



Planning Commission	Agenda Item
Public Hearings	6.A

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5 **TOWN OF MORAGA**
6 **PLANNING COMMISSION**

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8 **Meeting Date: June 21, 2022**

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10 **STUDY SESSION STAFF REPORT**

11
12 **To: Planning Commission**

13
14 **From: Afshan Hamid, AICP, Planning Director**
15 **Barry Miller, FAICP, Planning Consultant**
16 **Stephanie Hagar, BAE Urban Economics**

17
18 **Subject: Input and Feedback on HCD Working Draft 2023-2031 Housing Element**
19 **Programs: draft Government Constraints Analysis and draft Housing**
20 **Element goals, policies, and programs.**

21
22 **I. Request**

23
24 Receive an informational report on Draft programs for the Comprehensive Advanced Planning
25 Initiative, the 2023-2031 Moraga Housing Element and provide feedback and direction prior to
26 publication of the document. Attachments to this staff report include an excerpt from the draft
27 Government Constraints Analysis (a mandatory section of every housing element), and the draft
28 Housing Element goals, policies, and programs. The full Draft Housing Element is scheduled for
29 the July 5, 2022 Planning Commission meeting. Feedback from the Planning Commission and
30 public received at the June 21 meeting will be incorporated in this Draft.

31
32 **II. Background**

33
34 The Town of Moraga is continuing to implement its Comprehensive Advanced Planning Initiative.
35 The Initiative includes the State-mandated 6th Cycle (2023-2031) Housing Element Update,
36 conforming amendments to the Moraga General Plan, rezoning of key sites and amendments to
37 the zoning ordinance to meet required housing targets, rezoning of the Bollinger Canyon Special
38 Study Area, and a program-level Environmental Impact Report (EIR) for the above actions. The
39 Initiative began in September 2021 and will continue through January 2023. A second phase is
40 scheduled for 2023-2024. Since the October 6, 2021 kick off meeting Town Council and Planning
41 Commission have held several joint study sessions to discuss policies and provide effective,
42 timely and coordinated effort and direction to staff.

1 The subject of this staff report is the 2023-3031 Moraga Housing Element Update. State law
2 requires each city, town, and county in California to adopt a Housing Element. The Element must
3 be updated and adopted on a prescribed schedule every eight years and must be submitted to
4 the State for certification following adoption. State law further requires that a “working draft” of
5 the Housing Element be submitted to the State Department of Housing and Community
6 Development (HCD) prior to its adoption, giving the State an opportunity to review the document
7 and recommend revisions so that the Element complies with State law when it is adopted. Each
8 jurisdiction must circulate the Working Draft for 30 days before it is submitted to the State, and
9 consider revisions based on public comment.

10
11 The Housing Element must demonstrate the jurisdiction’s ability to accommodate its “fair share”
12 of the region’s projected housing need for the next eight years. The “fair share” is calculated by
13 the Association of Bay Area Governments through a process called the Regional Housing Needs
14 Allocation (RHNA). Moraga’s RHNA for 2023-2031 is 1,118 units. This includes 501 units that
15 are affordable to low and very low-income households. While cities and towns are not responsible
16 for building housing, they must identify specific sites where housing can be constructed, and they
17 must demonstrate that zoning and other aspects of development processing are in place to
18 facilitate construction.

19
20 The Housing Element provides Moraga with a roadmap for accommodating its projected housing
21 demand and guides future decisions that impact housing. The document aims to achieve several
22 overarching goals, including:

- 23
- 24 • Accommodating projected housing demand, as mandated by the State
 - 25 • Increasing housing production to meet this demand
 - 26 • Improving housing affordability
 - 27 • Preserving existing affordable housing
 - 28 • Improving the safety, quality and condition of existing housing
 - 29 • Facilitating the development of housing for all income levels and household types,
30 including special needs populations; and
 - 31 • Improving the livability and economic prosperity of all Moraga residents with a range of
32 income levels; and promoting fair housing choice for all.
- 33

34 Moraga’s existing Housing Element was adopted in 2015 and covered the 2015-2023 planning
35 period (commonly referred to as the “5th Cycle”). The Town’s allocation for that planning period
36 was just 229 units, including 119 lower income units. The allocation for the 2023-2031 planning
37 period (referred to as the “6th Cycle”) was finalized in May 2021. The allocation of 1,118 units is
38 a nearly 400 percent increase. Other Bay Area communities saw similar rates of increase. The
39 increases resulted from a combination of sluggish housing production in 2015-2020, rapid
40 employment growth, and new methodologies that assign larger shares of the region’s housing
41 needs to “high resource areas.” Moraga has been identified as a high resource area which are
42 characterized by good schools, high incomes, and greater economic opportunities.

43
44 In August 2021, the Town of Moraga entered into an Agreement with a consulting team led by
45 Barry Miller Consulting to undertake the Housing Element Update and other components of the
46 Comprehensive Planning Initiative. The consulting team includes BAE Urban Economics. Both

1 Barry Miller and BAE have experience preparing Housing Elements across California, and are
2 familiar with the State's expectations and requirements. In collaboration with staff, the team has
3 been implementing a work program to update the Housing Element since September 2021.

4
5 The Update process has included a robust community engagement program. Elements of this
6 program have included two rounds of community workshops (in October/November 2021 and
7 March 2022), presentations to civic organizations and stakeholder groups, outreach to developers
8 and property owners, pop-up events at the Pear and Wine Festival and Farmers Market, a project
9 website, brochures, newspaper ads and other informational material about the Housing Element,
10 and multiple study sessions with the Planning Commission and Town Council. The team also
11 conducted a resident survey on housing over a 10-week period, with 1,008 responses, and a
12 survey targeted to St. Mary's students, with over 140 responses. Staff also developed a software
13 app called "Balancing Act" to seek public input in identifying housing opportunity sites. Public
14 input received through these processes has shaped Housing Element findings and
15 recommendations.

16
17 Prior Planning Commission discussions of the Housing Element have included:

- 18
- 19 • October 6, 2021: A joint study session of the Planning Commission and Town Council
- 20 (PC/TC) was convened to introduce the Housing Element, discuss the RHNA, and review
- 21 the work program
- 22 • March 2, 2022: A joint study session of the PC/TC was convened to discuss Housing
- 23 Opportunity Sites and consider options for rezoning
- 24 • May 4, 2022: A joint study session of the PC/TC was convened to discuss implementation
- 25 tools that could be considered to stimulate housing production, and achieve the Town's
- 26 lower income housing targets
- 27

28 The Commission has also held meetings in 2022 relating to other aspects of the Comprehensive
29 Advanced Planning Initiative, including the use of Vehicle Miles Traveled (VMT) for transportation
30 planning (January 6, 2022), and the rezoning of the Bollinger Canyon Study Area (May 24, 2022).

31
32 The HCD working draft Housing Element itself includes the following six chapters:

- 33
- 34 1. An Introduction, explaining the purpose of the Element, the contents of the document, the
- 35 community engagement process, and the context for creating housing opportunities in
- 36 Moraga
- 37 2. An Evaluation of the 2015-2023 Housing Element, including a review of accomplishments
- 38 and assessment of the Element's effectiveness
- 39 3. A Needs Assessment, which analyzes local demographics, economic conditions, housing
- 40 conditions, and forecasts to determine Moraga's housing needs over the next eight years
- 41 4. A Sites Inventory, which identifies sites where housing can be built and demonstrates the
- 42 Town's capacity to meet the RHNA
- 43 5. A Constraints Analysis, which evaluates government and non-government constraints to
- 44 building housing
- 45 6. Goals, Policies, and Programs, which respond to the analysis in the earlier chapters
- 46

1 The Element also includes the following three technical appendices:

- 2
- 3 A. Affirmatively Furthering Fair Housing (AFFH) analysis is a state-mandated analysis that
- 4 analyzes patterns of integration and segregation in the Town and region, and strategies
- 5 to ensure fair housing opportunities for all residents
- 6 B. Housing Opportunity Site Inventory, include state-mandated data for each site identified
- 7 as having the potential to meet the RHNA
- 8 C. Survey Findings, which summarizes the findings of the three surveys conducted over the
- 9 course of the project (Resident Survey, Student Survey, Balancing Act)

10

11 **III. Analysis**

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13 The HCD working draft Housing Element is scheduled for publication on June 28, 2022 and will

14 be reviewed by the Planning Commission on July 5, 2022. The project team is working to provide

15 individual chapters of the Element to the Commission in advance of this date so that the

16 Commission has sufficient time to review the document before its first July 5, hearing. The

17 materials attached to this staff report are part of the “advanced release” and include the analysis

18 of Government Constraints (most of Chapter 5) and the Goals, Policies, and Programs (Chapter

19 6). Staff intends to post other chapters to the project website prior to the June 30 publication

20 date. Because the Housing Element is a large document, the advanced posting will provide

21 additional time for the Commission to become familiar with the report before the July 5 meeting.

22

23 In effect, the June 21 meeting is intended to be a “preview” of the HCD working draft Housing

24 Element, as well as an opportunity to refine the proposed list of housing programs before the Draft

25 is published on June 30. The June meeting will provide the context for the HCD working draft

26 Housing Element as well as its key recommendations. This will reduce the volume of information

27 that needs to be presented on July 5 and provide more opportunity at the July 5 meeting to receive

28 public comment and respond to issues raised on June 21.

29

30 The specific materials to be discussed on June 21 are described below.

31

32 *Government Constraints Analysis*

33

34 Government Code Section 65583(a) requires an “analysis of potential and actual government

35 constraints on the maintenance, improvement, or development of housing for all income

36 levels...including land use controls, building codes and their enforcement, site improvements,

37 fees, and other exactions required of developers, and local processing and permit procedures.”

38 Although local ordinances and policies are intended to protect the health and safety of residents

39 and further the general welfare, they may also constitute a barrier to housing production and

40 maintenance. Local ordinances may also have a disproportionate or negative impact on particular

41 types of housing, such as multi-family housing or other housing types that serve low and moderate

42 income households.

43

44 The land use controls addressed in the Moraga Housing Element Constraints chapter include the

45 Moraga General Plan, the Moraga Center Specific Plan, the Moraga Zoning Regulations, and

46 provisions of the Municipal Code relating to parking, scenic corridors, hillside and ridgeline

47 protection, and planned developments. The report also addresses the design review process,

1 site improvement requirements, permitting procedures, and fees. A separate section of this
2 chapter addresses non-governmental constraints. These include the cost of land and
3 construction, the availability of financing and tax credits, community opposition, infrastructure,
4 and other factors that the Town of Moraga does not directly regulate.

5
6 Attachment 1 to this staff report is an excerpt of the Constraints Chapter, and not the entire
7 chapter. The portions relating to the General Plan, zoning, planned developments, scenic
8 corridors, and parking are included, since they provide the context for many of the program
9 recommendations.

