

MINUTE ORDER No. 01-2011

of the

Town Council of the Town of Moraga, CA

January 26, 2011

- **Reviewing Body:** The Town Council of the Town of Moraga, CA.
- **Regarding:** Rancho Laguna II – 27 lot residential project
- **Applicant:** Rancho Laguna, LLC.

- **Matter Considered:** Appeal of the August 17, 2009, decision of the Planning Commission approving the Rancho Laguna II residential project with 27 lots, by adopting Resolutions certifying the Final Environmental Impact Report (Final EIR), approving a Conceptual Development Plan (CDP) and Conditional Use Permit (CUP).

Action of the Town Council:

The Town Council of the Town of Moraga has considered the Appeal of the August 17, 2009, decision of the Planning Commission approving the Rancho Laguna II residential project with 27 lots. The basis for the appeal is set forth below as:

- 1) “The Project’s proposed ridgeline development and elimination of a natural creek are contrary to the Moraga General Plan.”
- 2) “The Project would result in significant visual and aesthetic impacts which are contrary to the California Environmental Quality Act (CEQA) and the Moraga General Plan.”
- 3) “The Project’s elimination of a natural creek is a significant environmental impact that could be avoided and is therefore contrary to CEQA.”
- 4) “The EIR has failed to analyze adequately lower-density project alternatives that would significantly reduce the visual, aesthetic, and other environmental impacts of the project.”

The Town Council of the Town of Moraga has considered the concerns of the Appellant group and other project opponents and required modifications to the project as approved by the Planning Commission. These modifications:

- 1) Protect the north-south ridgeline above 800 feet and 20% slope (as defined by MOSO and the General Plan) by removing lots 24 – 27 as approved by the Planning Commission. With grading limited to the realigned access road, 'E' Street, grading in that area has been reduced to a more acceptable level. Cut grading in the upper development area has been significantly reduced along the north-south ridge and hillside natural contours are included within each lot pad. Overall grading for the project has been reduced.
- 2) Preserve the natural creek ("Rheem Boulevard intermittent drainage channel") in its current location by replacing the lower valley buttress with an alternative method to stabilize the high risk areas on Rheem Boulevard, which both the Applicant and the Town will fund. The use of a valley buttress method of stabilization for Rheem Boulevard is prohibited in the lower Rheem Boulevard area.
- 3) Preserve the natural creek by removing the 'A' Way access to the upper valley development area, replacing it with 'E' Street using the Fay Hill Road alignment. This access change eliminates the hillside grading, intermittent stream crossing, and removal of riparian woodland and oak scrub associated with 'A' Way. Sufficient fire protection and emergency access for the upper development area is provided and has been approved by the Fire Marshall.
- 4) Ensure that important public view-sheds are protected in that homes along "B" and "C" Courts are not visible from Rheem Boulevard (a scenic corridor) or from the St. Mary's Road/ Lafayette - Moraga Regional Trail viewpoint.
- 5) Ensure that trees and other landscaping in the upper development area will be limited as to location and size so that trees will not protrude above the skyline from public view locations.
- 6) Reduce the development area (streets and lots) to 9.6% of the 180.2 acre project site, with the balance preserved as permanent open space with public trails, all maintained by a GHAD at no cost to the Town.
- 7) Result in a project that is consistent with the General Plan, including Policy CD.1.5 with respect to ridgelines and hillside areas, and without any significant and unavoidable environmental impacts. A lower density alternative (smaller development area or fewer homes) is neither necessary nor appropriate to address visual, aesthetic or environmental impacts.

The Town Council of the Town of Moraga finds that the project (as depicted in Attachment 4 to this Minute Order) is consistent with the General Plan and that an EIR has been prepared in accordance with CEQA as more fully described in the Attachments to this Minute Order. The Town Council hereby adopts this Minute Order, and in so doing grants the appeal and adopts the attachments, as are listed below, by which action the Town Council: (1) certifies the adequacy of the Final EIR and adopts the Mitigation, Monitoring and Reporting Program (MMRP); (2) approves the Conceptual Development Plan (CDP) and its Conditions of Approval; (3) approves the Conditional Use Permit (CUP); and (4) adopts the findings related thereto.

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All of these attachments are as set forth in the Attachments 1-8 of the Minute Order 01-2011 which is Attachment C to the Staff Report dated January 26, 2011.

Approved Attachments list:

To certify the Final EIR and Adopt MMRP:

1. CEQA certification statements.
2. Mitigation, Monitoring and Reporting Program.

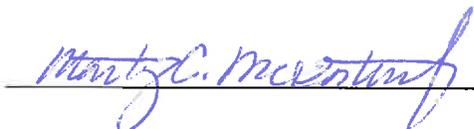
To approve the Conceptual Development Plan

3. Conceptual Development Plan Approval Statements and Findings, dated January 26, 2011.
4. Conceptual Development Plan Sheets 1-3 dated December 16, 2010, comprised of CDP Site Plan, Lot Summaries & Street Cross Sections, 27 Lot, Preliminary Grading Plan, and the Access Road Sections Exhibit dated December 30, 2010, **as modified by Condition of Approval I.3 which incorporates and modifies the January 24, 2011 Plan.**
5. Conditions of Approval – dated January 26, 2011, **which includes new Condition of Approval I.3.**
6. Conceptual Development Plan – General Plan Consistency Statement and Matrix, dated January 26, 2011.
7. CEQA Findings, dated January 26, 2011.

To approve the Conditional Use Permit

8. Conditional Use Permit Approval Statements and Findings, dated January 26, 2011.

This adopted Minute Order is hereby attested and executed on January 26, 2011, by Marty McInturf in her capacity as Town Clerk of the Town of Moraga.



Marty McInturf, Town Clerk for Town of Moraga