



PLANNING COMMISSION

S T A F F R E P O R T

FOR PLANNING COMMISSION ACTION
JUNE 6, 2016

Moraga Town Center Homes

Consider Resolution __-2016 Approving the General Development Plan and Vesting Tentative Map for Subdivision 9381, the Moraga Town Center Homes Project, a 36-Unit Attached Single Family Residential Development located between Moraga Way and Country Club Drive within the Moraga Center Specific Plan Area, Subject to Conditions of Approval. (MCSP, 12-PD-MC, HP)

I. Application Basics

A. Overview and Requested Approvals

The Moraga Town Center Homes, Subdivision 9381, is a proposed 36-unit attached single-family residential project, located on 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 (APN: 257-180-082 and 257-190-057). The project site is located within the Moraga Center Specific Plan (MCSP) Area 13, with a Specific Plan land use designation of Mixed Office / Residential. On May 13, 2015, the Town Council upheld the Planning Commission's November 17, 2014 approval of a Conceptual Development Plan, and on May 27, 2015 Council approved a rezoning of the project site from Suburban Office (SO) to 12 Dwelling Units per Acre Planned Development District (12-PD-MC). A citizen referendum on the rezoning was subsequently filed, and was determined to be invalid by the Superior Court of California, Contra Costa County, on October 16, 2016.

At this stage of the project review the applicant is requesting the following additional approvals:

- General Development Plan, the second step of the three step Planned Development Process, under MMC §8.48.110.
- Vesting Tentative Map, under the Subdivision Map Act and Subdivision Ordinance

The Planning Commission is requested to conduct a public hearing and consider approval of the General Development Plan and Vesting Tentative Map, to allow the project to proceed. A draft resolution for the approval is included as Attachment A, and draft Conditions of Approval are included as Attachment B.

B. CEQA Determination

The program-level Moraga Center Specific Plan Environmental Impact Report (EIR), certified by the Town Council on January 27, 2010 (State Clearinghouse # 2000031129), adequately analyzed the potential environmental impacts of the proposed project, and no additional review pursuant to the California Environmental Quality Act (CEQA) is required. The environmental documentation (Attachment E) includes a supporting CEQA Checklist and a project-specific Mitigation Monitoring and Reporting Plan. The CEQA Conformance section on page 18 of this report also provides further information.

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	Planned Development District, 12 Dwelling Units per Acre (12-PD-MC)	MCSP-Mixed Office / Residential 12-20 DUA
Surrounding Properties	North	Old Orchard-Vacant/Undeveloped; Residential beyond	6-DUA, 3-DUA, CC-Community Commercial	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
	West	2-Story Offices Buildings; Golf Course beyond.	SO- Suburban Office	MCSP-Mixed Office / Residential 12-20 DUA
	East	MOFD Fire Station, Laguna Creek; Community garden beyond.	SO- Suburban Office	MCSP-Mixed Office / Residential 12-20 DUA

D. Project Review Process

The purpose of the Town's Planned Development District zoning is to apply flexible regulations to large-scale integrated developments, 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 (MMC) Chapter 8.48 prescribes a three-step Planned Development process that includes approval of a Conceptual Development Plan (CDP), General Development Plan (GDP), and Precise Development Plan (PDP); each step of the process represents progressive levels of detail and refinement of the project plan. Section 8.48.110.D. allows for the GDP and Tentative Map to be processed concurrently, as is the case for the current application.

The Conceptual Development Plan, approved by the Planning Commission in November 2014, and upheld by the Town Council in May 2015, represented the first step in the PD process for the Moraga Town Center Homes project. Together with the related rezoning approval, the approved CDP establishes the zoning, overall site plan, uses, density and development standards applicable to the development, including maximum number of lots and site density, as well as conceptual architecture, streetscape and landscaping.

Because of the nature of the project, a compact infill development, and per the applicant's request, the Town's original intent was to concurrently process the CDP, GDP and Vesting Tentative Map. For this reason, the CDP application was developed to a relatively high level of detail, including development of a detailed site plan, building and circulation layout, architectural design, grading and landscaping. The CDP approval followed an extensive review process, including numerous study sessions with the Design Review Board and Planning Commission that resulted in revisions and refinements to the site plan over time.

While some details of the project may be refined through the GDP and map approvals, fundamental aspects such as the number, type and size of units; the overall site plan; development standards including setbacks and maximum building heights; and location and configuration of open space were established with the prior CDP approval. The principal purpose of the Planning Commission's review at this time is to determine if the project conforms to the approved CDP, including all project revisions directed by the Town Council during their review and approval of the project.

II. Project Description and Background

A. Neighborhood/Area Description:

The project site (Figure 1) 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 located outside of (to the south of) the commercial core of the Specific Plan Area and is adjacent to the existing Moraga Country Club (MCC) neighborhood. The portion of the MCC development located closest to the

project mostly comprises one- to two-story attached residences. To the immediate northwest, along Moraga Way, are commercial office buildings, and then the MCC golf course. Across Moraga Way is a large undeveloped lot. This vacant lot is designated in the MCSP for future development with mixed office and residential uses along Moraga Way, transitioning to a medium- to high-density residential land use 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, as well as Laguna Creek. Across the creek there is a mix of office and commercial uses.

Two public roadways 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 both Country Club Drive and Moraga Way.

Figure 1: Project Site and Vicinity



B. Project Site Conditions

The 3.06-acre, L-shaped project site wraps around two 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 features 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.

C. Project Description

The Moraga Town Center Homes General Development Plan and Vesting Tentative Map reflect a 36-unit attached single-family development. Two different housing types are proposed: attached townhomes and duplexes, the latter of which are 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 private garages for each residence and the individual townhomes. A 10,460 square-foot pocket park is proposed along Laguna Creek, a portion of which would include the riparian corridor. Figure 2 on page 12 shows the current site plan including proposed building locations and setbacks, private streets and auto courts, and pocket park adjacent to the creek. Attachment G includes the full project plans, including elevations, floor plans, streetscape plans, Tentative Map, grading plans, and conceptual landscape design.

The larger of the two parcels of the project site currently has an 84-foot wide Offer of Dedication for right of way that was recorded against the property to Contra Costa County several decades ago for construction of a freeway. Although the right of way was recorded, it was never formally accepted by the County or the Town. As shown on the Tentative Map, and per the project Conditions of Approval, this Offer of Dedication would be vacated through approval of the Final Map.

E. Project History

Table 2 below outlines the project chronology, which includes a number of Planning Commission and/or Design Review Board study sessions held prior to approval of the Conceptual Development Plan (CDP), in addition to public hearings on the CDP and the appeal. This process resulted in many progressive refinements to the project, culminating in the current design and configuration of the proposed 36-unit development.

On November 17, 2014, the Planning Commission approved a Conceptual Development Plan, subject to conditions, and recommended approval of related Zoning Ordinance and Zoning Map amendments. An appeal of the Planning Commission's decision was subsequently filed by three Moraga residents, initiating a *de novo* review of the project by the Town Council.

On January 28, 2015 and May 13, 2015, the Town Council considered the appeal to determine whether to reverse, uphold or modify the Planning Commission's decision approving the Conceptual Development Plan. At the same hearing, the Council considered the proposed rezoning of the project site from Suburban Office to 12 Dwelling Units per Acre Planned Development District. The Council voted 4-1 to deny the appeal and uphold the Planning Commission's approval of the CDP, and also introduced Ordinance 252 for the zoning amendments. On May 27, 2015, on the second reading of Ordinance 252, the Council voted 4-1 to adopt the ordinance, adding the 12 Dwelling Units per Acre Planned Development zoning designation to Municipal Code Chapter 8.48 and amending the zoning map to apply this zoning to the Moraga Town Center Homes project site. The staff report from the May 13, 2015 Town Council meeting is included as Attachment F.

On June 26, 2015, prior to the effective date of the ordinance, community members delivered a referendum petition (“Referendum”) to the Town Clerk seeking to rescind Ordinance 252. Pursuant to California Elections Code, the Referendum was accepted for filing by the Town’s Elections Official, and then hand-delivered to the Contra Costa County Elections Department. On August 19, 2015, David Bruzzone and City Ventures, LLC, filed a Verified Petition for Peremptory Writ of Mandate & Complaint for Declaratory and Injunctive Relief (“Litigation”) challenging the Referendum on two grounds: (1) the voters may not adopt a zoning designation inconsistent with the Specific Plan, which would happen if the voters invalidated Ordinance 252; and (2) the Referendum did not include the full text of the ordinance, including the environmental documents incorporated by reference, as required by elections law.

On October 16, 2015, the Superior Court of Contra Costa County rendered its ruling and found that the Referendum was invalid because, if successful, it would have made the zoning inconsistent with both the Moraga Center Specific Plan and General Plan. The court also found that the Referendum was procedurally defective because the proponents did not attach the environmental documentation that was incorporated by reference in the ordinance. Based on this ruling, the Town was precluded from placing the Referendum on an upcoming ballot.

In March 2016, after the applicant submitted payment to the Town for outstanding project review costs, Planning staff resumed work on processing the revised General Development Plan and Vesting Tentative Map application for the Moraga Town Center Homes project.

Table 2: 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
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 and 27, 2014	Community meetings held by project applicant, City Ventures
March 10, 2014	Design Review Board study session

May 27, 2014	Design Review Board preliminary design review
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
September 17, 2014	Vesting Tentative Map application deemed complete
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 17, 2014	Planning Commission Hearing: Approval of Conceptual Development Plan (CDP) and recommendation to Town Council of approval of rezoning of project site from Suburban Office to Planned Development District
December 1, 2014	Appeal of Planning Commission approval of CDP filed by three Moraga residents
January 28, 2015	Town Council Hearing on Appeal: Item continued to April 8, 2015
April 8, 2015	Town Council Action: Item continued to May 13, 2015
May 13, 2015	Town Council Hearing on Appeal: Appeal denied, Planning Commission approval of CDP upheld; Introduction and waiving of first reading of ordinance rezoning project site from Suburban Office to Planned Development District
May 27, 2015	Town Council second reading and adoption of rezoning ordinance
June 26, 2015	Petition submitted to the Town calling for a referendum to reverse the rezoning ordinance approved by Town Council
October 16, 2015	Contra Costa Superior Court issued a ruling declaring the citizen referendum invalid
March 4, 2016	Revised project plans submitted for General Development Plan (GDP) and Vesting Tentative Map (VTM)
May 27, 2016	Public meeting notices mailed / posted
June 6, 2016	Planning Commission Hearing on GDP / VTM application

III. Community Discussion

A. Public Notice of Hearing

Notice of this public hearing was mailed to 137 addresses, including property owners and residents within a 750-foot radius of the project, and other members of the public and local agencies who have requested notification of public meetings and hearings.

B. Neighbor/Community Concerns

The project has been under review since 2012, during which time there have been a number of public meetings and study sessions with the Planning Commission and Design Review Board (DRB), resulting in various changes to the project (which are summarized in the Issues and Analysis section beginning on page 9). In addition, the applicant hosted a total of seven community meetings in 2013 and 2014 to present the proposed project to neighbors and other interested community members, and to receive comments and feedback. The Planning Commission approval, subsequent appeal to Town Council and citizen referendum process also provided a number of opportunities for comments on the project to be provided. Over the course of the CDP review and related public process, topics addressed in public comments on the project included:

- Questions about the project's conformance with the General Plan, the Moraga Center Specific Plan (MCSP) and/or the Moraga Municipal Code, particularly in terms of visual impacts, neighborhood compatibility, and consistency with the Scenic Corridor guidelines.
- Regional traffic impacts and the cumulative traffic impacts of development projects within the Town
- Concerns regarding traffic safety along Country Club Drive
- The potential precedent-setting consequences of approving the project

In addition, the Moraga-Orinda Fire District (MOFD) expressed concerns on the grounds that a residential land use would be incompatible with the Fire District's facility on the adjacent property at 1280 Moraga Way. In addition to the fire station and administrative offices, MOFD's operations at this location include training of Fire District personnel, which according to MOFD comments may result in impacts on the proposed project site including temporary noise, unexpected water off-site, and visual impacts from equipment, ladders and personnel. As described elsewhere in this staff report, the changes made to the project over the course of the CDP review, and Conditions of Approval adopted with approval of the project, considered public and agency comments. In making the findings for approval of the CDP, the Town Council affirmed that all of the substantive issues raised had been adequately addressed.

C. Design Review Board and Planning Commission

The Design Review Board (DRB) held three hearings on the project between March and July of 2014. The DRB discussed and commented on a number of issues, including the architecture, articulation of building facades, variations in the rooflines and building setbacks, the appearance of the scenic corridor (Moraga Way) streetscape and screening of buildings along this frontage, potential impacts of the development on distant hill views, the location of the park, site circulation and parking, and potential reduction in the width of the median on Country Club Drive to accommodate a bike lane and on-street parking. The applicant incorporated the DRB's feedback into a number of site plan and design changes before the project was forwarded to the Planning Commission for consideration.

The Planning Commission held a public hearing to consider the Conceptual Development Plan and proposed zoning amendment on November 17, 2014. The Commission

discussed the project's consistency with the MCSP and General Plan, the benefits of residential use at the site and of diversifying housing options in Moraga by providing duplexes and townhomes, the size and location of the pocket park and the possibility of making the park accessible to the public, and the project's interface with Moraga Way and the use of the right-of-way for landscaping. The Commissioners were generally supportive of the project and noted its consistency with MCSP design and policy guidelines. The Commission voted 5-1 to approve the Conceptual Development Plan, and recommended that the Town Council approve the rezoning of the site to 12-PD-MC.

D. Town Council Consideration of Appeal of CDP Approval

On January 28, 2015 the Town Council conducted a public hearing to consider the appeal of the Planning Commission's approval of the CDP. Town Councilmembers' comments focused on the proposed site plan, and in particular, building heights, setbacks, and massing as they related to the project's consistency with scenic corridor standards, and compatibility with adjacent uses, including existing residential land uses along Country Club Drive. The Council discussed the consistency of scenic corridor guidelines at some length. This included the project's effect on the streetscape elevation along Moraga Way, along with its potential to create a "walled effect" and to obstruct views of natural landforms including Indian Ridge. Councilmembers discussed the intent of the MCSP for infill residential development, and there was consensus that further adjustments to the project were necessary to allow the requisite findings for project approval to be made. The Council continued the hearing and directed staff to engage in further dialogue with City Ventures, and potentially the Moraga-Orinda Fire District.

Following the Town Council hearing, staff worked with the applicant to develop revised development standards and a revised site plan that responded to the issues raised. After consideration of various options and the pros and cons of each, staff and the applicant agreed on an approach that included setting all buildings back a minimum of 15 feet from Moraga Way, increasing the setbacks of some of the buildings from Country Club Drive, splitting Building A into two smaller buildings to reduce the massing, and reducing the height of units in Buildings C and D from three stories to two stories. The Town Council approved the revised Conceptual Site Plan on May 13, 2015, subject to conditions of approval that included, among other requirements, detailed design standards to be reflected in the final architectural plans, so as to ensure a very high quality of design and detailing.

IV. Issues and Analysis

The following sections present and analyze key issues associated with the project, and describe modifications that have been made to the project during the review process to address concerns raised. In many cases, issues would be addressed through Conditions of Approval; where relevant these are indicated in the discussion below.

A. Zoning Designation

The previous approvals for the project included rezoning the site from its previous Suburban Office (SO) designation to a Planned Development District, PD-12-MC, which allows for residential development at a density of up to 12 dwelling units per acre, with

site-specific development standards to be determined through the three step Planned Development process. The “MC” suffix indicates that the designation applies to properties within the Moraga Center Specific Plan area.

The proposed project includes 36 residential units on the 3.06-acre site, for a total density of 11.8 dwelling units per acre, consistent with the minimum allowed density under the zoning. Other development standards as established through the Planned Development review process are discussed in the next section, “Consistency with Approved Conceptual Development Plan.”

B. Consistency with Approved Conceptual Development Plan

The proposed GDP and Tentative Map must be consistent with the approved CDP.

Site Plan and Development Standards

The CDP included detailed development standards that apply to the Moraga Town Center Homes project, which are shown in Table 3 below. The current, approved standards have been modified since the Planning Commission approval of the CDP in November 2014, based on staff recommendations and the project plans approved by the Town Council at the CDP appeal hearing on May 13, 2015. As noted in the previous section, changes to the standards included (a) increasing some of the building setbacks from Moraga Way and Country Club Drive, (b) separating the largest building, Building A, into two smaller masses A1 and A2 with a minimum 10-foot separation between them, (c) limiting the three-story townhouse units to the interior units in buildings A1, A2 and B (units 17-20 and 23-26), and specifying a 35-foot maximum height for all remaining two-story units. The overall site plan for the GDP, shown in Figure 2, reflects these changes.