10
11 Some of the key findings of this evaluation are as follows:

- 12
- 13 • General Plan narrative and policies should be more affirming and supportive of diverse
- 14 housing types, including opportunities for accessory dwelling units, “missing middle”
- 15 housing, multi-family housing, and mixed use development.
- 16 • The Moraga Center Specific Plan (MCSP) is an important tool to facilitate much-needed
- 17 housing in the Town and achieve the RHNA. However, the “buildout” assumptions need
- 18 to be increased to reflect the full range of housing opportunities in the area.
- 19 • The 6 DUA zoning district should be updated so it is responsive to the built form of existing
- 20 development in this zone. Most existing development in this zone does not conform to
- 21 the standards.
- 22 • Some of the higher density zones (MCSP R-6 and R-12) have development standards
- 23 that do not fully support small lot development.
- 24 • The upper end of the density ranges in the R-20 and MCSP mixed use zones should be
- 25 increased above 20 units per acre.
- 26 • The Planned Development (PD) process should be streamlined.
- 27 • Scenic corridor regulations—specifically the requirement for a 40’ front setback--present
- 28 a potential constraint on some of the housing sites.
- 29 • Parking regulations should be responsive so that studio and one-bedroom units are
- 30 subject to a lower standard than 2- and 3- bedroom units
- 31 • Guest parking requirements in multi-family housing are high, relative to other communities
- 32 and will need to be adjusted.
- 33 • The Town should work collaboratively with major landowners in the two commercial
- 34 districts to address infrastructure, circulation, and subdivision needs.
- 35

36 *Housing Programs*

37
38 Attachment 2 to this staff report presents the Draft Housing Element Programs. There are 43
39 programs included. Some are ongoing measures that are carried over from the 2015-2023
40 Housing Element and others are new. Many of the new measures respond directly to the
41 constraints analysis and include specific actions to amend zoning regulations, develop new
42 zoning regulations, or modify processes and procedures (such as the Planned Development
43 process). Some of the programs will be implemented concurrently with the adoption of the
44 Housing Element, but most are scheduled for implementation during the first three years of the
45 planning period. Several programs call for periodic or annual “check ins”, with modifications made
46 based on regular evaluation. The Annual Housing Progress Report provides an important tool for
47 monitoring the Town’s progress in implementing the Housing Element and making necessary
48 adjustments.

1 Among the major program recommendations are:
2

- 3 • Complete the update of the 2002 Moraga General Plan
- 4 • Amend the Moraga zoning code and map to create the capacity to meet the RHNA and
5 comply with state law for specific housing types
- 6 • Monitor activity on the housing sites to ensure no net loss of capacity to meet the RHNA
- 7 • Prepare a public realm plan (in lieu of a Specific Plan) for the Rheem Center
- 8 • Amend the scenic corridor regulations to reduce constraints to housing sites
- 9 • Amend parking requirements for studios and one-bedroom apartments
- 10 • Adopt an inclusionary housing ordinance
- 11 • Implement the MCSP
- 12 • Facilitate Accessory Dwelling Unit (ADU) production
- 13 • Provide outreach to affordable housing developers
- 14 • Explore partnerships with St Mary's College
- 15 • Seek increased access to affordable housing subsidies
- 16 • Promote shared housing and rental of rooms in private homes
- 17 • Increase awareness of the County Neighborhood Preservation Program
- 18 • Improve the efficiency of development review procedures
- 19 • Consider fee waivers and deferrals for affordable housing
- 20 • Pursue grants to improve infrastructure
- 21 • Allow co-housing and live work units
- 22 • Publicize senior housing resources
- 23 • Provide information for first-time homebuyers
- 24 • Provide referrals to agencies assisting persons experiencing homelessness
- 25 • Implement climate action plan measures to improve energy efficiency and reduce related
26 costs

27
28 For each program, the text identifies a measurable objective, a responsible party, a timeline, and
29 a potential funding source.
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31 **V. CEQA**

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34 The Comprehensive Advanced Planning Initiative, including the Housing Element, will be the
35 subject of a programmatic Environmental Impact Report (EIR). The EIR will consider the
36 environmental effects of adopting the proposed housing policies and programs. This includes the
37 effects of rezoning selected sites in the MCSP and Rheem commercial districts. The EIR will also
38 evaluate the impacts of replacing the "Study" designation for the 423-acre Bollinger Canyon Study
39 Area with new General Plan and zoning designations.
40

41 The Draft EIR is expected to be released in Fall 2022, with a 45-day public review period to follow.
42 A Final EIR (FEIR) will be prepared at the end of that period, at which time the FEIR and revised
43 Housing Element will be brought before the Planning Commission for a public hearing. This is
44 scheduled for December 2022, with adoption by the Town Council in January 2023.
45
46

1 **VII. Recommendation**

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3 Accept the informational report and provide guidance and feedback to staff. Staff will return to
4 the Commission on July 5, 2022 for a public hearing on the Working Draft Housing Element. The
5 staff will take the Planning Commission and public input and feedback to Town Council on July
6 13, 2022. The HCD working draft Housing Element is anticipated to be sent to HCD by the end of
7 July for comment and review.

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9

10 **ATTACHMENTS**

11

12 A. Constraints Chapter (partial draft)

13 B. Draft Goals, Policies, and Programs

ATTACHMENT A

Constraints Chapter (partial draft)

ATTACHMENT A: CONSTRAINTS TO HOUSING CONSERVATION AND PRODUCTION

Introduction

The California Government Code requires that all housing elements include an analysis of governmental constraints to the maintenance, improvement, and development of housing for all income levels. Constraints may include zoning regulations and other land use controls, development standards, permitting procedures, design review requirements, unique local ordinances and ballot initiatives, building codes, site improvements, fees and other exactions required of developers.

While these measures are important to ensure public health and protect the quality of life, they can also add to the cost of housing. It is useful to periodically reexamine local ordinances and policies to determine whether, under current conditions, they are accomplishing their intended purpose or constitute a barrier to housing production and conservation.

Non-governmental constraints also must be considered. Such constraints include the cost of land, the cost of construction, the adequacy of infrastructure, credit and financing terms, interest rates, the availability of state and federal funds, and local attitudes about growth and development.

Governmental Constraints

Moraga General Plan

The Moraga General Plan was adopted in 2002. The Plan has been amended several times in the last 20 years, but it has not been comprehensively updated. For example, the Plan was amended to maintain internal consistency with the Moraga Center Specific Plan in 2010. It was amended in January 2015 when the 2015-2023 Housing Element was adopted. Amendments were also made in 2018 when the Hillsides and Ridgeline Ordinance was adopted. However, the Plan does not reflect the transformative changes that have reshaped the region in the last 20 years, such as the housing crisis, increased fire hazards, climate change, and changes in the way we live, work, communicate, and travel. The Plan also does not reflect demographic changes, including an aging and more diverse population, or the effects of high housing costs on young families and the local workforce.

The 2002 General Plan includes the Town's Land Use Map, which provides the framework for zoning. The Map identifies three basic designations for single family development—one dwelling unit per acre (1 DUA), two dwelling units per acre (2 DUA), and three dwelling units per acre (3 DUA). Almost all Moraga neighborhoods are given one of these designations.¹ Collectively, they apply to 75 percent of all parcels in the Town.

¹ A "hybrid" category of 1.5 DUA is shown on the Land Use Map, although it is not referenced in the text.

The Map also includes a 6 DUA category, which applies to the multi-family neighborhoods along Donald Drive and Ascot Drive as well as some of Moraga’s townhome developments. The Land Use Map also includes a “Rheem Center” designation for the Rheem Park commercial district and a “Moraga Center” designation for the Moraga Center Specific Plan area. These are described in the text as commercial centers and community focal points, with opportunities for housing at densities up to 20 units per acre, or 30 units per acre for senior housing. The Land Use categories in the Plan should be more clearly defined, with density ranges realigned to support multi-family housing in R-6 areas and higher base densities (24 units per acre) in the mixed use areas. These changes are discussed in greater detail in a later section of this chapter (See the discussion on Zoning).

The General Plan begins with a statement of values and principles. Most of these statements still represent the Town’s vision for its future. However, the Plan’s goals and policies should be updated to recognize the importance of having a diverse housing stock, including opportunities for higher density housing. This includes acknowledging opportunities for accessory dwelling units (ADUs), deleting outdated language regarding density bonuses, clarifying the Town’s position on clustered housing, and recognizing the variety of housing that already exists in the Town.

The first goal of the Land Use Element is “a high-quality residential environment consisting primarily of detached single family homes.” This goal sets the tone for the policies that follow, including Policy LU-1.3, which limits the height of residential buildings outside of Specific Plan areas to two stories, and Policy LU-1.4, which indicates that “only conventional detached single family homes” are allowed in areas designated for 3 units/acre or less on the Land Use Map. Although this is the predominant housing type in the Town, it should be acknowledged that other types of housing are permitted by State law. Policy LU-1.9 indicates that the “6 DUA” General Plan designation is intended to provide for development that is single family in character. However, this designation is applied almost exclusively to multi-family and townhome development, most of which is currently 15-30 units per acre. The impacts of such policies are subtle but taken cumulatively they could provide a negative characterization of multi-family housing and impede the Town’s ability to affirmatively further fair housing, as required by State law.

Policy LU-3.1 calls for a specific plan for the Moraga Center, which has been completed. Actions are still needed to fully realize the vision of this plan, particularly relating to infrastructure and circulation improvements. Policy LU-3.2 calls for a Rheem Center Specific Plan, which enables “a mix of housing types that is fitting with Moraga’s community character.” This is being achieved through zoning changes being implemented as part of the 2023-31 Housing Element. A program in this Housing Element calls for a “Public Realm Plan” for the Rheem area to facilitate redevelopment, address parking and circulation, provide for gathering places, and create an attractive setting for new development.

Policies in other General Plan Elements influence how and where housing may be developed. The Community Design Element provides direction on hillside and ridgeline protection, site planning, view protection, and the preservation of mature trees. The Element also identifies scenic corridors,

including the major thoroughfares that bisect the commercial districts. The purpose of scenic corridors is to strengthen the Town's semi-rural character. However, some of the policies and resulting standards may be a barrier to multi-family or mixed use housing. Constraints associated with the scenic corridor designation are addressed in a later section of this chapter.

A goal in this element indicates that multi-family housing should be "centrally located, well designed and appropriate to Moraga's context and character." Policies under this goal are generally supportive of multi-family housing but are focused on compatibility with existing neighborhoods. There is no design guidance for mixed use development.

The Open Space Element likewise impacts housing potential. Specifically, it establishes standards for determining the number of units that may be allowed on private open space land, expresses support for transfer of development rights from open space to the two commercial districts, and prohibits development on major ridgelines and slopes greater than 20 percent. This Element also includes policies to maintain areas of natural significance, preserve riparian corridors, and protect tree covered areas. The Public Safety Element likewise prohibits development in "high-risk" areas (a term mostly related to landslides), even when mitigation measures may reduce potential hazards. It also requires special standards for development in high fire hazard areas. Collectively, these policies direct development away from open space and toward the already urbanized Moraga Center and Rheem Center areas. This is consistent with regional plans and initiatives such as Plan Bay Area 2050 and the Contra Costa County General Plan.

The General Plan includes a Growth Management Element, as required by Contra Costa County per voter initiative. This Element establishes level of service "C" standards for all Town roads, as well as standards for police, fire, parks, water, storm drainage, and sanitary sewer services. Development may only be approved after findings are made that these standards will continue to be met once new development is in place. The GME also implements the "Urban Limit Line" approved by County voters, limiting the Town's ability to annex and approve development on land that is now unincorporated.

The General Plan Implementation Chapter includes specific programs with the potential to affect housing. These include special requirements for fire safety, limits on building on steep slopes and in moderate and high risk areas, and standards for tree protection, flood control, and historic preservation. It also provides the framework for development review, including the criteria for reviewing new projects. The chapter references the Town's design review process, as well as requirements for geotechnical reports, EIRs, fee waiver requests, and traffic studies. This Chapter identifies the Zoning Ordinance as the principal tool for carrying out these programs, as well as implementing the General Plan's policies and Land Use Map.

In summary, the 2002 General Plan presents a number of potential constraints to meeting regional housing needs. Most of the Plan was drafted more than two decades ago. As the Town's statement of values and vision for the future, it is important that the Plan is updated so that it remains relevant, internally consistent, aligned with regional policies and forward-focused.

In 2021, the Town Council authorized an update of the General Plan as part of the Town's Comprehensive Advanced Planning Initiative. The Update is being undertaken in two phases, with the first phase including the Housing Element and State-mandated updates to the Safety Element and Circulation Element. Phase One also includes amendments to other Elements that are necessary to maintain internal consistency with the 2023-2031 Housing Element. The second phase of the update (2023-2024) will include comprehensive revisions to the remaining elements. This will effectively remove the constraints identified here and provide a coordinated framework for meeting future housing needs.

