

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-MC) 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-MC)

ORDINANCE NO. 252

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 the hearing was continued to April 8, 2015; and

WHEREAS, on April 8, 2015 the town Council continued public hearing to May 13, 2015; and

WHEREAS, the Town Council continued the proposed rezone, text amendment and an appeal from the Planning Commission's decision on the Conceptual Development Plan at a public hearing on May 13, 2015 received testimony from the public, appellants and Applicant; 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 and 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
12-PD-MC ⁵	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

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 (12-PD-MC) 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.

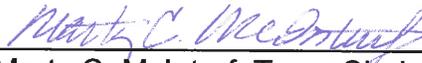
SECTION 5. The Town Council hereby declares that it would have passed this Ordinance, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance 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 May 13, 2015 and was adopted and ordered published at a regular meeting of the Town Council on May 27, 2015 by the following vote:

AYES: Mayor Wykle, Vice Mayor Metcalf, Councilmembers Arth, and Trotter
NOES: Councilmember Onoda
ABSTAIN: None
ABSENT: None


 Roger N. Wykle, Mayor

Attest: 
 Marty C. McInturf, Town Clerk