Architecture

The applicant characterizes the architecture as “Timeless Bay Area Traditional,” intended to be consistent with architecture found in the Lamorinda area. The residences have pitched roofs, gables, bay windows, awnings and trellises. The exterior materials are varied, with combinations of shingles, siding, stucco and stone veneer. Entry features, window treatments, siding treatments, and other architectural details of the individual units are also varied, so that no two buildings are alike. Front and rear yards and covered porches are provided for each duplex unit, and covered porches and patios are provided for each townhouse facing the internal paseos or streets. All garage doors face interior drives and auto courts. Modifications made to the building design throughout the review process in response to comments from the DRB and Planning Commission include further articulation of facades, changes to exterior materials and detailing to distinguish individual buildings from one another, varying rooflines, and softening auto courts with landscaping.

Building Massing, Relationship to Moraga Way and Country Club Drive Frontages

The massing of the project is designed to strike a balance between allowing higher-density residential development at the site, as called for in the MCSP, and providing an

Table 3: Moraga Town Center Homes Approved Development Standards

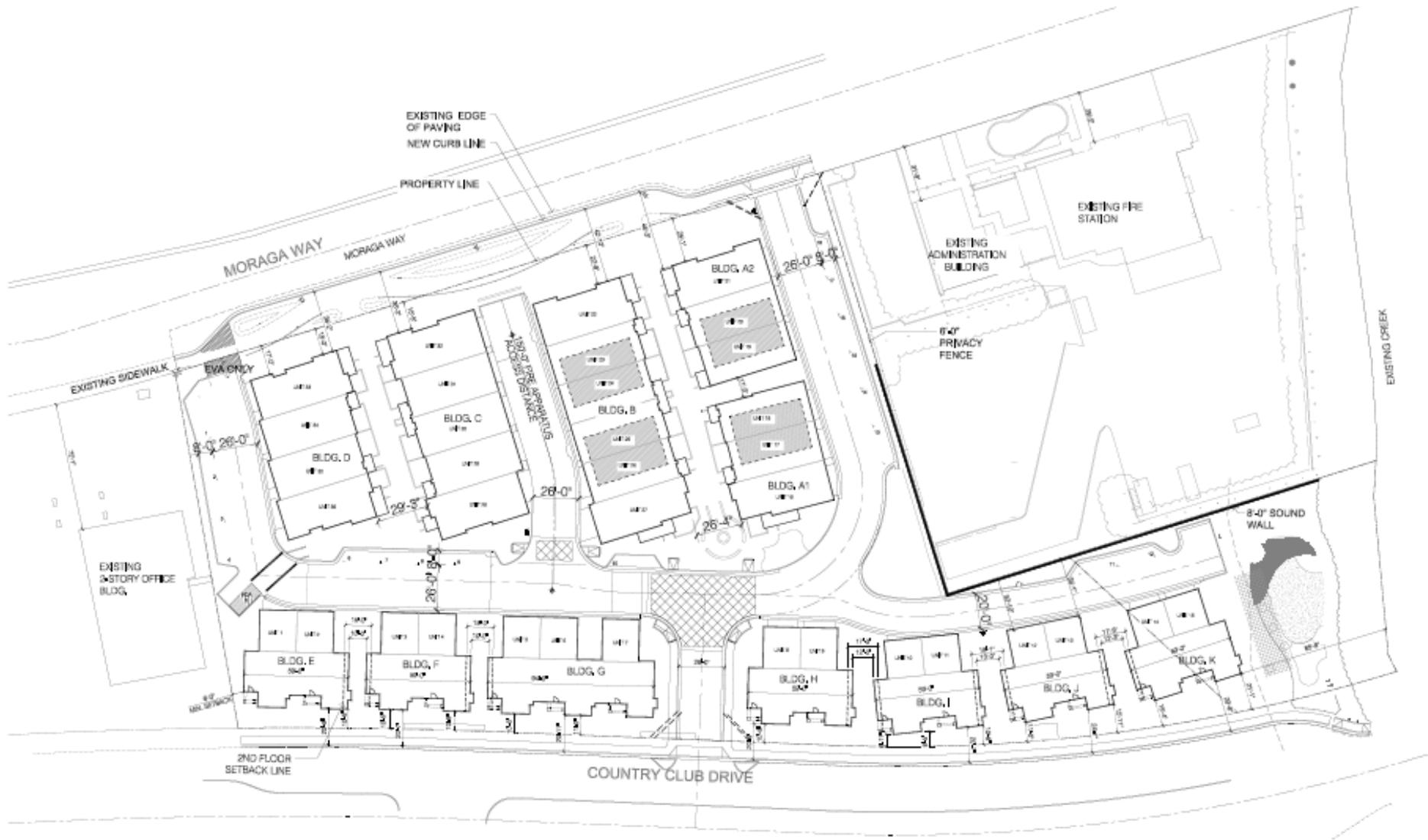
Site Standards	
Residential Density	12 dwelling units per acre
Lot Coverage	35%
Floor Area Ratio ¹	0.55
Setbacks and Building Separations	
Moraga Way Setback	Minimum 15'
Building A	25'
Building B	23'
Building C	15'
Building D	15'
Country Club Drive Setback	
Building E	10'
Building F	10'
Building G	10'
Building H	10'
Building I	6'
Building J	9'
Building K	15'
Interior Side Setback	
Northwestern Property Line	6'
MOFD Property ² Line	20'
Southeastern Property Line (Creek)	84'
Minimum Building Separation ³	
Buildings A, B, C, D	25'
Buildings A1 and A2	11'
Buildings E, F, G	10' first floor, 15' second floor
Buildings H and I	12' first floor, 15' second floor
Buildings I and J	13' first floor, 15' second floor
Buildings J and K	12-2" first floor, 15' second floor
Other Standards	
Maximum Building Height	39' 3 stories; 35' 2 stories
Maximum Building Stories	3 for units 17-20 and 23-26; 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

Figure 2: Site Plan



appropriate transition and a compatible relationship with existing lower-density residential areas in the vicinity, particularly the single-family neighborhood directly across Country Club Drive. The applicant has made several revisions to the project throughout the review process that help to achieve this transition in a number of ways, including:

- Reducing the number of residential units from 52 in the original pre-application submittal to 36 in the approved CDP.
- Placement of smaller, more detached (duplex) buildings along the Country Club Drive frontage that are similar in size and massing to the existing residences across the street
- Providing generous building setbacks from Moraga Way and Country Club Drive
- Maintaining the majority of the building heights at two stories or 35 feet, with the exception of eight of the interior townhouse units which would be three stories or 39 feet
- Providing upper story stepbacks for the buildings along Country Club Drive in order to maintain a compatible scale and further reduce the visual impact of the buildings as viewed from the adjacent public street.
- Breaking what was previously the largest of the attached townhome buildings (Building A) into two smaller buildings
- Creating an approximately 35-foot landscaping buffer along Moraga Way (20 feet of which would extend into the Moraga Way public right-of-way⁴ and the remainder of which would be on the project site)
- Providing a landscape buffer along the front yards of the residences facing Country Club Drive

The GDP and Vesting Map are in conformance with the previously approved CDP, and therefore also reflect these same features.

Scenic Corridor Guidelines

Moraga Way is a designated scenic corridor and therefore the proposed project must be consistent with the Scenic Corridor guidelines contained in the Community Design Element of the General Plan and in Moraga Municipal Code Chapter 8.132. Although the MCSP development standards allow for buildings of 45 feet in height and do not establish minimum building setbacks (i.e, they allow for placement of a building at the property line), the project's approved development standards limit all units facing the Moraga Way scenic corridor to two stories in height, with minimum 15-foot setback (setbacks from Moraga Way for the larger buildings A and B are 25 and 23 feet, respectively). In addition, the townhome units along the scenic corridor are divided into four buildings, each separated by 25 feet or more, which would allow for views between the buildings to

⁴ The proposed landscape area in the public right-of-way does not constitute a gift or grant of public property to the developer. The Town requires all developers to install frontage improvement in the public right-of-way, in order to ensure that streets and roads are attractive and functional. The landscaped area along Moraga Way would remain Town property, as would other improvements that the project developer is required to build along the public streets (e.g. the bike lane and widened parking lane on Country Club Drive).

Indian Ridge in the distance. As previously noted, building heights have been reduced and setbacks increased along Moraga Way during the project review process in order to ensure conformance with the scenic corridor guidelines.

The wide 35-foot landscape buffer along the Moraga Way frontage would soften the appearance of the development as seen from the scenic corridor. According to the applicant's Landscape Design Intent Statement on the conceptual landscape plan, plantings along the scenic corridor (and elsewhere on the site) would be consistent with the planting palettes from the Town's Design Guidelines, and would be designed in harmony with the semi-rural character of Moraga, emphasizing native species.

Relationship to Adjacent Moraga-Orinda Fire District (MOFD) Property

During the CDP review, the MOFD Fire Chief and Board expressed continuing concerns that the proposed residential use is incompatible with the Fire District's use of the adjacent property. In earlier communication with the Town, MOFD stated a concern that their training and operations may be considered a nuisance by future residents of the proposed development, and that they will object to the continuation of these operations.

Following the initial Town Council hearing on the CDP approval appeal, Town staff met with the Fire Chief and an MOFD Board member to discuss whether any additional design measures could be integrated into the project to address these concerns. However, short of a very substantial revision to the project (e.g. substantially reducing the number of units such that the proximity of residences to the training facility would be reduced) or a change to a completely different land use (e.g. commercial), staff was unable to reach agreement with MOFD on any further project modifications that would completely eliminate their opposition to the project. In its deliberations on the CDP, the Town Council considered the MOFD comments, and ultimately concluded that the issues raised were adequately addressed through the Conditions of Approval. The design measures and conditions of approval adopted by the Town Council with approval of the CDP have been applied to the project, and are reflected in the Resolution for approval of the GDP and VTM:

- Record a disclosure on the deed of each home, and in the subdivision CC&Rs, of MOFD activities at Station 41.
- Prepare and distribute disclosure information, including a video to potential home buyers.
- Construct an 8-foot masonry wall along the shared property line
- Plant trees along the shared property line to provide a landscape screen
- Install sound-rated windows on Buildings A, I, J and K. A minimum STC rating of 32 would be required for the windows to ensure that interior noise will not reach annoyance levels per State of California Land Use Compatibility Guidelines, based on actual noise measurements taken during MOFD training operations.
- Work with MOFD to determine whether to install a 'warning signal' at the driveway on Moraga Way, to warn vehicles leaving the development of fire engines exiting the station

- In conjunction with the grading of the project site, remove the large mound of dirt in the southwestern corner of the MOFD property that extends from the project site, in order to improve the usability of this area of the MOFD yard.

Traffic, Circulation and Pedestrian and Bicycle Access

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; internal drives within the project would provide vehicular access to the garages and homes. Earlier versions of the project had all project access from Country Club Drive. However, in response to public comments about traffic impacts on Country Club Drive, the circulation plan was revised to place an additional point of access on Moraga Way. 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. A public access easement would be established over the entire private street right-of-way.

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. A new 5-foot wide bicycle lane would be provided on Country Club Drive along the project frontage, and extending westward to the intersection with St. Andrews Drive. Bicycle racks would be provided in the common area of the development.

During the project review process, community members have raised concerns that new residents will increase traffic congestion, especially at the intersection of Moraga Way and St. Andrews Drive. 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 dwelling units per acre. 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 as compared to the Specific Plan's overall projected trip generation. As presented in the May 2015 Town Council staff report, even with a more conservative calculation based on the higher Institute of Transportation Engineers (ITE) rates for traditional detached single family homes, the 36 units would generate approximately the same number of trips as was assumed for the site in the MCSP EIR. Such rates do not account for the likelihood that actual trip generation will likely be lower given the walkable and transit-oriented character of the Moraga Center.

Based on the above information, the CDP approval included a finding that the streets were adequate to carry anticipated traffic, and the increase in residential density would not generate traffic in such amounts as to overload the street network. CEQA does not

require the lead agency for a project that “tiers” from an approved environmental document, as is the case with this project, to re-analyze or re-make findings of overriding consideration when the project is consistent with the scope of impacts previously identified.

Parking

A total of 90 spaces would be provided on the project site through standard two-car (side-by-side) garages for each home, and an additional eighteen (18) guest parking spaces. This meets the parking ratios established in MMC Chapter 8.76, Off Street Parking and Loading, and in the MCSP. 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.

Past public comments on the project raised concerns 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 visitors park on the street, and the project will make the situation worse.

In its deliberations prior to approving the CDP, the Planning Commission discussed the options for frontage improvements on Country Club Drive, including the configuration of the on-street parking and options that could increase the total number of on-street parking spaces. The approved project included a condition of approval that the final design should reflect a reduction in the width of the existing median by 7.5 feet, a 14-foot vehicle travel lane, a 5-foot bicycle lane, and an 8-foot parallel parking lane, with the final design to be reviewed and approved by the Planning Commission with the General Development Plan and Tentative Map. The Town Council adopted a similar condition in its consideration of the appeal and approval of the CDP. The GDP and VTM reflect the parking configuration previous recommended by the Planning Commission.

Vacation of Offer of Dedication

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 an historic project condition of approval, prior to the Town’s incorporation and unrelated to the Moraga Town Center Homes application, anticipating the construction of a major freeway through Moraga. On July 25, 2012, the Town Council considered a request from the property owner to vacate the Offer of Dedication. The Town Council indicated its willingness to consider the vacation, adopting Resolution 61-2012 that the Town should consider the vacation of the Offer of Dedication through the development review process for the Moraga Town Center Homes project, and on the basis of the project’s compliance with several suggested conditions that related to public access and amenities of benefit to the Town. As documented in the project record, these features or substantially similar features have been considered and incorporated into the project, including public vehicular and pedestrian access through the site; a pedestrian/bicycle trail adjacent to Laguna Creek; landscaping along Moraga Way that is similar to the landscaping adjacent to the Sonsara development; and a 10,460 square foot pocket park, privately owned but allowing for

public access, and including two picnic tables, a barbeque, three benches, and bike racks. Based on the inclusion of the features recommended in Resolution 61-20, in the approved CDP and the proposed GDP and VTM, the subdivision map accordingly shows vacation of the offer of dedication.

Landscaping and Open Space

As previously noted, the applicant would install native and drought-tolerant landscaping along the Country Club Drive median, as well as along the Moraga Way and Country Club Drive project frontages. The conditions of approval require that the applicant (and subsequently the Homeowners Association [HOA]) maintain the median landscaping for an initial 90-day plant establishment period, plus an additional seven years; and that the HOA maintain the landscaping along the public street frontages in perpetuity.

The project's conceptual landscape plan also includes ample interior landscaping (hardscape and softscape) of common areas, in addition to the private yards. Existing redwood trees along the shared property line with MOFD would remain, and other existing trees on the site would be removed.

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, picnic tables, a barbeque, and benches, and a trail alongside the creek. Approximately 3,200 square feet of the park would be a riparian vegetation buffer along the Laguna Creek corridor. Although primarily intended for the use of residents of the development project, the park would be accessible to the public via a pedestrian entrance on Country Club Drive, and subject to an easement for public access. The Homeowners Association for the development would have the right to establish reasonable parameters for public use and access, such as park hours. The park would provide a setback of approximately 85 feet between the residential buildings on the site and the property line adjacent to the creek, and at the Town's request would be designated as a "Restricted Development Area" so that no future structures would be built in proximity to the creek.

V. GENERAL PLAN POLICY CONFORMANCE ANALYSIS

Attachment C provides a complete analysis of conformance with applicable General Plan policies. As previously discussed in this report, the proposed residential land use and the project design are consistent with General Plan policies that allow for residential development at a density of 12 Dwelling Units per Acre in Area 13 of the Moraga Center Specific Plan.

The proposed project would be consistent with other relevant General Plan Policies. In particular, the project advances the Housing Element goal to meet Moraga's fair share of the Regional Housing Needs Allocation by adding additional residential units, and furthers the policies to encourage infill housing opportunities and to provide a wide range of housing types to meet various needs and income levels.

General Plan 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.

VI. CEQA Conformance

The California Environmental Quality Act (CEQA) requires environmental review for discretionary actions in which the project may result in significant environmental effects.

The Moraga Town Center Homes 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 (State Clearinghouse # 2000031129), certified by the Town Council on January 27, 2010. As presented in the Environmental Document (Attachment E), 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.

The Moraga Town Center Homes project does not involve any 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 was adopted with the Conceptual Development Plan, and is included in Attachment E for reference. No further environmental review is required.