Moraga Center Specific Plan

The Town adopted a Specific Plan for the 187-acre Moraga Center area in 2010. This followed a seven-year process that included Moraga Center's designation of this area as a "Priority Development Area" by the Town and the Association of Bay Area Governments (ABAG). The PDA designation makes Moraga Center eligible for planning grants, as well as transportation and infrastructure funds that support additional development. Initial zoning changes, including creation of the R-20 zone, were adopted in 2010. A more comprehensive rezoning occurred in 2020, following several years of community engagement.

Environmental review for the Moraga Center Specific Plan (MSCP) assumed up to 630 dwelling units, 90,000 square feet of new retail/entertainment space, and 50,000 square feet of office space.² Most of this development is planned on vacant land. In particular, a roughly 40-acre orchard west of Laguna Creek is designated for a range of housing types, including single family homes, townhomes, and multi-family housing. The MCSP also envisions workforce housing (particularly for St. Mary's College employees), renovation of the Moraga Ranch as a community focal point, and a 20,000 square foot community center on Moraga Road. An underlying goal of the Plan is to reduce vehicle miles traveled and congestion by creating opportunities for Moraga workers to live in the community, and by providing opportunities for local shopping, dining, and entertainment so that Moraga residents do not to travel elsewhere for these services.

The Specific Plan increased allowable residential densities and created opportunities for new mixed residential-commercial land uses. This includes allowances for "Mixed Office/Residential" and "Mixed Retail/Residential" with densities ranging from 12 to 20 units per acre. The Plan also identified 17 numbered "sub-areas" within its boundary and provided guidance for future land use in each sub-area. Sub-areas include the "Village" (Areas 1-7), the Shopping Center (Areas 8-12), and additional areas of vacant and underutilized land along the south and east edges of the planning area (Areas 13-17). In the mixed use areas, the Plan provides the flexibility for either residential or commercial uses, and encourages projects in which both land uses are horizontally or vertically mixed.

In addition to providing land use guidance, the Specific Plan identifies future circulation improvements, public service and facility needs, and implementation measures (including zoning changes). Some of

² 510 "base units" plus 120 density bonus units for senior housing = 630 units

these measures have been completed while others are contingent on new development. The Plan is intended to be dynamic and flexible in terms of the location of new development and mix of unit types within its boundary. Since the Plan's adoption in 2010, 62 units have been completed.

The MCSP strongly supports the Town's housing goals and will help Moraga achieve its regional housing needs allocation. Its standards have been codified in the Town's zoning regulations and are addressed in the discussion below.

Zoning Regulations

Moraga's zoning regulations (Title 8 of the Municipal Code) provide standards and requirements for the use of all property in the Town, as well as procedures for development, building modifications, and changes in use. The regulations are organized into Chapters, several of which correspond to specific zoning districts. Regulations for these districts are summarized below.

1-DUA, 2-DUA, and 3-DUA Districts

These three districts correspond to the Moraga General Plan land use designations of the same names. The intent of the districts is to provide for a residential environment consisting of low-density detached single-family homes. Permitted uses include single family homes, ADUs, and similar compatible uses listed in the Code. Additional uses, such as religious facilities and parks, are conditionally permitted. Development standards for this zone are shown in Table 5-1 and cover allowable lot size, lot width and depth, lot coverage, and building height. The standards allow for relaxed setbacks on homes built prior to the Town's adoption of its first zoning code (1980).

The Code requires that all projects in these districts must conform to the Moraga Design Guidelines as well as the zoning standards. This includes Floor Area Ratio (FAR) standards, which are in the Guidelines rather than the zoning code.³

6 DUA and MCSP-R6 District

Chapter 8.31 includes standards for the 6 DUA district. While the intent of this zone is to provide for multi-family development, the only uses permitted by right are duplexes, ADUs, supportive/ transitional housing, and agriculture. Other uses—including multi-family housing and offices—are permitted with a conditional use permit. Given the intent of the zone, the list of permitted uses should be amended so that multi-family housing is included.

Additionally, the maximum density in this zone is 6 units per acre. This is equivalent to 7,260 square feet of lot area per dwelling, which is a suburban density usually associated with single family housing.⁴

³ See further discussion of FAR under "Design Guidelines" later in this chapter. Because FAR is an objective standard and is not discretionary, it should be relocated from the Guidelines to the Municipal Code.

⁴ Single family detached housing is typically developed at one to ten units per net acre. Attached housing (townhomes) is typically 10-20 units per acre, while multi-family housing is typically at least 15 units per acre.

Most of the existing development in this zone was permitted before Moraga was incorporated and does not conform to the 6 DUA density. The zone also requires a minimum lot area of 10,000 square feet, 25-foot front and side yard setbacks, and 20-foot rear setbacks.

Development standards in the 6 DUA zone provide further direction for development. This includes a lot coverage limit of 50 percent (structures may not cover more than 50 percent of the lot area) and a maximum height of 35 feet or two stories, whichever is lower (this can be further reduced by the Planning Commission). Projects require submittal of a concept plan.

A variation of the 6 DUA zone, called R-6, has been adopted for the MCSP area. This zone is currently mapped on only one parcel. It provides more flexibility than the 6 DUA zone, including allowing multi-family structures by right, lots as small as 3,600 square feet, 60 percent lot coverage, and three-story construction. While the code allows for small lots, the density limit of 6 units per acre, coupled with the lot width and setback requirements, make small lots difficult to construct without a planned development application. Other uses allowed by right in this zone include “compact” single family housing, detached housing, duplexes, and similar housing types. A minimum density of four units per acre also applies.

Table 5-2 provides a summary of the 6 DUA and R-6 standards. Changes to the 6 DUA zone should be made to recognize the prevailing structure type on parcels in this district, potentially including a higher density range (such as 12 or 15 DUA). Changes to MCSP R-6 should be considered to allow for smaller setbacks and frontages without a PD application, and to consider a higher density range (such as 8 or 10 DUA).

MCSP R-12 District

The MCSP R-12 district was created in 2020 as part of the MCSP rezoning. It allows small lot single family homes, townhomes, 2-4 plexes, and multi-family structures by right, and a variety of small (less than 5,000 square feet per parcel) commercial uses with a conditional use permit. The zone has a minimum density of 10 units per acre and a maximum density of 12 units per acre, although the Code allows for higher densities on parcels of one acre or larger.

The development standards in the R-12 district are similar to those in the MCSP R-6 zone. These standards include side setbacks ranging from 5' to 10', front setbacks ranging from 15' to 20,' and rear setbacks of 15 feet. The setbacks are similar to those applying in low density development areas and would not support a small lot subdivision, indicating that new projects would likely require Planned Development (PD) applications. Development is also subject to a 35' height limit, a 60 percent lot coverage limit, and FAR standards. The setback and frontage standards should be adjusted so that small lot development can be approved by right if it conforms to the adopted standards.

Table 5-1: Single Family Residential Zoning Requirements

Zone	Minimum Lot Area	Minimum Frontage	Minimum Front Yard(1)	Minimum Side Yard(1)	Exterior Side Yard (corner lots)	Minimum Rear Yard
1 DUA	30,000 SF	140'	25'	20'	25'	25'
2 DUA	20,000 SF	120'	25'	15'	20'	20'
3 DUA	10,000 SF	80'	20'	10'	15'	15'
Sanders Ranch/ Moraga Place (2)	10-14,999 SF	80'	20'	10'	15'	15'
	15-19,999 SF	100'	20'	10'	15'	20'
	20,000+ SF	120'	25'	15'	20'	20'

Source: Moraga Municipal Code, 2022

Notes:

- (1) Properties built prior to November 1980 are subject to the front and side yard setbacks for the R-15 Zoning District, which is a County zoning designation that was in effect prior to adoption of the Town's first Zoning Ordinance (Moraga Municipal Code SECTION 8.68.060).
- (2) Separate standards for these two subdivisions were adopted through the PD process when they were first approved. A process for further reductions to the side yard standards was included.

Table 5-2: Medium and High-Density Residential Zoning Requirements

Zone	Minimum Lot Area	Minimum Frontage	Minimum Front Yard	Minimum Side Yard	Sum of Side Yards	Exterior Side Yard	Minimum Rear Yard	Minimum/Maximum Density
6 DUA	10,000 SF	100'	25'	20' ¹	40'	25'	20' ¹	N/A
MSCP R-6	3,600 SF	50'	15'-20' ²	5-10' ³	N/A	10' ^{1,2}	15'	4 DUA/ 6 DUA
MCSP R-12	3,600 SF	50'	15'-20' ²	5-10' ³	N/A	N/A	15'	10 DUA/ 12 DUA
R-20A and R-20B ⁴	2-3 acre pre-development	200'	20'	20'	40'	15'	15'	16 DUA/ 20-30 DUA ⁵

Source: Moraga Municipal Code, 2022

Notes:

- (1) The side and rear setbacks in 6 DUA cannot be less than the height of the building, therefore, if the building height is greater than 20 feet the setback would have to be increased. (Moraga Municipal Code 8.32.060)
- (2) Varies depending on unit type, proximity to scenic corridor, and other factors. Must allow for 20' driveway. May be reduced for front porches.
- (3) 20' required for three story structures
- (4) Additional requirements apply. See Table 5-3
- (5) 20 DU/Ac max, except 30 DU/Ac allowed for senior housing

The FAR standards in MCSP R-6 and R-12 are calculated on a “pre-subdivision” basis. In other words, the total floor area permitted in a development is first calculated based on the gross area of a site, then allocated across the number of lots that are created. The allowable FARs get larger as lot sizes get larger. Usually, sliding scale FARs work the reverse way—with FARs getting smaller as lot sizes get larger. The current FAR table should be revisited to ensure it is achieving the desired outcome, which is to allow “missing middle” housing types. Because the existing parcels in these districts are larger than two acres, this has not been an issue—it could become an issue in the future depending on how these sites are subdivided.

R-12 standards appear in Table 5-2. Both of the parcels on which R-12 is currently mapped have areas of moderate to steep slopes. This further suggests that clustering will be proposed when they are developed, potentially through a discretionary PD process.

MCSP R-20 District

The R-20 district was created in 2010 when the MCSP was adopted. R-20 was subsequently divided into R-20A and R-20B zones in 2020 when the final MCSP rezoning took place. R-20A applies to a 6.1-acre area on the west side of Laguna Creek near the north end of School Street. The remaining 12 acres of R-20 zoning west of the creek is now R-20B. The other R-20B property is south of Country Club Drive and east of School Street. Collectively these parcels have the capacity for over 400 housing units. They are an essential part of Moraga’s strategy to meet its RHNA.

Permitted uses in R-20 include all types of residential dwellings (including multi-family housing). Conditional uses include up to 5,000 cumulative square feet per lot of commercial floor space, provided the site is adjacent to a commercial or office district. The distinction between the two lettered sub-zones (A and B) is that projects in Zone B require discretionary review while those in Zone A can be approved ministerially if they meet adopted development and design standards.

A minimum density of 16 units per acre applies in this zone, while the maximum is 20 units per acre. This may be exceeded for senior housing, which is subject to a 30 unit per acre maximum. The density figures exclude streets and are applied to net acres rather than gross acres (§8.34.040(A)). In other words, if two acres of a 10-acre site are dedicated to internal streets as part of a subdivision, the allowable number of units is calculated based on the remaining eight acres.

Basic R-20A and -B development standards are shown in Table 5-2. Table 5-3 shows additional development standards that are unique to the R-20 district. As with the R-6 and R-12 zones, it is important to consider the context for these zones when evaluating them. The R-20 zones currently only apply to two parcels. One is the orchard west of Laguna Creek, where a parcel is divided into R-20A and R-20B areas. The other is in Area 14 south of Country Club Drive. All of these properties are larger than 6 acres. As such, the requirement for a 3-acre minimum parcel area and minimum of 60 units per project are not necessarily constraints, because they reflect “pre-subdivision” conditions and the expectation that these will be large-scale multi-family projects.

