to 4 homes with narrow side separations between the clusters. The proposed project's duplexes and triplexes mimic this pattern with small groups of attached homes, at a lower intensity than the larger/taller townhouses buildings on the project site. Staff believes the intent of the building separation standard in the MCSP was to avoid overcrowding larger, three-story buildings on the site, and that the proposed 10 foot separations are reasonable between the smaller, duplex and triplex buildings.

However, the Planning Commission should consider whether this separation is appropriate for the cottage units and necessary to create an effective transition in building form and density between the project site and the adjacent Moraga Country Club development.

3. Unit Mix/Size

Housing is a key component of the land use mix in the MCSP, intended to facilitate the creation of a mixed use 'village' center for the Town with housing in proximity to transit, shopping and services. The MCSP calls for a range of housing types and sizes within the Plan area that is responsive to local needs, including existing residents who no longer want to maintain a large single-family home or who currently work or study in the community and are unable to find local housing they can afford. With a unit size range of 1,846 – 2,398 sq. ft. the proposed units could serve local "empty nesters" wishing to downsize. However, as market rate housing units they are likely to be too costly to satisfy much, if any, of the need for more local or affordable workforce housing.

Area 13 of the MCSP is designated as Mixed Office-Residential. This designation includes residential as a permitted use, but is silent on whether development was intended as “horizontal” (different uses on different sites) or “vertical” mixed use (different uses within the same building or structure). A vertical mixed use project, such as housing over ground floor office space is likely to include smaller residential units such as apartments. Nonetheless, the MCSP is not explicit as to the intended type of mixed use development, and staff has proceeded with the assumption that horizontal mixed use, where this site is developed with residential uses adjacent to existing or future office uses, is appropriate.

4. Neighborhood Compatibility

The project site is a vacant parcel within the Moraga Center Specific Plan area. There are additional, larger, vacant parcels across Moraga Way that are planned for office/residential, medium density residential and higher density senior residential uses. Accordingly, the project’s “neighborhood” is defined, in part, by future development that could occur per the MCSP’s land use plan, as well as by adjacent existing development. Per General Plan Policy CD6.5, the goal of the Specific Plan is to “create a community focal point and mixed-use activity center of businesses and higher density residences with a unified ‘village’ character.”

Existing development surrounding the site on the other three sides includes the office developments to the west, which are also in the Specific Plan area. The office uses on these parcels are consistent with the MCSP’s Mixed Office/Residential designation. The office buildings are set back between 8 and 45 feet from the property line abutting the project site. The City Ventures project proposes a good neighbor fence, a narrow landscaped strip and parking adjacent to the property line with the office buildings. The fence and parking area is likely to be an adequate buffer given the low likelihood of conflicts between these uses.

To the east, the existing MOFD fire station, administration office, and training yard is a periodic source of noise and training activities that could disturb residents of the City Ventures project. Fire training operations occur outside of typical business hours and produce light and noise as well as potential over-spray from hoses. In order to reduce the potential impacts of these existing and on-going activities, the project design calls for 8-foot sound walls around the training site and landscape screening. While the wall may reduce noise and some visual impacts, the proposed conditions of approval require that the project sponsor fully disclose the presence and nature of these potential conflicts, putting all occupants on notice, as suggested by the MOFD.

To the south of the project site are existing townhomes, clustered in groups of two to four units that are part of the Country Club subdivision. These homes are set back between 20 and 50 feet from Country Club Drive and have a shared frontage/access road paralleling Country Club Drive. The homes include one and two-story elements and share parking adjacent to the roadway. Country Club Drive is one of the wider streets in Moraga with a 41 foot wide landscaped median, providing a significant separation and buffering between the existing homes and the proposed project site.

The applicant has agreed to include a condition of approval to enhance the landscaping in the median along the project frontage to improve and upgrade the appearance.

The applicant, during the course of project review, modified the proposed unit types along the Country Club Drive frontage to duplex/triplex units, in part to create a better transition to the homes across the street. It is acknowledged that at their closest points, portions of some of the cottage buildings have relatively small setbacks of 4 to 10 feet with two-story building heights. This issue is discussed further in the Building Massing on Country Club Drive discussion below. As noted there, staff recommends modifications to the project architecture and massing that would improve the transition from the existing residential neighborhood to the proposed neighborhood.

Density

The proposed density is at the minimum allowed for MCSP Area 13. The MCSP identifies a density of 12-20 units/acre for sites, such as this, that are within walking distance of the commercial area, services and transit. The MCSP calls for revitalizing Moraga Center by expanding retail opportunities; this is linked to increased residential development in and around the Center, because the new housing would increase the customer base necessary to support viable commercial development. A lower residential density would not support this goal of the MCSP or other related General Plan goals and policies that seek to encourage a mixture of residential and commercial development within the Specific Plan area to encourage pedestrian activity and transit use.

The other land use options for this site allowed under the MCSP would be for an office or institutional use, or a mixed office-residential use. While an office building would likely be compatible with the office building and MOFD administrative building to the east and west of the site, it would likely be less sympathetic to the scale and pattern of the residential uses across the street. Similarly, a mixed office-residential site would likely be a more intense land use that would present similar issues, such as parking and building massing, as the proposed project. A medium density residential land use could be considered an appropriate bridge between the existing residential uses to the south and the more intensive commercial, office and residential uses reflected in the MCSP's land use plan.

5. Building Massing on Country Club Drive

The proposed "cottages" facing Country Club Drive are consistent with the height and setback standards of the MCSP Mixed Office-Residential district. The CDP review process provides an opportunity to respond to residents' concerns about the height and proximity of the cottages to the street. The duplexes and triplexes would have four to ten foot (4 - 10') minimum setbacks from Country Club Drive, although the building facades are articulated with some portions of each building setback a greater distance from the street. Nonetheless, the minimum distances would be considerably less than the twenty foot (20') front setback for the 3 DUA zoning district which applies to the Country Club subdivision, including properties located across from the project site.

However, comparison to the 3-DUA zoning district may not be a useful point of reference, since the project site is designated for a substantially higher density land use. The proposed duplexes are a transition in density between the townhomes across Country Club Drive (many of which also do not conform to the 3-DUA zoning district standards) and the proposed townhomes. At an approximate density of 8-DUA, the duplexes can provide private rear yards, side yards and smaller scale buildings than townhomes. Prior versions of the project design from 2013 proposed townhomes along Country Club Drive, which were replaced with duplexes and triplexes in this current submittal. A greater front setback might be achieved if townhomes were placed along Country Club Drive. However, doing so would be at the expense of private rear and side yards for residents' use and the smaller building form of the duplexes. Further, proximity of living space to the street can enliven the pedestrian experience and promote interaction, a design guideline and goal of the Moraga Center Specific Plan.

To break up the wall height and massing immediately along Country Club Drive, staff recommends additional portions of the second story of the duplex and triplex units be stepped back. At the DRB's request the applicant previously revised the facades along Country Club Drive to create differentiation and visual interest for the streetscape. Entry features, window treatments, siding treatments and architectural features of the individual buildings would offer variety and avoid a monolithic appearance.

Staff explored concepts including reducing the total height of the buildings (for example, to a single story massing adjacent to Country Club Drive), and stepping back the entire second story by 10 feet from the lower story building face. The applicant considered these options, but determined that either would require a substantial change to the site plan and product type, since it would result in smaller units, with smaller and/or fewer bedrooms, likely making the project financially infeasible. As proposed, the façade of the duplexes vary with projections and inlets. Approximately 40 percent of the second story on each building is stepped back from the first floor by 5 to 8 feet. Staff recommends requiring an additional 30 percent of each building be stepped back by at least three feet from the lower story building face, further recessing the upper story massing and diminishing the sense of height of the two story elements as viewed from the street. This change would result in over half the units having no "flush" two-story wall height. Staff does not recommend a more uniform additional stepback, because doing so would reduce the variety in massing of the Country Club facades, to the detriment of the project's aesthetics and in conflict with prior direction from the Design Review Board calling for additional articulation. Condition of Approval 8.b in the draft resolution requires the variation in second-story massing as discussed above.

6. Garages and Driveway Placement and Design

While garages do not directly front onto any of the public roads or towards the front entry of an adjacent residence, consistent with MSCP Design Guideline 2.2.4, the garages on the perimeter of the site would be visible from the Moraga Way scenic corridor in both the north and southbound directions. The auto courts are a continuous

row of garage doors on the ground floor, although there are 1 to 2 foot projections of windows on the second floor of the buildings and the variations in garage door design add visual variety. In response to direction from the DRB, the garage doors are recessed by approximately 1 foot from the face of the building. Wood corbels, trellises, window boxes and wire rope trellises frame the garage doors and would increase the amount of foliage on the auto courts and creating some relief in the plane of the ground floor.

7. Private Outdoor Space

The project provides ground floor private outdoor space for each unit. Front porches and rear yards are provided for each duplex unit (cottage) and porches and patios are provided for each townhouse that face the paseos or street. The proposed patios and front porches could encourage socializing and enliven the pedestrian experience as recommended in Design Guidelines 2.1.2 and 2.2.5. However, there are no visible balconies, terraces or open space above the ground floor as encouraged in MCSP Design Guidelines 1.2.1 and 2.2.5, therefore activity will be concentrated at the ground floor level. Staff has discussed the possibility of upper level decks, and the applicant has stated concerns regarding privacy, drainage and shading with upper level decks on townhouses.

8. Building Height: The maximum building height of the townhome units with the third level loft is 38' 4", which is less than the maximum height described in the MCSP of 45', and 3' 4" higher than the maximum height for a two-story structure in other zoning districts in Moraga. The cottage units have a maximum height of 29' 7", also less than the maximum height allowed.

With regard to the townhomes, the roofs are gabled so just the top pitch of the loft roof reaches the maximum height. The partial third story lofts would be included in the townhomes in the center of the site, and would therefore be set back some distance from Moraga Way and separated from Country Club Drive by the duplexes and the internal driveway. A three story wall height would therefore only be visible from the pedestrian paseo. Condition of approval 8.c requires that all third story lofts be stepped back a minimum of 2 feet from the second story. In doing so, even a person standing on the pedestrian paseo would not be able to view three stories in a single view plane.

9. Scenic Corridor and Visual Impacts:

Several policies in the General Plan Community Design Element address broader site design considerations affecting the visual quality of the community. They include CD1.1 Location of New Development, CD1.2 Site Planning, Building Design and Landscaping, and CD1.3 View Protection. These policies encourage new development to be concentrated on urban infill parcels, especially within the Specific Plan areas that are less environmentally sensitive and protect hillsides, ridgelines and significant natural features. The policies also encourage site planning sensitive to views of important elements of the natural setting and design of the buildings and landscape to

maintain the Town's semi-rural character, particularly along the Town's scenic corridors.

General Plan Policies CD3.2 Visual Character, CD3.5 Landscaping and Amenities, and CD3.6 Development Standards and Design Guidelines are specific to the Town's designated scenic corridors. The scenic corridor design guidelines implement these policies and call for site design that breaks up the massing of buildings along the corridor, provides for ample landscaping, rustic or rural street fixtures, and minimizes parking and access points on the scenic corridor.

Visual Impacts

The project location is on a relatively flat lot, within the urbanized areas of Moraga and within the MCSP area. Development of the site would disrupt certain views of the hillside in the distance currently available across the vacant parcel, particularly from the sidewalk and street in the immediate vicinity of the project site. The project design utilizes multiple smaller buildings with separations (paseos and auto courts) that provide for internal view corridors. The collection of smaller buildings would be less disruptive to views than a smaller number of large buildings, as might be developed for a commercial building or apartment complex. The duplex units provide smaller but more frequent separation of 10 feet between buildings, allowing for some limited view corridors through the site when viewed from the street.

The near view of the project site would include the proposed residences, separated by the proposed 31 to 42-foot landscape buffer along Moraga Way and the 4 to 10-foot front yards on Country Club Drive, and at the south end of the project site, the Laguna Creek riparian corridor. All "public" faces of the project would be architecturally articulated and landscaped. The less attractive features of the development, the garages, parking and driveways would be interior to the site and screened with vegetation and buildings. The townhome units use dormers to create a half story loft area rather than a full third floor to reduce bulk and visual prominence of the building. The project does not create a "step back" effect with increased second floor setbacks (except on part of the duplexes) and does not propose upper floor open spaces or decks as called for in the MCSP Guiding Principle 1.2.1. While the rooflines vary, all the buildings would be consistently 2 stories along Moraga Way and Country Club Drive. The design was modified to provide variation in the setbacks from the property line along Moraga Way, which would range from 11.9 to 22.5 feet. The applicant has prepared a series of visual simulations of the project from various viewpoints, including along Moraga Road. As shown on sheets CS0.3A through CS 06.B., the landscaping and existing redwood trees along the perimeter of the site would be visually prominent and the residences themselves show variation in form and allow for some views of the hillsides beyond.

Consistency with Scenic Corridor Guidelines

Scenic corridor guidelines call for minimization of parking along scenic corridor roadways and minimization of access points. There is no parking proposed along Moraga Way, and the project includes one driveway and one emergency access point.

The proposed driveway is necessary for project access, and would also be consistent with the future intersection noted on Figure 4-2 of the Moraga Center Specific Plan. Note that earlier iterations of the project had all access from Country Club Drive; this plan was revised in response to comments from neighbors about traffic impacts on Country Club Drive to place one of the accesses on Moraga Way instead.

The scenic corridor guidelines call for maintenance of a “greenbelt” along these corridors, and speak to maintenance of their natural and semi-rural character. The project includes a wide landscaped area (31-42 feet in width), some of which would be located in the public right-of-way and some on the project site itself, creating a greenbelt effect. The use of bioswales, split-rail fencing and trellis entryways would be consistent with the desired semi-rural character of Moraga’s scenic corridor. The Design Review Board found that the overall design is consistent with the Scenic Corridor Design Guidelines, and recommended a Condition of Approval that requires Final Design Review of the final landscaping plan, lighting plan and color and material palette prior to approval of improvement plans and/or building permits.

Scenic Corridor Setbacks

While the MCSP Mixed Office-Residential district does not recommend a minimum setback, the design guidelines for scenic corridors recommend a 15-foot landscape buffer for commercial and multifamily residential developments and a 20-foot landscape buffer for single family residences. A buffer is a more generalized term speaking to the separation from the road and may not correspond exactly to a setback. As there is excess right of way along the Moraga Way frontage, the road (travel lanes) is additionally separated from the property line by the shoulder, which is proposed to be landscaped as part of this project. As proposed, Building A, B, C and D have an average setback of 15 feet from the property line which is proposed to be fully landscaped. In earlier iterations of the project design all the buildings were uniformly set back 15 feet from Moraga Road. At the request of the DRB this layout was modified to stagger the setbacks so as to avoid a ‘wall’ effect along the scenic corridor. While all the buildings could be set back a minimum of 15 feet to conform with the guideline, this would result in less differentiation in the setback of three of the four buildings, contrary to the DRB’s direction.

The nearby Sonsara development to the west of Camino Ricardo has an approximately 40-foot wide landscape buffer along Moraga Way, 20 feet in excess of the guideline. The proposed setbacks combined with the proposed 20 feet of landscaping within the right of way would be similar to the landscape buffer near Sonsara. Staff further suggests that requiring berms in the landscape buffer could create a more naturalized appearance and provide some screening of the development. Conditions of Approval 8.a and 18 in the draft resolution require an average setback of at least 15 feet and landscape berms. As modified, staff believes the Planning Commission could determine the project to be consistent with the guidelines for scenic corridors.

10. Parking

Parking has been raised as an issue during the course of the project, particularly concerns that the project may increase demand for parking along Country Club Drive, where parking is sometimes limited, especially when special events are held at the nearby Moraga Country Club.

The project's ratio of 2.5 on-site parking spaces per unit would comply with the minimum requirements of MMC Chapter 8.76, Off-Street Parking and Loading. As proposed, the parking would occupy an estimated 20-25% of the floor area of the units, and the guest spaces and internal driveways would occupy approximately 10-15% of the overall site.

Providing underground parking could increase the number of available on-site parking spaces while maintaining unit size, increasing outdoor space, and potentially decreasing building height. However, underground parking would require extensive excavation and off-haul of soils and transport of concrete to the site. It would also require the applicant to change the housing product type and configuration. Underground parking is also substantially more expensive to construct, and may not be financially feasible for a project of this (relatively) low density. Above-ground, understructure parking garages, occasionally used on lower density projects, can provide more parking but also can create inactive space on the ground floor level and a boxy façade for the building.

It is further noted that the General Plan and the Specific Plan have a focus on pedestrian oriented development with amenities to encourage bicycling, walking and transit as an alternative to the private automobile in the Town Center. General Plan Policy LU3.1 anticipates "flexibility" (i.e. reductions) in parking standards for the Specific Plan area. This could be interpreted to mean that the Town's minimum standards would be appropriate for projects in the Town Center.

For these reasons, and in light of the fact that the project meets the MCSP parking requirements staff does not believe a requirement for the project to provide underground parking, or additional on-street parking is warranted.

Country Club Drive Parking Configuration

In response to public and DRB comments regarding parking along Country Club Drive, the applicant analyzed the potential to preserve and/or expand the parking availability along Country Club Drive, while also improving the roadway. The parking study is found in Attachment H, and includes various options for reconfiguration of Country Club Drive such that it could also accommodate existing parking or add new spaces. Options noted in the study are shown in Table 6.

Table 6: Country Club Drive Parking Options

| Option | Parking Spaces | Bicycle Lane | Travel Lane | Median |
|--------|---|--------------|-------------|-------------------------|
| 1 | 22 parallel spaces | 5' | 14' | 33.6' (7.6' reduction) |
| 1.A | 22 parallel spaces | -- | 14' | 38.6' (2.6' reduction) |
| 2 | 37 angled spaces | 5' | 14' | 21.7' (20' reduction) |
| 3 | 37 parallel spaces (both sides of westbound lane) | 5' | 14' | 25.6' (15.6' reduction) |

Both options 1 and 1.A are similar to the existing parking configuration; however, curb cuts would reduce the length of curb along which parking is allowed. The existing parking is not striped or delineated and the street is currently too narrow for the parking and bicycle lanes, which would be remedied with the reconfiguration. Of these two options, staff recommends Option 1, which includes a bike lane. Option 2 and 3 could provide an additional fifteen (15) on-street parking spaces, although option 2 would result in more pedestrians crossing the lane of travel, and option 3 would require a deeper parking lane to accommodate angled parking. All options would require narrowing the median. However, even with a reduction in width, the median would be over 20 feet wide.

At its May 27 meeting, the DRB expressed a preference for Option 1 because it would improve the conditions of the street but not increase the visibility of cars along the street. It would allow 22 spaces along the Country Club Drive frontage while adding a bike lane and wider travel lane. However, the Planning Commission could consider one of the other options that would increase the total number of parking spaces along Country Club Drive.

VII. Environmental Review/CEQA

The project is located within the boundaries of the Moraga Center Specific Plan, which was evaluated under the California Environmental Quality Act (CEQA) in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. As documented in the Environmental Document (Attachment F), staff evaluated the applicability of the MCSP EIR pursuant to Sections 15162 and 15168 (c) of the CEQA Guidelines and has documented through use of the CEQA Checklist (Appendix G of the CEQA Guidelines), that the proposed Town Center Homes project will not have any potentially significant environmental effects that were not adequately analyzed in the earlier EIR, and that the mitigation measures from the earlier EIR can be applied to the proposed project. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, there is no new information of substantial importance which was not known and could have been known with the exercise of reasonable diligence at the time the MCSP EIR was certified that shows the project will have new significant effects or more severe effects than analyzed in the MCSP EIR, or that new mitigation measures or previously infeasible mitigation measures would reduce any significant environmental effect. A Mitigation

Monitoring and Reporting Plan adopting and applying those mitigation measures to the proposed project has been prepared and is included in Attachment F. No further environmental review is required.

Traffic Impacts

The traffic analysis for the MCSP EIR projected the traffic generation based on a scenario of full build-out of the MCSP area. At full build-out, the overall trip generation for the MCSP is estimated at 5,060 trips. The EIR concluded that implementation of the Specific Plan would have significant, unavoidable traffic impacts, and the Town Council acknowledged this significant impact and adopted a Statement of Overriding Considerations when the Specific Plan was approved. For the project site, the projected traffic generation was based on the assumption that the site would be built-out at the highest permitted density, 20 DUA. The proposed project, at 36 units, is estimated to generate 210 vehicle trips per day, approximately 150 fewer trips than was assumed for the site when the EIR was prepared. This reduction in traffic generation would result in 2.9% decrease in the Specific Plan's overall projected trip generation.

VIII. Recommendation

The proposed plans, with the modifications discussed in this report, could be determined to substantially conform with the Moraga General Plan, Moraga Center Specific Plan and Moraga Center Specific Plan Guidelines. Therefore staff recommends that the Planning Commission adopt the attached Resolutions recommending the Town Council amend Moraga Municipal Code Chapter 8.48 to add 12-DUA PD Land Use Classification and rezone the project site to Planned Development District and approve a Conceptual Development Plan for the Moraga Town Center Homes project, subject to conditions and effective upon the effectiveness of the rezoning ordinance.

Attachments:

- A. Draft Resolution No. #-2014 Approving the Conceptual Development plan
- B. Draft Resolution No. #-2014 Recommending Amending Chapter 8.48 and Rezoning to a Planned Development District
- C. Design Review Board Action Memorandum
- D. Moraga 2002 General Plan Conformance Analysis
- E. Moraga Center Specific Plan Design Guidelines Conformance Analysis
- F. CEQA Document and Mitigation Monitoring and Reporting Plan
- G. Correspondence Received
- H. Parking Scenarios for Country Club Drive
- I. Project Plans, received July 31, 2014

Staff Planner: Ella Samonsky, esamonsky@moraga.ca.us, (925) 888-7040

Report Reviewed By: Ellen Clark, Planning Director

ATTACHMENT A

DRAFT RESOLUTION APPROVING THE CONCEPTUAL DEVELOPMENT PLAN

BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

In the Matter of:

Resolution No. __-14 PC

Approval of a Conceptual Development)
Plan for the Town Center Homes Project, a)
36-Unit Multi-Family Residential)
Development)
_____)

File No.
Adoption Date:
November 17, 2014

Appeal Period Ends:
November 27, 2014

WHEREAS, on January 30, 2014 City Ventures (applicant) and Russell Bruzzone, Inc. (owner) filed an application to develop a thirty six (36) unit multi-family residential subdivision on the subject property, a 3.06 acre infill site located within the Moraga Center Specific Plan, between Moraga Way and Country Club Drive, (APNs: 257-180-082-6 and 257-190-057-6); and

WHEREAS, prior to filing of the application, the Town of Moraga has held a series of public workshops and study sessions since June 2012 to consider and provide input on the project which included study sessions before the Design Review Board, Planning Commission and joint sessions of the Planning Commission/Design Review Board, and Design Review Board approval; and

WHEREAS, the applicant has made eight revisions to the proposed plans to respond to comments provided by the Planning Commission, Design Review Board and by members of the public at those workshops and at five public workshops independently conducted by the applicant; and

WHEREAS, on May 27 and July 14, 2014, the Design Review Board held duly-noticed public meetings to consider design-related aspects of the project, including conformance of the project site plan, grading, circulation, architecture, and landscaping; and

WHEREAS, on July 14, 2014, the Design Review Board recommended that the project be forwarded to the Planning Commission for consideration for approval; and

WHEREAS, on July 31, 2014, the Applicant submitted additional project revisions to the Town of Moraga including modifications to setbacks of residential structures from Moraga Way and various modifications to the plans to respond to comments from the Public Works Department and the Moraga-Orinda Fire District; and

WHEREAS, public hearing notices for consideration of the Conceptual Development Plan were published and mailed to all property owners within 750 feet of the subject property on September 4, 2014; and

WHEREAS, on September 18, 2014 the Planning Commission continued the public hearing to October 6, 2014; and

WHEREAS, at the request of the applicant the October 6, 2014 hearing was postponed to November 17, 2014; and

WHEREAS, public hearing notices for consideration of the Rezoning to Planned Development District and Amendment to the text of the Planned Development Zoning District (“Zoning Ordinance Amendment”) and the Conceptual Development Plan were published in the newspaper on November 7, 2014 and mailed to all property owners within 750 feet of the subject property on November 4, 2014; and

WHEREAS, prior to approving the project, the Planning Commission considered the Moraga Center Specific Plan (MCSP) Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Plan certified by the Town of Moraga in January 2010 and Environmental Documentation for the project, included as Attachment G to the November 17, 2014, staff report and incorporated herein by reference, that provides an analysis of the consistency of the Town Center Homes project with the development analyzed in the Moraga Center Specific Plan EIR (the “Environmental Documentation”); and

WHEREAS, the Planning Commission had recommended that the Town Council rezone the Project site to Planned Development District and adopt the Zoning Ordinance Amendment.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the Town of Moraga, based on the project plans, the staff report, the CEQA documentation and all attachments, all written and oral testimony and comments and all other information presented, determines as follows:

PART 1: CEQA FINDINGS:

1. The project is located within the boundaries of the Moraga Center Specific Plan, which was evaluated under CEQA in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. As allowed by CEQA Guidelines Section 15168(c) the Moraga Center Specific Plan is a program EIR, which may be relied upon as the CEQA document for specific subsequent activities, such as site specific development projects, which are included in the program. As documented in the Environmental Documentation, the proposed project will not have any potentially significant environmental effects that were not adequately analyzed in the earlier EIR, and the mitigation measures from the earlier EIR can be applied to the proposed project.
2. A Mitigation Monitoring and Reporting Plan adopting and applying those mitigation measures to the proposed project has been prepared, included as Exhibit G of the November 17, 2014 staff report in incorporated herein by reference.
3. Pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2) and based on the entire record, the Planning Commission finds that no new environmental effects could occur and no new mitigation measures are required. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, there is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the MCSP EIR was certified that shows the project will

have new significant effects or more severe effects than analyzed in the MCSP EIR or that new mitigation measures or previously infeasible mitigation measures would reduce any significant environmental effect.

PART 2: CONCEPTUAL DEVELOPMENT PLAN FINDINGS:

The Planning Commission of the Town of Moraga makes the following findings to approve a Conceptual Development Plan, pursuant to Moraga Municipal Code Section 8.48.100.

- (a) The total development and each unit of development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that this objective will be attained and that the uses proposed will not be detrimental to present and potential surrounding uses.**

The project is designed to have varied architectural styles and detail on each of its buildings, including individual entrances, private open space in the form of a patio or rear yard and a two car garage for each unit. Units will have between three and four bedrooms and 1,846 and 2,398 square feet of living space, providing livable and desirable units. The development will have an approximately 10,000 square foot private park, including recreational amenities, located adjacent to Laguna Creek for the use of the residents, as well as internal passive open space and landscaping along the Moraga Way scenic corridor. Conditions of approval require design review of the final architectural, landscape, lighting and streetscape plans by the Design Review board to ensure the development will be attractive and high quality. A Homeowners Association will be formed, whose responsibility will include maintenance of common areas and amenities, to ensure their ongoing upkeep and attractiveness.

The development is designed with two story duplex and triplex units fronting along Country Club Drive to provide a transition in density from the exiting residential neighborhood to the two and three story townhomes located adjacent to Moraga Way. The project is designed so that landscaping, parking and an internal driveway are adjacent to the western property line to provide separation between the existing office building and the future residences. The project will construct a sound wall and will locate internal drives, parking and landscaping closest to along the property line adjacent to the Moraga Orinda Fire District Station (MOFD) to minimize possible disturbance of residents from MOFD activities. Conditions of Approval specify that the development include notification of adjacent land uses to prospective homebuyers and in the CC&Rs of the development so as to reduce potential conflicts between these uses.

The duplexes and triplex along Country Club Drive will have four to ten foot minimum setbacks from Country Club Drive and the building facades will be articulated with projections and inlets that provide variation in streetscape and break up the massing of the buildings. Approximately 40% of the second story on each building will be stepped back from the first floor by 5 to 8 feet. A condition of approval requires an additional 30 percent of each building be stepped back by at least three feet from the lower story

building face, further recessing the upper story massing and diminishing the sense of height of the two story elements as viewed from the street.

The proposed residential development will be served by two driveways off Country Club Drive and Moraga Way, with internal sidewalks and pedestrian paseos that will allow for independent access of the units by vehicles, bicycles and pedestrians from the public street. Eighteen guest parking spaces will be provided onsite. The project will not rely upon access from adjacent properties and community utilities and services have been found to be adequate to serve the level of proposed development.

(b) The street proposed is suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the development.

The project is located within the boundaries of the Moraga Center Specific Plan, the land use and policies of which were evaluated under the California Environmental Quality Act (CEQA) in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. The proposed Town Center Homes project would generate an about 210 vehicle trips per day, approximately 150 fewer trips than was assumed for the site when the EIR was prepared because the project will have 36 units, while the Specific Plan assumed up to 61 units. This reduction in traffic generation would result in 2.9% decrease in the Specific Plan's overall trip generation (estimated at 5,060 trips).

(c) Development other than single family residential can be properly justified and is consistent with the general plan.

The project will be attached single family homes consistent with the Moraga Center Specific Plan because it would propose medium-density residential uses within Area 13, which is designated Mixed Office-Residential in the Specific Plan and which allows for residential development of the type and density proposed. The project conforms to the development standards for the Specific Plan Mixed Office Residential District, as follows:

- 1) The project site exceeds the minimum site area, lot frontage and site depth standards for the District, and,
- 2) The development density, at 12 units per acre is within the 12-20 units per acre density standard; and,
- 3) The building setbacks of 11 - 22 feet along Moraga Way and 4 - 10 feet along Country Club Drive exceed the District's minimum setback requirement (0 (zero) feet), and,
- 4) The maximum height of the proposed buildings (38 ft. 4 in.) is below the maximum height standard of 45 feet; and
- 5) The 2 and 3 story buildings are within the 3-story maximum building envelope allowed; and,
- 6) The lot coverage of the proposed project of 33.3% is below the allowable maximum lot coverage of 60%; and,
- 7) The project's Floor Area Ratio (FAR) of 0.53 is below the allowable maximum FAR of 0.85; and,
- 8) The proposed number of parking spaces (2.5 per unit/90 spaces total) meets the parking standards specified in the MCSP.

(d) Any proposed exception from standard ordinance requirements is warranted by the design and amenities incorporated into the conceptual development plan in accord with adopted policy of the planning commission and town council.

The building separations between the proposed duplex and triplex units, while narrower than the recommended design standard in the Specific Plan Mixed Office Residential district, are appropriate and reasonable because the smaller-scale duplex and triplex units create an effective transition between the larger townhouse buildings elsewhere on the site, and the lower-density residential development across Country Club Drive. Further, the duplex and triplex units are smaller structures than the townhome buildings and the smaller separation proportionate to that scale, while continuing to provide adequate open spaces and individual yards.

(e) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development.

The project is within the Moraga Center Specific Plan, which was adopted to provide coordinated and more detailed planning for this area, considering existing and future development of this site and properties adjacent to it. The site is designated for mixed residential and office development that reflects the office and residential uses that abut the property and transition between existing and planned residential uses. The proposed residential use would support the commercial uses of the Moraga Center by providing higher density housing in proximity and convenient walking distance to these uses. The project is consistent with the permitted density range of 12-20 DUA, and therefore with the overall land use plan and future development in the Moraga Center. A zoning ordinance amendment and zoning change are being separately processed to create the 12-DUA-MC-PD classification and rezone the site to a Planned Development District. The Conceptual Development Plan approval is effective upon the effectiveness of the Zoning Ordinance Amendment.

(f) The development conforms with the general plan; and

General Plan Policy LU3.1 is the impetus for the Moraga Center Specific Plan, which directs the long-range transformation of the Town Center area. The Moraga Center Specific Plan conforms to, and is an implementation program of, the General Plan. The proposed project conforms to General Plan Policy LU3.1 because it will further the goals of the specific plan, including introducing new residential uses that would help to revitalize the Moraga Center, expand retail opportunities, and create a mixed use "village" that serves as an activity center for the community. The project is also located in close proximity to the commercial center, transit stops, and community facilities, thereby supporting these facilities and promoting pedestrian, bicycle and transit travel within the Specific Plan Area.

Community Design Element policies CD3.2 Visual Character and CD 3.5 Landscaping and Amenities, promotes improvement of the visual character of the scenic corridor with landscaping, lighting and attractive signs and street furnishing. The proposed project would landscape a 31 to 42-foot wide buffer along the Moraga Way scenic corridor that is both on the subject property and in the dirt and gravel shoulder of the roadway. The conceptual landscaping includes a variety of trees, shrubs and groundcover, winding sidewalk and split rail fences that would add visual interest and enhance the appearance of the scenic corridor. Details of the lighting and signage are not provided

with the Conceptual Development Plan, but would be subject to design review and consideration by the Planning Commission as part the General Development Plan to ensure quality design.

Policies CD5.1 Location, CD5.2 Design, CD5.3 Open Space, and CD5.4 Pedestrian Amenities addressed the siting of new development, encouraged new housing close commercial centers, transit stops, and community facilities, attractive architecture and the provision of open space and high quality pedestrian environments. The project is located near to the commercial center and to transit and trails, and so is consistent with the General Plan policy direction for the location of new housing. The project proposes multiple smaller buildings of townhomes and duplexes, rather than one large residential building, and each building is articulated with projections, inlets, porches, trellises that break up the façade. Each home has a private garage and outdoor open space in the form of a patio or rear yard.

The project is consistent with Housing Element policies H1.4 Design Excellence and H2.1 Housing Variety because the proposed project would add townhomes and duplexes, which are a less common housing product in Moraga, and could serve to allow current Moraga residents to downsize their home and remain within the community. The project would be attractively designed with well-articulated facades, varied rooflines and quality building materials and finished, and useable private and shared open space for residents.

The project is also consistent with the MCSP as it would create medium-density residential uses within Area 13 that would support the economic vitality of the nearby shopping center, businesses and offices and locate new population within walking and biking distance of trails, transit and community facilities.

(g) Existing or proposed utility services will be adequate for the population densities proposed.

The MCSP EIR evaluated the impact of full implementation of the MCSP, with 720 units of new housing and a projected increase of 1,614 people, on utilities services. The EIR found that there would be no significant impact on sanitary sewer, water, stormwater and solid waste service. The proposed amount of development is less than that analyzed in the MSCP for this site, and therefore the project would have a lower demand on utilities and services than anticipated in the MCSP EIR.

PART 3: APPROVAL OF CONCEPTUAL DEVELOPMENT PLAN:

The Planning Commission of the Town of Moraga hereby approves the Conceptual Development Plan to allow 36 residential units on the subject property, subject to the following conditions of approval and effective upon the effective date of the Zoning Ordinance Amendment.

Planning Standard Conditions

1. This approval authorizes the Conceptual Development Plan approval of the “Town Center Homes” project as approved by the Town of Moraga Planning Commission on November

17, 2014, and consisting of the Site Concept Plan (Sheet A1.1) and supporting architectural, civil and landscape plans, dated November 12, 2014. The Site Concept Plan approval allows for development of up to 36 multi-family cottages and townhomes and associated improvements on the 3.06 acre site (APN 257-180-082 and 257-190-057).

2. Further Approvals. Further approvals necessary to allow development of the site include, but may not be limited to General Development Plan, Precise Development Plan, Vesting Tentative Map, Final Map, Improvement Plans, Building Permit Plans, Final Design Review and off-site improvements in the public right-of-way for Moraga Way and Country Club Drive adjacent to the site. All such plans shall be in substantial conformance with the approval listed in Condition #1, above, as approved by the Planning Commission on November 17, 2014 and more fully described in the Resolution and its Exhibits and as modified by these conditions of approval. Additional conditions or approval, or modification/refinement of these Conditions of Approval may be required with these further approvals.
3. CEQA Compliance. All required mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) Moraga Center Specific Plan EIR, (SCH#2000031129) as adapted to this project and included as Exhibit G of the Planning Commission Staff Report on November 17, 2014, shall be implemented and monitored in accordance with Town procedures.
4. Applicant Responsible for Compliance with Conditions. The applicant shall ensure compliance with all of the conditions herein, including submittal to the project planner of required approval signatures at the times specified. Notice of failure to comply with any condition shall be provided to the applicant by the Town, and a reasonable opportunity to gain compliance provided. Applicant's failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the approval.
5. Town staff (including authorized agents) shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
6. Where compliance with the conditions of approval or applicant initiated changes to the Town Center Homes Subdivision requires additional staff work, that time shall be billed at the Town's established billing rates.
7. All new improvements constructed on the site shall be in compliance with all local State and federal laws, statutes, ordinances, regulations, rules, orders, judgments, decrees, permits, approvals and the like requirements applicable thereto and in force the time thereof ("applicable law"), and as may legally modified by a development agreement. "Local, state and federal" applicable law shall include without limitation, the applicable law of the Town of Moraga; Contra Costa County; Moraga Orinda Fire District, Bay Area Air Quality Management District, San Francisco Bay Area Regional Water Quality Control

Board; California Department of Fish and Wildlife, US Army Corps of Engineers; State of California; and United States of America.

Planning Special Conditions of Approval

8. The Site Plan shall be modified to reflect the following:
 - a. The landscape area in front of the project adjacent to Moraga Way shall be revised to include raised landscaped berms or grade changes that are contoured to blend with the surrounding landscape.
 - b. The second story of the buildings located along Country Club Drive shall be stepped back from the first story building face by a minimum of 3 feet for 30% of the façade length and stepped back minimum of 5 feet for 40% of the façade length
 - c. All third story lofts shall be stepped back a minimum of 2 feet from the second story.
9. The final plans for reconfiguration of Country Club Drive shall be consistent with Option 1 in the plan by C2C Consultants, including, a 14-foot travel lane, 5-foot bike lane and parking lane. This final design and landscaping for Country Club Drive shall be consistent with Public Works standards and subject to review and approval by the Design Review Board prior to approval of the improvement plans.
10. Final architecture and home designs for all homes shall include varied materials, articulation and high quality building materials that substantially conform to the conceptual plans and elevations included in the July 31, 2014 Plan Set, as may be modified based on final Design Review Board review approval. Modifications to the existing plans and the completion of additional plans and submittals shall be undertaken in accordance with the Design Review Memorandum adopted by the Design Review Board on July 14, 2014, and shall include:
 - a. Final site plan;
 - b. Final architectural building, floor, exterior elevation and roof plans;
 - c. Complete color and material palette;
 - d. Final landscape plan including irrigation, walls, fences, and detailed site improvements and signage for the Rock Park;
 - e. Final exterior lighting plan, including location and specifications of all light fixtures to demonstrate compliance with lighting-related Design Guidelines.
 - f. Final streetscape plan, including landscaping, paving treatments, community signage and street furniture;
 - g. Subdivision signage.
 - h. Design of any public improvements specified by Conditions of Approval that have not yet been reviewed by the DRB.
11. The final site and landscape plan shall include:
 - a. A clear internal pedestrian path connecting the development to the pocket park
 - b. Bicycle facilities, including bicycle racks in the pocket park
12. The applicant, or project sponsor, shall form a Homeowners Association (HOA) for the purposes of owning, managing and maintaining all the subdivision features not in private

ownership, including the pocket park, the bio-retention areas, the entrance driveways, street and sidewalks, common area landscaping, and front yard landscaping.

13. The HOA managing and maintaining all the subdivision features within the Town of Moraga Right of Way, including landscaping along the Moraga Way and Country Club Drive frontages. The HOA shall record a landscape maintenance agreement and easement with the Town for improvements in the public ROW.
14. The applicant shall install enhanced landscaping and irrigation in the Country Club Drive median. Proposed landscaping shall use drought tolerant and native plants and be approved by Public Works Department. The HOA shall maintain the median landscaping for a minimum of five years, exclusive of the required two year warranty period, or shall contribute a lump sum amount to the Town upon turn-over of the facilities for Town maintenance equivalent to five years of maintenance costs.
15. The applicant shall include in the CC&Rs for the development requirements that:
 - a. Residents park their vehicles in their garage
 - b. Restrict the on-site unenclosed parking space for use by guests and visitors.
 - c. Prohibit the conversion of garage spaces to non-parking uses
16. To comply with General Plan policy H1.5 and OS5.2, all homes shall be designed to meet at least 90 points on the “Build it Green” checklist or equivalent certification checklist, demonstrating energy efficiency and sustainability beyond current code requirements. Photovoltaic panels shall be offered to buyers as an option.
17. An approximately 10,450 square foot private “pocket” park shall be provided within the area adjacent to Laguna Creek, and shall provide accessible open space and associated amenities for use by the residents, including a picnic table, seating and BBQ, trail and other facilities determined by the Planning Director to offer an equivalent or better level of amenity to residents of the subdivision. This park shall not be counted against the required park dedication or in-lieu fees specified by the Town.

Development Standards

18. The Development Standards for the project are set forth below.

a. **Development Standards**

| | |
|--|-----------------------------------|
| Site Standards | |
| Residential Density | 12 dwelling units per acre |
| Lot Coverage | 35% |
| Floor Area Ratio ¹ | 0.55 |
| Setbacks and Building Separations | |
| Moraga Way Setback | Average setback of 15’ or greater |
| Building A | 22’ |
| Building B | 12’ |

| | |
|--|---|
| Building C | 15' |
| Building D | 11' |
| Country Club Drive Setback | |
| Building E | 10' |
| Building F | 7' |
| Building G | 10' |
| Building H | 10' |
| Building I | 4' |
| Building J | 9' |
| Building K | 9' |
| Interior Side Setback | |
| Northwestern Property Line | 6' |
| MOFD Property ² Line | 20' |
| Southeastern Property Line (Creek) | 90' |
| Minimum Building Separation ³ | |
| Buildings A, B, C, D | 25' |
| Buildings E, F, G, H, I, J, K | 10' |
| Other Standards | |
| Maximum Building Height | 39' |
| Maximum Building Stories | 3 for units 17-20, 23-26, 29, 30, 34, and 35; 2 for all other units |
| Private Outdoor Space | Minimum of 50 square feet with minimum dimension of 5 ft. |
| Parking Spaces | 2 spaces per residence; 1 guest space per 2 residences |
| ¹ Floor Area Ratio calculated on a pre-subdivision basis ² MOFD Property identified as APN 257-190-056 ³ Distance measured from building face to building face, excluding steps, decks, balconies | |

- b. **Future Homeowner Modifications:** The applicant shall include in the CC&Rs for the development restrictions on future expansion of the building footprints, enclosure of deck and patio areas and covering yard areas from the sky.

Moraga Orinda Fire District

19. The applicant, broker or real estate agent shall prepare and provide potential homebuyers with a written disclosure informing them of the Moraga Orinda Fire District (MOFD) training facility activities and a video of those activities.

20. The applicant shall include a disclosure in the CC&R notifying residents of the adjacent fire station and potential temporary light, noise and visual impacts from training exercises.
21. The applicant shall along the shared property line with the MOFD property, APN 257-190-056:
- a. Construct an 8 foot solid masonry wall and 6 foot solid wood privacy fence adjacent to the driveway and parking lot, as shown on the Site Plan, Sheet A.3.1. The wall is to have a decorative finish that shall be included in the landscape plans for review by the Design Review Board.
 - b. Plant trees along the southern property line, adjacent to Building I, J and K, that shall grow as high as the height of the duplexes and provide landscape screening of the MOFD yard.
 - c. Use sound rated doors and windows on the second and third stories of the residences within 60 feet of the property line.
22. The applicant shall investigate, in consultation with the Town of Moraga Public Works Department and the MOFD, the necessity of installing a 'Fire Station Ahead Beacon' at the driveway entrance on Moraga Road to alert vehicles when fire engines are exiting onto Moraga Way. The design and location of the beacon to be reviewed and approved by MOFD and the Public Works Department, and included in the streetscape plans for review by the Design Review Board.
23. The applicant shall grade and resurface the MOFD property to remove the mound of dirt that extends onto the project site. **Other Conditions**
24. This approval and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. Subsequent approvals shall be subject to additional conditions of approval.
25. Applicant shall indemnify, hold harmless and defend (with legal counsel approved by the Town Attorney) the Town, its officials, employees and representatives (the "Town Indemnitees") from and against any and all claims, damages, liabilities, actions or proceedings, including any CEQA challenge, arising out of the Town's approvals associated with the application for the Moraga Town Homes Subdivision 9381 (the "Project Approvals"). Applicant shall also pay all filing court costs and similar out-of-pocket expenses required for Town and applicant to defend Litigation.

ADOPTED by the Planning Commission of the Town of Moraga on November 17, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Christine Kuckuk, Chair

ATTEST:

Ellen Clark
Planning Director

ATTACHMENT B

DRAFT RESOLUTION RECOMMENDING AMENDING CHAPTER 8.48 AND REZONING TO A PLANNED DEVELOPMENT DISTRICT

BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

In the Matter of:

Resolution No. __-14 PC

Recommending the Town Council Amend)
Moraga Municipal Code §8.48.040 to Add)
12-DUA-PD Zoning District (12-PD) and)
Amend the Zoning Map to Zone the Project)
Site (APNs: 257-180-082-6 and 257-190-)
057-6) 12-PD.)

November 17, 2014

WHEREAS, General Plan Policy LU3.3 allows for the Residential 16-DUA density, which includes a density range of 11-16 DUA, within Specific Plan areas; and

WHEREAS, the Town adopted the Moraga Center Specific Plan in January of 2010; and

WHEREAS, the Moraga Center Specific Plan Land Use Diagram designates Area 13, between Country Club Drive and Moraga Way, as Mixed Office-Residential and identifies various land uses for this area, including residential development at 12-20 dwelling units per acre; and

WHEREAS, on January 30, 2014 City Ventures (applicant) and Russell Bruzzone, Inc. (owner) filed an application to develop a thirty six (36) unit attached single-family residential subdivision on the subject property, a 3.06 acre infill site located within the Moraga Center Specific Plan, between Moraga Way and Country Club Drive, (APNs: 257-180-082-6 and 257-190-057-6); and

WHEREAS, the application includes a request to re-zone the property from Suburban Office to Planned Development-12 Dwelling Units Per Acre (PD-12) to accommodate the proposed project density, uses and development standards, and to amend the Zoning Ordinance to reflect the proposed residential density, consistent with the Moraga Center Specific Plan; and

WHEREAS, MMC Section 8.48.040 specifies development standards for single family planned developments at various densities, but does not include a PD-12 Land Use classification or minimum lot size; and

WHEREAS, State Law requires the General Plan to be internally consistent, and for the Zoning Ordinance to be consistent with the General Plan; and

WHEREAS, the proposed amendments would serve to make consistent policies and regulations of the Town with regard to permitted residential uses in the Moraga Center Specific Plan Area; and

WHEREAS, on May 27 and July 14, 2014, the Design Review Board held duly-noticed public meetings to consider design-related aspects of the project, including conformance of the project site plan, grading, circulation, architecture, and landscaping; and

WHEREAS, on July 14, 2014, the Design Review Board recommended that the project be forwarded to the Planning Commission for consideration for approval; and

WHEREAS, on July 31, 2014, the Applicant submitted additional project revisions to the Town of Moraga including modifications to setbacks of residential structures from Moraga Way and various modifications to the plans to respond to comments from the Public Works Department and the Moraga-Orinda Fire District; and

WHEREAS, public hearing notices for consideration of the Conceptual Development Plan, Rezoning to Planned Development District and Amendment to the text of the Planned Development Zoning District were published in the newspaper on November 7, 2014 and mailed to all property owners within 750 feet of the subject property on November 4, 2014; and

WHEREAS, on November 17, 2014 the Planning Commission held a public hearing to consider the applications, including a Conceptual Development Plan based on the revised proposal submitted on June 26, 2014; and

WHEREAS, prior to approving the project, the Planning Commission considered the Moraga Center Specific Plan Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Plan certified by the Town of Moraga in January 2010 and the Environmental Documentation that provides an analysis of the consistency of the Town Center Homes project with the development analyzed in the Moraga Center Specific Plan EIR and is attached to the November 17, 2014, staff report as Attachment G and incorporated herein by reference (the "Environmental Documentation").

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Moraga, based on the project plans, staff report, CEQA documentation and all attachments, all written and oral testimony and comments and all other information presented, adopts the following recommendations and findings:

1. The project is located within the boundaries of the Moraga Center Specific Plan, which was evaluated under CEQA in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. As allowed by CEQA Guidelines Section 15168(c) the Moraga Center Specific Plan is a program EIR, which may be relied upon as the CEQA document for specific subsequent activities, such as site specific development projects, which are included in the program. As documented in the Environmental Documentation, the proposed project will not have any potentially significant environmental effects that were not adequately analyzed in the earlier EIR, and the mitigation measures from the earlier EIR can be applied to the proposed project.
2. A Mitigation Monitoring and Reporting Plan adopting and applying those mitigation measures to the proposed project has been prepared, included as Exhibit G of the November 17, 2014 staff report in incorporated herein by reference.

3. Pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2) and based on the entire record, the Planning Commission finds that no new environmental effects could occur and no new mitigation measures are required. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Further, there is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the MCSP EIR was certified that shows the project will have new significant effects or more severe effects than analyzed in the MCSP EIR or that new mitigation measures or previously infeasible mitigation measures would reduce any significant environmental effect.

2. The Planning Commission hereby finds as follows in support of the Zoning Ordinance Amendment, Rezoning, and Zoning Map Amendment:

- a) **The change proposed is consistent with the objectives, policies, general land uses and programs specific in the general plan and applicable specific plan** because the Moraga General Plan designates the project site as within the Moraga Center Specific Plan, which calls for a mixed office and residential used at twelve to twenty units per acre (12-20DUA). Medium density residential land use will revitalize the existing Moraga Center through increasing nearby residents that will support the expansion of retail opportunities in and around the Center. The new residential development will also support the development of a 'village' within the Specific Plan that is walkable and promotes transit. Rezoning for the project will allow development consistent with the minimum density in the mixed office-residential land use designation of the Moraga Center Specific Plan;
- b) **In the case of a general land use regulation, the change proposed is compatible with the uses authorized in, and regulations prescribed for, the land use district for which it is proposed.** No amendment to the General Plan is proposed. However, the proposed amendment of the zoning district map to rezone the project site to Planned Development allows for residential uses and permits flexible development standards to permit a project consistent with the density and design standards in the Moraga Center Specific Plan, which implements the General Plan. The proposed municipal code amendments will allow for development to occur as a planned development for medium density residential at 12 Dwelling Units per Acre, which is not allowed in any other residential zoning district in the Municipal Code but is specified in the Specific Plan area.
- c) **A community need is demonstrated for the change proposed** because by amending the PD district text, rezoning the project site as a PD and amending the zoning map would allow new residential development at a higher density, such as townhomes, duplexes and triplexes, that would meet the community's need to diversify housing options, as identified in General Plan Policy H2.1. and in conformance with the adopted Specific Plan. In addition, the residential land use would be located near retail commercial areas, transit and trails implementing the Moraga General Plan sand Specific Plan policies that call for a walkable community in the Town center; and
- d) **Its adoption will be in conformity with public convenience, general welfare**

and good zoning because the project site would be developed with medium density housing that would provide a transition in density from nearby lower density residential neighborhoods and the higher density residential and commercial land uses envisioned for the center of the Specific Plan area. The zoning of the project site for 12-PD will direct growth to an urban infill parcel and not involve the development of environmentally sensitive greenfield, hillsides and ridgelines. The project will landscape and maintain the Moraga Way right-of-way and provide sidewalk and bikes lane along its frontages providing for the convenience of pedestrians and bicyclists.