VII. Recommendation

Staff recommends that the Planning Commission adopt Resolution ___-2016 Approving the General Development Plan and Vesting Tentative Map for Subdivision 9381, the Moraga Town Center Homes Project, a 36-Unit Attached Single Family Residential Development located between Moraga Way and Country Club Drive within the Moraga Center Specific Plan Area, Subject to Conditions of Approval.

Attachments:

- A. Resolution ___-2016 Approving the General Development Plan and Vesting Tentative Map for Subdivision 9381, the Moraga Town Center Homes Project, a 36-Unit Attached Single Family Residential Development located between Moraga Way and Country Club Drive within the Moraga Center Specific Plan Area, Subject to Conditions of Approval.
- B. Draft Conditions of Approval for General Development Plan and Vesting Tentative Map
- C. General Plan Conformance Analysis
- D. Town Council Resolution 61-2012, Regarding Vacation of Offer of Dedication
- E. CEQA Environmental Documentation and Mitigation Monitoring and Reporting Plan
- F. Town Council Staff Report, May 13, 2015
- G. Project Plans, received May 31, 2016

Report Reviewed By: Ellen Clark, Planning Director

BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

In the Matter of:

Resolution No. __-16 PC

Approval of a General Development Plan)
and the Vesting Tentative Map for)
Subdivision 9381, the Moraga Town Center)
Homes Project, a 36-Unit Attached Single)
Family Residential Development)

File No. GDP1-16

Adoption Date: June 6, 2016

Appeal Period Ends: June 16 , 2016

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 and 257-190-057); and

WHEREAS, rezoning of the property from Suburban Office was determined to be necessary in order to align the site’s zoning with the land use designation identified for the property in the Moraga Center Specific Plan, and to permit residential development of the site as allowed by the Specific Plan; and

WHEREAS, prior to filing of the application, the Town of Moraga held a series of public workshops and study sessions, starting in 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 revised the project plans eight times in response 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, on November 17, 2014, the Planning Commission held a duly noticed public hearing and heard testimony on the application for Zoning Ordinance Amendment and for a Conceptual Development Plan; 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, 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 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, three Moraga residents filed an appeal of the Planning Commission approval of the proposed project; and

WHEREAS, on January 28, 2015 the Town Council held a duly noticed public hearing accepting testimony from the appellant, the applicant and the public, discussed the appeal and Zoning Ordinance Amendment; and continued the hearing to a date uncertain and directed staff to continue to work with the applicant regarding revising the site plans to address the issues that had been raised with respect to compatibility, setbacks, building height, and scenic corridor guidelines compliance; and

WHEREAS, the Applicant submitted additional information and draft project revisions to the Town of Moraga including modifications to setbacks, height and massing of residential structures; and

WHEREAS, on May 13, 2015, at a public hearing continued from April 8, 2015, the Town Council waived the first reading and introduced Ordinance 252, Amending the Zoning Ordinance to add the 12-DUA-PD Zoning District and Amending the Zoning of the proposed Town Center Homes project site; and at the same hearing adopted Resolution 45-2015 denying the appeal, upholding the Planning Commission’s decision, adopting CEQA findings and approving a revised Conceptual Development Plan for the Town Center Homes Project, with modifications; and

WHEREAS, on May 27, 2015, the Town Council adopted Ordinance 252 amending the Zoning Ordinance and rezoning the Town Center Homes project site; and

WHEREAS, on Friday, June 26, 2015, prior to the effective date of the ordinance, community members delivered a referendum petition (“Referendum”) to the Town Clerk seeking to rescind Ordinance 252; and

WHEREAS, on August 19, 2015, David Bruzzone and City Ventures, LLC, filed a Verified Petition for Peremptory Writ of Mandate & Complaint for Declaratory and Injunctive Relief (“Litigation”) challenging the Referendum; and

WHEREAS, on August 26, 2015, the Town Council accepted the County certification that the Referendum contains the requisite number of valid signatures, but took no action pending the resolution of the legal challenge to the Referendum; and

WHEREAS, on October 16, 2015, the Superior Court of Contra Costa County rendered its ruling and found that the Referendum was invalid because, if successful, it would have made the zoning inconsistent with both the Moraga Center Specific Plan and General Plan; and also finding that the Referendum was procedurally defective because the proponents did not attach the environmental documentation that was incorporated by reference in the ordinance; and

WHEREAS, on March 4, 2016 the applicant submitted revised project plans to the Town for the General Development Plan (GDP) and Vesting Tentative Map; and

WHEREAS, public hearing notices for consideration of the General Development Plan and Vesting Tentative Map were published and mailed to all property owners within 750 feet of the subject property on May 27, 2016; and

WHEREAS, on June 6, 2016, the Planning Commission opened the public hearing and heard testimony on the application; and

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 in this matter, determines as follows:

1. CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEW 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. The General Development Plan and Vesting Tentative Map would be substantially similar to the project previously analyzed, and would not alter the findings or conclusions of the Environmental Document.
2. A Mitigation Monitoring and Reporting Plan was adopted by the Town Council on May 13, 2015, adopting and applying those mitigation measures to the proposed project has been prepared, is included as Attachment E of the June 6, 2016 staff report and is 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 as a result of the General Development Plan and Vesting Tentative Map. 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. GENERAL DEVELOPMENT PLAN FINDINGS

The Planning Commission of the Town of Moraga makes the following findings to approve a General Development Plan, pursuant to Moraga Municipal Code Section 8.48.110.

(a) The project is appropriate to the specific location:

The project is located within the Moraga Center Specific Plan (MCSP), and includes attached single family residential uses within MCSP Area 13, which is designated Mixed Office-Residential in the Specific Plan and which allows for residential development of the type and density proposed. Ordinance 252, which was adopted in May 2015 re-zoned the site to 12-DUA-PD, allowing for residential development at 12 Dwelling Units per Acre, in accordance with development standards established through a Planned Development. Per Municipal Code Chapter 8.48, the Town Council approved a Conceptual Development Plan for 36 attached single-family units, and in so doing made findings that the project was in conformance with all applicable standards and policies for the project site. The GDP is in complete conformance with the development standards, site plan, landscape and building plans in the approved Conceptual Development Plan, including the modifications to the plans directed by the Town Council in their review of the project.

As documented in the findings for approval of the CDP, with which the GDP is consistent, 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 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 six to fifteen 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. View corridors between buildings and through internal drives of the project will continue to provide views of Indian Ridge from the scenic corridor, similar to those of existing developed parcels along this portion of Moraga Way.

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 project is not detrimental to the health, safety and general welfare of the town:

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. An analysis of conformance with the previously certified EIR was completed in conjunction with the application for the Conceptual Development Plan, which found that no new environmental effects could occur and no new mitigation measures are required as a result of the General Development Plan and Vesting Tentative Map. There is no involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The project will not include any features or uses that will generate noise (other than temporary noise during the construction phase, for which conditions of approval and mitigation measures have been specified), will not introduce 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. 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

Conditions of approval require formation of a Homeowners Association whose responsibility will include maintenance of common areas and amenities, as well as off-site landscaping along Moraga Way and Country Club Drive to ensure their ongoing upkeep and attractiveness. Each building and unit would include attractive architectural design that would provide homes with spacious living areas, and private outdoor open space that will individually create a self-sustaining and desirable environment for its residents. Final design review of the final proposed architecture, site plan, landscaping and lighting plans by the Design Review Board will be required prior to issuance of building or grading permits.

The proposed Town Center Homes project would generate about 210 vehicle trips per day, based on Institute of Traffic Engineers (ITE) trip generation rates for residential

condominiums/townhomes, approximately 150 fewer trips than was assumed for the site when the MCSP 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). Even with a more conservative calculation based on the higher ITE rates for traditional detached single family homes, the 36 units would generate approximately the same number of trips as was assumed for the site in the MCSP EIR. Such rates do not account for the likelihood that trip generation will be lower given the walkable and transit-oriented character of the Moraga Center.

The MOFD Fire Station 41, adjacent to the project, also operates as a training facility, and has existed for a number of years in proximity to the existing residential development of the Moraga Country Club. The project is designed with measures to address the additional visual, noise and light impacts from the training activities, including the construction of an 8-foot masonry wall, landscape screening, sound rated windows and doors, and notification to homeowners recorded against the property and in the CCRs, disclosing and acknowledging the adjacent uses. The site access has been designed to incorporate necessary sight distances for vehicles on to Moraga Road and to meet current standards for emergency vehicle access.

(c) The project will not adversely affect the orderly development of property in the Town:

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. A zoning ordinance amendment and zoning change were previously approved through adoption of Ordinance 252 that brought the zoning into conformance with the land use designation assigned to this site in the Moraga Center Specific Plan. 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.

(d) The project will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the town:

The project will construct 36 new attached single family homes, which will contribute to the property tax base in Moraga. The site plan includes common open space areas, a pocket park and trail that will also be an amenity for the neighborhood, landscape and streetscape improvements that will improve the appearance and character of Moraga Way and Country Club Drive in the vicinity of the project, replacing an existing, unattractive vacant lot. The project will also introduce new population to the Moraga Center, as envisioned by the Specific Plan, who will support the retail uses and

restaurants that contribute to Moraga's tax base, and the overall vitality of the commercial district.

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 1,803 and 2,342 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.

(e) The proposed development is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable 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 35 to 45-foot wide buffer along the Moraga Way scenic corridor that is both on the subject property and in the shoulder of the roadway, in the Town's right-of-way. 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.

General Plan Policy CD1.3 View Protection encourages the protection of important elements of the natural setting, such as protecting ridgelines, hillside areas, and mature native tree groupings, and maintenance of viewsheds along the Town's scenic corridors. The proposed project is development on previously disturbed land within the Town center, and will not remove or disturb hillsides or other significant natural features. View corridors

between buildings and through internal drives of the project will continue to provide views of Indian Ridge from the scenic corridor, similar to those of existing developed parcels along this portion of Moraga Way.

General Plan Policies CD5.1 Location, CD5.2 Design, CD5.3 Open Space, and CD5.4 Pedestrian Amenities address the siting of new development, encourage new housing close to 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, and 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.

Policy LU4.6: Public Safety Facility Compatibility calls for new development to be of a type and design as to compatible with public safety facilities. Fire stations are frequently located within or near the residential land uses that they serve. The MOFD Fire Station 41, adjacent to the project, also operates as a training facility, and has existed for a number of years in proximity to the existing residential development of the Moraga Country Club. The project is designed with measures to address the additional visual, noise and light impacts from the training activities, including the construction of an 8-foot masonry wall, landscape screening, sound rated windows and doors, and notification to homeowners recorded against the property and in the CCRs, disclosing and acknowledging the adjacent uses.

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.

(f) The proposed development will not create a nuisance or enforcement problem within the neighborhood:

The review of environmental impacts of the project found that negative effects of the project could all be adequately mitigated, and will not adversely affect surrounding properties. The proposed project will include high quality, attached single-family dwellings, a use that in and of itself would not be expected to generate particular nuisance or enforcement issues. The project would provide sufficient parking for residents and guests, and the Homeowners Association is required, per the Conditions of Approval to enforce requirements such as no parking in private driveways. Further, in

accordance with the Mitigation Measures specified in the MCSP EIR the project is required to pay an additional public safety impact fee, above and beyond the development impact fees for public safety ordinarily required, to help offset any additional burden on police services generated by the new development.

(g) The proposed development will not encourage marginal development within the neighborhood:

Conditions of approval require formation of a Homeowners Association whose responsibility will include maintenance of common areas and amenities, to ensure their ongoing upkeep and attractiveness, and avoid the project becoming or encouraging “marginal development.” The project includes high quality architectural design including a range of floor plans and elevations that would be both coherent and varied to avoid a cookie cutter appearance. Final design review of the final proposed architecture, site plan, landscaping and lighting plans by the Design Review Board will be required prior to issuance of building or grading permits. Findings for item c) above, are also relevant to and help support this finding.

(h) The proposed development will not create a demand for public services within the Town beyond that of the ability of the Town to meet in the light of taxation and spending restraints imposed by law:

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 project would be subject to payment of development impact fees to address the project’s incremental contribution for new and upgraded infrastructure and facilities. 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. As noted in Finding (f) above, the project is required to pay an additional public safety impact fee, above and beyond the development impact fees for public safety ordinarily required, to help offset any additional burden on police services generated by the new development.

(i) The proposed development is consistent with the Town’s approved funding priorities:

The project is consistent with the General Plan and the adopted Specific Plan goals and policies for the site, as documented elsewhere in these findings.

3. TENTATIVE SUBDIVISION MAP FINDINGS

The Planning Commission of the Town of Moraga makes the following findings to approve a Tentative Subdivision Map in accordance with Section 66474 of the State Subdivision Map Act:”

(a) The proposed map is consistent with the General Plan, Zoning Ordinance and Moraga Center Specific Plan Area:

The proposed map will be consistent with the General Plan, Moraga Center Specific Plan, and the Zoning Ordinance as amended by the Town Council on May 27, 2015. As described elsewhere in this Resolution, the project is located within the Moraga Center Specific Plan (MCSP), and includes attached single family residential uses within MCSP Area 13, which is designated Mixed Office-Residential in the Specific Plan and which allows for residential development of the type and density proposed. Ordinance 252, which was adopted in May 2015 re-zoned the site to 12-DUA-PD, allowing for residential development at 12 Dwelling Units per Acre, in accordance with development standards established through a Planned Development. Per Municipal Code Chapter 8.48, the Town Council approved a Conceptual Development Plan for 36 attached single-family units, and in so doing made findings that the project was in conformance with all applicable standards and policies for the project site. The Vesting Tentative Map corresponds to the development standards, site plan, landscape and building plans in the approved Conceptual Development Plan including the modifications to the plans directed by the Town Council in their review of the project at that time.

(b) The design and improvement of the proposed subdivision, as conditioned, is consistent with the General Plan.

The design and improvement of the proposed subdivision would be consistent with relevant policies of the General Plan. Attachment C to the June 6, 2016 staff report, which is incorporated herein by reference, includes a summary of conformance with the General Plan. Some of the key policies, and the subdivision's conformance with them are called out in Finding (e) of Section 2, above. The information provided therein also supports and provides a basis for this finding.

(c) The site is physically suitable for the type of development.

The site consists of an infill parcel, substantially surrounded by existing development, and is served by existing roads and infrastructure with sufficient capacity to serve the project. The site is a relatively level, vacant lot that has been previously disturbed, and which does not contain any sensitive features, natural hazards, or substantial physical constraints to the type of residential development that is proposed.

(d) The site is physically suitable for the proposed density of development.

The adopted Moraga Center Specific Plan, which was also the subject of an EIR certified by the Town in 2010, identified this as a suitable site for office or residential development at up to 20 Dwelling Units per acre, substantially more development than is proposed with this development project. Also see finding (c), which further supports this finding.

(e) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat

The site is a relatively level, vacant lot that has been previously disturbed, and which does not contain any sensitive habitat or resources. Laguna Creek is in proximity to the site, but all development would occur outside of the riparian area, and elements of the project in any

proximity to the creek comprising only a low-intensity open space area. All other buildings and structures would be set back a minimum of 84 feet from the property line adjacent to the creek. The project was found to be in conformance with the project analyzed in the MCSP EIR and would be subject to all relevant Mitigation Measures for protection of biological and other natural resources, and which were determined, in the previous findings adopted by the Town in certifying the EIR, would reduce impacts to a less than significant level.

(f) The design of the subdivision or type of improvements is not likely to cause serious public health issues.

See Finding (b) in Section 2, above, and Finding (c) in this Section, above. A similar basis supports the finding that the project would not introduce new hazards, health or safety issues that would be a detriment to public health. Several Conditions of Approval address water quality and stormwater best management practices. Mitigation Measures in the adopted MMRP include provisions to address issues such as construction noise and air quality impacts that might be injurious to public health.

(g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because prior to this project no such easements existed.

The residential units will be constructed on private property, and the map includes easements for public access to provide access through the site, between Moraga Way and Country Club Drive, and to the Pocket Park. The project also includes improvements to landscaping within the public Right-of Way along the Moraga Road frontage and within the Country Club drive median; the Town would maintain control over these areas, and preserve its existing right-of-way. The width of the available right of way remains able, with the improvements, to accommodate the roadway, bike lanes and pedestrian facilities in accordance with Public Works' standards, and without impeding or constraining public access and use.