Table 5-3: Special Development Standards for the R-20A / R-20B District

Standard	Requirement	Analysis Comments
Site Area	Minimum 3 acres	Clarify this is pre-subdivision; potentially reduce.
Site Area for projects subject to ministerial review	Minimum 2 acres, provided that at least 50 units are proposed	Clarify to avoid conflict with requirement for 60 units (below)
Number of Residential Units	Minimum 60	Consider reducing to 50 or lower
Square Feet Per Residential Dwelling Unit	300 SF	
Square Feet Per Dependent Senior Residential Dwelling Unit	100 SF	Potentially eliminate
Average Site Width	200 feet	Clarify this is pre-subdivision
Average Site Depth	200 feet	Clarify this is pre-subdivision
Site Building Setback	20 feet from all site boundaries to any architectural projection on a building	
Creek Building Setback	50' from top of bank or 50' from edge of riparian vegetation that is protected by a state or federal agency, whichever is greater, to any architectural projection on a building.	
Pervious surface area (including natural or landscaped area)	30 percent of site area	Not needed, if impervious is also limited
Natural area or area landscaped area with living plants	20 percent of site area	
Private outdoor area for each Residential Dwelling Unit	Minimum: 20 sq ft attached or immediately adjacent to each dwelling unit with a minimum dimension of 4 feet in each direction.	Clarify how this standard relates to the 100 SF requirement listed below.
Private outdoor area for each unit	100 square feet attached or immediately adjacent to each unit with a minimum dimension of 6 feet in each direction. Private open space within 500' of a scenic corridor must be screened.	
Number of required parking spaces	1 space per studio or 1-bedroom 2 spaces per 2- or 3-bedroom 2.5 spaces per 4 or more-bedroom 0.3 spaces per Dependent Senior Residential Dwelling Unit ⁽¹⁾	Consider applying these standards in other zones
Height	3 stories/ 45'	
Lot Coverage	65 percent	
Impervious surface coverage	70 percent	
Floor Area Ratio	1.15 with enclosed parking; .85 with uncovered parking, plus another 0.35 for common facilities.	Clarify if buildings with enclosed parking also receive a 0.35 FAR allowance for common facilities

Source: Moraga Municipal Code, Barry Miller Consulting, 2022

Note: ¹ In senior housing projects, the minimum parking ratio provided shown above may be reduced by 25% for each passenger vehicle made available permanently for use by the residents of each 75 units, as long as at least 0.5 space per unit is still provided.

The standards should be monitored to ensure they are not impeding the ability to develop the R-20 properties. A smaller threshold (2 acres/48 units) might be sufficient. In addition, certain standards need clarification. For example, the standards require 3 acres for each development site, and a 60-unit project size. However, the standards also state that a 2-acre site is eligible for ministerial approval if it contains at least 50 units. There are also two sets of open space standards—one requiring 20 square feet of open space per unit and another requiring 100 square feet. The setbacks are expressed as “maximum limits” but are listed as minimums.

The R-20 zone also has objective design standards, intended to facilitate by right approval of projects in the “A” sub-zone. These include conformance with grading and flood plain regulations, limits on retaining wall height, and a requirement that finished slopes not exceed 33 percent grade. In general, these standards are not constraints and support public safety. The standards also include special requirements for buildings within scenic corridors, which is covered in a later section of this chapter.

The base allowable density in this zone will be increased from 20 to 24 units per acre as part of adoption of this Housing Element. In addition, the Housing Element includes a program to reassess the R-20 district standards within two years of Housing Element adoption.

Mixed Use Districts (MSCP Mixed Office-Residential and MCSP Mixed Retail-Residential)

The MSCP area includes two mixed use zoning districts, one corresponding to Office-Residential (MSCP O-R) and the other corresponding to Retail-Residential (MCSP R-R). The Town has identified roughly 360 units of housing capacity in these districts in its site inventory, all of which would meet the “default density” requirements for lower income units. As such, these two zones provide an important resource in the Town’s efforts to meet its affordable housing needs.

Development standards for the two mixed use zones are shown in Table 5-4. The standards are effectively the same in each zone, including a residential density range of 12 (minimum) to 20 (maximum) units per acre, a height limit of 45 feet and 3 stories, and no required setbacks. Both zones have an FAR maximum of 0.85, but this is applied only to commercial square footage. Residential and commercial density limits are additive, meaning a parcel may have both 0.85 FAR of commercial space, plus 20 units/acre of residential space. This provides an incentive for mixed use projects that include both uses. The minimum lot area in these districts is 10,000 square feet, which is considerably lower than the 3-acre minimum that applies in R-20. This reflects the fact that the MSCP mixed use zones include previously developed parcels, while R-20 applies only to parcels that are vacant.

Table 5-4: Development Standards in Mixed Use Districts

Standard	MCSP Mixed Retail-Residential	MCSP Mixed Office-Residential
Density	Max: 20; Min: 12	Max: 20; Min: 12
Minimum lot area	10,000 square feet	10,000 square feet
Minimum lot width	30 feet	30 feet
Minimum lot depth	100 feet	100 feet
Minimum width	30 feet	30 feet
Minimum front yard setback:	0 feet (1)	0 feet (1)
Minimum side yard setback:	0 feet (1)	0 feet (1)
Minimum exterior side yard setback:	0 feet (1)	N/A
Minimum rear yard setback:	0 feet (1)	0 feet (1)
Minimum lot area	10,000 square feet	10,000 square feet
Maximum building height (primary)	45 feet (1)	45 feet
Minimum private open space (applies only to residential uses of development)	Greater than or equal to 5 percent of each dwelling unit floor area (minimum of 50 square feet and minimum dimension of 5 feet in each direction)	Greater than or equal to 5 percent of each dwelling unit floor area (minimum of 50 square feet and minimum dimension of 5 feet)
Minimum building separation for multiple 2-story buildings on a single lot	25 feet (2)	25 feet (2)
Minimum building separation for multiple 3-story buildings on a single lot	35 feet (2)	35 feet (2)
Maximum stories	3 stories	3 stories
Maximum lot coverage	60 percent	60 percent
Floor Area Ratio	0.85	0.85

Source: Moraga Municipal Code, 2022

Notes:

- (1) Scenic corridor requirements may create additional setback requirements not shown here
- (2) Where two different height buildings are adjacent, the taller building controls separation

Overall, the standards in the two mixed use zones are supportive of multi-family residential uses, including small urban infill projects as well as larger-scale projects. Multi-family residential is a permitted use in both districts. Mixed use residential projects (combining residential and commercial uses) also are permitted. A program to be implemented concurrently with adoption of this Housing Element will increase the allowable density from 20 to 24 units per acre.

Most of the housing sites in these two zones fall within the Moraga Way and Moraga Road scenic corridors. Constraints associated with the scenic corridor designation are addressed in a later section of this chapter.

Commercial Districts

There are several “commercial only” zoning districts in Moraga. These include the MCSP Commercial (MCSP-C) zone, the Suburban Office (SO) zone, the Community Commercial (CC) zone, and the Limited Commercial (LC) zone. The first of these districts is mapped in the Moraga Center Specific Plan area, while the latter three comprise the Rheem commercial district.

Residential uses are not listed as permitted or conditionally permitted in any of these zones. However, the zoning ordinance provides the Planning Commission with the discretion to permit “other uses” found to be “consistent with the purpose of the district” and comparable to other permitted or conditional uses. Since the 2002 General Plan supports housing and mixed uses in the Rheem commercial area, the case could be made that housing is consistent with their purpose. However, this would currently need to be determined through a conditional use process or rezoning to Planned Development.⁵

Several actions will be taken concurrently with adoption of this Housing Element to create housing opportunities in these districts. Specifically, housing will become a permitted use (up to 24 units per acre) in the SO zone, and the CC zone will be split into two districts, one of which allows multi-family residential (up to 24 units per acre). In addition, zoning map changes will move a number of properties from commercial zones into mixed use zones.

Other Districts

Other zoning districts in Moraga include two open space districts, an institutional district, a “Study” district, and two overlay districts.

The open space districts include the “MOSO Open Space District” and the “Non-MOSO Open Space District.” MOSO is the Moraga Open Space Ordinance, approved by voters in 1986 to conserve hillsides, ridgelines, and other natural areas in the community. MOSO Open Space was specifically protected through the ordinance, while Non-MOSO open space includes land with similar qualities that was not covered by the ordinance. Single family residential development is conditionally permitted in

⁵ The Town’s PD regulations provide for densities of 10 DUA in Rheem Center

both zones, but at very low densities. Density is either 5 acres per unit, 10 acres per unit, or 20 acres per unit. The allowable density is determined through a conditional use process, and usually through a planned development application that considers factors such as risk levels and natural resources. The PD application enables the allowable number of units to be clustered on smaller lots, with the residual areas retained as permanent open space. In addition to enabling open space protection, the clustering also allows for more efficient infrastructure and logical placement of development.

The Institutional district (also referred to as the “College” district) applies only to the St. Mary’s College Campus. Other institutional uses in the Town, including schools and religious institutions, are typically zoned with residential designations.

The “Study” district applies to the 423-acre Bollinger Valley area. The Town is in the process of eliminating this district and applying a combination of residential and open space designations to the underlying parcels. Most of the land area will be designated Rural Residential, with a density of one unit per five acres.

The two overlays are the Moraga Ranch Overlay and the Research and Development Overlay. In both cases, the underlying zone is Commercial, and housing is not currently a permitted use. The Moraga Ranch Overlay is intended to preserve the traditional character and potential historic resources on the ranch property in the heart of Moraga Center. The R&D Overlay applies to three parcels at the northwest corner of Rheem Boulevard and Moraga Road, including 2.5-acres owned by St Mary’s College. This Overlay was created in 1997 to provide an opportunity for a technology campus. With the proposed rezoning of these properties to mixed use, the R&D Overlay should be rescinded.

Planned Development Districts and Requirements

The Town has established procedures to allow variations from zoning standards through the planned development (PD) process. PDs provide opportunities for cohesive design on larger sites and allow projects that have a more harmonious relationship to site conditions. They can also accommodate variation in lot size and housing type, as well as the dedication of larger areas as open space.

The Moraga General Plan requires that development on any property larger than 10 acres must be processed as a PD. All land uses are permitted in PD zones, including housing. Creation of a PD is a discretionary process involving multiple steps. PDs are subject to a unique set of standards for lot sizes, including allowances for smaller lots. In single family PDs, the standards allow for clustering, including attached single family homes. Density in such PDs is effectively “transferred” from one part of a pre-subdivided property to another.

Site-specific development standards for each PD are developed through a series of Planning Commission hearings. These standards may cover lot coverage, density, building design and arrangement, setbacks, parking, circulation, access, lighting, fencing, landscaping, screening, and other project features. The PD standards are expressly designed for single family subdivisions, making

it unclear what standards would apply to multi-family zoned parcels that are 10 acres or greater. A commercial PD process has been developed for commercial and mixed use projects, but there is no equivalent process for multi-family housing.

There are three stages of development plan approval required in the PD district:

- First, a conceptual development plan is required. This includes a site plan showing topography, land uses, proposed grading, and the general distribution of buildings, circulation features, and open space as well as an evaluation of fiscal costs and public facility needs. A Planning Commission hearing to consider the application is conducted, and specific findings must be made before the Commission can approve the application. Additional findings must be made for hillside projects.
- Second, a general development plan is required. Additional requirements apply, such as requirements for a property survey, including tree locations, and a project phasing plan and statement of design principles. Engineering feasibility studies also may be required. This plan is again subject to a Planning Commission hearing and approval.
- Third, a precise development plan is required. This includes more specific site planning detail, grading and engineering plans, utility plans, floor plans, and exterior elevations. These are subject to a final Planning Commission hearing.

