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# CHAPTER 1: INTRODUCTION

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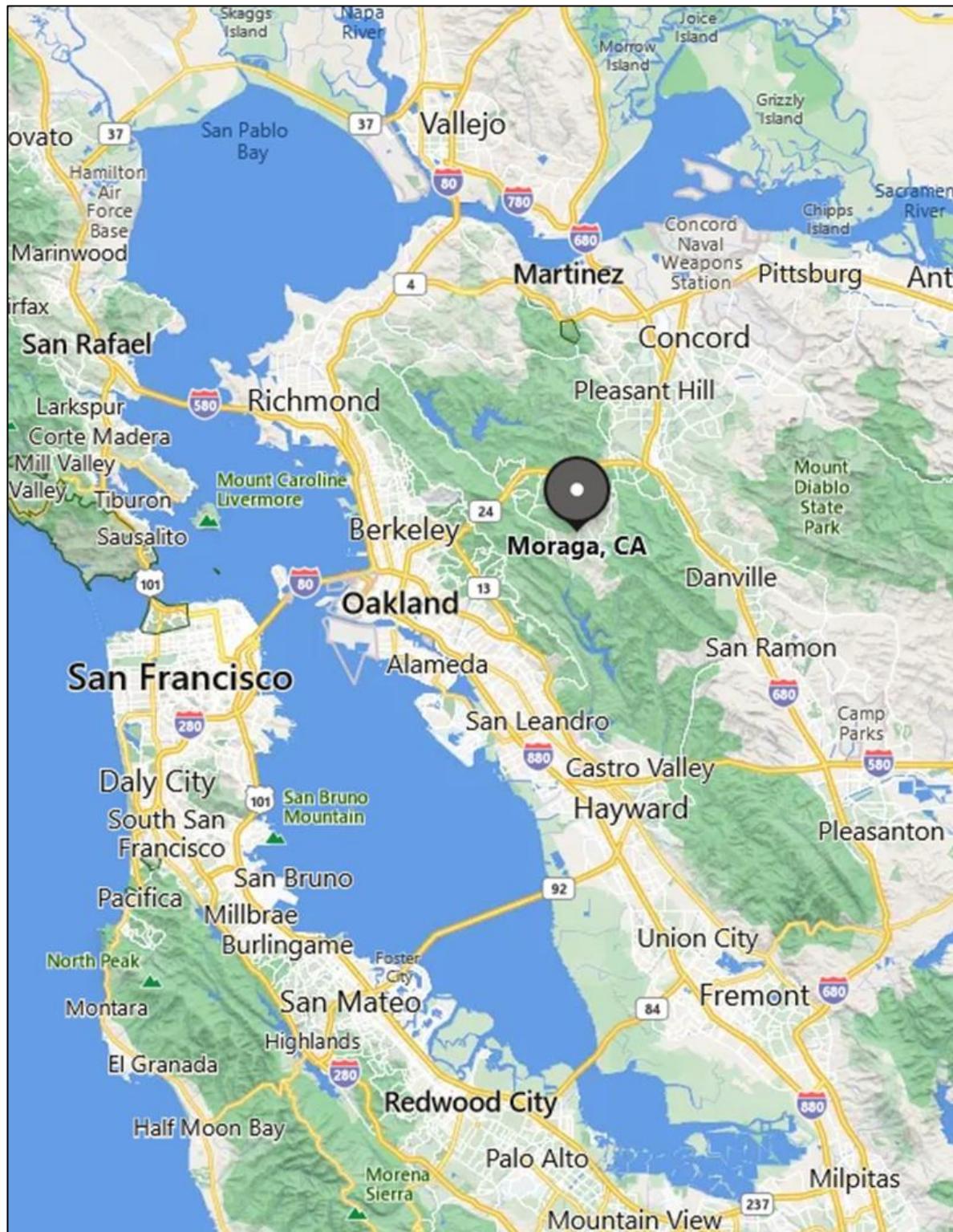
The Town of Moraga's Sixth Cycle Housing Element provides a policy framework and implementation plan for addressing housing needs in Moraga over the 2023 to 2031 Housing Element planning period. State law requires that all cities, towns, and counties in California have a compliant Housing Element as part of their General Plan, and that all cities, towns, and counties regularly update the Element. The purpose of the Housing Element is to provide a plan to meet the existing and projected housing needs of all segments of the population, including lower-income households and households and individuals with special housing needs.

To achieve this objective, the Housing Element must analyze housing needs, evaluate factors that could potentially constrain housing production, and identify sites for new residential development. Each city, town, and county in the State must submit their Housing Element to the California Department of Housing and Community Development (HCD) for review and certification to ensure that it meets the minimum requirements under State Housing Element law. Most jurisdictions, including Moraga, are required to update their Housing Element every eight years. Moraga's prior Housing Element Update covered the 2015-2023 period, while this Housing Element Update ~~will~~ covers the 2023-2031 period.

## 1.1: Local Context

Moraga is located in Central Contra Costa County and is one of 33 cities and towns in California's East Bay region. The town is located approximately 13 miles east of Oakland, 22 miles east of San Francisco, and 8 miles southwest of Walnut Creek. The Town's land area is 9.5 square miles and its 2022 population was estimated at 17,100 residents. Figure 1-1 shows the Town's location relative to the Central and East Bay Areas. Figure 1-2 provides a closer view, including the Town limits, open space and road networks, and sphere of influence.

Prior to European settlement, current-day Moraga was part of the territorial home of the Saclan Indians, a branch of the East Bay Miwok tribes. The area became part of the Rancho Laguna De Los Palos Colorados Mexican land grant in 1835, with more than 13,000 acres given to Joaquin Moraga and his cousin Juan Bernal. Most of the Moraga Rancho was sold off, taken by speculators, or occupied by squatters in the first few decades after California statehood in 1850. In 1912, the Moraga Land Company began operating pear and walnut orchards in the valley and raising cattle on the hillsides. The Moraga townsite was established in 1913, the same year the Oakland-Antioch Railroad arrived in the Town. Other early milestones included the founding of Saint Mary's College in 1927 and the acquisition of much of the Rheem Valley by William Rheem in the 1930s.



Source: Bing Maps, 2022

**Figure 1-1: Regional Location**

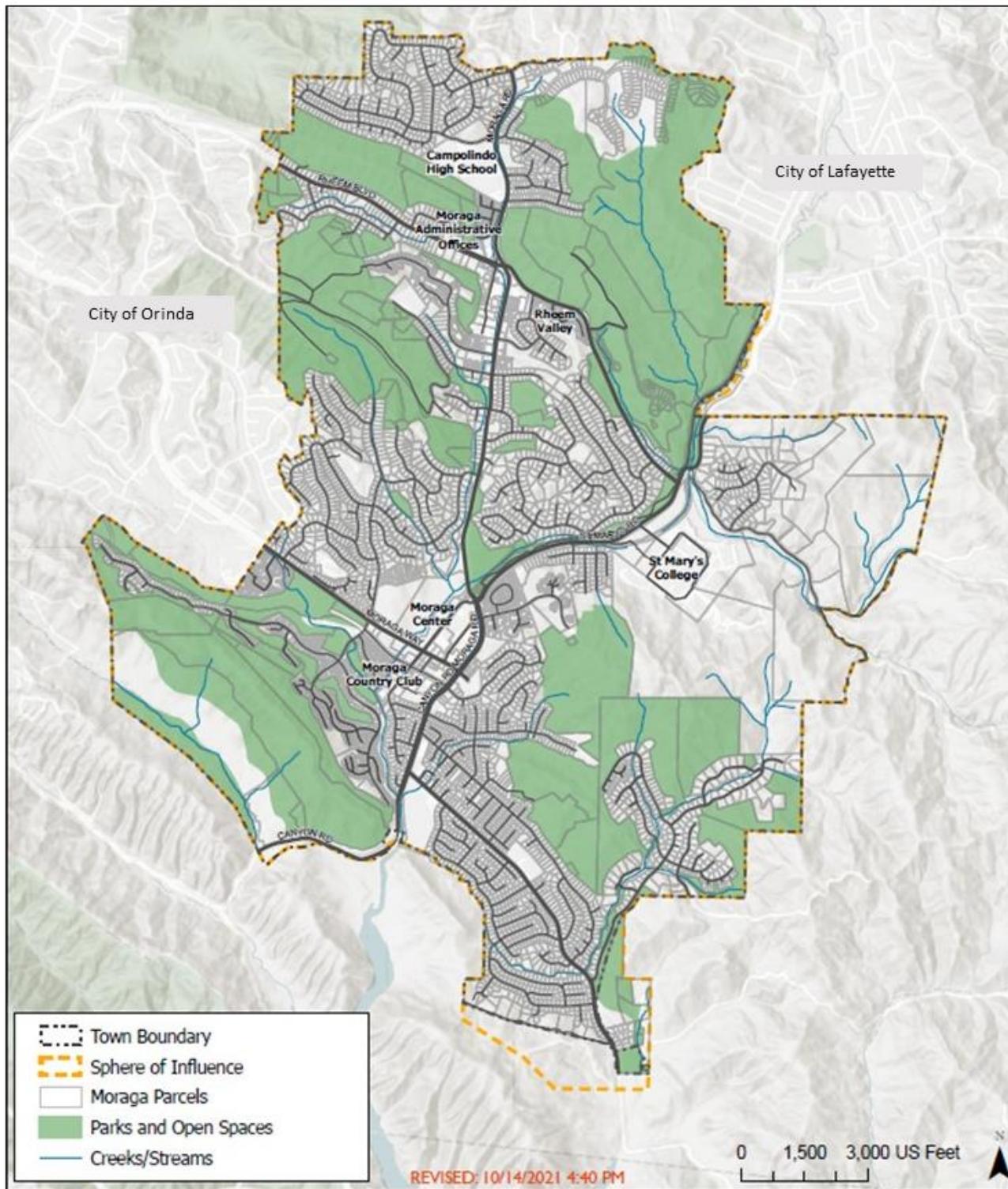


Figure 1-2: Town of Moraga

As recently as 1950, Moraga was almost entirely rural and agricultural. This changed when the Utah Construction and Mining Company purchased 3,000 acres and began subdividing the valley for residential development. In the 1960s, most of the undeveloped landholdings were sold to the Bruzzone family, who continued residential development in the area. More than 70 percent of Moraga's housing stock was built between 1960 and 1979, a time of rapid growth across much of Central Contra Costa County.

In 1974, Moraga incorporated as a town. Residents sought to slow down what many viewed as unsustainable levels of growth. The Town adopted its first General Plan in 1979 and its first zoning ordinance in 1980. In many cases, zoning designations previously used by Contra Costa County were replaced with lower density districts. This reflected both a desire to preserve the area's semi-rural character and a growing concern about the effects of growth on traffic, the environment, school capacity, and local services.

Early plans for Moraga responded to its unique physical constraints and strong public sentiment to preserve hillsides, ridgelines, and other open space. Moraga is one of the only communities in the East Bay that has no direct freeway access. There are two primary roads in and out of town, both which pass through other cities before reaching the regional transit and freeway network. The community is surrounded by grassy and forested hillsides, providing a beautiful natural setting but also increasing the risk of wildfire and other natural hazards. The Town is also largely residential, with a fiscal structure that makes it more challenging to provide the services and public facilities that many larger communities provide.

The net effect of these conditions is that Moraga has added very little housing in the last 20 years, despite continued strong demand. The 2020 Census indicates the town gained 172 housing units between 2000 and 2020, an increase of just 8 or 9 homes a year. By contrast, the town added 70 homes a year in the 1980s and 26 homes a year in the 1990s.

| There has been limited ~~almost no~~ multi-family construction in the town in the last ever 40 years. The lack of housing production has had several consequences, including longer commutes for those who work in Moraga or attend Saint Mary's College, insufficient housing choices for young adults who grew up in Moraga, and few options for older adults who wish to downsize. The lack of housing production has also contributed to soaring home prices, making it difficult if not impossible for many of those who work in Moraga to live here.

While Moraga has limited capacity for growth on its hillsides and open space areas, the Town does have opportunities for infill development in its two commercial districts. The larger of the two districts—Moraga Center—was the subject of a Specific Plan in 2010 and major rezoning initiative between 2010 and 2020. The smaller of the two districts—Rheem Center—has a number of vacant and underutilized sites and the capacity for some additional growth. Housing in these two areas can provide collateral benefits, including revitalizing Moraga's shopping centers and creating more walkable and dynamic neighborhoods. Moraga currently lacks a

distinctive “town center” or downtown. Both the Moraga and Rheem Centers present the opportunity not only for new housing, but for civic gathering places, restaurants, shops, and new amenities. A major focus of this Housing Element is on focusing housing development in these areas. This will enable the Town to preserve the qualities residents love about Moraga, while making the town stronger and more dynamic.

The Town is completing its Housing Element as part of a broader “Comprehensive Advanced Planning Initiative” designed to lay the foundation for long-range planning decisions for the next 20 years (see text box below).



## The Moraga Comprehensive Advanced Planning Initiative

In 2021, the Moraga Town Council authorized a four year “Comprehensive Advanced Planning Initiative”. The Initiative responded to several converging priorities, including the assignment of 1,118 new housing units to Moraga through the regional housing needs allocation (RHNA) process. While the Town had taken important steps toward planning for additional density in the Moraga Center area between 2000 and 2020, it did not have the capacity to meet this significantly increased target.

The Comprehensive Advanced Planning Initiative includes the following components:

- Preparation of the 2023-2031 Housing Element
- Rezoning of sites to meet the Town’s housing assignment
- Development of objective development and design standards for multi-family and mixed-use zoning districts
- Updating the General Plan for internal consistency with the zoning changes, and to meet new State requirements for Safety and Circulation Elements
- Rezoning of the Bollinger Canyon Study Area
- A second phase General Plan Update that comprehensively updates the remaining elements
- Completion of a Program Environmental Impact Report (EIR) covering all of these components

As of June 2022, the Town had engaged more than 1,000 residents in the program and made substantial progress toward implementing key tasks. Work on the Initiative will continue through 2023 and 2024, positioning Moraga to meet its housing needs while addressing critical public safety and circulation issues and maintaining its quality of life.

## 1.2: Regional Context

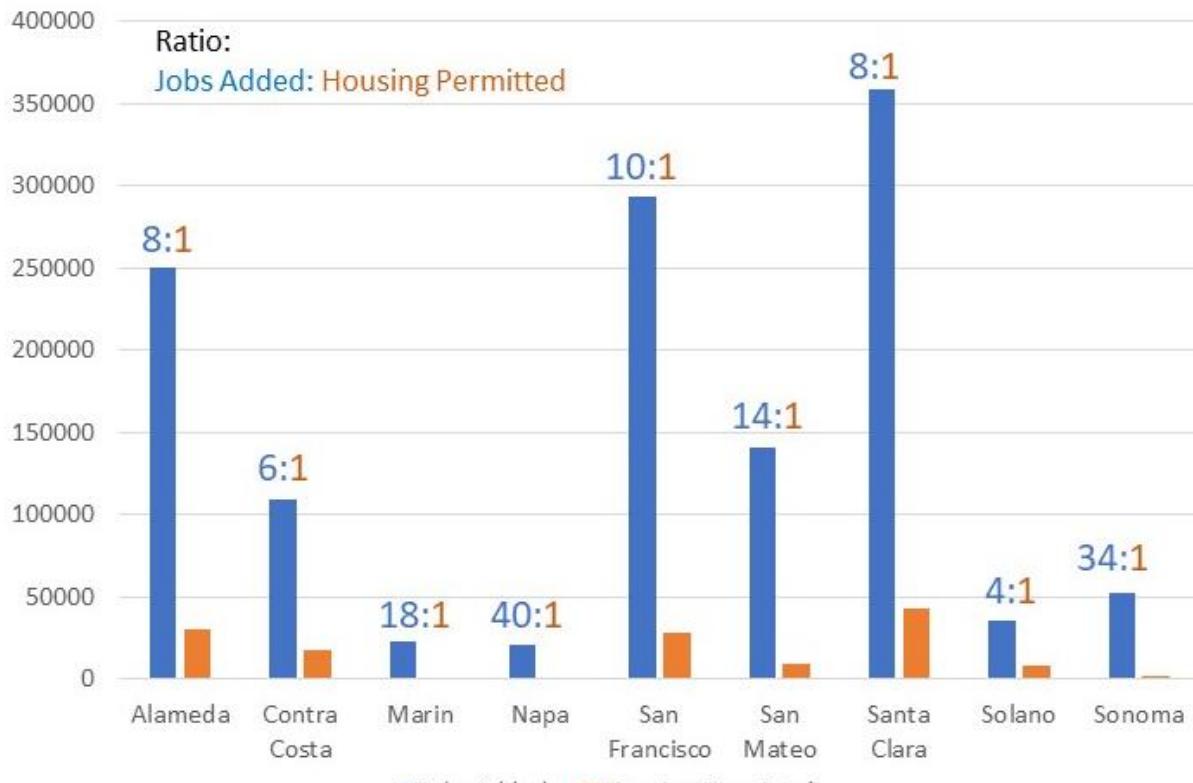
Moraga is not alone in the issues it faces related to rising housing costs and limited housing choices. The San Francisco Bay Area has the highest housing prices in the country and is facing a housing crisis. Job growth in the Bay Area outpaced housing growth by a nine-to-one margin between 2010 and 2020. During a single decade, the region added 1.3 million jobs but only produced 140,000 units of housing. As shown in Figure 1-3, Contra Costa County did somewhat better than the region as a whole but still produced much less housing than was needed to keep pace with demand. Between 2010 and 2020, the County added 109,000 jobs and 18,000 housing units. Much of the housing added was in East County, far from the jobs being created. A decade of slow housing production has led to higher prices, fewer choices, and longer commutes for tens of thousands of residents.

While much of the regional economic boom can be attributed to higher-paying sectors such as technology, many of the newly created jobs are middle and low wage positions. Moreover, growth in core industries like technology has triggered growth in other sectors such as services, hospitality, and the creative arts. These jobs do not pay the wages necessary to compete in today's housing market. Many households in the Bay Area are currently paying more than half of their incomes on housing costs.

Lack of supply has led to higher prices. In Moraga, the median home price increased from \$850,000 in 2012 to over \$1.8 million in 2021. Similar rates of increase have occurred across the Bay Area. Rents have also increased at a faster rate than income, creating financial challenges for low- and middle-income families, seniors, and persons with special needs. Some of these households have left the region entirely, while others have moved to lower cost homes in the Central Valley. These households face long commutes, making it harder to reduce regional greenhouse gas emissions. Other households have doubled up in apartments, leading to overcrowded conditions in many communities.

The situation has been exacerbated by rising land and construction costs and decreased availability of the tax credits needed to produce affordable housing. More recently, the COVID-19 pandemic has resulted in economic hardships for thousands of families, with many fearing eviction or displacement. The Bay Area and California are experiencing unprecedented levels of homelessness. In Contra Costa County alone, homelessness jumped by 35 percent between 2019 and 2022. A recent report by the Contra Costa County Health Department indicated that an hourly wage of \$37.54 was required to afford the median priced apartment in the County.

*Job and Housing Growth by County,  
2010-2019*



**Figure 1-3: Ratio of Employment Growth to Housing Production by Bay Area County, 2010-2020**

### **1.3: State Context**

As the regional housing shortage has grown more acute, the State of California has stepped in with dozens of new bills to remove barriers to housing production. Much of the recent State legislation relates directly to the requirements for local housing elements. Housing elements have been mandated by the State since the 1960s, but they have never been subject to the level of scrutiny they are today. The State's authority over local housing matters has been expanded, and the consequences of having a non-compliant element are much more serious than they were eight years ago.

More than ever before, cities are being held accountable for decisions that affect local housing production. In 2017, the legislature adopted a sweeping set of new housing laws, including financial penalties for jurisdictions found to have non-compliant housing elements. New rules passed that year included SB 35, which created a streamlined path to development approval for projects meeting certain criteria. The 2017 legislative package also included new rules for housing element sites, limits on local control over accessory dwelling units, new reporting requirements for housing production, and a strengthening of the Housing Accountability Act. The State also authorized significant expenditures for planning, housing production, and affordable housing preservation.

In each year since 2017, the legislature has passed additional rules and regulations aimed at housing. Some of these rules effectively supersede local control over decisions about land use and housing. The housing bills also aim to level the playing field and create greater equity in how and where housing gets built. One of the most impactful pieces of legislation has been AB 686 (2018), which requires that every local government “affirmatively further fair housing” through its Housing Element. Preparation of the 2023-2031 Moraga Housing Element has occurred with this goal in mind, with special efforts to reach members of the community who have not historically participated in planning processes and programs designed to create more opportunities for lower income households in Moraga.

## 1.4: Regional Housing Needs Allocation

A key component of the Housing Element Update is identifying adequate sites to address the Town's "fair share" of the region's housing need over the next eight-year period. Each city or town's fair share is determined through a process referred to as the Regional Housing Needs Allocation (RHNA).

The RHNA process begins with an estimate of statewide housing need for the eight-year Housing Element projection period by HCD. HCD then distributes this need across the different regions of California. The regional housing need projections are broken down by income categories to account for needs among households at all income levels. For the purpose of determining the RHNA, households are categorized as very low-income, low-income, moderate-income, or above moderate income. The income limits defining each of these categories varies based on household size and the Areawide Median Income in each County or region. Income limits are updated annually by HCD.

Each regional council of governments is responsible for allocating the projected regional need to local jurisdictions within the region. Each jurisdiction is then responsible for updating its Housing Element to show how it will meet its assignment, with a particular focus on the assignment for low- and very low-income households. In the San Francisco Bay Area, the Association of Bay Area Governments (ABAG) is the regional council of governments responsible for determining the RHNA allocations. Working with a Steering Committee of 37 representatives, ABAG developed a formula for allocating units to all nine counties and 101 municipalities in the region, including Moraga.

The total 2023-2031 RHNA across all counties and municipalities in the Bay Area is 441,176 units. This represents a 234 percent increase from the allocation for 2015-2023. Changes in state law and methodology, coupled with years of sluggish housing production, led to significantly higher assignments in this RHNA cycle.

Moraga received just one-quarter of one percent (0.25%) of the regional allocation, or 1,118 units. This is roughly proportional to the town's share of the region's population. However, it is nearly five times the number of units that Moraga needed to plan for during the 2015-2023 period, which was 229 units.

Moraga's RHNA for the 2023-2031 planning period includes 318 units for very low-income households, 183 units for low-income households, 172 units for moderate-income households, and 445 units for above moderate-income households. This is shown in Table 1-1 below.

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**Table 1-1: Regional Housing Needs Allocation, 2023-2031 6<sup>th</sup> Cycle**

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<b>Income Category</b>	<b>Town of Moraga</b>	
	<b>Number</b>	<b>%</b>
Very Low Income (<50% of AMI)	318	28.4%
Low Income (50%-80% of AMI)	183	16.4%
Moderate Income (80%-120% of AMI)	172	15.4%
Above Moderate Income (>120% of AMI)	445	39.8%
<b>Total</b>	<b>1,118</b>	<b>100%</b>

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Source: Association of Bay Area Governments.

## 1.5: Organization of the Housing Element

Following this introduction, the Housing Element includes the following major components:

**Chapter 2: Effectiveness of the 5<sup>th</sup> Cycle Housing Element.** An evaluation of the Town's 2015-2023 Housing Element, including an analysis of the Town's progress toward achieving its 2015-2023 RHNA objectives and an assessment of the Town's progress toward implementing the programs from the 2015-2023 Housing Element.

**Chapter 3: Housing Needs Assessment.** An analysis of demographic and socio-economic conditions, housing conditions, market trends, and other factors to evaluate current and future housing needs in Moraga, including housing needs among lower-income households and populations with special housing needs.

**Chapter 4: Housing Sites and Resources Analysis.** An evaluation of the sites that can accommodate the Town's RHNA, including an analysis of site suitability and availability. This also includes the State-mandated discussion of energy conservation programs.

**Chapter 5: Constraints to Housing Conservation and Production.** The constraints analysis addresses governmental constraints to housing development such as zoning, development fees, development standards, and development review processes, as well as non-governmental constraints, such as high land and construction costs and public opposition to housing construction.

**Chapter 6: Housing Plan.** A series of goals, policies, and programs to address the City's housing needs as well as quantified objectives for housing development and preservation during the planning period.

**Appendices:** A series of appendices containing background details and technical analysis are included at the end of this document. These include:

- A. Assessment of Fair Housing
- B. Housing Opportunity Site Inventory
- C. Resident Survey Report
- D. Student Survey Report
- E. Balancing Act Report

## 1.6: Consistency with the General Plan

State law requires that general plans are internally consistent documents. The Government Code (Sec 65583(c)(7)) further requires that when any element of the plan is amended, the jurisdiction must demonstrate that it is consistent, or identify the means by which consistency will be achieved. As such, amendments to the Moraga Housing Element require an evaluation of consistency with the land use, circulation, open space, and other elements of the Moraga General Plan. Policies in other elements must not conflict with those in the housing element, and the designations on the land use map must support the density assumptions and realistic capacity estimates in the housing element.

In Moraga's case, the existing General Plan was adopted in 2002. It has been amended several times since then, but not comprehensively updated. The Town is preparing the 2023-2031 Housing Element in the context of a larger "Comprehensive Advanced Planning Initiative" that includes a complete General Plan update, rezoning of key areas to increase housing capacity, development of objective design standards, and new zoning designations for the Bollinger Canyon Study Area. The Initiative also includes a program-level EIR for all of these actions.

The General Plan Update is being completed in two phases. The initial phase includes State-mandated amendments to the Circulation Element (SB 743) and Safety Element (AB 747 and SB 99), as well as consistency amendments related to the Housing Element. This work is being completed concurrently with the Housing Element and the consistency issues will be fully resolved upon Housing Element adoption. The second phase of the Plan Update will include updates of the remaining elements of the Plan, moving the time horizon forward and looking more comprehensively at land use, circulation, conservation, open space, noise, safety, community design, and growth management issues.

When this Element was initially drafted, the Town identified potential inconsistencies between the General Plan and proposed Housing Element. In particular, the density ranges in the existing Plan were not high enough to meet State requirements for Housing Opportunity Sites. Part of the Housing Element process has included increasing allowable densities from 20 to 24 units per acre and expressly allowing mixed use and multi-family housing in the Rheem Center area

(it is already allowed in the Moraga Center area). In addition, policies and programs in the 2002 General Plan were heavily focused in low-density single family housing, with only a few allowances for multi-family housing. Some of the policies were outdated and did not reflect current State laws on density bonuses, accessory dwelling units and recent housing mandates. These policies have been edited and replaced as needed.

Additional changes are anticipated during Phase II of the General Plan Update, which will be completed by the end of 2024. These changes could include development of new land use map categories, as well as new policies supporting mixed use and multi-family development.

Further analysis of the General Plan appears in Chapter 5 of this document.

## **1.7: Community Engagement**

State law requires that each jurisdiction make a diligent effort to obtain input from all economic segments of the community when preparing a Housing Element, with a particular focus on lower income households and groups that have not historically been engaged. While Moraga has always been committed to transparent and robust public engagement, the State mandate requires that the Housing Element go a step further than traditional outreach programs. New strategies and initiatives were included in this process to engage renters, college students, non-English speakers, persons who work in Moraga but live elsewhere, and other groups that have not been involved before.

The Town's efforts yielded unprecedented levels of participation for a planning project. Over 1,200 residents provided direct input, representing diverse perspectives, income groups, age groups, and life experiences. Their feedback was used to identify key issues, and to develop the Town's goals, policies, and housing programs. Strategies in this document respond to the priorities expressed by the public.

A summary of major community engagement activities is provided below. Appendix C of the Housing Element provides a more detailed summary of the resident surveys, which included a general housing survey, a college student survey, and a mapping survey focused on housing opportunity sites. Additional community engagement will occur through the Plan adoption process, including adoption hearings once the Plan is revised and brought forward.

### **1.7.1: Engagement Strategy and Branding**

A community engagement strategy was prepared at the start of project (September 2021). The strategy identified the outreach methods to be used in the Housing Element Update (workshops, study sessions, surveys, presentation to civic groups, etc.) and the different stakeholder groups to be contacted. This phase of the project included a branding campaign, with "Make Moraga Home" created as the Housing Element's tagline.

### **1.7.2: Project Website**

A project website was created and officially launched on September 23, 2021. In October, the Town created a “shortcut” link with the URL “makemoragahome.org.” The website included information about the Housing Element, the update process, upcoming meetings, draft documents, and links to background reports and other relevant information. The website was periodically updated to add new content. It included a “comments” link for the public to provide ideas or thoughts on housing issues, and a “sign up” link to notify residents of upcoming meetings. Additional pages were added to the website as the project continued, including background information on housing legislation, the environmental review process, and the Bollinger Canyon rezoning. Links to videos of community meetings on the Housing Element were posted after they occurred.

### **1.7.3: Media Outreach**

In September 2021, the Town created a tri-fold Housing Element brochure and timeline, providing this information in both printed and digital formats and making it available to the public. The Town launched a media campaign that same month, with newspaper advertisements placed in Lamorinda Weekly on September 29 and again on November 5, 2021. Lamorinda Weekly is a free weekly paper printed and distributed to 26,600 households and businesses in Lafayette, Moraga, and Orinda. The Lamorinda Weekly ads allowed the Town to reach not just Moraga residents, but residents in nearby communities who might be interested in local housing issues. During the week of October 13, 2021, the Town included 7,000 mailers about the Housing Element in the Weekly, reaching every address in Moraga.

In addition to the media ads, the Town provided ongoing messaging on the project through the “Notify Me” function on its website (this notifies residents of upcoming events and meetings), “e-blasts” to persons on the Housing Element email distribution list, and ongoing messages on the community electronic message boards. In particular the electronic signboards on Moraga Road and Rheem Boulevard were used to encourage residents to attend the community workshops and participate in the Balancing Act on-line housing allocation program. Social media also was used, with announcements posted to the Town’s Facebook page for all housing-related activities and events. Announcements were also posted to the Nextdoor platform, and press releases were provided to digital media outlets for distribution.

### **1.7.4: Community Workshops**

The Town convened two rounds of community workshops, with three workshops in each round (six workshops in total). Opportunities for translation were advertised prior to each workshop.

The Round 1 workshops were held on October 20, October 28, and November 13, 2021. Because of COVID-19 pandemic health orders, these meetings were all virtual and were convened on Zoom. The first meeting occurred from 12-1:30 on a weekday, the second occurred from 6:30-8:00 PM on a weeknight, and the third occurred from 10-11:30 AM on a Saturday morning. The first two meetings were attended by approximately 30 people each, while the third meeting was

attended by about 10 people. The Round 1 workshops explained the requirements for the housing element, the factors behind the housing crisis, and the housing challenges and opportunities facing the Town. Residents were invited to share their ideas and concerns in “Town Hall” format, using the “raise hand” feature on Zoom. A Zoom “meeting” format was used, rather than a webinar, enabling the public to see each other, interact with other, and interact with staff.

The Round 2 workshops were held on March 25, 30, and 31, 2022. By this time, COVID protocols had changed so that two of the three meetings were held in person, and a third meeting was held on Zoom. The first meeting was formatted as a 2-hour walking tour. It drew almost 30 people and included a guided walk (including a “workbook” style map and narrative) through the Town’s two commercial centers, showcasing proposed housing opportunity sites. Staff described the sites planned for rezoning, explained the proposed densities and housing possibilities, and responded to questions and comments.

The second meeting was held in-person in the Town’s Hacienda de las Flores community center. This was a weekday evening meeting. About 25 people attended. Following an initial presentation by staff, participants were divided into four breakout groups. Each group was tasked with allocating 800 theoretical multi-family units to different housing opportunity sites in the Town. Each group reported out to the full room at the end of the meeting.

The third meeting was held on Zoom at 12 Noon on a weekday, and six residents attended. Following the initial presentation, the attendees participated in the same exercise performed by the breakout groups at the live community meeting.

### **1.7.5: Pop-Ups**

The Town hosted several pop-up events as part of the Housing Element. The first was at the Town’s Pear and Wine Festival, a well-attended annual food, music, and wine fair that took place on September 25-26, 2021. Staff created a Housing Element “station” at the event, distributed the Housing Element “brochure”, and conversed with Festival attendees about housing issues and the Housing Element.

In March 2022, the Town hosted a housing booth at the Moraga Plaza Farmers Market. For two consecutive weekends, Town staff was on hand to distribute brochures, display maps, and respond to questions about the Housing Element. One of the objectives of the booth was to encourage residents to respond to the resident survey and use the “Balancing Act” housing site app. The market pop-ups took place on March 13 and March 20, 2022.



## Town of Moraga

**Help shape your community!  
Where should more housing go?**

**Why?** Every eight years, California cities are required to update their housing plans and identify locations where their share of housing growth could be built. This state-mandated plan is called a Housing Element. Moraga must identify and zone enough land to accommodate 800 new housing units. The Town is responsible for identifying the land to accommodate these units, not to build them.

**Play!** Go to [makemoragahome.org](http://makemoragahome.org) and click Balancing Act Tool icon or scan the QR code. It's fun, easy, and takes just a few minutes.



**Tell Us!** Where would you put new housing units.

HOUSING ELEMENT  
2023 - 2031

MORAGA  
Balancing Act Tool  
Online Community Housing Simulator  
Participate Today!

*Top: Electronic message board on Moraga Road encourages residents to take the housing survey. Bottom: Ad in Lamorinda Weekly encourages readers to try the "Balancing Act" housing site simulator.*



*Top Left: Facebook post announcing the March 25 walking tour*



*Top Right: A group of about 30 residents assembles for the walking tour*

*Left: Participants in a breakout group consider Housing Opportunity Sites*

*Bottom Left: A breakout group tries the "Balancing Act" app to distribute the Town's RHNA between 11 different areas.*



### **1.7.6: Meetings of Town Officials**

One of the most important methods of engagement was through periodic study sessions with the Moraga Town Council. Three of these study sessions were convened as joint meetings with the Planning Commission. Substantive public comment was received at every one of these meetings. A summary is provided below.

- October 6, 2021. The Town Council and Planning Commission convened a joint study session introducing the Housing Element, and discussing housing needs, issues, and potential housing sites.
- October 27, 2021. The Town Council was provided with an update on recent housing legislation by legal counsel, including an overview of recent bills and Housing Element requirements.
- November 17, 2021. The Town Council convened a study session on potential tools for creating affordable housing. Staff invited an affordable housing developer and an affordable housing advocacy group to the meeting, providing an opportunity for an interactive discussion on housing opportunities, obstacles, and needs.
- March 2, 2022. The Town Council and Planning Commission convened a study session on rezoning options for the Housing Opportunity Sites. Staff walked the Council/Commission through various options related to density, floor area ratio, heights, and zoning changes in specific subareas. Feedback from this meeting was used to develop the preliminary list of Housing Opportunity Sites.
- April 14, 2022. The Town Council Meeting convened a meeting to discuss staff's recommendations on Housing Opportunity Sites, and to receive public comment on proposed zoning changes. Feedback was provided and the list of sites was refined.
- May 4, 2022. The Town Council and Planning Commission convened a joint study session on housing implementation tools and the removal of governmental constraints. The specific focus was on inclusionary zoning, parking standards, the use of Floor Area Ratio (FAR) vs density, density bonuses, height standards, and potential Transfer of Development Rights programs.

### **1.7.7: Bollinger Canyon Meetings**

The Town updated its Housing Element concurrently with a program to rezone Bollinger Canyon. Bollinger Canyon is a 423-acre area in central-eastern Moraga with a General Plan and zoning designation of "Study." The Town is replacing "Study" with new General Plan and zoning designations. While these meetings did not explicitly relate to the Housing Element, they provided another opportunity to raise awareness about the Update, the legal requirements for the Housing Element, and issues associated with building housing in Moraga. The Bollinger rezone and Housing Element are also covered by the same program-level Environmental Impact Report.

Bollinger Canyon meetings included:

- A virtual neighborhood meeting on January 25, 2022, attended by about 40 people

- A Town Council meeting on February 9, 2022 to provide policy direction
- A Planning Commission study session on May 24, 2022 to consider draft new zoning text and General Plan language, including creation of a new Rural Residential designation
- A Town Council study session on May 25, 2022 to consider the same material presented to the Planning Commission.

### **1.7.8: CEQA-Related Meetings**

Opportunities for comment on the Housing Element were provided through the CEQA process. This included a Notice of Preparation meeting for the EIR that was convened on February 17, 2022, as well the opportunity to provide comments on the NOP during the 30-day review period. Additional opportunities for comments will be provided once the Draft EIR is published in Fall 2022.

### **1.7.9: Outreach to Civic Groups and Organizations**

The project team initially reached out to major civic groups and organizations in Moraga in Fall 2022. The purpose of this outreach was to inform these groups that the Housing Element was underway, explain the importance of the update, describe ways to participate, and offer the opportunity for a personalized presentation to each organization at one of its upcoming meetings. In response to this outreach, members of the team delivered presentations to the following groups:

- Kiwanis Club of Moraga Valley January 6, 2022
- Moraga Juniors Women's Club January 13, 2022
- Preserve Lamorinda Open Space January 26, 2022
- Moraga Rotary Club February 8, 2022
- Moraga School District PTA (Joaquin Moraga Elementary) March 30, 2022
- Chamber of Commerce
- Moraga Citizens Network (this was a “demo” of the Balancing Act program for members)
- Moraga Country Club HOA, April 27, 2022

The Housing Element was the “featured topic” of discussion at these meetings. Attendance varied from just a few people at one of the meetings to over 25 people at another. In each case, a presentation was provided, questions were answered, and participants were invited to share their thoughts, ideas, and concerns. This information helped shape the selection of housing sites, as well as policies and programs in the document.

### **1.7.10: Stakeholder Meetings**

Direct outreach to individual stakeholders and organizations took place throughout the project. Special efforts were made to reach out to Saint Mary's College. The College is not only the Town's largest employer, it also has a large student population who face housing challenges in Moraga. Saint Mary's is a major landowner and has expressed interest in building housing in the town. Staff met with Saint Mary's staff to discuss the housing needs of students, faculty, and staff; as

well issues related to development of on-campus housing and housing at its Rheem Center property. Similarly, staff met with the Moraga School District to discuss the housing needs of staff, housing opportunities on their properties, and issues associated with school enrollment and capacity in the Town.

The Town also reached out to non-profit housing advocacy groups and affordable housing developers. This included meetings with East Bay Housing Organization (EBHO) and local non-profit Eden Housing and participation in an affordable housing development forum hosted by the Contra Costa County Housing Collaborative. The Town will be providing additional outreach to housing advocacy organizations through the release of its draft Housing Element, with notices and an invitation to comment provided to these organizations.

Direct outreach to the owners of Housing Opportunity Sites, and to prospective developers, was an important part of the process. The Town had meetings with the primary landowners of the Moraga Shopping Center and Rheem Shopping Center, and contacted the owners of each Housing Opportunity Site. The Town also conducted one-on-one interviews with several developers, including a developer who had previously completed a project in Moraga, a developer who chose not to develop in Moraga, and a developer who is currently contemplating a project in Moraga. Their feedback was particularly helpful in the analysis of governmental constraints and proposed zoning revisions.

### **1.7.11: Housing Surveys**

The Moraga 2023-2031 Housing Element Survey was launched on February 2, 2022 and remained open for a period of 12 weeks. The survey was translated into Spanish and Chinese and was widely advertised and promoted on multiple platforms. By the time the survey closed on April 30, 2022, 1,008 responses were received. This included 22 surveys completed in other languages and translated into English. The Town estimates that at least 10 percent of all households in Moraga completed the survey.<sup>1</sup>

Appendix C of the Housing Element provides a comprehensive assessment of the survey results, including key findings. The large volume of responses allows the responses to be sorted by tenure, so the specific needs and perspectives of renters can be highlighted. While all of the questions involved a numeric response, most also offered the opportunity for respondents to write in their own comments. Some of the most important findings of the survey are revealed through the open-ended written responses, which are summarized in Appendix C.