An Offer of Dedication for an approximately 84-foot wide right-of-way extends across a portion of the site, which would be vacated through the subdivision map. The dedication was based on an historic project condition of approval, unrelated to the Moraga Town Center Homes application, anticipating the construction of a major freeway through Moraga. Town Council Resolution 61-2012 directed that the Town should consider the vacation of the Offer of Dedication through the development review process for the Moraga Town Center Homes project, and on the basis of the project's compliance with several suggested conditions that would ensure public access and amenities of benefit to the Town are provided. As documented in the project record, these features (or features providing a similar level of amenity) have been considered and incorporated into the project, including a public access through the site; a pedestrian/bicycle trail adjacent to Laguna Creek; landscaping along Moraga Road that is reflective of the similar landscaping adjacent to the Sonsara development; and a 10,000 square foot pocket park, privately owned but allowing for public access, and including two picnic tables, a barbeque, three benches, and bike racks.

4. PROJECT APPROVALS

The Planning Commission of the Town of Moraga hereby approves a Conceptual Development Plan and Vesting Tentative Map, for the development of a 36-unit attached single-family residential subdivision on a 3.06-acre site located between Moraga Way and Country Club Drive (APNs: 257-180-082 and 257-190-057) subject to the Conditions of the Approval included as Attachment B.

ADOPTED by the Planning Commission of the Town of Moraga on June 6, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tom Marnane, Vice-Chair

ATTEST:

Ellen Clark, Planning Director

CONDITIONS OF APPROVAL
General Development Plan and Vesting Tentative Map
Subdivision 9381 (Moraga Town Center Homes)

Planning Standard Conditions

1. This approval authorizes the General Development Plan and Vesting Tentative Map for Subdivision 9381, collectively the “Moraga Town Center Homes Project” as approved by the Town of Moraga Planning Commission on June 6, 2016, and consisting of the architectural, civil and landscape plans, dated May 2016 and received on May 31, 2016. The approval allows for development of 36 attached duplex units and townhomes and associated improvements on the 3.06 acre site (APN 257-180-082 and 257-190-057).
2. Further approvals necessary to allow development of the site include, but may not be limited to: Precise Development Plan, Conceptual Grading Plan, 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 June 6, 2016, and more fully described in this 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. Conditions of Approval required at subsequent project stages need not be satisfied prior to approval of the Precise Development Plan or Final Map, but shall continue to be required at subsequent development stages as provided herein, unless a Condition or the timing for its satisfaction is modified at the request of the Applicant and with the approval of the Planning Commission, or by the Town as otherwise specified herein.
4. 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. If a conflict arises between any of these conditions and the mitigation measures identified in the MMRP for the Moraga Center Specific Plan EIR, the more stringent requirement shall apply.
5. 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 by the Town. 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.

6. 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.
7. Where compliance with the conditions of approval or applicant-initiated changes to the project requires additional staff work, that time shall be billed at the Town's established billing rates.
8. 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 be 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.
9. Throughout all of the various phases of project construction, existing public streets, trails, sidewalks, and bike lanes must be maintained in a safe and usable condition or a safe alternate route or detour provided if closure is necessary due to construction. Such closures or detours shall be addressed as part of an approved Construction Management Plan or Traffic Management Plan for the project.

Planning Special Conditions

10. The Precise Development Plan filed by the Applicant shall be in substantial conformance with the General Development Plan and Tentative Map approved by the Planning Commission.
11. a. 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 provided at the January 28, 2015 Town Council hearing on the Conceptual Development Plan, reflecting the modifications to the site plan approved by Town Council on May 13, 2015. 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 (DRB) on July 14, 2014, and shall include:
 - i. A conceptual grading plan, pursuant to Moraga Municipal Code Chapter 14.12
 - ii. Final site plan
 - iii. Final architectural building, floor, exterior elevation and roof plans. The final plans shall include high-grade, energy-efficient windows and "true" dimensioned details (i.e. actual width, height and depth

of trim) surrounding doors, windows, and other façade articulations.

- iv. Complete color and material palette
- v. Final landscape plan including final planting palette, irrigation, hardscape, walls, fences, and detailed site improvements and signage for the pocket park
- vi. Final exterior lighting plan, including location and specifications of all light fixtures to demonstrate compliance with lighting-related Design Guidelines. Street lighting shall be of a type, style and intensity to the surrounding elements and not cause undue or aggravating disruption, glare or brightness.
- vii. Final streetscape plan for private streets, including landscaping, paving treatments, community signage and street furniture
- viii. Subdivision signage
- ix. Design and maintenance of any public improvements specified by Conditions of Approval that have not yet been reviewed by the DRB.

b. The project design and construction shall reflect high quality design and materials, consistent with the renderings submitted in conjunction with the January 28, 2015 Town Council hearing for the Conceptual Development Plan. Design Review of the project shall include consideration of materials, finishes and detailing incorporating to the greatest extent possible, as determined by the Town, elements such as the following:

- i. All windows should be recessed a minimum of 2.5 inches measured from the window glass surface to the exterior (window surround thickness shall not count towards the recess dimension).
- ii. Divided lite windows may use true or simulated divided lites. Muntins should project at least 3/8" from the glass surface. Sandwich muntins (muntin located between two panes), roll on or tape muntins should not be used. For simulated divided lights, spacers should be used between panes.
- iii. Roof overhangs should be a minimum of 18 inches.
- iv. Eave overhangs may be 'open' using exposed rafters or 'boxed' using concealed rafters. Open eave overhangs should be terminated with a fascia, decorative gutters or shaped rafter tails.
- v. Bay windows should have windows on all projecting surfaces.
- vi. Roof line of bay windows should be treated with a roof form, parapet, trim or moulding
- vii. Roof materials should be of high quality.
- viii. Window surrounds should not project more than two inches from the wall surface
- ix. Window surrounds should be of a high quality material such as wood, smooth stone, or pre-cast concrete. Stucco, exterior insulation and finish systems, or other foam products should not be used for window surrounds.
- x. Window sills should be wood, stone, brick, metal, smooth stucco, or of other similar quality approved by the Town and should project

between one and two inches.

- x. Vinyl or fiberglass windows should be integrally colored. Wood, aluminum or steel may be painted.
- xii. Entry doors and garage doors should be made of a high quality, durable material that complements the architectural style.
- xiii. Garage doors should be recessed a minimum of 6 inches from the wall surface.

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

13. The HOA shall manage and maintain all the subdivision features within the Town of Moraga right of way (ROW), 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 Covenants, Conditions & Restrictions (CC&Rs) for the development shall include requirements that:

- a. Residents must park their vehicles in their garage.
- b. The on-site unenclosed parking spaces are reserved for use by guests and visitors.
- c. Conversion of garage spaces to non-parking uses is prohibited.

15. 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, subject to the approval of the Town Planning Department shall be included on all units.

16. An approximately 10,460 square foot pocket park shall be provided within the area adjacent to Laguna Creek, as shown on the Conceptual Landscape Plan, Sheet L1.0; and Common Open Space Area Enlargement, Sheet L1.1. The pocket park shall provide accessible open space and associated amenities for use by the residents, including picnic tables, 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. The park shall also be made accessible to the public through the granting of a public access easement. The HOA shall have the right to set reasonable restrictions on public use of the park, including park hours, subject to Town approval.

Development Standards

17. 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	Minimum 15'
Building A	25'
Building B	23'
Building C	15'
Building D	15'
Country Club Drive Setback	
Building E	10'
Building F	10'
Building G	10'
Building H	10'
Building I	6'
Building J	9'
Building K	15'
Interior Side Setback	
Northwestern Property Line	6'
MOFD Property ² Line	20'
Southeastern Property Line (Creek)	84'
Minimum Building Separation ³	
Buildings A, B, C, D	25'
Buildings A1 and A2	11'
Buildings E, F, G	10' first floor, 15' second floor
Buildings H and I	12' first floor, 15' second floor
Buildings I and J	13' first floor, 15' second floor
Buildings J and K	12-2" first floor, 15' second floor
Other Standards	
Maximum Building Height	39' 3 stories; 35' 2 stories
Maximum Building Stories	3 for units 17-20 and 23-26; 2 for all other units

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

Private Outdoor Space	Minimum of 50 square feet per unit with minimum dimension of 5 ft.
Parking Spaces	2 spaces per residence; 1 guest space per 2 residences

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.

- 18. Prior to the issuance of a building permit, the applicant shall complete a Construction & Demolition Debris Recycling Waste Management Plan form with the Planning Department, as required by MMC Chapter 15.08, in order to divert at least 50% of the project's waste from landfills by reuse and/or recycling. A hold shall be placed on the final inspection pending the submittal of recycling receipts.
- 19. Prior to the issuance of a building permit, the applicant shall pay development impact fees and Specific Plan fees in accordance with the Town of Moraga Master Fee Schedule. The applicant shall also pay the Transportation and Traffic Impact Fees as established by the Lamorinda Fee and Financing Authority (LFFA), in accordance with the regional traffic mitigation fee program.
- 20. After issuance of a building permit, at the time of roof framing for each building, a height certification letter from a Licensed California surveyor or engineer shall be submitted to the Planning Department confirming that the roof heights are consistent with the approved plans.

Public Works / Engineering Standard Conditions

- 21. The applicant shall comply with the requirements of the Moraga Municipal Code and Subdivision Ordinance, as they pertain to road and drainage improvements. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the vesting tentative map submitted to the Planning Department on May 31, 2016.
- 22. Prior to filing of the final map, improvement plans prepared by a registered Civil Engineer shall be submitted, if necessary, to the Public Works Department, Engineering Division, along with review and inspection fees and deposits, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Public Works Department.

Public Street Improvements and Public Utility Connections

- 23. The applicant shall construct curb, gutter, 5-foot wide sidewalk, necessary longitudinal and transverse drainage, street lighting, border landscaping and irrigation, pavement widening and transitions along the frontage of Moraga Way and Country Club Drive, as shown on the tentative map. Applicant shall construct

face of curb in alignment with the existing curb to the east and west of the property, except along Moraga Way, where the curb line shall be moved north as shown on the tentative map. The 5-foot sidewalks along Moraga Way and Country Club Drive shall slope towards the project to the stormwater treatment facilities.

24. The applicant shall construct improvements to the existing median island (including landscaping and irrigation) along Country Club Drive, as shown on the tentative map.
25. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Moraga Way and Country Club Drive. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doweled into existing improvements.
26. The applicant shall construct a street-type connection with 20-foot radii curb returns in lieu of standard driveway depressions at the two entrances to the project.
27. The applicant shall install slurry seal on Moraga Way and Country Club Drive from lip of gutter to street centerline, after completion of utility undergrounding and frontage improvements, prior to the Acceptance of Improvements.
28. The applicant shall construct all public facilities in accordance with the current Americans with Disabilities Act (ADA) including driveways and curb ramps.
29. The applicant shall repair any existing broken curb and gutter on Moraga Way and Country Club Drive when installing the new driveway approach and prior to occupancy. Paving repairs on streets, if necessary, need to be edge ground and overlaid with 2" of hot mix asphalt (HMA) Type A from street centerline to the new driveway curb cut and gutter.
30. All work to be undertaken within the public right-of-way shall be shown on the construction plans (i.e. storm drain, joint utility trench, curb and gutter improvements, etc.) and reviewed by the Town Engineer. All new utility distribution facilities including electric, telephone and cable television systems shall be installed underground from point of connection. Prior to undertaking any work within the public right-of-way, an encroachment permit shall be obtained from the Town.

Utilities/Undergrounding

31. The applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Moraga Way and Country Club Drive. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

32. To reduce hazards from underground utility line breakage, flexible conduits and piping shall be utilized in fill areas where settlement or earthquake movements could cause a break in service lines. To reduce earthquake hazards, manual shut-off valves for gas and water lines shall be installed.
33. If relocation of Pacific Gas and Electric facilities becomes necessary, such relocation shall be done at the applicant's expense.
34. The applicant shall comply with requirements of Telephone Service Provider for underground installation of telephone service as follows:
 - a. The applicant shall be responsible for furnishing and installing conduit for the service connection wire or cable.
 - b. The applicant shall provide and pay the cost of the underground supporting structure (usually a trench) for the buried wire or cable to be used for the service connections.

East Bay Municipal Utility District

35. A water main extension at the applicant's expense will be required to serve the proposed development. When the development plans are finalized, the applicant shall contact EMBUD's New Business Office to request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the applicant's development schedule.
36. No water meters are allowed to be located in driveways.
37. The applicant shall be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the applicant's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in times of drought.

Central Contra Costa Sanitary District

38. The applicant shall construct on-site private sewers and laterals, as shown on the Tentative Utility Plan, Sheet C3.1. The applicant shall submit full-size building plans for Central Contra Costa Sanitary District (CCCSD) Mainline review in advance, and shall pay fees and charges at the time of connection to the sewer system.

Moraga-Orinda Fire District

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

- 40.** The applicant shall include a disclosure in the CC&Rs notifying residents of the adjacent fire station and potential temporary light, noise and visual impacts from training exercises.
- 41.** 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, with a minimum STC rating of 32, on the second and third stories of the residences within 60 feet of the property line.
- 42.** Prior to submittal of the improvement plans, the applicant shall investigate, in consultation with the Public Works Department and the MOFD, the necessity of installing a 'Fire Station Ahead Beacon' at the driveway entrance on Moraga Way to alert vehicles when fire engines are exiting onto Moraga Way. If required, the design and location of the beacon shall be reviewed and approved by MOFD and the Public Works Department and included in the streetscape plans for review by the Design Review Board.
- 43.** The applicant shall grade the MOFD property to remove the mound of dirt that extends from the subject property to the MOFD property, and resurface the graded area with gravel, minimum $\frac{3}{4}$ inch in size, compacted and to a depth that will handle the weight of a fire engine. The color of the gravel shall be "California Gold." This condition is subject to the applicant securing the necessary right of entry from MOFD. If right of entry cannot be secured, the Planning Director may approve an alternate solution to the grade change, such as construction of a retaining wall at the shared property line with MOFD.
- 44.** Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Individual suite numbers shall be permanently posted on the main entrance doors of tenant spaces. If rear outside doors to tenant spaces are installed, they shall include the installation of numerical address numbers corresponding to front addressing.
- 45.** Fire hydrants and fire appliances (fire department connection and post indicator valves) shall be clearly accessible and free from obstruction.
- 46.** Fire hydrant(s) are required. All hydrants shall be wet barrel standard steamer type (1) 4- $\frac{1}{2}$ " (114.3 mm) and (1) 2- $\frac{1}{2}$ " (63.5 mm) outlet.

47. An approved automatic fire sprinkler system shall be installed throughout each structure.
48. The applicant shall refer to MOFD Fire Apparatus Standards for all facilities and equipment required under these conditions.
49. Construction plans shall be submitted to the MOFD for review for each unit.
50. Prior to Public Works approval, applicant shall submit Improvement Plans to MOFD for review and approval of emergency access.

Street Lights

51. The property owner shall apply for annexation to Town of Moraga Lighting District by submitting a letter of request, a metes and bounds description, and payment of the current LAFCO fees. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads. Annexation shall be completed prior to issuance of the first Certificate of Occupancy and prior to the transfer of any property to individual homeowners.
52. The applicant shall include the existing street lights along the project frontages of Moraga Way and Country Club Drive on the Improvement Plans.

Intersection Design and Sight Distance

53. The intersections of the private streets with Moraga Way and Country Club Drive shall be designed to provide clear sight distance in accordance with Chapter 8.80 "Sight Obstructions" of the Moraga Municipal Code. The applicant shall trim vegetation, as necessary, to provide sight distance at these intersections, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at these intersections shall be setback to ensure that the sight line is clear of any obstructions.
54. The applicant shall submit a preliminary improvement plan and profile to the Public Works Department for review showing all required improvements to Moraga Way and Country Club Drive. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance at the private road intersection with Country Club Drive for a design speed of 35 miles per hour and at Moraga Way for a design speed of 45 miles per hour. The plan shall extend a minimum of 165-feet beyond the limits of the proposed work.

Encroachment Permit

55. The applicant shall obtain an encroachment permit from the Public Works Department for construction of driveways or other improvements within the rights of way of Moraga Way and Country Club Drive.

Access to Adjoining Property

56. The applicant shall furnish proof to Public Works of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Abutter's Rights

57. The applicant shall relinquish abutter's rights of access along Moraga Way and Country Club Drive with the exception of the proposed private road intersections.

Site Access

58. Applicant shall only be permitted access at the locations shown on the approved tentative map.

Private Streets

59. The applicant shall construct an on-site roadway system to current Town private road standards and in accordance with the Subdivision Ordinance Code; 36-foot width, with or without curbs, within a 36-foot wide private access easement. An exception to Chapter 98-4 has been granted to allow for some of the on-site private roads to be 20- and 26-foot wide.

60. The private streets are being conditionally approved based on the accuracy of the information shown on the tentative map. Approval of the private street shall become effective upon final map approval.

61. A Public Access Easement (PAE), Public Utility Easement (PUE) and Emergency Vehicle Access Easement (EVAE) are to be established over the entire private street right-of-way.

62. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a thirty-year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the Town Engineer. Pavement design sections shall be subject to approval of the Town Engineer.

Parking

63. "No Parking" signs shall be installed along Moraga Way along the project frontage subject to the review and approval of Public Works.

64. Parking shall be prohibited on one side of on-site private roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site private roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs and/or curb

markings shall be installed along these portions of the roads subject to the review and approval of Public Works.

65. The applicant shall ensure that all handicapped parking spaces comply with Chapter 11 "Site Development Requirements for Handicapped Accessibility" of Title 24 of the California Code of Regulations.

Bicycle and Pedestrian Facilities

66. All curb ramps shall be designed and constructed in accordance with current Public Works standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right of way shall be dedicated to accommodate a minimum 4-foot landing at the top of any curb ramp proposed.
67. The applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the federal Americans with Disabilities Act (ADA).
68. All bike lanes along Moraga Way and Country Club Drive shall be signed and striped in accordance with the Town's bicycle and pedestrian plan and current Public Work standards.
69. The creekside trail shall be ADA-compliant pervious pavement.

Creek Structure Setback

70. The applicant shall relinquish "development rights" over that portion of the site that is within the structure setback area of Laguna Creek. The structure setback area shall be determined by using the criteria outlined in Chapter 914-10.4 of the County Subdivision Ordinance. The restriction on development within the structure setback area shall apply to buildings and other structures including sports courts and swimming pools, but not to the approved park improvements as shown on the landscape plans. "Development rights" shall be conveyed to the Town by grant deed at the time of Final Map approval.

Restricted Development Areas

71. The applicant shall relinquish "development rights" over that portion of the site that is designated Open Space. "Development rights" over the open space shall be conveyed to the Town by grant deed at the time of Final Map approval. A Homeowners Association or any other mechanism acceptable to the Town is to be established and is to covenant and be responsible for the maintenance of all commonly owned facilities and open space. A maintenance plan of operation for all open space areas shall be submitted for Public Works review. The Town will not accept these properties for ownership or maintenance.

72.The CC&Rs shall include notification to each property owner of any restricted development areas (e.g. open space easements, utility easements, drainage easements) located on their property and within common areas. The notification shall inform future property owners of specific restrictions on use and development associated with each such area, including but not limited to prohibition of structures, pervious surfaces, parking and similar uses as required by these Conditions of Approval, Mitigation Measures, or by applicable utilities and agencies.

Other Use Restrictions or Requirements on the Property

73.Lighting in general shall be compatible in type, style, and intensity to the existing lighting in the neighborhood and not cause undue or aggravating disruption, glare, or brightness. Only directional lighting shall be used for on-site private street lighting and outdoor security lighting, subject to approval by the Town's Design Review Board.

74.The location of mailboxes shall meet the standards of the United States Postal Service.

Drainage

75.Drainage facilities shall be designed in accordance with the Town's Subdivision Ordinance and current Public Works standards. All storm waters entering or originating within the subject property shall be collected and conveyed to the nearest adequate man-made drainage facility or natural watercourse. Detailed drainage plans shall be submitted to the Town Engineer for review and approval prior to approval of the improvement plans. Final pipe sizes shall be reviewed and approved by the Town Engineer upon submittal of improvement plans.

76.The HOA shall be responsible for the maintenance of the private streets and drainage facilities. Such facilities shall be subject to the following maintenance schedule:

- a. The private streets must be swept a minimum of six times per year and whenever dirt and debris is on the private street or determined by the Town's Public Works Department. One private street sweeping shall be done in late September.
- b. All catch basins, inlets and storm drain pipes shall be cleaned two times per year including once in September.
- c. All V-ditches shall be cleaned in late September of each year.

77.Materials such as gasoline, oil, sand, paint, pesticide residues, or other toxic substances are prohibited from being introduced into the storm drain system or the CCCSD sewer system.

78.It is not anticipated that there will be a need to implement any creek bank slope stability measures. However, if any such measures are identified as necessary, the measures shall be performed in conformance with the recommendations of the

project geotechnical engineer and the approved grading plan as peer reviewed. The project geotechnical engineer shall monitor any slope remediation work and the installation of any measures to improve the creek bank slope stability, if applicable. Major field modifications shall be reviewed and approved by the Town's geotechnical peer reviewer prior to the commencement of the modifications. Repair of geotechnical hazard areas, if applicable, shall not adversely affect properties adjacent to the project site.

79. If the water surface profiles of the adjacent creek indicate that there will be any significant changes to the existing FEMA maps, the project engineer shall submit an application for revisions with FEMA for changes to the Area of Inundation Line.
80. All of the storm drain system including pipes, catchment and other structures are to be privately owned and maintained, and will remain in the ownership of the property owner or HOA.
81. The Final Map shall include dedication of private storm drain easements, conforming to the width specified in the Ordinance Code, over any proposed storm drain line traversing the site.

Water Quality / NPDES Provision C.3

82. The applicant shall comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) permit for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region 2), specifically with respect to Provision C.3 of the Town's NPDES Permit.
83. The Stormwater Control Plan (SWCP) received on May 18, 2016 by the Planning Department was reviewed and determined to be preliminarily complete. Although the Stormwater Control Plan has been determined to be preliminarily complete, it is subject to revision during the preparation of improvement plans, as necessary, to bring it into full compliance with C.3 stormwater requirements. The applicant shall submit to the Public Works Department a final Stormwater Control Plan that has been certified and stamped by a licensed Civil Engineer, Architect, or Landscape Architect for the review and approval of the Public Works Department.
84. The Stormwater Control Plan shall be reviewed by the project geotechnical engineer/engineering geologist for consistency with the geotechnical recommendations prior to approval by the Public Works Department.
85. All construction plans (including, but not limited to, site, improvement, structural, mechanical, architectural, building, grading and landscaping plans) shall comply with the final Stormwater Control Plan (SWCP), the Town's Stormwater Management and Discharge Control Ordinance, the CCCWP Stormwater C.3 Guidebook, and Provision C.3 of the Town's NPDES Permit. All construction plans shall include details and specifications necessary to implement all measures of the SWCP, subject to the review and approval of the County. To insure conformance

with the SWCP, the applicant shall submit a completed "Construction Plan C.3 Checklist" indicating the location on the construction plans of all elements of the SWCP as described in the Stormwater C.3 Guidebook.

- 86.** Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
- 87.** The applicant shall submit a final Stormwater Control Operation and Maintenance (O&M) plan for review and approval by the Public Works Department prior to filing of the Final Map. The O&M plan shall include cost estimates for the complete financing and perpetual maintenance of the proposed water quality features, including all associated long-term costs such as operation and maintenance, financing, inflation indexing, and replacement costs. The applicant shall record an Operation and Maintenance Agreement, including any necessary rights-of-entry, prior to issuance of the first Certificate of Occupancy.
- 88.** All stormwater treatment measures shall be constructed per the approved SWCP prior to occupancy approval.

Grading

- 89.** Two weeks prior to commencement of the grading operation, notice shall be sent to residents within a 300-foot radius of the project site to inform them of the date of the start-up of the grading. The notice shall include the telephone number of the construction supervisor and/or other responsible parties who may be contacted regarding the grading operation.
- 90.** Prior to commencement of the grading operation, the applicant shall create a survey (such as a videotape) of the condition of applicable local streets to be used by the construction equipment, which shall be provided to the Town Engineer for review. Any off-site damage to public streets that is determined by the Town Engineer to be the result of the construction operation shall be corrected by the applicant at the applicant's expense.
- 91.** Prior to the startup of the grading, a pre-work meeting shall be held with the grading contractor, a representative of the applicant, the project geotechnical engineer, the project engineer, the town engineer, the Town's consulting geotechnical engineer, the Planning Director, the grading inspector, and the various utility agencies. The purpose of the meeting shall be to review the conditions of approval and to advise the individuals performing the work of the requirements of the Town.
- 92.** Prior to the issuance of a grading permit, a certificate of insurance shall be provided to the Town to verify that both the applicant and the grading contractor have public liability insurance. The amount and type of insurance shall be reviewed by the Town and shall be sufficient to cover damages that may result from the grading operation.

- 93.** If the grading contractor or a home builder proposes a temporary contractor's storage yard or construction trailer, a plan showing the location, security fencing, lighting and landscaping shall be submitted for review and approval by the Planning Director prior to issuance of a grading permit or building permit, as applicable. Performance standards (e.g. related to screening) may be applied for such facilities.
- 94.** Applicant shall secure either a right of entry or a temporary construction easement for any grading work on adjacent properties prior to grading permit issuance.
- 95.** The final grading plans shall include the following notes or details:
- a. Individual trees near the limits of grading and construction that are to remain shall be protected by temporary fencing around the drip line and root zone of each tree, as determined by a certified arborist, to prevent soil compaction, tree damage, or inadvertent removal.
- 96.** The applicant shall submit a final Geotechnical Investigation report with the Grading Plans for review and approval by the Public Works Department.
- 97.** Grading operations shall occur between April 15 and October 15, in order to avoid seasonal rainfall. All erosion control measures shall be installed and deemed operational by the project engineer, the grading inspector and Town Engineer prior to October 1 or prior to the first rain event.
- 98.** The grading contractor and the applicant shall be responsible for preventing spills of soil, rock or other debris on to the Town's streets. If any spills occur, the grading contractor and the applicant will be required to immediately clean up the spill and repair any damage to the streets to the satisfaction of the Town Engineer. A stabilized construction entrance shall be provided at the entrance to the site to minimize dirt carried onto the Town streets. Specifications for the stabilized construction entrance shall be provided to the Town Engineer for review and approval prior to installation. Streets in the vicinity of the site shall be swept clean of soil on a frequent basis to reduce the accumulation of dirt during the grading operations.
- 99.** Parking of grading equipment, tractor tread vehicles and all construction vehicles and equipment on public streets is prohibited. These vehicles shall be delivered to the property by trailer and kept on site during grading and construction operations. The applicant shall establish an onsite "staging area" for vehicles utilized by the construction employees.
- 100.** The applicant shall retain a civil engineer or licensed land surveyor to periodically perform surveying during the grading operations. An as-graded record drawing shall be prepared by the project civil engineer at the completion of the project grading and submitted to the Town. The record drawing shall include, at a minimum, the location of the limits of grading, the invert elevations of surface and subsurface drainage facilities, the locations and depths of keyways, and the finished rough graded pad elevations.

- 101.** The applicant shall retain a geotechnical engineer and an engineering geologist to periodically observe the grading operation. All cut and fill slopes shall be observed during and at the completion of grading to determine if adverse conditions exist. Should adverse conditions be determined to exist, the appropriate remedial measures shall be implemented. Any proposed remedial grading measures shall be submitted to the Town Engineer and the Town's consulting geotechnical engineer for review and comment. Final approval shall be issued by the Planning Director.
- 102.** When deemed appropriate by the Town Engineer and/or grading inspector, a meeting shall be attended by the grading contractor, a representative of the applicant, the project geotechnical engineer, the project engineer, the Town Engineer, the Town's consulting geotechnical engineer, the Planning Director, the County grading inspector and representatives of the various utility agencies. The purposes of the meeting shall be to discuss the progress of the grading operations, scheduling of required site observations by the Town's consultants, difficulties and/or unanticipated adverse conditions encountered.
- 103.** The Town Engineer and the Town's consulting geotechnical engineer shall periodically monitor excavations and filling operations, review any design modifications proposed during grading, and review all record drawings and the grading completion report. The cost of this peer review shall be borne by the applicant.
- 104.** Consistent with the tentative map, it is anticipated that the grading operations will result in approximately 9,500 cubic yards of cut. Per the Town's grading ordinance, a hauling permit will be required (MMC Section 14.04.040). If any material is determined to be unsuitable for use as compacted fill by the project geotechnical engineer, the material shall be removed from the site to an approved dumpsite, with appropriate documentation from the project geotechnical engineer and approval by the Town Engineer and the Town's consulting geotechnical engineer. An estimate of the amount of unsuitable material to be off-hauled from the site shall be provided to the Town Engineer. If the amount of soil exceeds 500 cubic yards, then the hauling of the soil shall be permitted in accordance with PC Resolution 46-82 as amended by the Town Council on January 19, 1983.
- 105.** The project geotechnical engineer shall prepare a grading completion report following grading of the site. The grading report shall be submitted to the planning director, Town Engineer and the Town's consulting geotechnical engineer for review and approval. The report shall include the following information:
- a. A summary of construction observations;
 - b. Adverse conditions encountered and the implemented remedial measures;
 - c. Testing performed during grading. Describing the methods of fill replacement and the results of density testing;
 - d. Certification that the grading operations were in accordance with the project geotechnical engineer's recommendations and the approved grading plan;
 - e. Re-evaluation of slope stability and erosion hazards on the site after the completion of grading;

- f. The geotechnical engineer's specific recommendations for maintenance by the property owners to achieve long-term stability of any hillside areas;
 - g. Recommendations for maintaining drainage facilities and landscaping, including proper watering consistent with soil conditions; and
 - h. The geotechnical constraints on construction on the property, such as recommended setbacks from the top or bottom of graded slopes.
- 106.** Prior to the final grading inspection, the project engineer shall prepare record drawings showing the locations of all drainage facilities including inlets, outlets, cleanouts, subdrains, and access ports/manholes. The project engineer shall also prepare a maintenance plan and schedule for all drainage facilities. The record drawings and maintenance plan shall be submitted to the Town and is subject to review and approval by the Town Engineer.
- 107.** Following completion of the grading, the project engineer shall provide pad elevation certificates to the grading inspector to verify that the pad elevations are in accordance with the approved grading plan.

Erosion and Dust Control

- 108.** Project construction shall be done in accordance with all applicable provisions of the federal Clean Water Act, which protects the quality of surface waters through the National Pollution Discharge Elimination System (NPDES). Prior to issuance of a grading permit, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP), subject to approval of the Town Engineer. The SWPPP shall be in conformance with the applicable requirements in the Town's NPDES permit and shall be kept at the construction site. The applicant shall provide evidence to the Town of filing of a Notice of Intent (NOI) with the Regional Water Quality Control Board for the Construction General Permit. Storm water discharges shall be in accordance with the Town's NPDES permit.
- 109.** Existing plants and grasses in the area to be graded shall be left undisturbed until the grading is ready to commence.
- 110.** The applicant and their grading contractor shall be responsible to prevent erosion of soil due to the grading operations. If inspection by the Town shows evidence that sediments have been carried off-site, then the applicant and their contractor shall be required to immediately clean up the deposits attributed to the grading project and to correct the cause of the off-site sediment deposition. The applicant shall also be aware that other State and Federal Agencies may have jurisdiction to inspect the site for sediment discharge downstream.
- 111.** The grading operations shall be conducted in such a manner as to minimize the generation of dust and in accordance with the project SWPPP. The following dust control measures shall be implemented:
- a. The contractor shall wet down the grading areas and any haul routes used by construction equipment at least twice daily during dry periods or as needed to prevent the generation of excessive dust.

- b. The wheels of hauling trucks and graders shall be washed as needed when exiting the site to prevent tracking excessive dirt onto nearby roadways.
 - c. Periodically sweep with water sweepers all paved access roads to the grading and construction site where dirt and dust have settled or where construction vehicles have tracked dirt onto the paving. During construction, cleaning shall occur whenever debris is present on the private drives, v-ditches, or catch basins.
 - d. Cover or periodically water exposed stockpiles of dirt or soil.
 - e. All disturbed areas shall be replanted with plants and groundcovers and protected from both wind and water erosion upon completion of the grading.
 - f. All non-active graded areas shall be protected from erosion and wind exposure by applying hydro mulch with a tackifier.
 - g. Any dust producing material shall be covered while being hauled, and storage piles of dust producing material on site shall be covered.
- 112.** The applicant shall provide 24/7 contact information for the project construction manager and at a minimum, phone numbers for its grading contractor and other responsible individuals, so that the Town can contact the applicant's representative at any time during the day or night, seven days of the week, in the event that emergency repairs to the erosion control measures are needed.
- 113.** A deposit to ensure implementation of the SWPPP shall be required as determined by the Town Engineer because of the close proximity of a creek to the project site. The amount of the deposit shall be based upon an estimate for the cost of installation of the SWPPP BMP measures.
- 114.** The erosion control facilities shall be maintained until all improvements are completed and project landscaping or a heavy growth of grass is established on any exposed surfaces. A minimum of 4,000 pounds per acre of straw mulch or alternative acceptable to the Town Engineer and Town's biologist shall be placed on any surfaces where grass is not firmly established each year before October 1. This also applies to rough graded surfaces as well as areas where grading has been completed. The landscaped or hydroseeded areas shall be maintained to ensure adequate plant growth and rooting. If an area is disturbed after hydroseeding, then the area shall be revegetated, or protected from erosion by other approved methods.
- 115.** Erosion control facilities must be maintained after every storm event and as needed in between storms, and replaced whenever necessary. Any sediment reaching temporary construction detention basins or settlement ponds shall be periodically cleaned out to avoid spilling over into catch basins and storm drains.