At each step, Planning Commission decisions may be appealed to the Town Council. In addition, the Commission may impose conditions and requirements at each step, if it finds it necessary to carry out the purpose and intent of the district. Building permits may only be issued after the third stage of this process has been completed.

The number of steps and hearings required for the PD process is a potential development constraint. The process can be inconsistent and unpredictable and may be lengthy. The Town is revising the process concurrently with the Housing Element update and intends to adopt a revised procedure within a year after Housing Element adoption. The goal of the revisions should be to reduce the number of hearings and rounds of review required, thus reducing the processing costs for applicants, the lengthy approval procedures, and the recurring potential for an appeal with each step.

Scenic Corridors

The Town of Moraga has designated Moraga Road, Moraga Way/Canyon Road, St. Mary's Road, Rheem Boulevard, Camino Pablo, Bollinger Canyon Road, and Upper Donald Drive as "scenic corridors." Each corridor extends 500 feet on either side of the roadway centerline (1000' total). Buildings that are visible from the scenic roadways in each corridor are subject to special standards above and beyond those in the base zoning districts. The corridors bisect both of the Town's major commercial districts and apply to a number of designated Housing Opportunity sites.

Guidelines have been adopted for projects within the corridors. These require a “compatible visual relationship with surrounding development,” and building placement that avoids a “walled effect” along the corridor. Regardless of a parcel’s size or dimensions, new buildings are required to maintain views of distant hills and ridgelines and be limited in scale to reduce visual dominance. The guidelines state that “manmade structures...should be secondary in importance to natural growth.” They further state that “unnatural and conflicting aesthetic elements shall be eliminated to the extent feasible.” Such elements must be screened when they cannot be eliminated.

These requirements require subjective evaluation. Moreover, the approval process for such projects requires review by the design review board (i.e., Planning Commission), who have the authority to disapprove the project after making written findings (§ 8.132.070).

In the Moraga Center Specific Plan Area, objective standards have been developed to define what may be considered “compatible” in a scenic corridor. These include:

- 40-foot setbacks for building frontages that face Moraga Road and Moraga Way.
- Requirements that any square footage above the first floor in such buildings be recessed 8 feet (i.e., a “stepback”) to reduce perceived mass from the scenic road.
- In the R-20 zone, projects in the corridors are subject to a requirement that any space above the second floor have setbacks that are 50 percent higher than the lower levels. This could also require “stepbacks” on upper floors, which could limit total floor area and unit yield.⁶

While similar standards have not been developed for the Rheem area, the MCSP standards could be referenced as the Commission makes findings for future residential projects in this area.

As currently drafted, the scenic corridor guidelines and standards could be a development constraint on several of the housing sites. Some of the multi-family and mixed use sites face Rheem Boulevard, Moraga Road, and Moraga Way. A few of the sites are less than 200’ deep and a 40’ front setback could reduce their capacity for development. At least one of the sites has a steep slope to the rear, which may necessitate placing development closer to the road. In addition, the requirement to step back the building by eight feet above the first floor, or to recess a third floor, could increase project costs and affect feasibility. Locating parking in the front setback area might address these constraints but could conflict with the goals of the scenic corridor designation.

While preserving scenic corridors is an important General Plan goal, it must be balanced with other goals such as meeting local housing needs and creating community focal points at the shopping centers. Variations from the corridor standards may be warranted in the two centers, particularly when the result would be a better pedestrian experience and a more attractive urban form.

⁶ Most of the R-20 land area is outside the scenic corridors, but both parcels partially fall within the 500-foot buffer.

Parking Standards

In a suburban setting like Moraga, parking is a necessary component of most development projects. The Town has minimal public transit and walking or bicycling may not be practical for many types of trips. Census data indicates that 76 percent of Moraga households have two or more vehicles.

At the same time, the way that parking is handled in residential development projects is changing, particularly for denser development in mixed use areas. Most communities no longer use a “one size fits all” approach to residential parking in such areas and have adopted standards that vary based on bedroom counts, unit type, and other factors. These types of adjustments are critical because parking is a significant part of the cost of new residential development and has a substantial impact on site planning and design. Parking structures can cost as much as \$50,000 per space, and this cost is typically passed on to the buyer or renter.

Moraga currently requires two off-street parking spaces per single family home, a standard that is common in Bay Area suburban communities. It applies the same standard to multi-family housing, except in the R-20 zone where standards are scaled to reflect the number of bedrooms. The requirement for two spaces per unit for multi-family housing outside the R-20 zone is a potential development constraint. Effectively, the standards mean that a studio apartment and a three-bedroom apartment need to provide the same amount of parking—two spaces per unit. In addition, one guest parking space is required for every two units.

Table 5-5 shows multi-family parking standards in Moraga as of 2022. The table includes information on standards in Lafayette, Orinda, and Danville, three nearby communities with similar demographics and land use patterns. The other communities have adopted sliding scales for multi-family housing, with lower requirements for smaller units. For example, Orinda and Danville require one space for a studio and 1.5 spaces for a one-bedroom. These communities also have lower guest parking requirements than Moraga, with one space for 4 or 5 units, compared to one space per two units in Moraga.

Other Bay Area cities have created ways to reduce parking requirements through measures that reduce parking demand or make more efficient use of existing parking spaces nearby. These include the provision of shared vehicles, bicycle parking, shared parking (i.e., agreements to use parking spaces on adjacent properties that are likely to be vacant during the evening and overnight hours). Projects near mass transit have greater opportunities to reduce demand. Although Moraga does not have a BART station, new projects could incorporate shuttles or other amenities that make it easier to use transit. Major employers such as Saint Mary’s College can also help make transit more viable.

Data from the 2020 Census indicates that Moraga renters have fewer vehicles per household than homeowners, with 32 percent of renters owning one vehicle or less (compared to 22 percent for owners). Ownership rates also tend to be lower for seniors and smaller households. Given the high

cost of parking and the small number of multi-family units built in Moraga over the last 40 years, this Housing Element includes a program to revise the multi-family parking standards. Effectively, the program calls for applying the parking standards already in place for multi-family projects in the R-20 zone on a Town-wide basis. A second phase of this program would identify further reductions that could occur through transportation demand management measures, shared parking agreements, and other strategies that are commonly used to reduce parking costs and make housing more affordable. This includes “unbundling” parking from housing units so that an occupant has the option of buying or renting a parking space rather than having it automatically included in the sale or rental of a unit.

Table 5-5: Comparison of Multi-Family Parking Standards in Moraga and Nearby Communities, 2022

City/Town	Spaces per Unit				Guest Parking
	Studio	1-Bedroom	2-Bedroom	3-Bedroom	
Moraga (except R-20)	2	2	2	2	1 per 2 units
Moraga R-20 zone	1	1	2	2	None stated
Orinda	1	1.5	2	2	1 per 4 units
Lafayette	N/A	1 to 1.2	1.2 to 1.5	1.5-2	1 per 5 units
Danville	1	1.5	2	2	1 per 4 units

Source: Town of Moraga, 2022

ATTACHMENT B

Draft Goals, Policies, and Programs

ATTACHMENT B:

Draft 2023-2031 Moraga Housing Element Goals, Policies, and Programs

Goal 1: Anticipated Housing Needs

Maximize opportunities for the development of housing to accommodate anticipated growth, facilitate mobility within both the ownership and rental markets, and encourage a diverse community.

Policies

H1.1 Fair Share Housing. The Town shall create and maintain a sufficient inventory of developable vacant land to coordinate future housing growth to provide for Moraga’s ‘fair share’ of the regional housing need, as identified by the Association of Bay Area Governments, by identifying adequate sites for a range of housing types and densities within the town.

H1.2 Sufficient Land for a Range of Housing Types. The Town shall ensure sufficient land is designated and zoned to provide for the development of a range of housing types, including single family and multifamily housing, senior housing, workforce housing, “missing middle” housing, and second units.

H1.3 Existing Residentially Zoned Land. The Town shall retain existing residentially zoned sites and discourage rezoning these sites to lower densities or non-residential zones or approving non-residential developments on such sites. Where sites are rezoned or approved for non-residential development, the Town shall ensure that sufficient land is zoned and available to meet its Regional Housing Needs Allocation.

H1.4 Infill Housing Opportunities. The Town shall continue working with property-owners in the Moraga Center and Rheem Center commercial districts to support the development of housing on vacant and underutilized sites. This should include implementation of the Moraga Center Specific Plan as well as additional plans and programs to make residential and mixed use development more viable in both the Moraga and Rheem Center areas.

Programs

Program 1: General Plan Update. The Town will complete a comprehensive update of the 2002 Moraga General Plan. This program will be completed in two phases. Phase One includes housing-related consistency amendments, amendments related to the Bollinger Canyon Study Area, and Circulation and Safety Element amendments to comply with recent State laws. This phase is being completed concurrently with adoption of the 2023-2031 Housing Element.

Phase Two includes updates to the remaining elements of the Plan, and additional amendments to address long-range planning issues.

As part of Phase 2, the Town will include the following measures to support housing production and preservation:

- a) Revise higher density residential land use categories to recognize existing patterns of multi-family development and opportunities for higher density and mixed use development in the Rheem Center and Moraga Center areas. Clearly define all land use categories shown on the General Plan Map in the Land Use Element.
- b) Continue to direct the Town’s growth to the Rheem and Moraga Center areas, while acknowledging that established neighborhoods may adapt and change in response to housing needs. Policies in the Plan should be affirming and supportive of multiple housing types, including “missing middle housing” and accessory dwelling units.
- c) Address circulation, traffic, and parking issues associated with new housing growth, while working to lower vehicle miles traveled
- d) Address safety and evacuation needs associated with population growth and increasing risk levels due to climate change and other factors. This should include additional technical analysis to address public concerns about evacuation times, capacity, and procedures.
- e) Address the need for additional infrastructure, community services, parks, and public facilities associated with population growth

Objective: Fully updated General Plan, with 2040 horizon
Timeframe: Complete by end of 2024
Responsibility: Planning Department
Potential Funding Sources: SB2 grants, General Fund, Impact fees

Program 2: Phase One Zoning Text Amendments. Adopt the following amendments to the Moraga Zoning Regulations:

- a) Replace the R-20A district with an R-24 district, carrying forward existing standards but increasing the maximum allowable density to 24 units/ acre. The requirement for a minimum density of 16 units per acre, and the allowance for 30 units/ acre for senior housing, should remain. Development that conforms to applicable zoning standards in this zone shall be eligible for ministerial (by right) approval. Retitle the “R-20B” district as “R-20”
- b) Increase the allowable density in the MCSP O-R and MCSP R-R zones from 20 units per acre to 24 units/acre. The minimum density of 12 units per acre should remain.
- c) Replace the Suburban-Office (SO) zone with a “Mixed Office-Residential” zone. This zone shall retain the basic SO standards but shall allow residential and mixed use

development as permitted uses, with a minimum density of 12 units per acre and a maximum of 24 units per acre.

- d) Create a new “Mixed Commercial-Residential” zone and apply this designation to selected parcels in the Rheem commercial district (as identified in Chapter 4 of the Housing Element). The new zone shall allow residential and mixed use development as permitted uses, with a minimum density of 12 units per acre and a maximum of 24 units per acre.
- e) Consistent with SB 35 and SB 330, adopt objective development and design standards for the new Mixed Office-Residential and Mixed Commercial-Residential zones to facilitate ministerial approval of future multi-family residential projects in the Rheem Commercial area.
- f) Amend Chapter 8.104 (Density Transfer) to add the new Rural Residential Zone to the list of zones from which density may be transferred, and to add all commercial and mixed use zones to the list of zones to which transferred density may be “received.”