A second survey was launched for Saint Mary's faculty, staff, and students. This survey was released on April 1, 2022 and kept open for 30 days. There were 143 responses. Many of the

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<sup>1</sup> There are 5,602 households in Moraga and 845 of the survey respondents were Moraga residents. At one response per household, this would be 15 percent. The estimate of 10 percent assumes that some households had more than one respondent. Each survey originated from a unique IP address.

questions were the same as the Town-wide survey, but a few were focused on the particular challenges faced by students seeking housing or living in Moraga.

### **1.7.12: Balancing Act**

Moraga was one of 25 communities in the Bay Area selected by Association of Bay Area Governments (ABAG) to receive a license to operate the “Balancing Act” housing site selection tool. Balancing Act is a software application (“app”) that can be run on desktops, laptops, tablets, and smartphones. The user is given the task of allocating a specified quantity of housing to sites or subareas in the jurisdiction. The app is formatted to provide information about the various sites, housing types and densities, and housing targets. The app shows a running total as the user approaches the State-mandated target and enables the user to modify the initial distribution until they have a “housing plan.”

Balancing Act was launched by the Town on March 7, 2021 and was live for approximately eight weeks. During that time, the app was visited 838 times, and 102 maps were submitted by members of the public. The Town also convened two workshops and a walking tour to familiarize the public with the app and met with several civic groups to do Balancing Art tutorials. Responses are summarized in Appendix C.

### **1.7.13: Intergovernmental Coordination**

The Town worked closely with other agencies in preparation of this Housing Element. Some of the program recommendations were developed collaboratively with nearby communities and special districts. The update process included a number of meetings with the Moraga Orinda Fire District, a meeting with the Moraga School District, and ongoing meetings with planning staff in Orinda, Lafayette, and Danville. Coordination with Orinda and Lafayette was especially important to address traffic and evacuation issues, given that primary access to Moraga is through these communities. The Town also participated as a member of the Contra Costa County Collaborative, a coalition of 19 cities plus the County that met monthly throughout the process. The Collaborative provided a forum for discussing common issues, data needs, HCD review expectations, and potential policy and program ideas.

### **1.7.14: Circulation of “Working Draft” Housing Element**

Individual draft Housing Element chapters were posted to the Town’s website for public review during June 2022. The full document, including appendices, was published on June 30, 2022. Consistent with State law, the Town provided a 30-day comment period on this Draft. It also convened three public hearings on the document during this time period, including one with the Planning Commission (July 5, 2022) and two with the Town Council (July 11 and July 13, 2022). Public comment was received and considered at each meeting, and edits were recommended by both the Planning Commission and Town Council. These edits have been incorporated in the August 2022 “HCD Draft”.

A total of 10 written comments (including emails) were received on the Draft Goals, Policies, and Actions between June 21 when the goals, policies, and programs were published and June 30 when the full document was officially released. Another 32 written comments were received between June 30 and July 30, while the Working Draft was in circulation. As required by State law, the Town provided an additional 10 days to consider these comments. A revised draft (including a “tracked change” version) was published, including several changes made in response to comments.

An evaluation of the comments follows:

- 17 comments expressed concerns about the impacts of proposed rezoning on community character, safety, and traffic. Most of these comments were received concurrently with the Town Council hearings. They included specific objections to the document’s assessment of the Town’s scenic corridor regulations and its findings on General Plan policies, as well as opposition to SB 9.
- 12 comments expressed support for the Draft Element as well as the need for additional housing. Some of these comments encouraged the Town to consider higher densities. One of the letters was signed by 12 individuals.
- 6 comments were from the primary landowner in the Moraga Center area. These related primarily to proposed zoning for the Bollinger Canyon Study Area, as well as zoning and development constraints in the Moraga Center area. Overall, these letters expressed that the Town should be more proactive in amending the MCSP development standards and removing zoning-related constraints.
- 2 comments urged the Town Council to incorporate a stronger focus on climate change and sustainability in the document.
- 4 comments were general inquiries about timing or comments on specific sites.
- 1 comment urged the Town to plan for substantially more (and denser) housing, and included a critique of the Town’s housing sites.

#### **1.7.14: 1.7.15: Turning Community Input into Action**

The Housing Element policies and programs directly reflect priorities expressed in the community engagement process. In particular, the high level of concern about wildfire hazards, traffic, and evacuation required housing policies and programs that acknowledge and respond to these issues. Housing Element programs include a community evacuation study, continued review of housing plans by the Fire District and a vigilant focus on emergency preparedness, access, and fire resistant construction.

The survey indicates the community is divided on its support for more housing. Some support it, others oppose it, while a third group is in the middle expressing reluctant or conditional support with many reservations. Among those supporting more housing, there is strong concurrence that the best opportunities are in the two commercial districts rather than in open space and hillside locations. This is clearly reflected through the actions proposed in this

document, which emphasizes rezoning on relatively flat parcels with commercial or mixed use zoning to meet the Town's future housing needs.

Survey results were sorted so that the specific needs of renters could be highlighted. While Moraga's tenants share the same appreciation for the town's character and natural setting as its homeowners, they are generally more supportive of additional housing. Renters responding to the survey pointed to a lack of housing choices, an aging and in some cases deteriorating rental housing stock, and a severe shortage of affordable units. The Housing Element responds to these concerns with policies supporting rehabilitation of existing multi-family units and the development of additional affordable and market-rate units.

Policies and programs in this Element also respond to the recurring messages from the six community workshops. This includes a need for additional senior housing, provisions for homeowners who wish to age in place, and more housing opportunities for those who work in Moraga. There is unwavering support for maintaining Moraga's small-town character and ambiance. While adding more housing may seem incompatible with this goal, it is an essential part of keeping the town economically healthy and sustainable. The Housing Element focuses on incremental change, strong design standards, and a continued commitment to maintaining the town's visual and aesthetic qualities. New housing can be added within this context and the town can be a stronger and healthier community for it.

The student survey indicated a shortage of affordable, quality housing for college students and young adults in Moraga, resulting in most of the student body living in other communities and commuting in. The survey indicated student support for building more housing in the Town, particularly affordable units suitable for groups of students. The survey also suggests a need for ongoing collaboration and coordination with Saint Mary's College to address student housing needs and support efforts by the College to develop housing both on-campus and off-campus. The Housing Element responds to these findings through policies and programs focused on partnerships with Saint Mary's College, and the designation of the college's 2.5-acre Rheem Center property as a housing opportunity site. By rezoning this site and allowing higher-density housing, the Town is addressing some of the issues raised. Increasing the supply of multi-family units in general is responsive to the issues raised by students.

The Balancing Act survey ("app") solicited input from residents on potential locations for additional multi-family housing. Prior to the roll-out of Balancing Act, the Town was relying heavily on the orchard west of Laguna Creek in Moraga Center for much of its higher-density needs. The survey indicated higher levels of support for housing on the flatter area at the north end of School Street and in the Rheem Center. The Town adjusted its rezoning plans accordingly. The Town also used feedback from Balancing Act and the related community workshops to distribute units more evenly between the Rheem and Moraga Center areas, and to evaluate housing in commercial areas where it is not permitted today. Ultimately the distribution of housing sites was heavily influenced by public opinion.

The stakeholder interviews—and in particular the developer interviews—have shaped the policy and program recommendations in the Housing Element. Programs recommend modified parking standards, adjustments to densities, and zoning changes that directly respond to the feedback received. This input was weighed and balanced against public concerns regarding density, traffic, and scale.

Lastly, the policies and programs reflect the collective guidance of the Planning Commission and Town Council. Collectively, these entities spent more than 20 hours discussing housing policy and rezoning options. Their meetings provided a forum for the public to weigh in, and for the Commission and Council themselves to offer their perspectives and provide direction on the best way to meet Moraga's housing needs. Ultimately, the policies and programs reflect a balancing of State laws and mandates, technical data, and locally established priorities.



## CHAPTER 2: EFFECTIVENESS OF 5<sup>TH</sup> CYCLE HOUSING ELEMENT

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The purpose of this section of the Housing Element is to review the key provisions of the Town's existing housing element and the progress made in implementing the Housing Element, and to evaluate the effectiveness of the Housing Element, to consider whether goals, programs, and policies should be retained, modified, eliminated, and/or replaced for the 6<sup>th</sup> Cycle.

### 2.1: 5<sup>th</sup> Cycle Housing Element Goals, Objectives, and Progress

The Town of Moraga adopted the existing (5<sup>th</sup> Cycle) Housing Element on January 28, 2015, which covers the time period of 2015 to 2023. Key goals of the 5<sup>th</sup> Cycle Housing Element included:

- H1. 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.
- H2. Provide a variety of housing types and affordability levels to help meet the Town's projected housing needs.
- H3. Ensure the development, maintenance, and improvement of high-quality, safe, and livable housing and residential neighborhoods.
- H4. Minimize governmental constraints on the development of housing for households of all income levels.
- H5. A range of housing opportunities for residents with special needs, including seniors and the elderly, persons with disabilities, single female-headed households with children, large households, farmworkers, the homeless, and residents with extremely low incomes.
- H6. Greater cultural diversity and the prevention of discrimination in housing based on age, race, ethnic background, household composition, or any other illegal or arbitrary criteria.
- H7. Promote energy efficiency and water conservation in residential development and reduce greenhouse gas emissions.

In addition to the broad goals, per State housing element requirements, the Town also established quantified objectives. While all California jurisdictions must demonstrate in their housing element that they have sufficient land appropriately zoned to fully accommodate their assigned Regional Housing Need Allocation (RHNA), quantified objectives represent the

jurisdictions' estimate of how much new housing can be produced, how many existing housing units can be rehabilitated, and how many existing affordable housing units at risk of conversion to market rates could be conserved during the implementation period for the Housing Element. Although not required to do so, for new construction, the Town set its quantified objectives for new housing production to reflect its 5<sup>th</sup> Cycle RHNA. For its quantified rehabilitation objectives, the Town targeted rehabilitation of two units for very low-income households and three units for low-income households, based on expected participation of local households in the County of Contra Costa's Rehabilitation Program. As noted in the existing Housing Element, for the 5<sup>th</sup> Cycle, the Town did not have any affordable housing units that were at risk of conversion to market rates over the following ten years; thus, the Town did not establish quantified objectives for conservation of affordable housing units. Rather, the Town set an objective of increasing the number of Section 8 vouchers used in Moraga by five, including three for extremely low-income households and two for very low-income households.

**Table 2-1: 5<sup>th</sup> Cycle Housing Element Quantified Objectives and Results**

Income Category	New Construction		Rehabilitation		Section 8	
	Objective	Achieved (a)	Objective	Achieved (b)	Objective	Achieved (c)
Extremely Low	37	0	0	N/A	3	13
Very Low	38	0	2	N/A	2	
Low	44	0	3	N/A	0	0
Moderate	50	6	0	N/A	0	0
Above Moderate	60	123	0	N/A	0	0
<b>Total</b>	<b>229</b>	<b>129</b>	<b>5</b>	N/A	<b>5</b>	<b>13</b>

Notes:

- (a) Achievements are as of the end of 2020 as reported in the Town's annual Housing Element progress report to the State Department of Housing and Community Development.
- (b) Information on units that were rehabilitated through the Contra Costa County Neighborhood Preservation Loan Program are not available.
- (c) According to data from the Contra Costa County Housing Authority, there are 15 Housing Choice Voucher participants living in Moraga, 13 of which transferred their vouchers to Moraga from other areas during the 5th Housing Element cycle. The Town's 5<sup>th</sup> Cycle Housing Element Update indicates that there were two voucher participants living in Moraga at the beginning of the 5<sup>th</sup> Cycle, indicating a net increase of 13 households. The Housing Authority has not issued any new vouchers since 2017. Information on the specific household income levels of Voucher participants was not available.

Source: Town of Moraga, 2021; Contra Costa Housing Authority, 2022; BAE, 2022.

**Table 2-1** above, recaps the Town's 5<sup>th</sup> Cycle quantified objectives and also summarizes the Town's progress in meeting those objectives (as of the Town's 2020 annual progress report to the State Department of Housing and community Development). As shown in the table, the Town fell short of reaching its quantified objectives for new construction both on an overall units basis and within income-categories other than above moderate. The production of above moderate-income units more than doubled the quantified objective of 60 units; however, the only other unit production was six moderate-income units, well below the objective of 50, for an overall shortfall of 100 units (to date). With only six moderate-income units produced and no low-, very low-, or extremely low-income units produced, the Town had very limited success in encouraging development of below market rate housing units.

As of the writing of this Housing Element Update, there were no data available to identify the number of units that were rehabilitated in Moraga through the Contra Costa County Neighborhood Preservation Loan Program.

The figures in Table 1 indicate that Moraga exceeded its goal related to Section 8 Housing Choice Voucher participants. While the Town's goal was to increase the number of Voucher participants that live in Moraga by five households, there was an increase of 13 Voucher participants living in Moraga over the course of the 5<sup>th</sup> Cycle Housing Element planning period.

## 2.2: Progress Implementing 5<sup>th</sup> Cycle Housing Element Programs

Although the Town fell short of achieving its quantified objectives for other than production of new above moderate-income housing units, it was not for lack of effort in implementing the 5<sup>th</sup> Cycle Housing Element. The 5<sup>th</sup> Cycle Housing Element included 27 implementation programs, as summarized in Table 2-2. As shown in the table, the Town has fully or partially implemented all of the 5<sup>th</sup> Cycle programs. While some programs involving one-time actions have been completed, other programs are ongoing.

Key accomplishments include:

- Adopted conforming zoning designations for the Moraga Center Specific Plan (MCSP) the Mixed Retail/Residential District and the Mixed Office/Residential District (Program H4), both of which allow housing development at up to 20 dwelling units per acre.
- Establishment of a new Commercial Planned Development (PD-C) zoning district for commercial areas (Program H5) which enables property owners to apply for Planned Developments to propose mixed-use projects with residential uses above the ground floor, creating a new opportunity to expand the range of housing types available in Moraga, although it did not go as far as Program H5 envisioned, in that it does not ensure housing affordable to low- and very low-income households, seniors, and workforce households.
- Two rounds of updates to the Town's Accessory Dwelling Unit (ADU) ordinance to comply with changes in State law enacted in 2017 and in 2019 (Program H6), and tracking of existing and new ADUs within the Town (Program H8).
- Partnering with Saint Mary's College to update the College's Campus Master Plan, including strategies for addressing on-campus housing needs by planning for 180 additional beds (Program H9).

- To streamline the development review process, the Town consolidated the responsibilities of the former Design Review Board with the Planning Commission (Program H14).
- To prevent discrimination against groups of un-related individuals sharing living quarters, the Town amended its Zoning code to include households with more than five unrelated individuals living as a single housekeeping unit under the definition of “family” (Program H21).
- To encourage energy conservation and sustainability, in 2017 the Town established requirements that new residences in new subdivisions achieve a score of 90 or better on the “Build it Green” checklist and that photovoltaic panels be offered to new buyers as an option (Program H26).
- To encourage renewable energy use, in 2018 the Town joined MCE Community Choice Energy, a regional Community Choice Aggregation (CCA) program that allows local residents and businesses to utilize renewable energy provided by MCE (Program H27). As of December 2019, almost 90 percent of Moraga electrical utility accounts were enrolled in MCE.

**Table 2-2: Summary of 5<sup>th</sup> Cycle Housing Element Programs and Implementation Status**

**Page 1 of 6**

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H1-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).	Annual	The Town Council has reviewed and provided updates of the Annual Progress Report from 2012 to 2021 and submitted to HCD and OPR.
H2 - No-Net-Loss of Sites	The Town shall continue to zone sufficient sites to meet Moraga's regional share of housing need as established by the Association of Bay Area Governments Regional Housing Needs Allocation. Consistent with "no-net-loss" density provisions contained in Government Code Section 65863, the Town shall consider the potential impact on the Town's ability to meet its share of the regional housing need when reviewing proposals to downzone residential properties, reclassify residentially-designated property to other uses, or develop a residential site with fewer units than what is assumed for that site in the Housing Element sites inventory. The Town will continue to evaluate projects proposing to downzone residential properties, reclassify residentially-designated property to other uses, or develop a residential site with fewer units than what is assumed for the site in the Housing Element sites for consistency with Government Code Section 65863.	Ongoing	In 2020 the Town did not receive any proposals to downzone residential properties, reclassify residentially-designated property to other uses, or develop a residential site with fewer units than what is assumed for that site in the Housing Element sites inventory. The Town will continue to evaluate projects proposing to downzone residential properties, reclassify residentially-designated property to other uses, or develop a residential site with fewer units than what is assumed for the site in the Housing Element sites for consistency with Government Code Section 65863.
H3 - Vacant and Underutilized Land Inventory	The Town shall develop and maintain a publicly available inventory of vacant and underutilized parcels designated and zoned to allow residential development. The inventory should highlight sites that are appropriate for developments that meet local housing needs identified in this Housing Element.	Ongoing	The vacant land inventory was comprehensively updated as part of the Town's development impact fee study in 2015, and as part of the 2015-2023 Housing Element Update and is updated as necessary.
H4-Adopt Zoning for the Moraga Center Specific Plan	The Town shall adopt conforming zoning designations for all properties within the Moraga Center Specific Plan Area in order to implement the Plan.	2017 (Complete)	On November 10, 2020 the Town Council approved the Moraga Center Specific Plan Implementing Implementation (MCSP-IP) project, which included updated zoning designations, amendments to the zoning code and updated design guidelines to implement the Moraga Center Specific Plan that was adopted in 2010. The MCSP-IP is effective as of December 10, 2020.

**Table 2-2Table 2-2: Summary of 5<sup>th</sup> Cycle Housing Element Programs and Implementation Status**

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**Page 2 of 6**

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H5 - Develop Rheem Park Area Specific Plan	The Town shall undertake a coordinated specific plan process, area plan, or other more detailed planning, such as focused updates to the General Plan or Zoning to address planning issues in the Rheem Park area in accordance with the goals and policies of the General Plan. These planning efforts should reflect opportunities to develop a range of housing types and densities, and should consider the inclusion of requirements to ensure that housing is affordable to low- and very low-income residents and seniors, and that it provides workforce housing opportunities.	2018	The Rheem Shopping Center changed ownership in December 2015 and the new owner conducted a joint study session with the Planning Commission and Design Review Board to get feedback on a new design for the shopping center. A new Commercial Planned Development (PD-C) zoning district was adopted (MMC 8.50) which is intended to encourage the revitalization of Moraga's existing commercial centers zoned Community Commercial by providing flexibility in development standards and planning for appropriate uses in a coordinated manner. In 2020 a new Master Sign Program and facade improvements were approved by the Planning Commission for the existing shopping center. The Town continues to discuss potential future planning efforts for the Rheem Center with new Rheem Shopping Center property owner and other property owners within the Rheem Park Area Specific Plan.
H6 Secondary Unit Ordinance	The Town shall develop and implement a program to encourage owners of secondary units constructed without appropriate permits to bring their buildings up to code and legalize units where appropriate and conforming to applicable building and zoning code requirements. Where necessary, the Town shall enforce code compliance issues in secondary units to ensure residents safety.	2015	The Town completed work on revising its Accessory Dwelling Unit (ADU) ordinance to be compliant with State laws that went into effect on January 1, 2017. The Ordinance was adopted by the Town Council on February 14, 2018. On December 7, 2020 the Planning Commission reviewed and recommended adoption to the Town Council an ordinance to bring the Town into compliance with State laws passed in 2019. The Town Council adopted the ordinance on March 24, 2021.
H7 Secondary Unit Compliance	The Town shall develop and implement a program to encourage owners of secondary units constructed without appropriate permits to bring their buildings up to code and legalize units where appropriate and conforming to applicable building and zoning code requirements. Where necessary, the Town shall enforce code compliance issues in secondary units to ensure residents safety.	2017	No activity. The Town has received one complaint in 2019 of an illegally constructed ADU and has worked with the property owner to bring the ADU into compliance.

**Table 2-2Table 2-2: Summary of 5<sup>th</sup> Cycle Housing Element Programs and Implementation Status**

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Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H8 Secondary Unit Database	The Town shall develop a database of existing secondary units within Moraga and the greater region to understand trends and issues in secondary unit development, maintenance, and habitation.	Annually	The Town has mapped records of ADUs developed within the Town prior to 2010 and has been tracking all new ADU applications filed under the updated ADU ordinance for reporting purposes.
H9 - Maintain and Establish New housing Partnerships	The Town shall work with Saint Mary's College, the Moraga School District, affordable housing developers, and other groups and organizations to define opportunities for collaboration and identify potential sites, financial resources, and regulatory mechanisms and incentives to facilitate the development of new units that can help meet the Town's 'fair share' housing requirements for all income ranges, including workforce housing and extremely low income.	Annually	The Town partnered with Saint Mary's College on an update to the Campus Master Plan which was completed in 2017. The plan includes strategies for addressing changing needs related to on-campus housing and includes plans for 180 additional beds, 12 as single occupancy units and 168 beds in apartments. No further activity occurred in 2020
H10 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) Petitioning the County Housing Authority for additional Section 8 subsidies if rental dwelling units can be located that are within Federal fair market rent guidelines. If necessary, collect documentation on rent levels and need to substantiate an increase in the number of Section 8 certificates or vouchers. (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 or other extremely low income to moderate income housing for which State or federal subsidies are available.	(a) 2017 - (b) ongoing - (c.), (d), (e.) Consider opportunities at least annually and as development is proposed	No activity in 2020. The Town will work with developers and others to process requests for fee waivers for affordable housing projects, and to encourage inclusion of affordable and workforce housing in projects.

**Table 2-2Table 2-2: Summary of 5th Cycle Housing Element Programs and Implementation Status**

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Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H-10, continued	(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) Encouraging future development to consider a fair share affordable housing component for workforce housing, including housing for extremely low income households.		See previous page.
H16 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	Ongoing	The Town provides information on senior housing resources to the public on an as-needed basis.
H17 Address Homeless Housing, Services and Referral	- The Town shall provide referrals to private and public agencies that offer assistance and shelter to homeless 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.	Ongoing	The Town provides information on homeless assistance services on an as-needed basis.
H18 - Provide Accessible Housing Information and Referral	The Town shall provide information to developers, homeowners, and other interested parties on the needs and techniques for producing adaptable and accessible housing for people with disabilities, and referrals for people with disabilities who desire specially designed housing to meet their needs.	Ongoing	The Town provides information on accessible housing on an as-needed basis

**Table 2-2Table 2-2: Summary of 5<sup>th</sup> Cycle Housing Element Programs and Implementation Status**

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Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H19 - Countywide Homeless Survey	The Town shall participate in comprehensive surveys of the county's homeless population.	Ongoing	The Town will support Contra Costa Health Services in its annual count of homeless residents on an as-needed basis. The Contra Costa County annual homeless count is typically done in January, but not occurring in 2020 due to Covid-19. In 2022 the homeless count within Moraga was 4.
H20 - Coordinate with the Regional Center of the East Bay	Work with the Regional Center of the East Bay to implement an outreach program informing residents of the housing and services available for persons with developmental disabilities. Make information available on the Town website.	Initiate contact in 2015	The Planning Department Housing Resources page includes a link to the Regional Center of the East Bay website.
H21 - Amend Definition of "Family"	The Town shall amend the definition of "family" in the Zoning Code to include households with more than five unrelated individuals living as a single housekeeping unit	2015	This amendment was adopted in 2017
H22 - Equal Housing Opportunities Coordinator	The Town shall 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. The Coordinator shall be responsible for addressing complaints, providing fair housing information to the public, and educating Town staff on fair housing laws and the organizations and programs that address fair housing issues	Ongoing	The Planning Director provides fair housing information to the public and Town staff on an as-needed basis
H23 - Equal Housing Information	The Town shall 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.	2015, Ongoing	The Town's housing resources webpage includes a link to Contra Costa County affordable/equal housing resources.

**Table 2-2Table 2-2: Summary of 5<sup>th</sup> Cycle Housing Element Programs and Implementation Status**

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Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H24 - Provide Nondiscrimination Clauses	The Town shall require nondiscrimination clauses in rental agreements and deed restrictions for affordable housing.	Ongoing	No activity – no new affordable housing units were constructed in Moraga in 2020.
H25 - Efficiency and Conservation Information	The Town shall prepare and distribute handouts to the public and maintain up-to-date information on the Town's website on ways to improve energy efficiency in existing homes and in new construction, on programs available to assist homeowners and landlords in making energy efficiency retrofits, and on the Affordable Housing Weatherization Assistance Program available for energy efficiency improvements for lower-income households	2015, Ongoing	The Planning Departments Climate Action Plan webpage provides a link to Sustainable Contra Costa which provides actions that can reduce carbon impacts and save energy.
H26 - Solar Ready Homes Ordinance	The Town shall prepare and adopt an ordinance that requires new residential construction to be built to "Solar Ready Homes" and/or "Solar Oriented Development" design guidelines. The ordinance shall require new single family homes to include designated roof space adequate for solar photovoltaic or solar water heating systems and for permitting plans to indicate future piping and electrical layout to accommodate future solar installations. The Town shall work with solar vendors to obtain incentives for homeowners who install solar PV within three years of purchasing a "Solar Ready Home."	2017	For new residential subdivision developments, the Town requires that new residences meet 90 or more on "Build it Green" checklist and the photovoltaic panels be offered to new buyers as an option.
H27 - Participate in Energy Efficiency Programs	The Town shall continue to participate in efforts that encourage energy efficiency upgrades, such as the Home Upgrade program for single family homes and the Multifamily Building Enhancements program, both available through Energy Upgrade California.	Ongoing	In 2018 the Town Council adopted an ordinance for the Town to join MCE, a Community Choice Aggregation (CCA) Program, which is a locally owned energy provider that will allow residents and businesses the option to have renewable electricity provided by MCE, which includes different levels of renewable energy and 50% and 100%. • In early 2018 residential and commercial electric accounts were enrolled into MCE. At the end of December 2021, Moraga had 6,455 electric accounts, 5,784 of those, or 89.6%, were enrolled in MCE.

## 2.3: Effectiveness of 5<sup>th</sup> Cycle Housing Element

Considering the City's goals and objectives, and the City's progress in meeting its quantified objectives and in implementing its 5<sup>th</sup> Cycle Housing Element programs, the existing Housing Element has been reasonably effective; however, its effectiveness did not extend to the production of different types of housing and housing suitable for households of different income levels. The fact that the Town did not see production of any new housing units affordable to lower income households, despite having programs designed to help achieve his objective, suggests that the Town should revisit programs intended to support production of housing for lower-income households and consider modifications for the 6<sup>th</sup> Cycle that can be more effective. Accordingly, the Housing Plan for the 6<sup>th</sup> Cycle strengthens many of the programs from the 5<sup>th</sup> Cycle and includes numerous new programs to improve the Town's ability to meet its housing goals.

Table 2-3Table 2-3 lists the 5<sup>th</sup> Cycle programs and the righthand column includes considerations for how the existing Housing Element's programs have been continued, deleted, or modified for the 6<sup>th</sup> Cycle Housing Element. In addition, the findings from the housing needs assessment, assessment of fair housing, and constraints analyses sections of this Housing Element Update, as well as input from the public and local policymakers on the community's current housing challenges and needs, have informed the goals, policies, and programs in the Housing Plan section of this Housing Element Update.

**Table 2-3: 5<sup>th</sup> Cycle Housing Element Effectiveness and Considerations****Page 1 of 5**

Name of Program	Objective	Considerations for 6th Cycle
H1-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).	Continue as-is pursuant to HCD requirements.
H2 - No-Net-Loss of Sites	The Town shall continue to zone sufficient sites to meet Moraga's regional share of housing need as established by the Association of Bay Area Governments Regional Housing Needs Allocation. Consistent with "no-net-loss" density provisions contained in Government Code Section 65863, the Town shall consider the potential impact on the Town's ability to meet its share of the regional housing need when reviewing proposals to downzone residential properties, reclassify residentially-designated property to other uses, or develop a residential site with fewer units than what is assumed for the site in the Housing Element sites inventory.	Continue and modify to respond to recent State legislation and HCD guidance related to no net loss requirements (SB 166).
H3 - Vacant and Underutilized Land Inventory	The Town shall develop and maintain a publicly available inventory of vacant and underutilized parcels designated and zoned to allow residential development. The inventory should highlight sites that are appropriate for developments that meet local housing needs identified in this Housing Element.	Continue and modify.
H4-Adopt Zoning for the Moraga Center Specific Plan	The Town shall adopt conforming zoning designations for all properties within the Moraga Center Specific Plan Area in order to implement the Plan.	Delete – program completed.
H5 - Develop Rheem Park Area Specific Plan	The Town shall undertake a coordinated specific plan process, area plan, or other more detailed planning, such as focused updates to the General Plan or Zoning to address planning issues in the Rheem Park area in accordance with the goals and policies of the General Plan. These planning efforts should reflect opportunities to develop a range of housing types and densities, and should consider the inclusion of requirements to ensure that housing is affordable to low- and very low-income residents and seniors, and that it provides workforce housing opportunities.	Delete – program completed.
H6 - Secondary Unit Ordinance	The Town shall review and update the requirements for secondary unit approval process to encourage new units, potentially including but not limited to separation requirements, height/location limitations, and permit procedures, to facilitate the development of second units. The Town shall also consider fee waivers for deed restricted affordable second units.	Delete – program completed.

**Table 2-3****Table 2-3: 5<sup>th</sup> Cycle Housing Element Effectiveness and Considerations**

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Name of Program	Objective	Considerations for 6th Cycle
H7 - Secondary Unit Compliance	The Town shall develop and implement a program to encourage owners of secondary units constructed without appropriate permits to bring their buildings up to code and legalize units where appropriate and conforming to applicable building and zoning code requirements. Where necessary, the Town shall enforce code compliance issues in secondary units to ensure residents safety.	Continue and modify.
H8 - Secondary Unit Database	The Town shall develop a database of existing secondary units within Moraga and the greater region to understand trends and issues in secondary unit development, maintenance, and habitation.	Continue and modify.
H9 - Maintain and Establish New housing Partnerships	The Town shall work with Saint Mary's College, the Moraga School District, affordable housing developers, and other groups and organizations to define opportunities for collaboration and identify potential sites, financial resources, and regulatory mechanisms and incentives to facilitate the development of new units that can help meet the Town's 'fair share' housing requirements for all income ranges, including workforce housing and extremely low income.	Continue and modify.
H10 - 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) Petitioning the County Housing Authority for additional Section 8 subsidies if rental dwelling units can be located that are within Federal fair market rent guidelines. If necessary, collect documentation on rent levels and need to substantiate an increase in the number of Section 8 certificates or vouchers. (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 or other extremely low income to moderate income housing for which State or federal subsidies are available. (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) Encouraging future development to consider a fair share affordable housing component for workforce housing, including housing for extremely low income households.	Continue and modify.

**Table 2-3: 5<sup>th</sup> Cycle Housing Element Effectiveness and Considerations**

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Name of Program	Objective	Considerations for 6th Cycle
H11 - Crime Prevention Guidelines	The Town shall develop planning and design guidelines for implementation of design ideas that can help prevent or reduce crime (e.g., through attention to sight-lines to front doors and windows and from front windows to the street).	Delete.
H12 - 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 inform students of this housing opportunity.	Continue as-is.
H13 - Increase Awareness of Housing Rehabilitation Program	The Town shall improve citizen awareness of the Contra Costa County Housing Authority's Housing Rehabilitation Program and Contra Costa County Neighborhood Preservation Loan program by making pamphlets available at the Planning Department and the public library, and conducting targeted outreach to lower income households, including extremely low-income households	Continue and modify.
H14 - Streamlined Review Process	The Town shall explore changes to the development review process to reduce the time needed for residential subdivision and project approval, while protecting the character of Moraga. Potential changes to the development review process to be considered might include allowing for more review at the staff level and/or developing a preliminary project review process that provides early feedback to developers on whether or not the project is consistent with Town standards and appropriate for the community.	Continue and modify.
H15 - Fee Deferrals	The Town may allow deferral of certain fees on qualifying affordable housing developments until issuance of a Certificate of Occupancy (COO) to help offset development costs for affordable housing.	Continue and modify.
H16 - 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	Continue and modify.
H17 - Address Homeless Housing, Services and Referral	The Town shall provide referrals to private and public agencies that offer assistance and shelter to homeless 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.	Continue as-is.

**Table 2-3: 5<sup>th</sup> Cycle Housing Element Effectiveness and Considerations**

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Name of Program	Objective	Considerations for 6th Cycle
H18 - Provide Accessible Housing Information and Referral	The Town shall provide information to developers, homeowners, and other interested parties on the needs and techniques for producing adaptable and accessible housing for people with disabilities, and referrals for people with disabilities who desire specially designed housing to meet their needs.	Delete. The town continues to provide information on an as-needed basis.
H19 - Countywide Homeless Survey	The Town shall participate in comprehensive surveys of the county's homeless population.	Continue as-is.
H20 - Coordinate with the Regional Center of the East Bay	Work with the Regional Center of the East Bay to implement an outreach program informing residents of the housing and services available for persons with developmental disabilities. Make information available on the Town website.	Continue and modify.
H21 - Amend Definition of "Family"	The Town shall amend the definition of "family" in the Zoning Code to include households with more than five unrelated individuals living as a single housekeeping unit	Delete – program completed.
H22 - Equal Housing Opportunities Coordinator	The Town shall 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. The Coordinator shall be responsible for addressing complaints, providing fair housing information to the public, and educating Town staff on fair housing laws and the organizations and programs that address fair housing issues	Delete and incorporate into a new program to affirmatively further fair housing.
H23 - Equal Housing Information	The Town shall 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.	Delete and incorporate into a new program to affirmatively further fair housing.
H24 - Provide Nondiscrimination Clauses	The Town shall require nondiscrimination clauses in rental agreements and deed restrictions for affordable housing.	Delete and incorporate into a new program to affirmatively further fair housing..
H25 - Efficiency and Conservation Information	The Town shall prepare and distribute handouts to the public and maintain up-to-date information on the Town's website on ways to improve energy efficiency in existing homes and in new construction, on programs available to assist homeowners and landlords in making energy efficiency retrofits, and on the Affordable Housing Weatherization Assistance Program available for energy efficiency improvements for lower-income households	Delete and replace with the programs that are included in the Town's Climate Action Plan.

**Table 2-3****Table 2-3:** 5<sup>th</sup> Cycle Housing Element Effectiveness and Considerations**Page 5 of 5**

Name of Program	Objective	Considerations for 6th Cycle
H26 - Solar Ready Homes Ordinance	The Town shall prepare and adopt an ordinance that requires new residential construction to be built to "Solar Ready Homes" and/or "Solar Oriented Development" design guidelines. The ordinance shall require new single family homes to include designated roof space adequate for solar photovoltaic or solar water heating systems and for permitting plans to indicate future piping and electrical layout to accommodate future solar installations. The Town shall work with solar vendors to obtain incentives for homeowners who install solar PV within three years of purchasing a "Solar Ready Home."	Delete – program completed.
H27 - Participate in Energy Efficiency Programs	The Town shall continue to participate in efforts that encourage energy efficiency upgrades, such as the Home Upgrade program for single family homes and the Multifamily Building Enhancements program, both available through Energy Upgrade California.	Delete – program completed.

# CHAPTER 3: HOUSING NEEDS ASSESSMENT

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The purpose of the Housing Needs Assessment is to evaluate local demographics, housing conditions, and market dynamics in order to better understand local housing needs. This analysis is expressly required by State Government Code Section 65583(a) and the findings of the Needs Assessment provide a foundation for policies and action programs which ensure that the Housing Element responds to local—as well as regional—housing needs.

The San Francisco Bay Area (Bay Area) continues to see growth in both population and jobs, which means more housing of various types and sizes is needed to ensure that current and prospective residents across all income levels, ages, and abilities have a place to call home. While people have continued to be drawn to the region over the past 30 years, housing production has stalled, contributing to the housing shortage that communities are experiencing today. In many communities in the region, this has resulted in existing residents being priced out, increased traffic congestion caused by longer commutes, and fewer people across incomes being able to purchase homes or meet surging rents.

## 3.1: Summary of Key Facts

- **Population.** Generally, the population of the Bay Area continues to grow because of natural growth and because the strong economy draws new residents to the region. The population of Moraga increased by only 2.9 percent from 2000 to 2020, which is well below the growth rate of the Bay Area.
- **Age.** In 2019, Moraga's youth population (under the age of 18) was 3,769 and senior population (65 and older) was 3,734. These age groups represent 21.5 percent and 21.3 percent, respectively, of Moraga's population.
- **Race/Ethnicity.** In 2020, 61.9 percent of Moraga's population was White Non-Hispanic, while only 1.2 percent was Black Non-Hispanic, 18.9 percent was Asian, and 9.8 percent was Latinx. People of color in Moraga comprise a proportion below the overall proportion in the Bay Area as a whole.
- **Employment.** Moraga residents most commonly work in Financial & Professional Services or the Health & Educational Services industry. From January 2010 to October 2021, the unemployment rate for Moraga residents decreased by 4.3 percentage points. Between 2010 and 2019, the number of jobs located in the jurisdiction increased by 508 (13.9 percent). Additionally, the jobs to households ratio in Moraga has increased from 0.67 in 2002 to 0.79 jobs per household in 2018.

- **Number of Homes.** The number of new homes built in the Bay Area has not kept pace with the demand, resulting in longer commutes, increasing prices, and exacerbating issues of displacement and homelessness. The number of homes in Moraga increased 1.9 percent from 2010 to 2021, which is below the growth rate for Contra Costa County and below the growth rate of the region's housing stock during this time period.
- **Home Prices.** A diversity of homes at all income levels creates opportunities for all Moraga residents to live and thrive in the community.
  - **Ownership.** The largest proportion of homes in Moraga had a value in the range of \$1 to \$1.5 million in 2019. Home prices increased by more than 100 percent from 2010 to 2020.
  - **Rental Prices.** The median contract rent for a rental unit in Moraga was \$2,001 in 2019. Rental prices increased by 19.7 percent from 2009 to 2019. To rent a typical apartment without cost burden, a household would need to have an income of \$80,040 per year, assuming the contract rent includes utilities.
- **Housing Type.** It is important to have a variety of housing types to meet the needs of a community today and in the future. In 2021, 66.5 percent of homes in Moraga were single-family detached units, 14.9 percent were single-family attached (townhomes), 5.2 percent were in small multifamily buildings (2-4 units), and 13.4 percent were in medium or large multifamily buildings (5+ units). Between 2010 and 2021, the number of single-family units increased more than multifamily units. Generally, Moraga has a higher share of detached single-family homes relative to all homes than other jurisdictions in the region.
- **Cost Burden.** The U.S. Department of Housing and Urban Development considers housing to be affordable if the household spends less than 30% of its income on housing costs. A household is considered “cost-burdened” if it spends more than 30 percent of its monthly income on housing costs, while those who spend more than 50 percent of their income on housing costs are considered “severely cost-burdened.” In Moraga, 19 percent of households spend 30 percent to 50 percent of their income on housing, while 13 percent of households are severely cost burdened and use the majority of their income for housing.
- **Displacement/Gentrification.** According to research from The University of California, Berkeley, no households in Moraga live in neighborhoods that are susceptible to or experiencing displacement, and none live in areas at risk of or undergoing gentrification. However, 87.1 percent of households in Moraga live in

neighborhoods where low-income households are effectively excluded due to prohibitive housing costs. There are various ways to address displacement including ensuring new housing at all income levels is built.