3. The Planning Commission hereby recommends that the Town Council amend Chapter 8.48.040 of the Municipal Code as follows:

8.48.040 Development standards for single-family residential uses in planned development district.

- A. When the planned development district consists of single-family residential use, it shall be designated (depending upon the density applicable to it) either:
 - 1. N-OS-PD;
 - 2. 1-PD;
 - 3. 2-PD;
 - 4. 3-PD;
 - 5. 6-PD.
 - 6. 10-PD, as to the Rheem Park Specific Plan Area as defined in the General Plan. (RP)
 - 7. 12-PD-MC, as to the Moraga Center Specific Plan Area as defined in the General Plan (MC)

B. Except as provided in subsection D of this section the minimum lot sizes shall be as designated on the following table:

| Land Use Classification | Minimum Lot Size |
|-----------------------------|---|
| N-OS-PD | 40,000 sq. ft. |
| X-PD ¹ | 5, 10, 20 or more acres depending upon the development standards imposed under Section 8-3606 |
| 1-PD | 30,000 sq. ft. |
| 2-PD | 20,000 sq. ft. |
| 3-PD | 10,000 sq. ft. |
| 6-PD | 10,000 sq. ft. ² |
| 10-PD-RP ³ | 2,500 sq. ft. ⁴ |
| <u>12-PD-MC⁵</u> | <u>2,500 sq. ft.⁴</u> |

1 Any Planned Development District

2 Except for condominium development as provided in Section 8.32.060(C)

ATTACHMENT C

DESIGN REVIEW BOARD ACTION MEMORANDUM



Town of Moraga

PLANNING

DEPARTMENT 329

RHEEM BOULEVARD

MORAGA, CA 94556

(925) 888-7040

DESIGN REVIEW BOARD ACTION MEMORANDUM

On May 27 and July 14, 2014, the Town of Moraga Design Review Board considered the application described below:

Design Review for Moraga Town Homes (City Ventures, Applicant) for a 36-unit attached single-family residential subdivision on a vacant 3.06-acre parcel between Moraga Way and Country Club Drive, in Area 13 of the Moraga Center Specific Plan (MCSP) area. The project includes grading and construction of cottages and town homes, internal streets, a small park, landscaping and associated amenities.

DESIGN REVIEW BOARD ACTION:

The DESIGN REVIEW BOARD hereby recommends that the Planning Commission approve the preliminary design review for the subdivision of the Moraga Town Homes development, in accordance with the following findings and conditions of approval:

PART 1: CEQA FINDINGS:

The project is located within the boundaries of the Moraga Center Specific Plan, which was evaluated under CEQA in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. As documented in the Environmental Document, included as Attachment C of the July 21, 2014 Design Review Board Staff Report and incorporated herein by reference, the proposed project will not have any potentially significant environmental effects that were not adequately analyzed in the earlier EIR, and the mitigation measures from the earlier EIR can be applied to the proposed project. A Mitigation Monitoring and Reporting Plan adopting and applying those mitigation measures to the proposed project has been prepared. No further environmental review is required.

PART 2: GENERAL PLAN AND MORAGA CENTER SPECIFIC PLAN CONSISTENCY FINDINGS:

The Design Review Board hereby recommends the Planning Commission find the proposed project is consistent with applicable policies of the 2002 General Plan and the Moraga Center Specific Plan, as follows:

- The proposed Town Center Homes project is located in close proximity to a commercial center, transit stops, and community facilities, and site design and landscaping create buffers with adjacent uses, consistent with General Plan Policy CD5.1 related to Multi-family Developments.
- With the conditions of approval, the project design will break up large building

masses, provide variation in rooflines, have a three-dimensional façade and provide landscaping to soften building edges. COA # 5 requires Design Review approval of final architectural plans and materials to ensure the project will reflect the character of existing residential neighborhoods, and to ensure the landscaping will enhance the natural setting and to be consistent with General Plan Policy CD5.2.

- The design will provide useable private and common open space and a high-quality pedestrian environment on the perimeter of the site with connections to the pedestrian path and trail system. COA# 2.a will ensure that interior pathways encourage pedestrian circulation consistent with General Plan Policies CD5.3 and CD5.4.
- The project will improve the visual character along Moraga Way, a scenic corridor, providing landscaping and amenities to enhance the scenic corridor and has been reviewed for conformance with the Scenic Corridor Design Guidelines, consistent with General Plan Policies, CD3.2, CD3.5 and CD3.6, all related to Scenic Corridors.
- The proposed medium density residential use is a permitted use for Area 13 of the MCSP. A zoning ordinance amendment is proceeding separately, to allow for the proposed residential use within the Suburban Office zoning district, consistent with the Specific Plan, and whose approval will be required as part of the vesting tentative map approval.
- The proposed project is within the density range designated for this site in the MCSP and is consistent with General Plan Policy LU1.2. It is below the maximum allowable height, lot coverage and FAR and has wider building and creek setbacks than are required.
- The building separations between the proposed cottage units, while narrower than the recommended design standard, are appropriate and desirable because the cottage units create an effective transition between the larger townhouse buildings and the lower-density residential development across Country Club Drive, and because the cottage units have adequate open spaces and individual back yards.

PART 3: DESIGN REVIEW FINDINGS:

The Design Review Board hereby recommends the Planning Commission make the following findings for Design Review approval, in accordance with Planning Commission Resolution 16-01:

- 1. The proposed improvements conform with good design as set forth in the Town of Moraga's Design Guidelines for the Moraga Center Specific Plan, and in general contributes to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality because:**
 - The proposed project will provide a high quality multi-family development on a long-vacant parcel, with ample landscaping, including special enhancements along the Moraga Way scenic corridor frontage and a publicly-accessible small park adjacent to the Laguna Creek corridor.
 - The grading has been designed to respect the overall slope of the project site, avoiding large retaining walls and integrating the project site and the adjacent MOFD Fire Station site in a way that benefits both parcels.
 - The proposed setbacks and building separations provide appropriate separation between structures within the development, and adjacent development and the project site, while providing extensive landscaping and beautification along the Moraga Way scenic corridor frontage.

- The architecture includes a variety of floor plans and building styles, and COA #5 requires design review of final color and materials board and building plans with a mix of exterior details and materials to avoid a sense of visual monotony and to be compatible and harmonious with the character and qualities of surrounding neighborhoods. Furthermore, the layout of the buildings and varied roof designs and COAs will help avoid the appearance of excessively massive or bulky structures.
- The DRB concludes that conditions of approval will ensure that the subdivision's overall design will result in a project that will be in conformance with the MCSP Design Guidelines and the Town's Scenic Corridor Design Guidelines and will result in a multi-family development that will be compatible with neighboring development and will further the overall goals of the Town for the Moraga Center Specific Plan Area.

2. The proposed improvement will not have a substantial adverse effect on neighboring properties or the community due to poor planning; neglect of proper design standards; or the existence of building and structures unsuitable to and incompatible with the character of the neighborhood and the character of the community because:

- The proposed project has been designed to provide a density transition from higher densities allowed across Moraga Way and the existing Country Club Drive subdivision, using cottages along the Country Club Drive frontage that are similar in character and scale to the adjacent single-family neighborhood. COAs require the project to use high quality architecture and landscaping, varied massing and rooflines, varied setbacks, and a mixture of surface materials that will add visual variety and avoid a monolithic appearance.
- The project includes on-site and off-site improvements that will benefit the neighborhood and the community, including extensive landscaping in the Moraga Way right-of-way, grading on the MOFD site, the creation of a small park along the Laguna Creek frontage, and the reconfiguration of half of Country Club Drive to improve circulation and preserve parking.
- The review of environmental impacts of the project found that adverse effects of the project have been adequately addressed in the MCSP EIR and the Mitigation Monitoring and Reporting Program for the MCSP has been adapted for use in the building of this project.

3. The proposed improvement will not lower property values; discourage the maintenance and improvement of surrounding properties; or preclude the most appropriate development of other properties in the vicinity because:

- The project will include high quality homes and amenities that represent an investment in the project site and associated infrastructure, and which include amenities that will benefit both the project and the surrounding neighborhood.

4. The proposed improvement will not impair the public health, safety or welfare because:

- The project will not include any features that will generate noise (other than necessary noise during the construction phase), or offsite light and glare that will impair public health safety or welfare, or introduce new hazards that would affect the public health, safety and welfare. COA# 2.d requires detailed

architectural plans to show roof penetrations, mechanical equipment, and trash and recycling facilities to ensure all are screened and enclosed, which will improve their aesthetic appearance and reduce noise.

- The project will be constructed in conformance with the Uniform Building Code, Fire Code, and other applicable requirements intended to ensure maintenance of public safety and welfare.
- The level of privacy, access to light and air and shade between the new multi-family homes, and homes on surrounding properties will be adequately protected by the proposed setbacks, building placements and landscaping.

PART 4: CONDITIONS OF APPROVAL:

The Design Review Board hereby recommends the Planning Commission apply the following Conditions of Approval to the Project:

1. The plans submitted for the proposed subdivision for the Moraga Town Center Homes project, and related grading, conceptual plan, general plan and other submittals required for project approval shall be substantially in accordance with the plans dated June 16, 2014 and reviewed by the Design Review Board on July 14, 2014, and this Design Review Board Action Memorandum, except as conditioned below subject to design review.
2. The following changes to the project shall be made:
 - a) Create clear internal pedestrian pathways to the pocket park with differentiated paving or other means;
 - b) Provide on-site bicycle facilities, such as bicycle racks, signage or striping for bicycles. A bicycle rack shall be provided within the pocket park;
 - c) Enlarge the useable outdoor space of the porches to have a minimum dimension of at least 5 feet, and preferably 6 feet or greater.
 - d) Roof penetrations (vent stacks, etc.) shall be clustered and positioned to minimize visibility from off site, and screened to the maximum extent possible. Mechanical equipment and trash and recycling facilities shall be enclosed and screened from off-site.
3. The DRB recommends the Planning Commission address the following issues when it considers approval of the Vesting Tentative Map:
 - a. Require changes to the Vesting Tentative Map to show Option 1, as shown in plan by C2C Consultants, dated April 21, 2014, as the preferred configuration for Country Club Drive.
4. Design Review Board review and approval shall be required prior to issuance of building permit and/or improvement plans as appropriate, for the following:
 - Final site plan;
 - Final architectural building, floor, exterior elevation and roof plans;
 - Complete color and material palette;
 - Final landscape plan including irrigation, walls, fences, and detailed site improvements and signage for the Rock Park;
 - Final exterior lighting plan, including location and specifications of all light fixtures to demonstrate compliance with lighting-related Design Guidelines;

- Final streetscape plan for Moraga Way and Country Club Drive, including landscaping, paving treatments, community signage and street furniture;
- Design of any public improvements specified by Conditions of Approval that have not yet been reviewed by the DRB.

5. The applicant shall record of a notice of adjacent land uses against the property prior to the issuance of a building permit, in a form approved by the Planning Director in consultation with the Town Attorney.

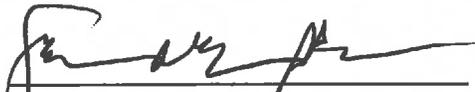
Applicant Responsible for Compliance with Conditions

6. The applicant shall ensure compliance with all of the conditions stated herein. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the approval.

Subject to all Town and Other Regulations

7. The approved construction is subject to, and shall comply with, all applicable Town Ordinances and laws and regulations of other governmental agencies, and with any and all Conditions of Approval required by the Planning Commission or Town Council in conjunction with other required project approvals including but not limited to approval of the Conceptual and General Development Plans, Tentative Tract Map, and the Grading Permit and Tree Removal Permit.

Questions regarding the action of the Board should be directed to the Planning Department at (925) 888-7040.



Shawna Brekke-Read
Planning Director

ATTACHMENT D

MORAGA 2002 GENERAL PLAN CONFORMANCE ANALYSIS

General Plan Policy Matrix

| General Plan Policy | Analysis | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---------------------|---------|------------|---------------------|---------|-----------|---------------------|---------|------------|---------------------|-------|---------|-----------------------------------|--------|-------------|----------------------|--------|------------|-----------------------------------|-------------------|----|---|--------------------------|----------------------------------|---|
| CHAPTER 3. LAND USE ELEMENT | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LU1.1 Residential GOAL: A high quality residential environment consisting primarily of detached single-family homes | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>LU1.1 Neighborhood Preservation. Protect existing residential neighborhoods from potential adverse impacts of new residential development and additions to existing structures.</p> | <p>The project site is designated Mixed Office/Residential in the MCSP and is on the border of the MCSP area. To the south of the project site are existing townhomes, clustered in groups of two to four units that are part of the Country Club subdivision. The project will locate lower density duplex/triplex units along the Country Club Drive frontage, that are two-story and have rear and side yards, to create a better transition from the townhome units to the homes across the street. The units also include varied first and upper story setbacks and step backs to reduce the appearance of mass and bulk along the Country Club frontage. The project proposes parking that would meet the standards established by the MCSP, and would improve existing parking along Country Club Drive by widening the parking lanes.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>LU1.2 Residential Densities. Restrict residential densities to the maximum allowable indicated on the General Plan Diagram and in the table below. The densities indicated are not guaranteed and are contingent upon a review of environmental constraints, the availability of public services and acceptable service levels, proper site planning and the provision of suitable open space and recreational areas consistent with the applicable goals and policies of the General Plan.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left; padding: 2px;">Designation</th> <th style="text-align: center; padding: 2px;">Density Range (units per acre)</th> <th style="text-align: center; padding: 2px;">Max. with Density Bonus¹</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Residential – 1 DUA</td> <td style="text-align: center; padding: 2px;">up to 1</td> <td style="text-align: center; padding: 2px;">up to 1.25</td> </tr> <tr> <td style="padding: 2px;">Residential – 2 DUA</td> <td style="text-align: center; padding: 2px;">up to 2</td> <td style="text-align: center; padding: 2px;">up to 2.5</td> </tr> <tr> <td style="padding: 2px;">Residential – 3 DUA</td> <td style="text-align: center; padding: 2px;">up to 3</td> <td style="text-align: center; padding: 2px;">up to 3.75</td> </tr> <tr> <td style="padding: 2px;">Residential – 6 DUA</td> <td style="text-align: center; padding: 2px;">4 – 6</td> <td style="text-align: center; padding: 2px;">5 – 7.5</td> </tr> <tr> <td style="padding: 2px;">Residential – 10 DUA²</td> <td style="text-align: center; padding: 2px;">7 – 10</td> <td style="text-align: center; padding: 2px;">8.75 – 12.5</td> </tr> <tr> <td style="padding: 2px;">Residential – 16 DUA</td> <td style="text-align: center; padding: 2px;">11– 16</td> <td style="text-align: center; padding: 2px;">13.75 – 20</td> </tr> <tr> <td style="padding: 2px;">Residential – 20 DUA²</td> <td style="text-align: center; padding: 2px;">20^{5,6}</td> <td style="text-align: center; padding: 2px;">27</td> </tr> <tr> <td style="padding: 2px;">Open Space (MOSO and non-MOSO)³</td> <td style="text-align: center; padding: 2px;">0.05, 0.1 or 0.2 max.</td> <td style="text-align: center; padding: 2px;">To be determined⁴</td> </tr> </tbody> </table> | Designation | Density Range (units per acre) | Max. with Density Bonus ¹ | Residential – 1 DUA | up to 1 | up to 1.25 | Residential – 2 DUA | up to 2 | up to 2.5 | Residential – 3 DUA | up to 3 | up to 3.75 | Residential – 6 DUA | 4 – 6 | 5 – 7.5 | Residential – 10 DUA ² | 7 – 10 | 8.75 – 12.5 | Residential – 16 DUA | 11– 16 | 13.75 – 20 | Residential – 20 DUA ² | 20 ^{5,6} | 27 | Open Space (MOSO and non-MOSO) ³ | 0.05, 0.1 or 0.2 max. | To be determined ⁴ | <p>The project would be located within the Mixed Office-Residential area of the MCSP which permits residential densities of 12-20 DUA. General Plan Policy LU1.2 lists a Residential 16-DUA designation, with a density range of 11 to 16 that may be used in the Moraga Center Specific Plan area. The project would have a residential density of 12-DUA, and a corresponding text amendment to the Planned Development Zoning District to add a 12-PD-MC land use classification, which is consistent with the range of densities in the Residential 16-DUA designation.</p> |
| Designation | Density Range (units per acre) | Max. with Density Bonus ¹ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential – 1 DUA | up to 1 | up to 1.25 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential – 2 DUA | up to 2 | up to 2.5 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential – 3 DUA | up to 3 | up to 3.75 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential – 6 DUA | 4 – 6 | 5 – 7.5 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential – 10 DUA ² | 7 – 10 | 8.75 – 12.5 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential – 16 DUA | 11– 16 | 13.75 – 20 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential – 20 DUA ² | 20 ^{5,6} | 27 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Open Space (MOSO and non-MOSO) ³ | 0.05, 0.1 or 0.2 max. | To be determined ⁴ | | | | | | | | | | | | | | | | | | | | | | | | | | |

¹ In accordance with State mandated policy allowing 25% density bonus for senior housing projects and/or projects meeting specific affordability criteria.

² These residential designations will be used in the Moraga Center Area and Rheem Park Area Specific Plans. See Policy LU3.3.

³ 'Open space' may be developed at very low densities, subject to site-specific review and restrictions to protect ridgelines, steep slopes, and high risk areas. See LU1.5.

⁴ Density within Open Space areas is to be determined by the Town at the time of an application.

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| <p>LU1.3 Residential Building Height. Restrict residential building heights to limit visual impacts on adjacent properties and protect views. Residential buildings should not have more than one story or portion thereof directly over another story, inclusive of garages. Exceptions to this rule may be allowed in the specific plan areas.</p> | <p>The project would be located within the MCSP area and proposes two and three story homes. The three story homes utilize loft space for the third story (no attic above) which reduces total building height to 38 feet. This height is less than the standard of 45 feet in Table 4-10 of the MCSP.</p> |
| <p>LU1.10 Planned District Zoning. Apply Planned District zoning for all new residential development on parcels in excess of ten (10) acres (with the exception of MOSO Open Space areas) and on parcels designated as Residential - 6 DUA. The Planning Commission may, at its option, require any residential development to be processed by Planned District when issues relating to access, visual impact, geologic hazards, environmental sensitivity, community design and other related factors are deemed to be significant.</p> | <p>Although the site has less than 10 acres, the project is being processed as a Planned Development District, as allowed at the option of the Planning Commission.</p> |
| <p>LU3 Community Focal Points GOAL: Vibrant, attractive, and functional community focal points in and around the Moraga Center and Rheem Park shopping centers that enhance community character and livability</p> | |
| <p>LU3.1 Moraga Center Area Specific Plan. Implement the Moraga Center Specific Plan and coordinate as appropriate with the planning for Rheem Park Area Specific Plan.</p> | <p>The project site is within the MCSP area and the project would be consistent with the MCSP as it would create medium-density residential uses within Area 13 that would support the economic vitality of the nearby shopping center, businesses and offices and locate new population within walking and biking distance of trails, transit and community facilities.</p> |
| <p>CHAPTER 4. COMMUNITY DESIGN ELEMENT</p> | |
| <p>CD1.1 Location of New Development. To the extent possible, concentrate new development in areas that are least sensitive in terms of environmental and visual resources, including:</p> <ul style="list-style-type: none"> a) Areas of flat or gently sloping topography outside of flood plain or natural drainage areas. b) The Moraga Center area and Rheem Park area. c) Infill parcels in areas of existing development. | <p>The project would be located in the Moraga Center area on an infill site surrounded by existing development of offices, a Fire Station and townhouses. The project site is a relatively flat lot with a large dirt mound in the center, remnant orchard trees, and is partially covered with grass.</p> |
| <p>CD1.2 Site Planning, Building Design and Landscaping. Retain natural topographic features and scenic qualities through sensitive site planning, architectural design and landscaping. Design buildings and other improvements to retain a low visual profile and provide dense landscaping to blend structures with the natural setting.</p> | <p>Building design, landscaping, grading and architectural design have been reviewed by the Design Review Board under the MCSP and Scenic Corridor Design Guidelines. The visual profile is minimized with the use of partial level 3rd story lofts, and the overall project is below the MCSP height limit and density limit.</p> |
| <p>CD1.3 View Protection. Protect important elements of the natural setting to maintain the Town's semi-rural character. Give particular attention to viewsheds along the Town's scenic corridors, protecting ridgelines, hillside areas, mature native tree groupings, and other significant natural features. Consideration should be given to views both from within the Town and from adjacent jurisdictions. Likewise, the Town should work with adjacent jurisdictions to protect views from Moraga to adjacent areas.</p> | <p>The Design Review Board reviewed the design under the Scenic Corridor Design Guidelines. The project would provide a wide landscaped buffer along the Moraga Way frontage. Ridgeline views from Moraga Way would be affected to some extent by this project or any other development of this site as was anticipated under the MCSP.</p> |

| General Plan Policy | Analysis |
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| <p>CD1.6 Vegetation. Emphasize and complement existing mature tree groupings by planting additional trees of similar species at Town entries, along major street corridors, in and around commercial centers, in areas of new development, and along drainageways. Encourage the use of native, fire-resistive, and drought-tolerant species.</p> | <p>The landscaping plan and tree choices have been guided by the MCSP and Scenic Corridor Design Guidelines, and reviewed and recommended for approval by the Design Review Board.</p> |
| <p>CD3 Scenic Corridors GOAL: Scenic roadways leading into and through the Town that strengthen community identity and reflect Moraga's semi-rural character.</p> | |
| <p>CD3.2 Visual Character. Improve the visual character along Scenic Corridors with lighting, landscaping and signage.</p> | <p>The proposed project would create a 20-foot wide landscape greenbelt where the dirt and gravel shoulder of the ROW currently exists on the scenic corridor. The project would also landscape the space between the property line and the buildings along Moraga Way. Details of the lighting and signage are not provided with the Conceptual Development Plan, but would be subject to design review and consideration by the Planning Commission as part of the General Development Plan.</p> |
| <p>CD3.5 Landscaping and Amenities. Use additional street tree planting, berms, fencing and ornamental landscaping to enhance the visual continuity along the Town's Scenic Corridors. Require appropriate landscaping for both public and private developments located on designated Scenic Corridors, including pedestrian lighting and street trees within existing commercial areas. Encourage use of native and drought-tolerant species and, where applicable, preservation of orchard trees.</p> | <p>The project has been designed with consideration of the Scenic Corridor Design Guidelines, and would create a landscaped greenbelt along the Scenic Corridor frontage that includes a berm, street trees and native and drought tolerant plant species.</p> |
| <p>CD3.6 Development Standards and Design Guidelines. Adopt development standards and design guidelines for Scenic Corridors to control site design and setbacks, landscaping, infrastructure locations, grading and signage.</p> | <p>The project has been designed with consideration of the Scenic Corridor Guidelines, and the MCSP Development Standards and Design Guidelines.</p> |
| <p>CD5 Multi-Family Residential Developments GOAL: Multi-family developments that are centrally located, well designed, and appropriate to Moraga's context and character.</p> | |
| <p>CD5.1 Location. Locate new multi-family developments in close proximity to commercial centers, transit stops, and community facilities such as parks and schools, with site design and landscaping to create buffers between adjacent uses while providing connection to pedestrian and bicycle paths.</p> | <p>The development is within walking distance of the Moraga Shopping Center as well as offices, shops, churches and schools on along School Street and Country Club Drive. The Moraga- Lafayette trail is within 200 feet of the property. The project would build out sidewalks and bicycle lanes on Moraga Way and Country Club Drive and there are pedestrian paths that traverse the site.</p> |
| <p>CD5.2 Design. Ensure that new multi-family developments are planned, designed and constructed to enhance the local area, reflecting the scale and quality of their surroundings. Encourage designs that help to break up large building masses, for example by breaking one</p> | <p>The MCSP Design Guidelines were developed, in part, to implement this General Plan Policy. The MCSP Design Guidelines have been used to guide the design and the design review of this project. The project proposes multiple smaller buildings of</p> |

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| <p>large building into several smaller buildings; providing variations in rooflines; creating a three-dimensional façade rather than a massive, flat façade; and using landscaping to soften building edges. Architectural styles and materials should reflect the character of existing residential neighborhoods, with landscaping to enhance the natural setting.</p> | <p>townhomes and duplexes, rather than one large residential building, and each building is articulated with projections, inlets, porches, and trellises that break up the façade. Trees and shrubs are provided along the street, pedestrian paseos and internal drives of the project and trellises for vines are used to soften the appearance of garage doors,</p> |
| <p>CD5.3 Open Space. Require usable private and common open space in all new multi-family residential development.</p> | <p>Each of the townhouse units has a private patio, and each of the duplex/triplex units has a private rear yard. The development also has a pocket park and seating areas along the pedestrian paseos.</p> |
| <p>CD5.4 Pedestrian Amenities. Design new multi-family developments to create high quality pedestrian environments, with connections to the Town’s pedestrian path and trail system.</p> | <p>The development has pedestrian paseos between the townhouses that connect to the sidewalks on Country Club Drive and Moraga Way. The paseos and sidewalks are lined with trees and landscaping and would provide a comfortable pedestrian environment. A condition of approval requires that an internal pedestrian path be marked using paving materials that connect the townhomes to the pocket park.</p> |
| <p>CD6.5 Moraga Center Area. Allow development in the Moraga Center Area consistent with the Moraga Center Specific Plan.</p> | <p>The proposed project is being developed pursuant to the MCSP. The project will be attached single family homes consistent with the Moraga Center Specific Plan because it would propose medium-density residential uses within Area 13, which is designated Mixed Office-Residential in the Specific Plan and which allows for residential development of the type and density proposed. The project conforms to the development standards for the Specific Plan Mixed Office Residential District, as follows:</p> <ul style="list-style-type: none"> • The project site exceeds the minimum site area, lot frontage and site depth standards for the District, and, • The development density, at 12 units per acre is within the 12-20 units per acre density standard; and, • The building setbacks of 11 - 22 feet along Moraga Way and 4 - 10 feet along Country Club Drive exceed the District’s minimum setback requirement (0 (zero) feet), and, • The maximum height of the proposed buildings (38 ft. 4 in.) is below the maximum height standard of 45 feet; and • The 2 and 3 story buildings are within the 3-story maximum building envelope allowed; and, • The lot coverage of the proposed project of 33.3% is below the allowable maximum lot coverage of 60%; and, • The project’s Floor Area Ratio (FAR) of 0.53 is below the allowable maximum FAR of 0.85; and, • The proposed number of parking spaces (2.5 per unit/90 spaces total) meets the parking standards specified in the MCSP. |

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| CHAPTER 5: HOUSING ELEMENT | |
| H1 Housing and Neighborhood Quality GOAL: Continued maintenance and improvement of high-quality, safe and livable housing and residential neighborhoods. | |
| H1.3 Design for Safety. Minimize the risk of burglary, vandalism and other crimes through appropriate design in new housing and neighborhoods. | The Moraga Police Department has been involved in review of conceptual plans for this project, and would review and comment on final design plans and construction plans. |
| H1.4 Design Excellence. Review the design of new housing developments to ensure that they are compatible with the scale and character of the neighborhood in which they are located and the semi-rural character of the Town as a whole, consistent with policies in the Town's Community Design Element. Strive to ensure that affordable housing developments are well designed and professionally managed so that they provide a high quality living environment and contribute to the overall quality of life in the Town. | The proposed project has lower density than permitted for this site under the MCSP. The Design Review Board has reviewed the project for consistency with the Community Design Element and the MCSP Design Guidelines. The Homeowners Association would be required to manage and maintain common open space areas to ensure that the project remains an attractive and well-maintained development into the future. Please refer to Policy Analysis CD5.5 above regarding scale and compatibility of the proposed development with adjacent neighborhoods. |
| H1.5 Environmental Sustainability. Promote cost effective sustainability in new construction and renovation. | The proposed residences would be built to meet current building codes and energy efficiency standards and would have solar panels. |
| H2 Housing Mix and Affordability GOAL: A variety of housing types to help meet the Town's projected housing need. | |
| H2.1 Housing Variety. Ensure that new residential developments provide the Town with a wide range of housing types to meet the various needs and income levels of people who live and work in Moraga, including single family homes, senior housing, workforce housing and second units. | The proposed project includes both townhomes and duplexes and a triplex, adding to the diversification of housing types in the community. |
| CHAPTER 6. CIRCULATION ELEMENT | |
| C1 Circulation and Safety GOAL: A circulation system that provides reasonable and safe access to the Town, egress from the Town, and internal movement. | |
| C1.2 Traffic Impact Costs. Require each new development to pay its fair share of the cost of improvements for both the local and regional transportation system in accordance with policy GM1.6 and implementing program IP-C8. | Applicable traffic impact fees would be assessed. |
| C1.3 Effective Mitigation Measures. Ensure that traffic mitigation measures are specifically identified and reasonably demonstrated to be feasible and effective. Traffic mitigation measures may include a roadway or intersection improvement, public or private mass transportation improvement, or any other feasible solution that reduces trip volumes or enhances roadway capacity. | Applicable traffic mitigation measures adopted in the MCSP EIR would be implemented. The project would generate an about 210 vehicle trips per day, approximately 150 fewer trips than was assumed for the site when the EIR was prepared. |

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| <p>Collector Street Buffering. Design new areas of development so that residential areas are properly buffered from collector streets, with adequate distance, landscaping or other buffer to protect residences from adverse impacts. Traffic from major new residential developments should not be diverted through nor adversely affect existing neighborhoods.</p> | <p>The proposed project has been designed to reduce potential impacts on Country Club Drive and off-site improvements to Country Club Drive would be required.</p> |
| <p>C4 Pedestrians, Bicycles and Transit GOAL: Encourage Moragans to walk, bike, take transit or rideshare as a means of reducing traffic trips, improving environmental quality, and maintaining a healthy lifestyle.</p> | |
| <p>C4.2 Bicycle Circulation. Develop a complete bicycle system with direct, continuous, interconnected pathways between residential and commercial areas, community facilities, commuter corridors and transit hubs.</p> | <p>The project adds to the Town's bicycle circulation system and would improve bicycle access to the Town Center area. A condition of approval requires bicycle racks to be provided on-site to support the bicycle system.</p> |
| <p>CHAPTER 7. OPEN SPACE AND CONSERVATION ELEMENT</p> | |
| <p>OS2 Environmental Quality GOAL: Environmental quality in the future that is as good or better than today.</p> | |
| <p>OS2.1 Protection of Wildlife Areas. Prohibit development in locations where it will have a significantly adverse effect on wildlife areas. When development is permitted in the vicinity of wildlife areas, require implementation of appropriate mitigation measures to reduce any adverse impact upon the wildlife.</p> | <p>The segment of the Laguna Creek Corridor adjacent to the site would be protected.</p> |
| <p>OS2.2 Preservation of Riparian Environments. Preserve creeks, streams and other waterways in their natural state whenever possible.</p> | <p>The riparian corridor of Laguna Creek would be protected.</p> |
| <p>OS2.3 Natural Carrying Capacity. Require that land development be consistent with the natural carrying capacity of creeks, streams and other waterways to preserve their natural environment.</p> | <p>The project would not encroach on the Laguna Creek channel and the project would not affect the creek's carrying capacity.</p> |
| <p>OS2.8 Tree Preservation. Preserve and protect trees wherever they are located in the community as they contribute to the beauty and environmental quality of the Town.</p> | <p>Most of the existing trees on the site would be removed and replaced with more trees pursuant to the project's landscaping plan. The mature redwood trees along the southeastern property line will be preserved, as well as the trees within the riparian corridor.</p> |
| <p>OS3 Water Quality and Conservation GOAL: Protection of water resources through protection of underground water aquifers and recharge areas; maintenance of watercourses in their natural condition; and efficient water use.</p> | |
| <p>OS3.1 Sewer Connections. Require all development to be connected to a sewage system, with exceptions granted only in those areas where it is demonstrated that a sewer connection is not feasible <i>and</i> it has been confirmed by a competent technical counsel that septic system effluent will not infiltrate underground aquifers.</p> | <p>The project would be connected to the CCCSD system for collection and treatment of sewage.</p> |
| <p>OS3.2 Polluting Materials. Prohibit the accumulation and dumping of trash, garbage, vehicle lubricant wastes and other materials that might cause pollution.</p> | <p>The project would include recycling and trash collection facilities and residents would be required to comply with the Town's waste disposal requirements</p> |

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| OS3.3 Street and Gutter Maintenance. Maintain streets and gutters to prevent accumulation of debris and litter. | On-site gutters and storm drainage facilities would be maintained by the Homeowner's Association. |
| OS3.4 Watercourse Capacity. Ensure that the design capacity of watercourses is not exceeded when approving new development. | The project would not encroach on the Laguna Creek channel and the storm water management system would meet the County's Provision C (3) requirements for managing storm water discharges. |
| OS3.5 Watercourse Preservation. Whenever possible, preserve and protect natural watercourse areas that will reflect a replica of flora and fauna of early historical conditions. | The riparian corridor along Laguna Creek adjacent to the site would be preserved. |
| OS3.6 Run-off from New Developments. Engineer future major developments to reduce peak storm runoff and non-point source pollution to local creeks and streams, taking into consideration economically viable Best Management Practices (BMPs) in the design of the project as well as factors such as the physical constraints of the site, the potential impact on public health and safety and the practicability of possible mitigation measures. | The project is being designed to meet current Provision C (3) requirements, consistent with this General Plan policy. |
| OS3.7 Water Conservation Measures. Encourage water conservation in new building construction and retrofits, through measures such as low-flow toilets and drought-tolerant landscaping. | Water using fixtures installed in the project would meet current California codes and the landscaping will conform to WELO requirements. |
| OS4 Air Quality GOAL: Preservation and maintenance of air quality. | |
| OS4.1 Development Design. Conserve air quality and minimize direct and indirect emissions of air contaminants through the design and construction of new development. For example, direct emissions may be reduced through energy conserving construction that minimizes space heating, while indirect emissions may be reduced through uses and development patterns that reduce motor vehicle trips generated by the project. | The attached single-family homes would be a more compact form of development, that would be within walking distance of the commercial center and therefore enable more residents to walk or bike instead of drive to destinations around town. Energy conserving construction, including solar panels would reduce direct emissions. |
| OS4.2 Development Approval and Mitigation. Prohibit development projects which, separately or cumulatively with other projects, would cause air quality standards to be exceeded or would have significant adverse air quality effects through direct and/or indirect emissions. Such projects may only be approved if, after consulting with the Bay Area Air Quality Management District (BAAQMD), the Town Council explicitly finds that the project incorporates feasible mitigation measures or that there are overriding reasons for approving the project. | According to the BAAQMD Guidelines the project would not result in significant direct or cumulative air quality impacts. |
| OS4.3 Development Setbacks. Provide setbacks along high intensity use roadways to reduce resident exposure to air pollutants. | Setbacks would be provided along both the Moraga Way and Country Club Drive frontages. |
| OS4.4 Landscaping to Reduce Air Quality Impacts. Encourage the use of vegetative buffers along roads to assist in pollutant dispersion. | Landscaping would be provided along both street frontages. |

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| <p>OS4.5 Alternate Transportation Modes. Encourage transportation modes that minimize motor vehicle use and the resulting contaminant emissions. Alternate modes to be encouraged include public transit, ride-sharing, combined motor vehicle trips to work and the use of bicycles and walking.</p> | <p>The project site is close to the Town's commercial center and the design incorporates biking and walking paths to facilitate alternative modes of transportation.</p> |
| <p>OS5 Energy Conservation GOAL: Lower levels of energy consumption and use of more environmentally friendly energy alternatives.</p> | |
| <p>OS5.1 Building Standards. Require that all new buildings and additions be in compliance with the energy efficiency standards of the California Building Standards Code (Title 24, California Code of Regulations).</p> | <p>This is mandatory by the State and would be reviewed for compliance as part of the building permit application.</p> |
| <p>OS5.2 Energy Conservation Measures. Encourage energy conservation in new construction and through retrofitting of existing buildings, utilizing passive solar design, use of alternative energy systems, solar space and water heating, adequate insulation, and other measures where feasible and cost effective.</p> | <p>The project must comply with current energy efficiency standards and, in addition, would feature photovoltaic solar panels.</p> |
| <p>OS5.3 Trip Reduction. Encourage energy conservation through measures that reduce automobile trips, such as transit-supportive development, provisions for pedestrian and bicycle circulation, and promotion of home-based offices and telecommuting.</p> | <p>The attached single-family homes are within walking distance of bus stops that can connect residents to BART and other transit. The project's provisions for pedestrian and bicycle paths would encourage alternative modes of transportation.</p> |
| <p>OS6 Noise GOAL: A peaceful and tranquil community.</p> | |
| <p>OS6.1 Acoustical Standards. Develop acoustical standards that properly reflect acceptable sound emission levels.</p> | <p>The project would comply with applicable Noise Element standards.</p> |
| <p>OS6.2 Noise Levels. Ensure that noise from all sources is maintained at levels that will not adversely affect adjacent properties or the community, especially during evening and early morning hours. Reasonable exceptions may be made in the interest of public safety.</p> | <p>As a residential development, the project would not be a significant new source of community noise.</p> |
| <p>OS6.3 Noise Sensitive Uses. Locate uses where they will be most acoustically compatible with elements of the man-made and natural environment.</p> | <p>Project specific design features and mitigation measures would be incorporated to minimize the potential noise impacts from the site's location adjacent to the MOFD Fire Station and training area.</p> |
| <p>OS6.4 Noise Impacts of New Development. Ensure that new development will not raise noise levels above acceptable levels on the Town's arterials and major local streets.</p> | <p>As a residential development, the project would not be a significant new source of community noise. The project's traffic generation would not raise traffic noise levels on Moraga Way or Country Club Drive.</p> |
| <p>OS6.5 Acoustical Data with Development Applications. Require the submittal of acoustical data, when and where appropriate, as part of the development application process so that the noise impacts of proposed uses can be properly evaluated and mitigated.</p> | <p>The final design plans would be reviewed by a qualified acoustical engineer, and any recommended modifications necessary to ensure compliance with the State residential noise standards shall be adopted.</p> |
| <p>OS6.6 Temporary Noise Sources. Permit temporary</p> | <p>Conditions regulating construction noise would be</p> |

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| noise-generating activities such as construction only for the shortest reasonable duration and in locations that will have the least possible adverse effect. | included in the project's final approval. |
| OS6.7 Vehicle Noise. Require that vehicles, including those used for recreational purposes, be used in such a manner that they will not intrude on the peace and quiet of residential areas. Reasonable exceptions may be made in the interest of public safety. | This policy is applicable throughout the Town and is enforced by the Police Department. |
| CHAPTER 8. PUBLIC SAFETY | |
| PS1 General Public Safety GOAL: A semi-rural environment that is relatively free from hazards and as safe as practicable. | |
| PS1.1 Assessment of Risk. Include an environmental assessment of natural hazard risks in development proposals to permit an adequate understanding of those risks and the possible consequent public costs in order to achieve a level of 'acceptable risk.' Public costs should be expressed in terms of effect on life and property. | Geotechnical reports, focused on reducing seismic risks and other geologic hazards, have been submitted and peer reviewed and would guide the design of site improvements and buildings. |
| PS1.3 High Risk Areas. Prohibit development in 'high risk' areas, which are defined as being (1) upon active or inactive slides, (2) within 100 feet of active slides, as defined in Figure 4 of the Safety Element Appendix, or (3) at the base of the centerline of a swale, as shown on the Town's Development Capability Map. | The site is not within a "high risk" area. |
| PS1.4 Moderate Risk Areas. Avoid building in 'moderate risk' areas, which are defined as being (1) those areas within 100 yards of an active or inactive landslide, as defined by the Town's Landslide Map, or (2) upon a body of colluvium, as shown in Figure 2 of the Public Safety Element background information. Where it is not possible to avoid building in such areas entirely, due to parcel size and configuration, limit development accordingly through density regulations, subdivision designs that cluster structures in the most stable portions of the subdivision, site designs that locate structures in the most stable portion of the parcel, and specific requirements for site engineering, road design, and drainage control. | The site is not within a "moderate risk" area. |
| PS3 Fire Safety and Emergency Services GOAL: A high level of fire and life safety. | |
| PS3.1 Cooperation with the Moraga-Orinda Fire District. Cooperate with the Moraga-Orinda Fire District in developing standards, guidelines and local ordinances to assure provision of adequate fire protection and emergency medical service for all persons and property in the community. | The MOFD has reviewed the conceptual development plans and would review final design plans. |
| PS3.2 Fire Stations. Maintain two fire stations in the Town. Work with the Moraga-Orinda Fire District to support its ongoing facility improvement program, including but not limited to the relocation of Station 42 from Rheem Boulevard to Moraga Road (as indicated on the General | Completed. |

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| Plan Diagram). | |
| <p>PS3.3 Response Times. Provide a maximum emergency response driving time of 3 minutes and/or a travel distance of not more than 1.5 miles for response vehicles from the closest fire station to arrive and effectively control fires and respond to medical and other emergencies in the community.</p> | <p>Response times to calls from the project would be within the standards.</p> |
| <p>PS3.4 Fire Flows. Deploy the fire-fighting forces of the Moraga-Orinda Fire District to deliver a minimum fire flow in accordance with the adopted standards of the Moraga-Orinda Fire District. Major fires requiring fire flows in excess of the adopted standards will exceed the initial fire attack capability of local fire-fighting forces and structures involved in such fires are expected to incur major fire damage unless protected by fire resistive interiors and fire sprinkler systems.</p> | <p>Appropriate fire flows would be specified by the MOFD.</p> |
| <p>PS3.5 Development Review for Emergency Response Needs. Evaluate new development proposals to ascertain and mitigate problems associated with emergency response needs.</p> | <p>The MOFD has reviewed the conceptual development plans and would review final design plans.</p> |
| <p>PS3.6 Fire Vehicle Access. Provide access for fire-fighting vehicles to all new developments in accordance with fire access standards of the Moraga-Orinda Fire District and Town of Moraga Ordinances.</p> | <p>The MOFD review has resulted in plan modifications to meet fire truck access requirements.</p> |
| <p>PS3.8 Fire Safety Devices in Buildings. Require the installation of appropriate fire safety devices in all structures at the time of original construction, additions, or remodeling, in accordance with adopted building codes and standards.</p> | <p>The project would be designed to comply with current fire codes and the MOFD would review final design plans.</p> |
| <p>PS3.9 High Occupancy Residential Buildings. Require approved built-in fire protection systems in new construction in high occupancy residential buildings (such as multi-story/multi-unit structures, group quarters, etc.) in accordance with Moraga-Orinda Fire District standards. For each new building or addition exceeding 5,000 square feet of fire area in high occupancy residential buildings, a comparable amount of existing fire area shall be equipped with approved built-in fire protection systems.</p> | <p>The project would be designed to comply with current fire codes and the MOFD would review final design plans.</p> |
| <p>PS3.10 Fire Protection Systems. Cooperate with the Moraga-Orinda Fire District to enforce requirements for built-in fire protection systems as required by ordinance, including specialized built-in fire protection systems that may be required based upon building size, use or location..</p> | <p>The project would be designed to comply with current fire codes and the MOFD will review final design plans.</p> |
| <p>PS3.11 Development Review by the Moraga-Orinda Fire District. Require proposed construction projects that meet criteria established by the Moraga-Orinda Fire District (MOFD) to be reviewed by the MOFD at the beginning of the Town review process and before permits are issued. The MOFD shall submit conditions of approval for such</p> | <p>The MOFD has reviewed the conceptual development plans and would review final design plans.</p> |

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| projects to ensure that they meet adopted fire safety standards. | |
| PS3.14 Fire Retardant Roofing. Require fire retardant roofing of Class B or better in all new construction and when replacing roofs on existing structures. | The project would be designed to comply with current fire codes and the MOFD would review final design plans. |
| PS4 Seismic and Geologic Hazards GOAL: Minimal risk to lives and property due to earthquakes and other geologic hazards. | |
| PS4.10 Grading. Grading for any purpose whatsoever may be permitted only in accordance with an approved development plan that is found to be geologically safe and aesthetically consistent with the Town's Design Guidelines. Land with a predevelopment average slope of 25% or greater within the development area shall not be graded except at the specific direction of the Town Council and only where it can be shown that a minimum amount of grading is proposed in the spirit of, and not incompatible with, the intention and purpose of all other policies of the General Plan. The Town shall develop an average slope limit beyond which grading shall be prohibited unless grading is required for landslide repair or slope stabilization. | The proposed project will require a grading permit. A preliminary geotechnical report has been submitted and peer reviewed. |
| PS4.11 Retaining Walls. Discourage the use of retaining walls and other man-made grading features to mitigate geologic hazards, permitting them only when: <ul style="list-style-type: none"> • Required to decrease the possibility of personal injury or property damage; • Designed to blend with the natural terrain and avoid an artificial or structural appearance; • Appropriately screened by landscaping; • Designed to avoid creating a tunnel effect along roadways and to ensure unrestricted views for vehicular and pedestrian safety; and • Designed to ensure minimal public and/or private maintenance costs. | The project has been designed to minimize the need for retaining walls, and incorporates a plan for off-site grading of the adjacent MOFD site to eliminate a retaining wall. |
| PS5 Flooding and Streambank Erosion GOAL: Minimal risk to lives and property due to flooding and streambank erosion. | |
| PS5.3 New Structures in Flood Hazard Areas. Avoid placing new structures within potentially hazardous areas along stream courses. | The project would not place any structures in the Laguna Creek flood plain. |
| PS5.5 Streambank Erosion and Flooding Potential. Reduce the potential for future streambank erosion and flooding by requiring appropriate mitigation measures. | The project would not encroach on the Laguna Creek channel and the storm water management system would meet the County's Provision C (3) requirements for managing storm water discharges. |
| PS5.6 On-site Storm Water Retention. Require on-site storm water retention for new developments. | The project would meet the County's Provision C (3) requirements for managing storm water discharges. |
| FS2 Schools GOAL: Continued high quality schools. | |
| FS2.1 Population Growth and School Capacity. | Potential impacts to schools due to new residential |

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| <p>Ensure that potential impacts on school facilities are considered when reviewing and approving development proposals, working with the Moraga School District and Acalanes Union High School District to determine potential impacts and establish appropriate mitigations, as necessary.</p> | <p>units were assessed in the MCSP EIR, in consultation with Moraga School District and Acalanes Union High School District. Since the proposed Moraga Town Homes project would have 25 fewer units that anticipated, the respective student generation levels would be marginally lower and should not overwhelm the school districts.</p> |
| <p>FS2.2 Pace of Growth. Control the timing and location of new residential development in a way that allows the Moraga School District and Acalanes Union High School District to plan and finance facility expansion in an orderly fashion.</p> | <p>See. FS 2.1</p> |
| <p>FS2.3 School Impact Fees. Cooperate with the School Districts to assess an impact fee on new subdivision developments to offset the costs of facility expansion and other school impacts resulting from those developments, in accordance with State law.</p> | <p>The project would pay applicable school impact fees.</p> |
| <p>FS3 Parks and Recreation GOAL: Parks and recreational facilities that respond to community needs and priorities and are consistent with Town resources.</p> | |
| <p>FS3.2 Parks and Recreation Facilities in New Developments. Ensure that adequate recreation facilities are provided in areas of new residential development as a condition of development approval. Recreation facilities may include but need not be limited to amenities such as playgrounds, drinking fountains, trails, restrooms, picnic tables, play fields, and natural areas.</p> | <p>A small park, approximately 10,000 square feet with recreation facilities would be included in the project. In addition the applicant would be required to contribute toward park and recreation facilities through payments of development impact fees.</p> |
| <p>FS3.3 Park Dedication Requirements. Require residential and business developments to make appropriate provisions for park land dedication, trails, trail easements and/or in-lieu fees as part of the planning and development process. Land and/or facilities provided by the developer can be considered for credit toward the park dedication requirement.</p> | <p>The project applicant would be required to comply with applicable Park dedication requirements.</p> |

ATTACHMENT E

MORAGA CENTER SPECIFIC PLAN DESIGN GUIDELINES CONFORMANCE ANALYSIS

Moraga Center Design Guidelines Consistency Analysis

The Design Guidelines that pertain to this project address residential design in the Moraga Center Specific Plan and the Scenic Corridor. The following table discusses conformance with each guideline and highlights the design guidelines that require additional Design Review consideration in bold font.