Objective: Zoning capacity to meet the 1,118 units required by the RHNA, including capacity for at least 501 lower income units at densities exceeding 20 units per acre

Timeframe: January 31 2023 (concurrently with adoption of the Housing Element and conforming General Plan Amendments)

Responsibility: Planning Department, Planning Commission, Town Council

Potential Funding Sources: General Fund

Program 3: Phase One Zoning Map Changes. Amend the Moraga Zoning Map to make the following changes:

- a) Rezone APN 256-070-012, 256-070-013, and 256-070-028 (southwest corner of Lucas Drive and Moraga Road) from Limited Commercial to Mixed Commercial-Residential
- b) Rezone APN 255-321-010 and the northern 200’ of 255-321-021 (generally corresponding to the former Moraga Garden Center footprint) from MCSP Community Commercial to MCSP Retail-Residential.
- c) Rezone APN 257-191-055, 257-190-054, 257-190-053, and 257-190-048 (all on the block bounded by School Street, Country Club Drive, Viader Drive, and Moraga Way) from MCSP- Commercial to MSCP Office-Residential

Objective: Increased zoning capacity to meet the RHNA

Timeframe: January 31, 2023 (concurrently with adoption of the Housing Element and conforming General Plan Amendments)

Responsibility: Planning Department, Planning Commission, Town Council

Potential Funding Sources: General Fund

Program 4: Phase Two Zoning Text Amendments. Within 24 months of Housing Element adoption, adopt the following additional revisions to the zoning regulations:

- a) Amendments to the 6 DUA regulations (or elimination of this district and rezoning of 6 DUA properties to R-12 or R-20 densities). This action recognizes that almost all properties in the 6 DUA district are developed at substantially higher densities than 6 units per acre. The new or amended regulations should recognize the built form of existing development in this zone, and should list multi-family housing as a permitted (rather than conditional) use.
- b) Amendments to the R-12 regulations to facilitate small lot development without requiring PD applications, and accommodate a wider density range than minimum 10 DUA and maximum 12 DUA. This should include re-evaluating the FARs that currently apply in this zone.
- c) Amendments to the development standards applicable to the R-20A (to be renamed R-24) and R-20B (to be renamed R-20) zoning districts, potentially including a reduction of the requirement for a minimum 3-acre, 60-unit development size. This should include clarifying standards in the existing zoning text.
- d) Rescind the Research and Development Overlay District, which is currently mapped on one of the housing sites.
- e) Move the Town’s residential FAR standards from the Moraga Design Guidelines to the Municipal Code.

Objective: Removal of constraints to developing higher density housing
Timeframe: Complete by end of 2024
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 5: Moraga Center and Rheem Center Development Monitoring. As part of the Annual Housing Progress Report to the Planning Commission and Town Council, include an update on development activity in the Moraga Center and Rheem areas. The update should consider input from property owners and developers who have completed projects or expressed interest in development in the area. If, after four years, development is falling short of anticipated levels, consider changes that might stimulate development activity in the area. These changes could include but are not limited to:

- (a) increasing the maximum density from 24 units/acre to 30 units/acre; and
- (b) eliminating density restrictions in the mixed use districts, and instead using a combined residential-commercial floor area ratio (FAR) of 1.15 or greater to regulate new development.¹

¹ 1.15 is currently the maximum FAR allowable for residential projects in the R-20 zone. See 8.34.060(B).

Objective: Achievement of RHNA production target over planning period
Timeframe: Annual, with mid-term evaluation in 2027
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 6: No Net Loss Monitoring. Consistent with AB 166, the Town shall monitor development activity on all Housing Opportunity Sites identified by this Element to ensure that the capacity to meet the regional housing need is maintained at all times during the 2023-2031 planning period. In the event a project with no lower income units (or fewer lower income units than were assumed in the Housing Element) is proposed on an identified lower-income housing site, the Town will ensure that sufficient sites remain in the inventory to meet the remaining unmet need. In the event an adequate supply of sites is not available, the Town shall identify additional Housing Opportunity Sites with the capacity to close the shortfall.

Objective: Capacity to meet the RHNA at all times during planning period
Timeframe: Begin monitoring in January 2023. Continue for duration of planning period. Include this information in the Annual Housing Progress Report
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 7: Vacant and Underutilized Land Inventory. The Town shall maintain a publicly available inventory of vacant and underutilized parcels designated and zoned to allow residential development. The inventory will highlight sites that are appropriate for developments that address housing needs for lower-income households. The town will publicize the inventory on the Town website to ensure that information is available to developers of market-rate, affordable, and special-needs housing.

Objective: Maintain and publicize an inventory that meets or exceeds the Town's RHNA of 501 low- and very-low income units, 172 moderate-income units, and 445 above moderate-income units.
Timeframe: Update inventory at least annually and publicize updated inventory on the Town website
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 8: Annual Progress Report. The Town shall review and report annually on the implementation of Housing Element programs for the prior calendar year, and present the annual report to the Town Council before submitting the annual report to the California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR).

Objective: Annual Report
Timeframe: Annually
Responsibility: Planning Department
Potential Funding Source: General Fund

Goal 2: Housing Mix and Affordability

Provide a variety of housing types and affordability levels to help meet the Town’s projected housing needs

Policies

- H2.1 Housing Variety.** The Town shall 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 and multifamily homes, senior housing, workforce housing, “missing middle” housing, dormitory units, accessory dwelling units (ADUs) and three-bedroom units.
- H2.2 Rental Housing.** The Town shall encourage the retention of existing and development of new rental housing units.
- H2.3 Affordable and Workforce Housing.** The Town shall foster housing opportunities that are affordable to the local workforce as well as other lower-income households.
- H2.4 Encourage Multi-generational Housing.** The Town shall encourage new residential construction to be designed to include spaces that allow for the conversion to an ADU at a later date to encourage more multi-generational housing.
- H2.5 Manufactured Housing.** As a means to offer lower cost housing options, the Town shall continue to allow manufactured housing, built to current Federal and State standards and on permanent foundations, in all residential areas, providing their overall design is consistent with the Town Design Guidelines.
- H2.6 Missing Middle Housing.** The Town shall encourage missing middle housing, including smaller single family attached homes, buildings with 2-4 units, and other housing types

that are affordable by design, and respond to the needs of moderate income households.

H2.7 Density Bonus. The Town shall continue to provide density bonuses for affordable and senior housing projects consistent with State law.

H2.8 Federal Housing Assistance Programs. The Town shall encourage and facilitate, to the extent possible, participation by property owners in Federal for-sale and rental housing assistance programs that maintain affordability for very low- and low-income residents and special needs groups.

H2.9 Affordable Housing Partnerships. The Town shall continue to work with Saint Mary's College, the Moraga School District, affordable housing developers, and other groups and organizations to develop collaborative approaches for meeting local housing needs and to identify and facilitate the development of housing affordable to all income levels.

Programs

Program 9: Support Use of State Density Bonus Law (SDBL). Support the use of State Density Bonus Law (SDBL) and the provisions of Moraga Municipal Code Chapter 8.172 that enable the use of density bonuses for senior housing and projects incorporating below market rate units. The Town will inform developers of the opportunity to apply for density bonuses early in the review process, including the number of additional units possible, and the opportunity for waivers and concessions that may be available to make the additional units economically feasible.

Objective: Creation of additional units through State density bonuses

Timeframe: Ongoing

Responsibility: Planning Department

Potential Funding Sources: General Fund, Development Impact Fees

Program 10: Proactive Outreach to Affordable Housing Developers. The Town shall engage in proactive outreach to affordable housing developers to publicize and promote the changes that will be made through the Housing Element Update to facilitate the production of affordable housing in Moraga. This outreach will include inviting affordable housing developers to visit housing opportunity sites and promoting any fee waivers or reductions that are available for affordable housing developments.

Objective: Production of at least 501 units affordable to low/very low-income households in high-resources areas to improve residential mobility
Timeframe: By December 2025
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 11: Facilitate Access to Affordable Housing Subsidies. "The Town shall seek to increase the availability of Federal, State, county, and local financial assistance for affordable housing in Moraga through the following actions:

- a) Supporting additional Section 8 subsidies if rental dwelling units can be located that are within Federal fair market rent guidelines.
- b) Participating in future issuances of mortgage revenue bonds or mortgage tax credit programs by Contra Costa County to support home ownership opportunities for low and moderate income Moraga residents.
- c) Assisting developers in accessing funding for the construction of senior housing, affordable housing, and housing for other underserved populations for which State or federal subsidies are available, including providing support for tax credit applications.
- d) Supporting a waiver exemption of Lamorinda Fee and Financing Authority (LFFA) Impact Fees for affordable housing development. The Lamorinda Program Management Committee allows jurisdictions to request fee waivers for affordable housing projects. The Town of Moraga will attempt to secure these waivers for eligible developments.
- e) Supporting a County bond measure for affordable housing.

Objective: Improve access to affordable housing subsidies
Timeframe: Ongoing
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 12: St. Mary's Partnership. Work collaboratively with St. Mary's College to address the housing needs of students, faculty, and staff, including opportunities for new on-campus and off-campus housing in Moraga. Town staff shall meet with college administrators at least once a year to address housing issues and discuss potential partnerships and plans to increase Moraga's housing supply. The Town will provide technical assistance and support to St. Mary's in the event the College seeks to develop its Moraga properties with housing that conforms to the standards in the Municipal Code, General Plan, and other planning documents.

Objective: Development of housing serving St. Mary's students, faculty, and/or staff
Timeframe: Initiate in 2023, continue through planning period
Responsibility: Planning Department, Town Manager
Potential Funding Sources: General Fund

Program 13: Allow co-housing and live/work units. The Town shall update the Zoning Ordinance to make co-housing and live/work units allowed uses. Co-housing developments provide units that are rented by the room or by the bed, typically within an apartment with a shared kitchen and common areas. These types of developments are often targeted to student populations and could help to address housing needs among St. Mary's students but are not limited to student residency.

Objective: Enable the production of co-housing and live/work units
Timeframe: Incorporate in Phase 2 of zoning update (complete by end of 2024)
Responsibility: Planning Department
Potential Funding Sources: General Fund

Goal 3: Access to Opportunity

Enable all Moraga residents to live in neighborhoods that provide access to high-quality schools and services and ensure that existing Moraga residents can remain in high-opportunity areas without risk of displacement.

Policies

- H3.1 Integrated Living Patterns.** The Town shall overcome patterns of residential segregation based on race, ethnicity, or income, and foster inclusive communities that support residential mobility.
- H3.2 Affordable Housing in Areas of Opportunity.** The Town shall support the provision of affordable housing in areas that provide access to opportunity, including by promoting inclusionary housing, ADUs, SB 9 developments, and room rentals in existing and new single family and multifamily communities.
- H3.3 High-Resource Neighborhoods.** The Town foster the development of housing, particularly affordable housing, in areas with services, high-quality schools, and other resources.
- H3.4 Code Enforcement.** The Town shall continue to work with the County to respond to complaints of substandard property conditions by inspecting properties and enforcing applicable building, health and safety codes.
- H3.5 Housing Rehabilitation Programs.** The Town shall continue to participate in the Contra Costa County Neighborhood Preservation Loan program, which provides low interest loans for the rehabilitation of homes owned or occupied by extremely low- to moderate-income households.
- H3.6 Condominium Conversions.** Consistent with the Condominium Conversion Ordinance, Chapter 8.96 of the Moraga Municipal Code, the Town shall allow the conversion of rental units to condominiums only when: the safety, design, and environmental requirements of the Town are met; the relocation needs of the apartment residents are adequately addressed; and an adequate supply of rental units is preserved elsewhere in the town for those who want to live in Moraga but cannot afford or do not desire to purchase a residence.