- **Neighborhood Resources.** All residents in Moraga live in neighborhoods identified as “Highest Resource” or “High Resource” areas by State-commissioned research; none live in areas identified by this research as “Low Resource” or “High Segregation and Poverty” areas. These neighborhood designations are based on a range of indicators covering areas such as education, poverty, proximity to jobs and economic opportunities, low pollution levels, and other factors.
- **Special Housing Needs.** Some population groups may have special housing needs that require specific program responses, and these groups may experience barriers to accessing stable housing due to their specific housing circumstances. In Moraga, 8.8 percent of residents report a disability of at least one kind and may require accessible housing. Additionally, 8.3 percent of Moraga households are larger households with five or more people, who likely need larger housing units with three bedrooms or more; 6.8 percent of households are female-headed families, which are often at greater risk of housing insecurity.

### 3.2: Note on Data

Many of the tables in this report are sourced from published data from the Census Bureau’s American Community Survey<sup>2</sup> or the U.S. Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) data<sup>3</sup>, both of which rely on samples and as such, are subject to sampling variability. This means that data represent estimates, and that other estimates could be possible if another set of respondents had been reached. This analysis uses the five-year release to get a larger data pool to minimize this “margin of error” but particularly for smaller communities such as Moraga, the data will be based on fewer responses, and the information should be interpreted accordingly.

### 3.3: Looking to the Future: Regional Housing Needs

#### 3.3.1: Regional Housing Needs Determination

The *Plan Bay Area 2050 Final Blueprint*<sup>4</sup> forecasts that the nine-county Bay Area will add 1.4 million new households between 2015 and 2050. For the eight-year time frame covered by this

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<sup>2</sup> Census data from the American Community Survey and many other Census programs can be found at <https://data.census.gov/cedsci/>

<sup>3</sup> CHAS data can be found at <https://www.huduser.gov/portal/datasets/cp.html>.

<sup>4</sup> Plan Bay Area 2050 is a long-range plan charting the course for the future of the nine-county San Francisco Bay Area. It covers four key issues: the economy, the environment, housing, and transportation. The Final Blueprint can

Housing Element Update, the Department of Housing and Community Development (HCD) has identified the region's housing need as 441,176 additional units. The total number of housing units assigned by HCD is separated into four income categories that cover housing types for all income levels, from subsidized housing units affordable to very low-income households to market rate housing.<sup>5</sup> This calculation, known as the Regional Housing Needs Determination (RHND), is based on population projections produced by the California Department of Finance as well as adjustments that consider the region's current housing need. The adjustments result from recent legislation requiring HCD to apply additional factors to the baseline growth projection from California Department of Finance, in order for the state's regions to get closer to healthy housing markets. To this end, adjustments focus on the region's vacancy rate, level of overcrowding and the share of cost burdened households.<sup>6</sup> These new laws governing the methodology for how HCD calculates the RHND resulted in a significantly higher number of housing units for which the Bay Area must plan compared to previous RHNA cycles.

### 3.3.2: Regional Housing Needs Allocation

A starting point for the Housing Element Update process for every California jurisdiction is the Regional Housing Needs Allocation or RHNA. For the Bay Area, the share of the RHND is assigned to each jurisdiction by the Association of Bay Area Governments (ABAG). State Housing Element Law requires ABAG to develop a methodology that calculates the number of housing units assigned to each city and county and distributes each jurisdiction's housing unit allocation among four affordability levels. The RHND increased by 135%, from 187,990 in the last cycle to 441,776 in this RHNA cycle. For more information on the RHNA process this cycle, see ABAG's website: <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>. Most jurisdictions in the Bay Area received a significantly larger RHNA this cycle compared to the last cycle.

On December 16, 2021, ABAG adopted the *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*. This is the final step in ABAG's RHNA process. For the Town of Moraga, the RHNA to be planned for this cycle is 1,118 units, a substantial increase from the last cycle's allocation of 229 total units. The allocation for Moraga is broken down by income category as follows in [Table 3-1](#)[Table 3-1](#).

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be found at <https://www.planbayarea.org/2050-plan/plan-bay-area-2050-blueprint/plan-bay-area-2050-final-blueprint-documents>.

<sup>5</sup> HCD divides the RHND into the following four income categories: Very Low-income - 0-50% of Area Median Income; Low-income - 50-80% of Area Median Income; Moderate-income - 80-120% of Area Median Income; and Above Moderate-income - 120% or more of Area Median Income.

<sup>6</sup> For more information on HCD's RHND calculation for the Bay Area, see [https://abag.ca.gov/sites/default/files/documents/2021-12/Final\\_RHNA\\_Allocation\\_Report\\_2023-2031-approved\\_0.pdf](https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf).

**Table 3-1: Final Regional Housing Needs Allocation (RHNA)**

<b>Income Category</b>	<b>Town of Moraga</b>		<b>Contra Costa County</b>		<b>Bay Area</b>	
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Very Low Income (<50% of AMI)	318	28.4%	13,346	27.2%	114,442	25.9%
Low Income (50%-80% of AMI)	183	16.4%	7,685	15.7%	65,892	14.9%
Moderate Income (80%-120% of AMI)	172	15.4%	7,807	15.9%	72,712	16.5%
Above Moderate Income (>120% of AMI)	445	39.8%	20,205	41.2%	188,130	42.6%
<b>Total</b>	<b>1,118</b>	<b>100%</b>	<b>49,043</b>	<b>100%</b>	<b>441,176</b>	<b>100%</b>

Source: Association of Bay Area Governments; HCD.

The Town of Moraga has limited ability to control economic pressures driven by regional housing supply and demand dynamics. However, ensuring that the Town adequately plans to accommodate its RHNA, including sites that can accommodate housing for lower-income households, is a key local responsibility established by the State of California. State law requires that the Town provide opportunities for development of housing that is suitable for households at all income levels and does not contribute to regional economic pressures by constraining the local supply of land available to meet housing demand.

## 3.4: Population, Employment, and Household Characteristics

### 3.4.1: Population

The Bay Area is the fifth-largest metropolitan area in the nation and has seen a steady increase in population since 1990. Many cities in the region have experienced significant growth in jobs and population. While these trends have led to a corresponding increase in demand for housing across the region, the regional production of housing has largely not kept pace with job and population growth. Based on recent Census data, in Moraga, population growth has been much slower. Between 2000 and 2020, Moraga's population increased by only 2.9 percent; in contrast, Contra Costa County's overall population has increased by 21.2 percent, indicating robust growth elsewhere in the county. Overall, the county population has increased faster than the region, which has seen growth of 14.2 percent over the same decade.

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**Table 3-2: Population Trends, 2000-2020**

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<b>Population</b>	<b>2000</b>	<b>2020</b>	<b>% Change 2000-2020</b>
Moraga	16,290	16,756	2.9%
Contra Costa County	948,816	1,149,853	21.2%
ABAG Region	6,784,348	7,748,930	14.2%

---

Note:

The nine-county ABAG Region includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

Sources: California Department of Finance, E-4 and E-5 Series; BAE, 2021.

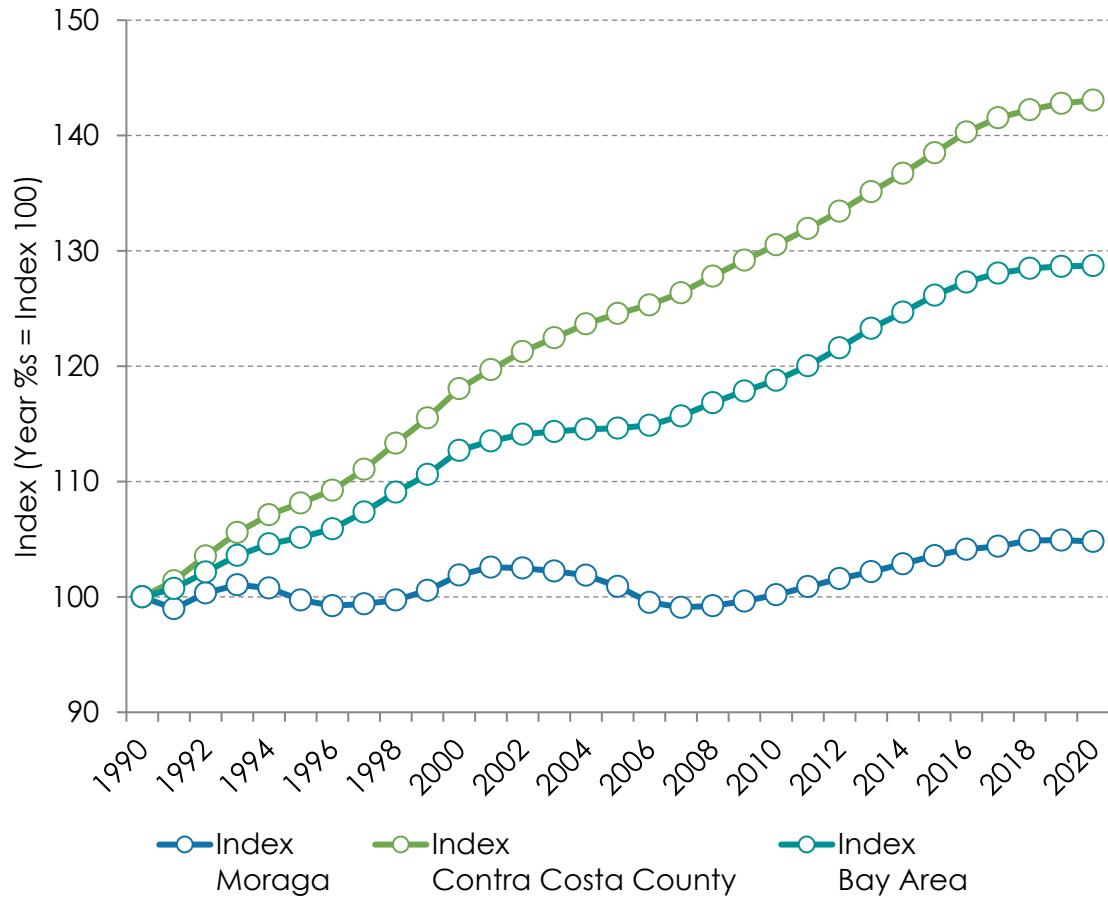
In 2020, the population of Moraga was estimated to be 16,756 (see [Table 3-2](#)). The population of Moraga is only 1.5 percent of Contra Costa County. From 1990 to 2000, Moraga's population increased by only 1.9 percent; from 2000 to 2010 the population actually showed a very slight decline, and between 2010 and 2020, it recovered to grow by 4.6 percent. Data from the recently released 2020 Census shows that Moraga's actual 2020 population was 16,870, which is roughly the same as the Department of Finance estimate.

To compare the rate of growth across various geographic scales, [Figure 3-1](#) shows population for the jurisdiction, county, and region indexed to the population in the year 1990. This means that the data points represent the population growth (i.e., percent change) in each of these geographies relative to their populations in 1990. As shown Moraga has exhibited much slower growth than the county or the Bay Area.

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**Figure 3-1: Population Growth Trends**

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Notes:

Universe: Total population.

The data shown on the graph represents population for the jurisdiction, county, and region indexed to the population in the year 1990. The data points represent the relative population growth in each of these geographies relative to their populations in 1990.

Source: California Department of Finance, E-4 and E-5 series.

### 3.4.2: Household Trends

As illustrated by [Table 3-3](#), as Moraga's population grew slowly between 2000 and 2020, the number of households was almost unchanged over the same period, leading to a slight increase in household size over the two decades. In contrast, the county showed strong growth in the number of households, growing at a faster rate than the ABAG Region; however, the population growth in the two geographies was slower than growth in the number of households, leading to an increase in average household size. As with population, the faster growth in the number of households countywide as compared to the change in Moraga alone indicates strong growth elsewhere in the county.

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**Table 3-3: Household Trends, 2000-2020**

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<b>Households</b>	<b>2000</b>	<b>2020</b>	<b>% Change 2000-2020</b>
Moraga	5,662	5,651	-0.2%
Contra Costa County	344,129	396,173	15.1%
ABAG Region	2,466,020	2,752,510	11.6%
<b>Average Household Size</b>	<b>2000</b>	<b>2020</b>	
Moraga	2.59	2.66	
Contra Costa County	2.72	2.88	
ABAG Region	2.69	2.76	

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**Note:**

The nine-county ABAG Region includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

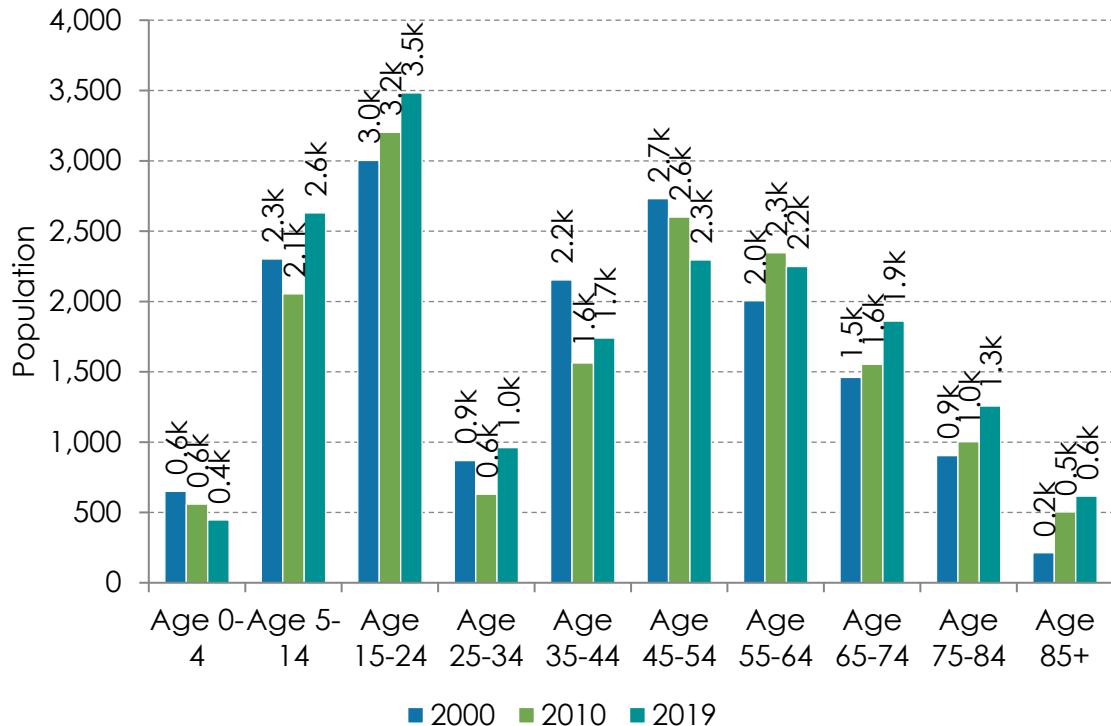
Sources: California Department of Finance, E-8 and E-5 Series; BAE, 2021.

### **3.4.3: Age**

The distribution of age groups in an area shapes what types of housing the community may need in the near future. An increase in the older population may mean there is a developing need for more senior housing options, while higher numbers of children and young families can point to the need for more family housing options and related services. There has also been a move by many seniors to age-in-place or downsize to stay within their communities, which can mean more multifamily and accessible units are also needed.

In Moraga, the median age in 2000 was 42.0; by 2019, this had increased slightly to 43.2. The population of school-age children increased while the preschool-age population decreased; the population from ages 35 to 54 decreased, and the population 55 and older increased. The elderly showed the greatest percentage increase, indicating the baby boom generation is aging in place in Moraga (see [Figure 3-2](#)[Figure 3-2](#)).

**Figure 3-2: Population by Age, 2000-2019**



Universe: Total population

Source: U.S. Census Bureau, Census 2000 SF1, Table P12; U.S. Census Bureau, Census 2010 SF1, Table P12; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001.

### 3.4.4: Race and Ethnicity

Understanding the racial makeup of a locale and region is important for designing and implementing effective housing policies and programs. These patterns are shaped by both historic and current market factors and government actions, such as exclusionary zoning, discriminatory lending practices and displacement that has occurred over time and continues to impact communities of color today. Since 2000, the number and percentage of residents in Moraga identifying as non-Hispanic White has decreased by 18 percent, with that group population standing at 10,440 (see [Figure 3-3](#) and [Table 3-4](#)). By the same token the percentage of residents of all other races and ethnicities has increased. In absolute terms, the Asian/Pacific Islander non-Hispanic population increased the most; the White Non-Hispanic population was the only major category that showed a decrease.

**Table 3-4: Moraga Population by Race, 2000-2020**

Number

Year	American Indian or Alaska Native, Non-Hispanic	Asian / API, Non-Hispanic	Black or African American, Non-Hispanic	White, Non-Hispanic	Other Race or Multiple Races, Non-Hispanic	Hispanic or Latinx
2000	10	2,024	161	12,760	560	775
2010	16	2,395	258	11,509	715	1,123
2020	13	3,182	197	10,440	1,386	1,652

Percent of Total

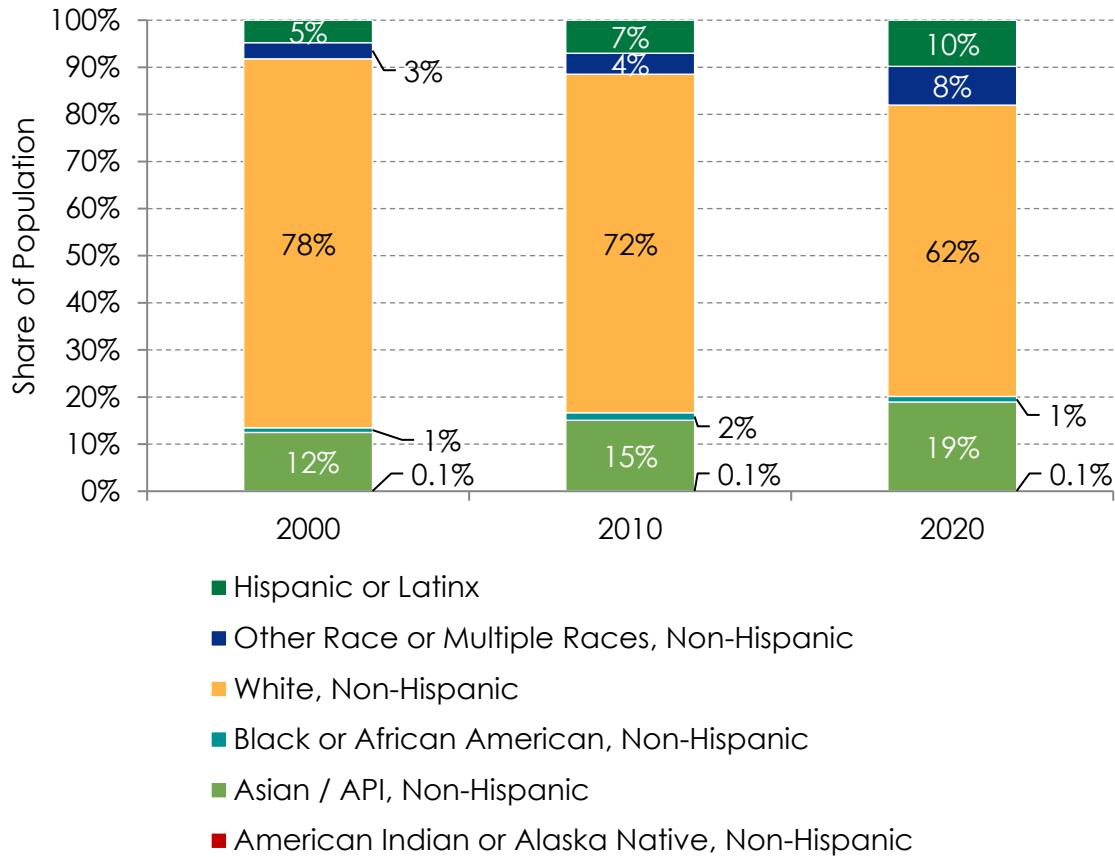
Year	American Indian or Alaska Native, Non-Hispanic	Asian / API, Non-Hispanic	Black or African American, Non-Hispanic	White, Non-Hispanic	Other Race or Multiple Races, Non-Hispanic	Hispanic or Latinx
2000	0.1%	12.4%	1.0%	78.3%	3.4%	4.8%
2010	0.1%	15.0%	1.6%	71.9%	4.5%	7.0%
2020	0.1%	18.9%	1.2%	61.9%	8.2%	9.8%

Notes:

The Census Bureau defines Hispanic/Latinx ethnicity separate from racial categories. For the purposes of this graph, the "Hispanic or Latinx" racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity.

Sources: U.S. Census Bureau, Census 2000, Table P004; U.S. Census Bureau, Census 2010, Table P5; U.S. Census Bureau, Census 2020, Redistricting Data (PL 94-171) Table P2, Census 2020.

**Figure 3-3: Moraga Population by Race, 2000-2020**



Universe: Total population

Notes:

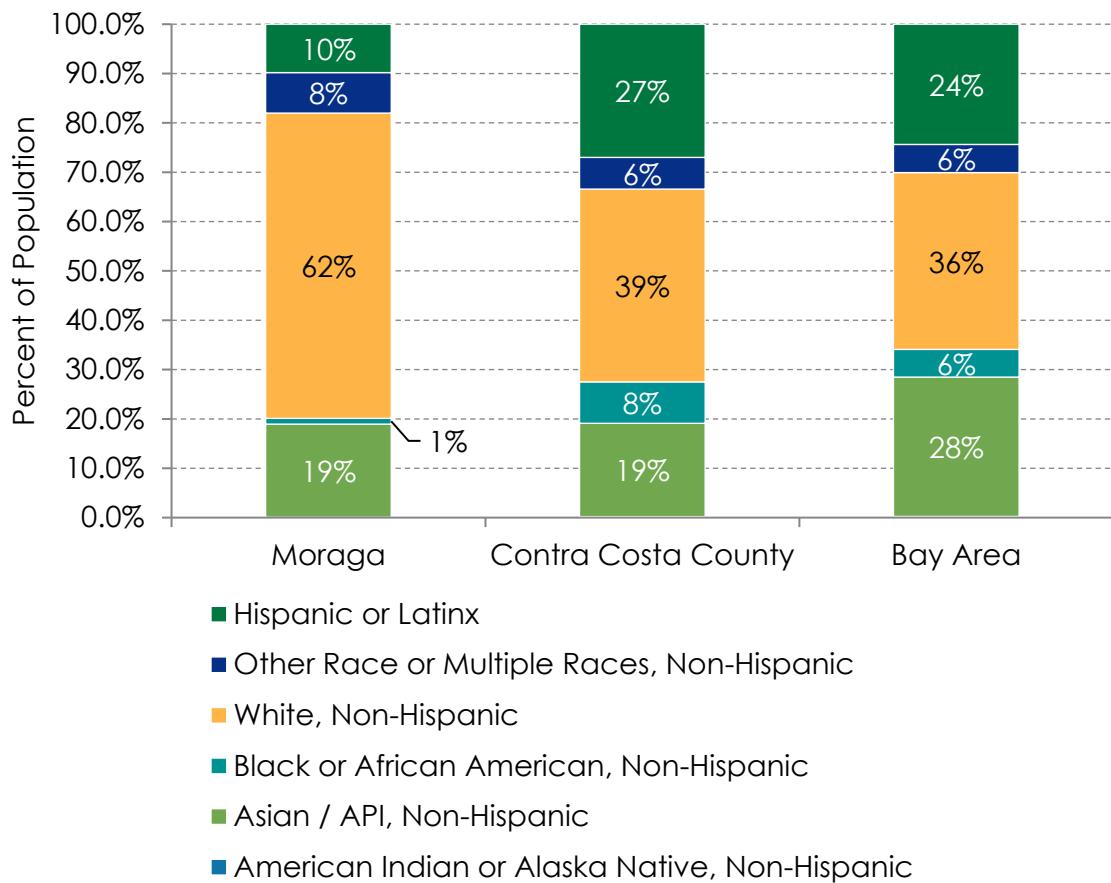
The Census Bureau defines Hispanic/Latinx ethnicity separate from racial categories. For the purposes of this graph, the "Hispanic or Latinx" racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity.

Sources: U.S. Census Bureau, Census 2000, Table P004; U.S. Census Bureau, Census 2010, Table P5; U.S. Census Bureau, Census 2020, Redistricting Data (PL 94-171) Table P2, Census 2020.

While its population has become more diverse in recent years even though growth has been limited, Moraga is still less diverse than the county overall or the Bay Area region. Sixty-two percent of Moraga's population is White Non-Hispanic, in comparison to only 39 percent for the county and 36 percent for the region (see [Figure 3-4](#)). This indicates that other areas of the county contain a higher proportion of the county's minority population than Moraga. The largest minority group in Moraga and the Bay Area is the Asian/Pacific Islander non-Hispanic group, while the largest in Contra Costa County is the Hispanic/Latinx group. Moraga is slightly more diverse than the neighboring cities of Orinda and Lafayette. According to the Housing Elements produced for those cities, White Non-Hispanic residents account for 72 percent of the population in Orinda and 75 percent of the population in Lafayette. Moraga's slightly larger non-White population may be due in part to the presence of St. Mary's College in Moraga. Data on

the St. Mary's website indicates that 40 percent of undergraduates at the college are White Non-Hispanic, indicating that the St. Mary's student body is more diverse than the population of Moraga overall.

**Figure 3-4: Population by Race, Moraga, Contra Costa County, and the Bay Area, 2020**



Universe: Total population

Notes:

The Census Bureau defines Hispanic/Latinx ethnicity separate from racial categories. For the purposes of this graph, the "Hispanic or Latinx" racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity.

Sources: U.S. Census Bureau, Census 2020, Redistricting Data (PL 94-171) Table P2, Census 2020.

Examining the senior and youth population by race adds an additional layer of understanding, as families and seniors of color are sometimes more likely to experience challenges finding affordable housing. In Moraga, people of color make up 15 percent of older adults and 29 percent of youth under 18 (see [Table 3-5](#)). This includes persons of Hispanic origin, who make up only three percent of seniors and seven percent of youth under 18. As persons of Hispanic origin make up eight percent of the total population, this indicates this group is

underrepresented amount the elderly. The Hispanic youth population proportion is similar to the overall proportion. This is an indicator that the proportion of the population that is Hispanic/Latinx in Moraga may remain relatively stable.

**Table 3-5: Senior and Youth Population by Race and Hispanic Origin**

Race Category	Age 0-17		Age 65+		Total Population	
	Number	Percent	Number	Percent	Number	Percent
American Indian or Alaska Native (Hispanic and Non-Hispanic)	-	0%	-	0%	30	0%
Asian / API (Hispanic and Non-Hispanic)	629	17%	529	14%	3,029	17%
Black or African American (Hispanic and Non-Hispanic)	-	0%	15	0%	121	1%
Other Race or Multiple Races (Hispanic and Non-Hispanic)	454	12%	34	1%	1,332	8%
White (Hispanic and Non-Hispanic)	<u>2,686</u>	<u>71%</u>	<u>3,156</u>	<u>85%</u>	<u>13,027</u>	<u>74%</u>
<b>Total</b>	<b>3,769</b>	<b>100%</b>	<b>3,734</b>	<b>100%</b>	<b>17,539</b>	<b>100%</b>
Hispanic, Any Race	246	7%	119	3%	1,352	8%
Non-Hispanic, Any Race	3,523	93%	3,615	97%	16,187	92%

Notes:

In the sources for this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. The overlapping category of Hispanic/ non-Hispanic groups is shown separately to avoid double counting.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001(A-I).

### 3.4.5: Employment Trends

Following is a discussion of employment trends and their relationship to community housing needs.

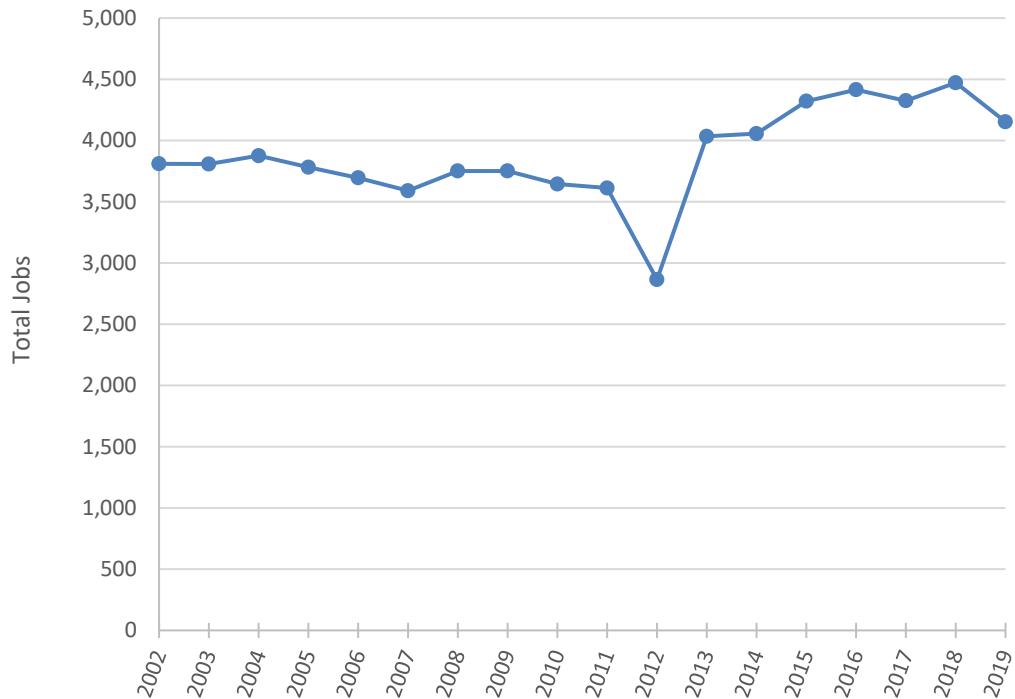
#### ***Balance of Jobs and Workers***

A city houses employed residents who either work in the community where they live or work elsewhere in the region. Conversely, a city or town may have job sites that employ residents from the same city or town, but employ workers commuting from outside of it. Smaller cities or towns typically will have more employed residents than jobs there and export workers, while larger jurisdictions tend to have a surplus of jobs and import workers. To some extent the regional transportation system is set up for this flow of workers to the region's core job centers. At the same time, as the housing affordability crisis has illustrated, local imbalances may be severe, where local jobs and worker populations are out of sync at a sub-regional scale.

One measure of this is the relationship between workers and jobs. A jurisdiction with a surplus of workers “exports” workers to other parts of the region, while a jurisdiction with a surplus of jobs must conversely “import” them. Between 2002 and 2019, the number of jobs in Moraga

has only grown by nine percent, albeit slightly outpacing population growth (see [Figure 3-5](#)).

**Figure 3-5: Jobs in Town of Moraga, 2002-2019**



Universe: Jobs from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment

Notes: The data are tabulated by place of work, regardless of where a worker lives. The source data are provided at the Census Block level. These are crosswalked to jurisdictions and summarized.

Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2019.

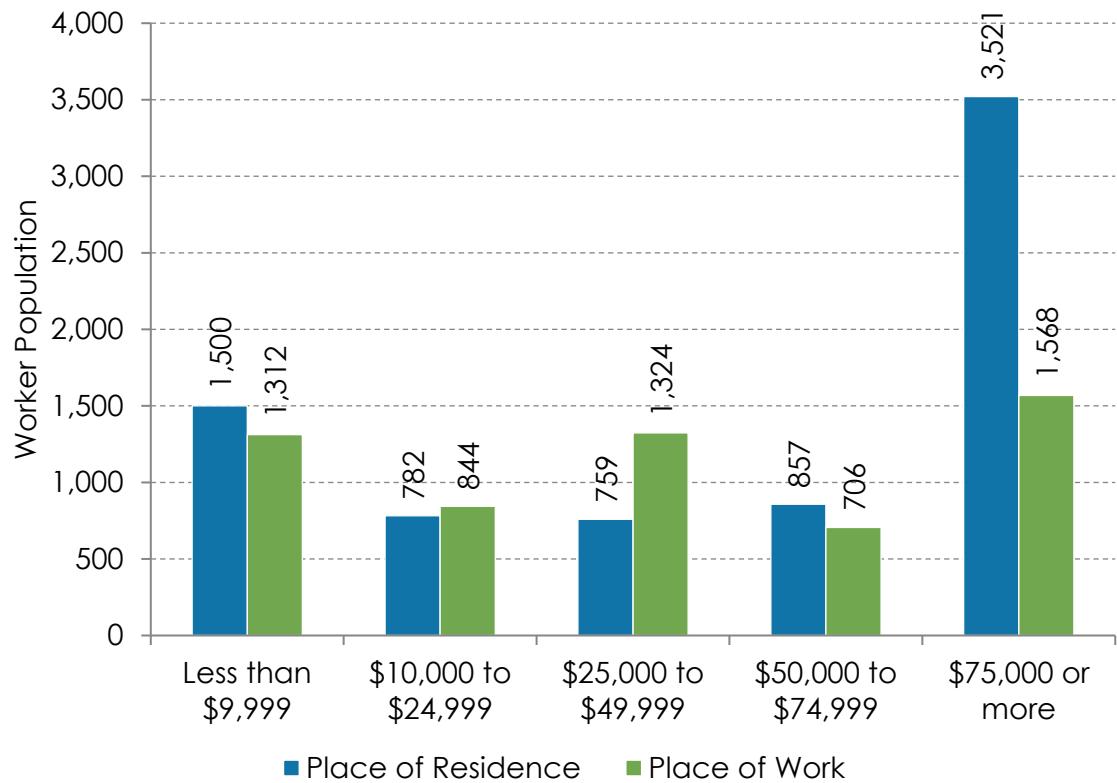
Based on American Community Survey data from 2015 to 2019, there are 7,419 employed residents, and 5,754 persons working<sup>7</sup> in Moraga. The ratio of jobs to residents working anywhere is 0.78; Moraga is thus a net exporter of workers.

[Figure 3-6](#) shows the balance when comparing jobs to workers, broken down by different wage groups, offering additional insight into local dynamics. A community may offer employment for relatively low-income workers but have relatively few housing options for those workers or, conversely, it may house residents who are low wage workers but offer few local

<sup>7</sup> Employed residents in a jurisdiction is counted by place of residence (they may work elsewhere) while jobs in a jurisdiction are counted by place of work (they may live elsewhere). The job totals may differ from those reported in [Figure 3-5](#) as the source for the time series is from administrative data, while the cross-sectional data is from the American Community Survey.

employment opportunities for them. Such relationships may cast extra light on potentially pent-up demand for housing in particular price categories. A surplus of jobs relative to residents in a given wage category suggests the need to import those workers, while conversely, surpluses of workers in a wage group relative to jobs means the community will export those workers to other jurisdictions. Such flows are not inherently bad, though over time, sub-regional imbalances may appear. The greatest imbalance in Moraga is for workers with high earnings; Moraga has far fewer jobs for workers earning \$75,000 or more than it has residents with earnings in that range.

**Figure 3-6: Workers by Earnings, by Place of Work and Place of Residence for Town of Moraga, 2018**



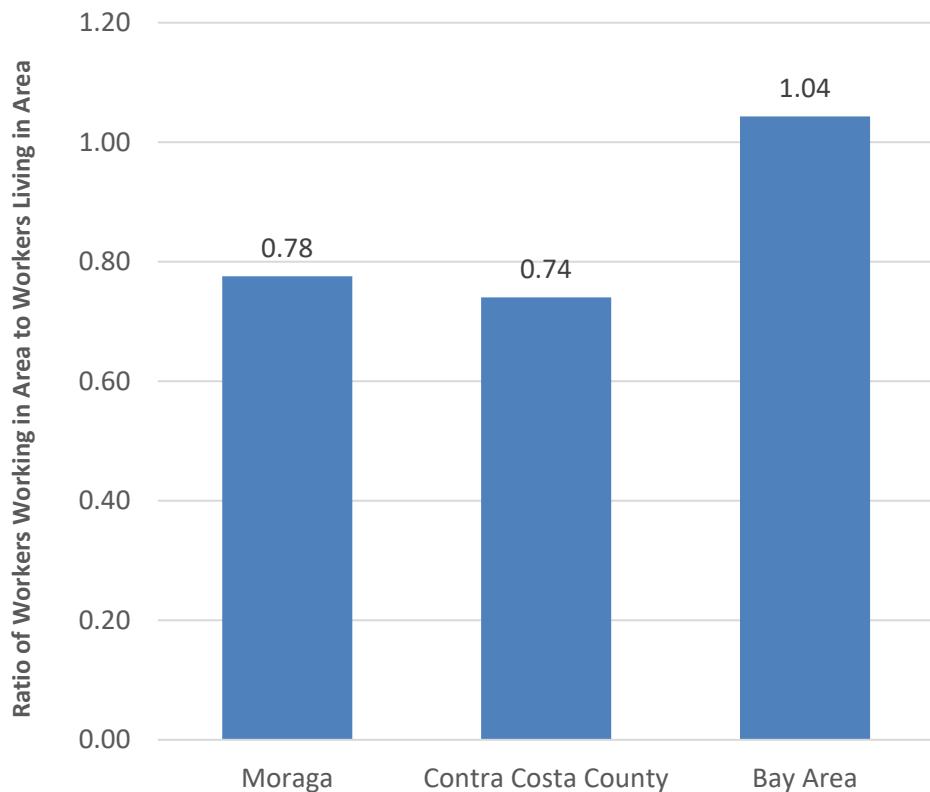
Universe: Workers 16 years and over with earnings

Source: U.S. Census Bureau, American Community Survey 5-Year Data 2015-2019, B08119, B08519

Figure 3-7 shows the balance of resident workers to the workers employed there for Moraga, Contra Costa County, and the Bay Area region, expressed as a ratio. A value of 1 means that a city has the same number of jobs in a wage group as it has resident workers - in principle, a balance. Values above 1 indicate a jurisdiction will need to import workers for jobs in a given wage group. For the Bay Area region, this ratio for all income levels is 1.04 workers working in the region for each worker living in the region, implying a modest import of workers from outside the region. For Moraga, this ratio is 0.78 and for Contra Costa County overall the ratio is 0.74,

indicating that Moraga and the county are net exporters of workers to other parts of the Bay Area and beyond, and house more workers than they provide jobs for.

**Figure 3-7: Ratio of Workers Employed in an Area to Working Residents**



Universe: Workers 16 years and older

Notes:

Data are for workers, not for jobs. A worker may hold more than one job.