| Guiding Principle or Design Guideline | Consistency Analysis |
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| GUIDING PRINCIPLES | |
| <p>1.2.1 Maintain the Town's Semi-Rural Character (SRC)</p> <p>A. Care should be taken to "soften" the effect of upper floors. Examples include using pitched roofs with dormer windows for top floors, increased setbacks applied to upper floors to create a "step-back" effect, upper-floor open spaces such as balconies or porches, and landscape treatments such as rooftop vegetation and adequate use of street trees.</p> <p>B. Streetscape and public space design should include the use of "semi-rural details," with examples such as rolled curbs, curbless streets with bioswales, split rail fences, and the use of soft materials such as crushed gravel and irregular paving, where appropriate.</p> <p>C. The Moraga Ranch and the Laguna Creek Riparian Corridor run through the middle of the MCSP area. They should both be preserved and enhanced to provide semi-rural core landmark character defining elements visible from points throughout the plan area.</p> | <p>The proposed townhomes and duplexes utilize pitched roofs and dormers. The townhome units also use dormers to create a half story loft area rather than a full third floor to reduce bulk and visual prominence of the building. A variety of roof designs, exterior surfaces and colors differentiate the buildings and add interest to the overall design. Building articulations and variations in surface and window treatments between the first and second levels add to the design, even though there are no balconies or "step-backs."</p> <p>The landscape plan for the project does propose the use of split rail fences, trellises at the paseo entries and the use of swales.</p> <p>The Laguna Creek riparian corridor would be preserved and more accessible with the proposed development of a park and walking path along the creek.</p> <p>Generally, staff believes that the project design is appropriately sensitive to this design guideline.</p> |
| <p>1.2.3 Complement Existing Landscaping (L)</p> <p>The existing landscape in the MCSP is dominated by the Laguna Creek Riparian Zone and orchard trees planted throughout, both of which help to frame the semi-rural context of the MCSP zone. To complement the existing landscape within the MCSP, drainage ways should be designed as open channel bioswales that reflect natural topographic profiles, creating an opportunity for native species plantings to run throughout the community and connect to the Laguna Creek corridor, as well as employing visible green strategies for treating storm water. To reflect the historical context of orchard use, the use of both organic fruiting and non-fruiting orchard species planted in linear arrangements is encouraged for buffer areas and within public parks.</p> | <p>Riparian habitat along Laguna Creek and would be preserved and enhanced with new plantings in the adjacent park area.</p> <p>The project landscaping includes bioswales throughout the project site and along Moraga Way and Country Club Drive.</p> <p>Clusters of flowering trees are proposed near the entry of the pedestrian paseos and the plant palette includes drought tolerant, fire resistant and native plants from the Town of Moraga Appendix B.</p> <p>By preserving the riparian habitat, creating a creekside park, using bioswales and landscape plantings consistent with the Town's planting list, staff believes the project will conform with this Guideline.</p> |
| <p>1.2.4 Enhance the Town's Scenic Corridors (SC)</p> <p>Moraga Road and Moraga Way, two of the town's major scenic corridors, play pivotal roles in the circulation concept through the MCSP. In addition to guidelines presented in the Town Design Guidelines for scenic corridor enhancements, the Town's 2006 Transportation Corridor Streetscape Plan presents specific design approaches. However, the Village character and development intensity being proposed in parts of the MCSP will result in buildings oriented toward the street, not just located adjacent to it. In these</p> | <p>Along Moraga Way the project proposes to landscape the setback to the townhomes (12 to 22.5 feet wide) and landscape 20 feet of the right of way to create a large buffer. A curving sidewalk passes through the buffer and connects to the pedestrian paseos.</p> <p>Staff believes the project would enhance the Moraga Way frontage in a way that would be consistent with the Scenic Corridor by incorporating a combination of extensive landscaping along the site frontage and in the public right-of-way, with appropriate semi-rural</p> |

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| <p>areas, planting and paving treatments that respect setback requirements but create a pedestrian streetscape rather than greenbelt, may be appropriate.</p> <p>In all contexts, the importance of Scenic Corridors should be enhanced as important organizing elements within the MCSP area. Special landscaping, signs, lighting, and other streetscape design techniques should be used along streets to announce gateways into the Town and into the MCSP area.</p> | <p>detailing and building setbacks.</p> <p>The lighting and other street features have not been detailed at this time, but will be subject to final design review.</p> |
| <p>Thoughtfully Design Single Family Residential Neighborhoods (SFR)</p> <p>These neighborhoods should be designed with high-quality pedestrian environments with sidewalks and pathways to adjacent neighborhoods and the Moraga Center to encourage walking as a primary mode of transportation.</p> | <p>The project proposes sidewalks as well and pedestrian paseos and sidewalks internal to the site.</p> <p>Staff believes that the site design provides adequate sidewalks and pedestrian connections to adjacent neighborhoods and that walking from the project to Moraga Center will be feasible.</p> |
| <p>DESIGN GUIDELINES</p> | |
| <p>2.0 RESIDENTIAL</p> | |
| <p>2.1.1 Circulation Patterns</p> <p>A. Neighborhood patterns should allow residents to easily walk or bike through the neighborhood.</p> <p>B. Neighborhood patterns should be designed to work with and preserve topographic and natural features.</p> | <p>Sidewalks are provided along Moraga Way and Country Club Drive, and internally to connect the two streets, to encourage walking and biking, and access to the proposed pocket park.</p> <p>There will be storage space in garages for bicycles and the internal streets will accommodate their movement through the site, with access to Moraga Way and Country Club Drive.</p> <p>Internal to the site there is not a clear pedestrian connection to the pocket park. Pedestrians would likely take the most direct path to the park by walking on the driveways.</p> |
| <p>2.1.2 Streets</p> <p>Neighborhood Streets should be designed to provide safe and convenient access for vehicles and pedestrians. Streets should provide attractive designs where the composition of street, landscaping, sidewalks, and private front yards define a common space in which residents and visitors can walk, meet, play, and socialize. Street patterns should interconnect and encourage easy access from one neighborhood to another while discouraging high speed travel.</p> <p>Cul-de-sacs should be open ended and adjacent to open space or other recreational amenities such as parks where possible.</p> <p>Closed cul-de-sacs of homes should not back onto open space or parks.</p> <p>Long stretches of homes should not back onto neighborhood collectors or open space amenities such as parks or paseos.</p> <p>Inappropriate street termination points should be avoided. Examples include bedroom windows vulnerable to headlights, alleys, or other</p> | <p>The circulation system provides multiple points of access to the development to disperse car trips, with curving streets and pavement variations to discourage cut-through traffic, and high speed travel.</p> <p>The streets to the townhomes are designed to primarily access parking and garages, while the paseos between the buildings will provide quiet front yard spaces that will encourage socializing. The cottages along Country Club Drive have private rear yards and open front yards with porches facing the street.</p> <p>As noted in 2.1.1 generally, the design appears to respect and implement the Circulation and Street Design Guidelines, although staff believes that additional internal pathways should be added to facilitate pedestrian access to pocket park, as was suggested by the DRB In the March workshop.</p> |

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| <p>parking areas.</p> | |
| <p>2.2 Architecture</p> <p>2.2.1 Cohesive Neighborhood Design</p> <p>Open relationships between neighborhoods should be maintained while still allowing for market differentiation.</p> <p>A. Signature detailing should establish the community's architectural character in form, color, and materials.</p> <p>B. Abruptly disharmonious and monolithic architectural style, color, and material should not be used.</p> | <p>The two distinct residential building types proposed (Cottages and Townhomes), successfully maintain relationships between them by having shared parking access, internal roadways, and pedestrian circulation systems, along with the small park. The two housing types would share similar materials and color pallet.</p> <p>The two housing types on the site provide a transition in density and building form to blend the proposed development to the existing Moraga Country Club development.</p> <p>Staff believes that this would be consistent with the design goal by providing cohesive neighborhood designs, while supporting open relationships between neighborhoods.</p> |
| <p>2.2.2 Streetscapes</p> <p>Building relationships and groupings should be designed to create streetscapes that demonstrate variety and individuality to contribute to a positive sense of place.</p> <p>A. Building heights should vary along streets.</p> <p>B. Setbacks should vary along streets.</p> <p>C. Uniform and repetitive facades that present a monolithic form of development should be avoided.</p> <p>D. Window placement and building siting should not violate the privacy of a adjacent private yards.</p> | <p>The applicant revised the facades along Moraga Way and Country Club Drive to create differentiation and visual interest for the streetscape. Entry features, window treatments, siding treatments and architectural features of the individual buildings would offer variety and avoid a monolithic design form. At DRB's request, the plan has been modified to vary the setbacks along Moraga Way.</p> <p>Staff believes that the design provides sufficient variation and architectural interest to avoid a monolithic form and meet this design guideline. Final architectural plans and colors and material board will require design review.</p> |
| <p>2.2.4 Garages and Driveways</p> <p>Important in the creation of pedestrian oriented neighborhoods is lessening the impact of garage doors.</p> <p>A. Plans should provide garages pushed to the rear of the lot or accessed from alleys.</p> <p>B. Driveway pavement should be reduced to the minimum functional width. The use of permeable materials for driveways is encouraged.</p> <p>C. Planting pockets should be used between adjacent garage doors.</p> <p>D. Living space should be forward of the garage setback.</p> <p>E. Unadorned street-facing garages should not be forward of living areas.</p> | <p>The site plan is effective in separating auto and pedestrian spaces. The site design avoids garages fronting onto public streets or facing the front entrance of adjacent homes. Garage doors would face the external side lot lines and the internal streets; where as the pedestrian entrances would face Country Club Drive and pedestrian paseos from Moraga Way.</p> <p>The garages of building A and D would be visible to travelers on Moraga Way as they pass the entrance to the roadway and EVA. The garages would also be prominently visible from the internal roads and sidewalks. The garage doors are recessed by one foot from the building faces of the internal drives, and trellises and corbels may visually reduce the prominence of the garage entrance..</p> |
| <p>2.2.5 Building Articulation</p> <p>Visual interest in the streetscape should be created through building articulation and variation of building forms.</p> <p>A. Strong vertical accents and varied wall plane lines are encouraged.</p> <p>B. Building forms should be appropriate to their style.</p> <p>C. Use of balconies, verandas, porches, and arcades visible from the street is encouraged.</p> | <p>The design provides a varied wall plane lines along the fronts of all the buildings. The surface treatments of the Townhome buildings vary significantly are more varied than with the earlier design, and provide good visual variation along the Moraga Way frontage. Variations in window trim, roof gable detailing, porches and other architectural details are common throughout. All "public" faces of the project will be articulated.</p> <p>Patios and front porches are provided for each townhouse and duplex unit (cottage) facing and visible from the paseos or street.</p> |

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| <p>D. Front porches should be sufficiently sized to allow for functional use.</p> <p>E. Where topography allows, porches should be elevated above the street level.</p> <p>F. Use of repetitive, unarticulated building forms should not be allowed.</p> <p>G. Inappropriate mixing of styles should be avoided. (e.g., English half-timbering on 4:12 pitch roof should not be applied to a ranch style home.)</p> <p>H. Unarticulated roof forms should not be set on a constant wall plate height.</p> <p>Equal concern should be given to side elevations on corner lots and rear elevations where visible from public areas and neighboring areas. All "public" faces should be articulated.</p> <p>I. Articulation, materials, and architectural details should wrap around corners to sides and rears of homes where visible.</p> <p>J. Unadorned flat side and rear elevations should not face onto open space areas and streets.</p> <p>K. Wrapping porch elements around the corners of buildings is encouraged on corner lots.</p> <p>L. Side elevations that face a public street should be enhanced with additional windows, pop-outs or bays, chimneys, stepped rooflines, or balconies, as appropriate.</p> | <p>For townhomes at the end of the row, there are larger side porches. The depth and area of the front porches may be too small to be functional outdoor space. There are no balconies, terraces or open space above the ground floor.</p> <p>Staff believes that the project is well articulated with varied designs and surface details and that it avoids repetitive, uninteresting building forms. Corners and rear elevations are considered and all public faces are designed to be attractive and interesting. The project design is responsive to this design guideline.</p> |
| <p>2.2.6 Entries</p> <p>Entries should be given special attention as a whole system including the door, side windows, porch, and entry wall.</p> <p>A. Entries should be inviting from the street.</p> <p>B. Adequate protection from wind, rain, and sun should be provided at building entries.</p> <p>C. Where homes occur on corners, wrapping of entry elements around the side is encouraged.</p> <p>D. Sectional garage doors should have appropriate articulation, such as panel detailing or window panels, and be recessed into the building plane.</p> | <p>The proposed design provides defined entries for each residence that are sheltered from the elements and easily visible from the streets or paseos. Variations in siding and garage door design will add interest and avoid a repetitive appearance along the auto courts, however, the addition of trellises and/or recessed garage doors provide further physical definition and reduce the prominence of the garage entrances.</p> |
| <p>2.2.7 Details and Materials</p> <p>Details and materials should be appropriate to the architectural style of the building. Appropriate and well thought out detailing should enhance the perception of a project's quality.</p> <p>A. Gutters, downspouts, and rainwater leader heads should be integral to the roof and wall detailing and should be designed as part of the trim.</p> <p>B. Roofing materials should be appropriate to their related style and pitch.</p> <p>C. Homes should have a color palette that at a minimum includes a body color, trim color, and accent color.</p> | <p>A material pallet has not been provided at this time and so cannot be effectively analyzed. Included in the DRB recommendation is a requirement that a complete color and material pallet will be subject to DRB review and approval.</p> |

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| 6.0 SITE FEATURES | | |
| 6.1 Lighting The goal for the lighting guidelines is to provide a comfortable level of illumination that meets the community's needs for orientation and safety in a way that complements the aesthetic qualities of the architecture and the semi-rural character of Moraga. | A detailed lighting plan has not been provided at this time and so cannot be effectively analyzed. Included in the DRB recommendation is a requirement that a comprehensive lighting plan will be subject to DRB review and approval, which shall conform with the requirements of relevant Design Guidelines, including Guidelines 6.1.1, 6.1.3 and 6.1.4. | |
| 6.1.1 General Considerations Lighting design should be energy efficient, to create a better quality of life, an improved aesthetic, and preserve energy resources. A. High efficiency fixtures and sophisticated optics are encouraged to direct light where it is needed without creating excessive glare. B. Long lasting high pressure sodium lamps are suggested to minimize energy use and lamp replacement. C. Lights should be placed where they are needed for specific uses, rather than to a continuous foot-candle requirement, allowing for the appreciation of the dark sky in the residential neighborhoods and reducing the total number of fixtures and energy consumption. Lighting should be shielded to avoid excessive and unnecessary glare. D. The use of up lights for buildings, trees, or signs is discouraged. E. High intensity light fixtures should include a shielded light source that reduces the view to the light source. F. High pressure sodium and incandescent lamps shall be used exclusively to provide a narrow light spectrum to preserve viewing opportunities and increase efficiency. G. Mercury vapor, metal halide, and fluorescent lamps will not be permitted for use in the specific plan area. H. Other light sources may be considered if it can be demonstrated that the narrow light spectrum is maintained. | | |
| 6.1.3 Residential Lighting Lighting in residential areas should be provided at specific points of need in keeping with a semi-rural standard to reflect a quieter and more intimate setting in residential areas. Use of pole lights with a shielded light source and/or optics to direct the light down to the ground is encouraged so that the light source is not visible outside of the light distribution area. Light poles should be provided at street intersections and along pedestrian pathways to provide orientation and way finding within the community. | | |

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| <p>Street identification signs and traffic control signs should be mounted on light poles to integrate these elements into the design and minimize the visual impact of poles and signs on the community.</p> | |
| <p>6.1.4 Open Space Lighting</p> <p>Lighting for parks should help characterize parks as an extension of pedestrian zones throughout the rest of the community and should provide the minimum ample lighting for safety, orientation, and way finding along the trails.</p> | |
| <p>6.3.1 Walls</p> <p>A. Site walls should be made of materials complementary to the building architecture palette.</p> <p>B. Walls located in visually prominent areas should be decorative and faced with materials that are compatible with the surrounding natural environment and from local sources, whenever possible.</p> <p>C. Keystone and other interlocking masonry wall systems are encouraged in place of concrete retaining walls.</p> <p>D. Concrete retaining walls shall be allowed only where necessary for structural and spatial requirements and shall be heavily screened from view with plantings to minimize their visual impact.</p> <p>E. Plantings should be utilized to minimize the visual impact of all retaining walls.</p> | <p>Walls and fences are shown on the Landscape Plan (L1.0). Sound walls are proposed along the boundary of the Fire District's training area. They would be 7 – 8 feet tall, and constructed of a dense enough material to provide sound shielding. Good neighbor fences (6 feet tall) would be provided adjacent to the Fire District's administrative office, the office building to the west, and between the respective Cottages. The grading plan does not appear to indicate that any retaining walls will be required, and the applicant and the Fire District have an agreement to allow grading on the Fire District site to conform it better to the project site's grading plan, thereby reducing the potential height of the sound wall. The sound wall design and landscaping in front of it will require DRB review and approval.</p> |
| <p>6.3.2 Fencing</p> <p>A. Fencing materials and colors should complement adjacent architecture.</p> <p>B. Use of decorative fencing styles such as grape stake, picket, and split rail fences are encouraged in areas of high visual sensitivity.</p> <p>C. Use of a variety of traditional wood "good neighbor" style fences is allowed.</p> | |
| <p>6.4.1 Street Furniture and Paving Treatment</p> <p>Streets and public spaces should be designed to be comfortable for pedestrians and emphasize pedestrian movement among and between various uses in MCSP area.</p> <p>A. Benches and seat walls should be incorporated into the streetscape to provide seating areas along pedestrian promenades.</p> <p>B. Ample bicycle parking areas and bicycle racks should be provided throughout the MCSP area.</p> <p>C. Seating areas should present both shady and sunny</p> | <p>A streetscape plan has not been provided at this time and so cannot be effectively analyzed. Included in the DRB recommendation is a requirement that a complete color and material pallet will be subject to DRB review and approval.</p> |

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| <p>opportunities.</p> <p>D. Tree grates, bollards, and other site furniture should be used to help articulate the street edges and provide a pleasant separation between the automobile realm and the pedestrian realm.</p> <p>E. Where the automobile realm and the pedestrian realm overlap, clear priority should be given to the pedestrian in the form of accentuated paving, bollards, special crosswalk lighting, and other pedestrian features.</p> <p>F. The use of permeable concrete or permeable asphalt paving with score lines to reduce the scale of the pavement, or permeable interlocking pavers, is encouraged.</p> <p>G. Passageways between stores that lead to parking areas are particularly important and should be accentuated by architectural gateway elements, decorative paving and plantings, bollards, and seating courts with ample shade and weather protection.</p> | |
| <p>7.2 RESIDENTIAL LANDSCAPING</p> <p>Planting designs should be appropriate for the local site and environmental conditions present in Moraga.</p> <p>A. Neighborhood plantings should have individual expressions of landscape design consistent with the architectural character of the homes.</p> <p>B. Street trees should be placed in landscape strips that separate the roadway from the sidewalk, which should also include drought tolerant shrub and groundcover plantings to encourage sidewalk use.</p> | <p>The landscaping plan calls for 16 Black Walnut street trees along the Country Club Drive frontage and 6 Chanticleer pear and 12 Western Redbud trees along the Moraga Way frontage. In addition, a variety of accent trees and shrubs are proposed along both frontages. The internal streets would have shade trees and accent trees, densely clustered at the County Club Drive entrance, at the gathering space at the end of the Paseo between Buildings A and B, and the bulb-out across the street. The existing row of redwood trees along the Fire Station property line would be retained. Included in the DRB recommendation is a requirement that a final landscape plan will be subject to DRB review and approval.</p> |

Scenic Corridor Design Guidelines Consistency Analysis

| Design Guideline | Consistency Analysis |
|---|---|
| <p>SC2 Wide and curved trails should be used along scenic corridors instead of sidewalks wherever possible. Both trails and sidewalks should be separated from roadways with plantings. See Appendix C.</p> | <p>A curved sidewalk is proposed through the landscaped buffer along Moraga Way. The project would be consistent with this Guideline.</p> |
| <p>SC3 A greenbelt should be established between the scenic corridor major road and a parking area or building that is located adjacent to the road. The greenbelt must be landscaped and appear to be natural (i.e. a high percentage of the ground area could be a mounded redwood bark or stone covered area as long as plants provide a reasonable amount of massing to create a screening effect). All landscaped areas shall be appropriately irrigated to maintain healthy plants while preventing runoff from over watering.</p> | <p>A 35 foot wide landscaped area, 20 feet of the adjacent right of way and 15 feet of the site frontage, is proposed for the length of the project frontage along Moraga Way.</p> <p>Generally the project is consistent with this Guideline, although staff is recommending that a final landscape plan will be subject to DRB review and approval.</p> |
| <p>SC4 Trees should be planted on medians and along scenic corridors</p> | <p>The landscaping plan calls for 16 Black Walnut street trees along</p> |

| | |
|---|--|
| <p>except where traffic views are blocked. Where tree planting next to scenic corridors is otherwise not possible, planters for trees should be located in street parking zones. See Appendixes B and C. Native grass areas are acceptable along the scenic corridor where formal landscaping is inappropriate.</p> | <p>the Country Club Drive frontage and 6 Chanticleer pear and 12 Western Redbud trees along the Moraga Way frontage. Smaller flowering trees and shade trees are proposed for the pedestrian paseo and the auto courts.</p> <p>Staff believes that the project would conform to this Guideline.</p> |
| <p>SC5 The greenbelt separating a single-family residence from a scenic corridor roadway should have a minimum depth of 20 feet. This depth can be lessened if mitigated by shrubbery, trees and/or other acceptable elements or landscaping.</p> | <p>See SC3.</p> |
| <p>SC8 Greenbelts should have a balance of high and low plants to give a natural look to the landscaped area. At no time will a landscaped area (other than grass) exceed 50 lineal feet along the scenic corridor road without a change in massing, character, and color.</p> | <p>The proposed landscape plan includes a variety of trees, shrubs and groundcovers with different heights and textures, and staff believes that the project generally conforms to this Guideline.</p> <p>As noted in SC3, the final landscape plan will be subject to DRB review and approval.</p> |
| <p>SC9 Religious or educational institutions, apartment complexes, professional buildings, commercial buildings, and residences along scenic corridors should have a minimum 15-foot greenbelt depth to the property line at adjacent streets (exclusive of sidewalk) with moderate landscaping.</p> | <p>See SC3. At the DRB's request, the building setbacks along Moraga Way have been varied to provide visual interest and improved site design. The average setback is over 15 feet, and the greenbelt will extend 20 feet into the Moraga Way right-of-way, so the greenbelt depth will conform to this requirement.</p> |
| <p>SC15 Storm water runoff swales should be used along roadsides and medians of scenic corridors instead of curbing to slow storm water runoff and enhance the semi-rural look. See Appendix C.</p> | <p>Flow thru planters are proposed along Country Club Drive and Moraga Way to collect and treat stormwater, consistent with this Guideline. See sheet C1.1.</p> |
| <p>SC17 Viewsheds, including but not limited to close up and distant views, ridgelines, hillsides and mature native tree groupings should be protected along the Town's scenic corridors to retain the Town's semi-rural character.</p> | <p>The site does not have any hillside land or ridgelines. Redwood trees along the MOFD property line and the riparian vegetation is proposed to be retained.</p> |

ATTACHMENT F
CEQA DOCUMENT AND MITIGATION MONITORING AND
REPORTING PLAN

MORAGA TOWN CENTER HOMES
ENVIRONMENTAL DOCUMENTATION FOR THE
MORAGA TOWN CENTER HOMES PROJECT
WITHIN THE MORAGA CENTER SPECIFIC PLAN,
BASED ON THE MORAGA CENTER SPECIFIC
PLAN EIR (SCH# 2000032129)

California Environmental Quality Act Guidelines

Project Title: Moraga Town Center Homes

Lead Agency: Town of Moraga
Planning Department
329 Rheem Boulevard
Moraga, CA 94556

Contact: Ella Samonsky, Associate Planner
Ph: (925) 888-7042
Fax: (925) 376-5203

Project Location: Vacant land between Moraga Way and Country Club Drive west of
Fire Station #41, 1280 Moraga Way, Moraga, CA

Project Sponsor: City Ventures
444 Spear Street, Suite 200
San Francisco, CA 94105
Attn: Charity Wagner
(415) 730-6718

General Plan Designation: Moraga Center Specific Plan

Specific Plan Designation: Mixed Office/Residential

Zoning: SO – Suburban Office

Introduction and Project Description

A. Introduction and Purpose of this Document

The Town of Moraga has prepared this environmental documentation to address the environmental impacts of a development project described as the Town Center Homes project, consisting of a 36-unit attached single-family subdivision on the 3.06-acre project site, located between Moraga Way and Country Club Drive. There would be two different housing types on site, attached townhomes and duplexes, referred to as 'cottages' in the application. This environmental assessment is conducted pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

B. Prior Environmental Review

The project is located within the area covered by the Moraga Center Specific Plan (MSCP), and is therefore subject to the policies, regulations and requirements, including Design Guidelines, established by the Specific Plan. The MCSP was adopted in 2010, following an extensive, seven-year community process that involved local stakeholders, property and business owners, and Town decision-makers including the Design Review Board, Planning Commission and Town Council.

The Specific Plan defines a land use and circulation plan, goals, policies and actions that regulate future development in a 187-acre area centered around the existing Moraga Center shopping district. (Figure 1) Prior to approval of the MCSP, the Town prepared, and the Town Council reviewed and certified, the Environment Impact Report for the Moraga Center Specific Plan (SCH# 2000032129). The MCSP EIR is a program-level document, addressing the entire buildout of the 187-acre Specific Plan Area, including the Town Center Homes site.

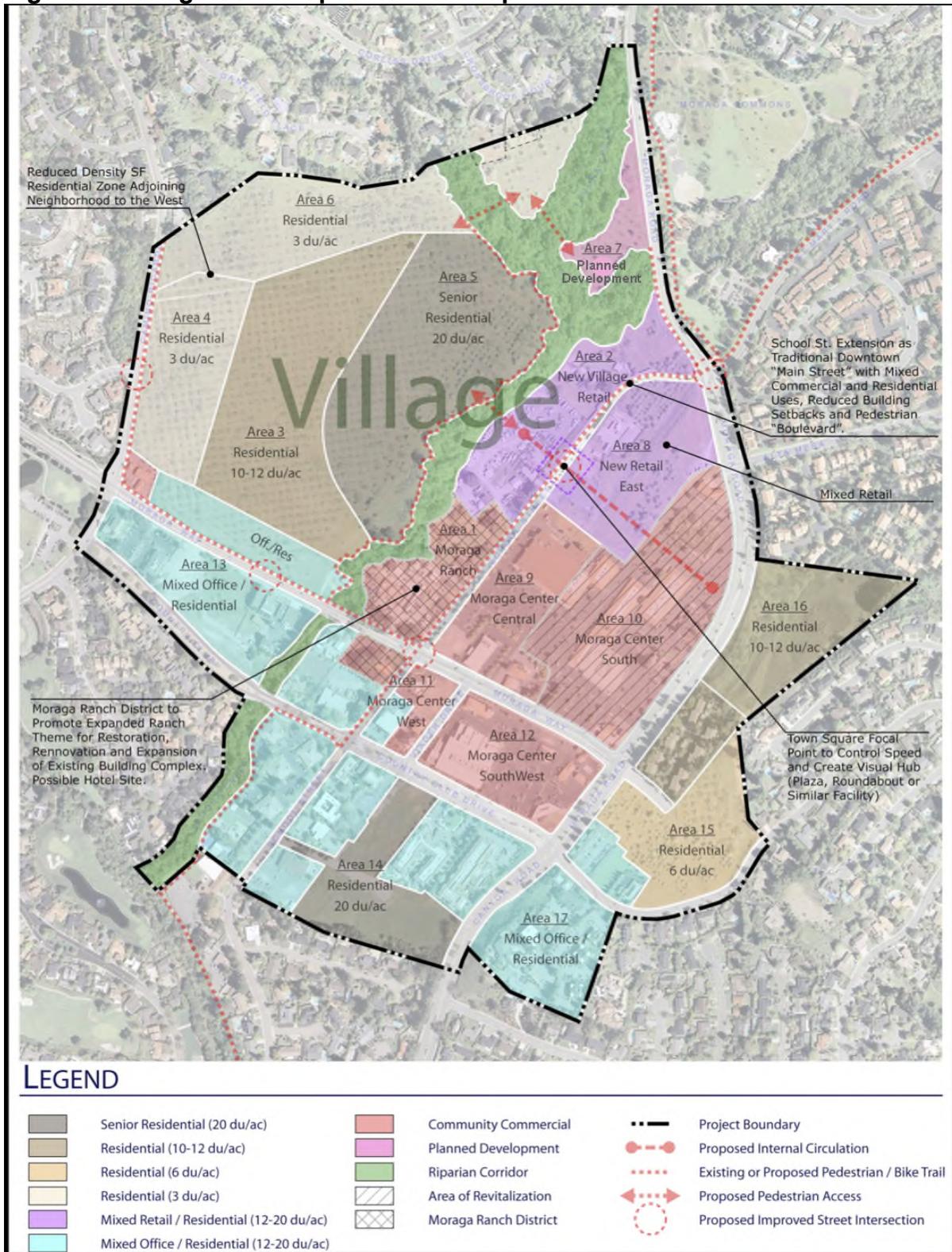
C. Project Description

1. Neighborhood/Area Description:

The Moraga Center Specific Plan (MCSP) area is located in the southwestern part of the central, mostly urbanized corridor of Town of Moraga, adjacent to Moraga Road, the primary arterial serving the community. Moraga is a predominately low-density residential community with about 17,000 residents in southwest Costa Costa County.

The proposed Town Center Homes project site is located within the southwestern portion of the Moraga Center Specific Plan Area, which is generally bounded by Moraga Way to the east, Country Club Drive to the southeast, and the Sonsara subdivision and residential subdivisions to the north and east. The project site is outside the commercial core of the Specific Plan Area and is adjacent to the existing Moraga Country Club development. The portion of the Country Club development located closest to the development mostly comprises one-to-two story attached residences. To the immediate northwest, along Moraga Road, are commercial office buildings, and then the Moraga Country Club golf course. Across Moraga Way is a large undeveloped lot. This lot is designated in the MCSP for future use as mixed office residential along Moraga Way and medium to high density residential further back in the lot. Bordering the project site to the southeast is the Moraga Orinda Fire District Station and Administrative Offices and Laguna Creek. Across the creek is a mix of office and commercial uses.

Figure 1: Moraga Center Specific Plan Map



Two public roadways, Moraga Way and Country Club Drive, border the site. To the north of the site is Moraga Way, a designated scenic corridor. It is approximately 62-feet wide and includes two travel lanes with wide gravel or partially paved shoulders. To the south of the site is Country Club Drive, which is approximately 90 feet wide with two travel lanes, separated by a wide 40-foot median extending from near Laguna Creek to St. Andrews Drive. Street parking is currently permitted on Country Club Drive and Moraga Way.

2. Site Conditions/Environmental Setting:

The 3.06-acre L-shaped project site fronts on Moraga Way and Country Club Drive (Figure 2). It wraps around two sides of the Moraga Orinda Fire District Station 41 and adjoins Laguna Creek along its 150-foot easternmost property line. The site is vacant and includes a small hill located in the central southern portion. The base topography of the site drops about 10 feet from north to south. The surface of the project site consists of ruderal dirt areas, and natural communities including non-native grassland with native and non-native forbs, fallow walnut orchard with non-native grassland undergrowth, and coast live oak riparian woodland along the Laguna Creek frontage.

Figure 2: Site Location



3. Proposed Project

The Moraga Town Center Homes project proposes a 36-unit attached single-family subdivision on the project site. There would be two different housing types on site, attached townhomes and duplexes, referred to as ‘cottages’ in the application. A private street would provide access from Moraga Way and Country Club Drive, with internal auto courts accessing garages and the individual townhomes. A 10,460 square-foot pocket park (“Rock Park”) would be located along Laguna Creek, a portion of which would include the riparian corridor. Figure 3 shows the proposed site plan. A summary of the project characteristics is included in Table 1 and described below.

| TABLE 1 Project Characteristics | |
|--|---|
| Proposed Land Use: | 36 dwelling units |
| Lot Area | 3.06 acres |
| Street Frontages | Moraga Way, 370 ft. Country Club Drive, 570 ft. |
| Lot Depth | Varies: 100 - 335 ft. |
| Density: | 12 DUA |
| Home Types: | 2-Story Cottage; 15 units; 3 floor plans 2.5-Story Townhome; 21 units; 3 floor plans |
| Home Sizes: | 1,670q. ft. – 3,098 sq. ft. |
| Maximum Height: | 37 feet; 2.5 stories |
| Building Setbacks | Moraga Way: 15 ft. Country Club Drive: 6-10 ft. |
| Parking: | 72 garage spaces; side-by-side (2 per unit) and <u>18</u> guest spaces 90 total spaces |
| Open Space: | 0.24 Ac. Common 0.13 Ac. Private <u>0.24 Ac.</u> “Rock Park” 0.83 Ac. Total Open Space |
| Creek Setback | 91 ft. |
| Lot Coverage | 33.3% |
| FAR | 0.53 |

a) Housing Types

City Ventures characterizes the project as luxury medium density housing, with two styles of for-sale units: cottages and townhomes.

Cottages: The cottages would be two-story homes designed as six duplexes, and one triplex, facing Country Club Drive. They would range in size from 2,020 to 2,285 sq. ft. and include 3 to 4 bedrooms. Each home would have a private yard, a front porch and an attached private 2-car garage. They are designed to create a residential street frontage that reflects the development style of the existing neighborhood across County Club Drive.

Figure 3: Site Plan



Townhomes: The townhomes would be 2- to 2.5-story buildings located within the central portion of the site. They would range from 1,670 to 3,098 sq. ft., each with 4 bedrooms. The larger units would have a loft feature (partial third level). Each townhome would have a small private front yard along a pedestrian paseo, and each would have an attached 2-car garage accessed along a shared drive aisle.

The rows of townhomes would be separated by a distance of 25 feet or greater. An internal road with a width of at least 25 feet would separate the duplex units from the nearest Townhome units. All of the homes would incorporate green design features including solar panels on each home.

b) Open Space

A 10,460-square foot pocket park would be located along Laguna Creek in the southeastern corner of the site. It would have a lawn area, natural play features for children, BBQ and benches, and a trail alongside the creek. Approximately 3,200 square feet of riparian vegetation would be preserved along the Laguna Creek corridor in the park.

c) Landscaping

The landscaping concept plan proposes a 35-foot landscaping buffer along Moraga Way, approximately 20 feet of which would extend into the Moraga Way public right-of-way and 15 feet of which would be on the project site. The existing redwood trees along the boundary with the Fire District property would remain, but other existing trees on the remainder of the site would be removed. The project would include interior landscaping (hardscape and softscape) of common areas, in addition to the private yards.

d) Circulation

Vehicular and bicycle circulation to and through the site would include a new private roadway from Moraga Way through the site to Country Club Drive and internal drives within the project that would provide vehicular access to the garages and homes. The proposed vehicular access point on Moraga Way would be consistent with the future intersection noted in the Specific Plan. The access way shown on the western edge of the project site (adjacent to the existing office building) would be limited to emergency vehicles only. All roadways within the project are designed to be consistent with emergency access requirements. Pedestrian circulation would be provided by paseos between the rows of Townhomes and by an interior sidewalk that connects the terminus of the paseos to Country Club Drive. Sidewalks would be provided along Moraga Way and Country Club Drive, and internally to connect between two streets, so as to encourage walking.

e) Grading and Drainage

Approximately 9,020 cubic yards of cut and 2,144 cubic yards of fill would be required to grade the site and remove the small hill in the south central area while respecting the base topography and retaining the existing drainage patterns. Several short retaining walls are proposed to define drainage areas and place the building pads close to existing elevations along Moraga Way and Country Club Drive. The applicant also proposes cutting 718 cubic yards from the MOFD property to eliminate the need for a retaining wall along the shared property line. MOFD

supports this proposal, as it also would improve the usability of their site. In total, approximately 9,086 cubic yards of soil would be hauled off-site.

Stormwater treatment areas would consist of high-infiltration soil media and drain rock, implementing an onsite hydro-modification plan designed to fulfill the Contra Costa Clean Water Provision C.3 design criteria.

f) Parking

Each home would include a standard two-car (side-by-side) garage, and 18 on-site guest parking spaces are proposed, for a total of 90 spaces. The proposed bicycle lane and landscape frontage improvements along Moraga Way would remove parking along Moraga Way adjacent to the project site. Parking would still be allowed along Country Club Drive, although the number of parking spaces would be reduced by curb cuts for the private street. Three different options for parking configuration are under review.

D. Use of the Moraga Center Specific Plan EIR

Section 15168(c) of the CEQA Guidelines describes the use of a program EIR for specific subsequent activities included in the program, as follows:

(c) Use with Later Activities. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

(2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.

(4) Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

(5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

The MCSP EIR assesses the overall impacts of the development permitted under the Specific Plan. This environmental documentation is being prepared to assess the Town Center Homes project in light of the Program EIR, pursuant to Section 15168(d) of the CEQA Guidelines. The MCSP EIR is incorporated herein by reference, as permitted by the CEQA Guidelines.

E. Town Center Homes Project Consistency With Scope of MCSP EIR

As indicated in the Project Description, Chapter 2 of the MCSP EIR, the plan for the MCSP area consists of a community-serving commercial core which encompasses both existing and potential new retail and service businesses that are supported and enhanced by the establishment of new residential development at various densities. With approximately 50% of the MCSP area consisting of under-developed and vacant land in the center of Moraga, the plan is characterized as an urban infill project wherein available land will be put to productive, complimentary use within the existing framework of land uses and circulation.

The MCSP provides a planning framework to guide redevelopment, new development, and future growth in the Town center while protecting the environment and preserving the Town’s semi-rural character. In general, the MCSP calls for increased residential development through higher densities in the planning area. It also calls for a mixture of uses, pedestrian orientation, creek and waterway preservation, and creating a central focus or “village” for the town.

Area 13, where the proposed project is located, is designated as a Mixed Office/Residential Area. As can be seen in Table 2, the proposed project generally conforms to the Development Standards for the Mixed Use Residential District. It is at the low end of the density range, provides a greater than required creek setback, and has a lower lot coverage, lower maximum height and lower FAR than is permitted under the development standards. Accordingly, it is more modest in scope than what was assumed for this site in the MCSP EIR

| TABLE 2 | | |
|---|---|--|
| Mixed Office Residential District Standards and Proposed Project | | |
| Mixed Office/Residential Development Standards | | Proposed Project |
| Density | 12-20 dwelling units per acre | 12 dwelling units per acre |
| Site Area | 10,000 sq. ft. | 3.06 acres (133,300 sq. ft.) |
| Min Lot Frontage | 100 feet | 370 feet on Moraga Way 570 feet on Country Club Drive |
| Min. Site Depth | 100 feet | 100 feet - 335 feet |
| Building Setback | 0 feet, the MCSP does not include setback requirements in the Mixed Office/Residential designation. | 15 feet on Moraga Way 6-10 feet on Country Club Drive |
| Creek Setback | 50 feet (included in MCSP R20 designation). | 91 feet |
| Parking | 2 spaces per residence. | Two-car garage per residence, plus 18 guest parking |

| TABLE 2 | | |
|---|--|--|
| Mixed Office Residential District Standards and Proposed Project | | |
| Mixed Office/Residential Development Standards | | Proposed Project |
| Spaces | 1 guest parking space per 2 residences. | spaces |
| Building Height | 45 feet | 37 feet |
| Min Building Separation | 25' between 2-stories 35' between 3-stories | 30 feet. The project has two story townhomes with a third floor loft. The duplexes have a side yard separation of 10 feet. |
| Lot Coverage | 60% | 33.3% |
| Max Stories | 3 stories | 2-story and partial 3 rd story |
| FAR | 0.85 | 0.53 |

While the Moraga General Plan has been amended to incorporate the MCSP into the Land Use Element and other Elements, as appropriate, the existing zoning has not been updated since the Specific Plan was adopted. However, the Town is now reviewing changes to the SO-Suburban Office zoning text that would allow mixed-use residential development in the SO District, as anticipated in the MCSP.

Based upon a review of the MCSP EIR and the development applications submitted for the Town Center Homes project, it is concluded that:

- 1) The development activities comprising the Town Center Homes project are consistent with the development permitted by the MCSP.
- 2) Approval and development of the Town Center Homes project is within the scope of the Specific Plan development program assessed in the MCSP EIR; and
- 3) The MSCP EIR describes, at a programmatic level, the environmental impacts of the activities included in the Town Center Homes project for the purposes of CEQA.

Section 15162(a) provides that when an EIR (in this case the MCSP EIR) has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The following chapter reviews the environmental impacts of the Town Center Homes project with reference to the impact areas assessed in the MCSP EIR. The analysis concludes that all potentially significant environmental effects of the project have been analyzed in the MCSP EIR pursuant to applicable standards, and avoided or mitigated pursuant to that EIR, including revisions or mitigation measures imposed upon the proposed project, and that nothing further is required.

The environmental factors checked below would be potentially affected by this project, involving at least one impact as indicated by the checklist on the following pages.

| ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Resources / Recreation | <input checked="" type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

| | |
|---------------------|------------------|
| _____ | _____ |
| Signature | Date |
| _____ | _____ For |
| Printed name | |

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

| A. AESTHETICS | IMPACT | | | | |
|--|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Have a substantial adverse effect on a scenic vista? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>As noted in the MCSP EIR, pps. 4.E-40 – 43, implementation of the proposed project would change the current views of the site consisting of disked land, an old orchard and an undeveloped lot into views of an urbanized, landscaped, multi-family housing development. The views along the south side of Moraga Way, which is a Town designated scenic corridor (not a state scenic highway), would be substantially changed with the development of a wide, extensively landscaped, street frontage with four townhome buildings beyond. The MCSP EIR concludes that, with mitigation, transformation of the vacant, undeveloped parcel into an urbanized, landscaped housing development would result in a substantial adverse effect on a scenic vista. The mitigation measures called for in the MCSP EIR, including the application of the MCSP Design Guidelines and the Scenic Corridor Guidelines, as well as building separations and internal street corridors to help maintain views corridors and views of surrounding ridgelines (Mitigation Measures 4.E.2a. and 4.E.2.b) would be implemented through the project design and the Town's Design Review processes. No additional impacts are noted and no additional mitigation is required.</p> | | | | | |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>The site would be transformed from a vacant parcel of disked and graveled land with old orchard trees and an undeveloped street frontage along the scenic corridor into an urbanized, landscaped, multi-family housing development. The MCSP considered this type of change, noting that such development (infill on underutilized parcels with compatible land uses) would have the potential to improve the visual quality of the area, although new structures may affect views of ridgelines or reduce the rural and natural visual qualities within the MSCP. Given that this site is heavily disturbed, it does not contribute substantially to the rural or natural visual environment. Effects of the project and other development on views and the scenic corridor are as described in a) and b) above, and would be similarly mitigated through application of the MCSP Design Guidelines and site design that preserves internal view corridors. No additional impacts are noted and no additional mitigation is required.</p> | | | | | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Urbanization of the site will add new sources of light and glare. The potential impacts of this will be mitigated to a less-than-significant level through the Design Review process and including the application of the MCSP Design Guidelines, as required in Mitigation 4E-4.</p> | | | | | |

| B. AGRICULTURE AND FORESTRY RESOURCES | IMPACT | | | | |
|---------------------------------------|---|--|--|--|--|
| | Proposed Project Compared to the MCSP EIR | | | | |

| | | | | | |
|--|---|--|---|--|-------------------------------------|
| <p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provide in Forest Protocols adopted by the California Air Resources Board.</p> <p>WOULD THE PROJECT:</p> | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared by the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Governemtn Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| The project would not involve conversion of prime farmland or forestland, nor is the site under a Williamson Act contract. | | | | | |

| C. AIR QUALITY | IMPACT | | | | |
|--|---|--|---|--|-------------------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| <p>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.</p> <p>WOULD THE PROJECT:</p> | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The MCSP EIR found that implementation of the Specific Plan would not have any significant effects with respect to implementation of the Bay Area's applicable Clean Air Plan. The project's proposed development and number of units is within the scope of the development activities considered for the MCSP as a whole. No mitigation was required or proposed, and none would be required for construction of the Town Center Homes project.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?



The MCSP EIR, Impact 4G-1, found that construction activities could result in potentially significant impacts related to small particulates (dust) and emissions from diesel powered construction equipment. Mitigation 4G-1 requires project sponsors and contractors to develop and implement emission control strategies consistent with the Bay Area Air Quality Management District (BAAQMD). This requirement will apply to the proposed project, which is consistent with the scope of development analyzed in the MCSP EIR, and will reduce the potential impacts to a less-than-significant level. No additional impacts are noted and no additional mitigation is required.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?



The EIR found that implementation of the Specific Plan would result in exceedances of the applicable BAAQMD thresholds of significance for ROG (Reactive Organic Compounds), NOx (Nitrogen Oxides), CO (Carbon Monoxide) and PM₁₀ (small particulates). Mitigation 4.G-4 calls for implementation of design features to reduce energy consumption and air pollution, including on-site energy production. The proposed project is designed to provide solar panels for each residence, reducing energy demand from conventional sources and associated air pollutant emissions from energy generation and distribution.

The MCSP EIR concludes that, cumulatively, the pollutant emissions from implementation of the full Specific Plan could result in a significant adverse impact, even after mitigation. While the proposed Town Center Homes project is but a small component of the larger Specific Plan, and would not, on its own, exceed the BAAQMD thresholds of significance, it would contribute to the potentially significant cumulatively considerable impacts identified in the EIR. The Town Council acknowledged this significant impact and adopted a Statement of Overriding Considerations when the Specific Plan was approved. Because the number of units proposed in the Town Center Homes project is less than that assumed for the site in the MCSP EIR, the cumulative impacts will be marginally lower.

d) Expose sensitive receptors to substantial pollutant concentrations?



The residential development adjacent to the project site as well as the homes proposed by the project would be considered sensitive receptors. The MCSP EIR found that CO (carbon monoxide) concentrations could occur at unacceptable levels in, and adjacent to, street intersections operating at poor levels-of-service (LOS) (CO "hotspots"), which could affect development in the immediate vicinity of those intersections. Accordingly, this was (conservatively) classified as a significant adverse impact, even after mitigation designed to improve LOS to acceptable levels.

The Town Center Homes project site is not adjacent to any potential CO "hotspots" and its residents would not be exposed to substantial CO concentrations, nor would any of the existing nearby residents. While considered a significant unavoidable impact for the overall Specific Plan, there would be no impact with respect to the Town Center Homes project.

e) Create objectionable odors or dust affecting a substantial number of people?



The Town of Moraga does not have land uses that are significant sources of odors or toxic air contaminants, and none would be constructed on the site in conjunction with the proposed project's residential uses.