Noise Abatement During Construction and Grading

- 116.** Construction and grading shall take place only between the hours of 8:00 AM and 5:00 PM on weekdays, and will not be allowed on any holidays observed by the

Town. Grading work may be permitted by the Town Engineer during a weekend if the grading is deemed necessary by the project geotechnical engineer due to a potentially hazardous and unforeseen condition that requires immediate attention.

- 117. All construction equipment operated at the project site shall be equipped with manufacturer's standard noise control devices (i.e., mufflers, intake silencers, and/or engine enclosures). Newer equipment shall be used whenever possible.
- 118. Equipment used for project construction shall have hydraulically or electrically powered impact tools (e.g., jack hammers, pavement breakers, and rock drills) whenever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. This muffler can lower noise levels from the exhaust up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, thereby achieving a further reduction of 5 dBA. Quieter procedures shall be used such as drilling rather than impact equipment, whenever feasible.
- 119. Noisy operations shall be avoided whenever possible. For example, concrete shall be mixed off site instead of on site, and the quietest construction equipment shall be selected for use on site.
- 120. Stationary noise generating equipment, such as air compressors and concrete pumpers, shall be located as far away as possible from existing residences. If they must be used near existing homes, they shall be adequately muffled, and enclosed within temporary sheds.
- 121. Grading equipment and trucks used for project construction shall utilize the best available noise control techniques to maintain noise levels within the Federal Government established noise control requirements shown in the Table, below:

RECOMMENDED NOISE LIMITS FOR CONSTRUCTION EQUIPMENT

Equipment Type	Leq at 50 Ft., dBA	Equipment Type	Leq at 50 Ft., dBA
Air Compressor	75	Loader	75
Backhoe	75	Pneumatic Tool	80
Concrete Mixer	75	Pump	75
Dozer	75	Scraper	80
Generator	75	Shovel	75
Grader	75	Truck	75
Jack Hammer	75		

Building and Foundation Design

- 122. The new homes on the property shall be designed to meet seismic standards in accordance with the most current California Building Code (CBC).

- 123.** The design criteria in the Geotechnical Investigation report dated February 2014 shall be used for the house foundation, garage slab and secondary slabs on grade, including patios, walkways, driveways and stairs.
- 124.** The project geotechnical engineer shall review the final foundation design drawings for the home for conformance with the recommendations in the Geotechnical Investigation report prior to release of the building permit.

Landscaping

- 125.** The final landscaping plan shall conform to State of California's Model Water Efficient Landscape Ordinance.
- 126.** A provision shall be included in all landscaping maintenance contracts for the project that pesticides must be disposed of at approved hazardous waste collection facilities.
- 127.** The applicant shall guarantee all landscaping and automatic irrigation facilities to be maintained by the Town within the Country Club Drive median, and shall enter into a Landscape Maintenance Agreement with the Town for maintenance of the these facilities. In addition to other requirements specified in these conditions, these landscape facilities shall be maintained by the developer or successor as follows:
- a. For a 90-day plant establishment period after installation
 - b. For a two-year warranty period, exclusive of the 90-day plant establishment period
 - c. The HOA shall maintain the median landscaping and irrigation for a minimum of five years, exclusive of the two-year warranty period, or shall contribute a lump sum equivalent to five years of maintenance costs to the Town upon turnover of the facilities for Town maintenance.
- 128.** The applicant shall submit two sets of landscape and automatic irrigation plans and cost estimates, prepared by a licensed landscape architect, to the Town Engineer and Planning Director for review and approval, prior to filing of the Final Map. Final construction drawings for landscape improvements shall be consistent with the Design Review Board approval of the final landscape plan.

Final Map

- 129.** The Final Map shall be prepared by a licensed civil engineer or licensed land surveyor, and shall be subject to review and approval by Public Works.
- 130.** The Final Map shall be prepared so as to indicate that the 84-foot wide Offer of Dedication for right of way extending across a portion of the site shall be vacated.
- 131.** The Vesting Tentative Map prepared by C2G Engineers and received by the Planning Department on May 31, 2016, is not approved for construction. The applicant shall submit Grading, Improvement, SWPPP, and Stormwater Control

Plans prepared by a licensed Civil Engineer to Public Works for review and approval prior to issuance of an Encroachment Permit and Grading Permit.

- 132.** The applicant shall submit a written request for new street names with a site plan showing their location to the Planning Department for review and approval, at the time of submittal of Improvement Plans and Final Map if names are to be shown on the Final Map. The applicant shall include a list of alternatives for each name, as some names may not be acceptable.
- 133.** Three copies of the CC&Rs shall be submitted to the Town for review with the Final Map for. The CC&Rs shall include the following provisions:
- A. A Homeowners Association (HOA) shall be formed and shall be responsible in perpetuity for the maintenance, repair and replacement of:
 - i. All lots held in common area improvements including but not limited to building exteriors, driveways, private streets, access easements, pedestrian paths and walkways, landscaping, irrigation systems, fencing, retaining walls, sound walls, signage, trash and recycling areas, private street lighting (maintenance and energy bills), and utilities.
 - ii. All landscaping and irrigation on-site and within the public right-of-way along Moraga Way and Country Club Drive frontages.
 - iii. All permanent stormwater management facilities included in the approved Stormwater Control Plan and Stormwater Operation and Maintenance Plan
 - B. A statement shall be included that in the event that these areas or facilities are not properly maintained, repaired, or replaced according to the approved plans, each property owner shall be responsible for their proportionate share of these costs, secured by a lien on the property in the favor of the HOA, In accordance with the HOA procedures
 - C. The HOA shall be responsible for enforcing the CC&Rs and providing written notice of any violation to the property owners.
 - D. The HOA shall be responsible for maintaining the name, address and phone number of the current HOA representative on file with the Planning Department.
 - E. Any other relevant provisions specified elsewhere in these Conditions of Approval.
- 134.** The applicant shall enter into a Subdivision Improvement Agreement with the Town agreeing to construct and complete all improvements necessary to build the subdivision. The agreement shall be executed and submitted to the Town prior to approval of the Final Map. As part of the Agreement, provide securities acceptable to the Town, guaranteeing construction of the required improvements.
- 135.** All improvement agreements required in connection with said plans shall be submitted to and approved by the Town and other agencies having jurisdiction over said project prior to approval of the Final Map.
- 136.** All required faithful performance bonds and labor materials bonds in accordance with the Subdivision Ordinance shall be submitted to and approved by the Town and other agencies having jurisdiction prior to approval of the Final Map.

137. The applicant shall submit a condominium plan for review with the Final Map in accordance with Government Code Section 66424.

Other Conditions

138. 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.

139. 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.

ADVISORY NOTE

A portion of the project site lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps (note: no structures are proposed to be built within the 100-year flood area). The applicant shall be aware of the requirements of the Federal Flood Insurance Program and the Contra Costa County Flood Plain Management Ordinance as they pertain to future construction of any structures on this property.

General Plan Conformance Analysis

Moraga Town Center Homes

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> <th style="text-align: left;">Designation</th> <th style="text-align: center;">Density Range (units per acre)</th> <th style="text-align: center;">Max. with Density Bonus¹</th> </tr> </thead> <tbody> <tr> <td>Residential – 1 DUA</td> <td style="text-align: center;">up to 1</td> <td style="text-align: center;">up to 1.25</td> </tr> <tr> <td>Residential – 2 DUA</td> <td style="text-align: center;">up to 2</td> <td style="text-align: center;">up to 2.5</td> </tr> <tr> <td>Residential – 3 DUA</td> <td style="text-align: center;">up to 3</td> <td style="text-align: center;">up to 3.75</td> </tr> <tr> <td>Residential – 6 DUA</td> <td style="text-align: center;">4 – 6</td> <td style="text-align: center;">5 – 7.5</td> </tr> <tr> <td>Residential – 10 DUA²</td> <td style="text-align: center;">7 – 10</td> <td style="text-align: center;">8.75 – 12.5</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	<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																	

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.

General Plan Policy	Analysis									
<table border="1"> <tr> <td>Residential – 16 DUA</td> <td>11– 16</td> <td>13.75 – 20</td> </tr> <tr> <td>Residential – 20 DUA²</td> <td>20^{5b}</td> <td>27</td> </tr> <tr> <td>Open Space (MOSO and non-MOSO)³</td> <td>0.05, 0.1 or 0.2 max.</td> <td>To be determined⁴</td> </tr> </table>	Residential – 16 DUA	11– 16	13.75 – 20	Residential – 20 DUA ²	20 ^{5b}	27	Open Space (MOSO and non-MOSO) ³	0.05, 0.1 or 0.2 max.	To be determined ⁴	
Residential – 16 DUA	11– 16	13.75 – 20								
Residential – 20 DUA ²	20 ^{5b}	27								
Open Space (MOSO and non-MOSO) ³	0.05, 0.1 or 0.2 max.	To be determined ⁴								
<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</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</p>									

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.

General Plan Policy	Analysis
<p>retain a low visual profile and provide dense landscaping to blend structures with the natural setting.</p>	<p>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>
<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>	

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<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 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>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 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

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	<p>(38 ft. 4 in.) is below the maximum height standard of 45 feet; and</p> <ul style="list-style-type: none"> • 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.
CHAPTER 5: HOUSING ELEMENT	
<p>H1 Housing and Neighborhood Quality GOAL: Continued maintenance and improvement of high-quality, safe and livable housing and residential neighborhoods.</p>	
<p>H1.3 Design for Safety. Minimize the risk of burglary, vandalism and other crimes through appropriate design in new housing and neighborhoods.</p>	<p>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.</p>
<p>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.</p>	<p>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>H1.5 Environmental Sustainability. Promote cost effective sustainability in new construction and renovation.</p>	<p>The proposed residences would be built to meet current building codes and energy efficiency standards and would have solar panels.</p>
<p>H2 Housing Mix and Affordability GOAL: A variety of housing types to help meet the Town's projected housing need.</p>	
<p>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.</p>	<p>The proposed project includes both townhomes and duplexes and a triplex, adding to the diversification of housing types in the community.</p>
CHAPTER 6. CIRCULATION ELEMENT	
<p>C1 Circulation and Safety GOAL: A circulation system that provides reasonable and safe access to the Town, egress from the Town, and internal movement.</p>	

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<p>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.</p>	<p>Applicable traffic impact fees would be assessed.</p>
<p>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.</p>	<p>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.</p>
<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>

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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.	
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.	The project would be connected to the CCCSD system for collection and treatment of sewage.
OS3.2 Polluting Materials. Prohibit the accumulation and dumping of trash, garbage, vehicle lubricant wastes and other materials that might cause pollution.	The project would include recycling and trash collection facilities and residents would be required to comply with the Town's waste disposal requirements
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	According to the BAAQMD Guidelines the project would not result in significant direct or cumulative air quality impacts.

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<p>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.</p>	
<p>OS4.3 Development Setbacks. Provide setbacks along high intensity use roadways to reduce resident exposure to air pollutants.</p>	<p>Setbacks would be provided along both the Moraga Way and Country Club Drive frontages.</p>
<p>OS4.4 Landscaping to Reduce Air Quality Impacts. Encourage the use of vegetative buffers along roads to assist in pollutant dispersion.</p>	<p>Landscaping would be provided along both street frontages.</p>
<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</p>

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	adjacent to the MOFD Fire Station and training area.
<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 noise-generating activities such as construction only for the shortest reasonable duration and in locations that will have the least possible adverse effect.</p>	<p>Conditions regulating construction noise would be included in the project's final approval.</p>
<p>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.</p>	<p>This policy is applicable throughout the Town and is enforced by the Police Department.</p>
<p>CHAPTER 8. PUBLIC SAFETY</p>	
<p>PS1 General Public Safety GOAL: A semi-rural environment that is relatively free from hazards and as safe as practicable.</p>	
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>The site is not within a "high risk" area.</p>
<p>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.</p>	<p>The site is not within a "moderate risk" area.</p>

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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 Plan Diagram).	Completed.
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.	Response times to calls from the project would be within the standards.
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.	Appropriate fire flows would be specified by the MOFD.
PS3.5 Development Review for Emergency Response Needs. Evaluate new development proposals to ascertain and mitigate problems associated with emergency response needs.	The MOFD has reviewed the conceptual development plans and would review final design plans.
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.	The MOFD review has resulted in plan modifications to meet fire truck access requirements.
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.	The project would be designed to comply with current fire codes and the MOFD would review final design plans.
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	The project would be designed to comply with current fire codes and the MOFD would review final design plans.

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with approved built-in fire protection systems.	
<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 projects to ensure that they meet adopted fire safety standards.</p>	<p>The MOFD has reviewed the conceptual development plans and would review final design plans.</p>
<p>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.</p>	<p>The project would be designed to comply with current fire codes and the MOFD would review final design plans.</p>
<p>PS4 Seismic and Geologic Hazards GOAL: Minimal risk to lives and property due to earthquakes and other geologic hazards.</p>	
<p>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.</p>	<p>The proposed project will require a grading permit. A preliminary geotechnical report has been submitted and peer reviewed.</p>
<p>PS4.11 Retaining Walls. Discourage the use of retaining walls and other man-made grading features to mitigate geologic hazards, permitting them only when:</p> <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. 	<p>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.</p>
<p>PS5 Flooding and Streambank Erosion GOAL: Minimal risk to lives and property due to flooding and streambank erosion.</p>	
<p>PS5.3 New Structures in Flood Hazard Areas. Avoid</p>	<p>The project would not place any structures in the</p>

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placing new structures within potentially hazardous areas along stream courses.	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. 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.	Potential impacts to schools due to new residential 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.
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.	See. FS 2.1
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.	The project would pay applicable school impact fees.
FS3 Parks and Recreation GOAL: Parks and recreational facilities that respond to community needs and priorities and are consistent with Town resources.	
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.	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.
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.	The project applicant would be required to comply with applicable Park dedication requirements.

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Authorizing the Processing of Vacation of)
Offer of Dedication Between Moraga)
Way and Country Club Drive Through)
Development Review Process for)
Proposed Project (APN: 257-180-082;)
Property Owner: Bruzzone))

Resolution No. 61- 2012

WHEREAS, the Town of Moraga (as successor to the County of Contra Costa by incorporation) was granted an Irrevocable Offer of Dedication for an approximately 84-foot wide right-of-way, known as a "Connector Road," for street and highway and incidental purposes between Moraga Way and Country Club Drive, as shown on Exhibit A, attached hereto and incorporated herein by this reference (the "Right-of-Way"); and

WHEREAS, the Offer of Dedication was originally part of a regional circulation plan and has never been constructed or used as a public street; and

WHEREAS, the owner of the property located between 1150 and 1280 Moraga Way and Country Club Drive (the "Property"), which is encumbered by the Right-of-Way, has applied to develop the Property and has requested the vacation of the Right-of-Way; and

WHEREAS, the Town Council has authority to accept the Offer of Dedication or vacate the Offer of Dedication; and

WHEREAS, the Offer of Dedication may no longer be necessary provided an alternative access is provided by the proposed project; and

WHEREAS, the Town Council encourages the development of the Property in accordance with the General Plan, the Moraga Center Specific Plan, the Moraga Municipal Code and Town regulations and guidelines; and

WHEREAS, the Town Council desires to consider the vacation along with the development application in order to ensure that appropriate alternative access is provided by the proposed project and that the proposed project complies with standard conditions for development, such as (1) the dedication of an alternative right of way that provides pedestrian and vehicular access across the Property at the Town's preferred location, consistent with Moraga Center Specific Plan and the Town's General Plan; (2) the provision of an alternative pedestrian-bicycle pathway at least 10 feet wide along the creek with landscaping improvements; (3) landscaping along Moraga Way consistent with the nearby Sonsara residential development; and (4) a neighborhood park that includes at a minimum two picnic tables and a barbecue.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Moraga that the Town Council authorizes the processing of the vacation of the Offer of Dedication through the development review process in accordance with the standards and conditions set forth above.

PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on July 25, 2012 by the following vote:

AYES: Mayor Metcalf, Vice Mayor Harpham, Councilmembers Mendonca and Trotter
NOES: None
ABSTAIN: None
ABSENT: Councilmember Chew



Michael Metcalf, Mayor

Attest:



Marty C. McInturf, Town Clerk

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.