Programs

Program 14: Adoption of an Inclusionary Zoning Ordinance. Adopt an inclusionary housing ordinance. The ordinance shall require that 10 percent of all units in future market-rate development be set aside as “below market rate” (BMR) and sold or rented to qualifying low- or moderate-income households. The specific requirements of the Ordinance should be determined through a collaborative process involving the public, the development community, the Planning Commission, and Town Council. This includes the targeted income mix for BMR units, exemptions for small projects, and alternatives to providing BMR units on-site, such as in-lieu fees, dedication of land, or conversion of existing market rate units to affordable housing.

This program will be accomplished in two phases: the initial phase should be completed within six months of Housing Element adoption, or by July 2023 and includes adoption of the Ordinance. The second phase should be completed two years later. It includes an assessment of the Ordinance’s effectiveness, and recommendations for any changes to ensure it is achieving its intended goals.

Objective: 10% of all units in future development set aside as below market rate

Timeframe: Adopt ordinance by July 2023
Evaluate the ordinance and adjust as needed by July 2025 to meet RHNA goals

Responsibility: Planning Department

Potential Funding Sources: General Fund

Program 15: Facilitate ADU production. The Town shall facilitate the production of ADUs by taking the following actions:

- a) Streamlining ADU Approvals.
- b) Providing a website page dedicated to the ADU permit process as well as an informational brochure to inform property owners of ADU development standards, permitting procedures, and construction resources.
- c) Reducing or waiving fees for ADUs (this action is encompassed in Program 31)

Objective: 32 new ADU units in high-resource neighborhoods to improve residential mobility

Timeframe: Items a and b by December 2024.
See Program 31 for item d.

Responsibility: Planning Department

Potential Funding Sources: General Fund

Program 16: ADU Compliance. The Town shall work with the Contra Costa County Department of Conservation and Development to bring unpermitted ADUs into compliance and legalize ADUs to ensure resident safety.

Objective: Bring unpermitted ADUs into compliance
Timeframe: Ongoing
Responsibility: Planning Department, Contra Costa County Department of Conservation and Development
Potential Funding Sources: General Fund

Program 17: ADU Database. The Town shall maintain a database of existing ADUs within Moraga and the greater region to understand trends and issues in ADU development, maintenance, and habitation. The Town shall revise its ADU application materials to request that property owners provide information on the anticipated use and rental rate for proposed ADUs and will use this information to track ADU uses and rents. Halfway through the planning period, the Town shall review the data from ADU permit applications to determine if ADU production is on track to meet or exceed the estimates provided in the site inventory. If not, the Town shall modify its ADU policies or ensure that other housing sites are available to accommodate the unmet portion of the lower-income and moderate-income RHNA.

Objective: 32 new ADU units in high-resource neighborhoods, at least 27 of which are affordable to extremely low-, very low-, low-, or moderate-income households to improve residential mobility
Timeframe: Revise application materials to collect data on use and rents by March 2023. Evaluate progress and initiate modifications if needed by December 2026.
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 18: Facilitate SB 9 projects. The Town shall develop and implement a program to promote development of new housing units under SB 9 in order to expand homeownership opportunities. The Town will create public information materials or draw materials from existing resources prepared by ABAG or other organization to provide property owners with information on SB 9 development standards, permitting procedures, and construction resources. The Town shall publish these materials through media such as About Town and the City's website.

Objective: Provide information
Timeframe: Develop or identify materials by June 2023; publish materials on an ongoing basis.
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 19: Shared Housing. Participate in Eden Council for Hope and Opportunity Housing’s Shared Housing or similar program to improve housing opportunities for lower-income seniors and extremely low-income residents. A Shared Housing program matches persons needing housing with homeowners that have space in their homes. In some cases, rooms are provided in homes for free or reduced rent in exchange for services from tenants. This program will increase residential mobility by providing access to homes in Moraga’s high-resource neighborhoods and could prevent displacement of lower-income households, including lower-income seniors and persons with disabilities, that are in need of rental income or minor help with home repairs and maintenance in order to stay in their homes.

Objective: Develop an outreach program and connect with ECHO to establish a program
Timeframe: Connect 10 Moraga residents with shared housing program participants
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 20: Promote Rooms for Rent. The Town shall educate the community that it is permissible to rent rooms in single family houses by putting information in the Town newsletter and on the Town website and working with St. Mary’s to proactively inform students of this housing opportunity.

Objective: Provide information
Timeframe: Publish information annually in the Town newsletter
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 21: Rheem Center Public Realm Plan. Seek grant funding to prepare a Public Realm Plan for the Rheem Center area that addresses issues related to circulation, parking, civic space, infrastructure, public art, urban design, and future building locations. Engage property owners and the community in this process. The Plan should help achieve the longstanding goal of revitalizing the Rheem Center as a community focal point, shopping, dining and entertainment area, and opportunity for new mixed density, mixed income housing.

Objective: Completed Public Realm Plan, facilitating Rheem Center development
Timeframe: 2026
Responsibility: Planning Department
Potential Funding Sources: State/regional planning grants, Development Fees

Program 22: Allow services by right in residential uses. The Town shall update the Zoning Ordinance to allow services such as childcare, community gathering spaces, and tot lots by right on the ground floor of residential uses.

Objective: Update Zoning Ordinance
Timeframe: Incorporate in Phase 2 of zoning update (complete by end of 2024)
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 23: Increase Awareness of the Contra Costa County Neighborhood Preservation Program. The Town shall improve citizen awareness of the Contra Costa County Neighborhood Preservation Loan program, which provides low-income homeowners with low-interest loans for home repairs, energy efficiency improvements, and accessibility improvements, by posting information on the Town's website and making pamphlets available at the Planning Department and the public library.

Objective: Enable 12 low-income Moraga households to access County home repair and modification resources to reduce displacement among underserved populations.
Timeframe: Post information to the Town website and make pamphlets available by June 2023.
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 24: First-Time Home Buyers. The Town shall provide information for first-time homebuyers on the Town website, including linking to resources for first-time home buyer counseling and first-time home buyer education as well as providing information on the Mortgage Credit Certificate program.

Objective: Make information more readily available to first-time homebuyers to facilitate access to Moraga's high-resource neighborhoods
Timeframe: Update website by 2024
Responsibility: Planning Department
Potential Funding Sources: General Fund

Goal 4: Governmental Constraints

Ensure that the Town's processes and requirements do not unduly constrain or delay the development of housing for households of all income levels.

Policies

H4.1 Improve the Development Process. The Town shall improve clarity and reduce ambiguities in the Zoning Ordinance, and streamline and simplify review procedures, particularly for small lots and infill projects that are served by existing infrastructure.

H.4.2 Maintain Consistency with State Law. The Town shall ensure continued consistency with the permit streamlining act and other housing streamlining laws.

H.4.3 Address Undue Governmental Constraints. The Town shall ensure that fees and regulations for new residential development are reasonable and do not unduly constrain the development of affordable, market-rate, or special-needs housing.

Programs

Program 25: Modification of the Planned Development (PD) process. Amend the Town's Planned Development (PD) regulations to reduce the number of hearings and submittal cycles, and the associated cost and time delays to applicants. Projects may also apply for rezoning to PD in response to site constraints or to enable product types that might not be possible under the base zoning standards. While the intent of PDs is to encourage flexibility, the current process involves three application steps and hearings, each requiring Planning Commission approval and subject to appeal to Town Council. The Town is currently exploring ways to simplify the process and be consistent with the General Plan.

Objective: Reduce the length of Planned Development process

Timeframe: By end of 2023

Responsibility: Planning Department

Potential Funding Sources: General Fund

Program 26: Amendments to Moraga’s Parking Regulations. Reduce the parking requirements for studio and one-bedroom multi-family housing units outside the R-20 zone. The adopted R-20 parking standards should be used as a benchmark for new standards that can be applied town wide. The revisions should also include reduction of the guest parking requirements so they are comparable to those used in other communities. This program will be completed in two phases. The first phase includes adoption of the reduced standards. The second phase should look at opportunities for further reductions associated with transportation demand management (TDM) and shared parking programs.

Objective: Reduced parking requirements for multi-family residential development
Timeframe: Phase One: January 2023; Phase Two: by end of 2024
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 27: Development Review and Processing. Continually seek to improve development review procedures to minimize the time required for review and project approval. Town staff will meet with developers, homeowners, and other applicants to identify ways to reduce developer costs, increase the feasibility of projects, and address potential barriers to housing construction. The Town will also review fees on an annual basis and ensure that they do not constrain housing development, accessory dwelling unit development, and home improvements.

Objective: Reduce permit processing times relative to current levels
Timeframe: Annually, starting in 2023
Responsibility: Planning Department, Contra Costa County Building Department
Potential Funding Sources: General Fund, Permit Fees

Program 28: Fee Waivers and Deferrals. The Town shall provide waivers of certain fees on qualifying affordable housing developments and ADUs to help offset development costs for affordable housing and facilitate the development of housing for underserved populations. The Town shall also offer fee deferrals for qualifying market-rate developments until issuance of a Certificate of Occupancy to facilitate the development of housing in Moraga.

Objective: Reduce fees for residential development relative to current levels
Timeframe: Establish eligibility criteria for fee waivers and deferrals by January 2024.
Subsequently provide fee waivers and deferrals as qualifying projects are approved.
Responsibility: Planning Department & Town Council
Potential Funding Source: General Fund

Program 29: Streamlined Review Process. The Town shall streamline the residential development review process by allowing by-right approvals for multifamily projects that meet objective standards and enabling the approval of minor home additions over the counter.

Objective: Reduce permit processing times relative to current levels
Timeframe: By December 2023
Responsibility: Planning Department
Potential Funding Source: General Fund

Program 30: SB 35 Procedures. The Town will prepare written procedures and application materials for projects seeking to use SB 35. This will include a step by step description of the approval process and guidelines for compliance, consistent with Government Code §65913.4 and HCD’s Updated Streamlined Ministerial Approval Process Guidelines.

Objective: SB 35 procedures and application materials provided on Town website
Timeframe: 2024 (within 12 months of Housing Element adoption)
Responsibility: Planning Department
Potential Funding Source: General Fund

Program 31: Infrastructure Grants. The Town will pursue grant funding for water, sewer, and transportation infrastructure that supports development in the Moraga Center and Rheem Center areas. Grant applications that facilitate the development of housing that is affordable to lower income households will be prioritized.

Objective: Submit at least one grant application during the first three years of the planning period.
Timeframe: Annually evaluate notices of funding availability.
Responsibility: Planning Department, Public Works Department
Potential Funding Sources: General Fund, Grants

Program 32: Amendments to the Scenic Corridor Regulations. Amend the Town’s Scenic Corridors regulations (Chapter 8.132 of the Municipal Code) to allow for modified setbacks and possible waivers of upper story setback requirements where certain conditions apply. The specific criteria for reduced setbacks would be determined through a subsequent planning process, and would include objective standards for allowing projects in the MCSP and Rheem areas to be closer to the roadways. Projects in scenic corridors should continue to support the General Plan objectives of creating focal points, providing a variety of housing types, and encouraging land use and transportation patterns that reduce automobile trips and greenhouse gas emissions.

Objective: No net loss from realistic site capacity estimates on Housing Opportunity Sites
Timeframe: 2024
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 33: Moraga Center Specific Plan Implementation Support. Provide technical assistance and support to the primary landowners and other property owners in the Moraga Center Specific Plan (MSCP) area to facilitate the production of housing in this area. This includes the following components:

- a) Regular coordination meetings and opportunities to discuss the status of properties and development opportunities in the area.
- b) Adjusting lot lines and dividing parcels to correspond to the development areas shown in the Specific Plan, particularly in the orchard area west of Laguna Creek. This could potentially include expedited lot line adjustment and minor subdivision applications, and other measures that make development on these properties more viable.
- c) Work with property owners and developers to implement the circulation and road improvements shown in the Specific Plan, particularly the School Street extension, bridge across Laguna Creek, and north-south access through the orchard property.
- d) Work with property owners and developers to extend utilities to parts of the site without infrastructure, particularly in the area west of Laguna Creek. This should include coordination with EBMUD, the Moraga Orinda Fire District, and other agencies with oversight for utility and service improvements in the area.
- e) Communication and coordination with prospective developers, including affordable housing developers, who may be interested in acquiring and developing sites within the area.
- f) Identification of grants and other forms of outside financial assistance that may be available to provide incentives for development, including funds for transportation and infrastructure improvements.