Construction activities, including grading and excavating work, would result in the generation of dust emissions. Implementation of Mitigation 4G-1 would reduce this impact to a less-than-significant level. See b), above.

| D. BIOLOGICAL RESOURCES | IMPACT | | | | |
|---|---|--|---|--|-----------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☒ | ☐ | ☐ | ☐ | ☐ |
| <p>Laguna Creek and associated riparian corridor is an example of the central coast live oak riparian woodland and provides potential habitat for the protected red-legged frog, raptor nests protected under the Fish and Game Code, bird species protected under the Migratory Bird Treaty Act, and special-status bats. The project would involve construction of a trail and Rock Park adjacent to a 150 foot-long segment of Laguna Creek.</p> <p>Development related impacts to the creek could result in potentially significant impacts if there was disturbance of special status species or loss of riparian habitat, discharge of pollutants to the creek, or such adverse effects. The proposed Town Center Homes site has approximately 150 feet of frontage along the creek. Project plans call for development of a trail path along the creek bank, and a neighborhood park ("Rock Park") in the upland area adjacent to the creek corridor, outside of the creek channel and beyond the top of the creek bank.</p> <p>The applicant has prepared a Biological Resources Assessment (BRA) to more closely analyze the specific effects of development proposed in the vicinity of Laguna Creek (Rincon Consultants), which has been peer-reviewed by Environmental Collaborative, the Town's biological resources consultant. The BRA concluded that implementation of Mitigation Measures 4.I-1 and 4.I-3 would reduce the potential adverse impacts on special status species possibly associated with Laguna Creek to a less-than-significant level. However, the peer review analysis concluded that additional mitigation would be warranted to ensure that no inadvertent take of California red-legged frog or western pond turtle occurs as a result of construction or project implementation. This additional mitigation is noted below.</p> <p>The design and construction of this project will be subject to the requirements set out in Mitigation Measures 4.I-1: Site Specific Surveys and consultation with CDFG and USFWS; Mitigation 4.I-3: Pre-construction surveys for breeding raptors and migratory birds; Mitigation 4.I-4: Restore native trees removed during construction at a 4:1 ratio, and Mitigation 4.I-10: Protect wetlands and other Waters of the United States. Additional, project specific mitigation suggested by the Town's peer reviewer will be added as a condition of approval, as follows:</p> <ul style="list-style-type: none"> • Complete a preconstruction survey by a qualified biologist to confirm presence or absence on the site, and define appropriate avoidance measures • Install exclusionary fencing to separate the construction work area from the protected zone along Laguna Creek, and prevent species of concern from possibly entering the work zone. • Provide worker training for all construction crew on the remote potential for special-status species on the site, information on their status and natural history, procedure to follow if any species of concern are encountered requiring all work in the vicinity to stop and the qualified biologist verify the species. • Consult with CDFW and USFWS if California red-legged frogs are encountered during the preconstruction survey or during project construction. • Define measures to avoid increased human activity in the Laguna Creek corridor as a result of project implementation, such as interpretive signage and restrictive fencing (i.e. split rail) to minimize disturbance in the sensitive riparian and aquatic habitat along the creek, which could be incorporated into the Landscape Plan for the project. <p>Implementation of these mitigation measures as set forth in the Final EIR, and supplemented as noted, will reduce these potential impacts to a less-than-significant level.</p> | | | | | |

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|--|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| See a), above. The project would involve construction of a trail and Rock Park adjacent to a 150 foot-long segment of Laguna Creek. Implementation of Mitigation Measures 4.I-1, 4.I-3, 4.I-4 and 4.I-10 would reduce the potential impacts to a less-than-significant level. | | | | | |
| c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Mitigation Measure 4.I-10 calls for the Town to require site-specific surveys to determine if the project will impact a jurisdictional wetland or other waters of the US. Where impacts are found to occur, the project proponent must work in conjunction with the US Army Corps of Engineers (Section 404 permit) to establish a means of protecting, restoring or replacing the wetland or waterway, such that there is no net loss of wetland functions or values. City Ventures, the project sponsor, has designed Rock Park and the creek trail facility to stay above the top-of-bank so as to avoid potential impacts to the waterway, and avoid the need for a Section 404 permit. | | | | | |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The Laguna Creek corridor provides a wildlife migration and movement corridor through the MCSP area. The MCSP EIR concludes that, in general, the corridor would be protected, with only minor disturbances, generally at new stream crossings and trails. The Specific Plan's potential impacts were found to be less-than-significant and no mitigation was required. The proposed Town Center Homes project calls for a trail and park adjacent to a short segment of the creek corridor, but no new stream crossings, and it would not interfere with potential fish and wildlife passage. Also see a), above. Implementation of Mitigation Measures 4.I-1, 4.I-3, 4.I-4 and 4.I-10 would reduce the potential impacts to a less-than-significant level. | | | | | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The MCSP EIR evaluates the consistency of the Specific Plan with applicable General Plan policies, including tree preservation. Implementation of the Specific Plan would be consistent with these policies; the impacts were found to be less-than-significant and no mitigation was required. Similarly, the project would be required to conform with Municipal Code Regulations and General Plan Policies for tree removal and replacement, for the limited number of trees that would be removed in conjunction with development of the site. No additional impacts are noted and no additional mitigation is required. | | | | | |
| e) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| There are no adopted Habitat Conservation Plans affecting the project site, or the Specific Plan Area. | | | | | |

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|------------------------------|--|--|--|--|--|
| E. CULTURAL RESOURCES | IMPACT | | | | |
| | Proposed Project Compared to the MCSP EIR | | | | |

| WOULD THE PROJECT | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
|---|---|--|---|--|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 of the CEQA Guidelines? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>One structure within the Specific Plan area was identified in the EIR as a potentially significant historical building. However, this building is not on the Town Center Homes site, which has no existing structures. The EIR indicates that less than 5 percent of the MCSP area has been subject to intensive pedestrian archaeological surveys. Mitigation Measures 4.M-1 and 4.M-2 call for cultural resources surveys of the entire MCSP area or site-specific surveys by individual developers to look for potential archaeological/cultural resources. Protocols for assessing any previously unidentified historic or archaeological resources that may be uncovered during construction work are also set out in Mitigation Measure 4.M-2. Measures 4.M-1 and 4.M-2 would be applicable to the Moraga Town Homes project, and would reduce the potential impacts to a less-than-significant level. No additional impacts are noted and no additional mitigation is required.</p> | | | | | |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>No paleontological or unique geological features are known to be found within the MCSP area. However, MCSP EIR Mitigation Measure 4.M-3 sets protocols for assessing any previously unknown paleontological resources that may be unearthed during construction. This mitigation would be applicable to the proposed Moraga Town Homes project, and would reduce any potential impact to a less-than-significant level. No additional impacts are noted and no additional mitigation is required.</p> | | | | | |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Although unlikely, human remains, including Native American burials, could be encountered during ground disturbing activities. Mitigation Measure 4.M-2, referenced above, would address this potential impact.</p> | | | | | |

| F. GEOLOGY AND SOILS | IMPACT | | | | |
|--|---|--|---|--|-----------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |

| | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>The MCSP EIR addresses potential impacts for development within the area from seismic related geological hazards. The EIR concludes that no impacts from fault rupture during an earthquake are expected, nor are landslide hazards projected on areas that have less than a 3:1 slope, which includes the proposed Town Center Homes site. However, hazards for strong seismic ground shaking and associated localized ground failures from liquefaction and settlement are considered potentially significant impacts as are geotechnical hazards from areas of impermeable soils, soils subject to excessive shrinking and swelling and from settlement and erosion hazards. Mitigation Measures 4.C-1 through 4.C-3a were adopted to reduce these potential impacts to a less-than-significant level and would be applicable to the Town Center Homes project. These mitigation measures, taken together, require geologic hazards evaluations prepared by appropriately licensed professionals and peer-reviewed by the Town, and that their recommendations be incorporated into the construction designs, grading plans, drainage plans and other relevant design documents for individual projects. More specifically, Measure 4.C-1 requires hazard evaluations and the incorporation of appropriate design measures into each development project. Measure 4.C-2 addresses slope stability, site grading and landslide mitigation designs, as applicable. Measure 4.C-3 through 4.C-3c address potential expansive and corrosive soil conditions. No additional impacts are noted and no additional mitigation is required.</p> | | | | | |
| b) Result in substantial soil erosion or the loss of topsoil? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>The potential impacts from soil erosion (and any corresponding loss of topsoil) are addressed in the EIR in section 4.D, Hydrology, Surface Water Quality and Groundwater. Mitigation Measure 4.D-8 calls for implementing water quality standards and best management practices (including preparation of project-specific Storm Water Pollution Prevention Plans – SWPPP - pursuant to the National Pollution Discharge Elimination System - NPDES – program administered by the Regional Water Quality Control Board). This measure would be applicable to the Town Center Homes project and would reduce this impact to a less-than-significant level. No additional impacts are noted and no additional mitigation is required.</p> | | | | | |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>The potential impacts related to unstable soils including landslide and liquefaction potential will be addressed through the implementation of Mitigation Measures 4.C-1 and 4.C-3 through 4.C-3c from the MCSP EIR, as noted above. No additional impacts are noted and no additional mitigation is required.</p> | | | | | |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>The Town Center Homes project site soils are characterized as being highly expansive. This is recognized in the preliminary geotechnical reports and peer review letters on the project, and is being considered in the design of the foundations, utilities, streets and other site improvements, consistent with the requirements of Mitigation 4.C-3 through 4.C-3c. No additional impacts are noted and no additional mitigation is required.</p> | | | | | |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Sewer systems are available for the project and septic tanks or alternative wastewater disposal system will not be used. No additional impacts are noted and no additional mitigation is required.

| G. GREENHOUSE GAS EMISSIONS | IMPACT | | | | |
|---|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Greenhouse gas emissions (GHG) are addressed in the Air Quality section of the MCSP EIR. Implementation of the Town Center Homes project, as part of the larger MCSP project, would result in greenhouse gas emissions from construction work, the use of fuels and electricity by project occupants and from vehicle travel by project applicants. Although the project's GHG emissions would be tiny compared to the worldwide GHG emissions, and their impacts would create no discernable effect in terms of global warming, the EIR notes that the Town considers any appreciable net GHG emission increase as cumulative considerable. Accordingly, the Town Council found that the GHG impacts would be significant and unavoidable, even though Mitigation Measure 4.G-4 (Measures to reduce energy consumption from mobile, stationary and area sources) would be implemented. The Town Council acknowledged this significant impact and adopted a Statement of Overriding Considerations when the Specific Plan was approved.

| H. HAZARDS & HAZARDOUS MATERIALS | IMPACT | | | | |
|---|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The project does not involve a land use that would utilize hazardous materials other than common household cleaning supplies. Construction work will entail the use of some low level hazardous materials (fuel, solvents, cleaners, etc.), however this would pose a low risk to the public and environment, and the transport, use and disposal of these materials is well regulated by State and County programs. The MCSP EIR classified this impact as less-than-significant. No additional impacts are noted and no additional mitigation is required.

| | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| There are no known hazardous materials on the MCSP site that would pose a risk to the public or environment. Also see response to checklist item a) above. | | | | | |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Neither the MCSP, nor the Town Center Homes site would emit or handle hazardous materials within ¼ mile of a school site; nor be on a know hazardous materials site; nor be in an airport land use plan referral area; or near a private airstrip; or impair implementation of an adopted emergency response plan. Similarly, neither the MCSP, nor the Town Center Homes project is in the wildland/urban interface and they would not pose a risk of harm related to wildland fires. These were all found to be areas of “No Impact” in the MCSP EIR, a conclusion that also applies to the Town Center Homes project. | | | | | |

| I. HYDROLOGY AND WATER QUALITY | IMPACT | | | | |
|---|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Violate any water quality standards or waste discharge requirements? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The MCSP EIR notes that development under the Specific Plan could result in increased runoff from impervious surfaces with impacts to water quality while also increasing the volume and rate of storm runoff, impacting existing drainages and impacting water quality in Laguna Creek. Mitigation Measure 4D.1-a calls for development of a Master Drainage Plan and Measure 4D.1b calls for preparation of a Laguna Creek Greenway Protection program. These plans are to incorporate provisions requiring compliance with the Contra Costa Clean Water Program NPDES permits for stormwater discharge, including SWPPP and Provision C.3 (which is also required by Mitigation Measure 4.D-3). Measure 4.D-1b also requires the Laguna Creek Greenway program to protect the slopes and banks of Laguna Creek, prohibit new development within the Laguna Creek channel and design bike and pedestrian trails with designated access points to Laguna Creek for bank protection.

While the Town has not completed the Master Drainage Plan or the Laguna Creek Greenway Protection Plan, the Public Works Department has required the Town Center Homes applicant to design the project to meet the Contra Costa County NPDES requirements including the Provision C.3 requirements calling for on-site management of storm water runoff with respect to volume, rate and quality. This is required by Mitigation Measure 4.D-3. Similarly, the project has been designed to avoid development within the Laguna Creek channel, to protect the banks and slopes of the channel and to design the pedestrian trail adjacent to the creek so as to avoid damage to the creek bank, consistent with the design goals set out in Measure 4.D-1b. Implementation of these requirements would reduce the potential water quality impacts of the Town Center Homes project to a less-than-significant level, consistent with the goals and intent of the proposed Master Drainage Program and Laguna Creek Protection Plan, which are to cover the MCSP area, as a whole. No additional impacts are noted and no additional mitigation is required.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?



The MCSP EIR acknowledges that new construction under the Specific Plan could impact groundwater recharge due to increases in the amount of impervious surfaces, even though this may be offset by an increase in groundwater recharge as a result of irrigation of lawns and infiltration of surface waters through stormwater drainage systems. Mitigation measures specified in the EIR are applicable to the project, including the implementation of the Provision C.3 requirements, and would reduce this potential impact to a less-than-significant level. No additional impacts are noted and no additional mitigation is required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?



d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?



e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?



The MCSP EIR indicates that construction of buildings and infrastructure associated with development under the Specific Plan will alter existing drainage patterns with the potential to result in substantial erosion, sedimentation or flooding. Mitigation Measure 4.D-3 applies to the project and requires the implementation of the Contra Costa Clean Water Program C.3 Provision and, along with other state, Federal and local regulations (including the NPDES program permits) will reduce these impacts to a less-than-significant level. The NPDES permit requirements, as well as Mitigation Measure 4.D-3, require new development to reduce peak flows to below pre-project conditions. The Town Center Homes project is being designed to comply with these requirements. No additional impacts are noted and no additional mitigation is required.

f) Otherwise substantially degrade water quality?



Mitigation measures set out in the MCSP EIR related to hydrology and surface water quality, including Measures 4.D-1a and -1b, 4.D-3, and 4D-8 will avoid the potential for substantial degradation of water quality.

| | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

While the site abuts a segment of Laguna Creek, the applicable Flood Plain Map (FEMA Community Panel 06013C 0409F) indicates that the 100-year flood flows in this segment of the creek will be contained within the existing creek banks. Accordingly, the proposed Town Center Homes project would not place housing within a 100-year flood hazard area; nor would it involve the construction of any structures that would impede or redirect flood flows. The project site is not in a location that is at risk from a potential levee or dam failure, nor is it in a seiche, tsunami or mudflow hazard area.

| J. LAND USE AND PLANNING | IMPACT | | | | |
|--|---|--|---|--|-------------------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The Town Center Homes project is an infill project that would provide new housing on a vacant parcel in an established community, which is planned and zoned for urban development.

| | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, Local Coastal Program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

The land use designations set out in the MCSP have been incorporated into the Moraga General Plan, implementing the MCSP EIR's Mitigation Measure 4.A-1, which calls for elimination of inconsistency with the Moraga General Plan. The SO-Suburban Office zoning for the site does not allow residential uses, however the zoning text is in the process of being revised to make it consistent with the General Plan and allow residential uses on SO parcels within the Specific Plan area. With implementation of Measure 4.A-1, potential environmental impacts relating to conflicts with the General Plan were reduced to a less-than-significant level, and the proposed zoning text amendments will update the zoning to bring it into conformance with the General Plan.

| | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with any applicable habitat conservation plan or natural communities conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| There are no habitat conservation plans or natural communities conservation plans affecting the project site or the MCSP area. | | | | | |

| K. MINERAL RESOURCES | IMPACT | | | | |
|---|---|--|---|--|-------------------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| There are no valuable mineral resources or mineral extraction operations on the project site or within the MCSP area. | | | | | |

| L. NOISE | IMPACTS | | | | |
|---|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The MSCP EIR indicates that new residential development within 128 feet of the centerline of Moraga Way, between St. Andrew's Drive and School Street (an area including the Town Center Homes site) would be exposed to traffic noise levels in excess of 60 dBA Ldn, while development closer than 59 feet from Moraga Way would be exposed to noise levels in excess of 65 dBA Ldn. According to the Land Use Compatibility Standards in Table 4.H-4, multi-family development is normally acceptable when the noise exposures levels are 65 dBA Ldn or lower, and conditionally acceptable when noise exposures are below 70 dBA Ldn. Between 4 and 8 of the proposed townhome units would be within the "conditionally acceptable" zone. Mitigation Measure 4.H-4 calls for a project specific noise control assessment for residential projects in certain locations, including Moraga Way, between St. Andrews and School Street. In order to implement this mitigation measure, the Town shall require the applicant to have a noise control assessment prepared by a qualified acoustical engineer. The noise control measures recommended in the report shall be incorporated into the project's design plans.

The noise exposure levels along Country Club Drive are lower than along Moraga Way, and the proposed cottage units and Rock Park would not be in a potential noise impact zone.

Implementation of Mitigation Measure 4.H-4 would reduce the potential noise exposure impacts to a less-than-significant level.

| | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| The MCSP EIR found that implementation of the Specific Plan would not involve construction activities with the potential to create ground vibration in excess of acceptable standards. The Town Center Homes project would not involve any construction work with greater potential for vibration impacts than what was assumed in the EIR. No vibration impacts are projected. | | | | | |
| c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The MCSP EIR evaluated the potential for increases in ambient traffic noise that would occur with full implementation of the Specific Plan. It was found that the Plan would not result in any increases in traffic noise of more than 1 dBA, which is below the applicable threshold of significance (3 dBA). No adverse impacts from increased traffic noise were projected. Since the project's development and traffic levels would be consistent with that anticipated in the Specific Plan, it can also be concluded that implementation of the project would not create any impacts beyond those foreseen in the EIR. No additional impacts are noted and no additional mitigation is required. | | | | | |
| d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Construction work, particularly including site clearing, grading, concrete pouring, roadway construction and building framing, has the potential to create short-term noise impacts in the vicinity of the site, including adjacent residential, office and public service developments. The MCSP EIR includes mitigation requiring implementation of noise control measures during construction (Measure 4.H-2). With this mitigation, these impacts would be reduced to a less-than-significant level. No additional impacts are noted and no additional mitigation is required. | | | | | |
| e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| The project site is not in an ALUC referral area, nor is there a private airstrip nearby. | | | | | |

| M. POPULATION AND HOUSING | IMPACT | | | | |
|---------------------------|---|--|---|--|-----------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |

| | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Full implementation of the MCSP, with 720 units of new housing, was projected to increase the population of Moraga by 1,614 people. The MCSP projected that the Town Center Homes site would provide up to 61 units of new housing with a population of about 136 people. However, as now proposed, it will provide 36 units of housing (for about 80 new residents). This would marginally reduce the total amount of new housing projected under the Specific Plan to 684 units, with a total projected population increase of 1,521 people.</p> <p>The MCSP EIR found that implementation of the Specific Plan would not result in significant impacts with respect to housing demand or population growth because it would not put pressure on existing housing supplies and would offer a wide range of housing for all income categories, as required by the State and housing law.</p> | | | | | |
| b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Neither the MCSP nor the Town Center Homes project would result in the displacement of existing housing or result in the need to construct replacement housing. The Town Center Homes site is undeveloped, vacant land.</p> | | | | | |

| N. PUBLIC SERVICES | IMPACT | | | | |
|---|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | |
| i) Fire Protection? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>As indicated in the MCSP EIR, the Moraga-Orinda Fire District (MOFD) expects to continue serving the MCSP area from existing Station 41 (adjacent to the project site) and has no plans to develop new facilities, the construction of which could create environmental impacts.</p> <p>However, the EIR states that new development, if not properly designed, can create unsafe fire conditions,. Mitigation 4.L-1b calls for MOFD review and approval of Fire Protection Plans for all new development. City Ventures has initiated contact with the Fire District during conceptual plan development and will submit detailed plans to the MOFD for review and comment as they are developed, consistent with this Mitigation requirement.</p> | | | | | |
| ii) Police Protection? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The MCSP EIR does not indicate that implementation of the Specific Plan will result in the need for new police facilities, the construction of which could create environmental impacts. However, the population increases from new housing anticipated by the Specific Plan (including the Town Center Homes project) could require increases in police services in order to provide acceptable services. Mitigation Measure 4.L-1a calls for new development projects to pay fees levied by the Town to maintain acceptable levels of police service.

iii) School facilities?

The MCSP EIR estimated that the Specific Plan would generate between 79-133 elementary students and between 70 and 118 intermediate school students for the Moraga School District. The Acalanes Union High School District was projected to receive between 66 and 113 new high school students with build-out of the Specific Plan. Since the proposed Moraga Town Homes project would have 25 fewer units that anticipated, the respective student generation levels would be marginally lower.

The impact on schools from the generation of new students by new housing is mitigated statewide through the assessment of school impact fees. Mitigation Measure 4.K-1B calls for the payment of school fees by project applicants, and is considered to fully mitigate potential school impacts. However, Measure 4.K-1b also calls for the Town to consult with the Moraga School District when new residential building permits are issued, and, in the event there is a potential for overcrowding as a result of the new development, to request that the applicant voluntarily revise the construction schedule to avoid the school overcrowding.

iv) Parks?

The Moraga Center Specific Plan includes plans for a new community center, trails along Laguna Creek and other recreational amenities, sufficient to meet the recreational needs of the population growth anticipated from implementation of the Specific Plan. The project would be required to pay impact fees for parkland dedication and improvement as specified by Town, which would help to fund these types of amenities. As a result the impact on recreation was classified as less -than- significant and no further mitigation was required.

In addition, it is noted that the proposed Town Center Homes project is proposed to include a small park facility, which would be open to the public (although not a Town-owned or operated facility) and provide a recreational amenity for the neighborhood.

v) Other public facilities?

No impacts on other public facilities are expected.

| O. RECREATION | IMPACT | | | | |
|--|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

As noted above, the Specific Plan includes plans for a new community center, trails along Laguna Creek and other recreational amenities, sufficient to meet the recreational needs of the population growth anticipated from implementation of the Specific Plan. As a result the impact on recreation was classified as less -than- significant and no further mitigation was required.

The Town Center Homes project would include development of a small park (10,460 sq. ft./0.24 acre) with a short trail segment along Laguna Creek, neither of which were specifically called for in the Specific Plan. This facility would provide additional recreational opportunities for residents of the project and nearby existing (and future) residents. In addition, the Town Center Homes project would have 25 fewer units than the maximum allowed in the Specific Plan, and would therefore have a marginally lower demand on parks and recreational services than was projected in the EIR.

| P. TRAFFIC AND TRANSPORTATION | IMPACT | | | | |
|--|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The MCSP EIR evaluated a number of intersections in Orinda, Lafayette and Moraga that could be potentially affected by traffic generated with new development under the Specific Plan. The Final EIR identified two intersections in Orinda that will perform at unacceptable levels of service under future (2030) cumulative conditions with or without the Specific Plan development (Camino Pablo/Brookwood, PM peak; Glorietta/Moraga Way, AM peak) and one that would have unacceptable service with the Specific Plan (Ivy Drive/Moraga Way). In Lafayette, four intersections were projected to operate at unacceptable levels of service with or without the Specific Plan development (Deer Hill Road/Oak Hill Road, AM and PM peaks; Moraga Road/Moraga Blvd, AM peak; Moraga Road/Brooke Street, AM peak; Glenside Dr./Reliez Station Rd, AM and PM peaks. One intersection in Lafayette (Glenside Drive/Burton, AM peak) would be pushed to an unacceptable level of service as a result of the Specific Plan. In Moraga, one intersection (Reliez Station Rd/Olympic Blvd. would operate at unacceptable levels of service (AM and PM peaks) with or without the Specific Plan implementation, while one intersection (Moraga Way/Corliss Dr.) would experience unacceptable service (AM peak) as a result of Specific Plan development. The EIR found that no feasible mitigation was available to eliminate the traffic impacts on these affected study intersections, and a Statement of Overriding Considerations reflecting this was adopted when the Specific Plan was approved.

Mitigation to enhance transit service in the Lamorinda area was considered in the EIR (Measure 4.F-4) and indicated that a doubling of peak hour bus frequency and tripling of off-peak hour bus frequency could reduce traffic generation from the Specific Plan by about 950 cars. However, to be feasible enhanced transit would require significant additional capital and operating cost support from residences, businesses and governmental agencies.

The proposed Town Center Homes project would generate an about 210 vehicle trips per day, approximately 150 fewer trips than was assumed for the site when the EIR was prepared because the proposed project now has 36 units, while the Specific Plan would permit up to 61 units. While this reduction in traffic generation would result in 2.9% decrease in the Specific Plan's overall trip generation (estimated at 5,060 trips), it would not be so large as to reduce the traffic impacts to a less-than-significant level. The conclusion in the EIR that implementation of the Specific Plan would have significant, unavoidable traffic impacts stands. The Town Council acknowledged this significant impact and adopted a Statement of Overriding Considerations when the Specific Plan was approved.

| | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads and highways? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>The Contra Costa County Congestion Management Program identifies three routes of regional significance that could be affected by the Specific Plan development: SR 24, between I-680 and the Caldecott Tunnel; Pleasant Hill Road between SR 24 and Taler Blvd., and the Camino Pablo corridor between SR 24 and Bear Creek Road. The EIR found that the Specific Plan would add trips to all of these routes of regional significance, and that the addition of the new trips to the SR 24 segment would be a significant impact, and that the congestion on that segment is unacceptable with or without the project. It was determined that no feasible mitigation was available, and therefore that the impact would be significant and unavoidable.</p> <p>As described above, the proposed Town Center Homes project would generate fewer trips than was assumed for the site in the EIR. While this reduction in traffic generation would result in 2.9% decrease in the Specific Plan's overall trip generation (estimated at 5,060 trips), it would not be so large as to reduce the traffic impacts to a less-than-significant level. While the impact would remain significant and unavoidable, the Town Council acknowledged this significant impact and adopted a Statement of Overriding Considerations when the Specific Plan was approved</p> | | | | | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| The proposed project would not affect air traffic. | | | | | |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>The site design and circulation plan has been reviewed, and peer reviewed, by qualified traffic engineers to ensure that the internal roadways and intersections with the existing (external) road network meet applicable design criteria and will operate safely. The project is a residential project and does not propose uses that will introduce incompatible equipment to the road system. During construction, the Town will require that the contractor implement a traffic safety program, as appropriate pursuant to an encroachment permit for work affecting Town rights-of-way.</p> | | | | | |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>The Fire District and Police Department has reviewed the conceptual site plan to ensure that emergency access to the proposed residences will be adequate. The plan calls for a dedicated emergency-only access road near the western edge of the site.</p> | | | | | |
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>The project design reflects local plans and policies supporting alternative transportation and includes new sidewalks along the Moraga Way and Country Club Drive frontages that will improve pedestrian circulation, as well as a system of internal sidewalks to facilitate walking and biking within the site. The on-going design review, and general plan, precise plan and subdivision map review process will include further review of the project's alternative transportation amenities.</p> | | | | | |

| | |
|---|--|
| Q. UTILITIES AND SERVICE SYSTEMS | IMPACT |
| | Proposed Project Compared to the MCSP EIR |

| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
|---|---|--|---|--|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>The Central Contra Costa Sanitary District provides wastewater treatment for central Contra Costa County including the Town of Moraga. The regional plant on unincorporated land near Martinez is permitted to treat and discharge up to 53.8 mgd and currently treats about 45 mgd. The plant is not in violation of any discharge requirements and is able to meet current discharge requirements. The MCSP EIR concludes that CCCSD could accept wastewater from the Town Center Homes project (and all MCSP development) without exceeding its treatment capacity or expanding its treatment plant. The proposed project includes fewer units than analyzed in the MCSP EIR, and would therefore have a marginally lower total rate of water use and wastewater generation.</p> | | | | | |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>The Town Center Homes Project is being designed with on-site storm water management systems to comply with Provision C.3 of the Contra Costa Clean Water program, as required in Mitigation Measure 4.D-3. The performance standards in Provision C.3 are focused on addressing impacts from individual projects to downstream beneficial uses from urban runoff pollutants and erosion and sedimentation that can result from increases in peak runoff flow and duration. Accordingly, on-site wastewater treatment capabilities will be designed into the project as will facilities to detain or infiltrate runoff to that peak flows and durations do not exceed pre-project conditions. These on-site features will be designed and constructed as part of the project and will not require off-site storm water management facilities, the construction of which could, by themselves, cause significant adverse environmental effects. Implementation of the Provision C.3 requirements on-site will reduce the potential water quality impacts to a less-than-significant level.</p> | | | | | |
| d) Require new or expanded entitlements in order to have sufficient water supplies available to serve the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>The East Bay Municipal Utility District (EBMUD) will supply water for the project. The MCSP EIR reports that EBMUD's Water Supply Assessment for 2030 indicated that sufficient water supply is available for build-out of the Moraga General Plan. The potential impacts of implementing the Specific Plan (including the Town Center Homes site development) was found to be less-than-significant. The proposed project includes fewer units than analyzed in the MCSP EIR, and would therefore have a marginally lower total rate of water use.</p> | | | | | |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>The Central Contra Costa Sanitary District has commented that sewer service is available to the site and that the sewer system in the vicinity of the site is adequate for the additional wastewater that would be generated by the Town Center Homes project. The District facilities downstream, however, do not have adequate capacity under current design criteria for ultimate conditions. Improvements will be funded from applicable CCCSD fees and charges. With payment of these fees and charges the potential impact would be less-than-significant.</p> | | | | | |

| | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Not be able to be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Be in non-compliance with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Solid waste generated in Moraga is disposed of at the Keller Canyon Landfill. The MCSP EIR indicates that it has over 65 years of remaining capacity and that implementation of the Specific Plan would have no adverse impact on that facility. The Town's on-going programs providing for recycling, disposal of green waste, and disposal of household hazardous materials will be available to new residents of the Town Center Homes development and will continue to be operated by the Town in compliance with applicable federal, state and local solid waste regulations. | | | | | |

| R. MANDATORY FINDING OF SIGNIFICANCE | IMPACT | | | | |
|--|---|--|---|--|--------------------------|
| | Proposed Project Compared to the MCSP EIR | | | | |
| WOULD THE PROJECT: | No Change to Previous Impact or Mitigation Identified | No Change to Previous Impact, but New or Revised Mitigation Identified | New Impact, Reduce to LS with New Mitigation Identified | Potentially New Impact, Further Investigation to be Undertaken | No Impact |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The MCSP EIR did not find any significant unavoidable impacts related to fish and wildlife habitats, rare or endangered plants or animals or cultural resources. This conclusion would also apply to the Town Center Homes project, which is located within the Specific Plan area. | | | | | |
| b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Potential cumulative impacts were assessed in the MCSP EIR, including the cumulative impacts of reasonably foreseeable projects outside of the Specific Plan area in the larger Lamorinda sub-area. Since the proposed Town Center Homes project is being developed under the Specific Plan, the Specific Plan EIR also provides a thorough assessment of the potential cumulative impacts related to the Town Center Homes project. | | | | | |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The MCSP EIR found that implementation of the Specific Plan would have significant unavoidable environmental effects related to traffic on certain Routes of Regional Significance and certain signalized intersections in Orinda and Moraga. It also found potential significant unavoidable adverse effects related to air quality and greenhouse gas emissions. The Town Center Homes project would contribute to these impacts, which have been acknowledged and accepted by the Town Of Moraga in a Statement of Overriding Considerations adopted in January, 2010.

ATTACHMENT A

MITIGATION MONITORING AND REPORTING PLAN

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE TOWN CENTER HOMES PROJECT

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Town Center Homes project. It is derived from the MMRP for the Moraga Center Specific Plan (MCSP) with minor modifications, as necessary, to apply the mitigation measures in the EIR to the Town Center Homes project. The MMRP presents the schedule, method, and responsible parties for implementation consistent with the CEQA Guidelines Section 15097. In some cases, the Mitigation Measure referenced has been implemented or is not applicable to the Town Center Homes project. These considerations are noted, as appropriate.

Table 1

Mitigation Monitoring and Reporting Program Summary

| Mitigation Measure | Impact Mitigated | Responsibility | Timing |
|---|--|-------------------|---|
| 4.A LAND USE | | | |
| 4.A-1: Eliminate inconsistency with the Moraga General Plan | Inconsistency between the General Plan and the MCSP | Town of Moraga | Completed |
| 4.C GEOLOGY, SOILS AND SEISMICITY | | | |
| 4.C-1: Implement Moraga General Plan Measure 4.1-1— Prepare geologic hazard evaluations and incorporate appropriate design measures into each development project | Potential exposure of people or structures to major geologic hazards | Project Applicant | Prior to issuance of grading and building permits, during design and construction |
| 4.C-2: Implement Moraga General Plan Measure 4.1-2— Prepare and implement slope stability assessments, site grading plans, and landslide mitigation designs | Potential grading impacts and potential damage caused by unstable slope conditions | Project Applicant | Prior to issuance of grading permits, and during grading operations |

Table 1**Mitigation Monitoring and Reporting Program Summary**

| Mitigation Measure | Impact Mitigated | Responsibility | Timing |
|---|------------------------------------|-----------------------|---|
| 4.C-3a: Prevent moisture variation of expansive soils. | Potential risk to life or property | Project Applicant | Prior to issuance of grading permits, and during construction |
| 4.C-3b: Construct appropriate foundations for expansive soils | Potential risk to life or property | Project Applicant | Prior to issuance of grading permits, and during construction |
| 4.C-3c: Construct appropriate foundations for corrosive soils | Potential risk to life or property | Project Applicant | Prior to issuance of grading permits, and during construction |

4.D HYDROLOGY, SURFACE WATER AND GROUNDWATER QUALITY

| | | | |
|--|--|-------------------|--|
| 4.D-1a: Develop and implement a Master Drainage Plan | Potential surface or groundwater water quality degradation or violation of water quality standards or waste discharge requirements | Project Applicant | Prior to issuance of grading permits |
| 4.D-1b: Develop and implement Laguna Creek Greenway Protection, Maintenance and Monitoring Plan; avoid the creek and creek bank to the extent feasible | Potential surface or groundwater water quality degradation or violation of water quality standards or waste discharge requirements; potential flooding, bank erosion, and/or sedimentation | Project Applicant | Prior to issuance of grading permits and during construction |
| 4.D-2a: Demonstrate that existing springs and seeps are not dependent on the recharge from the project area | Potential depletion of groundwater supplies or interference with groundwater recharge | Project Applicant | During Master Drainage Plan development for project site |
| 4.D-2b: Capture and infiltrate runoff | Potential depletion of groundwater supplies or interference with groundwater recharge | Project Applicant | During Master Drainage Plan development for project site |

Table 1

Mitigation Monitoring and Reporting Program Summary

| Mitigation Measure | Impact Mitigated | Responsibility | Timing |
|--|--|-------------------|--|
| 4.D-3: Determine peak flows due to development and reduce peak flows to below pre-project conditions | Potential alteration of existing drainage patterns; potential flooding, bank erosion, and/or sedimentation | Project Applicant | During Master Drainage Plan development |
| 4.D-8: Implement water quality standards and best management practices | Potential degradation of surface water quality | Project Applicant | During Master Drainage Plan development for project site |

4.E OPEN SPACE, VISUAL RESOURCES AND RECREATION

| | | | |
|---|--|----------------|---|
| 4.E-2a: Develop and implement additional MCSP Design Guidelines | Potential adverse effect on a scenic vista or damage to scenic resources; potential degradation | Town of Moraga | Guidelines Completed; Implement through Design Review |
| 4.E-2b: Require internal view corridors | Potential adverse effect on a scenic vista or damage to scenic resources; potential degradation to existing visual quality | Town of Moraga | During Design Review |
| 4.E-4: Light and glare minimization | Potential creation of light or glare that would adversely affect day or nighttime views | Town of Moraga | During Design Review |

4.F TRANSPORTATION, CIRCULATION AND PARKING

| | | | |
|---|--|---|-----------------------------|
| 4.F-3: Install a traffic signal at Corliss Drive/Moraga Way with the current lane configuration | Potential creation of adverse vehicular impacts for unsignalized intersections in Moraga | Town of Moraga and Project Applicant; included in Lamorinda traffic mitigation fees | Pay fees prior to occupancy |
| 4.F-4: Enhance transit service in the Lamorinda Area south of SR 24 and reduce Community Center program | Potential creation of adverse vehicular impacts for signalized intersections in Lafayette and Orinda | Town of Moraga and Project Applicant; pay Lamorinda Traffic fees | Pay fees prior to occupancy |
| 4.F-5: Install traffic signals at six Lafayette intersections | Potential creation of adverse vehicular impacts for unsignalized intersections in Lafayette | Town of Moraga and Project Applicant; pay Lamorinda Traffic fees | Pay fees prior to occupancy |

Table 1

Mitigation Monitoring and Reporting Program Summary

| Mitigation Measure | Impact Mitigated | Responsibility | Timing |
|--|--|---|--|
| 4.F-9: Ensure adequate internal circulation within the MCSP Alternatives) | Potential creation of hazards due to design features; unsatisfactory access and/or internal circulation | Project Applicant | Prior to issuance of a building permit |
| 4.F-10a: Reduce potential vehicular conflicts with bicycles and pedestrian travel ways | Potential creation of adverse impacts on the use of bicycle and/or pedestrian travel ways | Project Applicant | Prior to issuance of a building permit |
| 4.F-10b: Provide an enhanced pedestrian crossing on Moraga Road between the Community Center Site "B" and the Moraga Commons (Community Center Site B) | Potential creation of adverse impacts on the use of bicycle and/or pedestrian travel ways | Town of Moraga Not applicable to Town Center Homes | NA |
| 4.F-11: Provide adequate parking supplies | Potential creation of adverse vehicular parking impacts | Project Applicant | Prior to issuance of a building permit |
| 4.F-C2: School Street shall remain open to general vehicle circulation between Moraga Way and Moraga Road at St. Mary's Road | Potential creation of adverse vehicular impacts for signalized intersections in Moraga for either the approved or cumulative baselines | Town of Moraga Not applicable to Town Center Homes | NA |
| 4.F-C5: Install traffic signal at the Glenside Drive/St. Mary's Road South intersection, and widen St. Mary's Road for a left turn pocket | Potential creation of adverse vehicular impacts for unsignalized intersections in Lafayette | Project Applicant to pay Lamorinda Traffic fees | Pay fees prior to occupancy |

4.G AIR QUALITY

| | | | |
|--|--|-------------------|---------------------|
| 4.G-1: Implement measures to reduce dust generation and diesel exhaust during construction | Potential violation of air quality standards or contribution to an existing or projected air quality violation | Project Applicant | During Construction |
|--|--|-------------------|---------------------|

Table 1

Mitigation Monitoring and Reporting Program Summary

| Mitigation Measure | Impact Mitigated | Responsibility | Timing |
|--|---|-----------------------|---|
| 4.G-4: Implement Measures to reduce energy consumption from mobile, stationary and area sources | Potential net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard | Project Applicant | During Design and construction |
| 4.G-5: Implement Mitigation Measures 4.F-3, 4.F-4, 4.F-5, and 4.F-11 to reduce traffic volumes and vehicle delay | Potential impact to local air quality | Project Applicant | Prior to issuance of a certificate of occupancy |
| 4.G-7: Implement the air pollution reduction measures identified in Table 4.G-7 and Mitigation Measure 4.G-4 above | Potential greenhouse gas emissions and/or contribution to global warming | Project Applicant | Prior to issuance of a certificate of occupancy |

4.H NOISE

| | | | |
|--|---|---|---------------------------------------|
| 4.H-2: Implement noise control measures during construction phase | Potential exposure to high noise levels or ground borne vibrations during construction | Project Applicant | During construction |
| 4.H-4: Implement noise control measures when reviewing new residential projects | Potential traffic noise levels exceeding noise level standards | Project Applicant | Prior to issuance of a grading permit |
| 4.H-5: Implement noise control measures when reviewing new commercial or office projects | Potential for development of commercial, retail, and office uses to result in noise sources which impact existing and future noise-sensitive uses | Not applicable; Town Center Homes has no commercial or office space | NA |

4.I BIOLOGICAL RESOURCES

| | | | |
|--|--|-------------------|--|
| 4.I-1: Implement General Plan EIR Mitigation 4.H-1: Site specific surveys and consultation with CDFG and USFWS, plus project specific mitigation for Town Center Homes | Potential loss of individuals or habitat of endangered, threatened, or rare wildlife species | Project Applicant | Prior to issuance of a grading permit, during construction |
|--|--|-------------------|--|

Table 1

Mitigation Monitoring and Reporting Program Summary

| Mitigation Measure | Impact Mitigated | Responsibility | Timing |
|--|---|-----------------------|---------------------------------------|
| 4.I-3: Implement General Plan EIR Mitigation: 4.H-3: Conduct pre-construction surveys for breeding raptors and migratory birds | Potential loss of active raptor nests, migratory bird nests, or native wildlife nursery sites | Project Applicant | Prior to issuance of a grading permit |
| 4.I-10: Implement General Plan EIR Mitigation Measure 4.H-9: Protect wetlands and other waters of the United States | Potential net loss of wetlands, streams or other waters of the U.S. | Project Applicant | Prior to issuance of a grading permit |

4.K SCHOOLS

| | | | |
|---|---|--------------------------------------|---|
| 4.K-1a: Implement General Plan EIR Mitigation 4.L-1: Development impact fees | Potential increase in demand for schools or libraries to such a degree that accepted service standards are not maintained and new facilities are required | Town of Moraga and Project Applicant | Prior to issuance of a certificate of occupancy |
| 4.K-1b: Pay school impact fee at issuance of building permit and schedule residential development | Potential increase in demand for schools or libraries to such a degree that accepted service standards are not maintained and new facilities are required | Town of Moraga and Project Applicant | Pay fees prior to occupancy |

Table 1

Mitigation Monitoring and Reporting Program Summary

| Mitigation Measure | Impact Mitigated | Responsibility | Timing |
|---|--|--------------------------------------|--|
| 4.L PUBLIC SERVICES | | | |
| 4.L-1a: Fee payment to the Town of Moraga for increased police protection services, and Review of Design Guidelines and Project Plans | Potential increase in demand for public services to such a degree that accepted service standards are not maintained and new facilities are required to maintain service standards for police protection | Town of Moraga and Project Applicant | Prior to adoption of MCSP (Design Guidelines) and prior to issuance of a grading permit (fees, Fire Protection Plan) |
| 4.L-1b: Development impact fees, a Fire Protection Plan, and review of Design Guidelines and project | Potential increase in demand for public services to such a degree that accepted service standards are not maintained and new facilities are required to maintain service standards for fire protection | Town of Moraga and Project Applicant | Prior to adoption of MCSP (Design Guidelines) and prior to issuance of a grading permit (fees, Fire Protection Plan) |
| 4.M CULTURAL RESOURCES | | | |
| 4.M-1: Protect potential historic resources | Potential adverse change in the significance of a historical resource | Project Applicant | Prior to issuance of a grading permit |
| 4.M-2: Protect potential archaeological resources; conduct survey of Town Center Homes site | Potential adverse change in the significance of an archaeological resource | Project Applicant | Prior to issuance of a grading permit |
| 4.M-3: Protect undiscovered paleontological materials | Potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature | Project Applicant | Prior to issuance of a grading permit |

4.A-1: Eliminate Inconsistency with the Moraga General Plan.

Applicability: Proposed MCSP and All Alternatives

Responsibility: Town of Moraga

Timing: Prior to MCSP Adoption

Description:

This mitigation measure has been implemented. No further action is required.

4.B-3: Identify Alternative Sites to Meet Housing Goals.

Applicability: Alternatives 1 (No Project) and 2 (339 units)

Responsibility: Town of Moraga

Timing: Prior to adoption of the MCSP

Description:

This mitigation measure is not applicable to the Town Center Homes project. It was relevant to MCSP EIR Alternatives 1 and 2, only

4.C-1. Implement Moraga General Plan EIR Mitigation Measure 4.I-1: Prepare Geologic Hazard Evaluation and Incorporate Appropriate Design Measures into Development Projects.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants, Town of Moraga

Timing: Prior to issuance of grading permits and during design and construction

Description:

Potential geologic hazards in the MCSP area shall be evaluated by professional geologists or geotechnical engineers and disclosed in geotechnical investigation reports prepared in compliance with Mitigation 4.I-1 of the 2002 Moraga General Plan EIR. Potential hazards shall be mitigated by application of appropriate design standards for grading, foundations and structures as outlined in the Moraga Municipal Code. Compliance with the latest UBCs and CBCs for seismic zone 4 and Public Safety Policies mitigates potential hazards to a less than significant level. Buildings designed and constructed in accordance with these requirements, and the recommendations of the geotechnical investigation report, may experience some damage during a major seismic event but are unlikely to collapse or result in the loss of life.

Action:

- 1) Project Applicants shall retain a qualified California licensed geological, geotechnical, and civil engineering professionals to evaluate geologic hazards in the MCSP area, and develop appropriate design and construction standards such as the most recent UBC and CBC requirements.
 - a. The reports shall be submitted to the Town for review with project application materials.

- 2) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.C-2. Implement Moraga General Plan EIR Mitigation Measure 4.I-2: Prepare and Implement Slope Stability Assessments, Site Grading Plans and Landslide Mitigation Designs.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants, Town of Moraga

Timing: Prior to issuance of grading and building permits, and during grading

Description:

Landslides from strong ground shaking are the primary geotechnical concerns in Moraga. The types of landslides in the MCSP area shall be identified and mapped during geotechnical investigations required for permitting. Landslide mitigation measures will be designed into grading plans and the Master Drainage Plan where development and improvements are planned downslope of potential hazards. The specific location, extent, and depth of the required landslide mitigation will be outlined on the final grading plans. The MCSP has areas of moderate erosion in the form of surface flow from impervious or compacted surfaces, gullying, and streambank sloughing. The potential for ground rupture is considered low since there are no known active faults in the project area. Development proposed across mapped lineations will be evaluated on a case-by-case basis. The potential for ground shaking is significant due to proximity to active faults. Project-level geotechnical investigations will determine site-specific potential for liquefaction. Landslide mitigations shall be designed in the final grading plan and Master Drainage Plan.

Geotechnical mitigation measures include, but are not limited to:

- Avoiding placement of structures in or downslope of slide areas;
- Removing landslide debris;
- Replacing landslides with engineered fill;
- Providing toe buttresses, keyways, debris benches, deflection berms, debris catchment areas, and setback areas;
- Prohibiting of ponding of stormwater; and
- Installing sub-drains to control surface water flow and spring activity.

Actions:

- 1) Project Applicants shall retain a qualified California licensed engineering geologist or geotechnical engineer to map and identify landslides, prepare slope stability assessments, site grading plans, and landslide mitigation designs. A slope stability assessment is required for new developments and slope stability design measures for slopes 3:1 or greater. Reports and designs shall be submitted to the Town with project applications materials.
- 2) Project Applicants shall retain a Geotechnical Engineer or qualified representative to be present during grading operations to observe demolition, site preparation, grading operations, and subdrain placement for compliance with plans.
- 3) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports review and approve the geologic hazard

and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.C-3a. Prevent Moisture Variation of Expansive Soils.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants, Town of Moraga

Timing: Prior to issuance of grading permits, and during construction

Description:

Measures to prevent moisture variation of expansive soils shall be implemented during the design and construction, and will to be documented by a qualified geotechnical engineer retained by the Project Applicant. These measures may include, but are not limited to:

- Over-excavate cut and fill lots;
- Moisture condition of fills to over optimum;
- Pre-soak slab subgrade areas;
- Provide a layer of non-expansive granular materials beneath slabs-on-grade as a cushion against building slab movement;
- Use aggregate base under exterior flatwork; and,
- Control irrigation and drainage adjacent to the new buildings.

Actions:

- 1) Project Applicants shall retain a qualified California licensed engineering geologist or geotechnical engineer to develop and incorporate appropriate protective measures to prevent moisture variation in expansive soils into site grading and construction plans. Reports and designs shall be submitted to the Town with project applications materials.
- 2) Project Applicants shall retain a Geotechnical Engineer or qualified representative to be present during grading operations to observe demolition, site preparation, grading operations, and subdrain placement for compliance with plans.
- 3) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.C-3b. Construct Appropriate Foundations for Expansive Soils.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permits, and during construction

Description:

A Geotechnical Investigation for a project-specific construction area will be required and potential for expansive soils onsite will be determined and disclosed. If expansive soils are present, building foundations will be sufficiently stiff to move as rigid units with minimum differential movements or by deepening the foundations to below the zone of moisture fluctuation. Both structural mat foundations and pier-to-grade beam foundation

systems are appropriate. Slab-on-grade construction will be independent of foundations with a minimum thickness of four inches and a thickened edge extending at least six inches into compacted soil to minimize water infiltration.

Actions:

- 1) Project Applicants shall retain a qualified California licensed engineering geologist or geotechnical engineer to develop and incorporate appropriate protective measures to prevent moisture variation in expansive soils into site grading and construction plans. Reports and designs shall be submitted to the Town with project applications materials.
- 2) Project Applicants shall retain a Geotechnical Engineer or qualified representative to be present during grading operations to observe demolition, site preparation, grading operations, and subdrain placement for compliance with plans.
- 3) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports review and approve the geologic hazard and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.C-3c. Construct Appropriate Foundations for Corrosive Soils.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: Prior to issuance of grading permits, and during construction

Description:

A Geotechnical Investigation for a project-specific construction area will be required and potential for corrosive soils onsite will be determined and disclosed. If corrosive soils are present, all concrete in contact with the soil shall be designed based on Table 19-A-4 of the UBC. All metals in contact with corrosive soils shall be designed based on the results of the soil corrosivity testing and subsequent recommendations of the manufacturer or engineer.

Actions:

- 1) Project Applicants shall retain a qualified California licensed engineering geologist or geotechnical engineer to determine if corrosive soils are present and develop and incorporate appropriate measures into construction plans. Reports and designs shall be submitted to the Town with project applications materials.
- 2) Project Applicants shall retain a Geotechnical Engineer or qualified representative to be present during construction to monitor compliance with plans.
- 3) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.D-1a. Develop and Implement a Master Drainage Plan (MDP).

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant, Town of Moraga

Timing: Prior to issuance of grading permits

Description:

Site runoff and drainage control measures for projects are required to be prepared by California licensed engineering professionals and are reviewed and approved by the Town Engineer prior to issuance of grading and building permits. Consistent with Public Safety Policies PS5.1–PS5.7, the Town Engineer implements the Flood Control Ordinance, Streambank Repair Ordinance, and Stream Channel Standards. The following mitigation measures shall be implemented to avoid or minimize potential related water quality, stormwater runoff, and flooding impacts.

Action:

- 1) Project Applicants shall prepare and implement a Master Drainage Plan (MDP) based on the final development plan (which shall identify impervious surfaces, defined collection systems, retention basins and outlets, and best management practices-BMPs). The MDP shall:
 - a) Be prepared by a registered Civil Engineer (or appropriate licensed professional) and reviewed and approved by the Town engineer;
 - b) Install suitable storm drainage control system and permanent landscaping as part of construction and operation of the project to capture and infiltrate runoff;
 - c) Place drainage courses in common areas or drainage easements to facilitate maintenance in new development areas;
 - d) Limit and minimize the development footprint and associated disturbance;
 - e) Establish Joint Maintenance Agreements among the property owners to assure that drainage and runoff detention facilities are maintained after construction;
 - f) Include runoff detention basins and drainage plans to regulate development peak flows to below pre-project levels;
 - g) Establish a procedure for development projects to contribute to off-site (downstream) mitigation measures such as creek bank stabilization where erosion, incision, and flooding impacts already exist;
 - h) Conform to the SFWQCB's general construction and the Contra Costa Clean Water Program NPDES permits for stormwater discharge, including SWPPP and Provision C.3;
 - i) Include recharge-contaminant interceptors as part of the SWPPP;
 - j) Include a street cleaning and maintenance program for roads and parking areas; and,
 - k) Include a storm drain education program that includes labeling, strict limitation of fertilizers and pesticides and prohibits regular washing or maintenance of vehicles in paved areas that drain directly to storm drains.
- 2) Prior to issuance of a grading or building permit, the Town shall review and approve the Master Drainage Plan as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.D-1b. Develop and Implement Laguna Creek Greenway Protection, Maintenance and Monitoring Program.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant, Town of Moraga

Timing: Prior to issuance of grading and building permits

Description:

The design goals of the Laguna Creek Greenway Protection, Maintenance, and Monitoring Program shall address reversal of channel incision, stabilization of eroding banks, removal of artificial rip-rap bank protection and preservation and restoration of native riparian vegetation. Locally native trees, shrubs, and grasses will be planted and maintained for three years until established.

Action:

- 1) The Town of Moraga shall develop and implement a Laguna Creek Greenway Protection, Maintenance, and Monitoring Program, including the following elements:
 - a) Protect, manage and monitor the 16.8 acres of riparian habitat area along Laguna Creek during MCSP development in proximity of the Creek;
 - b) Develop and implement a Citizen Education and Monitoring Program, as an extension of the Upper San Leandro Creek Watershed Program;
 - c) Protection measures for slopes and banks;
 - d) Establish minimum development setbacks in accordance with Contra Costa County Code 914-14.006 "Open channels--Minimum widths of easements";
 - e) Remove debris and reconstruct streambanks;
 - f) Stabilize current encroachment and prohibit new development within the Laguna Creek channel;
 - g) Design bike and pedestrian trails with designated access points to Laguna Creek to provide for bank protection;
 - h) Adequately size bridges as to not alter flows for the 100-year and 500-year storm.
- 2) Prior to issuance of a grading or building permit, the Town shall review and approve the Laguna Creek Greenway Protection, Maintenance, and Monitoring Program as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

The Town of Moraga has not developed the Laguna Creek Greenway Protection Plan called for in this mitigation measure. The Town Center homes project has 150 feet of creek frontage and the applicant has designed the project to avoid development within the Laguna Creek channel, to protect the banks and slopes of the channel and to design the pedestrian trail adjacent to the creek so as to avoid damage to the creek bank, consistent with the design goals set out in this Mitigation Measure.

4.D-2a. Demonstrate that Existing Springs and Seeps are not Dependent on the Recharge from the Project Area.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: During MDP development (Mitigation Measure 4.D-1a)

Description:

As part of the MDP (Mitigation Measure 4.D-1a) reviewed and approved by the Town of Moraga, seeps and springs in the project area shall be demonstrated to be independent of rainfall infiltration and local groundwater recharge. If seeps and springs are dependent on

recharge, additional mitigation described in Measure 4.D-2b shall be conducted and Town review will be necessary.

Action:

- 1) Project Applicants shall include determination of seeps and springs in the MDP.
- 2) Prior to issuance of a grading or building permit, the Town shall review and approve the Master Drainage Plan as consistent with applicable General Plan Goals, Policies, and Implementation Measures, and approve the determination of seeps and springs.

The preliminary geotechnical studies have not found any seeps or springs on the Town Center Homes project site. No further action is required to implement this mitigation measure.

4.D-2b. Capture and Infiltrate Runoff.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: During MDP Development (Mitigation Measure 4.D-1a)

Description:

To mitigate potential impacts to groundwater supplies and recharge, runoff from impervious surfaces shall be captured and infiltrated. Stormwater drainage systems and retention/recharge basins shall be designed as part of the MDP and shall calculate the amount of groundwater recharge and runoff infiltration necessary to support seeps and springs.