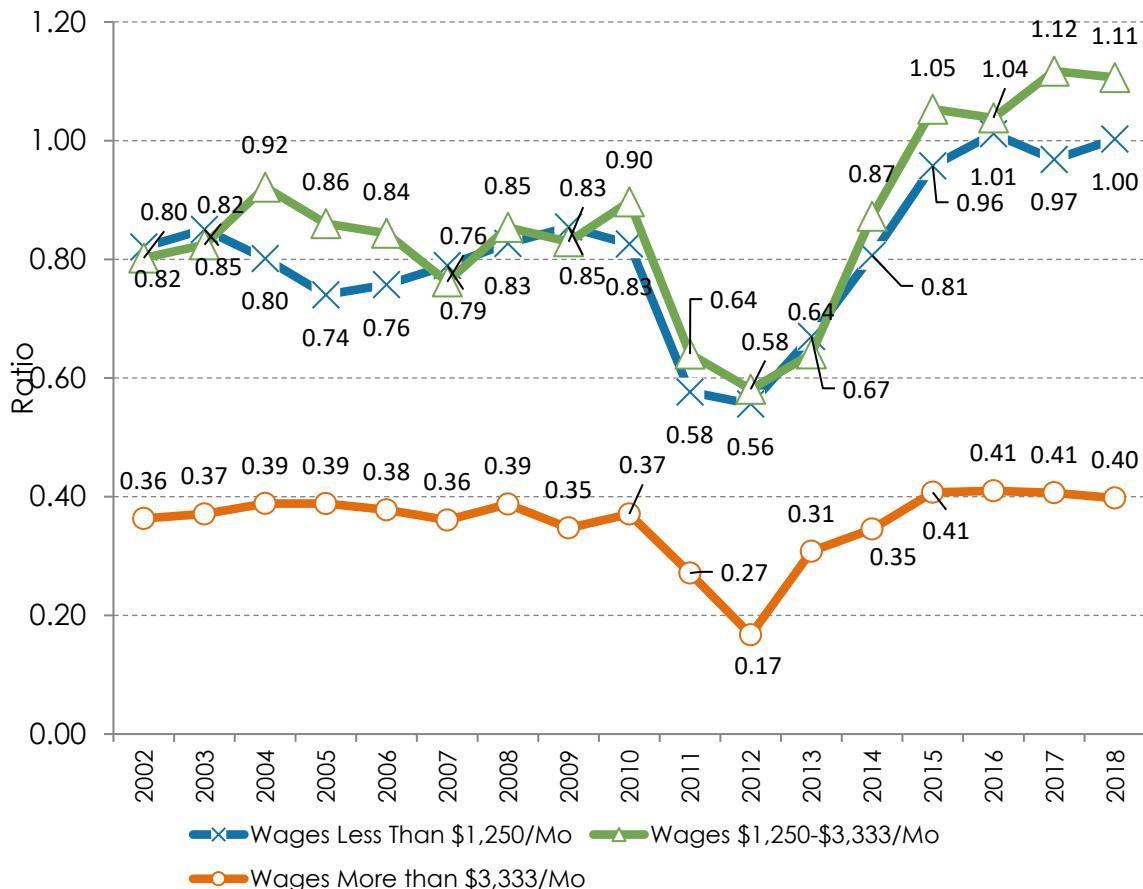
U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Tables B08128 and B08604.

Figure 3-8 shows these ratios for Moraga broken out by different wage levels for years from 2002 through 2018. As shown, prior to 2015 each of the wage groups showed more workers living in the area than jobs in that wage category.<sup>8</sup> Beginning in 2015 and 2016, the two lower wage categories began to show more jobs or close to more jobs than local workers in those categories, while the ratio remained relatively unchanged for the highest wage category. This indicates in-commuting by lower wage workers and out-commuting by higher wage workers. In other words, there is an imbalance between the types of jobs found in Moraga and the types

<sup>8</sup> The source data for this table varies from the previous table. The source table is top-coded at \$75,000, precluding more fine grained analysis at the higher end of the wage spectrum.

of workers living there. It also indicates a lack of local affordable housing for lower-wage workers., such as retail and restaurant workers.

**Figure 3-8: Jobs-Worker Ratios, By Wage Group**



Universe: Jobs in a jurisdiction from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment

Notes: The ratio compares job counts by wage group from two tabulations of LEHD data: Counts by place of work relative to counts by place of residence. See text for details.

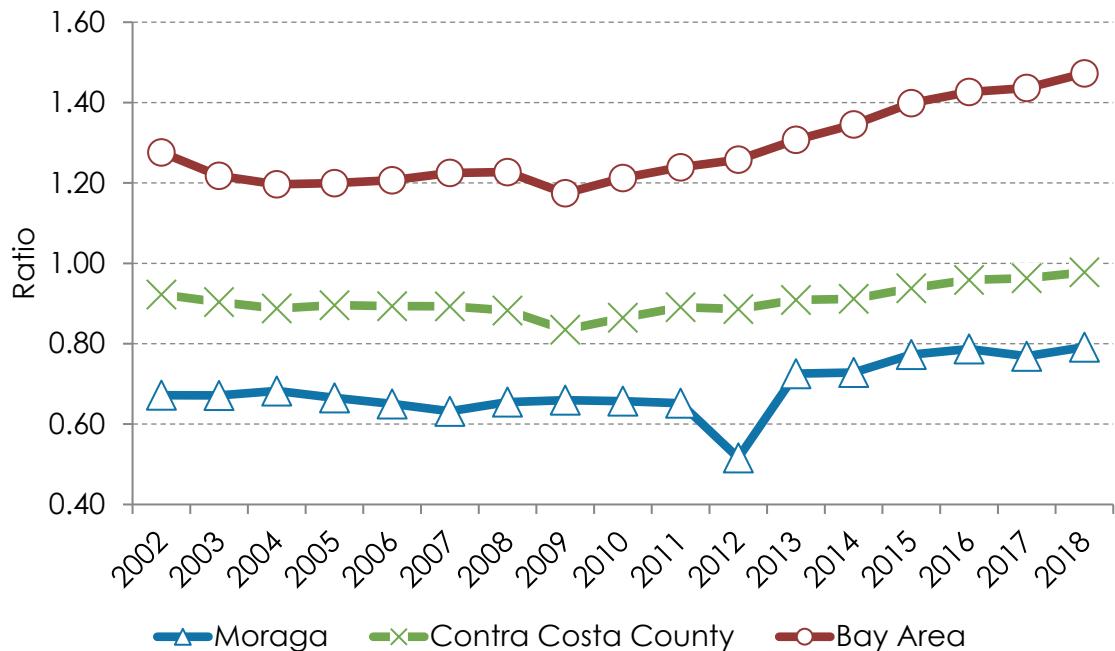
Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs); Residence Area Characteristics (RAC) files (Employed Residents), 2010-2018

Imbalances between employed residents and jobs may directly influence the housing demand in a community. New jobs may draw new residents, and when there is high demand for housing relative to supply, many workers may be unable to afford to live where they work, particularly where job growth has been in relatively lower wage jobs. This dynamic not only means many workers will need to prepare for long commutes and time spent on the road, but in the aggregate, it contributes to traffic congestion and time lost for all road users.

If there are less jobs than employed residents, it means a locale is relatively jobs-poor, typically also with a low jobs to households ratio. Bringing housing into the measure, the jobs-household

ratio in Moraga has increased slightly from 0.67 in 2002 to 0.79 jobs per household in 2018 (see [Figure 3-9](#)[Figure 3-9](#)). As with the jobs to working residents ratios, the jobs to households ratio for Moraga is below that for the county and well below the regional ratio.

**Figure 3-9: Jobs-Household Ratio**



Universe: Jobs in a jurisdiction from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment; households in a jurisdiction

Notes: The data is tabulated by place of work, regardless of where a worker lives. The source data are provided at the Census Block level. These are crosswalked to jurisdictions and summarized. The ratio compares place of work wage and salary jobs with households, or occupied housing units. A similar measure is the ratio of jobs to housing units. However, this jobs-household ratio serves to compare the number of jobs in a jurisdiction to the number of housing units that are actually occupied. The difference between a jurisdiction's jobs-housing ratio and jobs-household ratio will be most pronounced in jurisdictions with high vacancy rates, a high rate of units used for seasonal use, or a high rate of units used as short-term rentals.

Sources: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs), 2002-2018; California Department of Finance, E-8 and E-5 (Households)

### ***Sectoral Composition of Resident Employment***

In terms of sectoral composition, the largest major industry sector in which Moraga residents work is Finance and Professional Services, which is also the largest sector for the county and the Bay Area (see [Table 3-6](#)[Table 3-6](#)). Moraga shows relatively high proportions of workers in health and educational services, due in part to the presence of Saint Mary's College. Moraga is notably lower in the proportion of residents working in the Construction sector and the Manufacturing, Wholesale, and Transportation sector. This confirms the town population's orientation toward higher-wage jobs.

**Table 3-6: Resident Employment by Industry**

Industry	Town of Moraga		Contra Costa County		Bay Area	
	Number	Percent	Number	Percent	Number	Percent
Agriculture & Natural Resources	39	0.5%	3,720	0.7%	30,159	0.7%
Construction	216	2.8%	39,996	7.2%	226,029	5.6%
Financial & Professional Services	2,364	30.9%	138,321	24.7%	1,039,526	25.8%
Health & Educational Services	2,069	27.1%	124,265	22.2%	820,281	20.4%
Information	176	2.3%	14,048	2.5%	160,226	4.0%
Manufacturing, Wholesale & Transportation	675	8.8%	79,885	14.3%	670,251	16.7%
Retail	789	10.3%	56,651	10.1%	373,083	9.3%
Arts, Entertainmnt, Recreation, Accomm & Food Services	723	9.5%	50,725	9.1%	375,062	9.3%
Other	590	7.7%	51,755	9.3%	329,480	8.2%
<b>Total</b>	<b>7,641</b>	<b>100.0%</b>	<b>559,366</b>	<b>100.0%</b>	<b>4,024,097</b>	<b>100.0%</b>

Universe: Civilian employed population age 16 years and over

Notes: The data displayed shows the industries in which jurisdiction residents work, regardless of the location where those residents are employed (whether within the jurisdiction or not).

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table S2403.

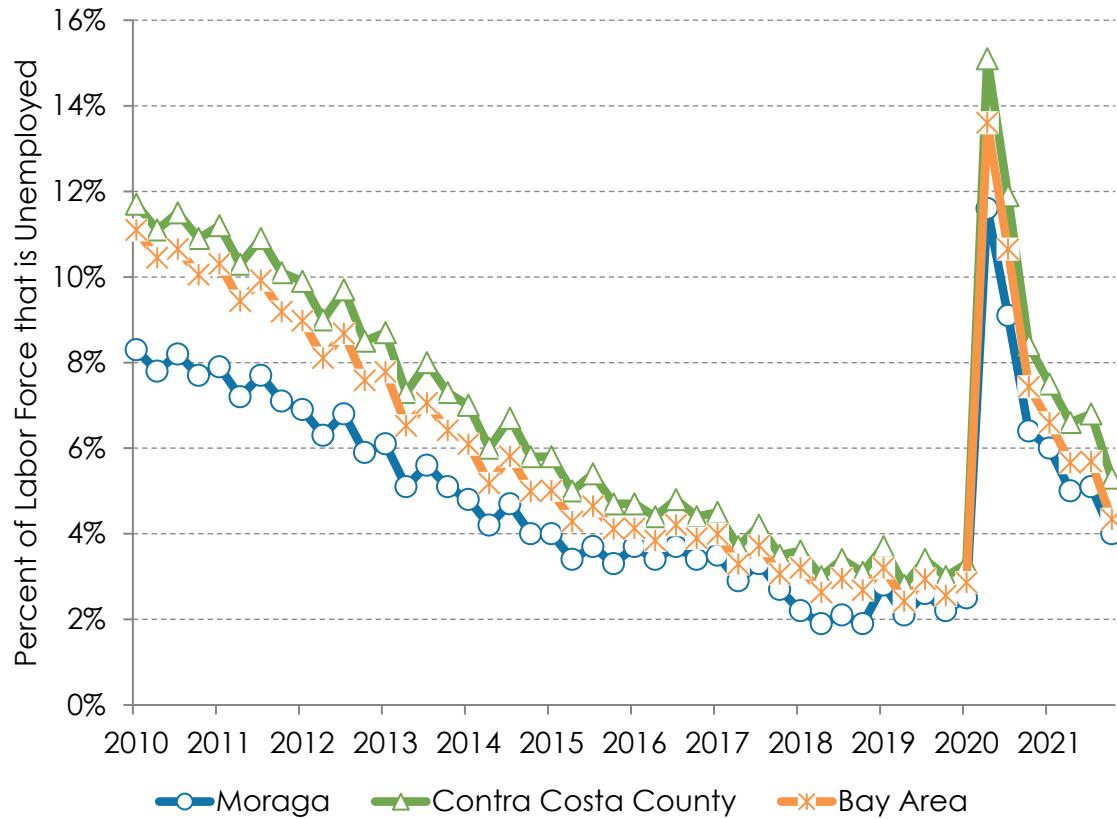
### **Unemployment**

As shown in [Figure 3-10](#), unemployment trends in Moraga mirror those for the county overall and the Bay Area region, declining gradually from the end of the Great Recession through the beginning of 2018. All three geographies showed a dramatic upward spike in unemployment due to impacts related to the COVID-19 pandemic, with a general improvement and recovery beginning in the later months of 2020.

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**Figure 3-10: Unemployment Rate**

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Universe: Civilian noninstitutional population ages 16 and older

Notes: Unemployment rates for the jurisdiction level is derived from larger-geography estimates. This method assumes that the rates of change in employment and unemployment are exactly the same in each sub-county area as at the county level. If this assumption is not true for a specific sub-county area, then the estimates for that area may not be representative of the current economic conditions. Since this assumption is untested, caution should be employed when using these data. Only not seasonally-adjusted labor force (unemployment rates) data are developed for cities and CDPs.

Source: California Employment Development Department, Local Area Unemployment Statistics (LAUS), Sub-county areas monthly updates, 2010-2021.

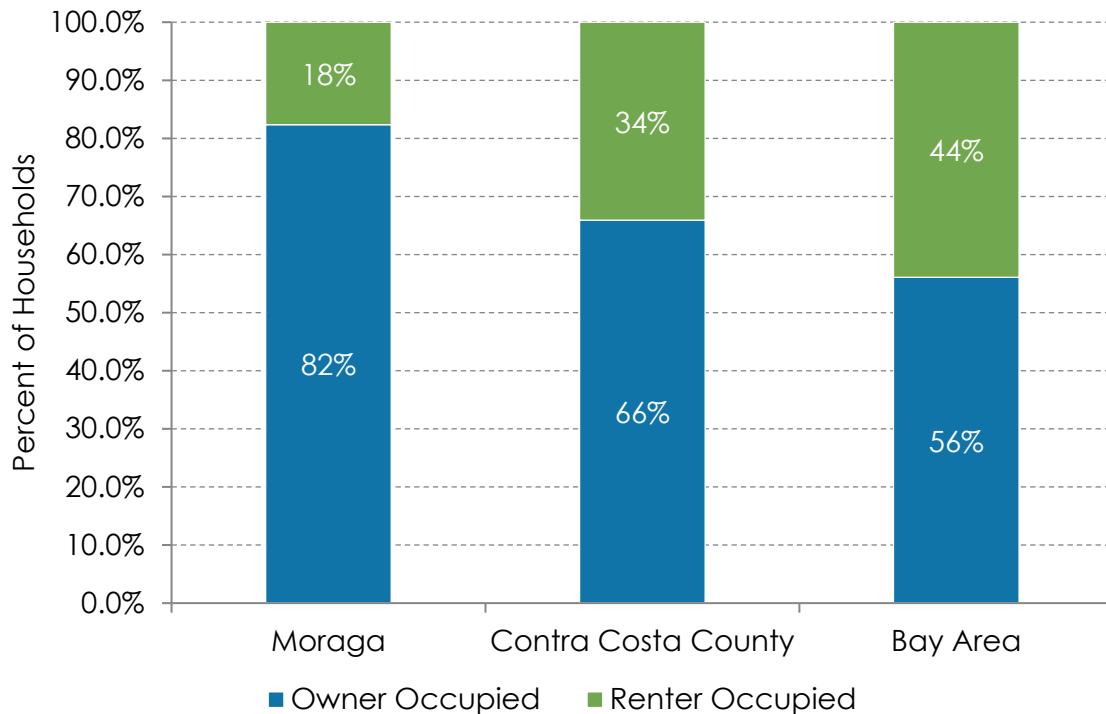
### 3.4.6: Current Tenure Patterns

The number of residents who own their homes compared to those who rent their homes can help identify the level of housing insecurity – ability for individuals to stay in their homes – in a locale and region. Generally, renters may be displaced more quickly if prices increase. In Moraga, there are approximately 5,900 housing units, and over 80 percent are owner-occupied (see [Figure 3-11](#)). In contrast, only 66 percent of households in Contra Costa County are owners, and only 56 percent of Bay Area households own their homes.

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**Figure 3-11: Housing Tenure**

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Geography	Owner Occupied	Renter Occupied	Total
Moraga	4,832	1,035	5,867
Contra Costa County	260,244	134,525	394,769
Bay Area	1,531,955	1,199,479	2,731,434

---

Universe: Occupied housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003.

### 3.4.7: Tenure Trends

Moraga has retained a high rate of homeownership exceeding 80 percent over the last two decades, as the number of rental and owner units has only increased slightly. The continued lack of affordable rental housing options is likely a factor in the high ratio of jobs to residents and households for lower-wage workers employed in the town.

**Table 3-7: Housing Unit Trends, 2000-2019**

Tenure	2000		2010		2019	
	Number	Percent	Number	Percent	Number	Percent
Owner Occupied	4,764	84%	4,673	84%	4,832	82%
Renter Occupied	898	16%	897	16%	1,035	18%
<b>Totals</b>	<b>5,662</b>	<b>100%</b>	<b>5,570</b>	<b>100%</b>	<b>5,867</b>	<b>100%</b>

Universe: Occupied housing units.

Source: U.S. Census Bureau, Census 2000 SF1, Table H04; U.S. Census Bureau, Census 2010 SF1, Table H04; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003

### 3.4.8: Tenure by Race and Ethnicity

Homeownership rates often vary considerably across race/ethnicity in the Bay Area and throughout the country. These disparities not only reflect differences in income and wealth but also stem from historic federal, state, and local policies that limited access to homeownership for communities of color while facilitating homebuying for White residents. While many of these policies, such as redlining, have been formally terminated, the impacts of race-based policy are still evident across Bay Area communities.<sup>9</sup> In Moraga, over 80 percent of White and Asian/Pacific Islander households owned their homes, as shown in [Table 3-8](#). Because of the small number and limited sample size, all other race/ethnic groups are combined in the table. The homeownership rate for this combined group was much lower, at only 56 percent; the differences in these rates may result in part from historic patterns of housing and economic discrimination but are based on a very limited sample size with a higher margin of error than for the White and Asian/Pacific Islander population. In Moraga, the lower rate of homeownership among some racial minority groups may also be attributable in part to the St. Mary's college student population, as these students are more racially and ethnically diverse than Moraga's population overall and college students tend to rent rather than own their homes. It is worth noting that based on Census sample data, the rate of home ownership reported for Hispanic/Latinx residents in Moraga is actually higher than for White residents.

<sup>9</sup> See, for example, Rothstein, R. (2017). *The color of law: a forgotten history of how our government segregated America*. New York, NY & London, UK: Liveright Publishing.

**Table 3-8: Housing Tenure by Race of Householder**

Racial / Ethnic Group	Owner Occupied	% Across	Renter Occupied	% Across	Total
White	3,895	84%	765	16%	4,660
Asian / API	807	83%	169	17%	976
Other Race or Multiple Races	130	56%	101	44%	231
<b>Total</b>	<b>4,832</b>		<b>1,035</b>		<b>5,867</b>
Hispanic or Latinx	177	87%	27	13%	204

Universe: Occupied housing units

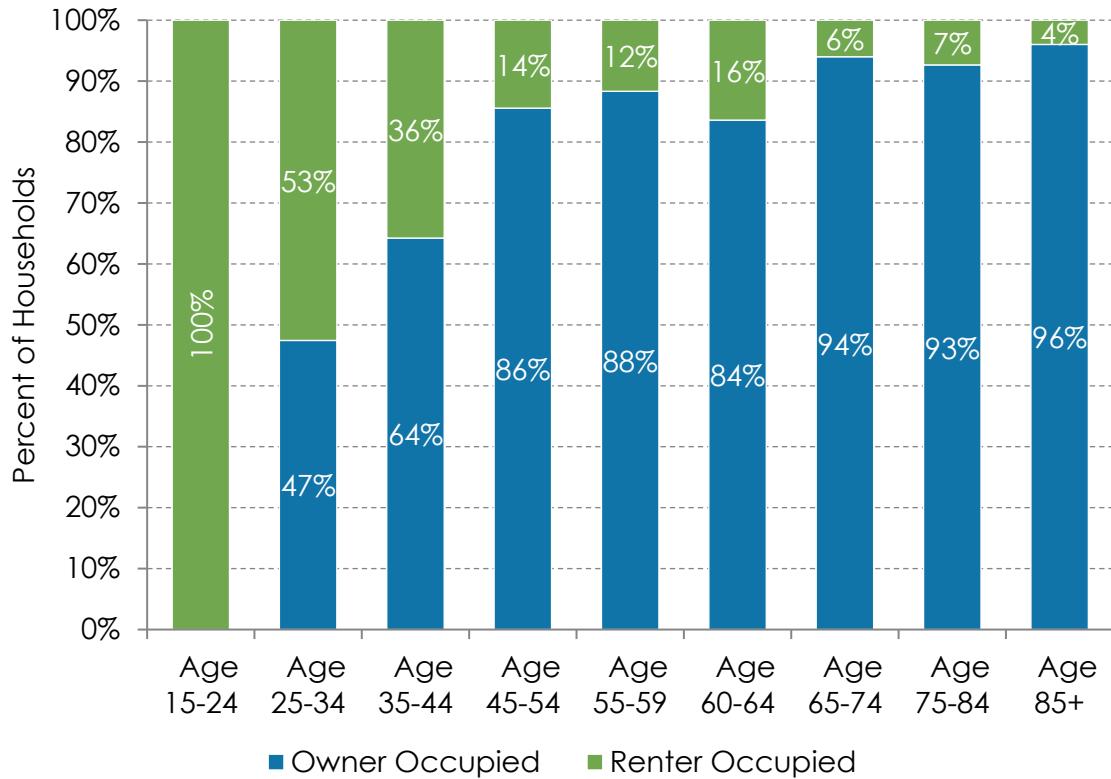
Notes: For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. Hispanic/Latinx ethnicity is counted separately from race, and thus should not be summed with race data presented. The racial/ethnic groups reported in this table are not all mutually exclusive. The number of American Indian or Alaska Native and Black or African American households was extremely small and not a statistically reliable sample, so they have been combined into the Other Race or Multiple Races category.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003(A-I).

### 3.4.9: Tenure by Age

The age of residents can also indicate the housing challenges a community is experiencing. Typically, younger households tend to rent and may struggle to buy a first home in the Bay Area due to high housing costs. At the same time, senior homeowners seeking to downsize may have limited options in an expensive housing market and may remain as “empty nesters” in a larger house suitable for a family with children, thus contributing to a shortage of housing suitable for families. and indicating a potential need for additional senior housing. Moraga follows this pattern, with ownership correlating strongly with the age of the householder. As shown in [Figure 3-12](#), in Moraga, 53 percent of householders between the ages of 25 and 34 are renters, while only six percent of householders over 65 rent their homes. In addition to demonstrating a potential need for housing for seniors wishing to downsize, the high proportion of young renters may indicate a need for more affordable ownership housing for young families.

**Figure 3-12: Housing Tenure by Age of Householder**



Universe: Occupied housing units

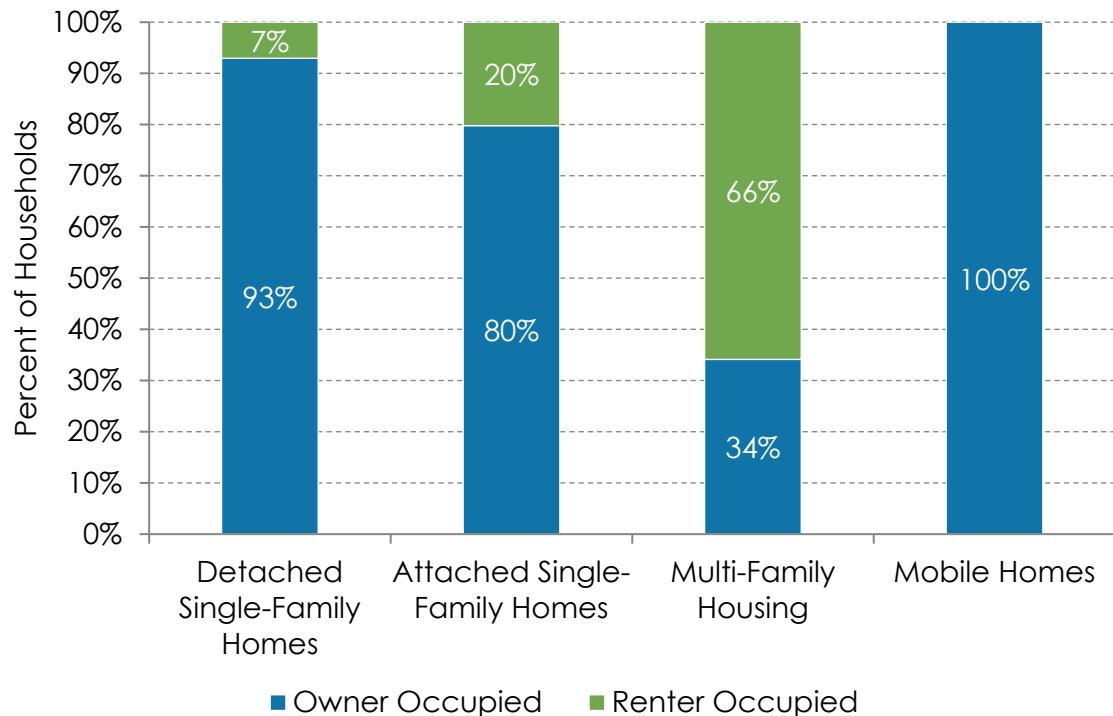
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25007.

In most locales, homeownership rates for households in single-family homes are substantially higher than the rates for households in multifamily housing. This is the case in Moraga, where 93 percent of households in detached single-family homes are homeowners, while only 34 percent of households in multifamily housing are homeowners (see [Figure 3-13](#)). It is important to note that over 70 percent of the overall housing inventory in Moraga is detached single-family homes, thus limiting the affordable options available to renters and a need for a greater variety of housing. The Housing Plan chapter of this Housing Element Update includes several programs to increase the variety of housing in Moraga, including many actions that will facilitate the production of multifamily housing.

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**Figure 3-13: Housing Tenure by Housing Type for Moraga**

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Universe: Occupied housing units

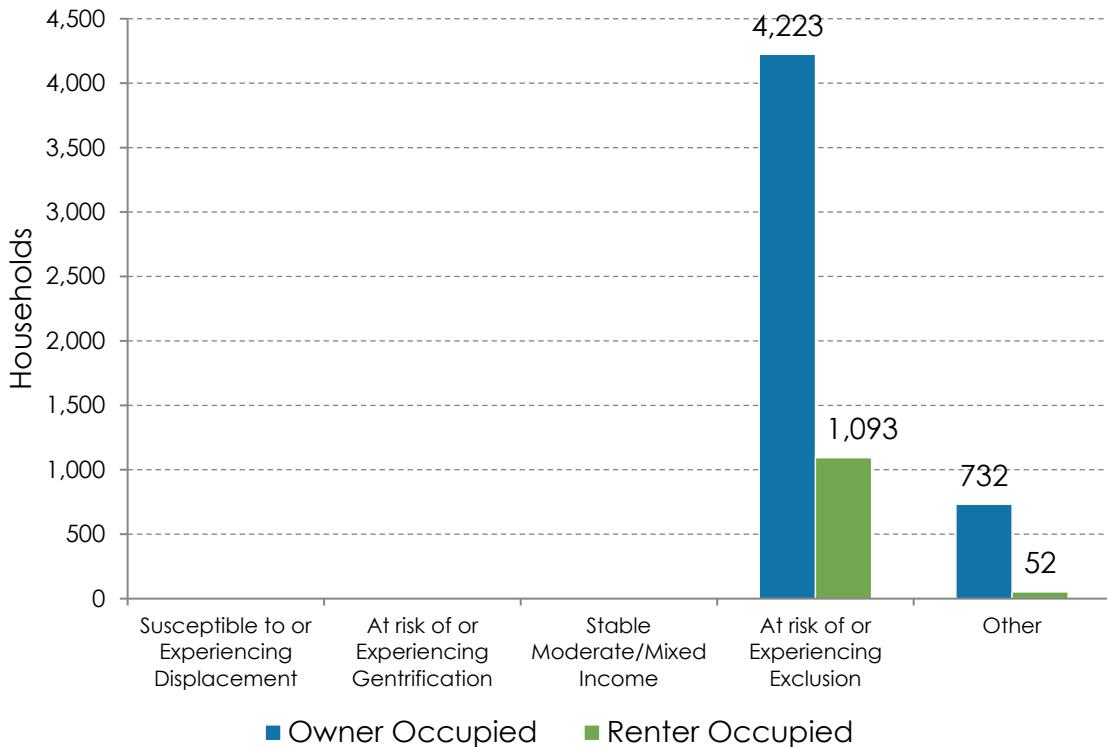
Notes: Other includes boats, RVs, Vans, and Other.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25032.

### 3.5: Displacement

Because of increasing housing prices, displacement is a major concern in the Bay Area. Displacement has the most severe impacts on low- and moderate-income residents. When individuals or families are forced to leave their homes and communities, they also lose their support network. The University of California, Berkeley has mapped all neighborhoods in the Bay Area, identifying their risk for gentrification. Their analysis finds that in Moraga, none of the town's households live in neighborhoods that are susceptible to or experiencing displacement, or in neighborhoods at risk of or undergoing gentrification (shown in [Figure 3-14](#)). This is likely due to the already-high housing costs in the town, as the town has a limited housing stock subject to potential gentrification. Equally important, however, some neighborhoods in the Bay Area do not have housing appropriate for a broad section of the workforce. UC Berkeley estimates that 87.1% of households in Moraga live in neighborhoods where low-income households are likely to be excluded due to prohibitively high housing costs.

**Figure 3-14: Households by Displacement Risk and Tenure**



Universe: Households

Notes: Displacement data is available at the census tract level. ABAG Staff aggregated tracts up to jurisdiction level using census 2010 population weights, assigning a tract to jurisdiction in proportion to block level population weights. Total household count may differ slightly from counts in other tables sourced from jurisdiction level sources. Categories are combined as follows for simplicity: At risk of or Experiencing Exclusion: At Risk of Becoming Exclusive; Becoming Exclusive; Stable/Advanced Exclusive At risk of or Experiencing Gentrification: At Risk of Gentrification; Early/Ongoing Gentrification; Advanced Gentrification; Stable Moderate/Mixed Income: Stable Moderate/Mixed Income Susceptible to or Experiencing Displacement: Low- Income/Susceptible to Displacement; Ongoing Displacement Other: High Student Population; Unavailable or Unreliable

Sources: Urban Displacement Project for classification, American Community Survey 5-Year Data (2015-2019), Table B25003 for Tenure.

## 3.6: Extremely Low-Income Housing Needs

Due to their limited financial resources, extremely low-income households (those with incomes below 30 percent of the area median income) face particular challenges in securing suitable, affordable housing.

### 3.6.1: Household Income

Despite the economic and job growth experienced throughout the region since 1990, the income gap has continued to widen. California is one of the most economically unequal states in the

nation, and the Bay Area has the highest income inequality between high- and low-income households in the state.<sup>10</sup>

The current (2021) area median income in Contra Costa County is \$125,600 per year.<sup>11</sup> For extremely low-income households, this translates to an income of \$41,100 or less for a four-person household or \$28,800 or less for a one-person household. Households with extremely low-income have a variety of housing situations and needs. For example, most families and individuals receiving public assistance such as supplemental security insurance (SSI) or disability insurance are considered extremely low-income households. Many households with multiple wage earners – including food service workers, full-time students, teachers, farm workers and healthcare professionals – can fall into lower AMI categories due to relatively low and stagnant wages in many industries. The following table shows examples of occupations with wages where the worker households could potentially qualify as extremely low-income households.

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**Table 3-9: Examples of Low Wage Occupations**

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<b>Occupation Title</b>	<b>Median Hourly Wage</b>
Hotel and Resort Clerk	\$14.45
Child Care Workers	\$13.83
Housekeepers	\$14.94
Manicurists and Pedicurists	\$13.34
Hosts and Hostesses	\$12.91
Education, Training and Library Workers	\$28.47
Agricultural Graders and Sorters	\$12.77
Waiters and Waitresses	\$13.16
Food Preparation and Serving Related Workers	\$13.47

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Source: Employment Development Department, 2020-2022 Occupational Employment Projections for California.

In Moraga, only seven percent of households fall in the extremely low-income category (see [Figure 3-15](#)~~Figure 3-15~~). This is lower than the proportion for Contra Costa County overall, and below the 15 percent for the entire Bay Area. Seventy-three percent of Moraga households have incomes more than 100 percent of the Area Median Income (AMI)<sup>12</sup>, compared to only 52

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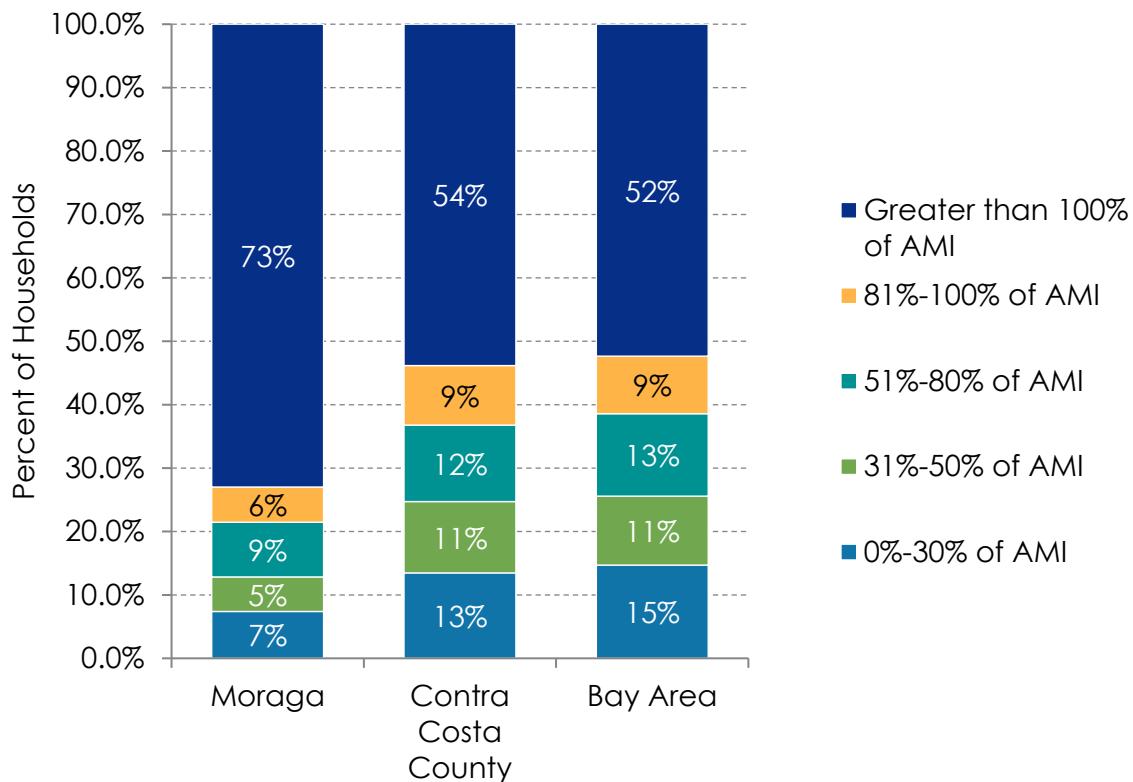
<sup>10</sup> Bohn, S. et al. 2020. Income Inequality and Economic Opportunity in California. Public Policy Institute of California.

<sup>11</sup> Based on HCD Income Limits for 2021.

<sup>12</sup> Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located. Households making between 80 and 120 percent of the AMI are moderate-income, those making 50 to 80 percent are low-income, those making 30 to 50 percent are very low-income, and those with income less than 30 percent are extremely low-income. This is then adjusted for household size.

percent regionally. However, even though Moraga is an affluent community, the town has a number of extremely low-income households, many of whom are likely to have a need for more affordable housing. The following discussion provides additional information profiling those households.

**Figure 3-15: Households by Household Income Level**



Universe: Occupied housing units

Sources: U.S. Department of Housing and Urban Development, 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) data; BAE, 2020.

### 3.6.2: Household Income Distribution by Race

Housing the extremely low-income population can be especially challenging. [Table 3-10](#) below provides a breakdown of extremely low-income households by race and ethnicity. The race/ethnic category with the highest share of extremely low-income households in Moraga is the Asian/Pacific Islander group - 11.6 percent compared to 7.4 percent of all households. Among White, Non-Hispanic households, the rate was 6.9 percent. Almost no households in any other category were in the extremely low-income group. It should be noted that the number of households in these other categories is relatively limited and subject to statistical error as the data source uses a weighted sample of limited size.

**Table 3-10: Extremely Low-Income Households by Race and Ethnicity, Town of Moraga**

Race/Ethnicity	Total Households	Households below 30% HAMFI		Share below 30% HAMFI
		Households below 30% HAMFI	Share below 30% HAMFI	
American Indian or Alaska Native, Non-Hispanic	0	0	na	
Asian / API, Non-Hispanic	1,034	120	11.6%	
Black or African American, Non-Hispanic	53	0	0.0%	
White, Non-Hispanic	4,245	295	6.9%	
Other Race or Multiple Races, Non-Hispanic	85	0	0.0%	
Hispanic or Latinx	<u>263</u>	<u>4</u>	<u>1.5%</u>	
<b>Total</b>	<b>5,680</b>	<b>419</b>	<b>7.4%</b>	

Universe: Occupied housing units

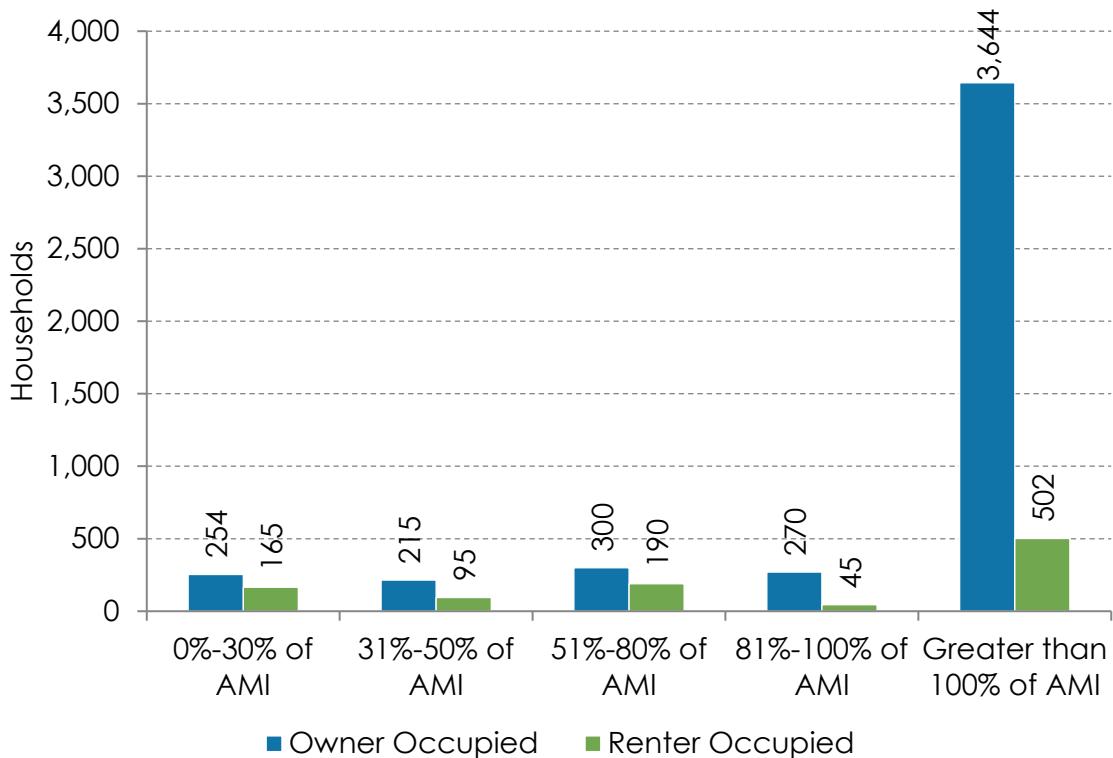
Note: Numbers may not match other tables due to independent rounding. HAMFI refers to HUD Area Median Family Income.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

### 3.6.3: Household Income Distribution by Tenure

Throughout the region, there are disparities between the incomes of homeowners and renters. Typically, the number of low-income renters greatly exceeds the amount of housing available that is affordable for these households. While the majority of both renters and owners in Moraga have incomes above the median level, renters are distributed somewhat more evenly across the income spectrum when compared to owners in Moraga; over three-fourths of owner households are in the Greater than 100 percent of AMI group, while just half of renters fall in this income category (see [Figure 3-16](#)~~Figure 3-16~~). While there are more owner households than renters in all the lower income groups, this is due in large part to ownership housing accounting for over 80 percent of the area's housing stock. It is also attributable to the large number of senior homeowners in Moraga, as many of these households are considered lower income using state income limits. Retired homeowners with limited incomes may have limited resources and thus be less likely to invest in the maintenance of their homes.