Objective: Increased development feasibility on all sites in the MCSP area
Timeframe: Initiate in 2023, continue through planning period
Responsibility: Planning Department, Town Manager
Potential Funding Sources: General Fund, PDA grants (for feasibility studies, etc.), infrastructure grants, private

Program 34: Building Code Review. Coordinate with the Contra Costa Conservation & Development Department to review the Moraga Building Code, as adopted in the Municipal Code. The Town will ensure that Moraga’s local codes comply with and support the uniform codes adopted every three years by the California Building Standards Commission.

Objective: Update the Building Code every three years, or as otherwise needed to comply with State updates

Responsibility: Planning Department, Contra Costa County Building Department

Timeframe: Annually

Potential Funding Sources: General Fund

Program 35: Water and Sewer Service Providers. As required by Government Code §65589.7, immediately following adoption of the 2023-2031 Housing Element, the Town will provide notice to all public agencies or private entities that provide water or sewer services to Moraga that the Element has been adopted, including a link to the document. The Town will also adopt a policy statement that grants priority for sewer hook-ups to development that includes lower income units.

Objective: Priority access to water and sewer service for affordable units

Timeframe: Immediately after Housing Element adoption

Responsibility: Planning Department

Potential Funding Source: General Fund

Goal 5: Special Housing Needs

Ensure that a range of housing opportunities are readily available for residents with special needs, including seniors and the elderly, persons with disabilities, single female-headed households with children, large households, farmworkers, persons experiencing homelessness, and residents with extremely low incomes.

Policies

- H5.1 Affordable Housing for Special Needs Groups.** The Town shall support the provision of affordable housing for persons with special needs, including seniors and the elderly, persons with disabilities, including developmental disabilities, single female-headed households with children, large households, farmworkers, and unhoused populations.
- H5.2 Maintain Senior Housing.** The Town shall assist in maintaining existing senior housing, with associated recreational amenities, and facilitate Moraga residents' aging in place.
- H5.3 Senior Housing Developments.** The Town shall encourage the development of senior housing and assisted living facilities. Senior housing developments should address the following considerations: easy access to needed services, such as proximity and access to shopping, medical services, public transit, and community facilities; smaller unit sizes for seniors looking to downsize; multi-generational housing needs; reduced off-street parking requirements consistent with project needs; limited or fixed income constraints of many seniors; and design that addresses mobility constraints of seniors.
- H5.4 Housing for People with Disabilities.** The Town shall encourage housing that is adaptable and accessible and responds to the needs of people with disabilities.
- H5.5 Promote Universal Design.** The Town shall encourage new construction and renovations to follow the principles of universal design to help ensure that residential buildings are usable by people of all ability levels. The Town shall encourage consideration of such techniques in both new and rehabilitated housing.
- H5.6 Reasonable Accommodation.** The Town shall provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the Town.
- H5.7 Emergency Shelters by Right.** The Town shall allow emergency shelters by right in the Institutional District.

H5.8 Transitional and Supportive Housing. The Town shall treat supportive and transitional housing as a residential land use subject to the same standards and procedures as other residential uses of the same type in the same zone.

H5.9 Extremely Low-Income Housing Needs. The Town supports and shall consider the siting, production, rehabilitation, and preservation of housing for extremely low-income households.

Programs

Program 36: Allowances for Special Housing Types. Amend the Moraga Municipal Code to define and include provisions for the following specific housing types, as required by State law:

- (a) Residential care facilities with six or fewer persons (subject to the same requirements as supportive and transitional housing, which are already listed as permitted uses in residential zones)
- (b) Employee and farmworker housing (subject to the same requirements as supportive and transitional housing)
- (c) Low-barrier navigation centers (AB 101 requires this use to be permitted by right in mixed use zoning districts if it meets certain standards)

In addition, the Town should evaluate the addition of objective standards for single room occupancy (SRO) units and create allowances for such units in its mixed use districts. SROs can serve as an entry point to stable or permanent housing for persons who were previously homeless.

Objective: Create housing opportunities for persons with special needs
Timeframe: 2023
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 37: Senior Housing. The Town shall increase housing options for seniors by adopting a senior housing overlay, meeting with senior housing developers to attract senior housing to the Town, and evaluating existing services for seniors in Moraga to identify and address service gaps.

Objective: Development of at least one senior housing development
Timeframe: By 2027
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 38: Publicize Senior Housing Resources. The Town shall provide information to the public on housing resources available to seniors, including local subsidized senior housing, senior housing providers, and fair housing assistance

Objective: Provide Information
Timeframe: Ongoing
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 39: Address Homeless Housing, Services and Referral. The Town shall provide referrals to private and public agencies that offer assistance and shelter to unhoused individuals and families, and participate with designated inter-agency organizations to address homeless needs. The Town shall make pamphlets available at the Planning Department and the public library with information on temporary housing resources, assistance, and facilities for extremely low-income households and persons or families faced with the prospect of homelessness.

Objective: Provide information and referrals
Timeframe: Ongoing
Responsibility: Planning Department
Potential Funding Sources: General Fund

Program 40: Countywide Homeless Survey. The Town shall participate in comprehensive surveys of the county's homeless population.

Objective: Obtain a count of the unhoused population in the County and in Moraga to inform local and regional policy decisions.
Timeframe: Biennial
Responsibility: Planning Department
Potential Funding Source General Fund

Program 41: Housing and services for persons with developmental disabilities. Coordinate with the Regional Center of the East Bay to inform residents of the housing and services available for persons with developmental disabilities. The Town shall continue to make information about the Regional Center available on the Town website. The Town will also meet with disability service providers, including the Regional Center , to identify additional opportunities for the Town to support service providers in serving residents with disabilities.

Objective: Connect residents with developmental disabilities and their families to resources

Timeframe: Meet with service providers at least three times during the planning period.

Responsibility: Planning Department

Potential Funding Source: General Fund

Goal 6: Fair Housing

Promote equal housing opportunities for all residents regardless of age, race, ethnicity, religion, sex, gender identity and expression, sexual orientation, marital or familial status, disability, ancestry, national origin, or color.

Policies

- H6.1 Equal Opportunity Housing.** The Town shall ensure that all persons and families have equal opportunity to obtain housing in Moraga, unconstrained by arbitrary or illegal patterns of discrimination, and shall prohibit discrimination in the sale or rental of housing.
- H6.2 Equal Housing Coordinator.** The Town shall ensure fair housing issues are addressed and illegal or arbitrary housing criteria are minimized.
- H6.3 Fair Housing Referrals.** The Town shall maintain information to educate Town staff about fair housing programs and organizations to ensure staff that receives fair housing complaints can direct such persons to the appropriate agencies and services.
- H6.4 Fair Housing Information.** The Town shall maintain and provide information to the public regarding equal housing opportunity laws, organizations that provide fair housing programs and services, and the Town's Equal Housing Coordinator

Program

Program 42: Affirmatively Further Fair Housing. The Town will take meaningful actions to combat discrimination, overcome patterns of segregation, address disparities in housing needs and access to opportunity, and foster an inclusive community. As a high-resource community, many of the actions that the Town can take to affirmatively further fair housing are those that increase affordable and special-needs housing in Moraga, thereby improving access to Moraga's high-resource community to for underserved populations. The Town's actions that will cumulatively contribute to affirmatively further fair housing include:

- a) General Plan and Zoning Ordinance Updates that will increase the Town's capacity to accommodate residential development, particularly multifamily development (see Programs 1, 2, 3, 4, and 5)
- b) Programs to reduce or remove constraints to residential development, including removing constraints to the development of affordable and special-needs housing (see Programs 11, 25, 26, 28, 29, 30, 32, and 36)
- c) Programs to work with developers and other stakeholders to facilitate residential development, particularly multifamily housing, affordable housing, and special needs housing (see Program 10, 12, 33, 37, and 41)

- d) Adoption of an inclusionary housing ordinance (see Program 14) and implementation of the State Density Bonus (see Program 9)
- e) Programs to promote the production of ADUs (see Program 15) and SB 9 projects (see Program 18)
- f) Programs to reduce displacement (see Programs 19 and 23)
- g) Continuing to work with ECHO Fair Housing to provide fair housing services, first-time home buyer counseling, and tenant/landlord services. Continue to designate the Planning Director as the Town's Equal Opportunity Coordinator with responsibility to refer complaints to a district office of the California Department of Fair Employment and Housing, address complaints, provide fair housing information to the public, and educate Town staff on fair housing laws and the organizations and programs that address fair housing issues.
- h) Prepare and distribute to the public information and pamphlets on equal housing opportunity at Town Administration offices, library, on the Town's website, and at various community facilities and public locations throughout the town.
- i) Require nondiscrimination clauses in rental agreements and deed restrictions for affordable housing.
- j) Identify resources for an annual fair housing training for Town staff to better enable staff to advise residents, property managers, and developers on fair housing rights and responsibilities and to ensure that the Town's housing policies align with fair housing best practices.

Objective: a through f: refer to relevant programs
 Respond to 100% of complaints received
 Include nondiscrimination clauses in 100% of rental agreements and deed restrictions on for affordable housing"

Timeframe: a through f: refer to relevant programs
 g through i: ongoing
 j: identify training resources by December 2023; annual training starting in 2024

Responsibility: a through f: refer to relevant programs
 g through j: Planning Department

Potential Funding Sources: a through f: refer to relevant programs
 General Fund"

Goal 7: Efficiency and Conservation

Promote energy efficiency and water conservation in existing and new residential development and in support of the Town's goal to reduce greenhouse gas emissions.

Policies

H7.1 Environmental Sustainability. The Town shall promote cost effective sustainability, energy efficiency, water conservation, and waste reduction in new construction and renovations to existing homes.

H7.3 Energy Efficiency in New Construction. The Town shall require all newly built single family and multifamily dwellings be constructed to achieve Energy Star certification criteria as prescribed by the California Advanced Homes Program and California Multifamily New Homes, respectively.

Program

Program 43: Climate Action Plan. The Town will implement its Climate Action Plan, including programs that improve energy efficiency in residential buildings. These include:

- a) Coordinate and work with the Contra Costa County Department of Conservation and Development on adopting a green building ordinance that will: 1) mandate all new residential and nonresidential construction to achieve CALGREEN Code (Title 24, 2010) Tier 1 or Tier 2 energy efficiency standards and require that all new buildings must be designed to exceed Title 24 's 2008 Energy Efficiency Standard by 15% (Tier 1) or 30% (Tier 2) and 2) Require all newly built single family and multifamily dwellings be constructed to achieve Energy Star certification criteria as prescribed by the California Advanced Homes Program and California Multifamily New Homes, respectively.
- b) Promoting home energy benchmarking to 1) Integrate voluntary green building labeling with Moraga's current development/design review and permitting processes for homes and 2) Request Home Energy Rating System (HERS) ratings for homes to foster awareness of energy consumption benchmarked against a statewide standard.
- c) Consider adopting an ordinance that requires energy efficiency retrofits for homes.

<i>Objective:</i>	<i>Implementation of the CAP</i>
<i>Timeframe:</i>	<i>See Climate Action Plan</i>
<i>Responsibility:</i>	<i>Varies, per Climate Action Plan</i>
<i>Potential Funding Sources:</i>	<i>General Fund, grants, private</i>