Action:

- 1) The Project Applicant shall include stormwater drainage systems and retention/recharge basins in the MDP (Mitigation Measure 4.D-1a).
- 2) Prior to issuance of a grading or building permit, the Town shall review and approve the MDP as consistent with applicable General Plan Goals, Policies, and Implementation Measures, and that the MDP adequately captures and allows for infiltration of runoff.

4.D-3. Determine Peak Flows due to Development and Reduce Peak Flows to Below Pre-Project Conditions.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: During MDP Development (Mitigation Measure 4.D-1a)

Description:

The Contra Costa Clean Water Program C.3 provision contains enhanced performance standards to address post-construction and some construction phase impacts from new and redevelopment projects. The C.3 requirements are separate from, and in addition to, requirements for erosion and sediment control and for pollution prevention measures during construction as addressed in the state general construction permit. The C.3 provision outlines

the following:

- Project site designs must minimize the area of new roofs and paving and use pervious surfaces where feasible so that runoff can percolate to the underlying soil;
- Capture and treat runoff from impervious surfaces using adequately sized treatment devices prior to discharge into streams;
- Determine net increase to off site peak flow volumes and durations as part of the MDP (Mitigation Measure 4.D-1a) based upon the final development plans. Final development plans shall identify impervious surfaces; define collection systems, detention basins, and outlets; and detail BMPs.
- Determine, detain, and infiltrate runoff so that peak flows and duration match pre-project conditions.
- Project applicants must prepare plans and execute agreements to ensure the stormwater treatment and flow-control facilities are maintained in perpetuity.

Action:

- 1) The Project Applicant shall include C.3 provisions in the MDP (Mitigation Measure 4.D-1a) and submit the MDP to the Town and CCCFCWCD for review and approval.
- 2) Prior to the Town issuance of a grading permit, the CCCFCWCD shall review and approve the MDP and consistency with C.3 provisions;
- 3) Prior to the issuance of a grading permit, the Town shall review and approve the MDP as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.D-8: Implement Water Quality Standards and Best Management Practices (BMPs).

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: During MDP Development (Mitigation Measure 4.D-1a)

Description:

The measures designed as part of Mitigation Measure 4.D-1a (detention basins, drainage controls, slope stabilizers, etc.) serve to retain and control pollutants and particulate matter produced by development. The Town Engineer shall set runoff water quality standards in cooperation with EBMUD, develop standard mitigation measures and BMPs for developments during construction and post-completion, and initiate water quality monitoring at key stream and discharge points to assure compliance.

Action:

- 1) The Project Applicant shall include water quality standards and BMPs in the MDP and submit to the Town and EBMUD for review and approval.
- 2) Prior to the Town's issuance of a grading permit, EBMUD shall review and approve the water quality standards, BMPs and monitoring in the MDP.
- 3) Prior to issuance of a grading permit, the Town shall review and approve the MDP as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.E-2a. Develop and Implement Additional MCSP Design Guidelines

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga

Timing: Prior to adoption/ implementation of the Specific Plan

This mitigation measure has been implemented by the Town. The proposed Town Center Homes project is subject to design review in accordance with the MCSP Design Review Guidelines and the Scenic Corridor Design Guidelines. No further action is required.

4.E-2b. Require Internal View Corridors.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga

Timing: Prior to adoption/ implementation of the Specific Plan

This mitigation measure has been implemented by the Town. The proposed Town Center Homes project is subject to design review in accordance with the MCSP Design Review Guidelines and the Scenic Corridor Design Guidelines. No further action is required.

4.E-4. Light and Glare Minimization.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga

Timing: Prior to adoption/ implementation of the Specific Plan

Description:

The MCSP Design Guidelines include a Lighting Plan. The plan outlines the extent of illumination projected from outdoor lighting and includes guidelines to increase lighting efficiency while preventing light spillage.

To further minimize light and glare disturbance, the MCSP shall incorporate the following into the Design Guidelines Lighting Plan:

- Utilize lighting that relates to the scale and design of the structure, with intensities just high enough to maintain security.
- Intermix large canopy trees with surface parking areas and lighting to reduce glare.
- Ensure all exterior structural coatings and materials are low reflectance, including roofing materials and commercial coatings.
- Ensure structural façade colors are low reflectance, subtle, neutral or earth tone colors.

Action:

- 1) The Town of Moraga shall revise the Lighting Plan and submit to the Design Review Board for review and approval for inclusion in the MCSP final Design Guidelines (Appendix B).
- 2) Prior to adoption of the MCSP, the Town shall incorporate a revised Lighting Plan into the final Design Guidelines of the MCSP.

4.F-3: Install a Traffic Signal with the Current Lane Configuration at the Corliss Drive/Moraga Way Intersection.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: Prior to issuance of building permit

This Mitigation Measure would be implemented through payment of the Lamorinda Traffic Fees. No further mitigation is required.

4.F-4. Enhance Transit Service in the Lamorinda Area South of SR 24 and Reduce the Community Center Program.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga, Project Applicants

Timing: Prior to the issuance of building permits

Description:

Moraga's General Plan Adoption Resolution 21-2002 made findings that buildout would cause significant and unavoidable intersection impacts in Lafayette. While no feasible mitigation for intersections in Lafayette is identified, measures could lessen project impacts on the road system to traffic levels at or below the travel levels predicted under General Plan buildout.

Transit Service: Enhanced transit service in the Lamorinda area south of SR 24 is needed to reduce traffic effects of the Proposed Project and Alternative 3 (560 units). County Connection operates buses with 20-minute headways during peak school and commute times, but service is reduced to one hour (or less) during non-peak times. The transit component of the CCTA model was used to estimate bus ridership increases with an enhanced transit service. Bus headways for Route 106 and Route 206 in the CCTA model were reduced to 10 minutes and 20 minutes during the on- and off-peak periods, respectively. With these changes, the CCTA model indicates that daily bus ridership would increase by about 1,130 riders. At an average occupancy of 1.2 people per car, increased ridership would reduce daily automobile traffic by about 950 cars.

Enhanced transit service requires capital and operating costs, beyond what a single land development project could provide. A successful system would require financial support from residents, businesses, and governmental agencies.

Community Center: Programs at the proposed Community Center could be reduced to decrease AM and PM peak hour traffic volumes. The Proposed MCSP and Alternatives 3 and 4 propose a 30,000 square foot Community Center that would attract users from outside the Town of Moraga. This is expected to result in 7 and 30 vehicle trips on Moraga Road through Lafayette during the AM and PM peak hours, respectively. Reducing the Community Center program to a local-focus and the size to about 16,000 square feet would eliminate these peak hour trips, thereby reducing impacts on roads and intersections in Lafayette. With these reductions alone (e.g., without the proposed transit improvements), Alternatives 3 and 4 would be less impacting than Alternative 2 during the critical AM peak hour.

Enhanced transit service or Community Center size and program reductions could limit traffic volumes of Alternatives 3 and 4 to at or below Alternative 2 (General Plan) levels. The Proposed MCSP requires the enhanced transit service to reduce traffic levels to at or below Alternative 2 levels, but could reduce the Community Center program to reduce the new transit required.

Action:

- 1) Moraga shall establish a transit fee program to support an enhanced CCTA transit service that may include, but is not limited to, the following:

- a) Reduced bus headways to 10 and 20 minutes to peak and off-peak hours, respectively;
 - b) Stylized buses that are 30 feet or less in length;
 - c) Transit stop amenities;
 - d) Real-time bus information;
 - e) Reduced headways;
 - f) Up to 16 hours of weekday and weekend service;
 - g) Reduced fares such as the Eco-Pass Program provided by AC Transit;
 - and h) Patron parking at select transit stops.
- 2) Prior to the issuance of building permits, the Town shall require Project Applicants to:
- a) Pay their proportional fair share of transit enhancement;
 - b) If the Proposed MCSP or Alternatives 3 or 4 is adopted, the Town shall limit the Community Center to 16,000 square feet and operate a reduced program during peak traffic hours.
 - c) If Alternative 3 (400 units) is adopted, a park and ride lot at the Town-owned portion of the Sign Board Community Center site shall be implemented.
 - d) If Alternative 4 (560 units) is adopted, the park and ride lot, and TDM appropriate for the buildout of commercial and office uses in the alternative shall be implemented.
 - e) If the proposed MCSP (720 units) is adopted, the park and ride lot, TDM, and provision of expanded shuttle/bus service and necessary facilities within the development to encourage shuttle use shall be implemented.

The Town Center Homes Project shall pay their fair share of transit enhancement and traffic mitigation fees. No further actions are required.

4.F-5: Install Traffic Signals at Six Lafayette Intersections.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga, Project Applicants

Timing: Prior to issuance of building permits

Description:

This mitigation measure provides for the signalization of six unsignalized intersections in Lafayette. The Lamorinda fee program shall be updated to incorporate this mitigation measure.

Action:

- 1) Prior to issuance of a building permit, Moraga shall establish a Lamorinda traffic impact fee program to support the six new traffic signals in Lafayette:
 - a) Deer Hill Drive/Oak Hill Road (with the current lane configuration);
 - b) Glenside Drive/Reliez Station Road (widen Glenside Drive for a left turn pocket);
 - c) Glenside Drive/Burton Drive (widen Glenside Drive for a left turn pocket);

- d) Pleasant Hill Road/Olympic Boulevard (with the current lane configuration);
 - e) Glenside Drive/Los Palos Drive (except Alternative 3, if adopted, and with the current lane configuration); and
 - f) Reliez Station Road/Olympic Boulevard (with the current lane configuration).
- 2) Prior to issuance of a building permit, the Town shall require Project Applicant's to investigate the full complement of signal warrants;
 - 3) Prior to issuance of a building permit, the Town shall require Project Applicants to pay their proportional fair share of traffic mitigation fees to install traffic signals at impacted unsignalized intersections in Lafayette with the following components
 - a) Actuated controls;
 - b) Signal design shall determine signal phasing and coordination;
 - c) Installation shall include the traffic signal equipment with optimized signal phasing/timing plans, coordination with adjacent traffic signals, and ADA compliant features;
 - d) The intersection shall be reconstructed as necessary to accommodate the traffic signal installation including consideration for pedestrians and bicyclists;
 - e) Signal installation shall meet Contra Costa County design standards and be subject to the review and approval of the Town and County.
 - 4) If the proportional fair share fee is not sufficient to fund construction of the traffic signal when it is needed to mitigate impacts, then the Project Applicant shall fully fund the design and construction of the signal, and shall be reimbursed for the portion that is beyond their fair share contribution from future available funding sources from the Lamorinda fee program.

The Town Center Homes Project shall pay the Lamorinda transportation fee, as assessed. No further actions are required.

4.F-9: Ensure Adequate Internal Circulation in the MCSP.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants, Town of Moraga

Timing: Prior to issuance of building permits

Description:

Develop and internal circulation plan to ensure adequate internal circulation in the MCSP.

Action:

- 1) Project Applicants shall design and submit for review and approval by the Town, MOFD, and MPD an internal circulation plan that meets the following criteria:
 - a) Minimize the cul-de-sac streets in both commercial and residential areas;
 - b) Where cul-de-sac streets are constructed, provide a pedestrian connection through the street to maximize pedestrian circulation;
 - c) Maintain streets for two-way traffic flow;

- d) Allow on-street parking to the greatest extent possible;
 - e) Design streets to meet local fire district Codes;
 - f) Provide the Laguna Creek crossing, connecting the Village area to the Town Center, when areas west of the creek are developed in order to minimize internal traffic from using Moraga Way;
 - g) Provide a second road connection to the Village area from Moraga Way between Laguna Creek and Camino Ricardo to maintain effective emergency circulation;
 - h) Provide a connection between the Town Center area and the St. Mary's/Moraga Road intersection when either the Laguna Creek crossing is constructed or the Town Center area east of the creek is developed to maintain safe and efficient traffic flow to and from Moraga Road;
 - i) Provide a School Street extension from the St. Mary's/Moraga Road intersection to Moraga Way and maintain this corridor as a through street to minimize cumulative and site-generated traffic impacts on the Moraga Way/Moraga Road intersection.
- 2) The Town shall review and approve the Project Applicant's internal circulation plan prior to issuing a building permit.

4.F-10a: Reduce Potential Vehicular Conflicts with Bicycles and Pedestrian Travel Ways.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Reduce potential vehicular conflicts with bicycles and pedestrians travel ways.

Action:

- 1) Project Applicants shall design and submit for review and approval by the Town, MOFD, MPD, and EBRPD a bicycle and pedestrian travel way plan that meets the following criteria:
 - a) Limit the number of driveways (to the extent possible) between intersections, thereby reducing the number of intersecting conflict points for vehicles, bicycles, and pedestrians;
 - b) Parallel rather than angle parking on roadways with Class II bike lanes or Class III bike routes;
 - c) Bicycle detection and pedestrian countdown signal heads at signalized intersections; furniture zone);
 - e) 12-foot width for designated multi-use trails, i.e., shared bicycle and pedestrian use;
 - f) Continuous pedestrian walkways on all streets;
 - g) Minimize corner radii at intersections to the greatest extent possible;
 - h) ADA-compliant ramps at all intersections with sidewalks and/or paths to maintain continuous accessible paths;
 - i) 6-foot pedestrian zones along commercial and residential streets;
 - j) Minimum 4-foot wide ADA compliant pedestrian zone across driveways on streets with sidewalks;

- k) Minimize lane width on streets without bike designations to the greatest extent possible while still complying with MOFD requirements;
 - l) Pedestrian-scale lighting on pedestrian facilities in commercial and residential areas;
 - m) The design and locations of portions of, and connections to, the Lafayette-Moraga Trail shall maintain and enhance the safety, usability, and function of the EBRPD trail system.
- 2) The Town shall review and approve the Project Applicant's bicycle and pedestrian travel way plan prior to issuing a building permit.

4.F-10b: Provide Enhanced Pedestrian Crossing on Moraga Road Between Community Center Site "B" and Moraga Commons.

Applicability: Community Center Site "B" Responsibility: Town of Moraga

Timing: Prior to certificate of occupancy

This Mitigation Measure is not applicable to the Town Center Homes Project.

4.F-11: Provide Adequate Parking Supplies.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Provide a parking management plan that shows the expected parking demands and the required parking supply to meet the expected demands. Consideration should be given to meeting the Town Code unless parking studies approved by the Town support parking supply adjustments.

Action:

- 1) Prior to the issuance of a building permit, Project Applicants shall submit to the Town a parking management plan that:
 - a) Demonstrates that parking supply would meet demand;
 - b) Demonstrates compliance with Town Code or evidence to support parking supply adjustments; and
 - c) Considers information, analysis, and recommendations in the MTC study: *Parking Best Practices and Strategies for Supporting Transit Oriented Development in the Bay Area.*
- 2) The Town shall review and approve the Project Applicant's parking management plan prior to issuing a building permit.

4.F-C2: School Street Shall Remain Open to General Vehicle Circulation Between Moraga Way and Moraga Road at St. Mary's Road.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

This Mitigation Measure is not applicable to the Town Center Homes Project.

4.F-C5: Implement Mitigation Measure 4.F-5 (above). Install a Traffic Signal at the Glenside Drive/St. Mary's Road South Intersection in Lafayette, and Widen St. Mary's Road for a Left Turn Pocket.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Implement Mitigation Measure 4.F-5 (above), install, a traffic signal at the Glenside Drive/St. Mary's Road South intersection in Lafayette, and widen St. Mary's Road for a left turn pocket.

Action:

intersections in the City of Lafayette, the Town shall require the following:

- a) Implement Mitigation Measure 4.F-5 (above);
- b) Install, or pay the proportional fair share fee to install, a traffic signal at the Glenside Drive/St. Mary's Road South unsignalized intersection in Lafayette; and
- c) Widen, or pay the proportional fair share fee to widen, St. Mary's Road for a left turn pocket.

The Town Center Homes Project shall pay the Lamorinda transportation fee, as assessed. No further actions are required.

4.G-1: Implement Measures to Reduce Dust Generation and Diesel Exhaust During Construction Periods.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permits

Description:

Project Applicants are responsible for ensuring that contractors reduce PM¹⁰, PM^{2.5}, ROG, NO_x, and CO emissions by complying with the air pollution control strategies developed by the BAAQMD. Project Applicants and contractors shall develop emission control strategies that implement control measures consistent with BAAQMD guidelines. Potential air quality impacts from toxic air containment emissions from construction equipment and operations will be reduced with compliance with the BAAQMD air pollution control strategies.

Action:

- 1) Prior to issuance of a grading permit, Project Applicants must submit an emission

control strategy that meets BAAQMD guidelines, including, but not limited to, the following criteria:

- a) Dust Control Measures for Construction Sites:
 - i) Cover all trucks hauling construction and demolition debris from the Site;
 - ii) Water on a continuous as-needed basis all earth surfaces during clearing, grading, earthmoving, and other Site preparation activities;
 - iii) Use watering to control dust generation during demolition of structures or break-up of pavement;
 - iv) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas;
 - v) Sweep daily (with water sweepers) all paved areas and staging areas; and
 - vi) Provide daily clean up of mud and dirt carried onto paved streets from the Site;
 - b) Renovation, demolition activities, removal or disturbance of any materials that contain asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations;
 - c) Properly maintain all construction equipment;
 - d) For construction sites near sensitive receptors (or if residential development occurs prior to commercial development):
 - i) Install wheel washers for all existing trucks, or wash off the tires or tracks of trucks and equipment leaving the Site;
 - ii) Suspend dust-producing activities during periods when instantaneous gusts exceed 25 mph when dust control measures are unable to avoid visible dust plumes;
 - iii) Limit the area subject to excavation, grading and other construction or demolition activity at any one time;
 - e) For sites greater than four acres:
 - i) Apply soil stabilizers to previously graded portions of the site inactive for more than ten days or cover or seed these areas;
 - ii) Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind;
 - iii) Limit traffic speeds on unpaved roads to 15 mph; and
 - iv) Replant vegetation in disturbed areas as quickly as possible.
 - f) Construction Exhaust Mitigation Measures:
 - i) Construction shall comply with BAAQMD air pollution control strategies;
 - ii) Construction firms shall be required to post signs of possible health risk during construction;
 - iii) Project Applicants shall comply with the BAAQMD rule regarding cutback and emulsified asphalt paving materials;
 - iv) Contractors shall be required to use newer construction equipment, manufactured during or after 1996, that meet the NO_x emissions standard of 6.9 grams per brake-horsepower hour for work conducted within 200 feet of residences.
- 2) Prior to issuing a grading permit, the Town shall review and approve the

project's construction-related emission control strategies.

4.G-4: Implement Measures to Reduce Energy Consumption from Mobile, Stationary and Area Sources.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Development in the MCSP area shall incorporate measures to reduce energy consumption and air pollutant emissions from travel, heating and cooling, appliances, and lighting. These measures encourage alternative fuel sources, on-site energy production, and reuse of resources, and are in addition to Transportation Control Measures (TCMs) in the General Plan.

Action:

- 1) Project Applicants shall design measures to reduce energy consumption and air pollution emissions from mobile, stationary, and area sources, including the following:
 - a) Design measures to reduce vehicle trips and encourage other modes of travel, such as:
 - i) High density residential, mixed, or retail/commercial uses shall be within ½-mile of activity centers;
 - ii) Class I or Class II bike lanes or a comparable bikeway connection to that existing facility (residential, commercial, mixed areas) shall be provided;
 - iii) Provide pedestrian facilities and improvements such as sidewalks and trails (e.g., 5-foot) (residential, commercial, mixed areas); and
 - iv) Provide parking lot designs with clearly marked and shaded pedestrian pathways towards building entrances (commercial areas);
 - b) Include electric vehicle charging facilities within all new homes;
 - c) Provide the minimal amount of car parking required and increase the amount of bike storage and parking areas at both residential and non-residential projects;
 - d) Include transportation impact fees to fund public transit service;
 - e) Orient project locations towards supporting existing regional centers where various types of public transportation needs can be met; and
 - f) Only wood-burning devices that comply with US EPA regulations shall be allowed within the project area.
 - g) Install solar or wind power sources in the MCSP area.
- 2) Prior to the issuance of building permits, the Town shall review and approve all designs to reduce energy consumption and air pollutant emissions from travel, heating and cooling, appliances, and lighting;
- 3) Prior to the issuance of certificate of occupancy, the Town shall verify that all required measures to reduce energy consumption and air pollutant emissions from travel, heating and cooling, appliances, and lighting have been installed and are operational.

4.G-5: Implement Transportation Mitigation Measures 4.F-3, 4.F-4, 4.F-5, and 4.F-11 to Reduce Traffic Volumes and Vehicle Delay.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of certificate of occupancy

Description:

Implementation of Mitigation Measures 4.F-3, 4.F-4, 4.F-5, 4.F-11 to reduce traffic volumes and vehicle delay will reduce local air quality impacts by improving traffic flows at intersections and along roadways.

Action:

- 1) Project Applicants shall demonstrate compliance with the following mitigation measures prior to the Town issuance of a certificate of occupancy:
 - a) 4.F-3: Install a traffic signal with the current lane configuration at the Corliss Drive/Moraga Way intersection.
 - b) 4.F-4: Enhance transit service in the Lamorinda Area south of SR 24 and reduce the Community Center program.
 - c) 4.F-5: Install traffic signals at the following Lafayette intersections:
 - i) Deer Hill Drive/Oak Hill Road (with the current lane configuration);
 - ii) Glenside Drive/Reliez Station Road (widen Glenside Drive for a left turn pocket);
 - iii) Glenside Drive/Burton Drive (widen Glenside Drive for a left turn pocket);
 - iv) Pleasant Hill Road/Olympic Boulevard (with the current lane configuration);
 - v) Glenside Drive/Los Palos Drive (except Alternative 3, if adopted, and with the current lane configuration); and
 - vi) Reliez Station Road/Olympic Boulevard (with the current lane configuration).
 - d) 4.F-11: Provide adequate parking supplies.

The Town Center Homes Project shall pay the Lamorinda transportation fee, as assessed, and shall provide parking in accordance applicable zoning code requirements. No further actions are required.

4.G-7: Implement Air Pollution Reduction Measures Identified in Table 4.G-7 and Mitigation Measure 4.G-4.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of a certificate of occupancy

Description:

Implement the Clean Air Plan Transportation Control Measures (TCMs) in the General Plan to reduce vehicle emissions and local air pollution.

Action:

- 1) Project Applicants shall demonstrate compliance with General Plan Clean Air Plan TCMs identified below in Table 4.G-7 prior to the Town issuance of a certificate of occupancy.

Table 4.G-7

**Implementation of Clean Air Plan
Transportation Control Measures in General Plan**

| TCM | Description | Relevant General Plan Policy |
|--|---|--|
| 1. Expand Employee Assistance Program | Provide assistance to regional and local ridesharing organizations. | OS4.7: Encourage employers to foster employer-based transportation control measures such as ride-sharing, use of public transportation, bicycling and walking to work. OS4.9: Encourage public education programs that demonstrate the benefits of reduced air pollution. |
| 9. Improve Bicycle Access and Facilities | Establish and maintain bicycle advisory committees in all nine Bay Area Counties Develop comprehensive bicycle plans. Encourage employers and developers to provide bicycle access and facilities. Improve and expand bicycle lane system. | C1.1: Apply standard engineering principles in the design, construction, and maintenance of all roadways to make them safer for all users, including bicyclists, pedestrians, and equestrians. C4.1: Provide a safe, continuous and connected system of pedestrian pathways through the Town, including sidewalks, paths, trails and appropriate crosswalks along all principal streets, to link residential neighborhoods, commercial areas, community facilities such as schools and parks, and other important destinations. Link this network as appropriate with the regional trails system. C4.2: Develop a complete bicycle system with direct linkages between residential and commercial areas, community facilities, commuter corridors, and transit hubs. |
| 15. Local Clean Air Plans, Policies and Programs | Incorporate air quality beneficial policies and programs into local planning and development activities, with a particular focus on subdivision, zoning and site design measures that reduce the number and length of single-occupant automobile trips. | OS4.1: Conserve air quality and minimize direct and indirect emissions of air contaminants through the design and construction of new development. For example, direct emissions may be reduced through energy conserving construction that minimizes space heating, while indirect emissions may be reduced through uses and development patterns that reduce motor vehicle trips generated by the project. OS4.2: Prohibit development projects which, separately or cumulatively with other projects, would cause air quality standards to be exceeded or would have significant adverse air quality effects through direct and/or indirect emissions. Such projects may only be approved if, after consulting with BAAQMD, the Town Council explicitly finds that the project incorporates feasible mitigation measures |

| TCM | Description | Relevant General Plan Policy |
|------------------------------------|--|---|
| | | <p>or that there are overriding reasons for approving the project.</p> <p>OS4.5: Encourage transportation modes that minimize motor vehicle use and the resulting contaminant emissions. Alternate modes to be encouraged include public transit, ride-sharing, combined motor vehicle trips to work, and the use of bicycles and walking.</p> <p>C4.3: Encourage the use of transit to and from the Lamorinda BART stations by providing efficient, comfortable, frequent, and reliable bus service roadways that are properly designed to accommodate bus maneuvering, stopping and parking; adequate, free, convenient all-day parking facilities at major transit stops in the Town (one at Moraga Center and one at Rheem Park); comfortable, safe and attractive amenities at bus stops.</p> <p>C4.4: Encourage development patterns and other strategies that may help reduce traffic trips, especially during the morning and afternoon peak hours. For example:</p> <ul style="list-style-type: none"> • Encourage home-based occupations and telecommuting; • Encourage mixed use, small office, and live-work developments in centrally located areas of the Town (i.e., in the Specific Plan areas); • Encourage higher density housing near the Town's major bus stops; • Encourage young people to bike or walk to school by providing a safe Town-wide system of pedestrian and bicycle pathways; • Encourage carpooling. |
| 17. Conduct Demonstration Projects | Promote demonstration projects to develop new strategies to reduce motor vehicle emissions. Projects include low emission vehicle fleets and LEV refueling infrastructure. | OS4.6: Encourage use of new transportation technologies such as alternative fuel vehicles that may provide environmental benefits such as reduced air pollution, lower energy consumption, and less noise. |
| 19. Pedestrian Travel | Review/revise general/specific plan policies to promote development patterns that encourage walking and circulation policies that emphasize pedestrian travel and | C4.1: Provide a safe, continuous and connected system of pedestrian pathways through the Town, including sidewalks, paths, trails and appropriate crosswalks along all principal streets, to link residential neighborhoods, commercial areas, community facilities such as schools and parks, and other important destinations. Link this network as appropriate with the |

| TCM | Description | Relevant General Plan Policy |
|--------------------------------------|---|--|
| | modify zoning ordinances to include pedestrian-friendly design standards. Include pedestrian improvements in capital improvements programs. Designate a staff person as a Pedestrian Program Manager. | regional trails system. C4.4: Encourage development patterns and other strategies that may help reduce traffic trips, especially during the morning and afternoon peak hours. For example: <ul style="list-style-type: none"> • Encourage mixed use, small office, and live-work developments in centrally located areas of the Town (i.e., in the Specific Plan areas); • Encourage young people to bike or walk to school by providing a safe Town-wide system of pedestrian and bicycle pathways. |
| 20. Promote Traffic Calming Measures | Include traffic calming strategies in the transportation and land use elements of general and specific plans. Include traffic calming strategies in capital improvement programs. | C1.1: Apply standard engineering principles in the design, construction, and maintenance of all roadways to make them safer for all users, including bicyclists, pedestrians, and equestrians. C1.5: Design new areas of development so that residential areas are properly buffered from collector streets, with adequate distance, landscaping, or other buffer to protect residences from adverse impacts. Also, direct traffic from major new residential developments so that it does not adversely impact existing neighborhoods. |

4.H-2: Implement Noise Control Measures During Construction Phase

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Construction in the MCSP area shall utilize the following noise control measures to minimize noise disturbances at sensitive receptors during construction activities:

- Maintain consistency with the Health and Safety Code Section 7.12.090 - Construction of buildings and projects: It is unlawful except in case of emergency work for a person within a residential zone or within a radius of five hundred (500) feet of one to operate equipment or perform outside construction or repair work on a building, structure or project, or to operate a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction type device (between the hours of five p.m. of one day and eight a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.
- Newer construction equipment with improved noise muffling shall be used and all construction equipment items shall have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational.
- All construction equipment shall be inspected weekly to ensure proper maintenance and presence of noise control devices (e.g., mufflers and shrouding, etc.).

- Wherever possible, hydraulic tools shall be used instead of pneumatic impact tools.
- Heavy construction truck trips shall be routed over streets that will cause the least noise disturbance to residences or businesses in the vicinity of the Project site.
- Construction staging areas, maintenance yards, and other construction-oriented operations shall not be located as far as reasonably possible from sensitive receptors.

Action:

1. Project Applicants shall make the above noise impact reduction measures required conditions in grading and construction contracts prior to the Town issuing a grading or construction permit.

4.H-4: Implement Noise Control Measures when Reviewing New Residential Projects.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Project implementation will utilize one or more of the following noise control measures for new residential development in the MCSP area:

- 1) When tentative maps are available for new residential development adjacent to Canyon Way (south of Moraga Way), Moraga Way (between St. Andrews Drive and School Street), and Moraga Road (between St. Mary's Road and Corliss Drive and Moraga Way to St. Mary's Road) a detailed analysis of noise impacts shall be conducted. A preliminary barrier analysis indicates that barriers ranging between 5- and 6-feet in height are required if outdoor activity areas (patios) are located adjacent to the roadways.
- 2) Mitigation can also be provided through site design. For instance, having housing fronting toward the major roadways, and shielding back yards or patios with the building façades can be an effective mitigation.
- 3) Setbacks can also be used as mitigation. The setbacks to the 60 dB Ldn contour range from 128 feet along Moraga Way (from St. Andrews Drive to School Street), to 168 feet along Moraga Road (from Moraga Way to St. Mary's Road).

Action:

- 1) Project Applicants shall demonstrate to the Town that implementation of one or more of the above noise control measures have been incorporated into the design of new residential developments such that potential noise impacts would be reduced to a less than significant level prior to the Town issuing a grading permit.

4.H-5: Implement Noise Control Measures when Reviewing New Commercial or Office Projects.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

This Mitigation Measure is not applicable to the Town Center Homes Project.

4.I-1: Implement General Plan EIR Mitigation 4.H-1: Site specific Surveys and Consultation with CDFG and USFWS.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Site-specific surveys shall be conducted prior to development within the project area to determine the presence or absence of individuals and/or occupied or designated critical habitat of endangered, threatened, or rare wildlife and plant species. Prior to conducting these surveys a current listing of rare, threatened, and endangered species that may occur in the project area will be obtained. This will insure that the sensitive species list is kept current and that the proper species are searched for.

The Town will work in conjunction with CDFG and USFWS to develop measures to prevent the loss of individuals and occupied or designated critical habitat. Mitigation measures may also be developed with these agencies when complete avoidance is not feasible. Examples of potential mitigation measures include protection of habitat by means of restoration, conservation, and permanent protection, and transplantation of plants from development sites to protected areas. All projects that may impact a rare, threatened, or endangered species will be subject to CESA, FESA, and applicable Fish and Game Code.

Action:

- 1) Project Applicants shall retain qualified biologists to conduct pre-construction surveys for special-status species and consult with the USFWS and CDFG to develop detailed, project specific impact avoidance, minimization, and mitigation measures to be implemented during construction and operation of the project prior to the Town issuing a grading permit.

Additional, project specific mitigation for Town Center Homes suggested by the Town's peer reviewer is required, as follows:

- Complete a preconstruction survey by a qualified biologist to confirm presence or absence on the site, and define appropriate avoidance measures
- Install exclusionary fencing to separate the construction work area from the protected zone along Laguna Creek, and prevent species of concern from possibly entering the work zone.
- Provide worker training for all construction crew on the remote potential for special-status species on the site, information on their status and natural history, procedure to follow if any species of concern are encountered requiring all work in the vicinity to stop and the qualified biologist verify the species.
- Consult with CDFW and USFWS if California red-legged frogs are encountered during the preconstruction survey or during project construction.

Define measures to avoid increased human activity in the Laguna Creek corridor as a result of project implementation, such as interpretive signage and restrictive fencing (i.e. split rail) to minimize disturbance in the sensitive riparian and aquatic habitat along the creek, which could

be incorporated into the Landscape Plan for the project.

4.I-3: Implement General Plan Mitigation: 4.H-3: Conduct Pre-Construction Surveys for Breeding Raptors and Migratory Birds.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Conduct pre-construction surveys for breeding raptors and migratory birds within development areas to determine if active nest sites exist on the site. If active nest sites are located, the project proponent shall consult with the CDFG to determine appropriate construction setbacks from the nest sites. No construction activities shall occur within the construction setback during the nesting season of the affected species.

Action:

- 1) Project Applicants shall initiate construction activities and conduct vegetation removal outside of the nesting period of raptors and migratory birds;
- 2) If construction and vegetation removal is initiated during the nesting season, then Project Applicants shall conduct the following:
 - a) Retain qualified biologists to conduct pre-construction surveys to determine if raptors or migratory birds are nesting in the Project Area or vicinity;
 - i) If no active nests occur, then no additional mitigation is required;
 - ii) If active nests occur, then Project Applicants shall consult with the USFWS and CDFG to develop detailed impact avoidance, minimization, and mitigation measures to be implemented during construction prior to the Town issuing a grading permit.

4.I-10: Implement General Plan EIR Mitigation Measure 4.H-9: Protect Wetlands and Other Waters of the United States.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

The Town shall require surveys to determine if the project will impact a jurisdictional wetland or other water of the U.S. Where impacts are found to occur, Project Applicants will work in conjunction with the USACE under Sec. 404 to establish a means of protecting, restoring, or replacing the wetland or waterway, such that a no net loss of wetland functions or values is achieved.

If required, the Project Applicant will also apply for a Sec. 401 permit with the SFRWQCB and a Sec. 1601 LSAA with CDFG, and work in conjunction with these agencies to establish a means of protecting, restoring, or replacing the wetland or waterway, such that a no net loss of wetland functions or values is achieved.

Action:

- 1) Project Applicants shall retained qualified scientists to determine if jurisdictional wetlands or other waters of the U.S. would be affected by the project;
 - a) If no if jurisdictional wetlands or other waters of the U.S. would be affected by the project, no additional mitigation is required;
 - b) If jurisdictional wetlands or other waters occur, then Project Applicants shall demonstrate compliance with Sec. 404, sec. 401, and Sec. 1601 prior to the Town issuing a grading permit.

4.K-1a: Implement General Plan EIR Mitigation 4.L-1: Development Impact Fees.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga; Project Applicants

Timing: Prior to issuance of a certificate of

occupancy. Description:

The Town shall prepare a Development Impact Fee Study to determine the fair share that developers within the MCSP area shall contribute for the operation and expansion of police, fire, and parks in Moraga. At a minimum, the study shall identify funding necessary to maintain services at 2000 levels.

Action:

- 1) The Town of Moraga shall conduct a Development Impact Fee Study to determine the appropriate proportional fair share fees for new developments to pay for additional police services, fire protection services, and parks in Moraga.
- 2) Project Applicants shall be required to pay their proportional fair share Development Impact Fee prior to the Town issuing a certificate of occupancy.

4.K-1b: Pay School Impact Fee at Issuance of Building Permit and Schedule Residential Development.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga, Project Applicants

Timing: Prior to issuance of building permit

Description:

Impacts to schools are considered fully mitigated under state law by the payment of state mandated school impact fees (SB 50), and no additional mitigation is required.

Table 4.K-5 provides an estimate of school impact fees for the Proposed MCSP and All Action Alternatives at existing rates of \$2.05/sf for new residential construction and \$0.33/sf for commercial/retail construction. The AUHSD does not collect school impact fees, but currently assesses an annual parcel tax of \$189 throughout the district. This assessment is scheduled to expire on June 25, 2011 (Acalanes Union High School District 2007).

The Town has an interest in maintaining the quality of public schools while avoiding potential environmental impacts associated with new school construction. Consequently, prior to the issuance of building permits, the Town shall consult with the MSD to obtain the most recent enrollment projection figures. When necessary to avoid a potential exceedence of existing

school capacity, the Town shall request the Project Applicant to voluntarily develop a modified residential construction schedule to avoid or minimize potential overcrowding in the school system.

Action:

- 1) Prior to issuing building permits, the Town shall consult with the MSD and AUHSD to obtain the most recent enrollment figures to determine if schools are expected to have sufficient residual capacity to accommodate new students generated by the proposed project.
 - a) If students generated from proposed developments may exceed school capacity, then the Town shall request that Project Applicants voluntarily modify the proposed development schedule to avoid exceeding residual school capacity.
- 2) The Town shall require Project Applicants to pay the applicable school impact fees for new residential, commercial and retail construction to the MSD prior to issuing building permits.

TABLE 4.K-5

Estimated Moraga School District Impact Fees – All Action Alternatives

| MCSP Alternative | Residential Housing Units | | | Commercial/Retail | | | |
|---------------------------------|-------------------------------------|----------------------------|--------------|-------------------------------|---------------------------|-------------------------------|------------------------------|
| | Detached Single family ¹ | Other housing ² | Total new sf | School Impact Fee (\$2.02/sf) | Total new sf ³ | School Impact Fee (\$0.33/sf) | Total School Impact Fee (\$) |
| Proposed Project (720 units) | 20 | 700 | 1,130,000 | \$2,282,600 | 300,000 | \$99,000 | \$2,381,600 |
| Alternative (339 units) | 339 | 0 | 1,356,000 | \$2,739,120 | 180,000 | \$17,280 | \$2,756,940 |
| Alternative (400 units) | 50 | 350 | 725,000 | \$1,464,500 | 195,000 | \$59,400 | \$1,523,900 |
| Alternative (560 units) | 65 | 495 | 1,002,500 | \$2,025,050 | 180,000 | \$64,350 | \$2,089,400 |

Notes:

¹Low density, detached single-family housing with an average of 4,000 sf/home.

²All higher density and multi-family housing, including Saint Mary's College housing, and active senior housing, with an average of 1,500 sf/housing unit.

³Includes Project Description for commercial/retail, a total developed area of 1,000 sf/hotel and bed & breakfast accommodation, and 500 sf/unit for assisted living/congregate care unit

4.I-1a: Fee Payment to the Town of Moraga for Increased Police Protection Services and Review of Design Guidelines and Project Plans.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga and Project Applicants

Timing: Prior to MCSP adoption; prior to issuance of certificate of occupancy

Description:

As stated in the MCSP, Project applicants shall be required to provide payment to the Town of Moraga General Fund for increased police protection services. Payment shall be required upon completion of approved projects that will result in an increase in population within the MCSP area. The amount of payment shall be equal to the degree of increased population that would be necessary to maintain the one Police Officer per 1,000 residents ratio for the new development population levels. Fees shall be paid prior occupation of new structures, and shall include the development's proportional fair share to support the full cost of additional police services, including new sworn officers, administration, equipment, vehicles, and facilities.

The MCSP includes provisions requiring the Design Guidelines (Appendix B) to be reviewed by the MPD to ensure building setbacks, access, and visibility, especially in higher density housing and commercial areas, are consistent with public safety goals and the needs of first responders. The Town shall take into consideration MPD comments on the MCSP Design Guidelines and

make final revisions prior to adoption of the MCSP. The MPD shall also be provided proposed project-level plans to review for consistency with design elements related to public safety, emergency access, and evacuation plans.

Action:

- 1) The Town of Moraga shall incorporate comments from the MPD into final Design Guidelines for the MCSP Appendix B and submit to the Design Review Board for review and approval.
- 2) Prior to adoption of the MCSP, the Town shall incorporate the final Design Guidelines into the MCSP.
- 3) Prior to the issuance of a certificate of occupancy, the Town shall require Project Applicants to pay their proportional fair share of impact fees to fund increased police protection services.

4.L-1b: Development Impact Fees, a Fire Protection Plan, and Review of Design Guidelines and Project Plans.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga and Project Applicants

Timing: Prior to MCSP adoption; prior to issuance of grading permit

Description:

Potentially significant impacts to fire protection and emergency services would be reduced to a less than significant level by new developments paying their proportional fair share fees for new staff, equipment, and facilities to maintain the existing level of service in Moraga. The Town would develop an impact fee schedule in coordination with the MOFD.

The MCSP includes provisions requiring the Design Guidelines (Appendix B) to be reviewed

by the MOFD to ensure building setbacks, access, visibility, and building heights, especially in higher density housing and commercial areas, are consistent with public safety goals and objectives for fire protection and emergency services. The Town shall take into consideration MOFD comments on the MCSP Design Guidelines and make final revisions prior to adoption of the MCSP. The MOFD shall also be provided proposed project plans to review for consistency with design elements related to public safety, emergency access, and evacuation plans.

Action:

- 1) The Town of Moraga shall incorporate comments from the MOFD into final Design Guidelines for the MCSP Appendix B and submit to the Design Review Board for review and approval.
- 2) Prior to adoption of the MCSP, the Town shall incorporate the final Design Guidelines into the MCSP.
- 3) Prior to the issuance of a grading permit, Project Applicants shall provide to the Town of Moraga and the MOFD for review and approval a Fire Protection Plan that shall include, but is not limited to, the following:
 - a) The proposed structures shall be serviced by adequate water supplies to provide adequate flow and pressure for fire suppression;
 - b) Fire hydrants shall be installed at the required distances from all commercial and residential structures;
evacuation plan and all streets shall be sized to allow for adequate access of emergency vehicles;
 - d) Demonstrated compliance with relevant General Plan Public Safety Goals and Policies;
 - e) Fire sprinklers shall be installed in commercial buildings and single family dwellings as required by the MOFD in accordance with Ordinance #02-02; and
 - f) Emergency vehicle access and evacuation plans, circulation plans, including street designs and building setbacks.
- 4) Prior to the issuance of a certificate of occupancy, the Town shall require Project Applicants to pay their proportional fair share of impact fees to fund increased fire protection and emergency services that may include, but is not limited to, the following (Meyer 2008):
 - a) Buildings and/or property to expand staff, equipment, and administration at Station 41 or other identified facility or property to maintain current levels of service and response times as new developments occur in the MCSP area;
 - b) Ambulance and other equipment; and
 - c) Aerial ladder fire engine.

4.M-1: Protect Potential Historic Resources.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Less than five percent of the MCSP has been subjected to intensive pedestrian

archaeological survey, and very limited historic architectural survey. It is recommended that a cultural resources survey of the entire MCSP be completed. A cultural resources survey of the MCSP area shall be completed to identify and evaluate any previously recorded and newly recorded historic architectural and archaeological resources for inclusion in the National Register of Historic Places and the California Register of Historic Resources.

Prior to remodeling or demolishing any structure that is 50 or more years old, Project Applicants shall submit an assessment of the structure regarding its eligibility for listing to Town planning staff. If Town staff determine that the structure is potentially eligible for listing, or is a potential historic resource, then a site-specific analysis of the impact and feasible mitigation measures, including avoidance of the resource, shall be prepared as part of project review. The analysis will utilize significance criteria provided in Draft EIR Section 4.M-2, Regulatory Setting, including:

- National Historic Preservation Act of 1966, as amended (36 CFR 60.4);
- National Register Bulletin 15 (1984), How to Apply the National Register Criteria for Evaluation;
- CEQA Guidelines Section 15064.5;
- PRC Sections 5024.1 and 21083.2; and
- Applicable goals and policies in the Town of Moraga General Plan

Action:

- 1) Prior to the issuance of a grading permit for new development, the Town shall require Project Applicants to retain a qualified cultural resource specialist to conduct a pedestrian archaeological survey and submit a report of finding to Town planning staff.
 - a) Previously recorded and newly recorded historic architectural and archaeological resources identified during the survey shall be evaluated for inclusion in the National Register of Historic Places and the California Register of Historic Resources.
- 2) If Town planning staff determines that a structure is potentially eligible for listing, or is a potential historic resource, then Project Applicants shall retain a qualified cultural resource specialist to complete a site-specific analysis of the impact and develop feasible mitigation measures in consultation with SHPO, including avoidance of the resource.
 - a) Impacts and proposed mitigation measures shall be submitted to the Town as part of project review.

4.M-2. Protect Potential Archaeological Resources

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Prior to site development within previously undisturbed areas of the MCSP (e.g., areas that are not currently covered by pavement or existing structures), the developer shall retain a qualified cultural resource specialist to prepare a site survey to look for potential archaeological resources and to evaluate potential archaeological resources uncovered during excavation.

Action:

- 1) Prior to the Town issuing a grading permit for development in previously undisturbed portions of the MCSP area, Project Applicants shall retain a qualified cultural resource specialist to conduct a site survey to identify potential archaeological resources.
 - a) If potential archaeological resources are found in a proposed construction area, then further site-specific analysis shall be required to determine whether a significant impact would occur.
 - b) If a potentially significant impact would occur, then the cultural resource specialist shall prepare site-specific mitigation in accordance with PRC Section 21083.2.
- 2) Project Applicants shall retain a qualified cultural resource to monitor construction activities as needed.
 - a) Construction monitoring shall be conducted at any time ground-disturbing activities (greater than 12 inches in depth) are taking place in the immediate vicinity of potentially significant archaeological resource. This includes building foundation demolition and construction, roadway construction, and work within the immediate vicinity of the Laguna Creek riparian habitat.
 - b) Should previously unidentified historic or prehistoric archaeological resources be discovered during construction, the construction contractor shall immediately cease work and the Town shall be contacted.
 - i) The cultural resource specialist shall assess the significance of the find and make mitigation recommendations (e.g., manual excavation of the immediate area), if warranted.
 - ii) In the event that human skeletal remains are encountered, the construction contractors shall immediately cease work in the vicinity of the find and notify the County Coroner, the cultural resource specialist, and Town planning staff.
 - iii) If the County Coroner determines that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except in compliance with all applicable federal, state, and local laws regarding Native American burials and artifacts. No further disturbance of the artifacts may be made except in compliance with all applicable federal, state, and local laws regarding Native American burials and artifacts.

4.M-3. Protect Undiscovered Paleontological Materials

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Unknown paleontological materials uncovered during construction in the MCSP area shall be protected until a qualified professional (paleontologist) can assess the find and develop appropriate mitigation measures.

Action:

- 1) Project Applicants shall retain a qualified paleontologist to be available to assess fossilized or unfossilized shell or bone discovered during construction.
 - a) If fossilized or unfossilized shell or bone is discovered during construction, construction contractors shall immediately cease work in the vicinity of the find and contact the paleontologist and the Town Building Inspector assigned to the project.
 - b) The Project Applicant's paleontologist shall visit the site and make recommendations for treatment of the find (including excavation, if warranted), which would be sent to the Town Building Inspection Office and the Town Planning Office.
 - i) If a fossil find is confirmed, it will be recorded with the USGS and curated in an appropriate repository.

ATTACHMENT G

CORRESPONDANCE RECEIVED

Subject: FW: High-Density Residential Uses Immediately Adjacent to the MOFD's Station 41 & District Training Grounds are Incompatible with Fire District Operations and Training Activities

From: Richard J. Olsen [mailto:_____]

Sent: Wednesday, November 12, 2014 5:21 PM

To: Kelly Clancy

Subject: High-Density Residential Uses Immediately Adjacent to the MOFD's Station 41 & District Training Grounds are Incompatible with Fire District Operations and Training Activities

Dear Members of the Town of Moraga Planning Commission:

I am writing to express my concerns about the impact of the proposed City Ventures high-density residential development immediately adjacent to Moraga-Orinda Fire District (MOFD) Station 41 at 1280 Moraga Way on the operations and training activities of the MOFD. Those concerns are based upon my prior experiences as a 12-year member of the Fire Commission for the former Moraga Fire District (MFD) and as a former Director of the MOFD. During those periods -- and subsequently -- I frequently observed the fire and rescue service training activities that are routinely conducted on the MOFD's District Training Grounds behind Station 41. Those activities -- which occur during the day and at night, during weekdays, weekends and on holidays -- are extremely noisy and at times potentially dangerous. They are inherently incompatible with any possible immediately adjoining residential uses. When I served on the former Moraga Fire Commission, that Commission regularly received complaints from residents of the Moraga Country Club townhouses located clear across Country Club Drive from Station 41 because of the noise generated by training activities behind Station 41. Any suggestion that the impacts of fire training activities on immediately adjoining residences can somehow be significantly mitigated is purely wishful thinking. The inevitable results of placing residences cheek-by-jowl against the MOFD's fire training grounds will be a continuous set of complaints from those adjoining residents, ill will directed towards the fire district and quite possibly, a politically imposed reduction in the level and intensity of those training activities conducted by the MOFD. That would then lead directly to a reduction in the life and property saving skill sets of the MOFD's firefighters. As current MOFD Board Director Fred Weil has suggested at more than one MOFD Board meeting, a planning policy decision that would allow the placement of residences immediately adjacent to a fire training center would be as foolish as approving the construction of housing at the end of an airport runway.

Even in Urban areas (e.g. Oakland and San Francisco), Fire Service Training Centers are not normally located adjacent to residential occupancies. Rather, they are usually situated in industrial zones. Here in Contra Costa County, the problem of noise impacts from fire training activities on nearby residential occupancies has also been felt by the Contra Costa County Fire Protection District (Con Fire). That district's training facility, located on Treat Boulevard in Concord across from De La Salle High School, has long been a source of repeated noise complaints from adjacent residential property owners. As a result, Con Fire's long-term plan is to relocate its training center to a site at the Naval Weapons Station. Unfortunately, no similar alternative site exists anywhere within the Moraga-Orinda Fire District's boundaries. There is the alternative of sending MOFD units outside the district for training purposes. However, that would significantly degrade the district's emergency response capabilities for the time period those units are absent from the fire district.

The Bruzzones, who are the owners of the property now being proposed for development, have long been made

aware -- first by the former Moraga Fire District and more recently its successor the Moraga-Orinda Fire District -- of both fire districts' intent to acquire the lands around Fire Station 41, in order to expand the training center and by means of such land acquisition to also further isolate the fire and rescue training center from any and all adjoining land uses. During my tenure on the former Moraga Fire Commission, we attempted to acquire the property that lies between the training area behind Station 41 and Country Club Drive for a future expansion of that training area. Unfortunately, we were rebuffed in that attempt by the late Mr. Russell Bruzzone. We then decided that, in the interests of trying to maintain the best possible relations with the Bruzzone family, we would not pursue acquisition of the property via Eminent Domain proceedings. In retrospect, that may have been a mistake.