**Figure 3-16: Household Income Level by Tenure**



Universe: Occupied housing units

Notes: Income groups are based on HUD calculations for Area Median Income (AMI). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

### 3.6.4: Poverty Status by Race

People of color are more likely to experience poverty and financial instability as a result of federal and local housing policies that have historically excluded them from the same opportunities extended to White residents.<sup>13</sup> These economic disparities also leave communities of color at higher risk for housing insecurity, displacement, or homelessness. In Moraga, Asian/Pacific Islanders (both Hispanic and non-Hispanic) and Hispanic persons residents experience the highest rates of poverty. Other groups have relatively low poverty rates, or in some cases, show no persons in poverty (see [Table 3-11](#)). As noted above, these groups represent a very small portion of the Moraga population.

<sup>13</sup> Moore, E., Montojo, N. and Mauri, N., 2019. Roots, Race & Place: A History of Racially Exclusionary Housing the San Francisco Bay Area. Haas Institute.

**Table 3-11: Poverty Status by Race**

Racial / Ethnic Group	% of Group Population
Asian / API (Hispanic and Non-Hispanic)	7.2%
White (Hispanic and Non-Hispanic)	3.8%
Black or African American (Hispanic and Non-Hispanic)	3.0%
American Indian or Alaska Native (Hispanic and Non-Hispanic)	0.0%
Other Race or Multiple Races (Hispanic and Non-Hispanic)	0.0%
Hispanic or Latinx	6.8%
White, Non-Hispanic	3.5%

Universe: Population for whom poverty status is determined

Notes: The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income. For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here. The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the population for whom poverty status is determined for this jurisdiction. However, all groups labelled "Hispanic and Non-Hispanic" are mutually exclusive, and the sum of the data for these groups is equivalent to the population for whom poverty status is determined.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17001(A-I)

### 3.6.5: Projected Need for Housing for Extremely Low Income Households

Local jurisdictions are required to provide an estimate for their projected extremely low-income households in their Housing Elements. HCD's official Housing Element guidance notes that jurisdictions can use their RHNA for very low-income households (those with incomes of zero to 50 percent AMI) to calculate their projected need to house extremely low-income households. HCD provides three methodologies for estimating this need: 1) allocate the percent of very low-income need to extremely low-income households based on the ABAG region's proportion; 2) allocate the percent of very low-income need to extremely low-income households based on the current proportion for Moraga; 3) assume that 50 percent of Moraga's very low-income RHNA is for extremely low-income households. The analysis here is based on the third option. Based on this method, 159 units of the projected housing need would be for extremely low-income households.

As discussed below (see [Figure 3-26](#) in the section on overpayment and overcrowding), extremely low-income (ELI) households are likely to face housing affordability issues. Over three-fourths of Moraga's extremely low-income households spend the majority of their income on housing and an additional four percent spend between 30 percent and 50 percent.

Many extremely low-income households seek rental housing and likely face overpayment, overcrowding or substandard housing conditions unless they are able to secure subsidized housing that rents at below market rates. Some extremely low-income household residents may have mental or other disabilities and have special housing needs. In Moraga, a portion of the extremely low-income population is likely comprised of St. Mary's students. ELI households in Moraga may require specific housing solutions including:

- Deeper income targeting for project-based subsidies
- Housing with supportive services
- Single-room occupancy and/or shared housing, as well as co-housing
- Rent subsidies (housing vouchers) provided to households

The housing types just mentioned are very limited within Moraga. This likely contributes to the high proportion of local extremely low-income households that have excessive housing cost burdens. Additionally, a substantial number of extremely low-income households may consist of seniors who are “aging in place” but living on fixed incomes in owner-occupied homes. These households can benefit from shared housing, accessory dwelling units, and other programs that reduce their cost burden.

The Housing Plan chapter of this Housing Element Update includes programs to facilitate access to affordable housing subsidies (including funding for affordable housing development and housing vouchers), support shared housing programs and the production of co-housing developments, promote rooms for rent, allow services by right on the ground floor of residential uses, as well as several programs to support the production of affordable housing, which could include units with deep income targeting for extremely low-income households.

## 3.7: Housing Stock Characteristics

The supply of housing units and their physical characteristics have a considerable influence on local housing affordability. The following sub-sections discuss Moraga’s housing stock and related housing issues.

### 3.7.1: Housing Unit Trends

Moraga has seen very limited growth in its housing stock over the last decade. Based on California Department of Finance estimates, as of January 2021, Moraga held 5,864 housing units, or 1.4 percent of the Contra Costa County total (see [Table 3-12](#)). This represents an increase of only 110 housing units since 2010, less than one percent of the county’s growth increment of over 20,000 units. This could suggest that there are barriers to the construction of residential units in Moraga. The Housing Plan portion of this Housing Element Update includes several programs to facilitate residential construction and address constraints to development.

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**Table 3-12: Housing Unit Trends, 2010-2021**

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<b>Date</b>	<b>Moraga</b>	<b>Contra Costa County</b>
4/1/2010	5,754	400,263
1/1/2011	5,756	401,389
1/1/2012	5,758	402,720
1/1/2013	5,760	404,007
1/1/2014	5,763	405,723
1/1/2015	5,763	407,556
1/1/2016	5,765	409,678
1/1/2017	5,770	412,093
1/1/2018	5,800	413,818
1/1/2019	5,809	415,957
1/1/2020	5,828	418,415
1/1/2021	5,864	420,751
<b>Change, 2010-2021</b>	<b>110</b>	<b>20,488</b>
<b>Percent Change, 2010-2021</b>	<b>1.9%</b>	<b>5.1%</b>

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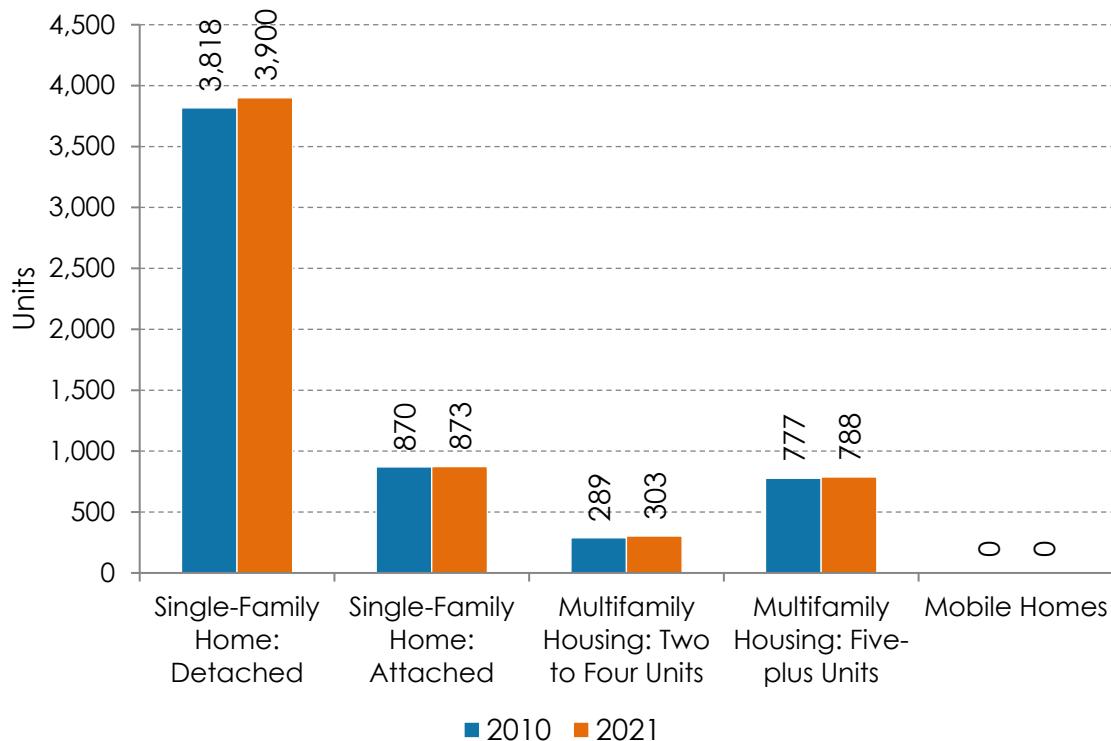
Sources: California Department of Finance 2021 E-5 Report; BAE.

### 3.7.2: Housing Types, Year Built, Vacancy, and Permits

In recent years, most housing produced in the region and across the state consisted of single-family homes and larger multi-unit buildings. However, some households are increasingly interested in “missing middle housing” – including duplexes, triplexes, townhomes, cottage clusters and accessory dwelling units (ADUs). These housing types may open up more options across incomes and tenure, from young households seeking homeownership options to seniors looking to downsize and age-in-place.

The housing stock of Moraga is largely single-family detached homes; this unit type makes up approximately two-thirds of the total in 2021 (see [Figure 3-17](#)[Figure 3-17](#)). Of the remainder, 14.9 percent are single-family attached homes (townhomes), 5.2 percent units are in multifamily structures with two to four units, and 13.4 percent are in multifamily structures with five or more units. Comparison with 2010 data shows that these proportions are relatively unchanged, since few units have been added relative to the base year; however, the proportion of new units that are single-family detached homes is greater than the historical proportion. As a result, Moraga continues to have a limited supply of unit types affordable for middle- and lower-income households.

**Figure 3-17: Housing Type Trends, 2010-2021**



Universe: Housing units

Source: California Department of Finance, E-5 series.

Housing production has not kept up with housing demand for several decades in the Bay Area, as the total number of units built and available has not yet come close to meeting the demand from population and job growth experienced throughout the region. This is true in Moraga as well. In Moraga, the largest proportion of the housing stock by far was built between 1960 and 1979, with 4,251 units (over 70 percent of the total) constructed during this period (see [Figure 3-18](#)). Less than one percent of the total units have been built since 2010.<sup>14</sup>

Between 2015 and 2019, the Town issued permits for construction of 115 housing units in Moraga; over 98 percent were for above moderate-income housing, with the small remainder for moderate-income housing. No permits were issued for low- or very low-income housing (see Table 13).

<sup>14</sup> Note that this estimate is based on a sample, and other sources (e.g., DOF, building permits) indicate that more units have been added to the housing stock in Moraga since 2010, but the total number is still small relative to the total number of housing units in the town.

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**Table 3-13: Housing Permits Issued, 2015-2019**

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<b>Income Group</b>	<b>Permits Issued</b>	
	<b>Number</b>	<b>Percent</b>
Above Moderate Income	113	98.3%
Moderate Income	2	1.7%
Very Low Income	-	0.0%
Low Income	-	0.0%
<b>Total</b>	<b>115</b>	<b>100%</b>

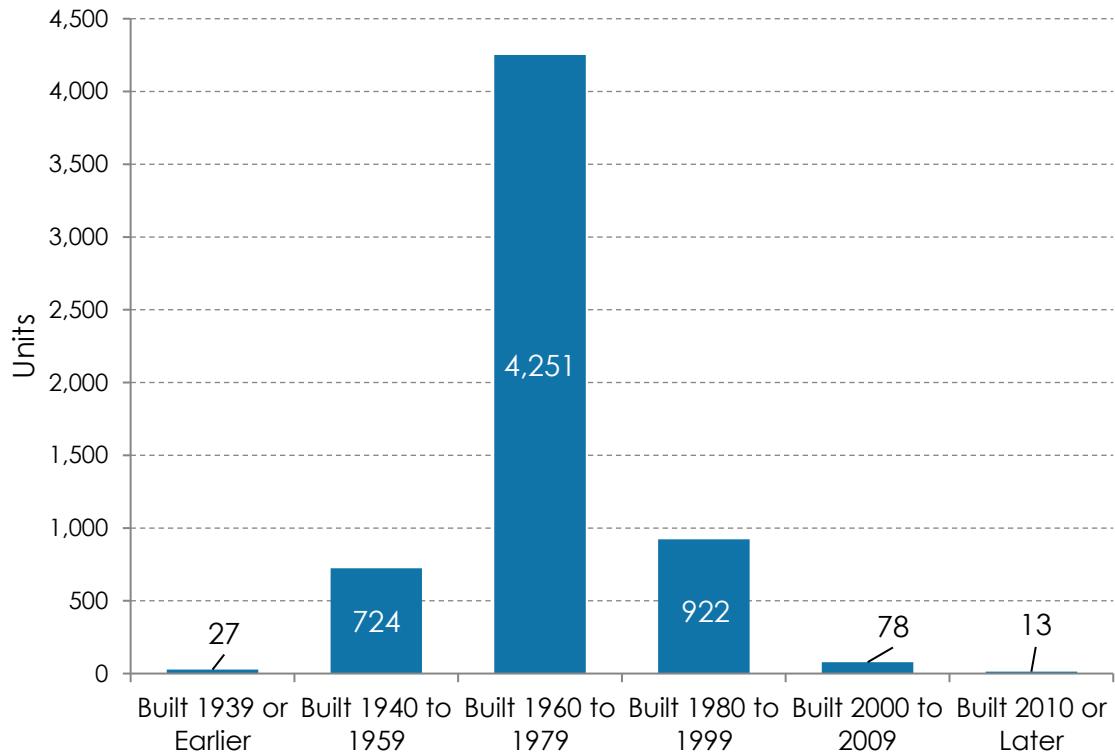
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Universe: Housing permits issued between 2015 and 2019

Notes: Percentage may not add to total due to independent rounding. HCD uses the following definitions for the four income categories: Very Low Income: units affordable to households making less than 50% of the Area Median Income for the county in which the jurisdiction is located. Low Income: units affordable to households making between 50% and 80% of the Area Median Income for the county in which the jurisdiction is located. Moderate Income: units affordable to households making between 80% and 120% of the Area Median Income for the county in which the jurisdiction is located. Above Moderate Income: units affordable to households making above 120% of the Area Median Income for the county in which the jurisdiction is located.

Source: California Department of Housing and Community Development (HCD), 5th Cycle Annual Progress Report Permit Summary (2020).

**Figure 3-18: Housing Units by Year Structure Built**



Universe: Housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034.

As shown in [Table 3-14](#), vacant units make up only two percent of the overall housing stock in Moraga, a lower percentage than for the county as a whole or for the Bay Area region. This reflects the high local proportion of ownership housing which turns over less often than rental housing, as well as a constrained local housing market.

**Table 3-14: Occupancy Status**

Geography	Occupied Housing Units		Vacant Housing Units		Total Housing Units	
	Number	Percent Across	Number	Percent Across	Number	Percent Across
Moraga	5,867	98%	148	2%	6,015	100%
Contra Costa County	394,769	95%	18,950	5%	413,719	100%
Bay Area	2,731,434	94%	172,660	6%	2,904,094	100%

Universe: Housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25002.

This constrained market is evidenced by both the low rental vacancy rate of 2.0 percent and the low ownership vacancy rate of 1.1 percent (as of the 2015-2019 period). Of the vacant units in Moraga, the most common type of vacancy is the “other vacant” category (see [Figure 3-19](#)~~Figure 3-19~~). The Census Bureau classifies units as “other vacant” if they are vacant due to foreclosure, personal/family reasons, legal proceedings, repairs/renovations, abandonment, preparation for being rented or sold, or vacant for an extended absence for reasons such as a work assignment, military duty, or incarceration.<sup>15</sup>

Throughout the Bay Area, vacancies make up 6.3 percent of the total housing units, with homes listed for rent, units used for recreational or occasional use, and units not otherwise classified (other vacant) making up the majority of vacancies. The Census Bureau classifies a unit as vacant if no one is occupying it when Census interviewers are conducting the American Community Survey or Decennial Census, or if it is currently occupied by a household whose usual place of residence was elsewhere.<sup>16</sup> Vacant units classified as “for recreational or occasional use” are those that are held for short-term periods of use throughout the year. Accordingly, vacation rentals and short-term rentals like AirBnB are likely to fall in this category. In a region with a thriving economy and housing market like the Bay Area, units being renovated/repairs and prepared for rental or sale may represent a large portion of the “other vacant” category. Additionally, the need for seismic retrofitting in older housing stock could also influence the proportion of “other vacant” units in some jurisdictions.<sup>17</sup>

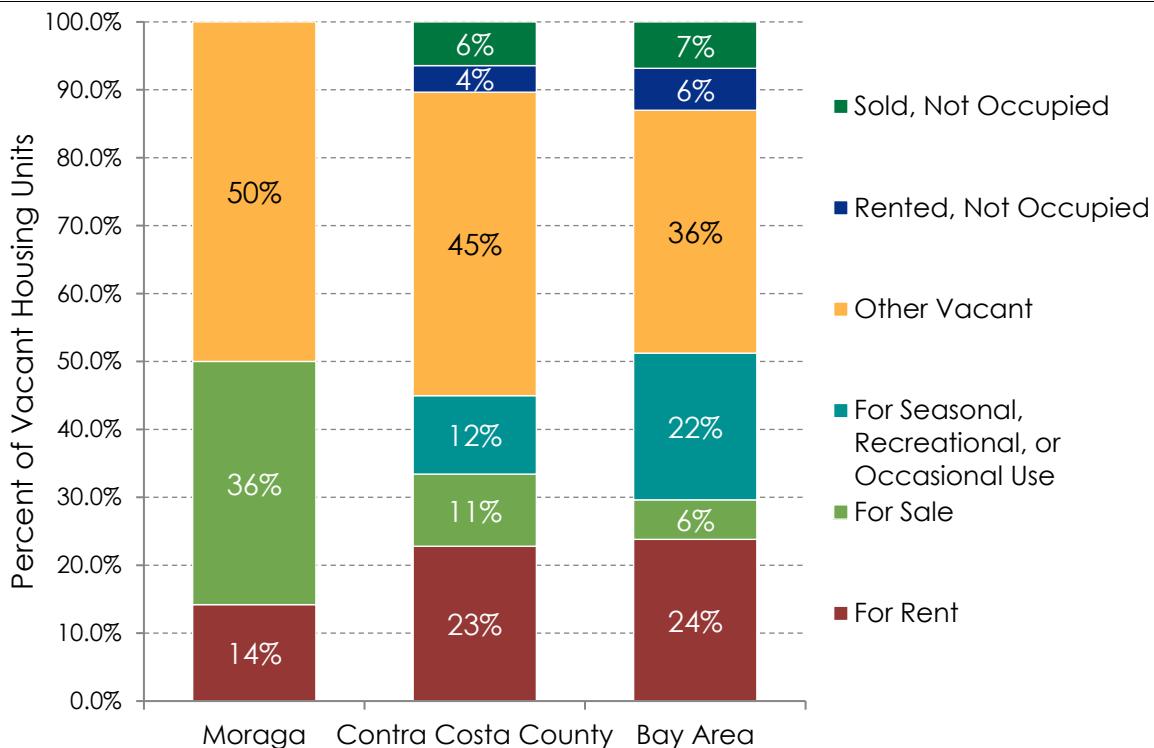
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<sup>15</sup> For more information, see pages 3 through 6 of this list of definitions prepared by the Census Bureau: <https://www.census.gov/housing/hvs/definitions.pdf>.

<sup>16</sup> There are slight differences in how the Census and the American Community Survey (ACS) enumerate units that may be temporarily occupied. The decennial Census counts the unit as occupied based on a usual place of residence definition, while the ACS counts the unit as occupied if it has been used as a place of residence continuously for two or more months.

<sup>17</sup> See Dow, P. (2018). Unpacking the Growth in San Francisco’s Vacant Housing Stock: Client Report for the San Francisco Planning Department. University of California, Berkeley.

**Figure 3-19: Vacant Units by Type**



Universe: Vacant housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25004.

### 3.7.3: Assisted Housing Developments At-Risk of Conversion

While there is an immense need to produce new affordable housing units, ensuring that the existing affordable housing stock remains affordable is equally important. Additionally, it is typically faster and less expensive to preserve currently affordable units that are at risk of converting to market-rate than it is to build new affordable housing.

The data in the table below come from the California Housing Partnership's Preservation Database, the state's most comprehensive source of information on subsidized affordable housing at risk of losing its affordable status and converting to market-rate housing. However, this database does not include all deed-restricted affordable units in the state, so there may be at-risk assisted units in a jurisdiction that are not captured in this data table. There are no assisted units in Moraga in the Preservation Database, and thus no units at risk of conversion.<sup>18</sup>

<sup>18</sup> California Housing Partnership uses the following categories for assisted housing developments in its database: Very-High Risk: affordable homes that are at-risk of converting to market rate within the next year that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.

**Table 3-15: Assisted Units at Risk of Conversion**

Geography	Low Risk	Moderate Risk	High Risk	Very High Risk	Total Assisted Units in Database
Moraga	-	-	-	-	-
Contra Costa County	13,403	211	270	-	13,884
Bay Area	110,177	3,375	1,854	1,053	116,459

Universe: HUD, Low-Income Housing Tax Credit (LIHTC), USDA, and CalHFA projects. Subsidized or assisted developments that do not have one of the aforementioned financing sources may not be included.

Notes: While California Housing Partnership's Preservation Database is the state's most comprehensive source of information on subsidized affordable housing at risk of losing its affordable status and converting to market-rate housing, this database does not include all deed-restricted affordable units in the state. Consequently, there may be at-risk assisted units in a jurisdiction that are not captured in this data table.

Source: California Housing Partnership, Preservation Database (2020).

### 3.7.4: Substandard Housing

Housing costs in the Bay Area region are among the highest in the country, which could result in households, particularly renters, needing to live in substandard conditions in order to afford housing. Generally, there is limited published data on the extent of substandard housing issues in a community. However, the Census Bureau data included in the table below shows no units in Moraga are substandard by the criteria available from the American Community Survey; no renters or owners reported lacking a kitchen or lacking complete plumbing.<sup>19</sup> Note that these two data points do not cover many traits of substandard housing, including the need for rehabilitation or replacement. The Contra Costa County Building Department reports that they receive some complaints about building conditions, but do not identify substandard conditions as a major issue in Moraga. As part of the Housing Plan that is included in this Housing Element Update, the Town will work to connect lower-income residents with the County's Neighborhood Preservation program, which provides low-income homeowners with low-interest loans for home repairs, energy efficiency improvements, and accessibility improvements.

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Moderate Risk: affordable homes that are at-risk of converting to market rate in the next 5-10 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.

Low Risk: affordable homes that are at-risk of converting to market rate in 10+ years and/or are owned by a large/stable non-profit, mission-driven developer.

<sup>19</sup> Complete plumbing facilities are defined as hot and cold piped water, a bath-tub or shower, and a flush toilet.

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**Table 3-16: Substandard Housing Issues**

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Building Amenity	Owner	Renter
Kitchen	0.0%	0.0%
Plumbing	0.0%	0.0%

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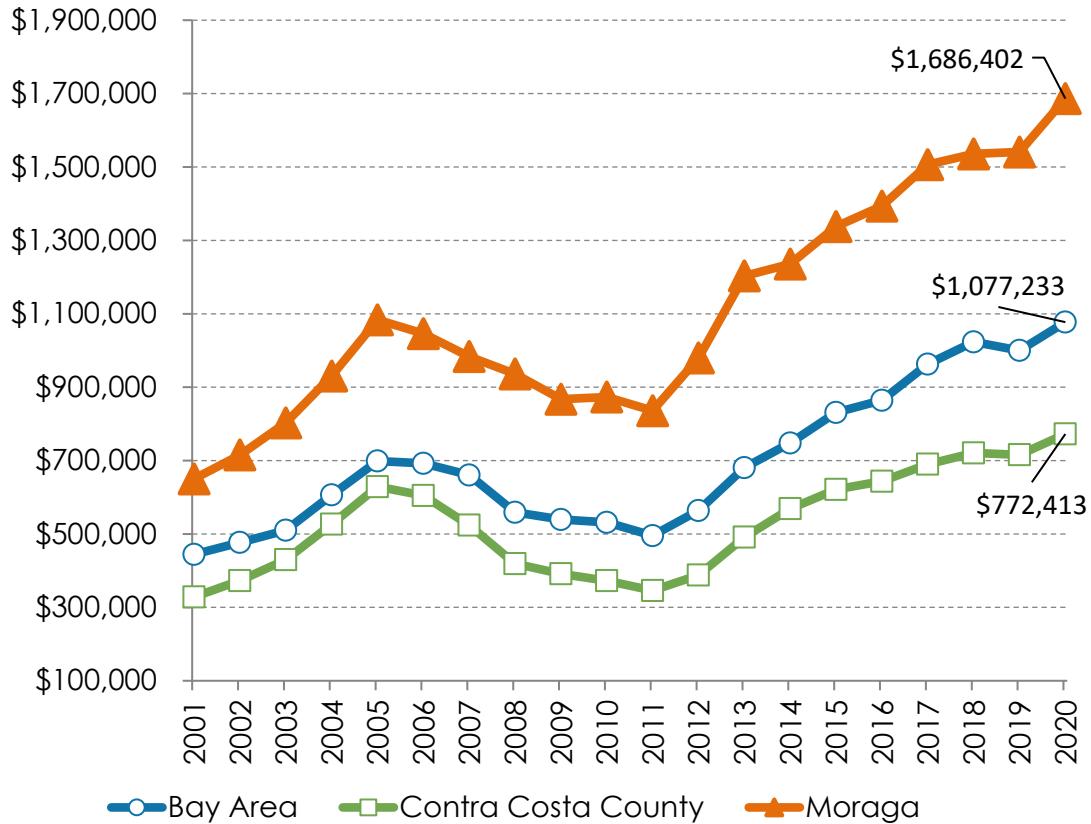
Universe: Occupied housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25053, Table B25043, Table B25049

### 3.7.5: Home Prices and Rent Levels

Home prices reflect a complex mix of supply and demand factors, including an area's demographic profile, labor market, prevailing wages, and job outlook, coupled with land and construction costs. In the Bay Area, the costs of housing have long been among the highest in the nation. Home values in Moraga are well above the Bay Area average (see [Figure 3-20](#)[Figure 3-20](#)). The region's home values have generally increased steadily since 2001, aside from a decrease during the Great Recession. The rise in home prices has been especially steep since 2012, with the median home value in the Bay Area nearly doubling during this time. Since 2001, the typical home value has increased 159 percent in Moraga. As of December 2020, the typical home value in Moraga was estimated at \$1,686,402 per data from Zillow. By comparison, the typical home value is \$772,413 in Contra Costa County and \$1,077,230 in the Bay Area. Moraga has not seen a decrease in home values since 2011.

**Figure 3-20: Zillow Home Value Index (ZHVI)**



Universe: Owner-occupied housing units

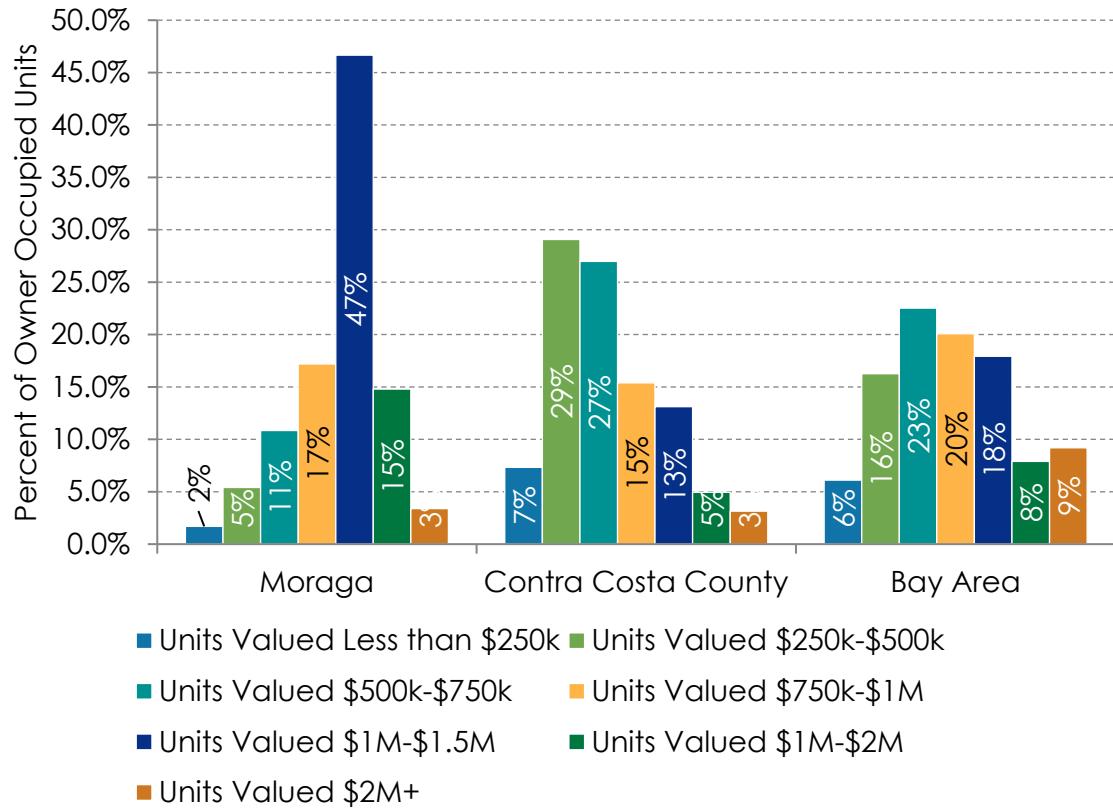
Notes: Zillow describes the ZHVI as a smoothed, seasonally adjusted measure of the typical home value and market changes across a given region and housing type. The ZHVI reflects the typical value for homes in the 35th to 65th percentile range. The ZHVI includes all owner-occupied housing units, including both single-family homes and condominiums. More information on the ZHVI is available from Zillow. The regional estimate is a household-weighted average of county-level ZHVI files, where household counts are yearly estimates from DOF's E-5 series. For unincorporated areas, the value is a population weighted average of unincorporated communities in the county matched to census-designated population counts.

Source: Zillow, Zillow Home Value Index (ZHVI).

Based on somewhat older American Community Survey data from 2015-2019 (inflation-adjusted to 2019 values), nearly half of Moraga's homes were valued at between \$1 million and \$1.5 million<sup>20</sup> (see [Figure 3-21](#)). In contrast, for Contra Costa County overall the largest share of units (29 percent) was valued between \$250,000 and \$500,000. The limited number of lower-value homes in Moraga indicates a lack of units affordable to middle and lower-income households interested in home ownership in the town.

<sup>20</sup> Note that the values from the American Community Survey are based on residents estimating the current value of their home rather than actual sales data.

**Figure 3-21: Home Values of Owner-Occupied Units in Moraga**



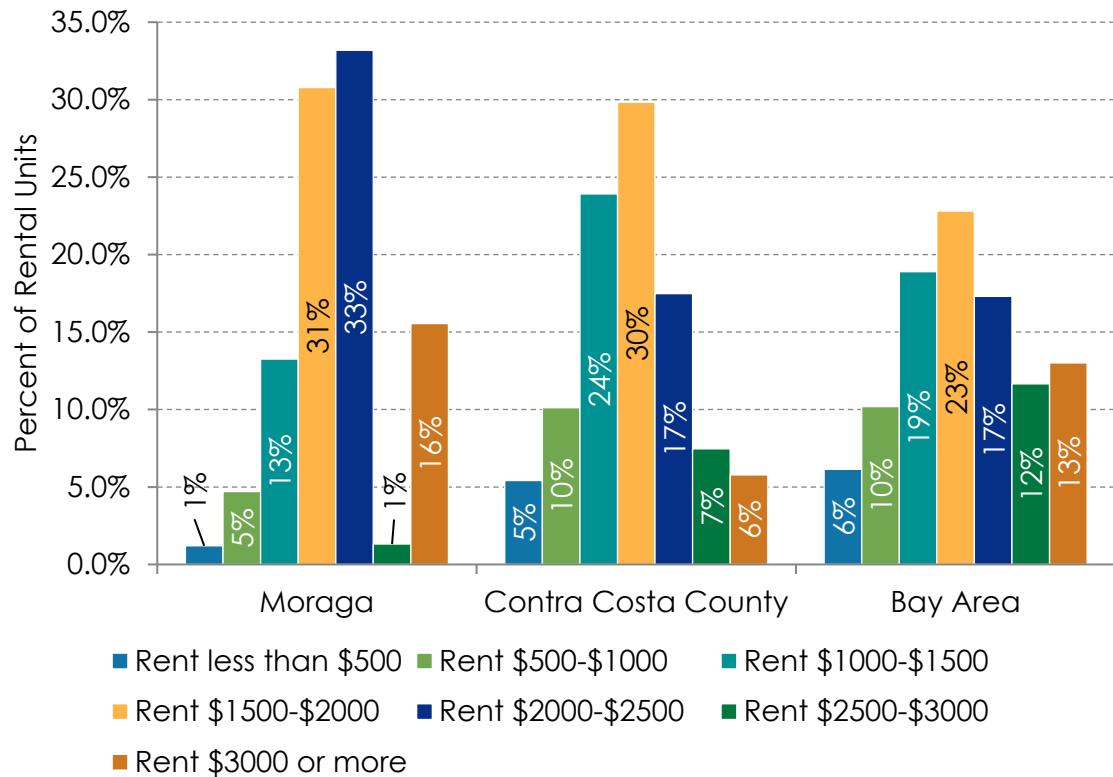
Universe: Owner-occupied units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25075.

Similar to home values, rents have also increased dramatically across the Bay Area in recent years. Residents finding themselves priced out, evicted, or displaced may have had to choose between commuting long distances to their jobs and schools or moving out of the region, and sometimes, out of the state.

In Moraga, the largest proportion of rental units (33 percent) rented in the \$2,000 to \$2,500 monthly rent category, followed by 31 percent of units renting in the \$1,500 to \$2,000 category (see [Figure 3-22](#)). Looking beyond Moraga, the largest share of rental units in the county overall and the Bay Area are in the \$1,500 to \$2,000 category. The relatively higher rents in Moraga reflect its desirability as a place to live as well as the larger size of the units and the limited number of rental units available.

**Figure 3-22: Monthly Contract Rents for Renter-Occupied Units**

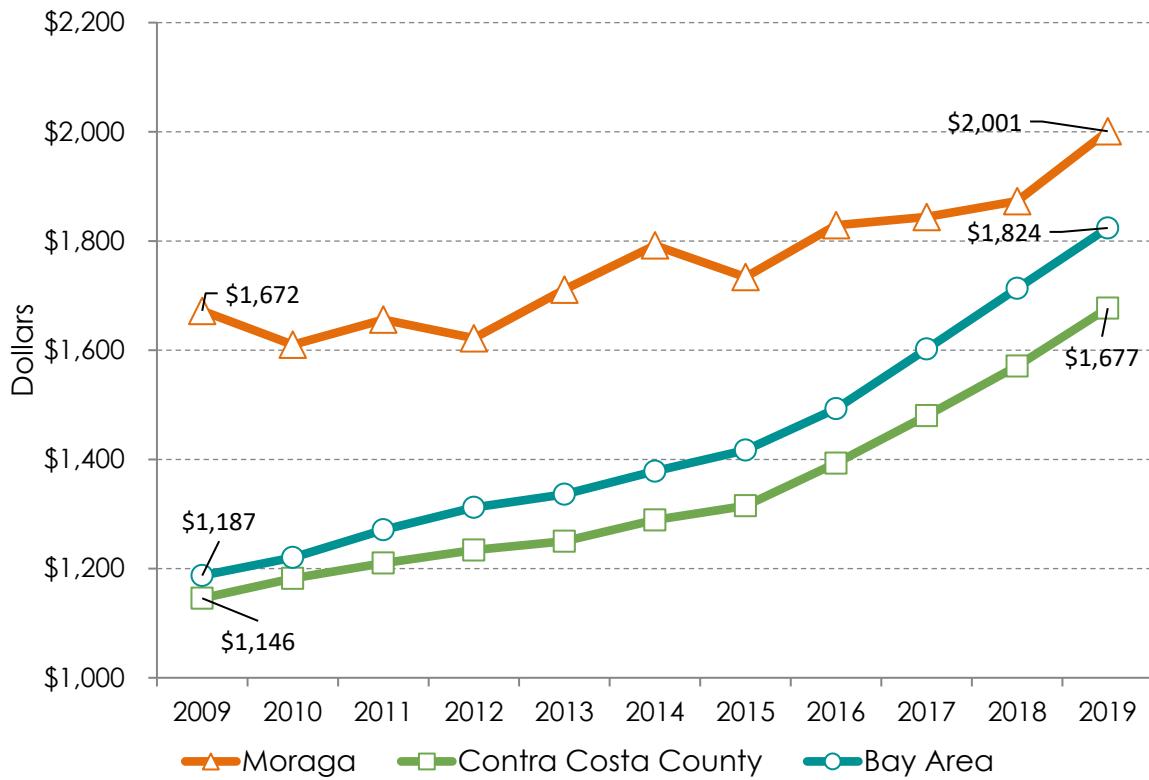


Universe: Renter-occupied housing units paying cash rent

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25056.

Rents in Moraga are on average higher than for Contra Costa County and the Bay Area overall. Between 2009 and 2019, the median monthly contract rent in Moraga increased by 20 percent; interestingly, this is below the rate of increase for the county or the Bay Area, each of which increased by approximately 50 percent (see [Figure 3-23](#)~~Figure 3-23~~). The median increased from \$1,672 to \$2,001 in Moraga, from \$1,146 to \$1,677 per month in Contra Costa County, and from \$1,187 to \$1,824 in the Bay Area. This rent data comes from the U.S. Census Bureau's American Community Survey, which does not fully reflect current rents. Following [Figure 3-23](#)~~Figure 3-23~~ is a discussion of more recent trends in rents in Moraga.

**Figure 3-23: Median Contract Rent**



Universe: Renter-occupied housing units paying cash rent

Notes: For Bay Area, median is calculated using the distribution in ACS Table B25056.

Source: U.S. Census Bureau, American Community Survey 5-Year Data releases, starting with 2005-2009 through 2015-2019, B25058, B25056 (for Bay Area).

[Table 3-17](#) presents more current rent data for Moraga as compiled by CoStar, a private data vendor tracking residential markets nationwide. As shown, the average market-rate monthly asking rent for the third quarter of 2021 in Moraga was reported at \$2,087. This was an increase of 1.5 percent year-over-year; showing that rents were holding at that level even as the pandemic continues. The 4.1 percent vacancy rate indicates a stabilized rental market with no excess vacancies. These results show likely ongoing affordability issues for any lower-income households seeking housing in Moraga.

Additionally, the rental data cited by CoStar is for multi-family units only. About 45 percent of the renter households in Moraga occupy single family homes (detached or attached). These housing units rent for considerably more than conventional apartments and are even less affordable.