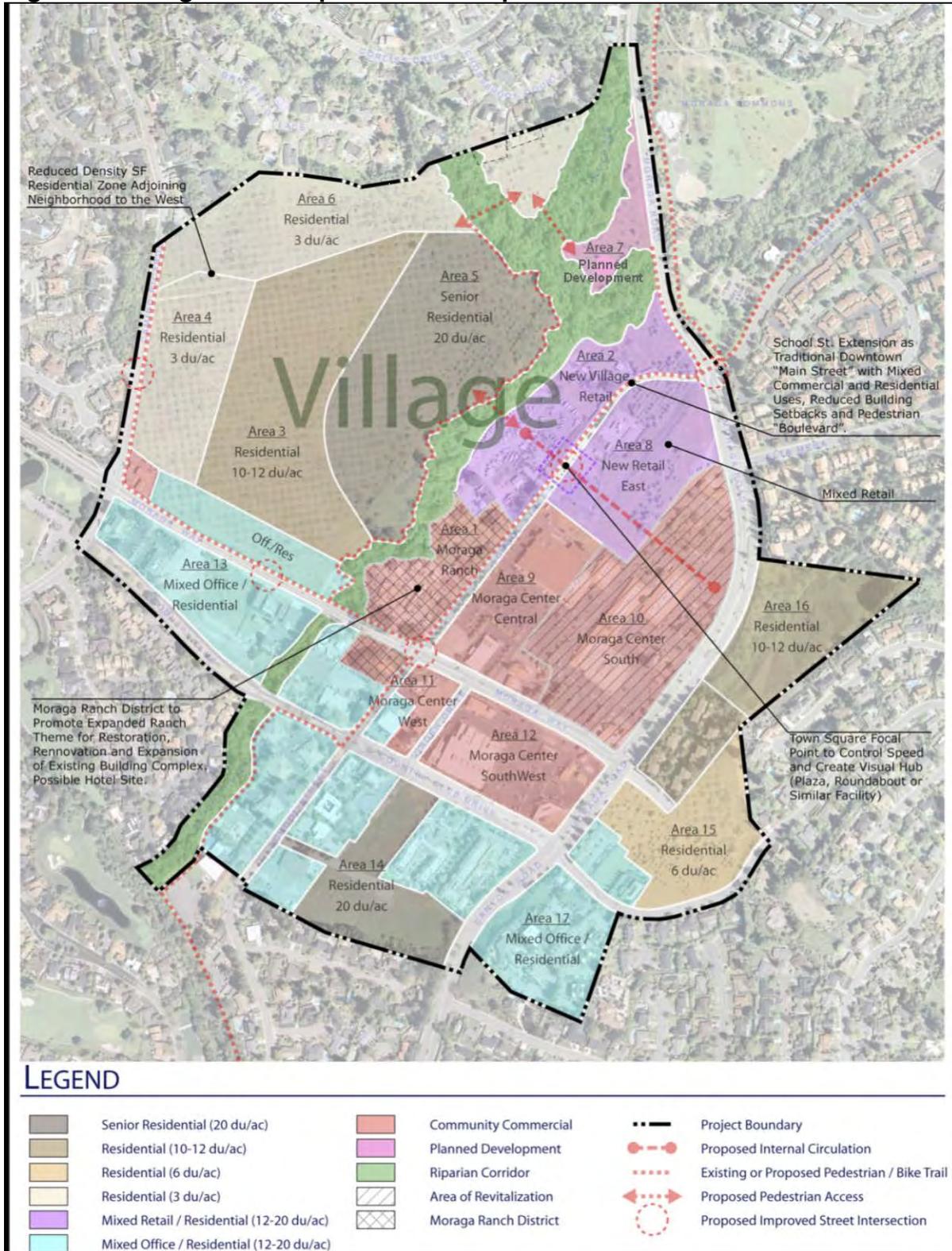
C. Project Description

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"/>

<p>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.</p>					
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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.</p>					
<p>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)?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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.</p> <p>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.</p>					
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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.</p> <p>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.</p>					
<p>e) Create objectionable odors or dust affecting a substantial number of people?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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.</p> <p>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.</p>					

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>					

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.					

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"/>
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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
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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
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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, gullyng, 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 the 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
	<p>modify zoning ordinances to include pedestrian-friendly design standards.</p> <p>Include pedestrian improvements in capital improvements programs.</p> <p>Designate a staff person as a Pedestrian Program Manager.</p>	<p>regional trails system.</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 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	<p>Include traffic calming strategies in the transportation and land use elements of general and specific plans.</p> <p>Include traffic calming strategies in capital improvement programs.</p>	<p>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.</p> <p>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.</p>

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.L-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.



Town of Moraga	Agenda Item
Public Hearings	X. A.

Meeting Date: May 13, 2015

TOWN OF MORAGA

STAFF REPORT

To: Honorable Mayor and Councilmembers

**From: Ella Samonsky, Associate Planner
Ellen Clark, Planning Director**

Subject: Consider Continued Appeal of Planning Commission Decision to Approve the Conceptual Development Plan for the Moraga Town Center Homes Project, a 36-Unit Attached Single Family Residential Development 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. Resolution __-2015 Denying the Appeal, Upholding the Planning Commission's Decision, Adopting CEQA Findings and Approving the Conceptual Development Plan for the Moraga Town Center Homes Project with Modifications (Continued from January 28 and April 8, 2015)**

Request

Hold a public hearing to consider the appeal of the Planning Commission decision to approve the Conceptual Development Plan for the Moraga Town Center Homes project, continued from January 28 and April 8, 2015 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. Resolution No. __-2015 Denying the Appeal, Upholding the Planning Commission's Decision, Adopting CEQA Findings and Approving the

1 Conceptual Development Plan for the Moraga Town Center Homes Project
2 with Modifications

3
4 **Background**

5
6 Moraga Town Center Homes Conceptual Development Plan Approval

7 On November 17, 2014, the Planning Commission approved a Conceptual
8 Development Plan (CDP) for the Moraga Town Center Homes, a 36 unit attached single
9 family development located on a 3.06 acre site, within the Moraga Center Specific Plan.
10 At that meeting, the Planning Commission also recommended approval of a re-zoning
11 of the project site from Suburban Office to Planned Development, necessary to allow for
12 development of residential uses on this site, and consistent with the Moraga Center
13 Specific Plan's Mixed Office/Residential land use designation. The approval followed
14 an extensive review process, including numerous study sessions with the Design
15 Review Board and Planning Commission that resulted in revisions and refinements to
16 the site plan over time.

17
18 Appeal

19 On December 1, 2014, three residents, Scott Bowhay, Denise Coane and Richard
20 Olsen filed a joint appeal of the Planning Commission's approval of the Conceptual
21 Development Plan. (Attachment D). The appellants raised the following grounds for
22 appeal:

- 23
24 • Non-Conformance with the General Plan, the Moraga Center Specific Plan
25 (MCSP) and/or the Moraga Municipal Code (MMC), with concerns that
26 focused on visual impacts and consistency with the Scenic Corridor
27 guidelines and neighborhood compatibility
28 • Failure to address regional traffic impacts and cumulative impacts of projects
29 within the Town
30 • Failure to address traffic safety along Country Club Drive
31 • Failure to acknowledge the precedent-setting consequences of approving the
32 project
33 • Failure to respond to Moraga-Orinda Fire District and Moraga Country Club
34 Homeowners Association (HOA) concerns

35
36 Town Council Hearing January 28, 2015

37 On January 28, 2015 the Town Council conducted a public hearing and considered the
38 above-referenced appeal. The Town Council also considered the associated text
39 amendment MMC Chapter 8.48, the Planned Development zoning district to add a 12
40 dwelling units per acre residential land use classification; and the applicant's request to
41 rezone the project site to a Planned Development district. A description of the project,
42 summary of the prior Planning Commission and Design Review Board decisions, and
43 evaluation of the contents of the appeal are found in the staff report for the January 28
44 meeting, included for reference as Attachment C.

45
46 Numerous members of the public testified during the appeal, including comments in
47 support of and against the proposed project, with concerns generally echoing similar
48 items to those raised in the appeal. The Council also received testimony from the

1 MOFD Fire Chief, who relayed concerns of the MOFD Board provided at a January 21,
2 2015 Board Meeting, that the residential land use was incompatible with the fire training
3 facility. The Town Council inquired about the historical circumstances of the fire station
4 and training facility, and directed staff to investigate additional mitigation to address
5 MOFD's concerns, but did not provide specific direction as to changes necessitated by
6 the comments.

7
8 During their discussion, Town Councilmembers' comments focused on the proposed
9 site plan, and in particular, building heights, setbacks, and massing as they related to
10 the project's consistency with scenic corridor standards, and compatibility with adjacent
11 uses, including existing residential land uses along Country Club Drive. The Council
12 discussed the consistency of scenic corridor guidelines at some length. This included
13 the project's effect on the streetscape elevation along Moraga Way, along with its
14 potential to create a "walled effect" and to obstruct views of natural landforms including
15 Indian Ridge. Councilmembers discussed the intent of the MCSP for infill residential
16 development, and there was consensus that further adjustments to the project were
17 necessary to allow the requisite findings for project approval to be made.

18
19 At the conclusion of their discussion of the appeal, the Town Council continued the
20 hearing and directed staff to engage in further dialogue with City Ventures, and
21 potentially the Moraga-Orinda Fire District, to address the issues that had been raised
22 and modify the project site plans.

23
24 Town Council Hearing April 8, 2015

25 On April 8, 2015 the Town Council continued the hearing to May 13, 2015. The public
26 hearing was not opened and no discussion or public testimony on the project was
27 received by Town Council. Late correspondence received at the April 8, 2015 meeting
28 has been added to Attachment J and correspondence received since the previous
29 hearing date has been included as Attachment K.

30
31 **Discussion**

32
33 Following the Town Council hearing, staff worked with the applicant to develop a
34 revised site plan that responded to the issues raised.

35
36 Initially, the Applicant provided a revised site plan that would relocate one unit from
37 Building C (adjacent to Moraga Way) to the Country Club Drive side of the site; thereby
38 increasing the Moraga Way setback. The revised site plan also included changes to the
39 size and placement of Buildings I, J and K on Country Club Drive to increase setbacks
40 in this area. Although the plan did result in some increased setbacks, the changes also
41 reduced the area of the common open space¹ (pocket park) adjacent to the creek.

42
43 Following that submittal, staff discussed with the applicant the option of removing all of
44 the three story loft elements which would reduce the maximum building heights by
45 approximately 5 feet, to 35 feet in height or less. The applicant has stated that because
46 of the significant reduction in saleable square footage, this proposal would require the

¹ The 'pocket park' would be private recreation space owned by the HOA, but would be publicly accessible.

1 addition of a 37th unit to the project. This unit could be added along Country Club Drive
2 (turning a duplex building into a triplex), a change that would also reduce the size of the
3 pocket park. After considering visual simulations of the all-two story option and the
4 initial configuration with three story buildings, staff concluded that there would be a de
5 minimus reduction in any scenic corridor impacts with a height reduction for Buildings A
6 and B. Moreover, any benefits of height reduction would be outweighed by the greater
7 impacts of the additional unit positioned along Country Club Drive.

8
9 Staff believed that neither option (relocation of a unit or all two-story buildings) best
10 addressed the Council concerns and requested that the applicant produce additional
11 plan revisions, which would create a greater setback for all buildings on Moraga Way,
12 break up or reduce the mass of the townhome buildings, avoid increasing the total
13 number of units, and maintain the size of the pocket park.

14
15 The Applicant responded with a revised site plan where all buildings were set back a
16 minimum 15 feet from Moraga Road; Building A and B were spilt into four smaller
17 buildings to reduce the massing; and Buildings I and K on Country Club drive had
18 increased setbacks. This plan required minor reductions in the setbacks for some of the
19 buildings on Country Club Drive. After further review and analysis of siting, staff
20 requested that: there be no reduction in the minimum setbacks on Country Club Drive,
21 increased setbacks for Buildings F, I, and K; include the six units in Building B in a
22 single building (which would increase setback from Moraga Way); and Buildings C and
23 D be reduced to two-stories, with Buildings A and B retaining a third story loft.

24
25 Revised Conceptual Development Plan
26 Attachment E presents the applicant's revised Conceptual Development Plan pursuant
27 to staff suggested modifications. Table 1 summarizes the revised building heights and
28 setbacks, with changes shown in Redline/Strikeout. As shown, the proposed changes
29 would increase setbacks and reduce heights of residential buildings, while maintaining
30 the other development standards such as number of units, building separations, lot
31 coverage, and Floor Area Ratio.

32

1
2

Table 1: Revised Conceptual Development Plan 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' 25'
Building B	12' 23'
Building C	15'
Building D	11' 15'
Country Club Drive Setback	
Building E	10'
Building F	7' 10'
Building G	10'
Building H	10'
Building I	4' 6'
Building J	9'
Building K	9' 15'
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, and A1 and A2	10'
Other Standards	
Maximum Building Height	39' 3-story ; 35' 2-story
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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Setbacks

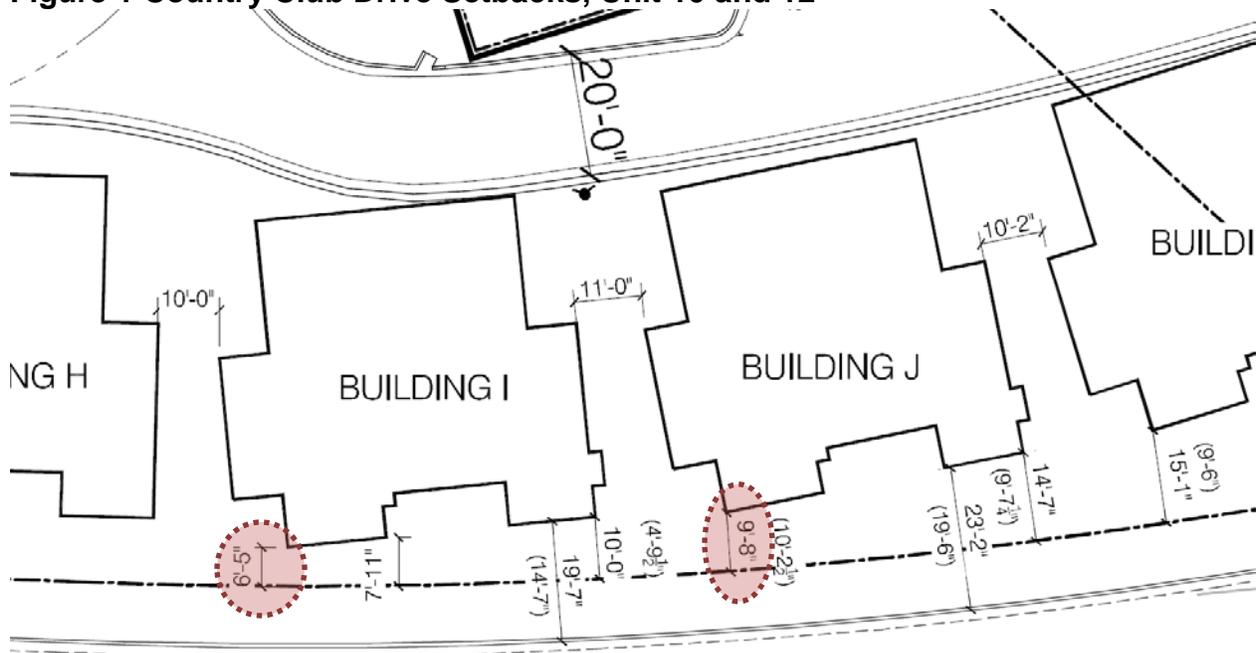
In the proposed CDP, Buildings A, B, and C setbacks were increased so that all buildings on Moraga Way have a minimum setback of 15 feet from the front property line. (This setback is in addition to the approximately 20 foot landscaped area between

1 the edge of roadway and the property line.) Buildings A and B setbacks, both of which
2 would exceed 20 feet, would be comparable to the front setback of a standard single-
3 family home in the 3DUA zoning district. The minimum 15 foot setback is consistent with
4 recommended landscape buffer for commercial and multifamily residential
5 developments in the scenic corridor design guidelines.

6
7 The setback for Building C could be increased by 9 feet (to a total of 24 feet) by
8 relocating one unit from this building to Country Club Drive (Attachment F). This would
9 increase the setback of Building C by 9 feet, to 24 feet. However, as discussed
10 elsewhere this change would create a second triplex on Country Club Drive and narrow
11 the active area of the pocket park by 10 feet, as well as reduce the landscape buffer
12 between Building K and the pocket park.