The former Moraga Fire District and its successor, the Moraga-Orinda Fire District have also long made the Town of Moraga aware of both fire districts' desire to acquire the properties adjoining Station 41 and their reasons for doing so. I specifically recall during my service as Chair of the former Moraga Fire Commission authoring a letter to the Town on the Moraga Fire District's behalf requesting that, as part of a General Plan review, the zoning surrounding the Station 41 site be designated as "Public Institution", in order to reserve the property for the fire district's future use. More recently, during the reviews of the Moraga Center Specific Plan (MCSP) and its EIR, the Moraga-Orinda Fire District's then Legal Counsel, Steven Meyers of Meyers Nave, submitted a five page letter of comment to the Town's then-Planning Director Lori Salamack. Mr. Meyers letter on behalf of the MOFD contained numerous critical comments relative to the perceived failures of both the MCSP and the related EIR to fully describe and then mitigate the MCSP's prospective impacts on the MOFD. On page 3 of that letter,, Mr. Meyers stated: "**The Station's operation and noise may not be compatible with the proposed residential use. The District is concerned that residents in these new developments will object to Station uses. General Plan Land Use Element Policy LU4.6 requires that 'uses and buildings located in the vicinity of public safety facilities and training operations are compatible'**" (emphasis added). On page 5 of Mr. Meyers' letter he further observed: "Also the Specific Plan does not address the compatibility of the land uses allowed under the Mixed Commercial Residential area surrounding the District property with the Station 41 use." and "The land use designation of the Station 41 property and surrounding area should be consistent with the current District use and its need for future expansion"(underlining added).

Subsequently, an MOFD Board Ad Hoc Facilities Committee, which I Chaired, performed an eight-months-long study of the MOFD's future facilities needs. The resultant report was publicly presented to the full MOFD Board at two Public Meetings and was formally adopted by the MOFD's Board as district policy. In so far as I am aware, it remains district policy today. (The report continues to be posted on and accessible via the MOFD's website.) That Facilities Report specifically raised the question: "Should consideration be given to relocating Station 41?" In order to address that question, former MOFD Fire Chief Bradley and I met with Planning Director Lori Salamack and then newly hired Town Manager Jill Keimach to discuss that specific issue -- including potential alternative locations for the station. The advice we received from the Town's staff was that Station 41 should remain in its present location. That recommendation was then included in the resultant Facilities Committee Report. A personal comment: Had I been advised by Ms. Salamack at that time that the Town would be willing to seriously contemplate the possibility of allowing high density residential development immediately adjacent to Station 41 and the fire district's Training Grounds, I would most definitely not have authored and then supported the Facilities Committee Report's recommendation that Station 41 should remain at its present site.

Finally, based upon my understanding of planning law (I was a member of the Town's first planning body -- the Interim Design Review Board -- and also a significant participant in the preparation of the Town's first General Plan) in order to approve the concept of building a high-density residential project smack dab up against Station 41 and the MOFD's District Training Grounds, your Commission would have to find that City Ventures proposal complied with the

above-cited Town of Moraga General Plan Land Use element Policy LU4.6. Based upon my above analysis and arguments, I cannot see how you could possibly legally or logically make that finding.

Thank you very much for your consideration of the above.

Sincerely,

Richard J. ("Dick") Olsen
1861 Saint Andrews Drive
Moraga, CA 94556-1057

Ella Samonsky

Subject: FW: Moraga Town Center Homes: Visual simulations and Bay Area Comparable Projects
Attachments: Project Description_update.pdf; Project Comparables.pdf

From: Charity Wagner [mailto:charity@cityventures.com]

Sent: Wednesday, November 12, 2014 1:33 PM

To: Kelly Clancy; Ella Samonsky

Subject: Moraga Town Center Homes: Visual simulations and Bay Area Comparable Projects

Kelly, can you please distribute this message to all planning commissioners?

Dear Moraga Planning Commissioners:

City Ventures is excited to present our proposed Moraga Town Center Homes project to the Commission next week. The City Ventures project team has worked closely with the community and town staff to create a plan that is both 1) consistent with the Moraga Center Specific Plan and 2) reflective of the comments received through our community outreach process. The project has evolved and improved significantly based on feedback received at 4 public hearing study sessions, 7 community meetings and several reviews with Town Staff over the last three years. The project has very much benefitted from these community outreach efforts and the plans that we will present for your consideration next week are reflective of the input we have received throughout these meetings and study sessions. In advance of the hearing, I wanted to share some information that may be helpful in your consideration of the project. Below please find some key facts of the project, visual simulations that we've prepared to show existing and proposed view of the project site, and description of a few projects in the Bay Area that have similar characteristics to the proposed project.

We welcome any comments or questions via phone or email. I can be reached at (415) 730-6718 and charity@cityventures.com, including evenings and weekends.

City Ventures Proposed Project – key facts

- Project site is 3.06 acres, located within the Moraga Center Specific Plan, and designated for Mixed Office/Residential Development
- Project complies with development standards in the Moraga Center Specific Plan; no waivers or variances are requested
- The minimum density allowed on the project site is 36 homes and the maximum is 61 homes
- Proposed project includes 36 for-sale luxury townhomes (the minimum amount of home permitted)
- There are no 'Affordable' or 'Below Market Rate' homes in the proposed project
- All homes on Country Club Drive are 2-story
- All homes adjacent to Moraga Way are 2-story
- The 3-story homes are limited to 12 homes within the interior of the project site
- The landscape setback on Moraga Way ranges from 31 feet and 10 inches to 41 feet and 10 inches
- The landscape setback on Country Club Drive ranges from a minimum of 14 feet and 7 inches to 20 feet
- The maximum height of any home in the project is 38 feet 4 inches
- The maximum permitted height in the Moraga Center Specific Plan is 45 feet
- All homes are 3 to 4 bedrooms and range in size 1,846 to 2,398 square feet
- All homes have attached 2-car garages

- In addition to garage parking, there are 18 guest parking spaces on the project site
- All homes have solar panels, are all electric (natural gas free), pre-wired for electric car and high efficiency appliances – all as standard features
- A copy of our narrative project description is attached for your reference
- Current plans can be downloaded here (warning: file is very large and may take several minutes to download)

https://www.dropbox.com/s/a4mqvunlr2btgrb/Town%20Center%20Homes%20Submittal_Reduced%20Size.pdf?dl=0

Project Visual Simulations

Here is a link to download the visual simulations that show how the Town Center Homes project would fit into the surrounding context of the project site (unfortunately the files are too large to attach to email). These simulations are also included in the plan sets that we've provided to the Planning Department.

<https://www.dropbox.com/s/gjbdljku2nqrg27/Project%20Simulations.pdf?dl=0>

- View 1 demonstrates existing and proposed views of the project as you travel into town in a vehicle on Moraga Way. This view is intentionally taken from a vehicle because that is how most folks view the project site.
- View 2 demonstrates existing and proposed views of the project as you travel out of town in a vehicle on Moraga Way. Like view 1, this view is intentionally taken from a vehicle.
- View 3 demonstrates the existing and proposed views of the project site for a pedestrian that is heading from the adjacent office building and walking towards the project site on Moraga Way.
- View 4 demonstrates the existing and proposed views of the project site for a pedestrian on Country Club Drive.

Bay Area Comparable Projects

Following are a few projects in the Bay Area that have similar characteristics to the proposed project. None of the examples present an exact replica of the types of homes that we propose for Moraga; however, all of them have similarities that are worth looking at to get a better picture of the quality and type of development proposed. I've included brief descriptions and photographs are also attached.

- 243 East Blithedale Avenue, Mill Valley CA
 - 7 condominiums, all 3-story, built on approximately 20,000 SF = 15.8 units per acre
 - Zoning allows for 17 homes per acre
 - Project constructed in early 1990s. Wood shingle building siding, lush mature landscaping, and 3-story elements are similar to proposed Town Center Homes project. Note that all homes in this project are 3 story, whereas only 12 of 36 homes in the Moraga Town Center Homes project have 3-story elements
 - Like Moraga Town Center Homes, these condos are located in the affluent community of Mill Valley and along a major roadway in town, E Blithedale Avenue.
- 27 Ross Terrace, Kentfield CA
 - Two and three story townhomes built approximately 8 years ago
 - Zoning allows for 20 homes per acre
 - These homes were designed by Hunt Hale Jones, same architect as Moraga Town Center Homes.
 - Entry porches, second story and third story building step-backs, and quality of architecture materials are similar to proposed Town Center Homes project

- Like Moraga Town Center Homes, these homes are located in the affluent community of Kentfield and along a major roadway in town, Sir Francis Drake
- 868 Hartz Way, Danville CA
 - Single-family home subdivision, 2-story homes
 - Similar architecture styles, although single-family homes, the quality and mix of architecture is similar to the Town Center Homes project
- Mt Diablo & Pleasant Hill Road, Lafayette CA
 - 24 townhomes, all 3-story, recently completed by Taylor Morrison Homes
 - Note that all homes in this project are 3 story, whereas only 12 of 36 homes in the Moraga Town Center Homes project have 3-story elements
 - Similar style of townhome that are alley-loaded, no garages visible from the street. Guest parking is centrally located
 - Architectural details of trellises, corbels and eaves are similar to the Town Center Homes project
 - A significant difference in this project and the proposed project is the massing is all one unit; there aren't any step-backs on second and third stories. Moraga Town Center Homes includes variation in step-backs to reduce massing on all homes in the proposed project.

Sincerely, Charity

Charity Wagner | Director of Development
(415) 730-6718 {direct} | charity@cityventures.com
444 Spear Street, Suite 200 | San Francisco CA 94105



Moraga Town Center Homes Project Description

City Ventures is pleased to provide this updated narrative project description of the Moraga Town Center Homes project. This project description is updated to reflect the November 2014 plan submittal and is organized into four main topic areas: Proposed Project Details; Project Consistency with the Moraga Center Specific Plan; and a Community Outreach Summary.

Proposed Project Details

The project site is comprised of two vacant parcels totaling 3.06 acres between Moraga Way and County Club Drive. The project site is located in Area 13 of the Moraga Center Specific Plan and is situated amongst a transitional area comprised of various commercial office and residential uses. The surrounding neighborhood includes a vacant office building, townhomes and single-family residences near the Country Club, a creek and an MOFD fire station and training facility.

The project design team, including City Ventures, Hunt Hale Jones Architects and Van Dorn Abed Landscape Architects, has created a development plan that is both 1) consistent with the Moraga Town Center Specific Plan and 2) reflective of comments received through a community outreach process. Following is description of key features of the development plan.

New Luxury Medium Density Housing. The proposed project includes development of 36 new for-sale homes (12 units to the acre). Two homes styles are included in the proposed development plan: Cottages and Townhomes.

The cottages are two story homes designed as duplexes that face onto Country Club Drive. There are five different floor plans within the 15 cottages. The cottages range in size from 1,973 to 2,380 square feet and include 3 to 4 bedrooms. Each home will have a private yard along the side/rear of the home and each home will have front porch that faces onto Country Club Drive. Each cottage has an attached private 2-car garage off a shared private drive aisle.



Conceptual elevation of cottages on Country Club Drive

The townhomes are two story homes designed in clusters within the central portion of the project site. There are five different floor plans within the 21 townhomes. The townhomes range in size from 1,846 square feet to 2,398 square feet and include 3 to 4 bedrooms. Some of the townhomes also included a loft feature. Each home will have a small private yard along a pedestrian paseo and each townhome has an attached 2-car garage that is accessed from a shared drive aisle.



Conceptual elevation of townhomes on Moraga Way

Sustainable green design measures will be incorporated in all homes to achieve a high Greenpoints rating, including solar on each home. There is strong market demand for these homes as they offer an alternative to older 50's era single-family homes and will attract young couples as well as move-down buyers who are looking for value in a new, high-end, low-maintenance, convenient home with convenient access, and a sense of community.

Pocket Park Concept. The proposed project includes a small pocket park at the southeastern most portion of the project site. The pocket park is approximately 10,460 square feet. The park is envisioned for passive play area and a gathering area for community residents. Structures within the park area include benches and a BBQ area (as per a previous agreement with the City Council). Other features of the park include lawn area, natural play features for children, and a 5-foot wide trail along the creek within the project area. It is anticipated that maintenance of the park will be the responsibility of the Homeowners Association that is established for the proposed project. City Ventures has met with MOFD on several occasions over the past three years to discuss a potential trail alignment along the creek within their property. To date, no agreement has been reached due to considerable safety concerns expressed by MOFD and the trail connection across the MOFD property has been reviewed from the proposed project plans.



Image of pocket park concept

Architectural Design. The proposed project architecture can be defined as *Timeless Bay Area Traditional style*. This style is prevalent in the Lamorinda area and was selected for this project to provide an extension of the traditional, semi-rural character of the community. Materials common to his architectural theme are known for durability and timelessness



Image of cottage porch concept

(not trendy or modern). Special attention has been given to the architecture visible along Moraga Way and County Club Drive. Moraga Way is a scenic corridor and a gateway to town center so the character and portrayal of the proposed townhomes from Moraga Way is important to the success of the project. There are four townhome buildings that are designed to side onto Moraga Way. Special attention has been given to vary the architecture to provide individual, yet compatible architecture along Moraga Way. The side elevations are designed with a mix of compatible materials, large windows, horizontal breaks within each building, and a variable roof line to provide context and depth to the street view. The Country Club street elevation is also important because of the existing residential community located south of the project. Homes are designed to front onto Country Club Drive with front porches and yards that will activate the street and provide an elegant and much-improved streetscape along this frontage. Individuality has also been built into the design of each cottage.

Landscape Concepts. The proposed landscaping is designed in harmony with semi-rural character of Moraga, including use of native, drought tolerant and fire-resistant plant species. The planting design is also based on Bay Area Friendly Landscape Guidelines and the Moraga Open Space Ordinance.

Flowering accent trees are designed in linear rows within the paseos, reminiscent of orchard rows and split rail fencing is used along Moraga Way and within the pocket park. Enhanced landscape features including decorative trellises with flowering vines, street trees, clusters of flowering accent trees, shrubs and landscape berms are included along the Moraga Way frontage to beautify the streetscape. The Country Club frontage will also be landscaped with street trees and will include flowering accent trees and landscaping within the front yards of homes that face the street.



Image of townhome patio concept

The project will retain the existing Coast Redwoods along the entrance from Moraga Way at the property line shared with MOFD and along the creek at the southeast boundary of the project site. Other trees within the project site will be removed.

Site Engineering Concepts. The project includes a unique approach to site grading. There is a 10-foot difference in elevation from the northwesterly property line to the southeast. In addition, the middle of the project site has a significant stockpile of dirt near the center of the site. The project's approach to grading includes gradually stepping the structures to align with Moraga Way and Country Club Drive and the fire station parking lot, as well as, an attempt to reduce unnecessary off-haul. The project plans maintain the existing drainage patterns in the proposed grading. A couple small retaining walls are included in the design to allow for the stepping of finish grade. Two small retaining walls (less than 3 feet) are included to transition between Moraga Way and the two townhome buildings on the eastern half of the project site and small retaining walls (less than three feet) are also used in the side yards of the duplex homes at the southeastern portion of the project site. The project design team felt that having the building pads close to the existing grades along Moraga Way, Country Club Drive and the

adjacent MOFD parking lot were important considerations. Proposed grading also includes removing a portion of the existing dirt stockpile on the MOFD property. Removal of the portion of the stockpile from the MOFD property will eliminate the need for a retaining wall along the shared property line and will also make the MOFD property more useable. City Ventures has discussed this grading concept with MOFD. Storm water treatment as well as hydro-modification areas are located within the project site. The treatment areas will consist of high-infiltration soil media and drain rock with an overflow (for higher storm events) bypass. In order to maintain the site storm water runoff to predevelopment rates, onsite storage will be required by use of a hydro modification vault as shown on the project civil plans. Both the bio-treatment areas and the hydro-modification vault will be designed to fulfill the requirements noted in the Contra Costa Clean Water C3 design criteria. The project includes installation of new on-site utilities including storm drainage, sanitary sewer and water (combined domestic and fire suppression). In addition, portions of an existing private storm drain system and easement will need to be relocated within the project area.

Vehicle Circulation. The Town Center Homes project provides for vehicular and bicycle circulation to and through the project site. One new roadway would connect from Moraga Way through the site to Country Club Drive and internal access ways within the project would provide access to homes the open space areas. There is only one vehicular access point on Moraga Way at the eastern edge of the project site. The proposed access point on Moraga Way is consistent with the anticipated intersection noted on Figure 4-2 of the Specific Plan. The project does not include any intersection improvements (i.e., traffic signal) as part of the project since traffic from the proposed project does not warrant intersection improvements. It is anticipated that any intersection improvements anticipated by the Specific Plan will be triggered when development of the property on the north side of Moraga Way develops consistent with the Specific Plan. The access way shown on the western edge of the project site (adjacent to the existing office building) is limited to emergency vehicles only. Residents and visitors could enter and exit the project via Moraga Way or Country Club Drive. Vehicular traffic to and from the project would not significantly impact traffic flow on Moraga Way or Country Club Drive.

Pedestrian Circulation. A new sidewalk is proposed along the frontage of Moraga Way to connect the existing sidewalk in front of the office building at St Andrews Drive to the existing sidewalk in front of the fire station. The existing sidewalk on Country Club Drive will remain. Pedestrian walkways are provided within the paseos between the townhomes and will provide north/south pedestrian connections through the project. A walkway along the southern edge of the townhomes provides east/west pedestrian access through the project. These pedestrian pathways also provide a safe path of travel from the guest parking spaces to all homes within the project. A pedestrian pathway is also provided along Laguna Creek in the southwest portion of the project site. As mentioned above, City Ventures has discussed plans for constructing a trail connection from the proposed project site across the MOFD property to allow a Creekside trail connection from Country Club Drive to Moraga Way. MOFD has expressed strong opposition to a trail on their parcel, namely for safety of pedestrians walking onto their property with various training activities and the engine fueling station. City Ventures has removed the potential trail alignment on MOFD property based on written comments received from MOFD (dated February 2014) regarding issues with the trail.

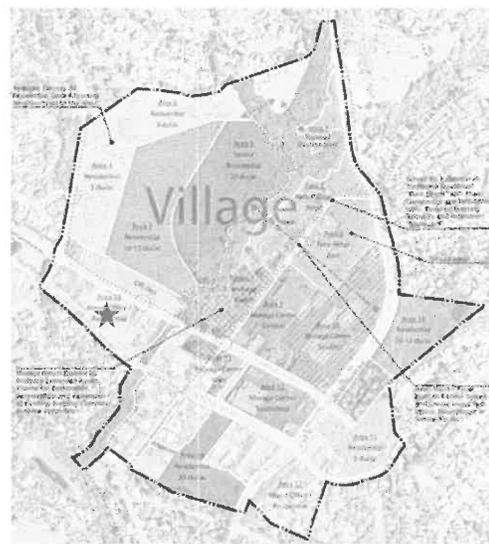
Parking. Every home within the project is designed with a standard two-car garage that is attached to each home. No tandem parking garages or single-car garages are proposed. Guest parking is provided along the internal streets at a ratio of 1 guest space for every two units, for a total of 18 guest parking spaces. The proposed parking complies with the Town Parking Ordinance. Parking is currently permitted on Country Club Drive and Moraga Way. Following the project's bicycle lane and landscape frontage improvements along Moraga Way, parking would no longer be permitted on Moraga Way in front of the project area.

Consistency with the Moraga Center Specific Plan

The Moraga Center Specific Plan (MCSP) defines a 187-acre infill development project area that provides the framework for new residential development, commercial development and enhanced circulation and recreational opportunities in the Moraga Center area. The MCSP allocates land within the Plan Area into 17 sub-areas and establishes the amount, type, and location of future land uses and corresponding development that will be permitted in each of the 17 sub-areas. Following is a discussion of the project's consistency with the MCSP Land Use and Circulation elements.

Land Use Element. The MCSP recognizes and promotes the opportunity for infill housing on vacant sites as part of the vision of the plan: *Provide a range of housing types, with reduced emphasis on detached single family dwellings (provided and planned elsewhere in the community) that can satisfy a portion of Moraga's market demand.* The MCSP and associated EIR analyzed a development potential for up to 630 new residential units, of which several units are planned for redevelopment of the Moraga Center and 242 units are anticipated for development in *unspecified* areas within the Plan area so as to allow *flexibility and timely response to market opportunities.*

The Town Center Homes project site is located in Area 13 of the MCSP on two parcels designated as "Mixed Office/Residential." Area 13 is defined as *vacant or under-utilized land along the south and east ends of the planning area where infill development is planned. Development of these properties may take the form of mixed use office and residential, assisted housing, and a range of residential densities, consistent with other specialty housing needs.* The MCSP anticipated development of 12 to 20 units per acre on the proposed project site, which yields a total of 62 units permitted on the 3.06-acre project site.



Moraga Center Specific Plan, Figure 4-2

| Moraga Town Center Homes Consistency with Moraga Center Specific Plan | | | |
|---|---|--|-----------|
| Mixed Office/Residential Development Standards & Regulations | | Town Center Homes Project Conformance & Compatibility | Complies? |
| Purpose | The project is located in Sub Area 13 and is designated as Mixed Office/Residential. <i>Sub-areas 13 through 17 include additional areas of vacant or under-utilized land along the south and east ends of the planning area where appropriate infill development is planned. Development of these properties may take the form of mixed use office and residential, assisted housing, and a range of residential densities, consistent with other specialty housing needs.</i> | The project is consistent with the MCSP stated purpose because it would develop a vacant under-utilized site with new housing. | ✓ |
| Density | 12-20 dwelling units per acre | The proposed project includes a density of 12 dwelling units per acre, which is the minimum density allowed by the Specific Plan. | ✓ |
| Site Area | 10,000 SQFT | The proposed project area is 3.06 acres (133,293 SQFT). | ✓ |
| Min Lot Frontage | 100 feet | The project frontage is approximately 370 feet on Moraga Way and 570 feet on Country Club Drive. | ✓ |
| Min. Site Depth | 100 feet | The project site depth varies between 100 feet and 335 feet. | ✓ |
| Building Setback | 0 feet, the MCSP does not include setback requirements in the Mixed Office/Residential designation. | The project is designed with a 12 to 22 foot setback on Moraga Way and a 5-10 foot landscape setback on Country Club Drive. | ✓ |
| Creek Setback | The MCSP does not include standards for creek setbacks in the Mixed Office/Residential designation. A 50 foot creek setback is included in the R20 designation of the Specific Plan and Town staff has indicated that this provision applies to the portion of the project site adjacent to the creek. | The project is designed with 91 foot setback from the creek. | ✓ |
| Parking Spaces | Every dwelling unit shall have on the same parcel two covered off-street automobile storage spaces. Additionally, one guest parking space is required for every two dwelling units. | The project includes a two-car garage for every home plus 18 guest parking spaces for a total of 90 parking spaces. | ✓ |
| Building Height | 45' | The maximum height of the proposed homes is 38.8 feet, measured from the finished grade to the peak of the roof line. | ✓ |
| Min Building Separation | 25' between 2-stories 35' between 3-stories | The minimum distance between the attached 2-story homes is approximately 30 feet. | ✓ |
| Lot Coverage | 60% | The lot coverage for the proposed project is approximately 33.9%; well below the permitted maximum. | ✓ |
| Max Stories | 3 stories | The project includes 2-story homes. There are no 3-story homes in the project; however, some of the attached townhomes include a loft as an architectural element. | ✓ |
| FAR | 0.85 | The FAR for the proposed project is approximately 0.53; well below the permitted maximum. | ✓ |

Circulation Element. The MCSP does not establish specific recommendations for roadway locations and circulation patterns; however, the MCSP does promote best practices including minimizing cul-de-sacs street; include pedestrian connection when cul-de-sacs are used; maintain 2-way traffic flow; allow for on-street parking; and design streets to meet local fire codes. Although specific roadway locations are not included in the Specific Plan, Specific Plan Figure 4-2 identifies the a point on Moraga Way at the eastern boundary of the project site, adjacent to the fire station, as a 'Proposed Improved Street Intersection'. The MCSP also encourages pedestrian linkages along the Laguna Creek Corridor and bicycle and circulation within new developments.

The Town Center Homes project includes development of 36 homes, thereby meeting the minimum amount of development anticipated by the MCSP, and evaluated in the Specific Plan EIR. As shown in the table above, the Town Center Homes project is consistent with all of the development standards prescribed in the MCSP. A table of applicable mitigation measures from the Specific Plan EIR has also been provided.

Community Outreach Summary

City Ventures held a series of community meetings in the summer of 2013. A total of five meetings were held at the Moraga Country Club. Meeting invitations were sent to property owners within a 300 foot radius of the project site for a total of 112 invitations sent for each of the five meetings. Following is a brief synopsis of each meeting; please note these synopses are not intended to represent all comments received from each and every meeting attendant. Copies of each meeting presentation and sign-in sheets from each meeting have been previously provided.

Community Meeting #1: The first community meeting was held as an open house on June 11, 2013. The community open house provided an opportunity for community members to see some of the design ideas that had been considered to date, provide comments on what matters most to them in a new residential community, and to meet members of the City Ventures team. Stations were set up for meeting attendants to learn more about the Specific Plan, City Ventures projects, and the initial concept plans for the project site. No formal presentation was provided. City Ventures staff engaged meeting attendants in conversation to hear their comments and concerns and comments cards were collected. Approximately 82 folks attended the community open house. Most attendants were concerned about the following topics:

- density (too many homes for the project site)
- building height (3 stories too much)
- increases to traffic on Moraga Way and Country Club
- the lack of access to the project on Moraga Way (funneling all cars to Country Club Drive)
- overflow of resident and guest parking in the area
- compatibility with the surrounding neighborhood and community
- conflicts with parking during events at the Country Club
- the size of the proposed park

- the sales prices of the proposed homes (several meeting attendants mistakenly thought the project was Affordable Housing).

Community Meeting #2. The second community meeting was held on July 8, 2013 as a town hall style meeting. City Ventures provided a formal presentation of the proposed project. The presentation focused on City Ventures as a company with a few profiles of projects that we have built to date; an overview of the conceptual site and floor plans proposed for the project site, which included 54 two and three story townhomes; and an overview of the comments and concerns that were voiced or provided on comment cards at the community meeting were addressed one-by-one: Affordable Housing; Traffic ; Parking; Height & Design. City Ventures staff engaged meeting attendants in a Q&A session following the presentation. Approximately 45 folks attended the second community meeting. Most attendants commented on similar items that we voiced at the open house, and also commented on the following:

- impacts to area parks and schools
- heightened security concerns for the Country Club (kids sneaking onto the grounds after hours)
- construction timing and methodology
- thoughts on varying the architecture styles to be more consistent with neighboring properties

Community Meeting #3. The third community meeting was on July 16, 2013 as a town hall style meeting. City Ventures intentionally provided the same presentation from the previous meeting so as to allow folks who weren't at the last meeting to be brought up to speed. Most attendants at this third meeting also had similar comments that were at the open house and the meeting on July 8th. Approximately 72 folks attended the third community meeting. Attendants at this meeting also commented on:

- potential effects to wildlife in the area
- whether the project was meant to satisfy regional goals for affordable housing

Community Meeting #4. The fourth community meeting was held on August 13, 2013 as a town hall style meeting. City Ventures provided a formal presentation of changes proposed to the project following comments heard at previous meetings. The following project modifications were presented:

- reduced density (from 54 homes to 49 homes);
- adding vehicle access on Moraga Way (in addition to an entrance on Country Club Drive)
- reduction in building height (from 37 feet to 35 feet);
- removal of one-car parking garages; and
- increased the size of pocket park (from 7,850 to 13,500).

Approximately 47 folks attended the fourth community meeting. Although responses to the plan changes were well-received at the meeting, the community response remained unsupportive in general and comments for additional changes were requested. In addition, meeting attendants also began to question:

- the quality of homes built by City Ventures

- the Specific Plan's intent to allow higher density on the project site

Community Meeting #5. The fifth community meeting was held on August 20, 2013, as a town hall style meeting. City Ventures intentionally provided the same presentation from the previous meeting so as to allow folks who weren't at the last meeting to be brought up to speed. Approximately 33 folks attended the third community meeting. Most attendants at this fifth meeting also had similar comments that were heard at the fourth community meeting. Attendants at this meeting also commented on:

- a need for private yards for the proposed homes
- a need for private driveways for the proposed homes

City Ventures feels that community feedback was both constructive and genuine in that most meeting attendants expressed a desire to maintain the current neighborhood character, not increase traffic on neighborhood streets, and make sure that the homes within the proposed project are well-designed such that the project would be compatible with the surrounding community. The project design team has taken the community feedback received at each of these meetings into consideration and drafted a new approach to development of the project site – please refer to the proposed project details section of this document for a detailed description of the proposed project.

City Ventures held two community meetings to review the most current development plan.

Community Meeting #6. The sixth community meeting was held on February 25, 2014, as a town hall style meeting. City Ventures provided a formal presentation of changes proposed to the project following comments heard at previous meetings in the summer of 2013. The following project modifications were presented:

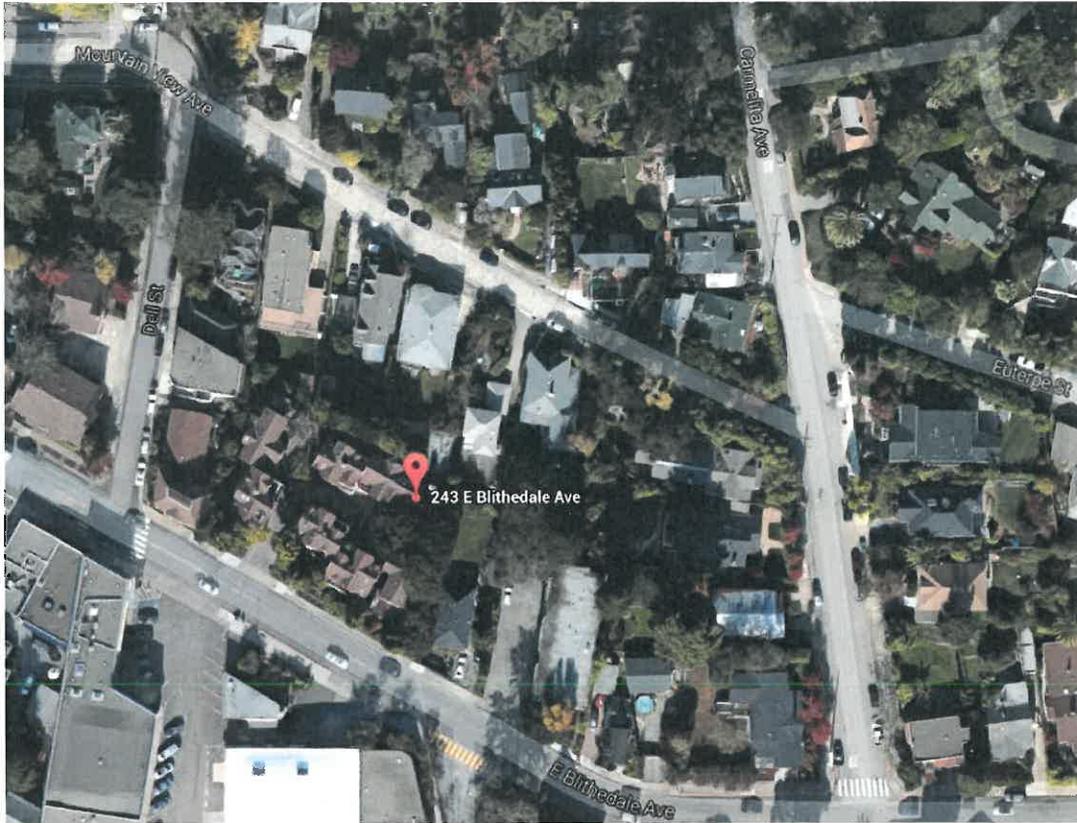
- reduced density (from 49 homes to 36 homes);
- introduced the duplex and townhome concept;
- reduced all buildings to 2-story;
- introduced Bay Area Traditional architectural style;
- kept vehicle access on Moraga Way (in addition to an entrance on Country Club Drive); and
- kept pocket park adjacent to creek

Approximately 48 folks attended the sixth community meeting. Responses to the plan changes were well-received at the meeting, and the community thanked City Ventures for the progress made to the overall project design. Outstanding project concerns were focused on parking within the project area and within the surrounding neighborhood.

Community Meeting #7. The seventh community meeting was held on February 27, 2014, as a town hall style meeting, at the Moraga Library. Only one person attended this meeting, so the meeting consisted of an informal presentation of the updated project design.

Community Meeting City Ventures is excited about the opportunity to build great homes in Moraga and help implement the vision of the Specific Plan. The homes we propose to build in Moraga are designed for Moraga with the specifics of this project site in mind (not for some other community or market). Although we are not likely to please all interested members of the community, we do believe that we alleviated several of the community concerns and have accommodated the majority of the community's recommendation in the proposed project. City Ventures will continue to engage the community through the project review process.

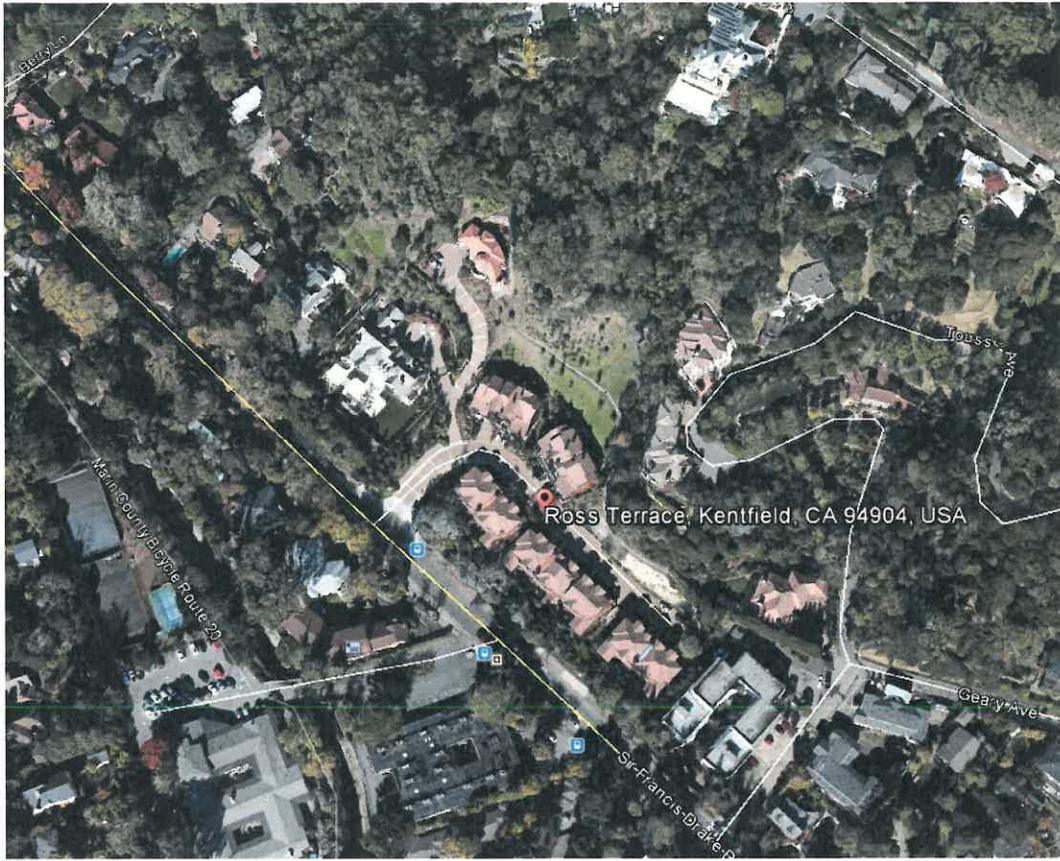
City Ventures has submitted multiple concept plans to the Town and community for review, held regular meetings with Town staff and has also presented concept plans to the Planning Commission and Design Review Board in a workshop setting. The proposed project described herein is a result of the feedback and comments received during the past two years of design and planning efforts on the project site. City Ventures strongly believes that the proposed project, described herein, is a benefit for the community of Moraga – an opportunity to implement goals of the Specific Plan and provide new homes that are designed specifically for Moraga and the project site.



Aerial view of 243 E Blithedale Ave, Mill Valley



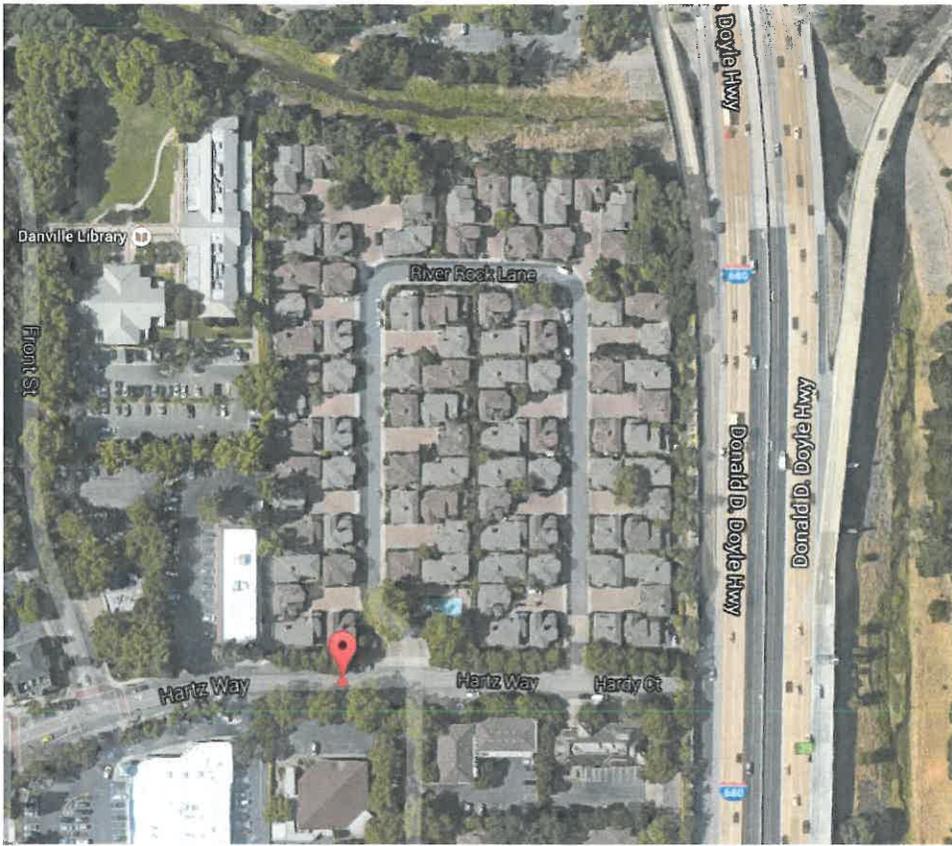
View of condominiums from East Blithedale Ave



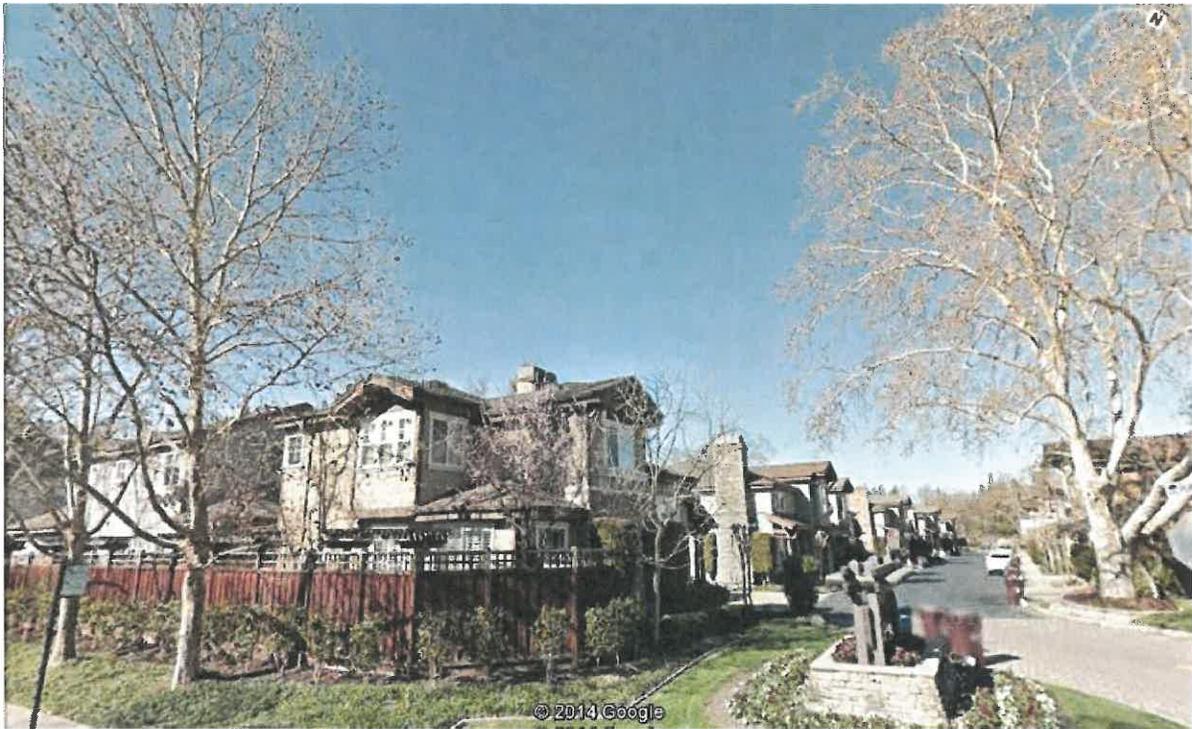
Aerial view of Ross Terrace Subdivision, Kentfield (approximate address 27 Ross Terrace, Kentfield)



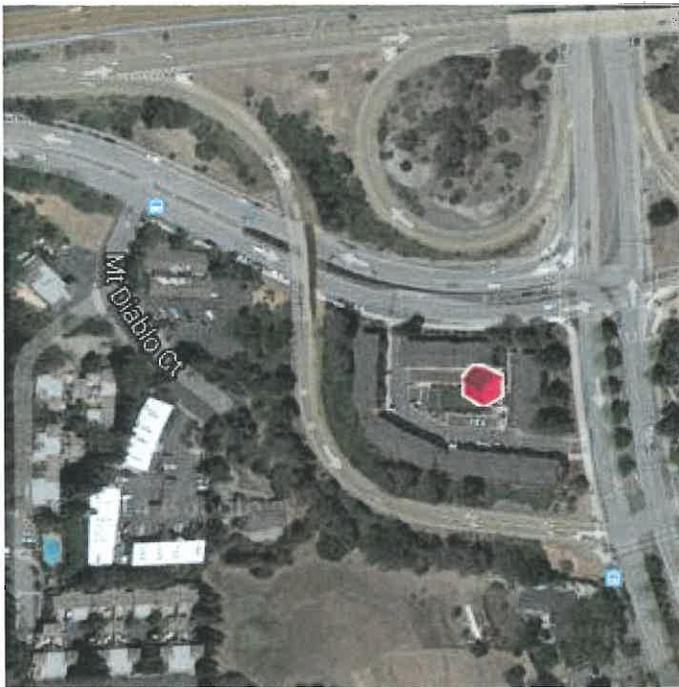
Front elevations of Ross Terrace 2-story townhomes



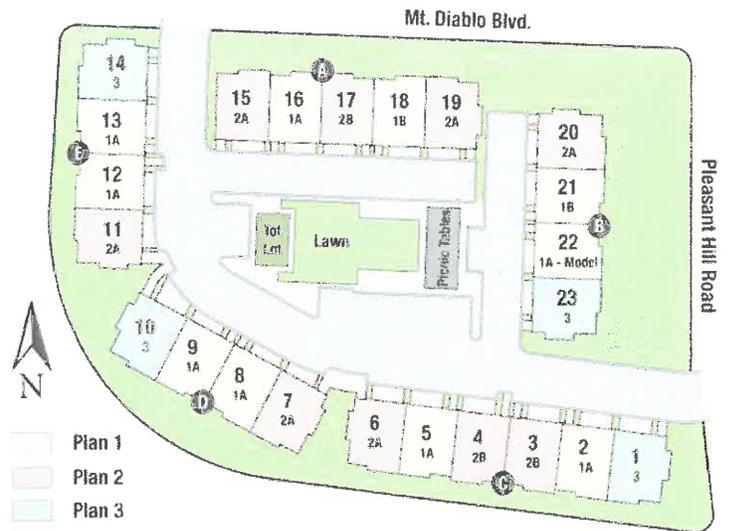
Aerial view of subdivision off of Hartz Way, Danville



View of homes in subdivision off of Hartz Way, Danville



Site Plan



Aerial view and site plan of Taylor Morison townhomes in Lafayette



View of garage elevations



RECEIVED
OCT 14 2014
Moraga Planning Department

July 9, 2014

Town of Moraga
Design Review Board
Attn: Doug Donaldson, Contract Planner
329 Rheem Blvd.
Moraga CA 94556

Re: Applicant – City Ventures
444 Spear Street, Suite 105
San Francisco, CA 94105

Owner – Russell Bruzzone Inc. and Moraga General Properties, LLC
899 Hope Lane
Lafayette CA 94595

Dear Mr. Donaldson,

As you may know, the scenic corridor along Country Club Drive was the original entrance into the Town of Moraga. We ask the Town to preserve the key elements of this historic piece of land for all citizens of Moraga by landscaping the median on Country Club Drive. The Town has an opportunity to create a beautiful corridor showcasing the historic bridge and original urns located in the median.

On behalf of the members of the Moraga Country Club that reside on Country Club Drive, I ask that the Town of Moraga require, as a 'Condition of Approval', landscaping along the median strip located between the existing homes along Country Club Drive and the proposed City Ventures' development (that also has frontage on Moraga Way). The landscaping, which is necessary to mitigate noise and light from the City Ventures development, would include the installation of appropriate berms, trees and shrubs to create a scenic corridor along Moraga's first entrance, known today at Country Club Drive.

We ask this of the Town in order to mitigate noise and light from the increased traffic resulting from the proposed City Ventures' development. Median modifications could have the additional benefit of "traffic calming".

Sincerely,

Donald Maddison, D.Eng.
President, Moraga Country Club Board of Directors

Cc: Board of Directors

Barry L. Behr
1902 Joseph Dr.
Moraga Ca. 94556
August 31, 2014

RECEIVED

SEP 07 2014

Moraga Planning Department

Dear Mayor and Council members,

I will be out of the country when the Moraga Town Center Homes development comes up to the City council for consideration. I am writing to you because of my concern over the development as currently configured. I have four concerns as follows:

1. The three store configuration of the complex is so massive it blocks the view of the hills from all sides of the development.
2. The density seems to be excessive for the size of the parcel.
3. There is a really dedicated green area on both sides of Moraga Way coming into town just a block prior to this development and that is lost with the current plans for the development.
4. I feel a great set back is needed on both Moraga Way and Country Club Dr.

I do think that this is area can be developed. However, I would like to see it developed in concert with the areas around both its architecture and setbacks on both Moraga Way and along Country Club Dr. I would also like to see it be less dense and with additional green spaces In front of the units and along with both the front and rear of the development.

Sincerely,



Barry L. Behr

Ella Samonsky

Subject: FW: The Unacceptale City Ventures Project

From: Alfred Simonsen [mailto:al@simonsen.com]

Sent: Friday, August 29, 2014 2:31 PM

To: Kelly Clancy

Subject: The Unacceptale City Ventures Project

Moraga Planning Committee and Town Council:

I am very disturbed by story poles depiction of the City Ventures Project. The buildings are much too high, too close together and much too close to the road. I have reviewed the plans at the Town Offices. This type of building complex is fit more for Oakland or Berkeley than for our Town of Moraga. Our City was named Town of Moraga for a reason. We want to maintain a town feeling. We want new developments to be carefully planned and acceptable to the community. We don't want a long, continuous wall of 2 story buildings with their front doors only a couple of steps from the street. You need to insist on much more set back. Make it look more like the Cassitas development (good setback, lower units toward the street, taller ones to the back, more space between units). We already have an abundance of low income condominium housing in Moraga. These Venture units will not be low cost housing if they consist of 3 and 4 bedroom units with 2 car garages. How does this satisfy ABAG? Reduce the number of units, increase the setbacks, have some variety in the design of the buildings and increase the distance between units. Our Town Planner and Town Manager should be resisting as much as possible the pressure from ABAG. If not they should be replaced. It is now up to our Planning Commission and Town Council to make this development by Venture acceptable to the citizens of Moraga. **Al Simonsen** (resident of Moraga since 1968)

Ella Samonsky

From: Charity Wagner <charity@cityventures.com>
Sent: Thursday, August 21, 2014 3:25 PM
To: Ella Samonsky
Cc: Ellen Clark
Subject: FW: Poles of Moraga

Another supportive email.

Charity Wagner | Director of Development
{direct} 415.730.6718 | charity@cityventures.com

From: yeppinger@comcast.net [mailto:yeppinger@comcast.net]
Sent: Thursday, August 21, 2014 3:23 PM
To: Charity Wagner
Subject: Fwd: Poles of Moraga

Here is another response from Bill Booth who is a very articulate attorney who lives in Moraga .

Thanks and sent from my Iphone.

Begin forwarded message:

From: "William Booth" <wbooth@booth-law.com>
Date: August 21, 2014 at 1:23:43 PM PDT
To: "Charlie Coane" <charliecoane@hotmail.com>, "'Bernard Lerner' \"(<blarnermd@yahoo.com>, "'bobby zachariah\" (<bzachariah@comcast.net>, "'Christy Booth\" (<cbooth@booth-law.com>, "'Craig Chudler\" (<cchudler@comcast.net>, "'jack friedman\" (<jackf@cbmlaw.com>, "'jack northrup\" (<jack@fourwinds66.comcastbiz.net>, "'Joe Fielding\" (<jfielding2003@gmail.com>, "'john poreda\" (<jporeda@comcast.net>, "'larry evans\" (<larry@larryevans.com>, "'Peter Coy\" (<peterbcoy@comcast.net>, "'peter Singelstad\" (<psingelstad@gmail.com>, "'Rick Zavatero\" (<zavatero@yahoo.com>, "'ron\" (<ron@rubelaw.com>, "'Simon Marlow\" (<sfimmarlow@yahoo.com>, "'Spike Speicher\" (<speicher652@yahoo.com>, "'stan casper\" (<casper@cmslaw.com>, "'Tom Vadnais\" (<tomvad@hotmail.com>, "'Fred Eppinger\" (<yeppinger@comcast.net>, "'craig coane\" (<craigcoane@comcast.net>, "'karen coane\" (<ckcoane@comcast.net>, "'scott coane\" (<scottcoane@comcast.net>, "'Mick Coane\" (<mscoane@comcast.net>, "'JimandBettyAnn Buhl\" (<jimbetty@comcast.net>, "'Bill Whiting\" (<whiting@disso.com>
Cc: <cbooth@booth-law.com>
Subject: RE: Poles of Moraga

Charlie -- I've seen the poles and I've attended meetings with the developer at MCC. I'm in favor of the project and I think it will be a good addition to Moraga. The images I've seen indicate that it will be an attractive building(s), at reasonable scale and will fill what is currently a weed-invested patch of dirt. I believe Moraga, like any community, needs ongoing investment in infrastructure to remain healthy. The investment upgrades the housing stock, it adds much needed revenues for schools, fire and general city services, and it adds purchasing power that can help local merchants make a living. The current shopping centers both in Moraga and in Rheem are pretty sad affairs. We have one lousy grocery store and we don't have a decent restaurant in Town. The purchasing power that new residents would bring

would certainly help that issue. For these reasons, I'm also in favor of development of the orchard on the north side of Moraga Way and I really hope that the Town will move forward on a sensible plan for that, much larger, development.