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**Table 3-17: Summary for Market Rate Multifamily Rentals in Moraga, Q3 2021**

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Multifamily Summary	Market/Market Affordable Units
<b>Inventory, Q3 2021 (bldgs)</b>	39
<b>Inventory, Q3 2021 (units)</b>	581
Occupied Units	421
Vacant Units	24
Vacancy Rate	4.1%
<b>Avg. Inventory Size, Q3 2021 (sf)</b>	1,020
<b>Avg. Asking Rents</b>	
Avg. Asking Rent, Q3 2020	\$2,057
Avg. Asking Rent, Q3 2021	\$2,087
% Change, Q3 2020 - Q3 2021	1.5%
<b>Avg. Asking Rents per sf</b>	
Avg. Asking Rent per sf, Q3 2020	\$2.02
Avg. Asking Rent per sf, Q3 2021	\$2.05
% Change, Q3 2020 - Q3 2021	1.5%

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Sources: CoStar Group, 2021; BAE, 2021.

## 3.8: Overpayment and Overcrowding

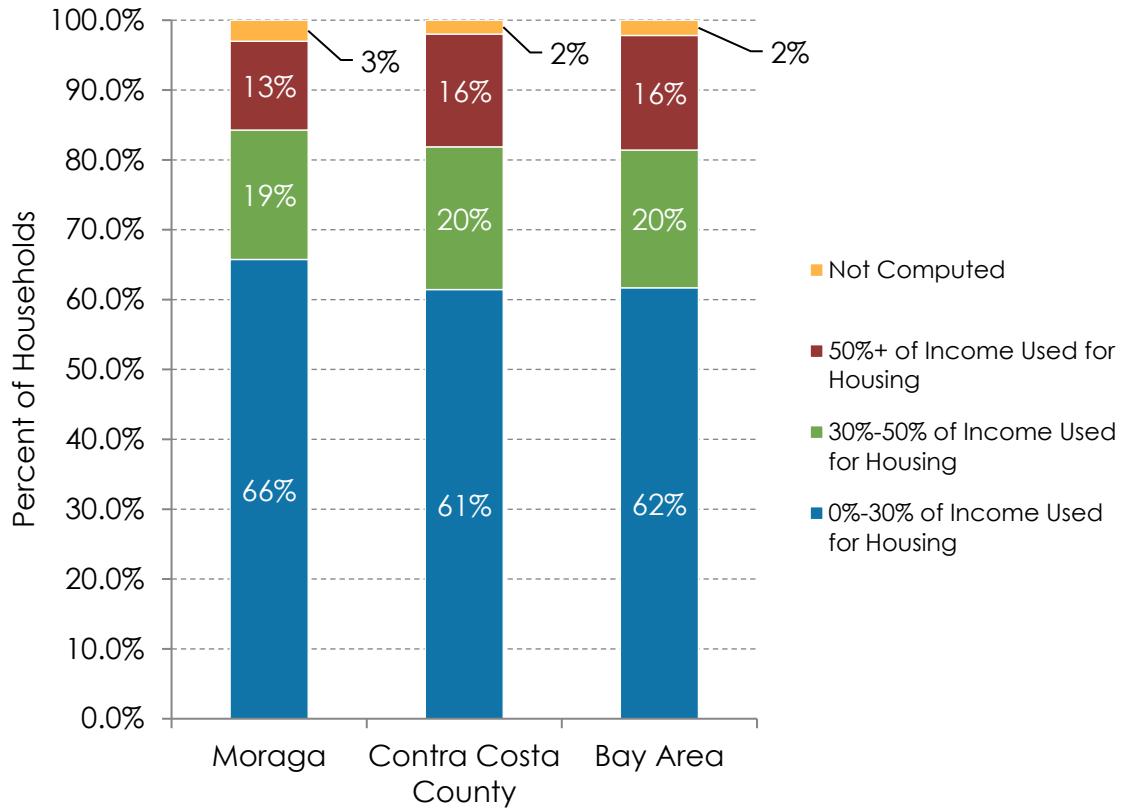
In addition to financial hardship, overpayment can indicate households at risk of displacement from their housing. Overcrowding can be a symptom of lack of suitable, affordable housing to accommodate the needs of households.

### 3.8.1: Overpayment

Housing cost burden is most commonly measured as the percentage of gross income spent on housing. A household is considered to have a “moderate” housing cost burden if housing expenses are between 30 percent and 50 percent of income, and to have a “severe” cost burden when housing expenses exceed 50 percent of income. Low-income residents are the most impacted by high housing costs and experience the highest rates of cost burden. Spending such large portions of their income on housing puts low-income households at higher risk of displacement, eviction, or homelessness.

Moraga, Contra Costa County, and the Bay Area all have similar percentages of households (between 61 and 66 percent) facing acceptable housing costs of less than 30 percent of their income (see [Figure 3-24](#)). Similar proportions also have moderate housing cost burdens, at 19 percent for Moraga and 20 percent for the county and the region, and the pattern holds for severe cost burdens, with Moraga showing 13 percent of households and the county and region showing 16 percent of households at this level. These figures indicate that Moraga faces housing affordability issues despite its relative affluence. One-third or more of all households in all three areas appear to face excessive housing costs.

**Figure 3-24: Cost Burden Severity**



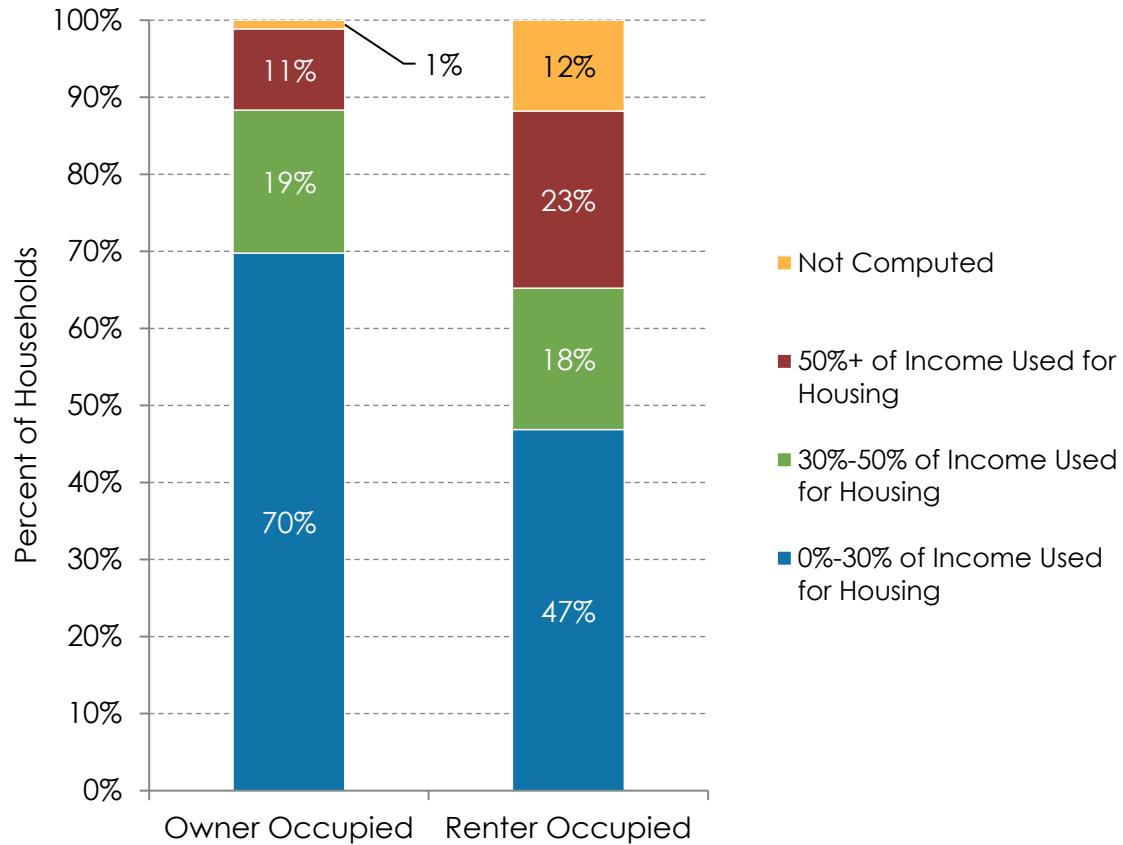
Universe: Occupied housing units

Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25070, B25091.

Renters are often more cost-burdened than owners. While the housing market has resulted in home prices increasing dramatically, homeowners often have mortgages with fixed interest rates and some may own their homes with no debt, whereas renters are more likely to be impacted by market increases. This pattern is shown in Moraga, where 70 percent of owners spend 30 percent or less of income on shelter, while less than half of renters are in this category, as shown in [Figure 3-25](#). In Moraga, the proportion of owners and renters with moderate housing cost burdens is similar, but the proportion of renters with severe housing cost burdens is over twice that of owners (23 percent versus 11 percent, respectively). Additionally, housing cost burden is not computed for households that report negative income, and these households make up 12 percent of renters and only one percent of owners. Given the lack of income, these households represent an additional group facing unaffordable housing costs.

**Figure 3-25: Cost Burden by Tenure**



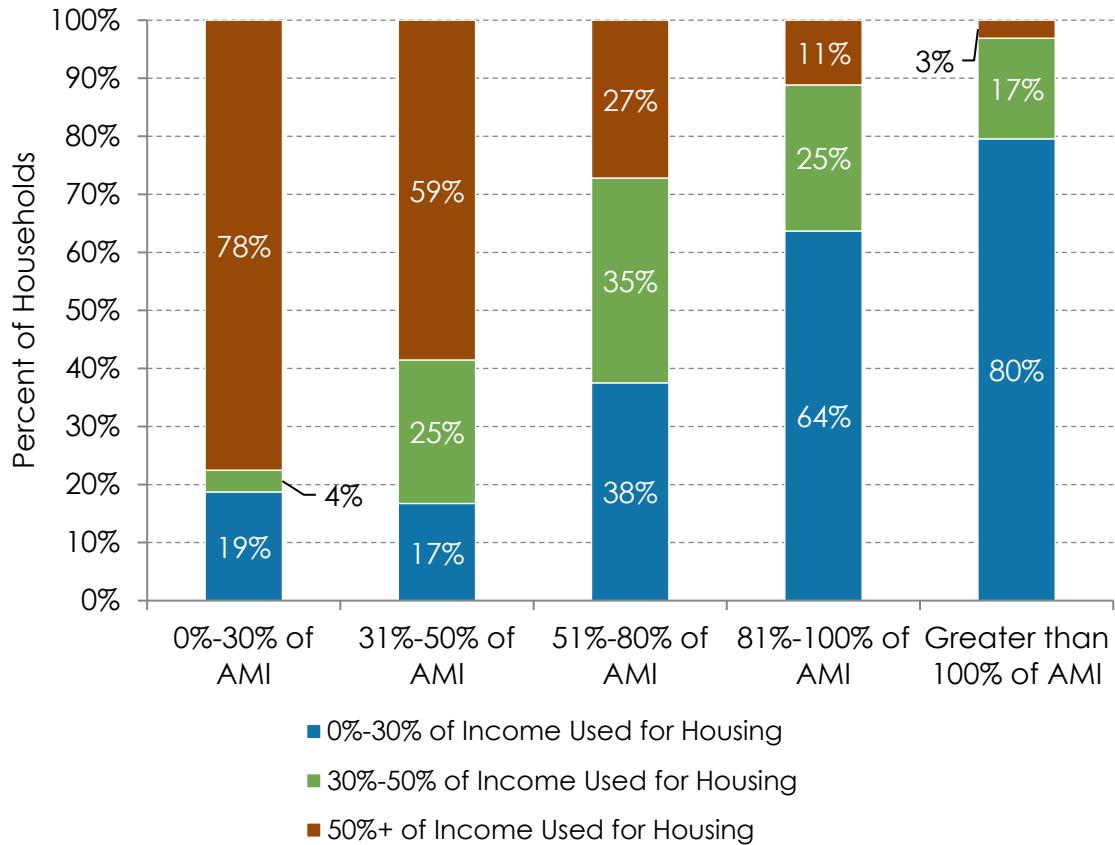
Universe: Occupied housing units

Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs," which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25070, B25091.

In Moraga overall, 14 percent of households spend 50 percent or more of their income on housing, while 19 percent spend 30 percent to 50 percent. However, these rates vary greatly across income categories; not surprisingly, lower income households are more likely to have issues with housing affordability (see [Figure 3-26](#)). For example, 78 percent of Moraga households with incomes less than 30 percent of AMI spend the majority of their income on housing but only three percent of Moraga households with income greater than 100 percent of AMI are severely cost-burdened, and 80 percent of those with incomes more than 100 percent of AMI are not unduly cost-burdened, spending less than 30 percent of their income on housing.

**Figure 3-26: Housing Cost Burden by Income Level**



Universe: Occupied housing units

Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is “select monthly owner costs,” which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income. Income groups are based on HUD calculations for Area Median Income (AMI). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.

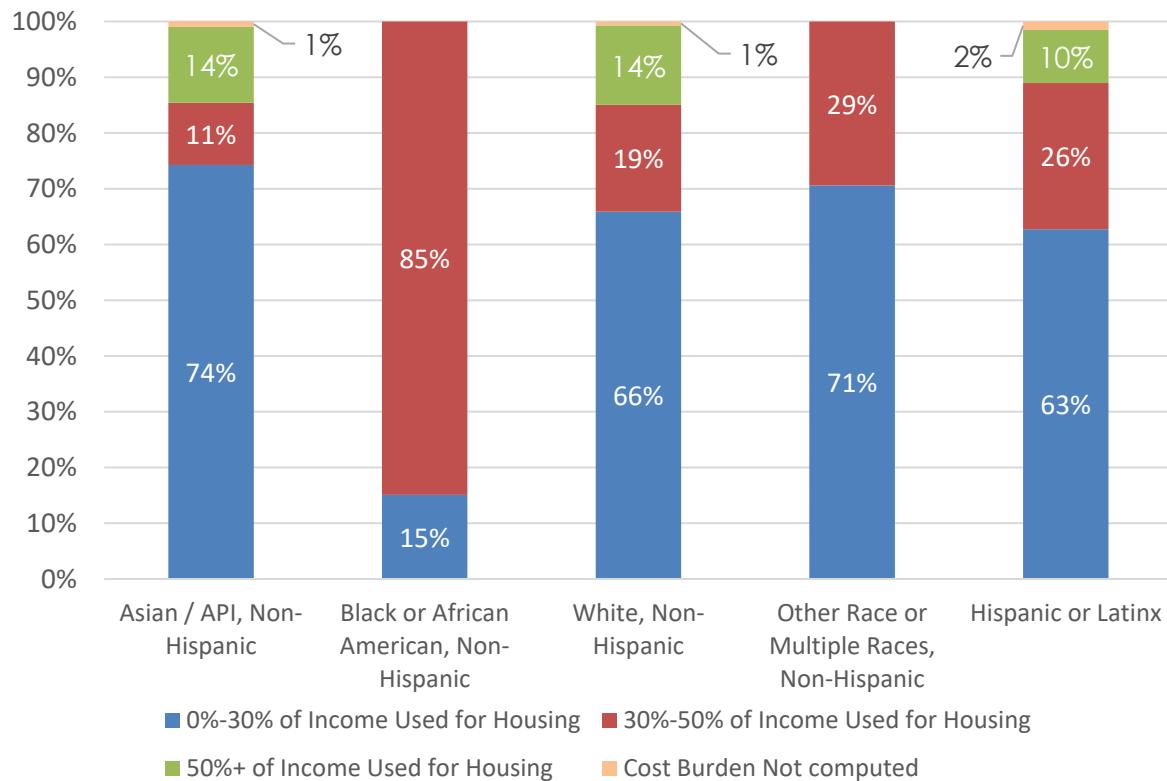
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

People of color often have lower incomes and spend a greater percentage of their income on housing, and in turn, are at a greater risk of housing insecurity and more likely to experience poverty and financial instability in part as a result of federal and local housing policies that have historically excluded them from the same opportunities extended to White residents.

In Moraga, the proportion of households with housing cost burdens of 30 percent or below of income ranges from 63 percent to 74 percent across most of the major race/ethnic groups in the town. The one exception is Black households where the data indicate that the majority pays between 30 and 50 percent of income for housing costs. This group, however, is extremely small (estimated at 53 households) and the findings may not be statistically reliable given the

size of the sample used for the estimates. In any case, substantial portions of households (one fourth or more) in each of the categories pay 30 percent or more of income for shelter expenses.

**Figure 3-27: Cost Burden by Race**



Universe: Occupied housing units.

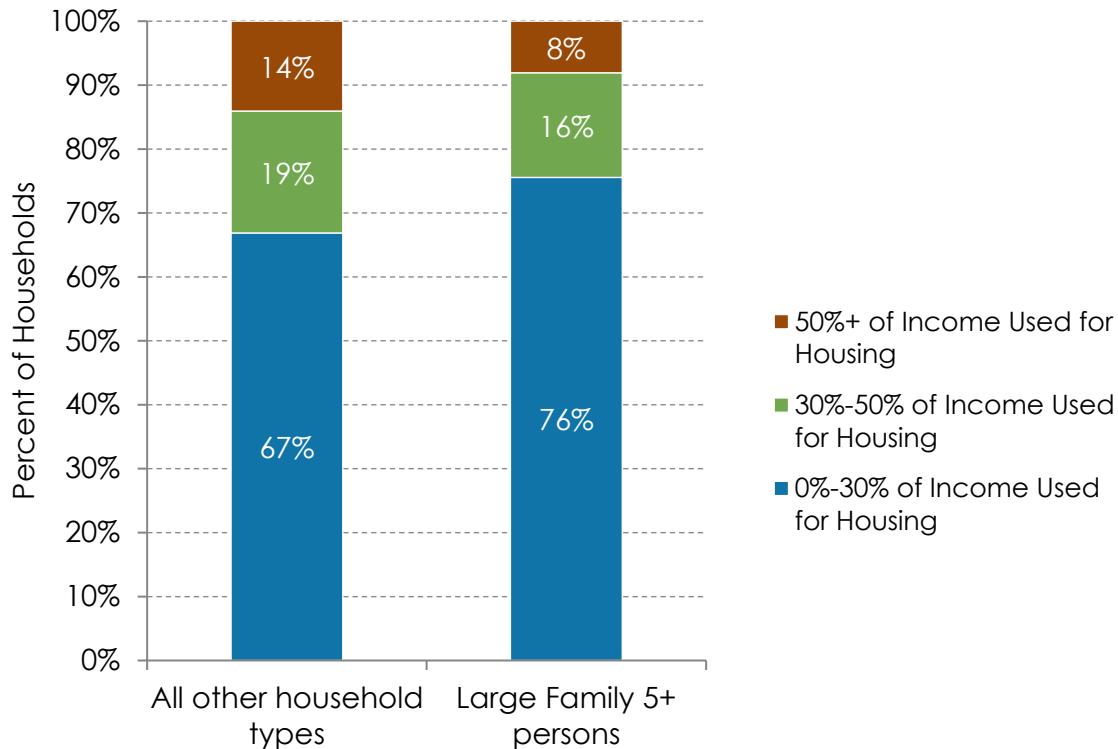
Notes: Other race includes but is not limited to American Indian/Alaska Native and Black/African American; there are too few households in these two racial groups for statistical reliability. Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs," which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income. For the purposes of this graph, the "Hispanic or Latinx" racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity. No reported American Indian or Alaska Native, Non-Hispanic in Moraga.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

Large family households often have special housing needs due to a lack of adequately sized affordable housing available and may bear higher cost burdens than other household types. However, in Moraga, fewer of the large-family households (i.e., those with five or more family members) experience moderate or severe cost burdens than other household types; 16 percent of large family households experience a cost burden of 30 percent to 50 percent and eight percent of large-family households spend more than half of their income on housing. For all

other household types combined, 19 percent have a cost burden of 30 percent to 50 percent and 14 percent spend more than half of their income on housing (see [Figure 3-28](#)[Figure 3-28](#)). It appears that for Moraga, the large family households may tend to be more affluent than other household types, but it should be noted that a substantial portion of these households still face very high housing costs.

**Figure 3-28: Cost Burden by Household Size**



Universe: Occupied housing units

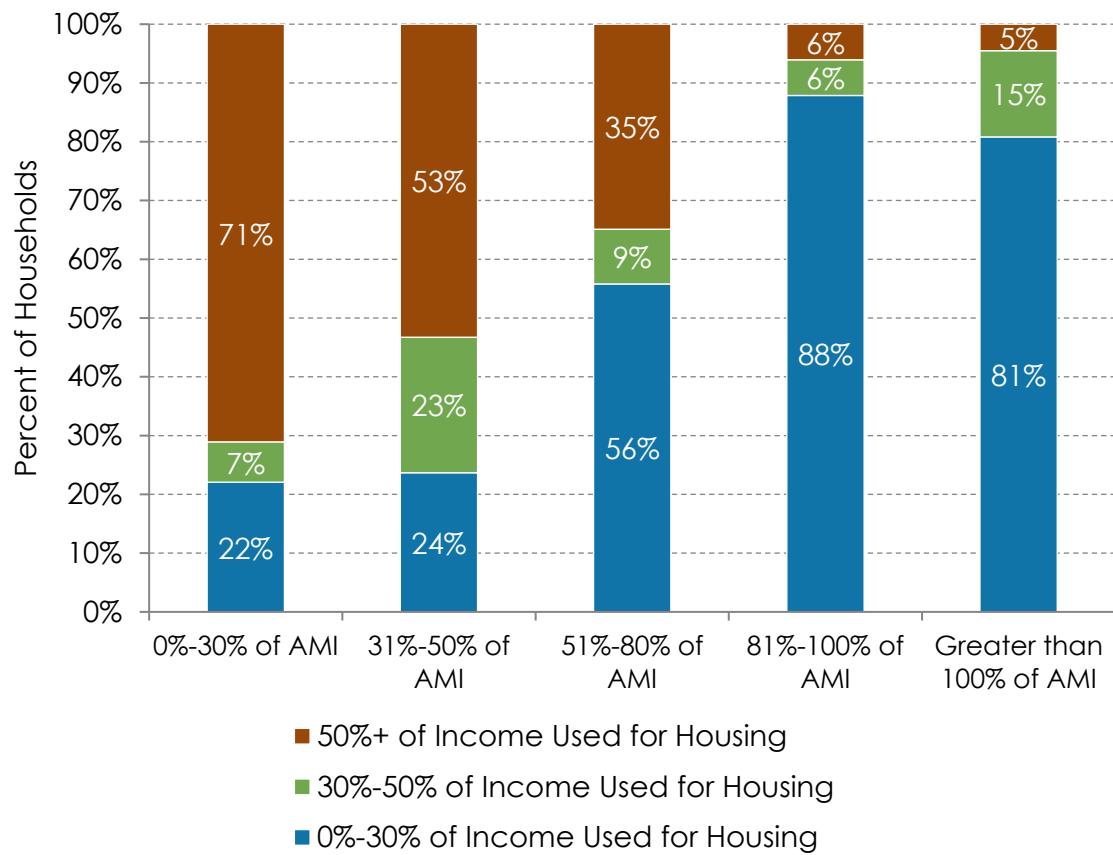
Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs," which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release

When cost-burdened seniors are no longer able to make house payments or pay rents, displacement from their homes can occur, putting further stress on the local rental market or forcing residents out of the community they call home. Understanding how seniors might be cost-burdened is of particular importance due to their special housing needs, particularly for low-income seniors, who tend to face modest or severe cost burdens. This is the case in Moraga, where over 70 percent of extremely low-income seniors are spending the majority of their income on housing. In contrast, for senior households with incomes of more than 100 percent of AMI, 81 percent are not cost-burdened and spend less than 30 percent of their

income on housing; only 15 percent of this group have modest cost burdens and only five percent have severe cost burdens (see [Figure 3-29](#)).

**Figure 3-29: Cost-Burdened Senior Households by Income Level**



Universe: Senior households

Notes: For the purposes of this graph, senior households are those with a householder who is aged 62 or older. Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is “select monthly owner costs,” which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income. Income groups are based on HUD calculations for Area Median Income (AMI). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

### 3.8.2: Overcrowding

Overcrowding is often related to the cost of housing and can occur when demand in a local jurisdiction or region is high. Overcrowding occurs when the number of people living in a household is greater than the home was designed to hold. This report uses the Census Bureau definition of overcrowding, which is more than one occupant per room (not including bathrooms or kitchens). Additionally, the Census Bureau considers units with more than 1.5 occupants per room to be severely overcrowded.

Overcrowding does not appear to be a significant housing problem in Moraga, either overall or for particular groups by tenure or race. As shown in [Table 3-18](#), the 2015-2019 American Community Survey reports that there are no overcrowded renter or owner-occupied units in the town.<sup>21</sup> In comparison, 3.5 percent of occupied housing units in Contra Costa County and 4.2 percent of occupied housing units in the Bay Area are overcrowded. For the county and Bay Area respectively, 1.5 percent and 2.7 percent of units are severely overcrowded.

**Table 3-18: Overcrowding Severity**

Geography	1.00 occupants per room or less		1.01 to 1.50 occupants per room		More than 1.50 occupants per room	
	Number	Percent Across	Number	Percent Across	Number	Percent Across
Moraga	5,867	100.0%	0	0.0%	0	0.0%
Contra Costa County	374,726	94.9%	13,950	3.5%	6,093	1.5%
Bay Area	2,543,056	93.1%	115,696	4.2%	72,682	2.7%

Universe: Occupied housing units

Notes: The Census Bureau defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens), and units with more than 1.5 persons per room are considered severely overcrowded.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25014.

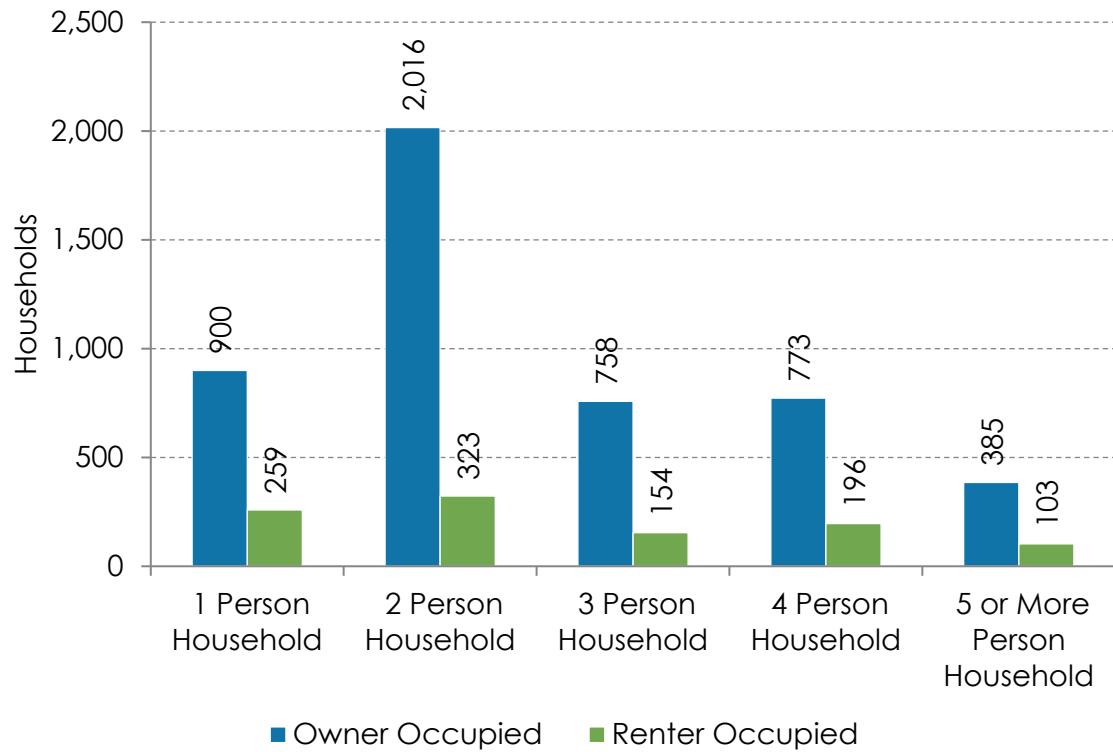
## 3.9: Special Housing Needs

### 3.9.1: Large Households

Large households often have different housing needs than smaller households. If an area's rental housing stock does not include larger apartments, large households who rent could end up living in overcrowded conditions or unable to find housing locally at all. In Moraga, owners substantially outnumber renters across all household sizes, as shown in [Figure 3-30](#). For large households with five or more persons, approximately one-fifth of units are renter-occupied, similar to the proportion for all household sizes. This high proportion is linked to the high proportion of single-family homes in Moraga, which tend to be owner-occupied and have the space to accommodate larger families. As a result, the number of large family renter households is constrained by the lack of available units.

<sup>21</sup> It should be noted that this result is based on a sample, where there is some margin of error in the estimates. In any case, the proportion and number of overcrowded units in Moraga is extremely small.

**Figure 3-30: Household Size by Tenure**



Universe: Occupied housing units

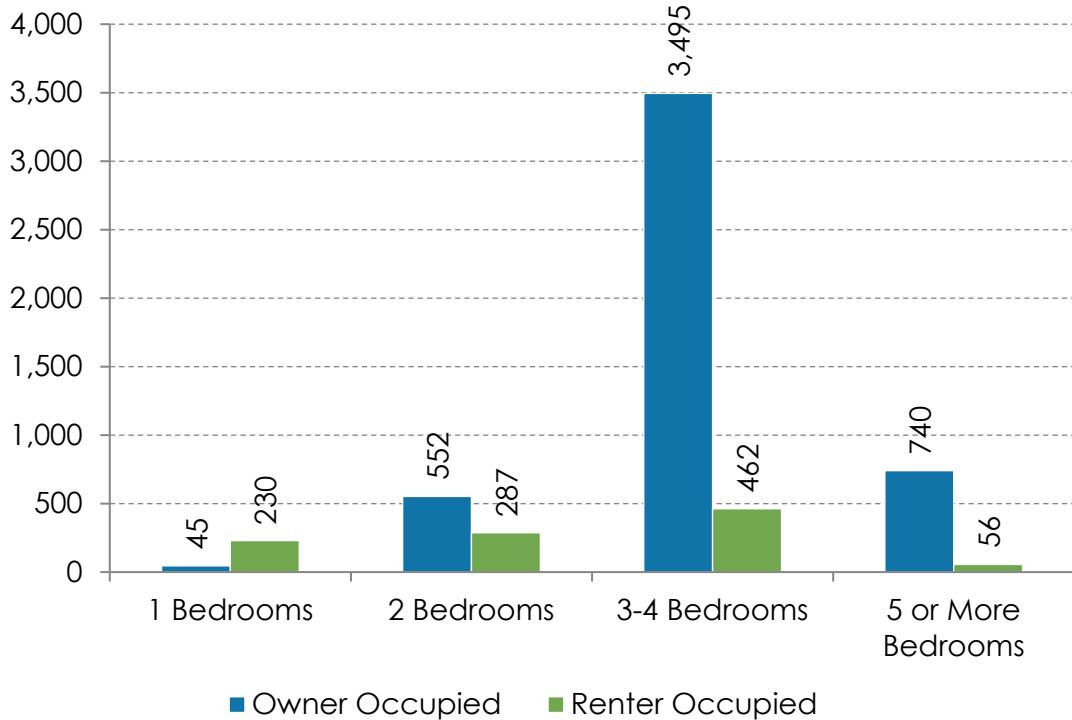
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25009.

The unit sizes and types available in a community affect the household sizes that can access that community with appropriate housing. Large families are generally served by housing units with three or more bedrooms, of which there are 4,753 units in Moraga. Among these large units with three or more bedrooms, only 11 percent are renter-occupied (see [Figure 3-31](#)). This indicates a lack of housing units suitable for large-family lower-income renter households, thus limiting the ability of such households to obtain housing in Moraga.

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**Figure 3-31: Housing Units by Number of Bedrooms**

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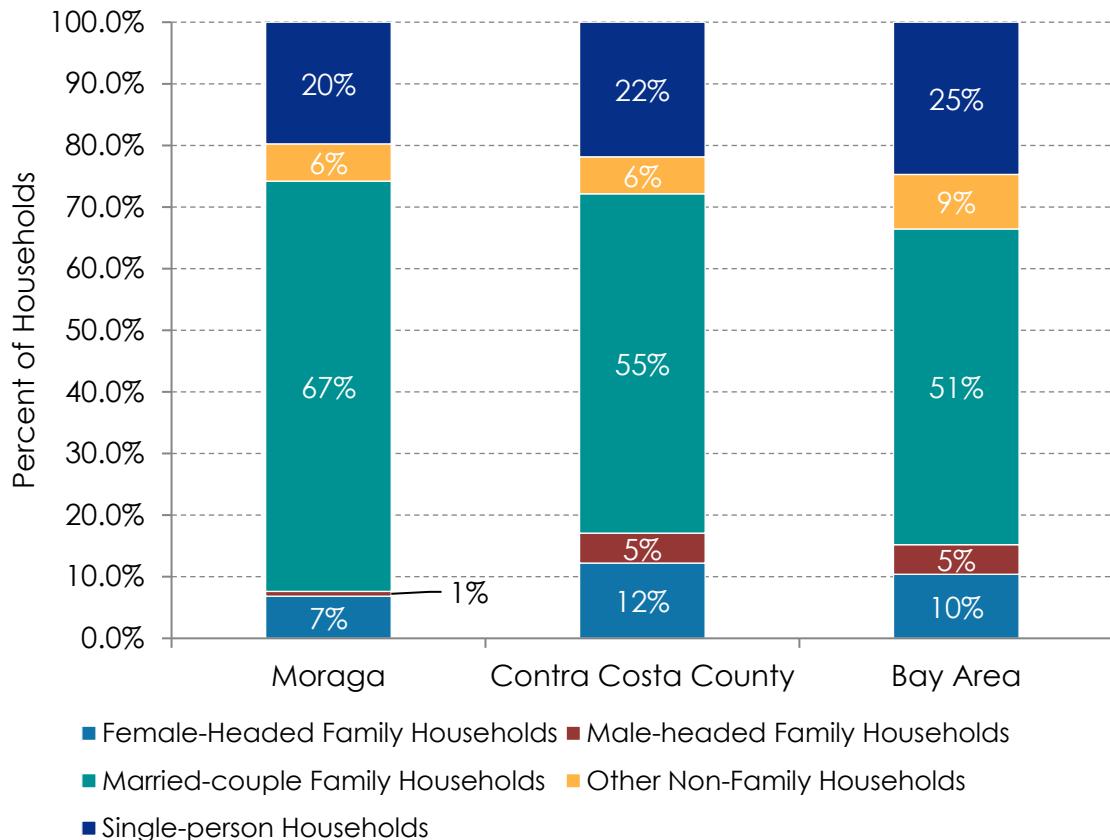
Universe: Housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25042.

### 3.9.2: Female-Headed Households

Households headed by one person are often at greater risk of housing insecurity, particularly female-headed households, who may be supporting children or a family with only one income. In Moraga, the largest proportion of households is married-couple family households at 67 percent of total, as shown in [Figure 3-32](#). This is a notably higher proportion than for Contra Costa County overall or the Bay Area region. Female-headed households make up only seven percent of all households in Moraga, a lower percentage than in the two larger geographies.

**Figure 3-32: Household Type**



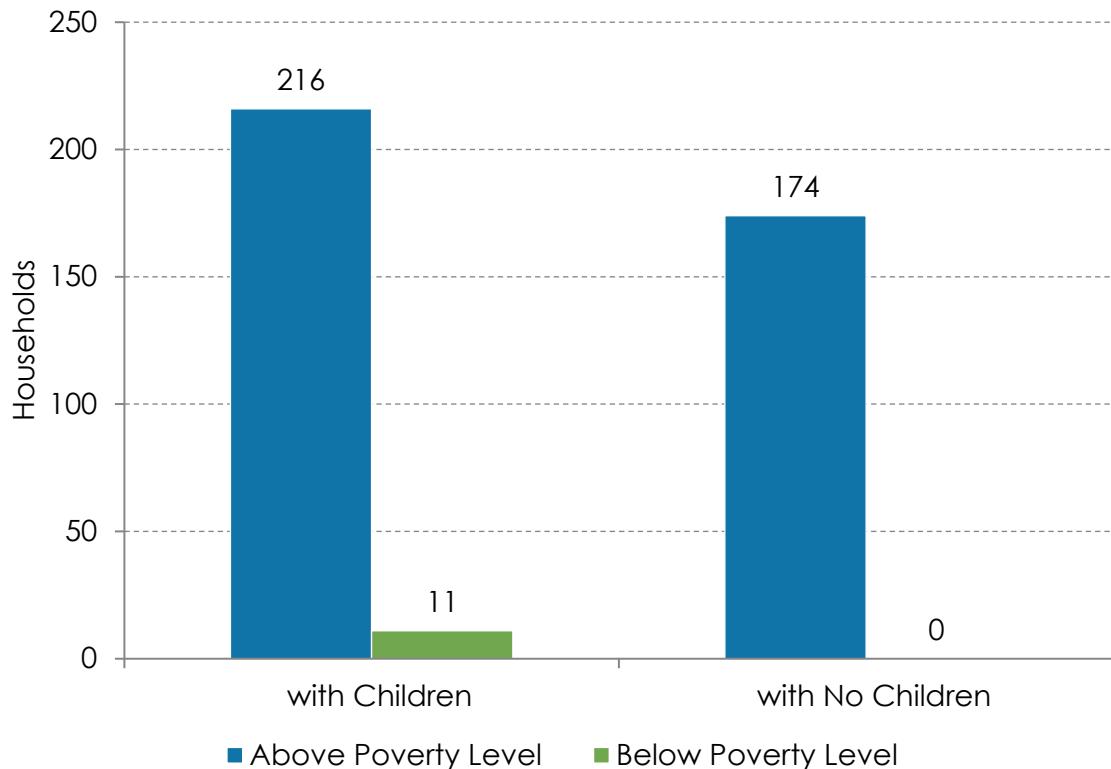
Universe: Households

Notes: For data from the Census Bureau, a “family household” is a household where two or more people are related by birth, marriage, or adoption. “Non-family households” are households of one person living alone, as well as households where none of the people are related to each other.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B11001.

Female-headed households with children may face particular housing challenges, with pervasive gender inequality resulting in lower wages for women. Moreover, the added need for and cost of childcare can make finding a home that is affordable more challenging. In Moraga, the 2015-2019 ACS reports 227 female-headed family households with children, with only 11 of these in poverty (see [Figure 3-33](#)). Given that the ACS results are based on a sample, these estimates are subject to statistical error, but do indicate a very limited number of female-headed households in poverty in Moraga.

**Figure 3-33: Female-Headed Households by Poverty Status**



Universe: Female-Headed Households

Notes: The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012.