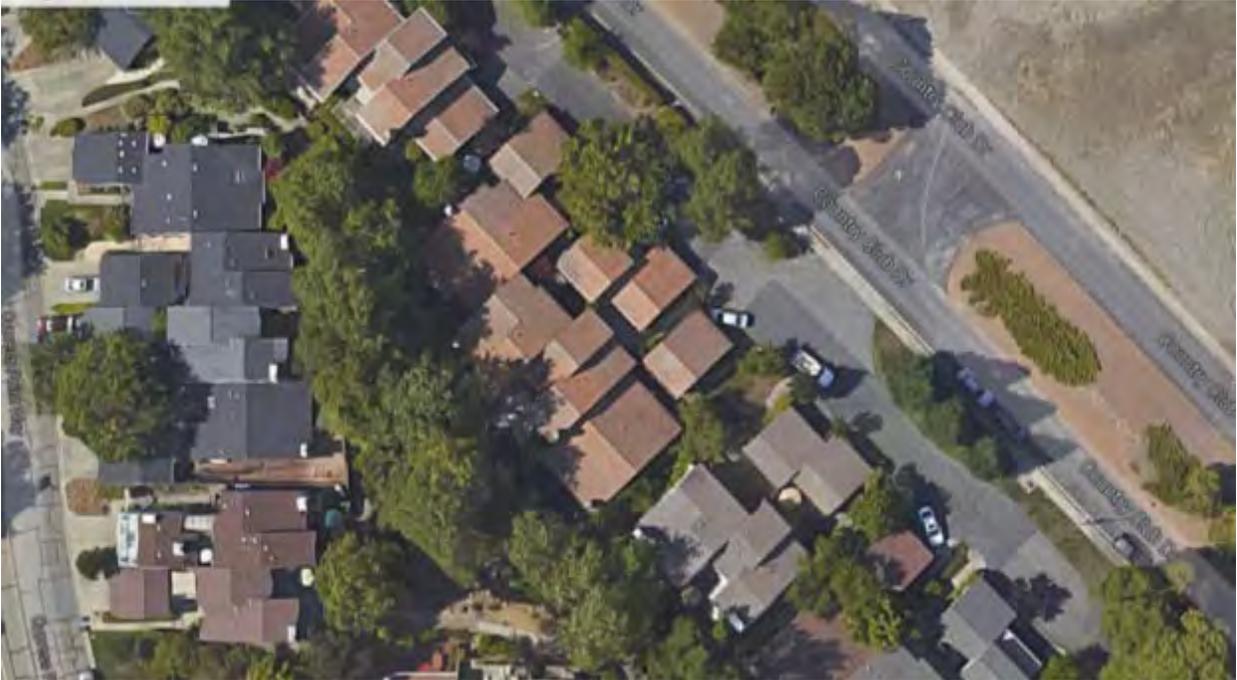
13
14 On Country Club drive, the modified site plan increases the setbacks of Buildings F, I,
15 and K; Buildings I and J were reoriented at an angle to follow the curve in the road to
16 increase the setback for one of the duplex. As a result all units are set back a minimum
17 of 10 feet from the property line, with the exception of units 10 and 12, which are
18 setback 6 feet and 9 feet respectively (Figure 1).

19
20 **Figure 1 Country Club Drive Setbacks, Unit 10 and 12**



21
22
23 The revised setbacks would be more consistent with the setbacks found in the adjacent
24 Moraga Country Club neighborhood, and would allow for comparable landscaped front
25 yards. Many of the attached homes in the MCC are set back in the range of 10 to 15
26 feet from the property line (Figure 3 and 4), with the exception of a portion of the
27 townhomes on Country Club Drive that have 30 foot wide private access easement in
28 front (Figure 5 and 6). As shown in the aerial photograph (Figure 2), most of these
29 homes have small courtyards, lawns or planting areas, rather than extensive front
30 yards.

1 **Figure 2: Aerial Of Country Club Drive Townhomes**



2
3
4

Figure 3: Townhomes, view from sidewalk on Country Club Drive



5
6
7

1 **Figure 4: Townhomes, view from Country Club Drive**



2
3

4 **Figure 5: Townhomes, view from sidewalk on Country Club Drive**



5
6

7 **Figure 6: Townhomes, view from Country Club Drive**



8

1 Building Massing and Height

2 During the Council discussion of the appeal, concerns were expressed regarding the
3 mass or size of the buildings relative to the length of the frontage, and that this could
4 present as a continuous building or a walled effect, which the Scenic Corridor guidelines
5 seek to avoid. The side elevations of the end units of Buildings A through D are
6 approximately 56 feet in width and have a minimum 25 foot separation between the
7 buildings. With these proportions, the spacing and massing, when viewed from Moraga
8 Way, would be comparable to the 3DUA single family residential zoning district.
9 Approximately 58% of the length of the frontage would be building, and 42% would be
10 void.

11
12 To reduce the appearance of bulk, the revised site plans have split Building A into two
13 triplexes, with an 11 foot separation between the two buildings. This breaks up the
14 overall mass and length of the building and further varies the appearance of the roofline
15 when viewed from the Moraga Way entrance driveway. Buildings C and D, which are
16 closest to Moraga Way, and therefore have the greater appearance of bulk from Moraga
17 Way, would be reduced to two stories, from the previous three, with a maximum height
18 of 35 feet which eliminates much of the appearance of bulk.

19
20 Ridgeline Views

21 At the request of staff, the applicant prepared additional visual studies of the project that
22 included the duplexes on Country Club Drive and the distant ridgeline as background
23 elements, to form a more realistic simulation of the view from Moraga Way. The “drive
24 by” video of the project (Attachment G) demonstrates that the ridgeline is visible at the
25 gaps provided by the separations between Buildings A through D and the adjacent
26 development (Figure 7 and 8). (As noted, on aggregate, buildings would occupy about
27 58% of the total Moraga Way frontage.) The rooftops of the duplex units do not obscure
28 these views. While the view of the ridgeline is intermittent, this pattern is consistent with
29 the current views of Indian Ridge from Moraga Way, looking across the existing
30 developed sites. The adjacent single-story Fire Station 41 obscures the ridgeline, when
31 viewed from the street, as does the two story office building, which is set back 72 feet
32 behind its parking lot (Attachment H). However, the ridgeline continues to be visible
33 between both of these buildings through their parking lots and driveways. Note that the
34 closer the viewpoint to the buildings, the greater the degree of visual obstruction. The
35 viewpoint selected for the drive by simulation is somewhat conservative, since it
36 conceptually shows the viewpoint travelling northbound on Moraga Way, but the
37 position of the viewpoint is somewhat more representative of the view from the closer,
38 southbound lane.

1 **Figure 7: Perspective at Auto Court between Building B and C**



2
3
4

Figure 8: Perspective at Building D and 1150 Moraga Way



5
6

7 In the Moraga Center Specific Plan EIR discussion of impacts to aesthetics and visual
8 quality, it noted that the anticipated development of a vacant site would significantly
9 change the vista and visual character. The MCSP anticipated more urban commercial
10 and multifamily development of three stories and smaller (even zero) setbacks than in
11 the proposed Moraga Town Center Homes. To mitigate for potential visual impacts, the
12 EIR calls for the implementation of the MCSP and scenic corridor design guidelines,

1 and the inclusion of building separations and internal streets to maintain view corridors
2 and views of surrounding ridgelines.

3
4 As demonstrated in the simulated 'drive by' video the project design does create view
5 corridors across the site, retaining intermittent views of Indian Ridge. Thus, the revised
6 site plan minimizes view obstruction from the project, similar to the existing buildings.
7 However, without limiting buildings to a single story, or requiring setbacks substantially
8 larger than would be required by any of the Town's current zoning districts, some
9 obstruction of ridgeline views is still present.

10 11 Compatibility with the Moraga Orinda Fire Station

12 Staff met with the Fire Chief and an MOFD Board Member to discuss MOFD's concerns
13 about compatibility of the proposed residential uses with the existing MOFD training
14 facility, and particularly to determine if any additional design measures could be
15 integrated into the project to address those concerns.

16
17 Those discussions continued to reiterate the position of MOFD that the proposed use is
18 incompatible with the Fire District's use of the adjacent property. Staff inquired about
19 buffer distances for uses adjacent to the training area; however MOFD could not
20 recommend an adequate setback. Absent a wholesale revision to the project, to either a
21 completely different land use (such as an office), or by substantially reducing the
22 number of units such that residential development and recreation space would not be
23 located adjacent to the training facility, it appears that there are no staff supported
24 revisions that would eliminate the District's opposition to the project.

25
26 At this time, no additional mitigation measures to those previously agreed to by the
27 applicant, and included on the plans and in conditions, are proposed. The current
28 mitigation measures include:

- 29 • Record a disclosure on the deed of each home, and in the subdivision CC&Rs, of
30 MOFD activities at Station 41.
- 31 • Prepare and distribute disclosure information, including a video to potential home
32 buyers.
- 33 • Construct an 8-foot masonry wall on the shared property line
- 34 • Plant trees on the property line to form a landscape screen
- 35 • Install a 'warning signal' at the driveway on Moraga Way
- 36 • Remove the un-useable mound of dirt on MOFD property.
- 37 • Install sound rated windows on Buildings A, I, J and K (discussed more below)

38
39 The project's acoustical consultants, Edward L. Pack Associates, recommended that
40 the upper story windows and doors on units within 60 feet of the shared MOFD property
41 line be sound rated with an STC rating of 32 to ensure that interior noise levels will not
42 reach annoyance levels per State of California Land Use Compatibility Guidelines. This
43 recommendation was based on noise measurements taken during MOFD training
44 operations. Condition 21.c was revised to include the minimum sound rated standard.

45
46 At the January 28 meeting, some members of the Council suggested that extending the
47 length of the 8 foot sound wall could further reduce conflicts between the uses. Staff
48 considered this concept, but note that extending the wall would require removal of the

1 dense row of redwood trees along the property boundary, which are a significant
2 aesthetic element, and also provide screening. The majority of the noise associated
3 with training occurs in the rear of the property, and extending the wall along the
4 driveway would be of limited benefit to reducing that noise source.

5 6 Country Club Drive Improvements

7 During the January 28, 2015 Town Council hearing, staff was also asked to investigate
8 if there was a nexus to require the applicant to construct frontage improvements on the
9 south side of Country Club Drive or the length of Country Club Drive to the intersection
10 with St. Andrews Drive. Staff reviewed with the Town Attorney State law and the
11 Moraga Subdivision Ordinance, and determined there was not a nexus between the
12 proposed project and additional improvements beyond the centerline of the street on the
13 project frontage. However, the project currently provides landscape improvements for
14 the entirety of the median which would benefit the appearance of both sides of the
15 streets.

16 17 Traffic Impacts

18 During the January 28, 2015 meeting, the Council questioned whether the proposed
19 land use was more similar to detached single family homes and whether the trip
20 generation numbers were accurate. The Institute of Transportation Engineers (ITU)
21 develops its trip generation rates for each land use based on an average from traffic
22 studies of built developments across the country. For the proposed project, the traffic
23 memo used the ITU trip generation rate of 5.86 trips per unit for
24 Condominium/Townhome land use. This trip generation rate was not adjusted for
25 walkability, proximity to transit and services. For a Single Family Detached Housing, ITU
26 estimates 9.55 trips unit per day. However, the MCSP EIR projected traffic generation
27 based on the assumption that the site would be built-out at the highest permitted density
28 (20 DUA or 61 units), which would be approximately 356 vehicle trips per day. Using
29 the trip generation rate of Single Family Detached Housing, the project would generate
30 343.8 trips per day, which would be fewer trips than assumed for the site by the MCSP
31 EIR.

32 33 CEQA Analysis

34 The project is located within the boundaries of the Moraga Center Specific Plan, which
35 was evaluated under the California Environmental Quality Act (CEQA) in an EIR (SCH #
36 2000031129) certified by the Town Council on January 27, 2010. Staff evaluated the
37 applicability of the MCSP EIR pursuant to Sections 15162 and 15168 (c) of the CEQA
38 Guidelines and documented through use of the CEQA Checklist (Appendix G of the
39 CEQA Guidelines), that the proposed Town Center Homes project will not have any
40 potentially significant environmental effects that were not adequately analyzed in the
41 earlier EIR, and that the mitigation measures from the earlier EIR can be applied to the
42 proposed project. Furthermore, there is no new information of substantial importance
43 which was not known and could have been known with the exercise of reasonable
44 diligence at the time the MCSP EIR was certified that shows the project will have new
45 significant effects or more severe effects than analyzed in the MCSP EIR.

46
47 The revised Conceptual Development Plan increased setbacks and reduced the height
48 and floor area of some of the residential units. As amended, the revised Conceptual

1 Development plan does not increase the intensity of the land use and would lessen
2 visual impacts. Therefore the revisions do not modify the conclusions from the prior
3 analysis of the project.

4
5 **Conclusion**

6 The project design is based on the standards of the MCSP, which intended for medium
7 to high density housing, but has been modified due to the location adjacent to existing
8 residential development, office and emergency services uses and the scenic corridor.
9 The setback from the Moraga Way scenic corridor was increased to allow for more
10 landscaping and greater buffer. The third story loft was removed from Buildings C and
11 D, and Building A was divided into triplexes to reduce the visual mass of the
12 townhomes. The footprint of the duplex and triplex units on Country Club Drive was
13 reduced and buildings F I, J and K were reoriented to increase the setback, so that all
14 but the corner of two units are set back a minimum 10 feet from the property line. While
15 the project is of a more urban character than existing development in Moraga, it still
16 provides architecture, landscaping and view corridors through the site consistent with
17 the character of Moraga.

18
19 **Fiscal Impact**

20
21 None. Per the Town's Master Fee Schedule, the private party appellants submitted a
22 \$1000 fee upon filing the appeal; however, the applicant is responsible for the full cost
23 of processing the appeal.

24
25 **Alternatives**

26
27 Alternative A:

- 28 1. Introduce and Waive the First Reading of an Ordinance Amending Moraga
29 Municipal Code Chapter 8.48 to add 12-DUA PD Land Use Classification, and
30 Amending the Zoning Map for the Moraga Town Center Homes Property (APNs:
31 257-180-082-6 and 257-190-057-6) from Suburban Office (SO) to 12-DUA
32 Planned Development (12-DUA-MC-PD); and
33
34 2. Adopt Resolution No. __-2015 Denying the Appeal, Upholding the Planning
35 Commission's Decision and Approving the Revised Conceptual Development
36 Plan for the Moraga Town Center Homes Project with Modifications; or

37
38 Alternative B:

39 Direct staff to return with a resolution granting the appeal and denying the project; or

40
41 Alternative C:

42 Provide alternate direction to staff and/or the applicant.

43
44 **Recommendation**

45
46 It is recommended that the Town Council take the following actions:
47

- 1 1. Introduce and Waive the First Reading of an Ordinance Amending Moraga
2 Municipal Code Chapter 8.48 to add 12-DUA PD Land Use Classification, and
3 Amending the Zoning Map for the Moraga Town Center Homes Property (APNs:
4 257-180-082-6 and 257-190-057-6) from Suburban Office (SO) to 12-DUA
5 Planned Development (12-DUA-MC-PD); and
6
- 7 2. Adoption of Resolution No. __-2015 Denying the Appeal, Upholding the Planning
8 Commission's decision, Adopting CEQA Findings and Approving the Conceptual
9 Development Plan for the Moraga Town Center Homes Project with
10 modifications.
11

12 **Report reviewed by: Jill Keimach, Town Manager**
13 **Michelle Kenyon, Town Attorney**
14

15 **Attachments:**

- 16 **A. Draft Ordinance No. __-2015 Amending Moraga Municipal Code Chapter 8.48 to**
17 **add 12-DUA PD Land Use Classification, and Amending the Zoning Map for the**
18 **Moraga Town Center Homes Property (APNs: 257-180-082-6 and 257-190-057-6)**
19 **from Suburban Office (SO) to 12-DUA Planned Development (12-DUA-MC-PD)**
- 20 **B. Resolution No. __-2015 Considering the Appeal, Upholding the Planning**
21 **Commission's Decision and Approving the Conceptual Development Plan for the**
22 **Moraga Town Center Homes Project with Modifications**
- 23 **C. Staff Report, January 28, 2015 Town Council Hearing**
- 24 **D. Appeal, December 1, 2014**
- 25 **E. Conceptual Development Plan, March 26, 2015**
- 26 **F. Alternative Conceptual Development Plan, March 26, 2015**
- 27 **G. 'Driveby' Simulation: <http://bit.ly/1MGKIR8>**
- 28 **H. Photographs**
- 29 **I. Applicant Response Letter**
- 30 **J. Correspondence, April 8, 2015 meeting**
- 31 **K. Correspondence, May 13, 2015 meeting**