I noted that many of the concerns at the MCC meetings were voiced by folks who live in the MCC condos on Country Club Dr., but I've found their concerns odd and overblown. One issue raised was the visual impact of a 2.5 story complex. But, the living areas of the existing condos are oriented to the south, away from the street and the new development. All that faces the street at the existing condos is a series of ugly garages. Indeed, it is the new development that should be worried about the adverse visual impact of the existing condos. No one living in those existing condos will be looking at the new structure when they are in their homes. Further, there are two lines of trees, one in the median strip and one on the MCC side of the street, that currently buffer the view of the lot on the north side of Country Club Dr. and, for a portion of the way, there is a 7 foot hedge that completely hides the view. I just don't understand why looking at a nice new building for the brief period when one is coming or going home is going to be so much worse than looking at the current patch of dirt. And, I guess I don't understand concerns voiced by others in the club who don't live anywhere near the new development. The principal entrance to MCC is St Andrews, half a block to the west of the new development. You and Denise won't have to drive by the new condos on Country Club to get to your home. Nor will the vast majority of MCC residents. Indeed, traffic caused by the new condos is more likely to impact people like me and Yank, who normally travel along Country Club Dr to access the Club. I just don't think it's going to be an issue and, if I sense that it is, I'll go around on Moraga Way. Further, I would think that 36 new families living in relatively close proximity to the amenities of MCC will only increase interest in memberships and thus add to both the value of memberships and property values generally in the Club.

So, I'm in favor of the development and I hope it moves forward soon. Bill

From: Charlie Coane [mailto:_____@morinda.com]

Sent: Thursday, August 21, 2014 11:11 AM

To: 'Bernard Lerner' (; bobby zachariah; Christy Booth; Charlie Coane; 'Craig Chudler' (; jack friedman; jack northrup; 'Joe Fielding' (; john poreda; larry evans; Peter Coy; peter Singelstad; 'Rick Zavatero' (; ron; 'Simon Marlow' (; Spike Speicher; stan casper; Tom Vadnais; _____@morinda.com; Fred Eppinger; craig coane; karen coane; scott coane; Mick Coane; JimandBettyAnn Buhl; Bill Whiting

Subject: FW: Poles of Moraga

Many of you have seen the "poles" on Country Club Drive...which is the outline for the proposed 36 two and 2.5 story (sounds like 3 to me) homes by City Ventures.

If you have a comment about all of that...you can send to an email to any of the people below...including the Lamorinda Weekly. Or call.

You probably know where I stand on the idea of putting this project right next to Moraga Way and Country Club Drive and next to the office buildings and half surrounding the Fire Station.

Why there? And it certainly does not fit in within the neighborhood. These are not low income condos... and I am sure CV will make a lot of money.

Who knows? Maybe you like the idea.

Just stirring up the troops.

CCC

Date: Thu, 21 Aug 2014 17:38:43 +0000

From: _____

To: _____

Subject: contacts

We need letters to keep running in the Lamorinda Weekly and the next deadline is tomorrow 8/22. lee@lamorindaweekly.com

Chew and Trotter are up for re - election in November. Teresa Onoda will be running against them.

TOWN COUNCIL:

Ken Chew kchew4moraga@sbcglobal.net
Roger Wykle rwykle@moraga.ca.us

Phil Arth parth@moraga.ca.us

Mike Metcalf mmetcalf@moraga.ca.us

Dave Trotter dtrotter@bowlesverna.com

Jill Keimach Town Manager - jkeimach@moraga.ca.us or call at 925-888-7020

PLANNING COMMISSION:

Please email Kelly Clancy, Planning Assistant, at kclancy@moraga.ca.us and she will forward your email to all of the Planning Commissioners.

Current Planning Commissioners are:

Christine Kuckuk, Chair
Tom Marnane, Vice Chair
Frank Comprelli
Stacia Levenfeld
Teresa Onoda
Steve Woehleke

From: "Coane, Charlie" <charliecoane@hotmail.com>
To: "Coane, Denise" <denisecoane@comcast.net>
Sent: Thursday, August 21, 2014 10:27:08 AM
Subject: RE: shawna resigned

Can any of my tennis buddies send a comment into lee at Lamorimnda weekly...and what Moraga Town phone number can they call or send an email toto grumble about the poles?
CCC

Ella Samonsky

From: Jill Keimach
Sent: Thursday, August 21, 2014 3:16 PM
To: Marty McInturf; Shawna Brekke-Read; Ellen Clark
Subject: FW: City Ventures Moraga Project

Correspondence for packet

From: Charlie Coane [mailto:charliecoane@hotmail.com]
Sent: Thursday, August 21, 2014 3:15 PM
To: Fred Eppinger; 'Bernard Lerner' (; bobby zachariah; Christy Booth; 'Craig Chudler' (; jack friedman; jack northrup; 'Joe Fielding' (; john poreda; larry evans; Peter Coy; peter Singelstad; 'Rick Zavatero' (; ron; 'Simon Marlow' (; Spike Speicher; stan casper; Tom Vadnais; wbooth@booth-law.com; craig coane; karen coane; scott coane; Mick Coane; JimandBettyAnn Buhl; Bill Whiting
Cc: Roger Wykle; Ken Chew; Phillip Arth; Mike Metcalf; dtrotter@bowlesvenna.com; Kelly Clancy; lee@lamorindaweekly.com; Alubow@cityventures.com; Jill Keimach
Subject: RE: City Ventures Moraga Project

To be clear...they have done a lot since their original proposal of 56 units of 3 story connected buildings. And who doesn't like the idea of picking up the economy and other benefits for Moraga. And I agree with all of your points except perhaps #7. My problem has always been...why right there? Can't they find another location and do the same thing there?

CCC

From: yeppinger@comcast.net
Subject: City Ventures Moraga Project
Date: Thu, 21 Aug 2014 14:55:53 -0700
CC: rwykle@comcast.net; charliecoane@hotmail.com; bzachariah@comcast.net; cbooth@booth-law.com; jfriedman@comcast.net; jnorthrup@comcast.net; jfielding2003@gmail.com; jporeda@comcast.net; larry@larryevans.com; peterbcov@comcast.net; psingelstad@gmail.com; zavatero@yahoo.com; ron@rubelaw.com; sfmmarlow@yahoo.com; sspeicher@cmslaw.com; tomvad@hotmail.com; wbooth@booth-law.com; kcoane@comcast.net; mcoane@comcast.net; jkeimach@cityventures.com

Charlie - First let me thank you for providing me the forum to express my thoughts on the City Ventures Moraga project. In fact, your wife Denise, was the one responsible for bringing this development to my attention many months ago. Having been a resident for over forty years and, in fact, a resident in the same home for forty years I have witnessed first hand the result of a limited if not better expressed a no growth philosophy to our wonderful cul-de-sac community. Grocery chains closing stores, retail stores closing, restaurants moving elsewhere, and schools closures (since reopened). In fact, our home resides two blocks from the proposed City Venture project. I am also a long standing charter associate member of the Moraga Country Club.

Ella Samonsky

From: Jill Keimach
Sent: Thursday, August 21, 2014 3:13 PM
To: Marty McInturf; Shawna Brekke-Read; Ellen Clark
Subject: FW: City Ventures Moraga Project

From: Yank Eppinger [mailto:~~yankeppinger@comcast.net~~]
Sent: Thursday, August 21, 2014 2:56 PM
To: Yank Eppinger; 'Bernard Lerner' (; bobby zachariah; Christie Booth; Charlie Coane; 'Craig Chudler' (; jack friedman; jack northrup; 'Joe Fielding' (; john poreda; Larry Evans; Peter Coy; peter Singelstad; 'Rick Zavatero' (; Ron Rubenstein; 'Simon Marlow' (; Spike and Linda Speicher; stan casper; tom Vadnais; Bill Booth; Craig Coane; karen coane; Scott Coane; Mick Coane; Jim Buhl; Bill Whiting
Cc: Roger Wykle; Ken Chew; Phillip Arth; Mike Metcalf; dtrotter@~~howlson.com~~; Kelly Clancy; lee@lamorindaweekly.com; Alubow@cityventures.com; Jill Keimach
Subject: City Ventures Moraga Project

Charlie - First let me thank you for providing me the forum to express my thoughts on the City Ventures Moraga project. In fact, your wife Denise, was the one responsible for bringing this development to my attention many months ago. Having been a resident for over forty years and, in fact, a resident in the same home for forty years I have witnessed first hand the result of a limited if not better expressed a no growth philosophy to our wonderful cul-de-sac community. Grocery chains closing stores, retail stores closing, restaurants moving elsewhere, and schools closures (since reopened). In fact, our home resides two blocks from the proposed City Venture project. I am also a long standing charter associate member of the Moraga Country Club.

I support whole heartedly this project that has been modified several times to the benefit of many of the concerned entities. A legitimate question would be why would you support this development? The answer while simplified is the following.

1. Increased tax base
- 2 Help stimulate a stagnant cul-de-sac community
- 3 .Not guaranteed but perhaps attract a younger strata of the population
4. Protect the growth potential of our well performing grammar schools as well as our excellent high schools
5. Potentially help grow the ever challenging and diminishing retail sector of our community
6. Potentially help attract new attractive culinary opportunities
7. The zoning of this property merits the proposed development.

You voice a concern and fact that City Ventures may make a lot of money. If that is the case why should they not? It is their risk should it not be their reward. Also I think the list on your email says exactly what is at issue here. Twenty two of the listed recipients are over the age of 60 (many over 70), two are over forty, and two over over thirty. Is this not an indication of an aging populace. Most, but not all, have lived their adult life in the wonderful community of Moraga. Why should we who are in our senior years not provide an opportunity for others to enjoy what we have. They days of large floor plans, spacious gardens, swimming pools, gazeboes in Moraga maybe over or not affordable. Why not give others a chance to live in Moraga in an area that is zoned for this type of development. You have had your benefit of living here now how about others.

The main arguments that I have heard from my aging contemporaries of the Moraga Country Club are sight lines, height considerations, and yes TRAFFIC. City Ventures has taken valued input from the community and adjusted the first two concerns. The third from my perspective is simple. Any development in our cul-de-sac community is going to create yes - more cars. Again is this the reason to stifle growth, opportunity, dreams, and vibrancy. Not in my book. If it take me five more minutes to get to Orinda, Lafayette, Walnut Creek or to our local dry cleaners SO BE IT. A cheap price to pay ..

So when all is said and done I support the City Venture Moraga proposal. Our community needs growth and this parcel is zoned for an attractive City Venture development.

Thanks for giving me the forum and community to express my opinion

Yank

yeppinger@comcast.net

126 Hazelwood Place

Moraga, CA 94556

c 415 990 7271

h 925 376 6110

August 11, 2014

Town of Moraga
Council member
331 Rheem Blvd.
Moraga, CA 94556

Re: New construction next to the Fire House on Moraga Way

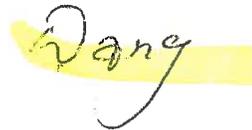
Dear Sir/Madam:

I was so surprised and disappointed to see the new construction next to the Fire House on Moraga Way. The Moraga Way already crowded enough and how can you approve so many new units over that small lot?

As is, the Moraga school, traffic all can not handle already. The unique of Moraga is nice and quiet. Why do you want to change Moraga to San Francisco? Anyway, San Francisco is unique and has its own special spot but Moraga should not allow to build that many units. Do you want to attract lower income people to move here?

The people in Moraga must vote wrong council members here. Please do something for Moraga. Your kids and family will suffer also. When there's a big traffic jam or fire, the people in the town can not even get out easy then it's too late by then.

A concerned citizen

The signature 'Dany' is written in black ink and is positioned over a yellow highlighter mark. The signature is cursive and appears to be a stylized representation of the name 'Dany'.

Ella Samonsky

From: Ellen Clark
Sent: Monday, August 11, 2014 4:58 PM
To: Ella Samonsky
Subject: FW: Opposition to Firehouse development

From: Stephen J Huxley [mailto:~~shuxley@sf.edu~~]
Sent: Sunday, August 03, 2014 4:50 PM
To: Ellen Clark
Subject: Opposition to Firehouse development

Dear Ms. Clark -

I am writing to voice my opposition to the proposed development of the lot next two the Firehouse along Moraga Way. I have lived in Moraga since 1992.

If multi-unit housing is needed, it can be built in other neighborhoods that already have multi-unit buildings, such as those along Ascot. Building such units along Moraga Way, one of the scenic routes into Moraga, clearly is out of keeping with our semi-rural character. Please find a location in a neighborhood that already has such housing. Thank you.

Steve

--

Dr. Stephen J. Huxley
Professor of Business Analytics
School of Management
University of San Francisco
2130 Fulton Street
San Francisco, CA 94117
~~Ph: 415-422-2502~~
~~Fax: 415-422-2502~~
Author of *Asset Dedication* (McGraw Hill, 2005)

Ella Samonsky

Subject: FW: Proposed Moraga Town Center Homes on Moraga Way (City Ventures)

From: Clayton Watkins [mailto:clay@guardiansofmoraga.com]
Sent: Monday, August 11, 2014 11:29 AM
To: 'Larry Tessler'; Shawna Brekke-Read
Cc: [mailto:clay@guardiansofmoraga.com]; Ella Samonsky; Kelly Clancy
Subject: RE: Proposed Moraga Town Center Homes on Moraga Way (City Ventures)

Hello Shawna and all,

Sorry for the late response to your message, but had a very busy weekend. I am pretty much in the same boat with Larry, I am not opposed to development, however, I am opposed to this development as it stands now. I am especially concerned about the setback as to Moraga Way and Country Club Dr. I believe this project should have the same or equal setback as the office building that is to the immediate West and adjacent to this project, and not less. I also like the setback the housing development has further West and on the opposite side of Moraga Way, and just West of Camino Ricardo. It is the development that you turn into from Moraga Way to drive up to Moraga Valley Presbyterian Church. This would be an acceptable setback for the proposed project and help to keep the scenic corridor from being violated. I think it would be a colossal mistake to allow any builder to be able to build anything so close to one of our major roads and a set a very bad precedent. Setback is just one issue, but is a major one.

Sincerely,
Clay Watkins

On Aug 8, 2014, at 4:03 PM, Shawna Brekke-Read <sread@moraga.ca.us> wrote:

Hello Clay, Larry, and Fritz,

I am following up on your visit to the planning department office to look at the City Ventures plans and your suggestion to meet with me.

We're preparing the staff reports for the project, and I'd like to learn more about your concerns to ensure we adequately describe them. Please let me know a few times and days that you're available to meet with me. I'm copying Kelly Clancy as she can help with scheduling and Ella Samonsky as she will also attend the meeting.

I look forward to hearing from you,
Shawna

Shawna Brekke-Read, Planning Director
Town of Moraga
329 Rheem Blvd
Moraga, CA 94556
925-888-7043

Ella Samonsky

From: Shawna Brekke-Read
Sent: Monday, August 11, 2014 9:26 AM
To: 'Larry Tessler'
Cc: [redacted], Ella Samonsky; Kelly Clancy
Subject: RE: Proposed Moraga Town Center Homes on Moraga Way (City Ventures)

Thank you for your thoughtful note, Larry. I hope you can come to a meeting, but in any case, Ella will include and address your concerns in her staff report.

Regards,

Shawna

From: Larry Tessler [mailto:larryt30@comcast.net]
Sent: Saturday, August 09, 2014 12:21 PM
To: Shawna Brekke-Read
Cc: olderguardians@comcast.net, fritz@cityventures.com; Ella Samonsky; Kelly Clancy
Subject: Re: Proposed Moraga Town Center Homes on Moraga Way (City Ventures)

Shawna, thank you so much for blocking out some time for us out in what I know to be your extremely busy schedule. What I'd like to do here is let Fritz take the lead on this. If I can match his and your time schedule for a meeting, I will.

At this point what I'd like to say is that I am neither opposed to a residential development on the City Ventures' property nor do I find fault with the Moraga Center Specific Plan. However, it would appear that the Moraga General Plan should rule and supersede the Specific Plan where obvious conflict is apparent. The general plan calls for both a scenic corridor in this area and it calls for the character of this (or any?) development to retain the semi-rural character of the Town. This development, in my mind, would appear to pass neither test.

I have no experience in your field and, I must admit, it isn't always easy for me to visualize a finished product by simply reading the rules that govern it and the drawings that describe it. The story poles have heightened my awareness of just what the building proposal is. How is this conflict between what I think I see in this development and what I believe to be the rules that define its construction to be resolved? I can only suggest the solution may be in a deeper setback especially on Moraga Way and a lower profile on both Moraga Way and Country Club Drive. How this translates into the number of houses and their design so as to fit this scenario is up to someone else to determine.

I hope I will be available for a meeting. But if not, the above is my contribution to the discussion.

Larry

Larry Tessler
larryt30@comcast.net

Ella Samonsky

From: Kelly Clancy
Sent: Sunday, August 03, 2014 8:28 PM
To: Ella Samonsky; Shawna Brekke-Read
Subject: Fwd: Moraga Town Center Homes Project

Sent from my iPhone

Begin forwarded message:

From: JANET DOBBS <~~dobbjanet@sbglobal.net~~>
Date: August 3, 2014 at 7:48:23 PM PDT
To: "kclancy@moraga.ca.us" <kclancy@moraga.ca.us>
Subject: Moraga Town Center Homes Project
Reply-To: JANET DOBBS <~~dobbjanet@sbglobal.net~~>

Dear Planning Commission,
I am extremely upset with this project as it presently stands. This type of development is not consistent with the directives re: scenic corridors as set out in our General Plan. Please do not approve this project.

Thank you,
Janet Dobbs

Ella Samonsky

From: Ellen Clark
Sent: Friday, July 25, 2014 1:19 PM
To: amsjones
Cc: Ella Samonsky
Subject: RE: Moraga Way Building

Thanks for your email, which I'm forwarding also to Ella Samonsky, the Town planner working on this project.

Ellen

From: amsjones [mailto:~~amsjones@comcast.net~~]
Sent: Friday, July 25, 2014 12:37 PM
To: Ellen Clark
Subject: Moraga Way Building

When we were working on our house on Hodges, we were informed about Moraga's scenic way. We were required to plant bushes to shield our remodeled house from Camino Pablo. We did not even add a floor. We just came out a little under the roof line. That said, it seems to me that all should have and share the same requirements for the scenic corridor. The propose building project next to the fire station has a very noticeable girth to it and does not satisfy the best that Moraga Way should offer. The Sonsara area and the Country Club have made the entrance to our town look inviting and lovely. This current project is bulky and not appropriate for this town and especially on that small site. Just want to share my thoughts.

Best,

Anita Jones

Ella Samonsky

From: Ellen Clark
Sent: Friday, July 25, 2014 11:34 AM
To: Ella Samonsky
Subject: FW: New building next to firehouse

-----Original Message-----

From: Chuck Everett [<mailto:chuck-everett@gmail.com>]
Sent: Friday, July 25, 2014 11:14 AM
To: Ellen Clark
Subject: New building next to firehouse

I totally oppose the size and scale of this structure.

Chuck Everett
622 Augusta Dr.
Milledgeville, GA
925-890-8445

Sent from my iPhone

Ella Samonsky

From: Ellen Clark
Sent: Friday, July 25, 2014 10:29 AM
To: Ella Samonsky
Subject: FW: Opposition to planned development next to Fire Station

Hi Ella -

Could you please respond.

Thanks -

-----Original Message-----

From: Katariina Tuovinen [<mailto:katariina.tuovinen@moragacorp.com>]
Sent: Thursday, July 24, 2014 4:14 PM
To: Ellen Clark
Subject: Opposition to planned development next to Fire Station

Dear Ms. Clark,

I am a Moraga resident and homeowner and would like to voice my opposition against the proposed development's size and proximity to the road. How can I provide comments/concerns?

How can I get information on other Moraga proposed developments?

Thanks,
Katariina Tuovinen

Ella Samonsky

From: Ellen Clark
Sent: Wednesday, July 23, 2014 10:36 AM
To: Ella Samonsky
Subject: FW: Hi

Follow Up Flag: Follow up
Flag Status: Completed

I believe this is an email about the CityVentures project.

-----Original Message-----

From: Liu Qian [liuqian74@gmail.com]
Sent: Wednesday, July 23, 2014 10:21 AM
To: Ellen Clark
Subject: Hi

Dear Mr. Clark,

Thank you for your position. I oppose the high density of the proximity buildings on Moraga Rd. near Moraga Country Club. It will not suit at all the surroundings and pose a big difficult and dangerous traffic along Moraga Way near Safeway.

Thank you again for your attention and actions.

Ella Samonsky

From: Ellen Clark
Sent: Wednesday, July 23, 2014 10:41 AM
To: Ella Samonsky
Subject: FW: Structure Next to Fire Station

Follow Up Flag: Follow up
Flag Status: Flagged

From: JANET DOBBS [<mailto:debbjanet@cheagoburnet>]
Sent: Wednesday, July 23, 2014 9:54 AM
To: Ellen Clark
Subject: Structure Next to Fire Station

Hello,

I wanted to voice my concerns about the height of this proposed structure (too tall) and the close proximity to the street (too close.) It is not consistent with the character of the town of Moraga.

Thank you,
Janet Dobbs

Ella Samonsky

From: Michelle Ross <[REDACTED]@yahoo.com>
Sent: Sunday, July 27, 2014 5:56 PM
To: Ellen Clark
Subject: Moraga Development

Hello Ms. Clark,

My husband and I purchased our home at 16 Sarah Ln and have been new residents of Moraga since January of this year. We have a two year old daughter. I am writing to you to express my serious concerns for the large-scale residential development that is in the works for Moraga. While it disrupts the tranquility and ruralness, that's beside the point. The infrastructure of the towns of Moraga, Orinda and Lafayette cannot handle increased population.

Moraga Way is gridlock weekday mornings. Moraga Rd isn't much better, often worse. The BART stations have no parking after 7am with wait-lists for reserved parking 2000 spaces deep. The schools, ranked a 10 at greatschools.org - and the primary valuation metric for Moraga home values - cannot handle an increase in population of 20% without a decrease in the quality of education.

What I believe being overlooked is that Moraga's population is disproportionately elderly, and as these residents move on to capitalize on their home values for retirement, they are selling their homes to young families. Call it the next generation of Moraga. These new residents lead different lifestyles than their predecessors; they commute on these roads at peak hours and enroll their children in school. This population shift is already taxing the infrastructure without any development. How then are we supposed to handle increased population from new homes? And how is development in Moraga not short changing neighboring Orinda or Lafayette, as Moraga residents drive their roads daily to get to the 24 freeway and BART?

For development to exist in Moraga, we need increased infrastructure by way of widened roads, increased public commuter options (more frequent buses with more convenient stops), more parking with a structure at the BART stations so commuters don't jam the roads at the same time to fight for a spot, and a cohesive game plan to keep the schools top notch.

I'd like to know what other forums there are to voice these opinions; please let me know.

Thanks,
Michelle

Michelle Ross
[REDACTED]

Ella Samonsky

From: Remi Adams <remi@mastermindpr.com>
Sent: Sunday, July 27, 2014 8:36 AM
To: Ellen Clark
Subject: Opposition to Moraga Development

Importance: High

Hello Ellen,

I'm a Moraga resident and live in Sonsara. I'm writing you to express my disappointment and opposition to the development that has been outlined with wood poles next to the fire station on Moraga Way. I haven't seen architectural drawings of the actual buildings, but I can tell you that this development is way too close to the road and the size/scope too expansive. I also believe that developers need to take a page out of Sonsara's playbook. My HOA's don't pay for my own landscaping, but it does pay for the beautiful landscaped corridor shared among all residents, which enhances the beauty, public use and value for other home owners. Why isn't this developer, building a proposed project on the same road, not subject to the same standards? Can you please provide a calendar when the city will be taking public comments? Many residents don't know when the public comments will be heard on this issue. Also, please consider this an official letter of opposition. For further information on my position, please see my posting on NextDoor.com:

I hate to oppose something without having all of the facts, but the height, scope of project and proximity to the road is enough to say no. I'm also opposed to taking virgin land for development, when there is plenty of infill ripe for reuse. As an example, I'd love to know the history of our fair city's aged retail center. I'd much rather have Moraga prioritize partial land reuse than cut down orchards and take away valuable open space. I live in Sonsora and my HOA's pay for the beautiful landscaped corridor on Moraga Way shared among all Moraga residents and visitors. I gladly pay the price, but feel that other developers need to be held to the same standard. If nothing else, it sends a message to future developers that they'll have opposition here if they don't develop and submit plans that emphasize aesthetics and the general beautification/use of public space. By the way, I'm not anti-development. I'm just pro-smart growth and aesthetically/environmentally compatible development.

Thank you,
Remi Adams

566-8687

Ella Samonsky

From: Fritz Stoop [redacted]
Sent: Saturday, July 26, 2014 11:30 AM
To: Ellen Clark
Subject: Moraga Town Center Homes project

Ms Clark,

As you may have read on the Nextdoor website, I am serious shocked by and certainly opposed to the Moraga Town Center Homes project as designed.

Love to speak with you about it.

I love a good irony, my company sold/provided the material that became the 'pole and rope' representation I am so fond of.

All best,

Fritz Stoop



[redacted] Drive
Moraga CA 94556
[redacted]

Content herein should be considered confidential and may not be shared without sender's expressed permission. No exceptions.

Ella Samonsky

From: Jill Keimach
Sent: Thursday, July 24, 2014 7:00 AM
To: Kelly Clancy; Ella Samonsky; Ellen Clark
Cc: Kelly Clancy
Subject: RE: Proposed Townhouse Development on Moraga Way

Comment letter for city ventures on Moraga Way. FYI

Jill Keimach
Town Manager
Town of Moraga
(925) 888-7020

----- Original message -----

From: Carol MacNulty
Date: 07/23/2014 10:01 PM (GMT-08:00)
To: Shawna Brekke-Read
Cc: Kelly Clancy , Jill Keimach
Subject: Proposed Townhouse Development on Moraga Way

Dear Ms. Shawna Brekke-Read,

For some time I had known of the proposed townhouses to be built on Moraga Way, adjacent to the fire station. I also knew there were members of the MCC community who had raised strong objections. While I was sorry to learn that dense housing was planned for the lot, I accepted it as an appropriate use of the plot as I live in a multi-home community of detached and semi-detached homes, Moraga Ridge.

But when I saw those story poles go up, I couldn't believe what I was seeing! Thirty-eight units in that single lot? Really? And at that height? And almost no setback what so ever? Unbelievable. What was the planning commission thinking? I won't even attempt to mention the impact on traffic.

The proposed development is a totally urban concept, welcomed in densely populated locations such as the development in and around Oakland's Jack London Square area or the considerable development that has grown around Pixar in Emeryville, all done very well. But such density, hugging the road as it does, is totally inappropriate for a semi-rural community such as Moraga.

I expect the town and the planning commission is going to get a lot of well-deserved push back on this ill-considered plan. I have to agree with the writer who suggested the people involved in accepting the plan are too inexperienced in planning to understand the long term, irrevocable negative impact this proposed development will have of the Town of Moraga.

Respectfully,

Carol MacNulty
~~121 N. Mesa Court~~
~~Moraga, CA~~

Healy, Stephen

From: Healy, Stephen
Sent: Thursday, November 06, 2014 1:49 PM
To: charity@cityventures.com
Subject: MOFD Letter

Hi Charity,

I received your letter from September 23, 2014. Thank you for outlining our discussions. Two items were missing from the letter that I mentioned in my email from September 16, 2014:

1. Item-3: Wall to be decorative (e.g.) pattern with colors
2. Item-9: Commitment to grade and resurface MOFD property adjacent to (City Gate) property. Material TBD

Regards,

stephen / HEALY
Fire Chief

Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556
925-258-4500
925-260-6360 CELL





City Ventures

REAL ESTATE INVESTMENT

September 23, 2015

Fire Chief Stephen Healy
Moraga Orinda Fire District
1280 Moraga Way
Moraga, CA 94556

Via email

Re: Moraga Town Center Homes Project

Dear Chief Healy:

Thank you for coordinating our meeting with the MOFD Facilities Committee Board Members Weil and Wyro on Thursday September 11, 2014. It was a pleasure to meet with you and the Board Members. As we discussed at our meeting, City Ventures is committed to the following items to help ensure that the proposed Moraga Town Center Homes project is compatible with and does not negatively impact MOFD operations.

1. City Ventures shall record a Deed Restriction on each home in the project. The Deed Restriction shall outline MOFD activities at Station 41 and serve as notice to homeowners of on-going training activity and regular station operations. The Deed Restriction shall be recorded on all homes such that this carries through with each subsequent sale in effort to notify the initial owners as well as all future home owners. The language and form of the Deed Restriction shall be reviewed and approved by the Town Attorney and the MOFD Fire Chief. In addition to the Deed Restriction, the project CC&Rs shall include a disclosure of MOFD training and operation activity including a video demonstration of training operations.
2. The project shall include an 8 foot high solid masonry wall along the shared property line between MOFD and the proposed project. The masonry wall shall transition to the a 6 foot high wood privacy fence as it extends towards Moraga Way, as shown on the project Site Plan Sheet A3.1.
3. As recommended in the Acoustical Report, all residential buildings within 60 feet of the property line shared with MOFD shall include sound rated doors and windows on second and third stories. Additionally, placement of windows on the side elevation of the second and third stories (instead of the rear elevation) shall be considered during Final Design Review so as to limit the visibility of training operations from the interior of the new homes.
4. The landscape planter area located south of the MOFD property, adjacent to cottage Buildings J and K as shown on the Conceptual Landscape Plan Sheet L1.0 shall be planted with trees to form a landscape screen so as to limit the visibility of training operations from the interior of the new homes. The Final Landscape Plan shall include specific tree types and sizes to provide for adequate landscape screening.

ARBORIST TO MAKE RECOMMENDATION

5. The project shall include a 'warning signal' at the driveway on Moraga Way. The purpose of the 'warning signal' is to stop vehicles from exiting the project site onto Moraga Way when Fire Engines are exiting the station. The design and location of the 'warning signal' shall be reviewed and approved by MOFD as part of Final Design Review.
6. The design of the park area located adjacent to the MOFD property shall be developed as a passive park area and shall not include playground equipment.
7. The limits of grading for the project shall extend onto the MOFD property so as to remove the un-useable mound of the dirt that extends from the project site onto the MOFD property. The removal of the dirt mound on the MOFD property would create additional usable surface area for MOFD and would also avoid the need for a retaining wall on the project site. *RESURFACE*

I believe the seven items outlined above capture our discussion on September 11, 2014. It is my understanding that with incorporation of these items, MOFD does not object to the development of the proposed Moraga Town Center Homes project.

Please feel free to contact me directly with any questions.

Sincerely,



Charity Wagner
Director of Development
444 Spear Street, Suite 200
San Francisco, CA 94105

Attachments:

Site Plan Sheet A3.1
Conceptual Landscape Plan Sheet L1.0

From: Healy, Stephen [<mailto:shealy@mofd.org>]
Sent: Tuesday, September 16, 2014 10:58 AM
To: Charity Wagner
Subject: Moraga Project

Hi Charity,

I am checking in to clarify that you were going to send us a letter indicating the highlights of our meeting on 9-11-14. My understanding is as follows:

Commitments from City Ventures:

- ✓ 1. Semi-mature redwoods to be placed along the property line where there are none presently
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- ✓ 4. Wall to taper down as it approaches Moraga Way
- ✓ 5. No playground immediately adjacent to MOFD property
- ✓ 6. Windows on backside of homes to be triple pane, glazed
- 7. Deed and future deeds to include language re:
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 - b. Visual nuisances
 - ✓ c. Commitment to share video during initial sale of homes
 - d. Provide contact information for (future) residents to receive video
- ✓ 8. Traffic control device for vehicles exiting onto Moraga Way (both parties to work with Town) to include deferred improvement agreement
- ✓ 9. Commitment to grade and resurface MOFD property adjacent to property. Material TBD.

Thank you in advance,

stephen / HEALY
Fire Chief

Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556
925-258-4500
925-260-6360 CELL



Healy, Stephen

From: Charity Wagner <charity@cityventures.com>
Sent: Tuesday, September 30, 2014 1:44 PM
To: Healy, Stephen
Subject: FW: Moraga Project
Attachments: 2014 9 23 MOFD Letter.pdf

Hi Chief Healy, I wanted to follow up on my email from last week. Do you have any questions on the attached letter? It's my understanding that with incorporation and agreement on the items outlined in this letter, MOFD does not oppose construction of the project.

I spoke with Grace last week and I understand that you are out of town, but checking may check email. Please respond when you have a minute.

Many thanks, Charity

Charity Wagner | Director of Development
{direct} 415.730.6718 | charity@cityventures.com

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Sent: Tuesday, September 23, 2014 10:57 AM
To: 'Healy, Stephen'
Subject: RE: Moraga Project

Hi Chief Healy, Attached please find a letter from City Ventures that memorializing the highlights of our meeting earlier this month. Please be in touch with any questions, and we look forward to seeing you at the Planning Commission meeting on October 6th at 7:00pm.

Many thanks, Charity

Charity Wagner | Director of Development
{direct} 415.730.6718 | charity@cityventures.com

From: Healy, Stephen [<mailto:shealy@mofd.org>]
Sent: Wednesday, September 17, 2014 3:35 PM
To: Charity Wagner
Subject: RE: Moraga Project

Great – thanks!

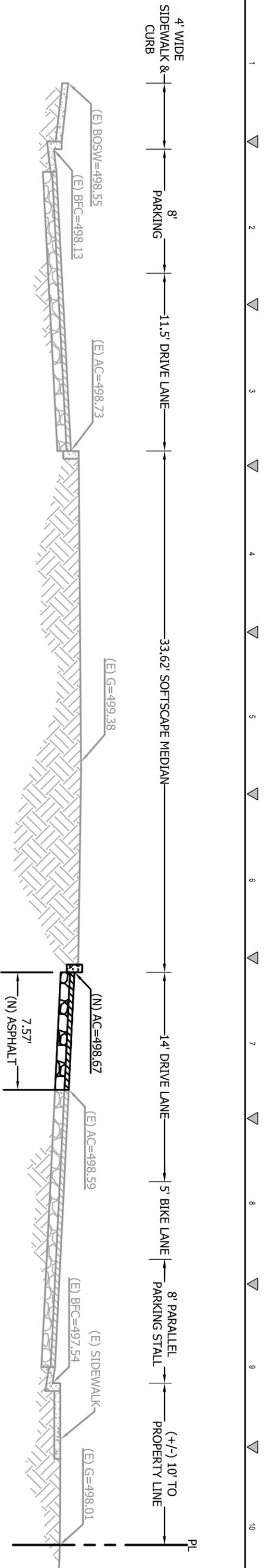
Sorry you got stuck with jury duty

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Sent: Wednesday, September 17, 2014 12:46 PM
To: Healy, Stephen
Subject: RE: Moraga Project

Hi Chief Healy, sorry for the delay. I have been on jury duty for several days and trying to keep up with work at the same time. Yes, I can send a letter memorializing our conversation. I will send it over by the end of the week.

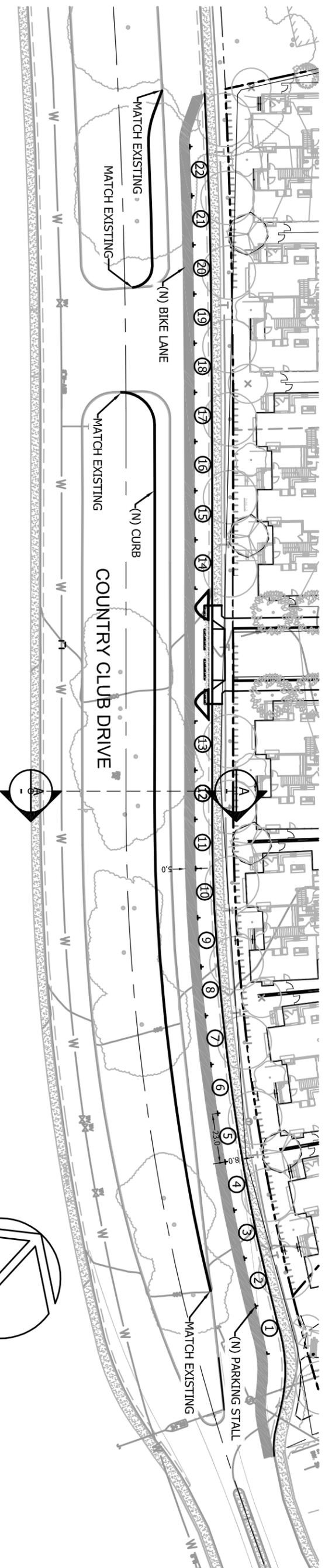
ATTACHMENT H

PARKING SCENARIOS



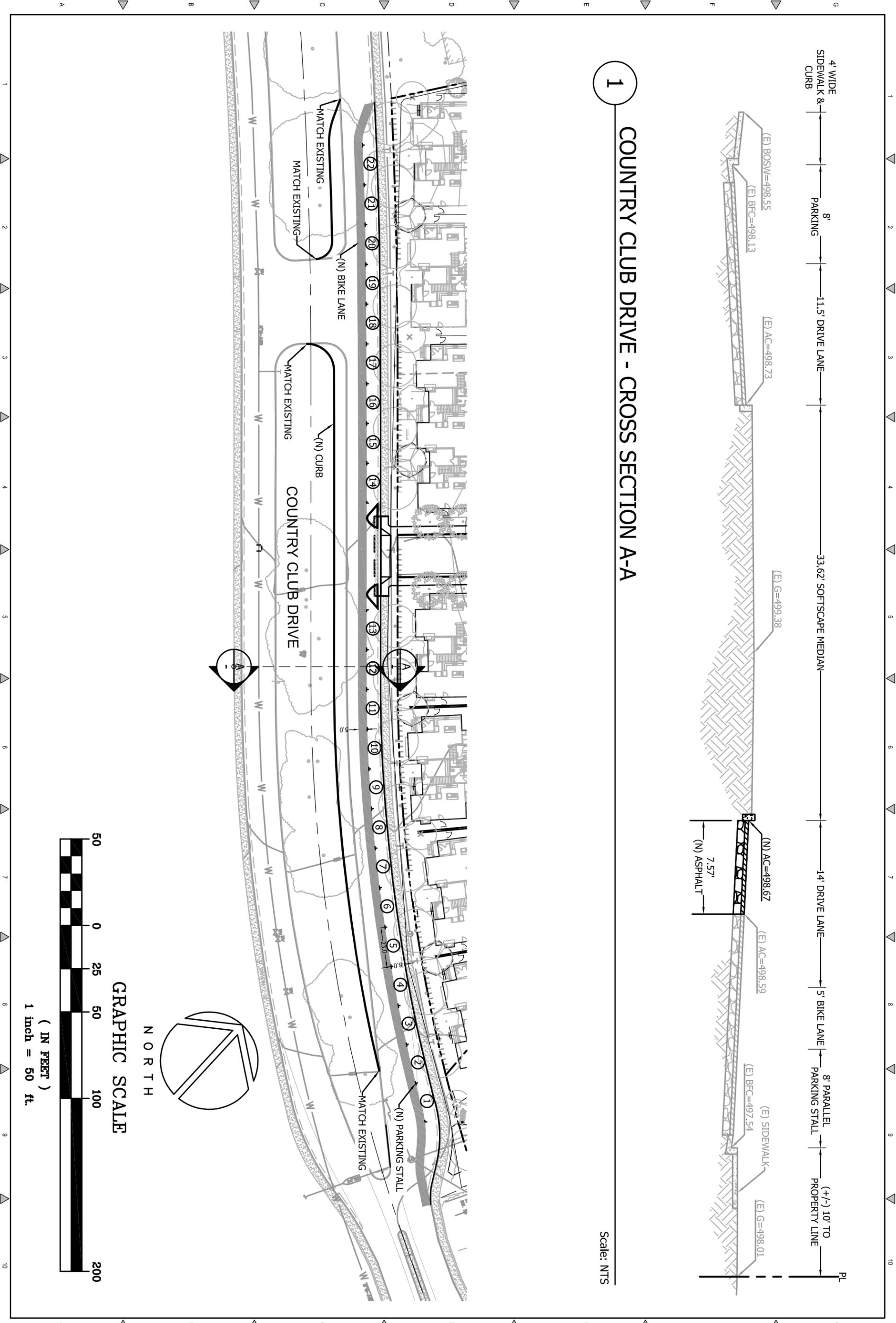
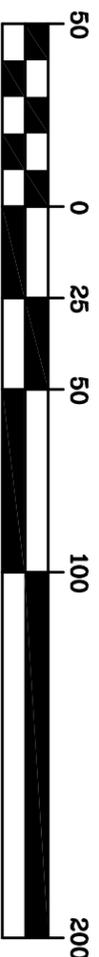
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Scale: NTS



NORTH

GRAPHIC SCALE



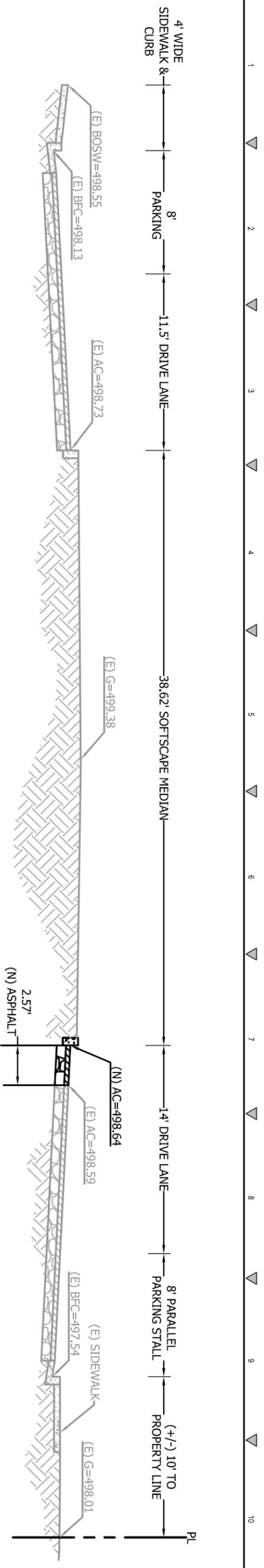
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**COUNTRY CLUB DRIVE
OFF SITE IMPROVEMENTS
OPTION 1**

C2G
C2G / CIVIL CONSULTANTS GROUP, INC.
 Engineers/Planners
 4444 Scotts Valley Drive / Suite 6
 Scotts Valley, CA 95066
 T (831) 438-4420
 F (831) 438-5829

MORAGA TOWN CENTERS
MORAGA, CA

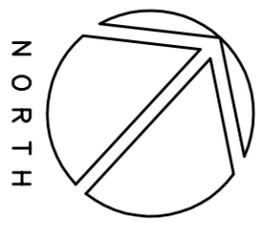
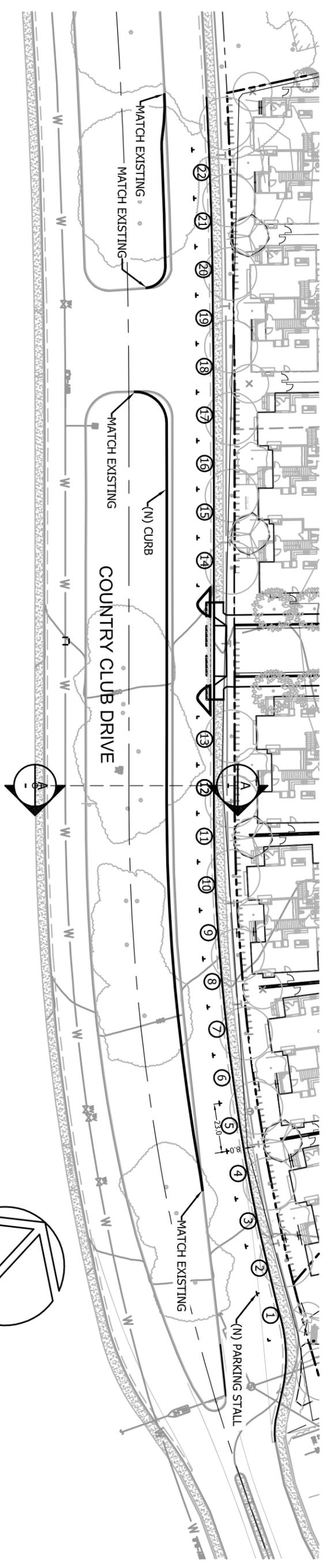
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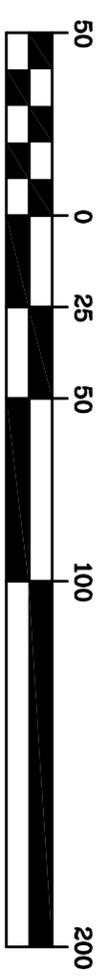
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COUNTRY CLUB DRIVE - CROSS SECTION A-A

Scale: NTS



GRAPHIC SCALE



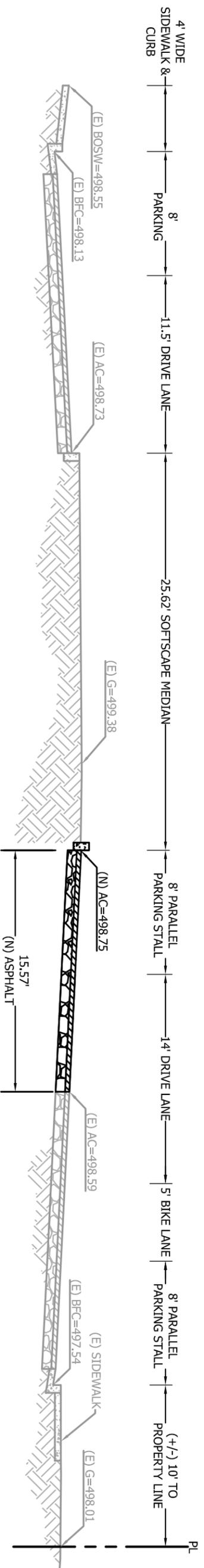
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COUNTRY CLUB DRIVE
OFF SITE IMPROVEMENTS
OPTION 1A

C2G CIVIL CONSULTANTS GROUP, INC.
Engineers/Planners
4444 Scotts Valley Drive / Suite 6
Scotts Valley, CA 95066
T (831) 438-4420
F (831) 438-5829

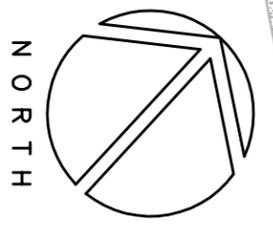
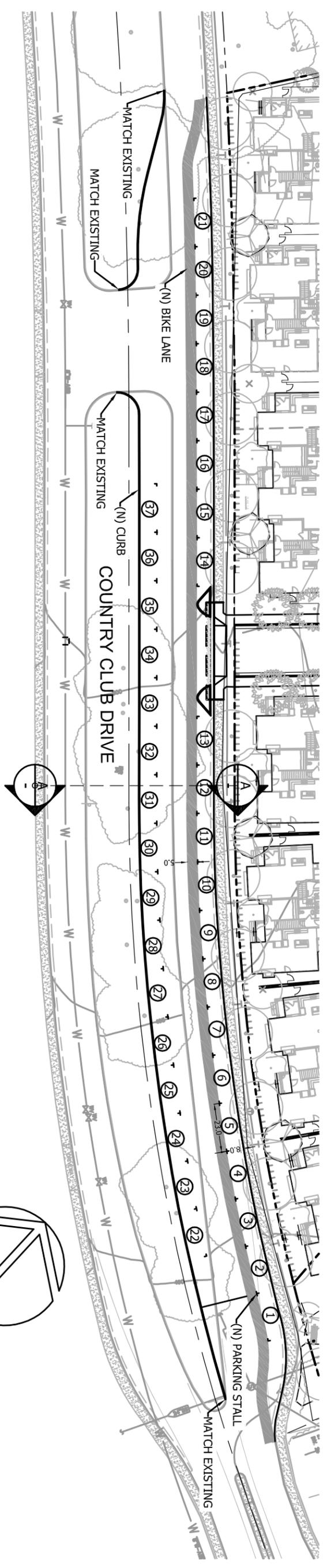
MORAGA TOWN CENTERS
MORAGA, CA

Date: 4/21/14
Scale:
Drawn: DPP
Job: 388.40
Sheet: 4
Of 1 Sheets

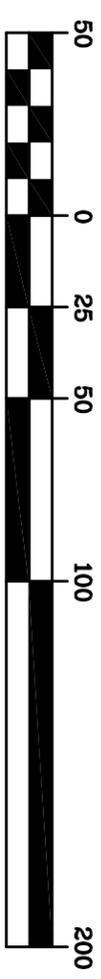


1 COUNTRY CLUB DRIVE - CROSS SECTION A-A

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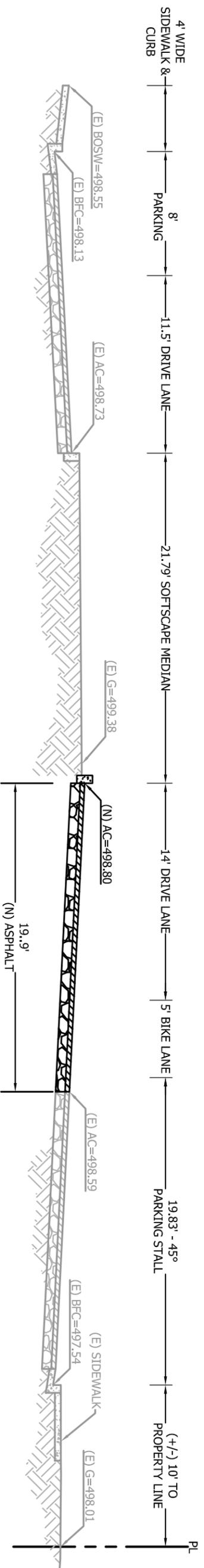


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**COUNTRY CLUB DRIVE
OFF SITE IMPROVEMENTS
OPTION 2**

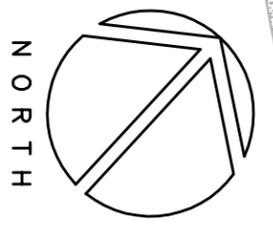
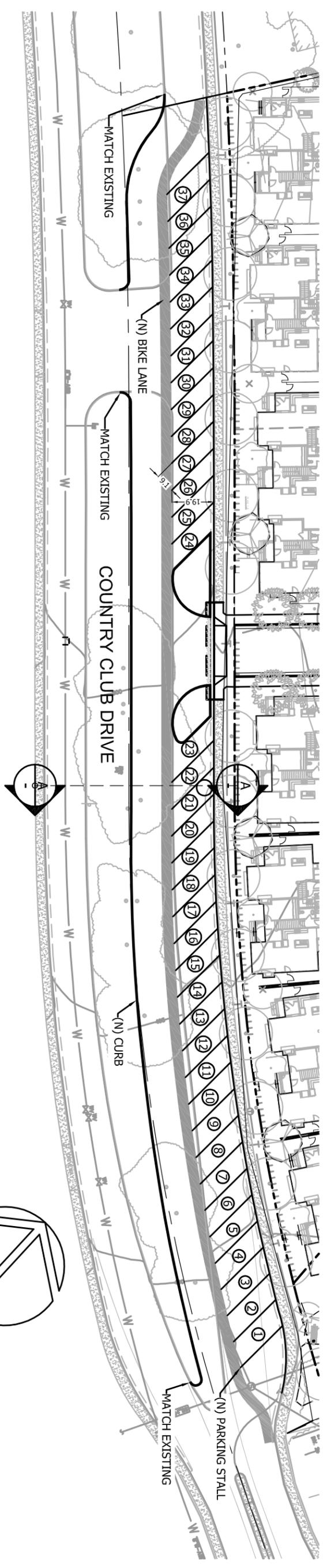
C2G
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MORAGA TOWN CENTERS
MORAGA, CA

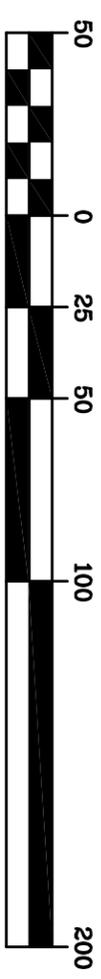


1 COUNTRY CLUB DRIVE - CROSS SECTION A-A

Scale: NTS



GRAPHIC SCALE



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**COUNTRY CLUB DRIVE
OFF SITE IMPROVEMENTS
OPTION 3**

C2G
C2G / CIVIL CONSULTANTS GROUP, INC.
 Engineers/Planners
 4444 Scotts Valley Drive / Suite 6
 Scotts Valley, CA 95066
 T (831) 438-4420
 F (831) 438-5829

**MORAGA TOWN CENTERS
MORAGA, CA**

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| Date: 4/21/14 |
| Scale: |
| Drawn: DPP |
| Job: 388.40 |
| Sheet: 1 |
| Of 1 Sheets |

ATTACHMENT G

**MOFD COMMUNICATION,
SEPTEMBER-NOVEMBER, 2014**

Healy, Stephen

From: Healy, Stephen
Sent: Thursday, November 06, 2014 1:49 PM
To: charity@cityventures.com
Subject: MOFD Letter

Hi Charity,

I received your letter from September 23, 2014. Thank you for outlining our discussions. Two items were missing from the letter that I mentioned in my email from September 16, 2014:

1. Item-3: Wall to be decorative (e.g.) pattern with colors
2. Item-9: Commitment to grade and resurface MOFD property adjacent to (City Gate) property. Material TBD

Regards,

stephen / HEALY
Fire Chief

Moraga-Orinda Fire District
1280 Moraga Way
Moraga, CA 94556
925-258-4500
925-260-6360 CELL





City Ventures

REAL ESTATE INVESTMENT

September 23, 2015

Fire Chief Stephen Healy
Moraga Orinda Fire District
1280 Moraga Way
Moraga, CA 94556

Via email

Re: Moraga Town Center Homes Project

Dear Chief Healy:

Thank you for coordinating our meeting with the MOFD Facilities Committee Board Members Weil and Wyro on Thursday September 11, 2014. It was a pleasure to meet with you and the Board Members. As we discussed at our meeting, City Ventures is committed to the following items to help ensure that the proposed Moraga Town Center Homes project is compatible with and does not negatively impact MOFD operations.