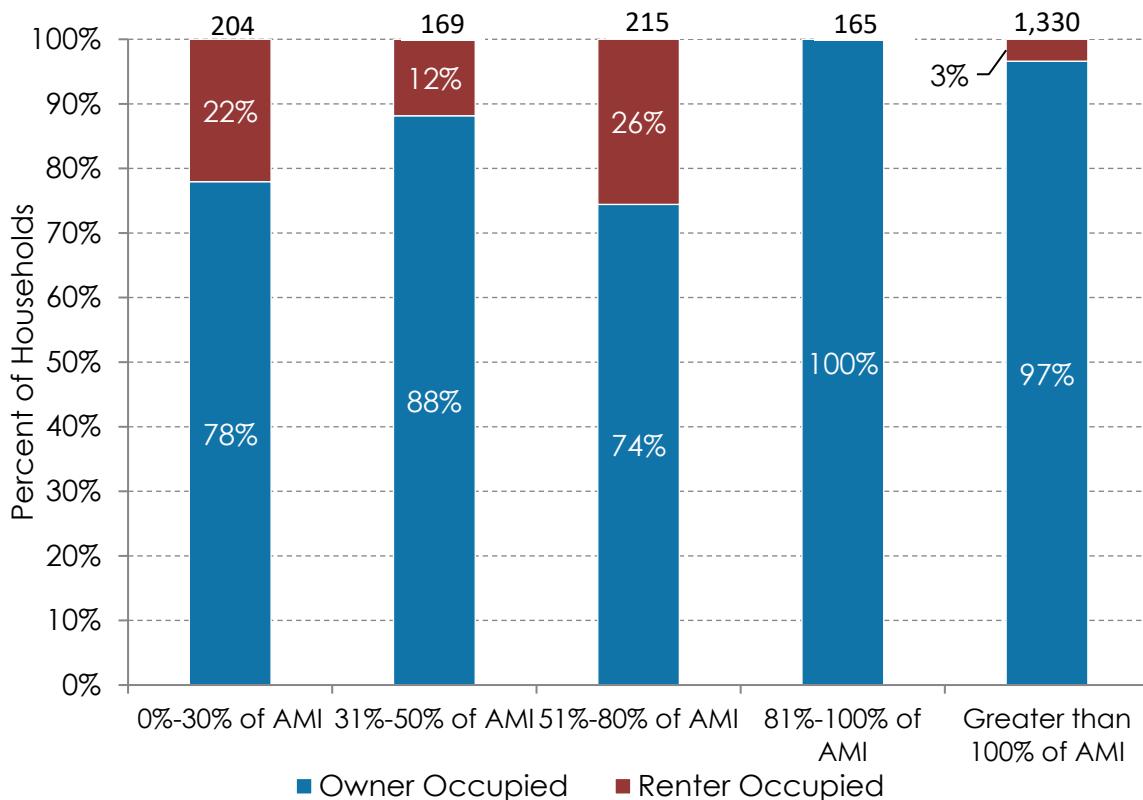
### 3.9.3: Seniors

Senior households often experience a combination of factors that can make accessing or keeping affordable housing a challenge. They often live on fixed incomes and are more likely to have disabilities, chronic health conditions and/or reduced mobility. Seniors who rent may be at even greater risk for housing challenges, due to low or fixed income that do not escalate at the same rate as rental costs. While the large majority of senior homeowners have incomes greater than 100 percent of AMI, nearly one-fourth have low, very low, or extremely low incomes (see [Figure 3-34](#)). Only eight percent of Moraga's senior households are renters, and only slightly above one-fourth of senior renters in Moraga have incomes greater than 100 percent of AMI; the remainder, nearly three-fourths, have low, very low, or extremely low incomes. The group most likely at risk for finding affordable housing is extremely low-income senior renters, who make up 27 percent of all senior renter households.

The Housing Plan chapter of this Housing Element Update includes several programs to address senior housing needs. These include supporting a shared housing program, meeting with senior housing developers to attract senior housing to the Town, and publicizing information about

senior housing resources. In addition, the Housing Plan includes many actions that will facilitate the production of housing in Moraga in general, which would also facilitate the production of senior housing, such as supporting the use of density bonuses, facilitating ADUs, and rezoning to increase the Town's capacity to accommodate multifamily development.

**Figure 3-34: Senior Households by Income and Tenure**



Universe: Senior households

Notes: For the purposes of this graph, senior households are those with a householder who is aged 62 or older. The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

### 3.9.4: People with Disabilities

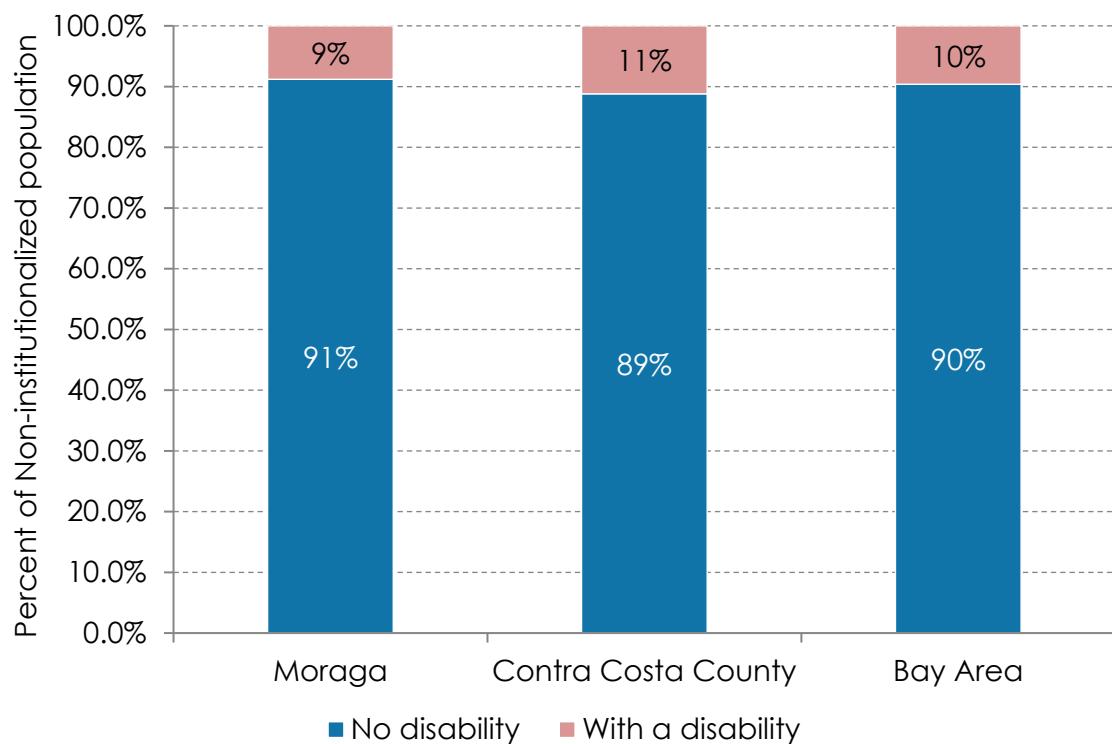
People with disabilities face additional housing challenges. Encompassing a broad group of individuals living with a variety of physical, cognitive, and sensory impairments, many people with disabilities live on fixed incomes and require specialized care, yet often rely on family members for assistance due to the high cost of care. Persons with disabilities are not only in need of affordable housing but may require accessibly designed housing, which offers greater mobility and opportunity for independence. Unfortunately, the need may outweigh what is available, particularly in a housing market with high demand. People with disabilities are at a

high risk for housing insecurity, homelessness, and institutionalization, particularly if they lose aging caregivers.

#### **Population by Disability Status**

For Moraga, approximately nine percent of the civilian noninstitutionalized population is estimated to have one or more of the six disability types specified below. As shown in [Figure 3-35](#), this proportion is slightly lower than the proportions for Contra Costa County and the Bay Area.

**Figure 3-35: Population by Disability Status**



Universe: Civilian noninstitutionalized population

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B18101.

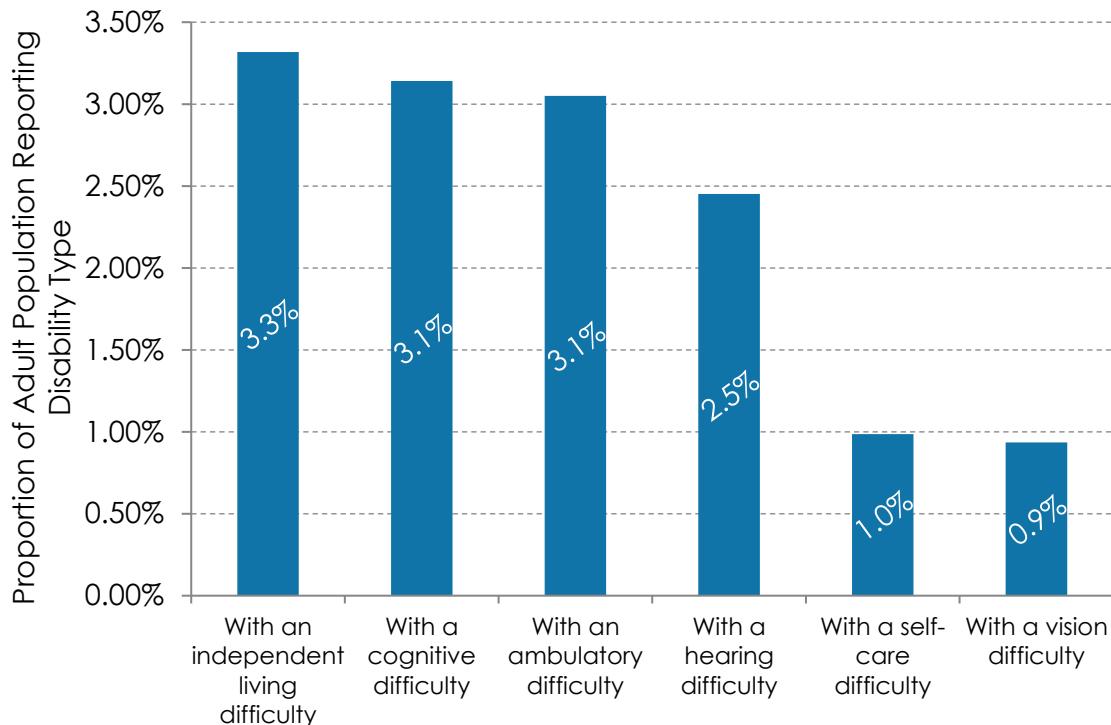
#### **Disability by Type**

[Figure 3-36](#) shows the rates at which different disabilities are present among residents of Moraga.<sup>22</sup> There are a broad range of disabilities present, for which varying housing solutions may be required. As an individual may report more than one disability, the percentages

<sup>22</sup> These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.

shown in Figure 3-36 may be counting the same individuals in each column—thus the total number of disabled persons is less than the sum of all columns.

**Figure 3-36: Disability by Type**



Universe: Civilian noninstitutionalized population 18 years and over

Notes: These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed. The Census Bureau provides the following definitions for these disability types:

Hearing difficulty: deaf or has serious difficulty hearing.

Vision difficulty: blind or has serious difficulty seeing even with glasses.

Cognitive difficulty: has serious difficulty concentrating, remembering, or making decisions. Ambulatory difficulty: has serious difficulty walking or climbing stairs.

Self-care difficulty: has difficulty dressing or bathing.

Independent living difficulty: has difficulty doing errands alone such as visiting a doctor's office or shopping.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B18102, Table B18103, Table B18104, Table B18105, Table B18106, Table B18107.

### ***Developmental Disabilities by Age***

State law requires Housing Elements to examine the housing needs of people with developmental disabilities. Developmental disabilities are defined as severe, chronic, and attributed to a mental or physical impairment that begins before a person turns 18 years old. This can include Down's Syndrome, autism, epilepsy, cerebral palsy, and mild to severe mental retardation. Some people with developmental disabilities are unable to work and rely on Supplemental Security Income and live with family members. In addition to their specific housing needs, they are at increased risk of housing insecurity after an aging parent or family member is no longer able to care for them.

Contra Costa County's developmentally disabled community is served by the Regional Center for the East Bay for Alameda and Contra Costa Counties, which provides advocacy, services, support, and care coordination to children and adults diagnosed with intellectual and developmental disabilities and their families. As of December 2020, the regional center supported almost 20,000 individuals in Alameda and Contra Costa Counties.

In Moraga, children under the age of 18 make up 54 percent and adults make up 46 percent of the 67 persons reported as having a developmental disability, as shown in [Table 3-19](#).

**Table 3-19: Population with Developmental Disabilities by Age**

Age	Number	Percent
0 - 17 Years	36	54%
18+ Years	31	46%
<b>Total</b>	<b>67</b>	<b>100%</b>

Universe: Population with developmental disabilities.

Notes: The California Department of Developmental Services is responsible for overseeing the coordination and delivery of services to more than 330,000 Californians with developmental disabilities including cerebral palsy, intellectual disability, Down syndrome, autism, epilepsy, and related conditions. The California Department of Developmental Services provides ZIP code level counts. To get jurisdiction-level estimates, ZIP code counts were crosswalked to jurisdictions using census block population counts from Census 2010 SF1 to determine the share of a ZIP code to assign to a given jurisdiction.

Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Age Group (2020).

#### ***Population with Developmental Disabilities by Residence***

As shown in [Table 3-20](#), the most common living arrangement by far for individuals with developmental disabilities in Moraga is the home of parent/family/guardian, at 85 percent of all such individuals. The Housing Plan chapter of this Housing Element Update includes a program that states that the Town will work with the Regional Center of the East Bay to inform residents with developmental disabilities and their families of the services that are available to them. The Town will also meet with disability service providers to identify additional opportunities for the Town to support service providers that serve residents with disabilities.

**Table 3-20: Population with Developmental Disabilities by Residence**

Residence Type	Number	Percent
Home of Parent /Family /Guardian	62	85%
Independent /Supported Living	6	8%
Foster /Family Home	5	7%
Other	0	0%
Community Care Facility	0	0%
Intermediate Care Facility	0	0%
<b>Total by Residence Type</b>	<b>73</b>	<b>100%</b>

Universe: Population with developmental disabilities

Notes: The California Department of Developmental Services is responsible for overseeing the coordination and delivery of services to more than 330,000 Californians with developmental disabilities including cerebral palsy, intellectual disability, Down syndrome, autism, epilepsy, and related conditions. The California Department of Developmental Services provides ZIP code level counts. To get jurisdiction-level estimates, ZIP code counts were crosswalked to jurisdictions using census block population counts from Census 2010 SF1 to determine the share of a ZIP code to assign to a given jurisdiction.

Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Residence Type (2020).

### 3.9.5: Homelessness

Homelessness remains an urgent challenge in many communities across the region and the state, reflecting a range of social, economic, and psychological factors. Rising housing costs result in increased risks of community members experiencing homelessness. Residents who have found themselves housing insecure have ended up unhoused or homeless in recent years, either temporarily or longer term.

Addressing the specific housing needs for the unhoused population remains a priority throughout the region; homelessness is disproportionately experienced by people of color, people with disabilities, those struggling with addiction and those dealing with traumatic life circumstances. As shown in [Table 3-21](#), a total of 2,277 individuals were identified in Contra Costa County as homeless by the 2020 point in time count. According to the county's publication of results, only four unsheltered persons were counted in Moraga.

In Contra Costa County, the most common type of household experiencing homelessness is those without children in their care. Among households experiencing homelessness that do not have children, three-fourths are unsheltered; of homeless households with children, 58 percent are in emergency shelters and 19 percent are in transitional housing (see [Table 3-21](#)).

**Table 3-21: Homelessness by Household Type & Shelter Status, Contra Costa County**

Status	People in Households Composed Solely of Children < 18	People in Households with Adults & Children	People in Households without Children < 18
Sheltered - Emergency Shelter	-	152	398
Sheltered - Transitional Housing	-	49	108
Unsheltered	-	60	1,510

Universe: Population experiencing homelessness in Contra Costa County.

Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness.

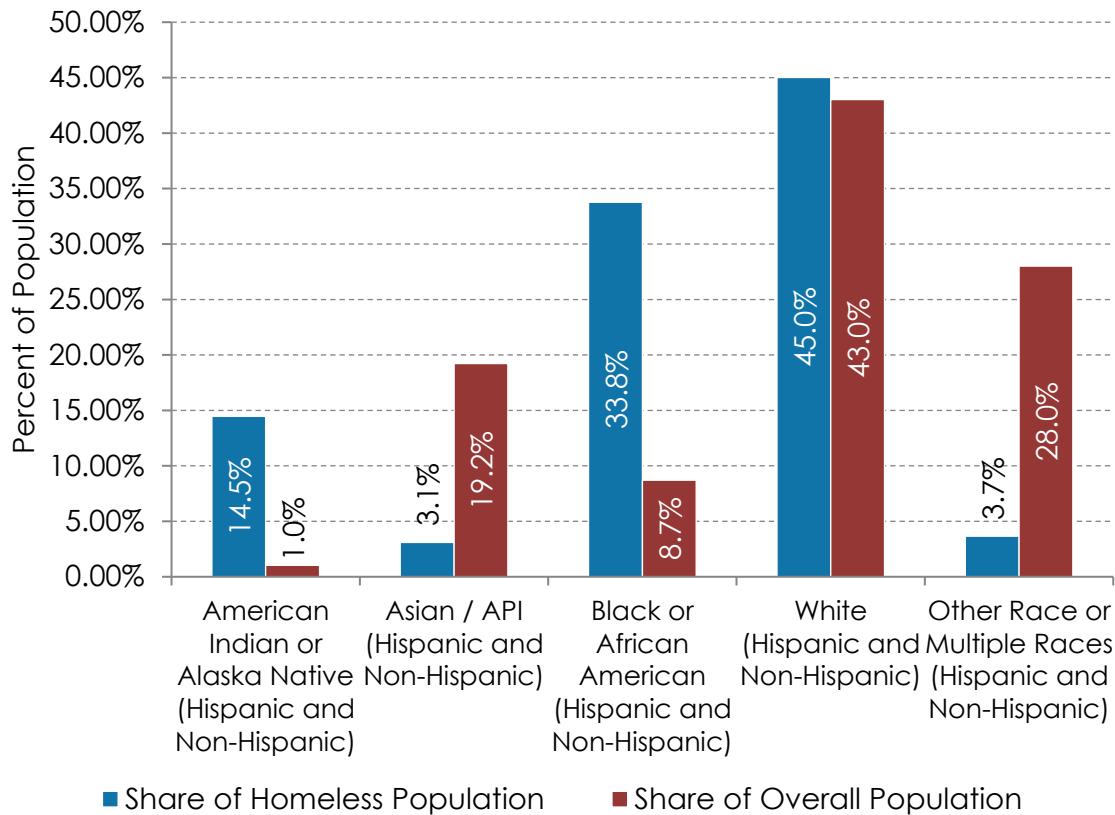
Sources: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2020).

Shelter facilities and transitional housing are not available in Moraga. Moraga zoning provides for the development and operation of these uses, as discussed in the Governmental Constraints section of the Housing Element.

While people of color are more likely to experience poverty and financial instability resulting in homelessness, 45 percent of persons in Contra Costa County experiencing homelessness are White (Hispanic or non-Hispanic), reflecting the overall proportion of the White population (43 percent).<sup>23</sup> However, the American Indian/Alaska Native population and the Black population are over-represented in the homeless population relative to their prevalence in the total population, and the Asian/Pacific Islander and Other Race/Multiple Race populations are underrepresented (see [Figure 3-37](#)~~Figure 3-37~~). The American Indian/Alaska Native population makes up 14.5 percent of the estimated homeless population but only one percent of the county's overall population. Slightly more than one-third of the homeless population is Black, but they are less than nine percent of the overall population of the county.

<sup>23</sup> Available data do not separate the non-Hispanic from the Hispanic population by race.

**Figure 3-37: Racial Group Share of General and Homeless Populations, Contra Costa County**



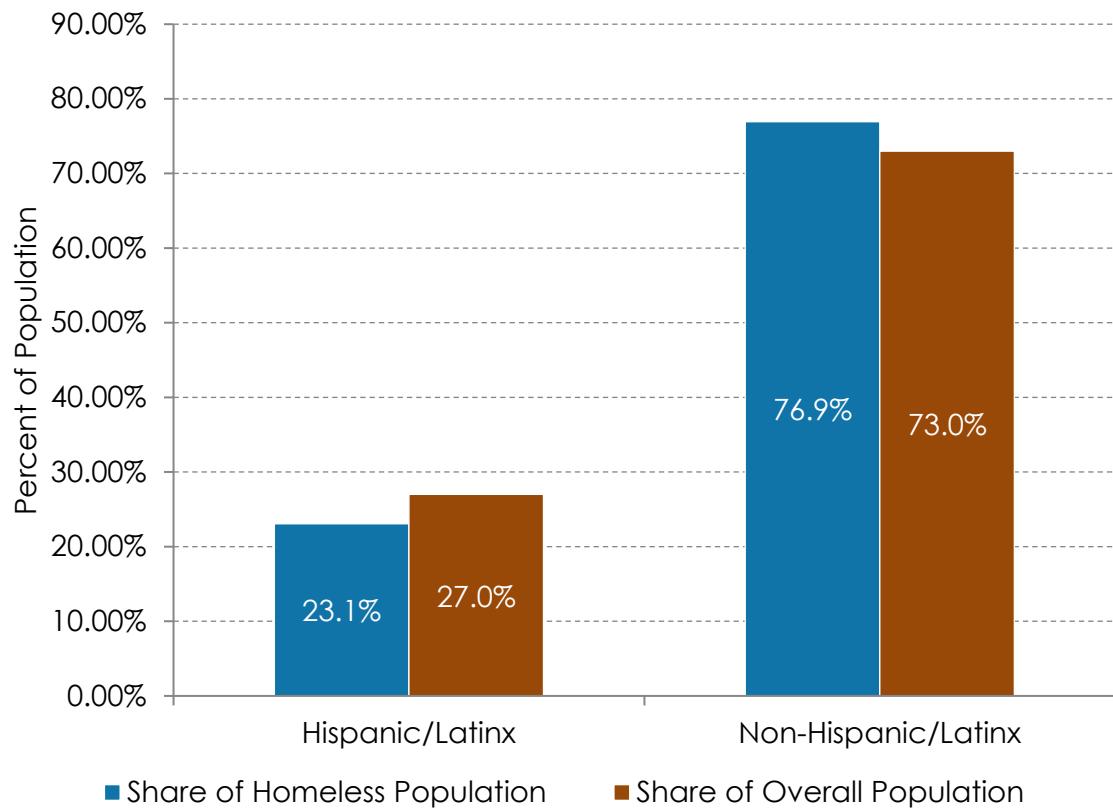
Universe: Population experiencing homelessness

Notes: Data based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. HUD does not disaggregate racial demographic data by Hispanic/Latinx ethnicity for people experiencing homelessness. Instead, HUD reports data on Hispanic/Latinx ethnicity for people experiencing homelessness in a separate table. Accordingly, the racial group data listed here includes both Hispanic/Latinx and non-Hispanic/Latinx individuals.

Sources: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2020); U.S. Census Bureau, 2020 Census PL 94-171, Table P1.

In Contra Costa County, Latinx residents represent 23.1 percent of the population experiencing homelessness, slightly lower than the 27.0 percent share of the general population, as shown in [Figure 3-38](#).

**Figure 3-38: Latinx Share of General and Homeless Populations, Contra Costa County**



Universe: Population experiencing homelessness

Notes: See notes for [Figure 3-37](#) [Figure 3-37](#) above.

Sources: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2020); U.S. Census Bureau, 2020 Census PL 94-171, Table P1.

Many of those experiencing homelessness are dealing with severe personal issues – including mental illness, substance abuse and domestic violence – that are potentially life threatening and require additional assistance. In Contra Costa County, homeless individuals are commonly challenged by severe mental illness, with 926 persons reporting this condition (see [Table 3-22](#) [Table 3-22](#)). Of those, 80 percent are unsheltered, further adding to the challenge of handling the issue. A substantial number (873) also report having problems with chronic substance abuse, and 524 report being victims of domestic violence.

**Table 3-22: Characteristics for the Population Experiencing Homelessness, Contra Costa County**

Status	Chronic Substance Abuse		Severely Mentally Ill	Veterans	Victims of Domestic Violence
	HIV/AIDS				
Sheltered - Emergency Shelter	94	7	176	32	23
Sheltered - Transitional Housing	9	0	10	17	8
Unsheltered	770	10	740	68	493
<b>Total</b>	<b>873</b>	<b>17</b>	<b>926</b>	<b>117</b>	<b>524</b>

Universe: Population experiencing homelessness

Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness. These challenges/characteristics are counted separately and are not mutually exclusive, as an individual may report more than one challenge/characteristic. These counts should not be summed.

Sources: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2020).

In recent school years, Moraga has not reported any homelessness among its public school student population. Countywide, 2,209 public school students and regionwide approximately 13,700 public school students reportedly experienced homelessness during the 2019-2020 school year (see [Table 3-23](#)). Students facing homelessness face added undue burdens on learning and thriving, with the potential for longer term negative effects.

**Table 3-23: Students in Local Public Schools Experiencing Homelessness**

Geography	School Year			
	2016-17	2017-18	2018-19	2019-20
Moraga	-	-	-	-
Contra Costa County	2,116	2,081	2,574	2,209
Bay Area	14,990	15,142	15,427	13,718

Universe: Total number of unduplicated primary and short-term enrollments within the academic year (July 1 to June 30), public schools

Notes: The California Department of Education considers students to be homeless if they are unsheltered, living in temporary shelters for people experiencing homelessness, living in hotels/motels, or temporarily doubled up and sharing the housing of other persons due to the loss of housing or economic hardship. The data used for this table was obtained at the school site level, matched to a file containing school locations, geocoded and assigned to jurisdiction, and finally summarized by geography.

Source: California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020); ABAG.

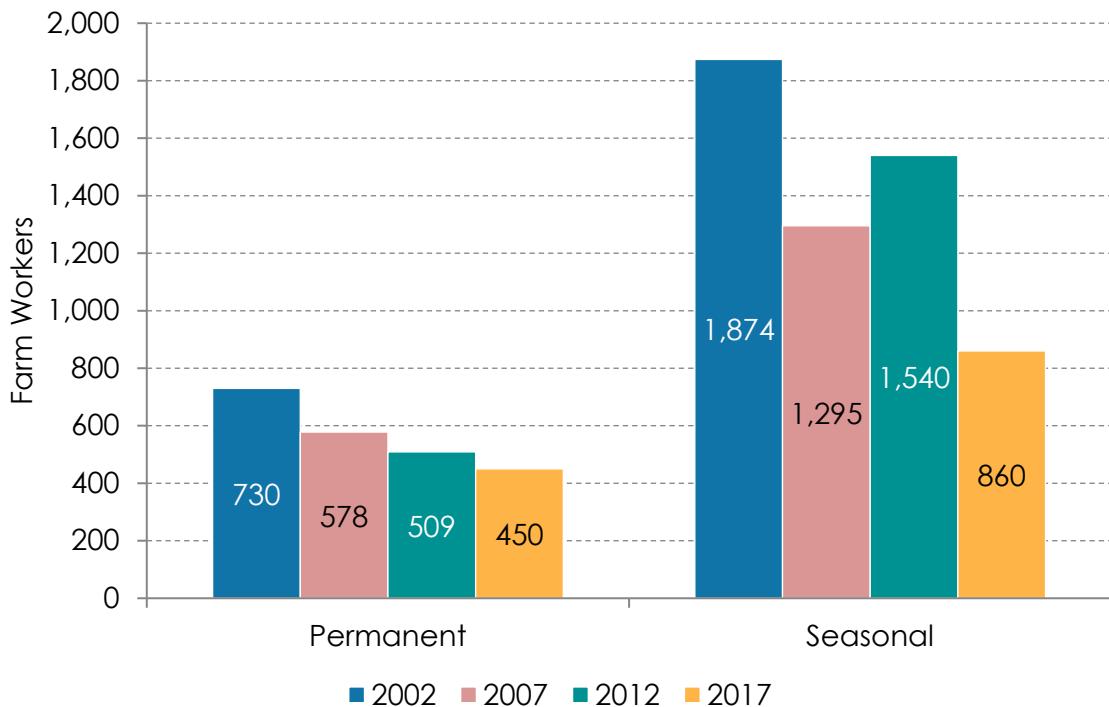
### 3.9.6: Farmworkers

Across the state, housing for farmworkers has been recognized as an important and unique concern. Farmworkers generally receive wages that are considerably lower than other jobs and may have temporary housing needs. Finding decent and affordable housing can be challenging,

particularly in the current housing market. Farmworkers can have a variety of special housing needs in terms of affordability, location, and duration of residence.

Contra Costa County has a substantial but gradually shrinking agricultural economy. According to the U.S. Department of Agriculture's Census of Agriculture, the number of permanent and temporary farm workers in Contra Costa County has been in decline since 2002, falling from 730 to 450 permanent workers between 2002 and 2017, while the number of seasonal farm workers has decreased from 1,874 to 860 over the same period. Most of the remaining farm economy is in the eastern portions of the county with little activity in the Moraga area.

**Figure 3-39: Farm Labor in Contra Costa County**



Universe: Hired farm workers (including direct hires and agricultural service workers who are often hired through labor contractors)

Notes: Farmworkers are considered seasonal if they work on a farm less than 150 days in a year, while farm workers who work on a farm more than 150 days are considered to be permanent workers for that farm.

Source: U.S. Department of Agriculture, Census of Farmworkers (2002, 2007, 2012, 2017), Table 7: Hired Farm Labor.

**Table 3-24: Migrant Worker Student Population**

<b>Geography</b>	<b>School Year</b>			
	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Moraga	-	-	-	-
Contra Costa County	-	-	-	-
Bay Area	4,630	4,607	4,075	3,976

Universe: Total number of unduplicated primary and short-term enrollments within the academic year (July 1 to June 30), public schools

Notes: The data used for this table was obtained at the school site level, matched to a file containing school locations, geocoded and assigned to jurisdiction, and finally summarized by geography.

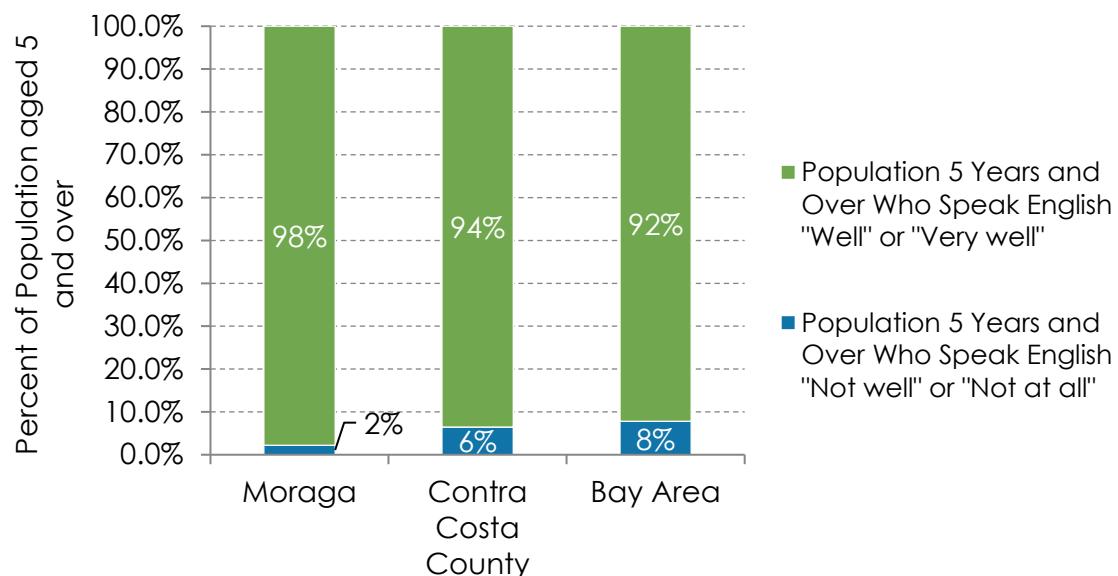
Source: California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020).

The findings above indicate that housing for farmworkers is not a critical issue for Moraga; most of the county's agricultural activity is well to the east, and agricultural employment in the county is in a long-term decline.

### 3.9.7: Non-English Speakers

California has long been an immigration gateway to the United States, which means that many languages are spoken throughout the Bay Area. Since learning a new language is universally challenging, it is not uncommon for residents who have immigrated to the United States to have limited English proficiency. This limit can lead to additional disparities if there is a disruption in housing, such as an eviction, because residents might not be aware of their rights or they might be wary to engage due to immigration status concerns. Regionwide, the proportion of residents five years and older with limited English proficiency is eight percent; in the county it is six percent. The proportion is lower in Moraga, at only two percent. Census data indicates the principal languages spoken by those with limited English are Asian languages; based on place of birth data for foreign-born Moraga residents, Chinese is likely the most commonly spoken foreign language.

**Figure 3-40: Population with Limited English Proficiency**



Universe: Population 5 years and over

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B16005.

## CHAPTER 4: HOUSING SITES ANALYSIS

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### 4.1: Introduction

The housing sites analysis is one of the most important parts of the Housing Element. Its purpose is to evaluate whether there are sufficient sites with appropriate zoning to meet the Town's housing targets for the eight-year planning period.<sup>24</sup> State Law requires the Town to show that the properties it identifies provide realistic opportunities to satisfy the targets for Moraga established by the Association of Bay Area Governments (ABAG) and the State Department of Housing and Community Development (HCD). Moreover, the Town must demonstrate that its sites can meet the needs of all economic segments of the community, including lower income households.

As noted in Chapter 1 of the Housing Element, ABAG has allocated 1,118 units of the Bay Area's housing need to Moraga. This assignment includes 501 housing units for low- and very low-income households. State law effectively requires that the lower-income units be accommodated on sites zoned for at least 20 units per acre. When this assignment was given to the Town in 2021, it did not have a sufficient supply of land zoned at this density to meet its need. As a result, a comprehensive rezoning program was implemented concurrently with the Housing Element Update (see Introduction to the Housing Element for additional explanation).

The sites analysis is intended to both comprehensive and realistic. It includes properties zoned for residential uses, as well as properties that are zoned to allow both residential and commercial uses. It includes sites that are vacant as well as non-vacant sites that are underutilized. It also includes sites in the development "pipeline"—in other words, sites where projects have been entitled for construction but are not yet developed.

Housing sites in the 2023-2031 Moraga Housing Element have been selected using guidelines developed by the California Department of Housing and Community Development (HCD), along with local knowledge and input from property owners, the community, the Planning Commission and the Town Council. Among the factors considered are physical features (slope, hazards, vegetation), road access and infrastructure, size, existing use, ownership, zoning, proximity to services and transit, and the value and extent of improvements on each site. The 2015-2023 site inventory provided the starting point for the analysis, but the inventory has been expanded to reflect the larger RHNA assignment as well as new State requirements.

Several of the sites listed in this chapter are being rezoned concurrently with Housing Element adoption. The rezoning will allow housing on properties where it was not previously permitted.

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<sup>24</sup> The "planning period" is the time period between the due date for one housing element and the due date for the next housing element (Government Code section 65588(f)(1).) In this case, it is January 31, 2023-January 31, 2031.

In some cases, these sites are vacant and in others they are underutilized commercial properties, which were rezoned with input from property owners. The rezoning will also allow higher housing densities than those allowed in 2022 when this Element was prepared.

The Housing Element does not propose any zoning or General Plan Map amendments that would change an open space designation to a development designation, nor does it “downzone” any properties. Consistent with Moraga’s General Plan, the Town is strategically directing most residential growth to infill sites and sites in commercial areas that are already urbanized. This helps achieve complementary objectives such as the vitality of the Town’s shopping centers and businesses, creation of community gathering places, encouraging walking and bicycling, and conserving hillsides and natural resources.

As required by State law, the housing sites listed in this Element are assigned to income categories. Low-density sites are presumed to be most suited for “above moderate income” housing due to the high cost of land and construction, the absence of subsidies for such housing, and the location of these sites. Higher density sites (those with the capacity to support densities greater than 20 units per acre) are presumed to include a mix of “above moderate,” “moderate,” and “lower income” housing.

The Housing Sites analysis includes six parts:

- First, the chapter provides the context for identifying housing sites in Moraga and the steps the Town has taken in recent years to expand housing choices.
- Second, the chapter provides general information about State requirements for the site inventory and the methodology for identifying sites. Appendix B provides a detailed tabular summary with information about each site, including zoning, allowable density, General Plan designation, size, realistic unit capacity, and constraints.
- Third, the Element identifies housing that was entitled but not yet constructed at the start of the planning period. The Town is assuming these units will be built by 2031. As such, it can assign them to each income category and get “credit” toward the RHNA for their construction.
- Fourth, the potential for new housing is summarized and mapped. Sites are organized in four categories:
  1. Vacant sites zoned for low- and medium-density residential use
  2. Vacant sites zoned for high-density residential use
  3. Vacant sites zoned for mixed use

4. Non-vacant (underutilized) sites zoned for mixed use
- Fifth, an estimate is made of the potential for Accessory Dwelling Units (ADUs) over the planning period.
- Sixth, the information is summarized to demonstrate the total number of units that could potentially be produced. This is compared to the RHNA. A surplus has been identified in each income category, providing the required buffer in the event sites become unavailable or are used for other purposes. Other information required by the California Government Code is addressed in the summary section, including environmental constraints, infrastructure availability, and demonstration that the Town's sites are affirmatively furthering fair housing.

As noted above, Appendix B of the Housing Element contains a detailed inventory of Housing Opportunity Sites. It demonstrates how the Town will accommodate its RHNA, including measures to geographically distribute lower income opportunities and affirmatively further fair housing.

## 4.2: Context

Chapter 1 of the Housing Element provides the overall context for the Housing Element and the housing challenges facing the Town of Moraga. Some of these challenges relate to the availability of sites necessary to meet the Town's future housing needs. In the 1960s and early 1970s, Moraga experienced a significant amount of multi-family construction as well as single family construction. Following incorporation in 1974, the Town's long-range plans and zoning maps established zoning districts and development standards intended for single family homes. This made it more difficult to build multi-family housing. Much of the planning focus in the 1980s and 90s was on conserving open space and scenic hillsides and retaining Moraga's low-density single-family character.

In 2002, Moraga adopted a new General Plan. While the Plan emphasized preservation of the town's semi-rural qualities, it also acknowledged the need for more diverse housing choices. The General Plan called for multi-family housing, including affordable and workforce housing, in the Town's two commercial districts. Its implementation measures included Specific Plans for the Moraga Center and Rheem Center. These two centers are roughly 1.7 miles apart along Moraga Road and are the only commercial areas in the Town of Moraga. The remainder of the Town consists of residential neighborhoods, open space, public land, and the campus of Saint Mary's College. According to the 2002 General Plan, the Specific Plans were intended to

revitalize aging shopping centers areas, creating new community gathering places, and providing higher-density housing opportunities.

Following adoption of the General Plan, the Town proceeded with more detailed planning for the Moraga Center. The area is nearly 190 acres and includes a large shopping center, much of the Town's professional office space, many of its services, and the historic Moraga Ranch, once the agricultural center of the Moraga Valley. Much of the property is owned by one family, and there are still large areas of undeveloped land within the boundaries. The area was designated as a "Priority Development Area" (PDA) in the early 2000s, making it eligible for planning, transportation, and infrastructure grants. Adding housing to aging commercial centers like Moraga Center is a foundational premise of Plan Bay Area, the regional plan for the San Francisco Bay Area.

In 2010, the Town adopted the Moraga Center Specific Plan (MCSP) and created its first high-density zoning districts in this area. Ten years later, it adopted its first mixed use zoning districts for the MCSP area. This created new opportunities for housing on land formerly zoned for office use and retail use. The MCSP plans and regulations were the outcome of years of community engagement, and hundreds of hours of thoughtful discussion about the town's future. An overarching goal was to streamline development processing and accommodate new types of housing, including apartments, condominiums, senior housing, and townhomes, and "missing middle" housing such as duplexes and fourplexes.

The Rheem Center commercial district is smaller than the Moraga Center district, has less vacant land, and multiple property owners. The anchor of the Rheem Commercial district is a 165,000 square foot shopping center initially developed in 1957. Like the Moraga Center, this district also includes professional offices, restaurants, and civic uses. It also includes property owned by Saint Mary's College, and it includes the Rheem Theater, a beloved local institution. While the General Plan supports housing in this area, the zoning in place as of 2022 did not allow residential uses.

One of the Town's goals in identifying future housing sites was to distribute multi-family housing opportunities between these two commercial districts. While past efforts have emphasized Moraga Center, there are important opportunities in the Rheem Center as well. Rheem Center is somewhat closer to the freeway and regional transit (though still three miles away), and has access to several roads leading out of Moraga. The area also includes several vacant sites, underutilized retail buildings, and office buildings that are either for sale or have recently been sold. A number of property owners have expressed an interest in developing multi-family housing. An important part of the Housing Element process has been rezoning the Rheem Center to make housing a permitted use and adopting objective design standards so that future projects may be streamlined.