1. City Ventures shall record a Deed Restriction on each home in the project. The Deed Restriction shall outline MOFD activities at Station 41 and serve as notice to homeowners of on-going training activity and regular station operations. The Deed Restriction shall be recorded on all homes such that this carries through with each subsequent sale in effort to notify the initial owners as well as all future home owners. The language and form of the Deed Restriction shall be reviewed and approved by the Town Attorney and the MOFD Fire Chief. In addition to the Deed Restriction, the project CC&Rs shall include a disclosure of MOFD training and operation activity including a video demonstration of training operations.
2. The project shall include an 8 foot high solid masonry wall along the shared property line between MOFD and the proposed project. The masonry wall shall transition to the a 6 foot high wood privacy fence as it extends towards Moraga Way, as shown on the project Site Plan Sheet A3.1.
3. As recommended in the Acoustical Report, all residential buildings within 60 feet of the property line shared with MOFD shall include sound rated doors and windows on second and third stories. Additionally, placement of windows on the side elevation of the second and third stories (instead of the rear elevation) shall be considered during Final Design Review so as to limit the visibility of training operations from the interior of the new homes.
4. The landscape planter area located south of the MOFD property, adjacent to cottage Buildings J and K as shown on the Conceptual Landscape Plan Sheet L1.0 shall be planted with trees to form a landscape screen so as to limit the visibility of training operations from the interior of the new homes. The Final Landscape Plan shall include specific tree types and sizes to provide for adequate landscape screening.

ARBORIST TO MAKE RECOMMENDATION

5. The project shall include a 'warning signal' at the driveway on Moraga Way. The purpose of the 'warning signal' is to stop vehicles from exiting the project site onto Moraga Way when Fire Engines are exiting the station. The design and location of the 'warning signal' shall be reviewed and approved by MOFD as part of Final Design Review.
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I believe the seven items outlined above capture our discussion on September 11, 2014. It is my understanding that with incorporation of these items, MOFD does not object to the development of the proposed Moraga Town Center Homes project.

Please feel free to contact me directly with any questions.

Sincerely,



Charity Wagner
Director of Development
444 Spear Street, Suite 200
San Francisco, CA 94105

Attachments:

Site Plan Sheet A3.1
Conceptual Landscape Plan Sheet L1.0

From: Healy, Stephen [<mailto:shealy@mofd.org>]
Sent: Tuesday, September 16, 2014 10:58 AM
To: Charity Wagner
Subject: Moraga Project

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Commitments from City Ventures:

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 - b. Visual nuisances
 - ✓ c. Commitment to share video during initial sale of homes
 - d. Provide contact information for (future) residents to receive video
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- ✓ 9. Commitment to grade and resurface MOFD property adjacent to property. Material TBD.

Thank you in advance,

stephen / HEALY
Fire Chief

Moraga-Orinda Fire District
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Moraga, CA 94556
925-258-4500
925-260-6360 CELL



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To: Healy, Stephen
Subject: FW: Moraga Project
Attachments: 2014 9 23 MOFD Letter.pdf

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I spoke with Grace last week and I understand that you are out of town, but checking may check email. Please respond when you have a minute.

Many thanks, Charity

Charity Wagner | Director of Development
{direct} 415.730.6718 | charity@cityventures.com

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To: 'Healy, Stephen'
Subject: RE: Moraga Project

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Charity Wagner | Director of Development
{direct} 415.730.6718 | charity@cityventures.com

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Sorry you got stuck with jury duty

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ATTACHMENT H

**MOFD MEMORANDUM
JANUARY 21, 2015**



Moraga-Orinda Fire District

MEMORANDUM

TO: Board of Directors

FROM: Stephen Healy, Fire Chief

DATE: January 21, 2015

SUBJECT: Item 8.1 – Proposed City Ventures Project Adjacent to Station-41

Background

Staff has been directed to present an informational update to the Board regarding the proposed housing development (City Ventures) adjacent to the Station-41 site.

The District raised concerns about the zoning of the site (mixed office/residential) in the 2000s and during the development of the Town of Moraga Specific Plan in 2008. The plan was approved in 2010. These concerns, both general and specific have been extensively discussed at various public meetings, and separately with the applicant.

As the project has progressed, District staff, and Directors serving on the (Board of Directors) Facilities Committee, has been working with Town and City Ventures representatives. In June of 2014, District staff expressed concerns about privacy and safety in a letter to the Town (see Attachment-A). Ultimately, during subsequent discussions with both the Town and City Ventures, the District voiced a number of concerns, which are as follows:

1. Privacy:
 - a. Need for semi-mature trees (higher than the wall) to provide additional privacy along the south, west, and northern boundaries of the Station-41 site.
 - b. Need for a wall (8 to 9 feet) with sound buffering at the top along those same boundaries.
 - i. Wall to be aesthetically pleasing (e.g.) decorative color patterns.
 - ii. Wall to taper down to fence as it approaches Moraga Way.
 - c. Rear windows in adjacent homes (6) to be triple-pane, glazed.
 - i. Height of windows to be approximately five (5) feet from bedroom floors to ensure resident and District privacy.
2. Safety:
 - a. Removal of planned 'playground' immediately adjacent to the southwest corner of the Station-41 site.
 - b. Addition of traffic control device for vehicles exiting the development onto Moraga Way.

3. Land:
 - a. Commitment by City Ventures to grade (level) the northwest portion of the Station-41 site and place a semi-permeable surface on the site.

4. Resident Notifications:
 - a. Property deeds (initial and future) to include language:
 - i. Expected noise levels from Station-41 site
 - ii. Visual nuisances
 - iii. Commitment to share District produced video to prospective homeowners, which explains training ground activities and noises.
 - iv. Commitment to provide contact information for residents in the event of noise or privacy concerns.

Since that time, City Ventures has agreed to mitigate all of the District's concerns, either in writing or verbally at the Town Planning Commission Hearing on November 17, 2014. The Planning Commission placed these issues in their conditions of approval at the November 17 hearing. The Planning Commission approved the project at that same hearing. The project has since been appealed to the Town Council.

Conclusion

The District maintains an outstanding relationship with the Town of Moraga and works closely with the Town in a number of ways. The District is not opposed to development in general and has no desire to over-reach its role or authority in land use issues. However, the District continues to express concerns about the development of residential units in close proximity to the District's training site because of the District's desire to be good neighbors.

District staff will continue to attend Town meetings to ensure that the District remains engaged with the Town and City Ventures on this important issue.

Staff Recommendations

No action required. For information purposes only

Attachments

1. Attachment A – Letter regarding City Ventures Project

Attachment A



Moraga-Orinda Fire District

Fire Chief Stephen Healy

DATE: June 4, 2014
TO: Shawna Brekke-Read, Planning Director
SUBJECT: City Ventures Project Adjacent to Fire Station-41

This letter is written to document the concerns of the Moraga-Orinda Fire District (MOFD) regarding the proposed City Ventures project to be built adjacent to Fire Station-41.

MOFD's principal concern regarding this project is the proximity of the housing units to the fire training grounds, located behind the fire station. During fire training activities, firefighters often use equipment and machinery that is very loud. As mitigation, Firefighters could conduct training exercises during business hours; conducting (required) night drills during early evening hours in the winter-time and minimizing week-end training exercises; however, these measures may impair the effectiveness of our training programs and there will still be periodic noise and visual effects that many residents will find unpleasant.

In addition, large hose-streams will be deployed, which can lead water inadvertently traveling off-site, both as air-borne streams and mist and as run-off. Obviously, with neighbors in close proximity, Firefighters would use caution, but there can be no guarantee that water will not be occasionally traveling over the property line. This water could impact people and damage private property.

The issue of privacy for residents is also of concern to MOFD. The present site map calls for six (6) units to have rear windows that face the training grounds, and certain MOFD equipment may be visible to other units. Particularly with respect to the six units, and possibly as to others, residents will occasionally be (inadvertently) observed by Firefighters in their homes, particularly at night or when Firefighters are above-ground on ladders, in training towers, or in the basket of the aerial ladder truck, which is stationed on site. These trainings are vitally important to the development and maintenance of key firefighting and rescue skills and there is no practical way to mitigate the privacy issues.

MOFD personnel inherently understand the impact of the fire training site on the residents because they live in this environment during their working hours. Therefore, MOFD is justifiably concerned about this and its ability to remain good neighbors.

With these concerns in mind, MOFD first voiced objection to the placement of residential housing units next to the fire training grounds in the 2000s during the development of the

Attachment A

Moraga Specific Plan. Today, as the project moves forward, MOFD remains concerned about the aforementioned issues as well as two new issues: 1) a walking trail proposed on or adjacent to the fire training grounds, and 2) the height of the proposed wall along the property line.

As proposed, the walking trail (which the MOFD Board of Directors has not yet considered) is planned to parallel the Moraga Creek. MOFD does not oppose a trail, so long as it is south of the fire training ground curb-line (on the creek-side) and separated by a wall which is high enough and properly constructed to reasonably protect the public and restrict their access to the MOFD site. MOFD cannot agree to a trail to the north of the curb-line, because it will encumber what is already a very limited training area. If the trail can be placed south of the curb-line, MOFD would consider selling its portion of the property to the south of the curb-line to facilitate the trail project moving forward.

At the March 19, 2014 Board of Directors meeting, MOFD staff was directed to continue working with the town of Moraga and City Ventures to ensure that both understand the consequences of the proposed project and its potentially adverse effect on both residents and the MOFD fire training site. As a result, MOFD staff is 1) researching an appropriate notification process for resident noise and water concerns, 2) producing a video for City Ventures sales staff that shows a general description of the training and operational impacts on and about the fire training grounds, and 3) working with town staff and the City Ventures to relocate the site EVA and main access to make the main driveway farther from the fire station property.

Since the March 19, 2014 Board of Directors meeting, staff has met with City Ventures representatives, who stated that a proposed children's playground has been eliminated from the project and that it will be replaced by boulders.

Staff was also directed to 1) ensure that the developer and the broker to show the video to prospective buyers and residents, (as well as provide written disclosure and proof of such to all prospective residents), and 2) engage City Ventures with the HOA CCRs to ensure that residents are aware of the issues with the fire district site and to take such steps as may be necessary to prevent future legal conflicts between the residents and MOFD over the conduct of training exercises. As to the latter point, we suggest that the six units mentioned above be moved or redesigned to reduce the impacts of MOFD training exercises and that a document be recorded against all the properties in the project, possibly in the CC&Rs, putting the residents and future purchasers on notice as to the MOFD site and its activities, and a separate document granting an easement to MOFD for water flows described above. We would be happy to have our counsel work with City Ventures' counsel on appropriate language.

MOFD and the Town of Moraga share the responsibility of providing services and safety to the community. Both agencies are committed to customer service and have the best intentions; in what they do, and with whom the work. Although the Specific Plan is presently in conflict with the MOFD, the fire district remains committed to working with both the Town and City Ventures to find solutions that work for everyone, yet allow the fire district to train its Firefighters to fulfill its important missions of saving lives and property.

Attachment A

Sincerely,



Stephen Healy,
Fire Chief

Cc: MOFD Board of Directors
Jill Keimach, Town Manager
Charity Wagner, City Ventures

ATTACHMENT I

COMMUNICATIONS

Kelly Clancy

From: Alfred Simonsen <2almar@sbcglobal.net>
Sent: Monday, January 19, 2015 12:45 PM
To: Kelly Clancy
Cc: rjolsen@pacbell.net
Subject: City Ventures project - Please pass this to the Town Council members and Planning Commission members

The entire City Ventures project is too large for the present location. This project would be OK if it were on the Bruzone ranch property next to Safeway. It would make sense, there, where people could walk to the stores. People who live in this new project, if it is ever built, on Country Club Dr. will not be walking to the stores. They will be driving. Also these units are going to be very congested and they are not cheap. This is not affordable housing. So why is the town being so eager to accommodate these City Ventures people who just want to rape our town and then leave with all their profits? Don't give them any easements - lower the height of the buildings - increase the space between the buildings - increase the set backs and increase the parking within the development. If City Ventures can't accept these changes then so be it. Someone else will come along with a better planned development.

All the homes should have driveways in front of the houses for parking. Without driveways there is nowhere to park for all the guest and service vehicles. People wanting to visit people in this complex who have a front door on Country Club Drive will be wanting to park on that street. Even those who live in those homes will park in front of their front doors on that street for convenience. Who would want to visit a friend and have to park in a far corner of the development and walk to the home and enter through the garage or back door?

Do what is good for our town of Moraga. Vote NO on this project.

Al Simonsen, resident of Moraga since 1968 and a past Citizen of the Year.

Ella Samonsky

From: Julie Noble
Sent: Friday, January 16, 2015 8:09 AM
To: Ella Samonsky
Cc: Roger Wykle; Teresa Onoda; dtrotter@bowlesverna.com; Mike Metcalf; Phillip Arth
Subject: Wrong Development in Wrong Place, Please Support Us

Hello Ella,

We are writing to confirm our concern about the Town Center Homes project. We live off of School St. and can anticipate future negative impacts of this project on street parking, traffic and aesthetics. Our neighborhood is already pressured by cars when young children are entering and leaving the school, when groups are hosting meetings at the church, and when people park to walk the trail. Pedestrians and parked cars are already often negotiating the narrow two lane road just around the corner from this proposed high density development. You may not see it midday, but adding numerous cars to this area is a safety concern.

I have been told by family members living in a San Ramon high density complex that most people in their building use garages for storage, not parking, as space is limited in the homes. If this were to happen in Moraga's Town Center Homes project, would there be a great deal more cars stationed around the narrow entrance to your project? How are you going to manage the traffic flow from the complex even without that possible added burden? The proposed complex is surrounded by one of the town's two main arteries, a narrow neighborhood road and an emergency service fire station. Gridlock at peak traffic times is highly probable.

The location of this high density development poses many negative implication for neighbors and citizens. Moraga is small and still has the potential to be wonderful - evolved into perhaps even a lovely mini Santa Barbara. We could update the town centers and leverage the hacienda-style charm that already exists at St. Mary's College, Hacienda de las Flores and the storage building in the center of town to revitalize commerce. It seems we are focusing primarily on growth via congested housing developments that citizens don't want. Can't we please take a different approach to generating "progress" and revenue for our little rural town.

We look to you to be our advocate.

Thank you for your consideration and hopefully support.

Best,

Julie Stagg

Ella Samonsky

From: Ellen Clark
Sent: Monday, December 01, 2014 10:16 AM
To: carol macnulty
Cc: Ella Samonsky
Subject: RE: City Ventures' Project

Dear Ms. McNulty -

Thank you for these comments; I'll be happy to forward these to the Planning Commission.

Ellen Clark

Ellen Clark, Planning Director
Town of Moraga
329 Rheem Boulevard, Moraga, CA 94556
Phone: (925) 888-7041
Fax: (925) 376-5203
www.moraga.ca.us

-----Original Message-----

From: carol macnulty
Sent: Sunday, November 30, 2014 8:05 PM
To: Ellen Clark
Subject: City Ventures' Project

Dear Ms Clark,

I have been a Moraga resident since 1978. I lived at Moraga Ridge since 1988 where I have been active both as a board member and a committee member and, in the past, have been active in numerous Moraga civic organizations.

After attending the November 17 Planning Commission meeting, where I listened carefully to the staff presentation as well as to the comments of other residents, I find the development proposed by City Ventures disturbing. While I support most of the concerns expressed regarding density, traffic, and that of the urban development style, I am even more concerned by what the Town of Moraga is willing to offer in order to secure this project.

Why is it the Town is so easily prepared to make many accommodations for this unlikely configuration: change the zoning in a location with unique traffic issues, provide access to a right of way in perpetuity and execute a costly reconfiguration of a through way that will further diminish the sense of open space so valued by our residents. None of these concessions are inconsequential. Is it not City Ventures that needs to be tailoring their proposal to the existing city-wide regulations that all residents must abide by?

I am not opposed to housing on the property in question, nor in a diversity of housing choices, but I don't believe either should be achieved by drawing on community resources to meet the interests of private enterprise.

There are numerous other concerns that, in the interest of time, I won't elaborate on as I am currently traveling for the holiday and wish to have my concerns before the Planning Commission before the next scheduled meeting. However, there is one item in the proposed development that I can speak to based on my personal experience as a resident of a PUD where insufficient parking is a constant issue. At Moraga Ridge many homeowners use their garages for storage and park their cars on the apron in front of their garages. Homeowners with more than one or two cars frequently use guest parking though our CC&R's prohibit such parking. The MR board constantly deals with residents' parking complaints. Meanwhile, at Paseo de Moraga, when the few guest parking spaces are filled, overflow residential parking moves to Alta Mesa Drive.

Due to the density of the City Venture projects, there are no driveway aprons available for residents' parking and a minimal number of guest parking spaces are planned. One should anticipate the current proposed City Ventures' configuration will result in an inevitable parking overflow problem. Does the Planning Commission find residential parking, such as we constantly have on Alta Mesa Drive, acceptable for a narrowed Country Club Drive?

I trust the concerns I have outlined will be forwarded to all members of the Moraga Planning Commission.

Respectfully,

Carol MacNulty
121 Alta Mesa Court
Moraga, CA 94556
925-376-6415

Ella Samonsky

Subject: FW: Objection to development plans

From: Kristen Sueoka 1]
Sent: Monday, November 24, 2014 4:06 PM
To: Kelly Clancy
Subject: Objection to development plans

To Whom It May Concern:

I oppose the zoning of The sites along Moraga Way/ Country Club Way due to traffic on Moraga Way. I am an Orinda resident but live very close to Moraga, and take my daughter to preschool in Moraga, attend Moraga farmers market each Sunday, and do a great deal of shopping at local Moraga businesses (more than in Orinda).

I commute daily past both of those sites, and traffic is already a big problem.

It is not even reasonable to consider unless there is already established a reasonable additional thoroughfare to offload this traffic - and this clearly does not exist, nor have I heard of any in the works.

These plans have a direct negative effect on my daily commute.

Moreover, it would certainly drive me to take my business out of Moraga if there is more congestion on this part of Moraga Way.

Kristen Sueoka
41 La Cresta Road
Orinda, CA 94563

Ella Samonsky

Subject: FW: Moraga way planned development

-----Original Message-----

From: Muriel Amsden [mailto:amsden@moraga.net]

Sent: Monday, November 24, 2014 5:26 PM

To: Marty McInturf

Subject: Moraga way planned development

I am writing to voice my displeasure with the planned housing development on Moraga Way, next to the fire department.

It is too big and tall for that site. Moraga has no other buildings of that height and it will also be too close to the road. There will be too much traffic and not enough parking.

I don't necessarily oppose building on that site but it must be scaled way back!

Sincerely, Muriel Amsden

791 Crossbrook Dr.

Moraga

ATTACHMENT J

APPLICANTS RESPONSE TO APPEAL



City Ventures

December 30, 2014
Ms. Ellen Clark, Planning Director
Ms. Ella Samonsky
Town of Moraga
329 Rheem Boulevard
Moraga, CA 94556

RE: Appeal of Actions taken by the Town of Moraga Planning Commission on 11/17/14 Public Hearing relative to City Ventures proposed Moraga Town Center Homes Project.

Dear Ms. Clark and Ms. Samonsky:

Thank you for this opportunity to file as an Appellee and respond to the Appeal Letter received on December 1, 2014. We find our Project in full conformance with the Town of Moraga's General Plan and the Moraga Center Specific Plan (MCSP) and the Moraga Municipal Code. We welcome the opportunity to continue to work with the Design Review Board, Planning Commission, Town Council and Town Staff to meet the requirements and requests of the Town.

#1: Character

Appellant: *"a dominant requirement is the preservation of the Town's Semi-Rural Environment. It is an urban, high-density development in its size, scale, building masses, siting, setbacks, view impacts and density is totally inconsistent"*

Appellee:

- Density: The Project (in the **SO-MU District; Area 13 Mixed Office/ Residential** within the MCSP) uses a **MINIMUM** density 12 units per acre. If the Project were less dense, then the Project would be non-conforming to the MCSP.
- Scale: the Project is below the 45-ft height maximum.
- Building masses: the Project Applicant has participated in many Design Review meetings and conforms to requests by the City. The Project continues to incorporate requested revisions of Planning Staff and Town Officials to create façade inlets and projections as directed by the Design Review Board. Condition of Approval 8.b in the draft resolution requires the variation in second-story massing. The Applicant accepts Conditions of Approvals to confirm its building massing to the direction of the Design Review Board. *"The second story of the buildings located along Country Club Drive shall be stepped back from the first story building face by a minimum of 3 feet for 30% of the façade length and stepped back minimum of 5 feet for 40% of the façade length."*
- Siting: Per the MCSCP, *"As an infill development project, the 187 acre Moraga Center Specific Plan (MCSP) presents excellent opportunities for new residential development, enhanced circulation, and commercial and recreational activity in the Moraga Center area. Sub-areas 13 through 17 include*

additional areas of vacant or under-utilized land along the south and east ends of the planning area where appropriate infill development is planned. Development of these properties may take the form of mixed use office and residential, assisted housing, and a range of residential densities, consistent with other specialty housing needs.”

- Setbacks: 0-ft setbacks are defined per MCSP Table 4-9. The Project’s setbacks are greater, see below “Table 4”
- View Impacts: Please see “Exhibit A: View Impacts”. City Ventures’ Townhome project does not block the ridgeline from Country Club Drive looking east or from Moraga Way looking east. Looking west from Moraga Way, the ridge is already mostly obstructed by the MOFD Station 41 and mature vegetation and trees. A 2-story, 35-ft office building is a permitted use; Appellee has prepared a rendering of permitted development in Exhibit A. The permitted development code of this zone impacts west ridge views, regardless of the type of development. This rendering demonstrates that an office building still impacts the view west to the ridge. The Moraga Town Center Homes Project is less visually impactful due to greater variation in the façade and architectural detailing which creates a neighborhood feel.

In the Suburban Office zoning district (which is what the property is currently zoned) a building may be 2 stories and the development standards are as follows per MMC 8.44:

Suburban Office Zoning District 8.44.040 - Site standards.

A. Minimum Site Standards.

| | |
|--|---------------------------|
| <i>Minimum lot area:</i> | <i>10,000 square feet</i> |
| <i>Minimum lot frontage:</i> | <i>100 feet</i> |
| <i>Minimum front yard setback:</i> | <i>25 feet</i> |
| <i>Exterior side yard setback:</i> | <i>25 feet</i> |
| <i>Minimum side and rear yard setback:</i> | <i>10 feet</i> |

Distance between principal buildings: The distance between principal buildings on the same site shall be one-half of the total combined height of the two buildings that are opposite one another. (The reviewing authority may reduce this distance if it is determined that the reduction does not interfere with building relationships.)

B. Increase in Front, Side and Rear Yard Setback Requirements. The design review board, upon review of the building permit application and the planning commission, upon review of the conditional use permit application, may require an increase in the minimum front yard, side yard or rear yard requirements, or both, upon a finding that the increase is necessary to establish a proper site planning relationship to existing and proposed uses.

C. Increase or Decrease in Front and Exterior Side Yard Setback Requirements. In connection with the issuance of a conditional use permit the planning commission may increase or decrease the front and exterior side yard setback standards upon determination that:

- 1. The modification is justified based on the existing locations of buildings, parking areas and other access points;*
- 2. Existing facilities on the same parcel are sufficient to provide adequate services;*
- 3. The design is consistent with the intent of this chapter and is complimentary and compatible with existing development on the same site;*
- 4. The modification will not have an adverse effect on other properties in the vicinity of the project.*

(Prior code § 8-3504)

8.44.050 - Development standards.

A. Maximum Building Height. At no point shall the building height of a structure in this district exceed two stories or thirty-five (35) feet, whichever is less. However, if upon design review, the reviewing authority finds that the building height proposed for the structure will create a significant adverse effect on neighboring properties or is incompatible with the natural terrain or vegetation, the reviewing authority may reduce the maximum building height permitted to a height which eliminates or mitigates the adverse effects of the building height proposed.

B. Landscaped Areas. The lot shall contain landscaped areas in accordance with a plan approved by the design review board. At least seventy-five (75) percent of the landscaped area shall be maintained with growing plants.

C. Building Design. The building design shall conform to the building design concept established for the area and shall be compatible with and similar to the residential character of the community. If a design concept does not exist at the time an application for a building permit or a conditional use permit, as the case may be, is filed, the applicant shall propose a design concept for the site and show how the design relates to neighboring properties.

D. Conceptual Site Plan Submittal. An application for conditional use permit shall be accompanied by a plan containing conceptual planning including siting and design for the entire parcel.

E. Specific Plan Submittal. As a condition to approving a conditional use permit, the planning commission may require the applicant to prepare and submit for commission approval a specific plan. The planning commission may impose this condition only when it finds that the design, access, building location or circulation proposed cannot be adequately addressed on a parcel by parcel basis.

F. Maximum Aggregate Building Height. On sloped lots where a structure is stepped down the slope, the maximum aggregate building height shall not exceed forty-five (45) feet. However, if upon design review, the reviewing authority finds that the building height proposed for the structure will create a significant adverse effect on neighboring properties or is incompatible with the natural terrain or vegetation, the reviewing authority may reduce the maximum building height permitted to a height which eliminates or mitigates the adverse effects of the building height proposed.

(Prior code § 8-3505)

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 ^o | 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) | 0.6 | 0.85 |
| Maximum Lot Coverage (%) | 60 | 60 |

Table Notes:

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

Town Center Homes Project:

Table 4: Development Standards and Project Characteristics

| Standard : | | Proposed Total | Moraga Center Specific Plan, Table 4-9: Mixed Office-Residential Land Use Standards |
|-----------------------------|----------------------|-----------------------|---|
| Lot Area (sq. ft.) | | 3.06 Acres | 10,000 sq. ft. Min. |
| Gross Floor Area (sq. ft.) | | 70,645 | 113,299 |
| Floor Area Ratio | | 0.53 | 0.85 |
| Dwelling Units ¹ | | 36 | 36-61 |
| | Maximum Height (ft.) | 38' 4" | 45" |
| | Stories | 2 & 3 | 3 |
| | Size | 1,846 – 2,398 sq. ft. | NA |
| Building Setbacks (ft.) | Moraga Way | 11.1 - 22.5 ft. | 0 |
| | Country Club Drive | 4.9 – 10 ft. | 0 |
| | West Side | 6.5 – 49 ft. | 0 |
| | East Side | 45-91.5. ft. | 0 |
| Lot Coverage (%) | | 33.9% | 60% |
| Usable Open Space (sq. ft.) | | 26,018 | NA |
| Parking | Automobile | 90 | 90 |
| | Bicycle | 36+ | NA |

¹ Includes 2-Story Cottage; 15 units; 5 floor plans and 2.5-Story Townhome; 21 units; 6 floor plans

#2: re: Moraga Municipal Code 8.132 – Scenic Corridors

Appellant: *“The proposed project clearly does not confirm to the Town’s Scenic Corridor requirements...”*

Appellee: We agree with the Appellant that the project occurs within 500 feet of Moraga Way, and the Townhome Project complies with 8.132.050 - Development guidelines.

| 8.132.050 - Development guidelines. | |
|--|---|
| <p>1. The design and location of each building and landscaping shall create a compatible visual relationship with surrounding development and with the natural terrain and vegetation. Road widths and road configurations should be considered as part of the design element.</p> | <p>Appellant: <i>“not compatible with adjacent Moraga Country Club townhouses on Country Club Drive, which are shorter in height, further setback, and more intensely landscaped.”</i></p> <p>Appellee: Setback comparable to Country Club townhouses would result in fewer project units which would be non-conforming to the MCSP. Please refer to “Exhibit B: Landscaping” that demonstrates The Townhome project landscaping is comparable to existing Country Club Drive landscaping. Comparison to the Country Club townhouses 3-DUA zoning district may not be a useful point of reference, since the project site is designated for a substantially higher density land use. The proposed duplexes are a transition in density between the townhomes across Country Club Drive (many of which also do not conform to the 3-DUA zoning district standards) and the proposed townhomes. At an approximate density of 8-DUA, the duplexes can provide private rear yards, side yards and smaller scale buildings than townhomes.</p> |

| | |
|---|---|
| <p>2. Buildings and landscaping shall be so located that each does not create a walled effect along the scenic corridor. Setbacks and building heights may be made more restrictive than otherwise permitted by the applicable zoning regulations. In general, the greater the mass or bulk, the greater the setback should be. The positioning of buildings shall be varied in order to create a complimentary relationship between mass and void.</p> | <p>Appellant: <i>“design of the project’s buildings.. create walled effect. More restrictive limits on bulk and mass [] and setbacks [] and heights.”</i></p> <p>Appellee: Please refer to “Exhibit C: Building Articulation and Setbacks”. Condition of Approval 8.b in the draft resolution requires the variation in second-story massing. The proposed “cottages” facing Country Club Drive are consistent with the height and setback standards of the MCSP Mixed Office-Residential district. The design was modified to provide variation in the setbacks from the property line along Moraga Way, which would range from 11.9 to 22.5 feet. The CDP review process provides an opportunity to respond to residents’ concerns about the height and proximity of the cottages to the street. The duplexes and triplexes would have four to ten foot (4 - 10’) minimum setbacks from Country Club Drive, although the building facades are articulated with some portions of each building setback a greater distance from the street. To break up the wall height and massing immediately along Country Club Drive, additional portions of the second story of the duplex and triplex units be stepped back, and as proposed, the façade of the duplexes vary with projections and inlets. Approximately 40 percent of the second story on each building is stepped back from the first floor by 5 to 8 feet. At the DRB’s request the applicant revised the facades along Country Club Drive to create differentiation and visual interest for the streetscape. Entry features, window treatments, siding treatments and architectural features of the individual buildings would offer variety and avoid a monolithic appearance.</p> |
| <p>4. Each structure or feature reviewable under this chapter shall be limited to scale and siting to reduce visual dominance or obstruction of existing landforms, vegetation, water bodies and adjoining structures.</p> | <p>Appellant: [Indian Ridge and Moraga Ridge impacts]</p> <p>Appellee: Please see “Exhibit A: View Impacts”. City Ventures’ Townhome project does not obstruct the ridgeline from Country Club Drive looking east or from Moraga Way looking east. An office building is a permitted use and would be much more dominant compared to the adjoining structures. The permitted development code of this zone impacts west ridge views, regardless of the type of development. The Appellee has prepared a new rendering of an office building. This rendering demonstrates a type of office building that is currently permitted under the MCSP and demonstrates that a commercial building still impacts the view west to the ridge. <u>The Moraga Town Center Homes Project is less visually impactful than a build out of an office building, currently permitted.</u> The collection of smaller townhomes would be less disruptive to views than large buildings, as might be developed for a commercial building or apartment complex.</p> |

Conceptual Site Plan



#3: re: Public Works request/ Town offer of 20ft of Moraga Way right-of-way for improvements.

Appellant: “portions of project’s buildings that are closest to Moraga Way to protrude way beyond actual physical setbacks of adjoining buildings.

Appellee: Community Design Element policies CD3.2 Visual Character and CD 3.5 Landscaping and Amenities, promote improvement of the visual character of the scenic corridor with landscaping, lighting and attractive signs and street furnishing. The proposed project would landscape a 31 to 42-foot wide buffer along the Moraga Way scenic corridor that is both on the subject property and in the dirt and gravel shoulder of the roadway. The conceptual landscaping includes a variety of trees, shrubs and groundcover, winding sidewalk and split rail fences that would add visual interest and enhance the appearance of the scenic corridor. The protrusion of improvements along Moraga way is an enhancement to the Scenic Corridor and complies with and is intended to promote the Scenic Corridor design guidelines.

#4: Traffic and Traffic Safety

Appellant: “need to add a two way turning lane to the middle section of Moraga Way” [loss of right of way may one day be needed back due to an increase in traffic] [and comments on page 7 and 8]

Appellee: As there is excess right of way along the Moraga Way frontage, the road (travel lanes) is additionally separated from the property line by the shoulder, which is proposed to be landscaped as part of this project. The proposed bicycle lane and landscape frontage improvements along Moraga Way would remove parking along Moraga Way adjacent to the project site, consistent with the Scenic Corridor Design Guidelines.

The street proposed is suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the development. The project is located within the boundaries of the Moraga Center Specific Plan, the land use and policies of which were evaluated under the California Environmental Quality Act (CEQA) in an EIR (SCH # 2000031129) certified by the Town Council on January 27, 2010. The proposed Town Center Homes project would generate an about 210 vehicle trips per day, approximately 150 fewer trips than was assumed for the site when the EIR was prepared because the project will have 36 units, while the Specific Plan assumed up to 61 units. This reduction in traffic generation would result in 2.9% decrease in the Specific Plan’s overall trip generation (estimated at 5,060 trips).

If one day, the Town needed to add a two way turning lane to Moraga Way, then the landscaping strip could be dedicated back to ROW without impact to the Townhome Project buildings.

#5 re: Moraga 2002 General Plan conformance/ consistency

| Moraga 2002 General Plan | <u>Appellant:</u> | <u>Appellee:</u> |
|---|----------------------------------|--|
| <p>Land Use <i>Moraga 2002 General Plan</i></p> <p>NOTE: 'DUA' = Dwelling Units per Acre</p> <p><i>Implementing Programs:</i> <i>IP-A1 General Plan Diagram</i> <i>IP-B1 Zoning and Subdivision Ordinances</i> <i>IP-C1 Development Review</i></p> <p>LU1.3 Residential Building Height. Restrict residential building heights to limit visual impacts on adjacent properties and protect views. Residential buildings should not have more than one story or portion thereof directly over another story, inclusive of garages. Exceptions to this rule may be allowed in the specific plan areas.</p> <p><i>Implementing Programs:</i> <i>IP-B1 Zoning and Subdivision Ordinances</i> <i>IP-C1 Development Review</i> <i>IP-C3 Design Review</i></p> | Visual impacts | <p>LU1.3 call for “<i>Exceptions to this rule may be allowed in specific plan areas.</i>”</p> <p>Conforming: Total building height is 38 feet. This height is less than the standard of 45 feet in Table 4-10 of the MCSP.</p> |
| <p>CD1.3 View Protection. Protect important elements of the natural setting to maintain the Town’s semi-rural character. Give particular attention to viewsheds along the Town’s scenic corridors, protecting ridgelines, hillside areas, mature native tree groupings, and other significant natural features. Consideration should be given to views both from within the Town and from adjacent jurisdictions. Likewise, the Town should work with adjacent jurisdictions to protect views from Moraga to adjacent areas.</p> <p><i>Implementing Programs:</i> <i>IP-B2 Moraga Open Space Ordinance</i> <i>IP-C1 Development Review</i> <i>IP-C3 Design Review</i> <i>IP-E1 Scenic Corridor Design Guidelines</i></p> | Ridge Impacts | <p>Conforming: The Design Review Board reviewed the design under the Scenic Corridor Design Guidelines. The project would provide a wide landscaped buffer along the Moraga Way frontage. Ridgeline views from Moraga Way would be affected to some extent by this project or any other development of this site as was anticipated under the MCSP.</p> |
| <p>IP-E2 Review and Update Residential Design Guidelines</p> <ul style="list-style-type: none"> <i>Infill Development</i> to promote more sensitive building additions and infill projects that preserve the scale and character of the existing neighborhood. | Inconsistent scale and character | <p>Conforming: See response #1</p> |
| <p>IP-E3 Review and Update Multi-Family Residential Design Guidelines</p> <ul style="list-style-type: none"> <i>Building Design</i> to encourage buildings that reflect the scale and quality of their surroundings and which fit the | Non-conforming | <p>Conforming: See response #1</p> |

| | | |
|--|--|---|
| | character of existing residential neighborhoods. | |
| <p>CD4.3 Infill Development. Ensure that new residential development in existing neighborhoods reflects the size, scale, height, setbacks, and character of existing development. While new homes, home additions, and remodels should be allowed, they should not create adverse impacts on adjacent properties or detract from overall neighborhood character. All projects should be subject to discretionary review by staff.</p> <p><i>Implementing Programs:</i> IP-B1 Zoning and Subdivision Ordinances IP-C1 Development Review IPC3 Design Review IP-B2 Residential Design Guidelines IP-G5 Beautification Program</p> | Non compliance | <p>Conforming: The proposed project is being developed pursuant to the MCSP. The proposed project has lower density than permitted for this site under the MCSP. The Design Review Board has reviewed the project for consistency with the Community Design Element and the MCSP Design Guidelines. The Homeowners Association would be required to manage and maintain common open space areas to ensure that the project remains an attractive and well-maintained development into the future. Please refer to Policy Analysis CD5.5 above regarding scale and compatibility of the proposed development with adjacent neighborhoods.</p> |
| <p>CD5.2 Design. Ensure that new multi-family developments are planned, designed and constructed to enhance the local area, reflecting the scale and quality of their surroundings. Encourage designs that help to break up large building masses, for example by breaking one large building into several smaller buildings; providing variations in rooflines; creating a three-dimensional façade rather than a massive, flat façade; and using landscaping to soften building edges. Architectural styles and materials should reflect the character of existing residential neighborhoods, with landscaping to enhance the natural setting.</p> <p><i>Implementing Programs:</i> IP-C1 Development Review IP-C3 Design Review IP-B3 Multi-Family Residential Design Guidelines</p> | Massing, heights, setbacks | <p>Conforming: The MCSP Design Guidelines implement this General Plan Policy. The MCSP Design Guidelines have been used to guide the design and the design review of this project. The project proposes multiple smaller buildings of townhomes and duplexes, rather than one large residential building, and each building is articulated with projections, inlets, porches, and trellises that break up the façade. Trees and shrubs are provided along the street, pedestrian paseos and internal drives of the project and trellises for vines are used to soften the appearance of garage doors.</p> |
| <p>LU4.6 Public Safety Facility Compatibility. Ensure that uses and buildings located in the vicinity of public safety facilities and training operations are compatible by design and siting.</p> <p><i>Implementing Programs:</i> IP-C1 Development Review IP-C2 Development Review for Emergency Services</p> | Incompatible with adjacent MOFD Station 41 | <p>Conforming: The MOFD has reviewed the conceptual development plans and would review final design plans. All comments and requests by MOFD have been incorporated into project design and Conditions of Approval.</p> |

#6 Fire Station 41

Appellant:

Attachments:

- Letter Dated 7/31/08 from Steven R. Meyers (Meyers, Nave, Riback, Silver & Wilson) on behalf of the Moraga-Orinda Fire District (MOFD) Objecting to Prospective Impacts of the MCSP on the MOFD's Operations, in Violation of the Moraga General Plan
- E-mail Dated 11/ 12 /14 from Richard J. Olsen re the Impacts of the Proposed City Ventures Project on the MOFD's Operations and Training Activities
- Letter Dated 6/4/14 from MOFD Fire Chief Stephen Healy on behalf of the MOFD's Board of Directors Stating MOFD "Concerns" re the Proposed City Ventures Project

Appellee:

The Applicant has been working directly with The Moraga Orinda Fire District (MOFD) and Chief Stephen Healy to address MOFD concerns. MOFD provided comment on the proposed project in several letters. One MOFD letter resulted in a modification to the plans to ensure that the internal streets are at least 26 feet wide to accommodate a fire truck with extended ladder. In a letter from June 4, 2014 the MOFD expressed concern about potential impacts to new residences from MOFD operations and adequate separation of Fire Station facilities from a potential trail extension on their property adjacent to the creek.

The applicant addressed these concerns by committing to:

1. City Ventures shall record a Deed Restriction on each home in the project. The Deed Restriction shall outline MOFD activities at Station 41 and serve as notice to homeowners of on-going training activity and regular station operations. The Deed Restriction shall be recorded on all homes such that this carries through with each subsequent sale in effort to notify the initial owners as well as all future home owners. The language and form of the Deed Restriction shall be reviewed and approved by the Town Attorney and the MOFD Fire Chief. In addition to the Deed Restriction, the project CC&Rs shall include a disclosure of MOFD training and operation activity including a video demonstration of training operations.
2. The project shall include an 8 foot high solid masonry wall along the shared property line between MOFD and the proposed project. The masonry wall shall transition to the a 6 foot high wood privacy fence as it extends towards Moraga Way, as shown on the project Site Plan Sheet A3.1. Wall shall be decorative with color or aesthetics.
3. As recommended in the Acoustical Report, all residential buildings within 60 feet of the property line shared with MOFD shall include sound rated doors and windows on second and third stories. Additionally, placement of windows on the side elevation of the second and third stories (instead of the rear elevation) shall be considered during Final Design Review so as to limit the visibility of training operations from the interior of the new homes.
4. The landscape planter area located south of the MOFD property, adjacent to cottage Buildings J and K as shown on the Conceptual Landscape Plan Sheet L1.0 shall be planted with trees to form a landscape screen so as to limit the visibility of training operations from the interior of the new homes. The Final Landscape Plan shall include specific tree types and sizes to provide for adequate landscape screening.

5. The project shall include a 'warning signal' at the driveway on Moraga Way. The purpose of the 'warning signal' is to stop vehicles from exiting the project site onto Moraga Way when Fire Engines are exiting the station. The design and location of the 'warning signal' shall be reviewed and approved by MOFD as part of Final Design Review.
6. The design of the park area located adjacent to the MOFD property shall be developed as a passive park area and shall not include playground equipment.
7. The limits of grading for the project shall extend onto the MOFD property so as to remove the un-useable mound of the dirt that extends from the project site onto the MOFD property. The removal of the dirt mound on the MOFD property would create additional usable surface area for MOFD and would also avoid the need for a retaining wall on the project site.

The Appellee understands that by addressing these concerns, the MOFD has no objection to the project.

#7 "request for Condition of Approval to landscape median strip located between existing homes along Country Club Drive and proposed City Ventures development [] including the installation of berms, trees, and shrubs to create a scenic corridor along country Club Drive."

Appellant:

Letter Dated 7/9/14 from Donald Maddison, President of the Moraga Country Club Board of Directors, Requesting Country Club Median Improvements to Mitigate Some of the Proposed City Venture Project's Potential Impacts

Appellee: The applicant has agreed to include a condition of approval to enhance the landscaping in the median along the Country Club Drive project frontage to improve and upgrade the appearance.

Exhibit A: View Impacts



Site from Moraga Way



View of Moraga Way looking south



View of Moraga Way looking north



View of Camino Ricardo and Moraga Way Intersection

Below: Moraga Way looking east: no impact to Ridge to the east



Below View from Moraga Way looking west of Townhome Project:

Any project development, even single story, impact view to west. Existing mature trees already block most of the view.



Below View from Moraga Way looking west of Office Project:



Below: Country Club Drive: Looking East: views to Ridge remain.



Exhibit B: Landscaping

Below: Existing Country Club Drive:



Below: Proposed Townhome Project view from Country Club Drive:

Existing and Proposed conditions on Country Club Drive are comparable.



Exhibit C: Building Articulation and Setback

Moraga Way Articulation



Moraga Way – Townhomes

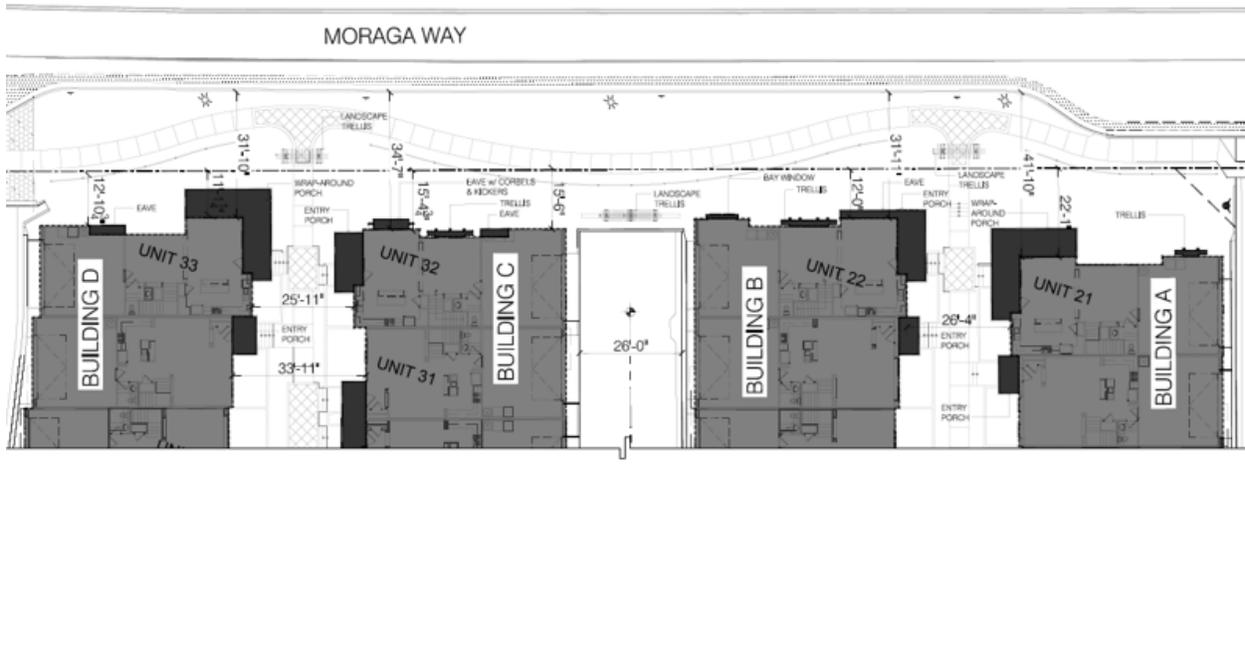
Plan Sheet A4.0 illustrates:

Individual & Complimentary Buildings

Work with existing grade

Providing horizontal and vertical relief – eliminate a ‘single wall effect’

Moraga Way Articulation



Cottage Floor Plan



First floor

Second floor

Country Club Drive Articulation



BUILDING H

BUILDING I

BUILDING J

BUILDING K

Country Club Drive – Cottages

Two story homes designed as duets

Varying roof form, design elements, and building materials for individuality

Designed with **front porches** that face onto Country Club Drive; no garages

Private yard along the side/rear of the home

Country Club Drive Articulation