While the focus of the sites inventory is on sites for multi-family housing, it is important to note that the Town also supports opportunities for units that are affordable “by design” in existing neighborhoods. This includes accessory dwelling units (ADUs), which are permitted by right in all zoning districts where residential uses are allowed. There may also be future infill housing opportunities as a result of Senate Bill 9 (SB 9), which allows for additional housing units on single family lots.

### 4.3: State Requirements

Requirements for the sites analysis have been substantially expanded over the last 20 years. In 2004, AB 2348 established “default densities” for sites identified as providing opportunities for lower income housing. AB 2348 established that in communities with fewer than 25,000 residents such as Moraga, sites may only be considered acceptable for meeting the lower income RHNA if they are zoned at densities of *at least* 20 units per acre. In suburban communities with more than 25,000 residents, the standard is 30 units per acre. This is because the cost of land and construction make it impossible to meet a community’s need for lower income housing through single family homes alone. In addition, State law requires all cities and towns to plan for a mix of housing types, including multi-family units.

Jurisdictions are required to estimate the capacity of housing sites based on “realistic” capacity rather than “theoretical capacity.” A one-acre site may be zoned for 20 units per acre, but that does not mean 20 units will be constructed on the property. A smaller number of units may be built due to topographical and physical features such as steep slopes and hillsides, creeks, narrow roads and woodland areas. When establishing realistic capacity calculations, the jurisdiction must consider existing development trends or existing or approved residential developments at a similar affordability level in that jurisdiction. The analysis also must consider the imposition of any development standards that impact the residential development capacity such as maximum lot coverage, height, open space, floor area ratios, and parking, as well as requirements for on-site improvements such as sidewalks.

Cities and towns can refer to recent projects to determine what is “realistic” in each zoning district.<sup>25</sup> In communities that have adopted “minimum density” requirements as well as “maximum densities,” the minimums may be used to estimate realistic capacity. This is the case in some of the Moraga Specific Plan zones, where minimum densities apply. The Town is generally estimating “realistic capacity” as being 60 to 80 percent of the maximum allowed by zoning.

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<sup>25</sup> See Chapter 5 (non-governmental constraints, page 5-44) for a discussion of requests to develop sites at densities below what is allowed by zoning and General Plan designations.

Government Code 65583.2(h) requires that each site designated for lower income housing have the capacity for at least 16 units. This is because the economics of affordable housing usually require larger unit counts for such a project to be viable.

Site inventories must follow a format prescribed by HCD, with specific data provided for each site (such as Assessor Parcel Number and zoning designation). Cities and towns are also required to evaluate the availability of utilities to serve each site and disclose whether the site is publicly or privately owned.

AB 1397 established additional requirements for housing sites, particularly those sites identified as being suitable to accommodate the lower income RHNA. These include:

- Limitations on identifying sites smaller than 0.5 acres and larger than 10 acres as suitable for lower income housing. These limitations do not prohibit the use of such sites, but they do require jurisdictions to prove that they are viable based on past trends and actual projects. In general, affordable housing projects are built on sites between 0.5 and 10 acres.
- Special requirements for “non-vacant” sites to demonstrate that they are viable. Existing uses on these sites are considered potential constraints to their redevelopment. When listing such sites, cities and towns must explain why it is reasonable to assume the sites will be available for housing during the eight-year planning period.
- Special requirements for sites that are being carried forward from one housing element to the next. These requirements vary depending on if the site is vacant or non-vacant. “Carry-over” sites must be zoned so that certain types of housing development are permitted “by right.” This includes projects in which 20 percent or more of the units are affordable to lower income households. By-right approval means that the Town cannot require a Planned Development permit, Conditional Use Permit, or other form of local discretionary review. The Town can still require design review, as long as objective development and design standards are applied. Such standards are already in place in the Moraga Center Specific Plan area and are now being developed for the Rheem area.

Jurisdictions are required to identify sites by income category. For reporting purposes, low- and very low-income sites may be added together and described as “lower income” sites. Individual sites may also be assigned to multiple income categories. For example, some of the larger mixed use and multi-family residential sites have been “split” between above moderate- and lower-income categories. These sites could potentially be divided into multiple parcels, including a mix of affordable and market rate housing. For those multi-family and mixed use sites where market rate housing has been assumed, 10 percent of the unit count as been assigned to the

lower-income category. This assumes the Town adopts and implements a 10% inclusionary zoning requirement immediately after the Housing Element. The Town will evaluate the effectiveness of the 10% standard over the planning period and adjust it as necessary.

The designation of a site as a “lower-income” opportunity site does not mandate the development of lower-income housing on that site, nor does it require the property owner to develop the site during the planning period. The designation is merely an acknowledgment that the site meets certain metrics that are conducive to the development of lower-income housing. Cities and towns may approve market-rate housing on such sites. Where commercial uses are permitted, cities and towns may also approve commercial uses on such sites.

The caveat to the above paragraph is that cities and towns must be able to demonstrate that they have adequate sites to meet their RHAs *at all times* during the planning period. If a “lower income” site is developed for another purpose during the planning period, the Town must show that it can still meet its 2023-2031 RHNA on the remaining sites. If the Town is no longer able to meet its RHNA, it must identify a developable “replacement” site to make up the lost capacity. In some cases, this could require rezoning. This is referred to as the “no net loss” requirement under Senate Bill 166 (SB 166) (2017).

SB 166 also required that cities and towns include a “buffer” of additional sites in case some of the sites listed in this Housing Element become unavailable before 2031. Moraga’s site inventory includes a buffer of 25 percent for the lower income sites and higher buffers for the moderate- and above moderate-income sites.

As required by HCD, the estimated yields for housing sites do not include the potential for additional units made possible through State density bonuses. These bonuses can add up to 50 percent to the unit yields for market-rate projects that include certain percentages of affordable units, and 80 percent to the unit yields for 100% affordable projects.

Finally, the sites inventory is subject to the Affirmatively Furthering Fair Housing requirements of AB 686. This requires that the lower income sites be geographically distributed in ways that foster integration and create affordable housing opportunities throughout high resource areas. Consistent with the HCD Housing Element Sites Inventory Guidebook, all of the identified sites are in high opportunity neighborhoods that are close to major roads and services, as well as high performing schools, services, existing bus routes and available infrastructure. The Town has also selected sites that support community and regional objectives to preserve open space, meet greenhouse gas emission-reduction goals, and promote more compact development patterns.

## 4.4: Methodology

The methodology for identifying Moraga's Housing Opportunity Sites followed guidelines established by the State Department of Housing and Community Development while also incorporating feedback from the public, direction from the Planning Commission and Town Council, and input from property owners. The process included the following steps:

1. Identify Entitled Projects. Projects that have already been approved were identified and placed in their respective income categories.
2. Revisiting 5<sup>th</sup> Cycle Housing Sites. Each housing site identified in the 2015-2023 Housing Element was revisited to determine if it was still available and should be carried forward. The prior Element identified capacity for 873 units. Most of the sites listed are still vacant and a few are in entitled development projects. These sites represent roughly half of the sixth cycle inventory.
3. Consider input from staff, property owners, developers, and the public. Town staff provided information on sites where inquiries about housing have been received over the past few years. The Housing Element team also met with property owners, developers, and various community organizations and stakeholders to discuss housing opportunities. A number of additional sites were suggested through this process.
4. Consider existing policy documents. In particular, the General Plan and the Moraga Center Specific Plan were used to identify vacant and underutilized sites with the potential for multi-family residential and mixed uses.
5. Residents were invited to use an on-line "app" called Balancing Act to express their views on how housing sites should be distributed. The app asked participants to distribute 800 hypothetical multi-family units between 11 subareas—four in the Rheem area and seven in the MCSP area. More than 100 map submittals were received and the app was viewed over 1,000 times. This input helped inform the distribution of sites between the two commercial districts and establish the final list of opportunity sites.
6. A comprehensive analysis of all parcels in Moraga was performed. The basis for this analysis was the 2021 Contra Costa County Assessor data base for the town. The data base includes a record (spreadsheet "row") for all 6,138 assessor parcels in Moraga. There are 125 fields of information (spreadsheet "columns") for each parcel, including a two-digit "use code" that indicates the current use of the site. The data base was sorted by use code. Existing single family homes, townhomes, multi-family apartment buildings, and planned development open space were screened out of the data base. Parcels with use codes corresponding to vacant land, commercial land, and public/institutional land were retained and subject to further analysis. In total, about 1,000 parcels remained after the screening.

7. The remaining parcels were sorted by category and analyzed based on several variables in the data base. Key variables evaluated were:
  - a. Property size (parcels smaller than 0.2 acres were generally eliminated).
  - b. The ratio of assessed improvement value to assessed land value (parcels with low ratios were flagged for further analysis). Total assessed building value also was considered.
  - c. Floor area ratio (the ratio of building area to lot area). Parcels with ratios below 0.1 were flagged for further analysis.
  - d. Adjacent parcels in common ownership.
  - e. Year of construction (most buildings less than 40 years old were eliminated).
  - f. Average slope and other topographical and physical features.
  - g. Location (most properties outside of the Rheem Center area and the Moraga Center commercial districts were screened out).
  - h. Consistent with Government Code Section 65583.2(b)(5)(B), sites were analyzed for available infrastructure, including water, sewer, and dry utilities.
8. A “shortlist” of properties that appeared to have high potential for reuse was created. Field surveys and Google Earth images were used to further refine the list.
9. A preliminary list of Opportunity Sites was compiled. This list was included in a staff report to the Town Council in April 2022. Further refinements were made through this meeting, and a final list was compiled.

## 4.5: Entitled Projects

The RHNA covers a period starting on June 30, 2022. Housing that has been approved for construction (“entitled”) but not yet built as of that date is presumed to be completed during the next 8-year planning period. These units are “credited” against the RHNA by income category.<sup>26</sup> The adjustments for built or approved units are shown in Table 4-1 below.

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<sup>26</sup> The “RHNA projection period” and the “planning period” are slightly different. The RHNA projection period is June 30, 2022 to December 15, 2030. The planning period is January 31, 2023 to January 31, 2031.

**Table 4-1: Entitled Projects as of 2022**

Name	Acres	Total Units	VERY LOW INCOME	LOW INCOME	Moderate Income	Above Moderate	Comments
Palos Colorados	460	123				123	Fully entitled, completion anticipated during planning period
Palos Colorados ADUs	0	30			15	15	Per approved development plan
Country Club Extension	19	65				65	Roads and utilities in place
Hetfield Estates	58	7				7	Project approved but not yet constructed. Extensions granted.
<b>TOTAL</b>	<b>537</b>	<b>225</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>210</b>	

Source: Barry Miller Consulting, 2022. See Appendix B for detailed inventory

Table 4-1 indicates 225 approved units expected to be built and occupied during the period covered by this Plan. These units are located in Palos Colorados, Moraga Country Club Extension, and Hetfield Estates. Completion of these developments will meet 47 percent of the Town's RHNA for "Above Moderate" income housing and nine percent of the RHNA for "Moderate" income housing. There are no lower income units planned in these three developments as they were approved as low-density single-family neighborhoods.

The three projects are further described below:

- Palos Colorados is a 123-unit single family home development on 460 acres. The housing will be clustered, allowing most of the site to be retained as open space. Most of the lots are 15,000 to 30,000 square feet. Site improvements have not been started, but all approvals and entitlements have been received and the lots have been recorded by the Assessor. The approved plans call for 30 of the homes to include accessory dwelling units (ADUs). Based on assumptions stated in the 2015 Housing Element (prior to the approval of the project), half of the ADUs are expected to serve "above moderate" income households and half are expected to serve "moderate" income households.
- Moraga Country Club Extension is a subdivision of 65 lots that adjoins the Moraga Country Club development. The project is planned for 65 new homes along an already-constructed 3,400-foot extension of Augusta Drive. Utilities are already in place and the lots have been subdivided and recorded.

- Hetfield Estates is a seven-unit subdivision on a 65-acre site. Most of the site is being conserved as open space, with the new units clustered near existing residences along Sanders Drive.

## 4.6: Housing Opportunity Sites

### 4.6.1: Vacant Sites Zoned for Low and Medium Residential Use

The site inventory in Appendix B includes 15 vacant sites that are zoned for low-density residential use (Table B-2) and six vacant sites zoned for medium-density residential use (Table B-3). The low-density sites are estimated to have the cumulative capacity for 242 units while the medium-density sites have the cumulative capacity for 200 units. Figure 4-1 shows the location of the low and medium density residential sites, all of which are currently vacant.

The low-density residential sites include five sites zoned at 3 units/acre, three sites zoned at 2 units/acre, one site zoned at 1.5 units/acre, and six sites zoned at 1 unit/acre. Nine of the 15 sites are estimated as having a capacity of four units or less and are individual vacant lots or parcels with the potential for lot splits or minor subdivisions. These are mostly infill sites abutted by existing development. Some of these parcels have constraints, including limited access and steep slopes.

The larger low-density residential sites include a combination of properties on the fringes of existing subdivisions and properties that would likely require planned development applications. Although these parcels are scattered across the town, most are owned by the same landowner. The larger properties include Indian Valley, which consists of more than 100 acres and has a General Plan designation of 1.5 units per acre. They also include two adjacent parcels on the east side of St. Mary's Road at the Lafayette border totaling 41 acres, zoned at 1 unit per acre. Due to the location and environmental sensitivity of these sites, and the need for internal street and utility systems, they would require a variety of environmental and feasibility studies prior to development.

The medium-density residential sites include three small infill parcels in the Donald Drive/ Ascot Drive area, and three large sites in the Moraga Center Specific Plan (MCSP) Area. The MCSP medium-density sites were specifically identified as housing opportunities in the MSCP and include:

- MCSP “Area 3” (Table B-3, ID C6) is just over 12 acres and is zoned R-12, meaning that 12 units per acre are allowed. The site represents a portion of a former pear orchard located west of Laguna Creek. It is described in the Specific Plan as an important

opportunity for medium-density housing, including townhomes and small lot single family homes.

- MCSP “Area 15” (Table B-3, ID C5) is 6.4 acres and is zoned R-6, meaning that 6 units per acre are allowed. This area is east of Moraga Road near Country Club Drive and is also a former orchard. A proposal for 33 units of small lot single family housing was recently submitted here under Senate Bill 330, but the application has expired.
- MCSP “Area 16” (Table B-3, ID C4) is 5.4 acres and is zoned R-12. This upslope site is located on the east side of Moraga Road just east of the Moraga Shopping Center. It is adjacent to townhome developments on the north and south. The MCSP provides direction that development should be clustered along Moraga Road, with the slopes on the eastern part of the site preserved as open space. As such, this site is more likely to develop with multi-family housing or townhomes than single family homes.

Areas 3 and 15 were listed in the 2015-2023 Housing Element but Area 16 was not.

The text box on the next page provides a description of the MCSP. Figure 4-2 shows Housing Opportunity sites in the MCSP area, including the numbered “Areas” identified by the MCSP. Figure 4-3 shows Housing Opportunity sites in the Rheem Center.

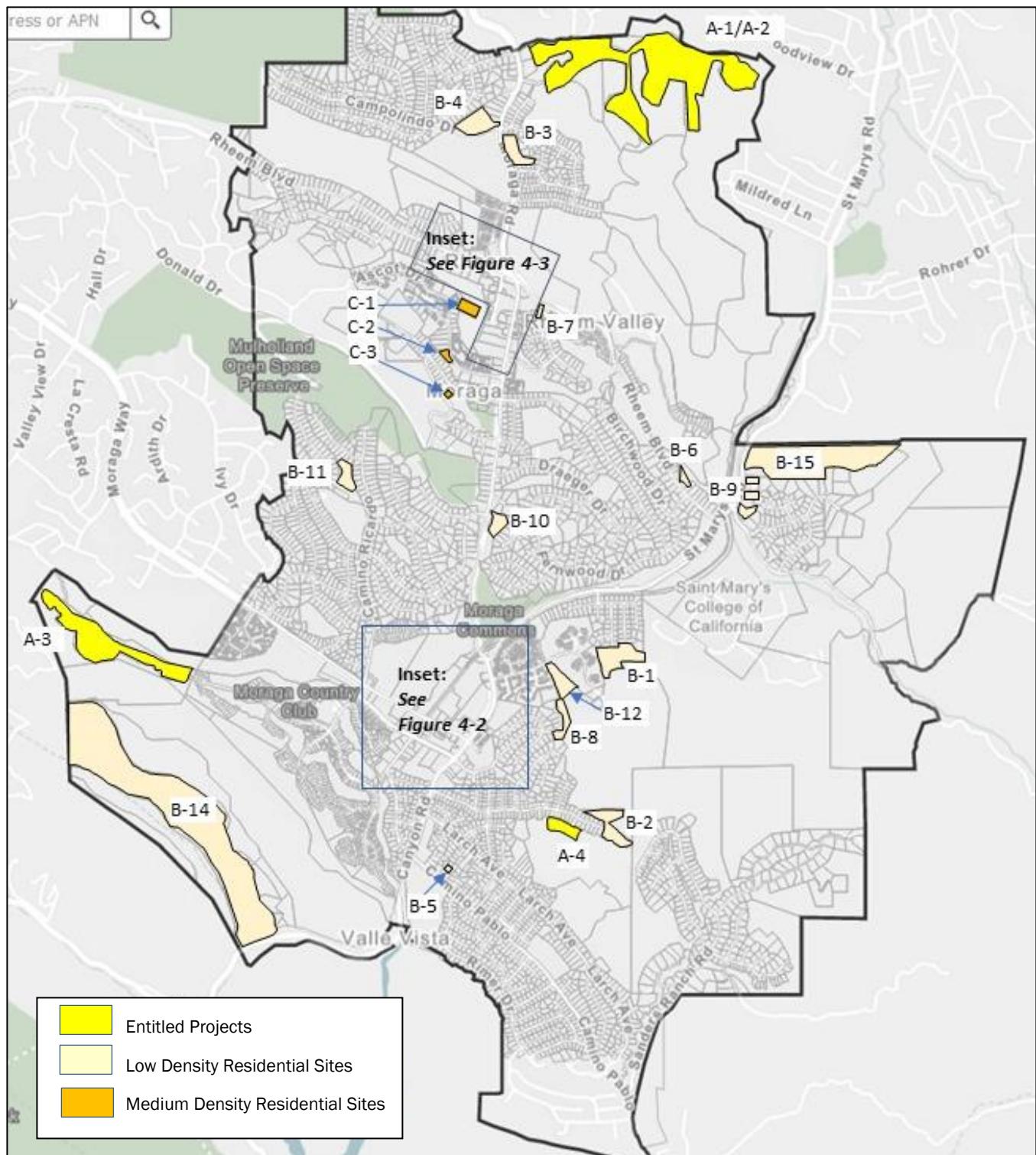


## Moraga Center Specific Plan

Moraga Center—a 187-acre area around the intersection of Moraga Road and Moraga Way—has been designated as a Priority Development Area by ABAG and the Metropolitan Transportation Commission. The Town adopted the Moraga Center Specific Plan (MCSP) in 2010 after a multi-year planning effort. The MCSP calls for the development of an attractive, pedestrian-friendly village with retail, office, and housing surrounding (and including) the Moraga Shopping Center.

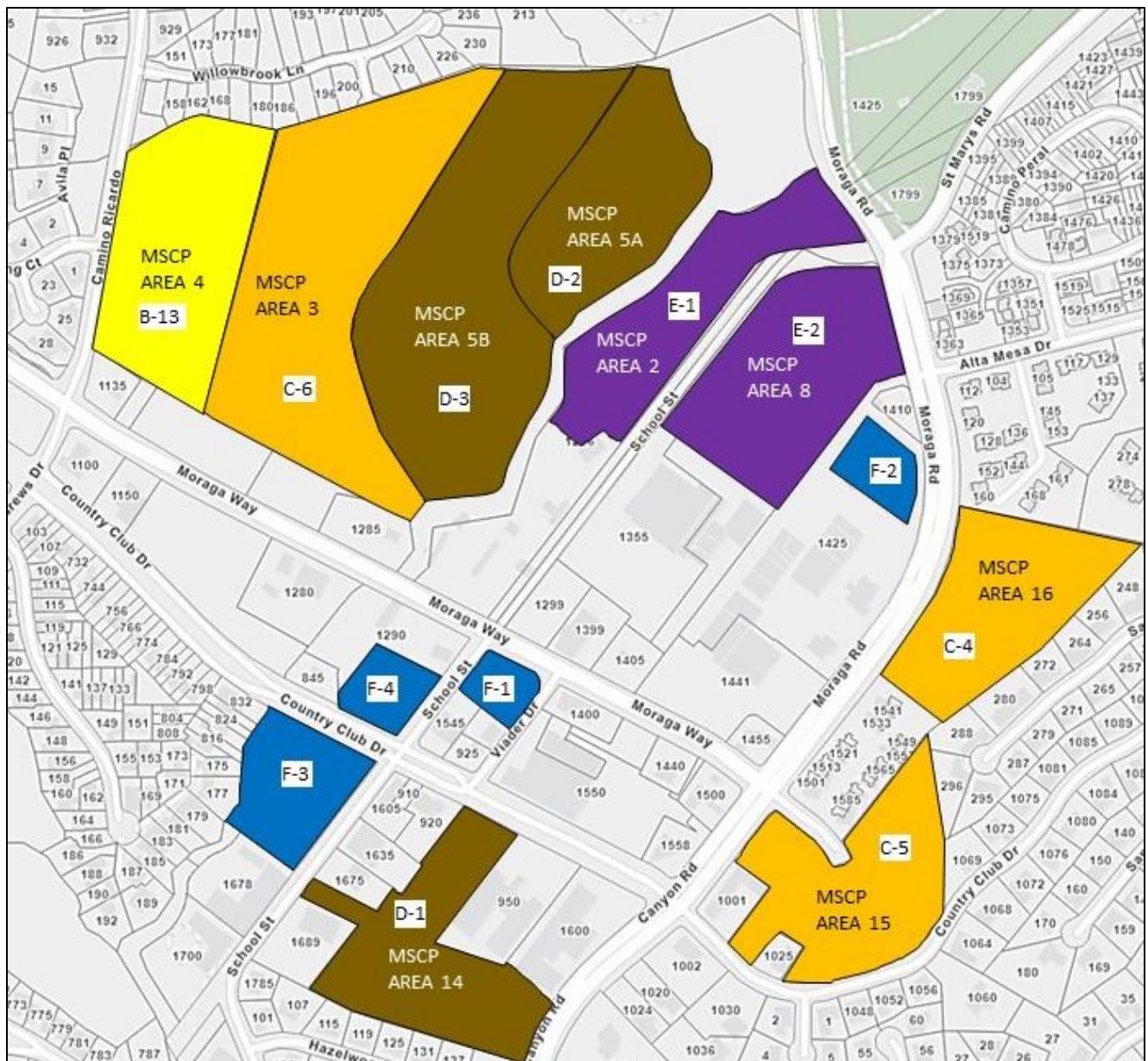
Rezoning occurred in two phases. The R-20 zone was created in 2010, providing opportunities for new housing at 20 units per acre. The remainder of the zoning changes were adopted in 2020. The 2020 zoning changes provided new incentives, streamlined processes, objective design standards, and “by right” approval opportunities, particularly on sites designated for mixed use development. Two residential projects—one with 26 units and the other with 36 units—have occurred in the MCSP area since adoption of the Specific Plan. This represents most of the residential construction that took place in Moraga during the 2015-2023 Housing Element period.

The MCSP provided CEQA clearance for up to 630 housing units. The EIR for the 2023-2031 Housing Element and related actions (e.g., the “Comprehensive Advanced Planning Initiative”) is increasing the 630-unit total to account for the increase in maximum density from 20 units per acre to 24 units per acre, and to recognize residential potential on Housing Opportunity Sites in mixed use areas. In total, the new EIR will provide CEQA clearance for approximately 355 housing units above and beyond the previous total. This includes the potential for 226 units in the MCSP-Retail Residential zone, 94 units in the MCSP-Office Residential Zone, and about 35 units in the High-Density Residential zone that were not identified in the previous Housing Element. Recognition of this capacity, as well as the rezoning of the Rheem Center, will ensure that Moraga can meet its RHNA for the next planning period.



Housing sites are shown with alpha-numeric labels. See Appendix B for full list.

**Figure 4-1: Low and Medium Density Housing Opportunity Sites and Entitled Projects**

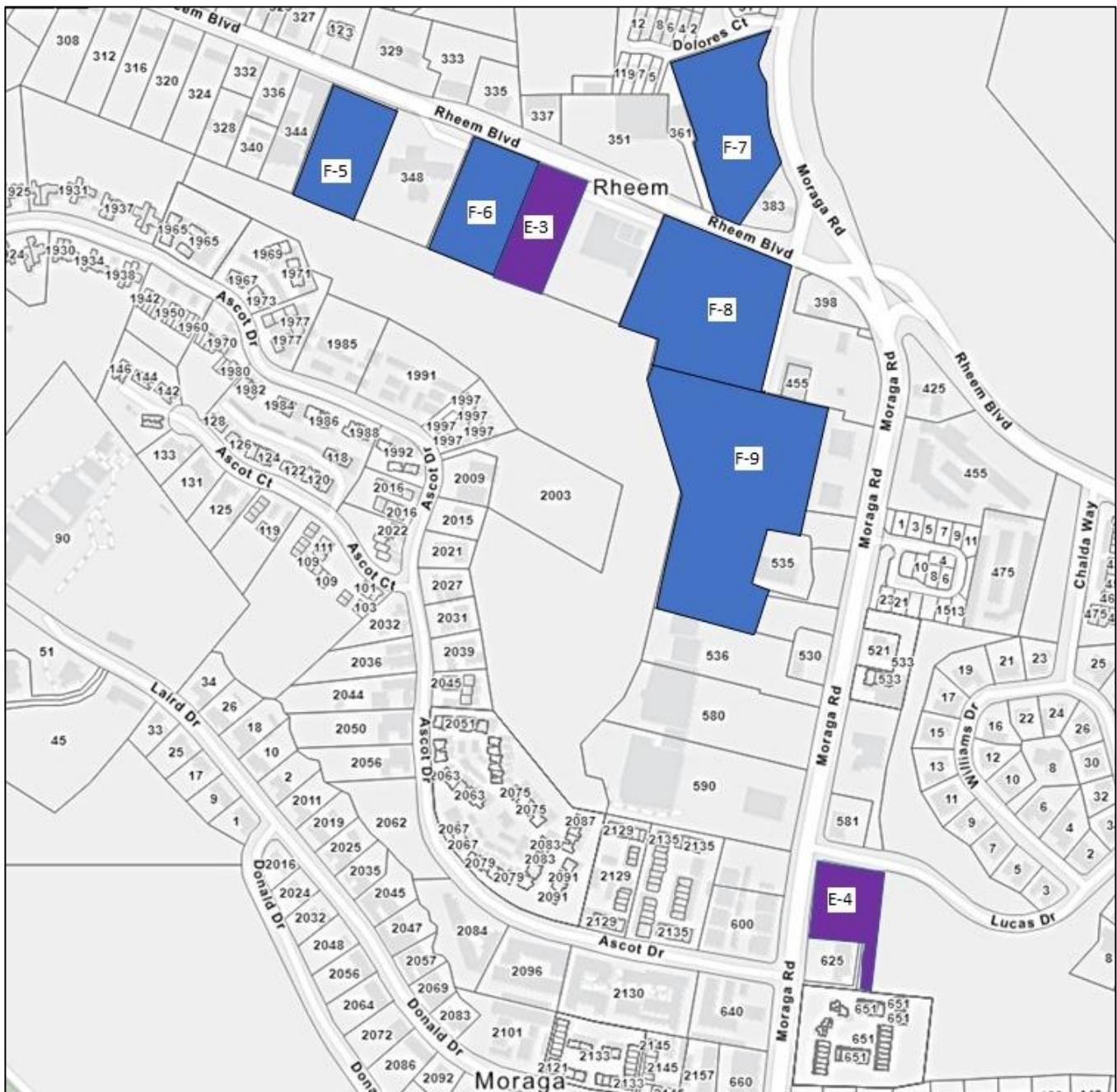


█ Low Density Residential Sites  
█ Medium Density Residential Sites  
█ High Density Residential Sites

█ Mixed Use Vacant Sites  
█ Mixed Use Non-Vacant Sites

Housing sites are shown with alpha-numeric labels. See Appendix B for full list.

**Figure 4-2: Housing Opportunity Sites in the Moraga Center Area**



Housing sites are shown with alpha-numeric labels. See Appendix B for full list.

## Mixed Use Vacant Sites

## Mixed Use Non-Vacant Sites

**Figure 4-3: Housing Opportunity Sites in the Rheem Center Area**

#### **4.6.2: Vacant Sites Zoned for High Density Residential Use**

There are three Housing Opportunity Sites that are vacant and zoned for high-density residential use (Appendix B, Table B-4). All three are located in the MCSP area. Two of the sites (referred to as “Area 5” in the MCSP) adjoin each other and are contained on the same assessor parcel. Area 5 is described by the MCSP as an ideal location for senior housing. When the underlying parcel was rezoned, it was assigned multiple zoning districts corresponding to the Specific Plan. An action program in this Housing Element recommends working with the property owner to support lot line adjustments and lot splits along zoning boundaries so that each of the zoned areas becomes a more viable development site.

The three Opportunity Sites are described below:

- MCSP “Area 5, part A” (Table B-4, ID D2) is zoned R-20A and is 6.1 acres. It is part of the same former pear orchard that includes Area 3 (described earlier). The property is located along Laguna Creek and is west of an area planned for higher density housing and commercial uses in a “village” setting on the east side of creek. The 2023-2031 Housing Element includes increases the maximum density on this site from 20 to 24 units per acre. A minimum density of 16 units per acre also applies.
- MCSP “Area 5, part B” (Table B-4, ID D3) is zoned R-20B and is 12.4 acres. Like the previous site, it is part of the former pear orchard. Portions of this site are gently sloping, and the property has high visibility from the Moraga Shopping Center and surroundings. This site is zoned for 20 units per acre and is envisioned by the Specific Plan as suitable for townhomes or apartments. A minimum density of 16 units per acre applies.
- MCSP “Area 14” (Table B-4, ID D1) is zoned R-20B and is 6.1 acres. This site is on the block bounded by School Street on the west, Country Club Drive on the north, and Moraga Road/Canyon Road on the east. The site is level and physically well-situated for higher density development. An application for a 123-unit apartment building was previously being considered for this property under Senate Bill 330. As part of the Housing Element Update, this site is being rezoned to allow 24 units per acre. A minimum density of 16 units per acre applies.

Areas 5 and 14 are shown on Figure 4-2. More information on these sites is included in Appendix B. All three of these sites were also listed in the 2015-2023 Housing Element.

#### **4.6.3: Vacant Sites Zoned for Mixed Use**

Four vacant sites zoned for mixed use development have been identified as Housing Opportunity Sites (Appendix B, Table B-5). Two of the sites are in the Rheem commercial area and two are in the Moraga Center Specific Plan (MSP) area. While all four sites could potentially support lower income housing, the Town has assigned half of the MSP site capacity to lower-income

housing and half to above moderate-income housing. This supports the Town's affirmatively furthering fair housing (AFFH) goals while maximizing flexibility and opportunities for affordable units. Total estimated capacity of all four sites is 250 units. This is a conservative estimate that excludes the potential for density bonuses.

The sites are described below

- MCSP “Area 2” (Table B-5, ID E1) is approximately five acres and is located between School Street and Laguna Creek just north of the Moraga Ranch property. The parcel is identified in the MCSP as having an opportunity for “village retail” activities, along with multi-family housing. Both “horizontal” mixed use and “vertical” mixed use projects are allowed here. The area provides opportunities for a linear open space along the creek, a Town Square as well as Creekside walkway and other outdoor amenities. As part of Housing Element adoption, the Town is increasing the allowable density from 20 to 24 units per acre. In addition, the Town allows commercial floor area based in a Floor Area Ratio limit of 0.85, which is measured independently of the residential capacity.<sup>27</sup>

Current activities on this site include an un-improved recreational vehicle storage area, two small cottages (not permitted for habitation), and open space. School Street currently “dead ends” at the property and is planned for extension to the Moraga Road/ St. Mary’s Road intersection.

- MCSP “Area 8” (Table B-5, ID E2) is an approximately 8-acre area immediately east of Area 2. It includes frontage along Moraga Road, School Street and the planned School Street extension, and the Moraga Shopping Center access driveway. The northeast corner of the site is a large gravel area used for seasonal product sales (Christmas trees, etc.). The southwest corner of the site is leased to a private entity for batting cages, operating under a Temporary Use Permit. A majority of the site is flat and unimproved, with grass and scrubby vegetation.

Area 8 consists of three separate assessor parcels, plus several small “sliver” parcels with their own APNs. Like Area 2, it has mixed retail-residential zoning with additive standards for commercial and residential development.

Areas 2 and 8 are shown on Figure 4-2. Neither of these sites was included in the 2015-2023 Housing Element.

- West of Rheem Theater Lot (Table B-5, ID E3). This site is 1.26 acres and is located immediately west of the Rheem Theater on Park Street/Rheem Boulevard. The property is

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<sup>27</sup> In other words, a one-acre parcel could include 37,026 square feet of commercial space plus 24 units of housing.  $43,560 \text{ SF} \times \text{FAR of } 0.85 = 37,026 \text{ SF}$

an unpaved vacant lot and is privately owned. It has been considered for housing in the past but has never been listed in prior Housing Elements. In 2022, the underlying Suburban Commercial zoning on this site did not allow housing—that will change with adoption of this Housing Element. The new zoning will allow multi-family residential uses up to 24 units per acre, as well as offices, mixed use, and other commercial activities.

- Lucas Drive/Moraga Road (Table B-5, ID E4). This is a 1.18-acre vacant, unimproved lot at the southeast corner of Lucas Drive and Moraga Road. The Town has received inquiries from property owners about housing here, but the parcel has not been previously listed as an opportunity site. As part of the Housing Element Update, it is being rezoned to permit up to 24 units per acre.

#### 4.6.4: Underutilized Sites Zoned for Mixed Use

There are nine non-vacant (“underutilized”) sites zoned for mixed use development on the Housing Opportunity Site list (Appendix B, Table B-6). Four are located in the Moraga Center area and five are located in the Rheem area. All of these sites are considered “improved” by the County Assessor, although the value of improvements tends to be less than the value of the land. Moreover, the floor area of structures on each site is well below what it is allowed by zoning. These parcels may also have vacant storefronts, closed businesses, and other conditions that make them well suited for housing. Total estimated capacity for the non-vacant mixed use sites is 436 units.

The Moraga Center sites are described below and are shown on Figure 4-2:

- 1600-1660 School Street (Moraga Office Plaza) (Table B-6, ID F3). This 2.9-acre site is comprised of four parcels, each with a one-story office building built in the 1970s. The site is zoned MCSP Mixed Office-Residential. The Planning Commission considered a design concept for housing on this site a few years ago, and the current property owner has expressed interest in building housing on the site. Zoning changes being implemented as part of the Housing Element Update will allow 24 units per acre.
- Moraga USD Offices/Yard (Table B-6, ID F4). This is a 1.15-acre site owned by AT&T and leased to the Moraga Unified School District. It includes a small administrative office building, but most of the site is used for vehicle and equipment operations, maintenance and storage. Given the location of the site in Moraga’s “Town Center,” it presents an opportunity for teacher housing or other housing that serves low and/or moderate-income workers.
- Moraga Garden Center (Table B-6, ID F2). This is an approximately one-acre site that was home to a plant nursery/ garden center for 49 years. The nursery has permanently closed. The site is part of a larger parcel that includes the Moraga Shopping Center and would likely

need to be split off as its own parcel prior to development. The Housing Element proposes a zoning change to this site from MSCP-Commercial to MSCP Mixed Retail-Residential (MSCP-RR). With the proposed increase in MSCP R-R densities, it could develop at 24 units per acre.

- 1350 Moraga Way (Table B-6, ID F1). This site includes two parcels with the same owner. It encompasses the north half of the block bounded by Moraga Way, Country Club Drive, School Street, and Viader Drive. The westerly parcel includes a single family house being used as a pre-school. The easterly parcel is completely vacant and is a flat, developable lot. The parcels are being rezoned from MSCP-Commercial to a mixed use designation that will allow multi-family housing up to 24 units per acre.

The Rheem Center sites are described below and shown on Figure 4-3:

- 346 Rheem Boulevard (Table B-6, ID F5). This is a 16,000 square foot office building that is currently being marketed for sale as a “high-density residential redevelopment site.” The Town has received inquiries from prospective purchasers regarding high density housing. In 2022, housing was not a permitted use in the Suburban Office zoning district. As part of Housing Element adoption, this parcel is being rezoned to a mixed use office-residential district that allows housing up to 24 units per acre.
- 350 Rheem Boulevard (Table B-6, ID F6). This is an 8,100 square foot single story office building constructed in 1964. The existing floor area ratio is only 0.1 on this property, and most of the site is parking and lawn. The building had been leased to a private school until 2021. The property is currently vacant and for sale. Like 346 Rheem, the parcel is being rezoned to a new mixed office-residential district that will allow housing up to 24 units per acre.
- 380 Moraga Road (Table B-6, ID F7). This was originally a supermarket but subsequently was purchased by St. Mary’s College. The college has expressed interest in using this 2.5-acre property for multi-family housing, potentially including affordable units for faculty and staff. Although housing is not permitted by the Community Commercial zoning that was in place in 2022, adoption of the Housing Element and related zoning amendments will allow up to 24 units per acre.
- Rheem Shopping Center (Table B-6, ID F8 and F9). The Rheem Shopping Center is a 165,000 square foot shopping center on approximately 18 acres at the southwest corner of Rheem Boulevard and Moraga Road. The Center was initially built in 1955 and is currently anchored by TJ Maxx, CVS, Dollar Tree, and the Moraga Post Office. A Home Goods Department store (under separate ownership) is located south of the center. There are also a number of outparcels within the center perimeter that are owned by other parties. A portion of the shopping center includes a second level with office space, but a majority of

the site is a single-story retail strip. Large areas between the shopping center and Moraga Road are used for parking. Most of the site is under single ownership.

Over the course of the Housing Element Update, Town staff met with the primary landowner to discuss the possibility of housing on the site. Based on these conversations, the northern half of the Shopping Center property (including the outparcels) is being rezoned from Community Commercial to a new Mixed Retail-Residential designation that would facilitate multi-family and mixed use housing construction. Two Housing Opportunity Sites have been identified within this area:

- The first opportunity site includes the northeast corner of the shopping center and is approximately 4 acres. It includes the portion of the center with ground floor retail and upper story office uses. Realistic capacity for this area is estimated at 80 units (Table B-6, ID F8).
- The second opportunity site includes the area immediately to the south of the first site. This site spans both sides of Center Street (the drive aisle that runs between the parking lots and retail facades). This site is slightly larger than the first site but most of the acreage is parking. The Housing Element recommends an urban design plan for the Rheem Center to ensure that the reuse of the center is attractive, creates new gathering places and civic amenities, and addresses pedestrian, bicycle, and vehicle circulation and parking needs (Table B-6, ID F9).

#### **4.6.5: Non-Vacant Site Analysis**

Approximately 47 percent of the lower income housing capacity described in the previous sections is associated with vacant sites (279 out of 614 units). The remaining 53 percent (335 out of 614 units) is associated with non-vacant—or “underutilized”—sites. Government Code Section 65583.2(g) allows cities and towns to include non-vacant sites in their housing site inventories, provided that they:

1. Consider the extent to which existing uses may constitute an impediment to residential development
2. Consider the jurisdiction’s prior experience converting existing uses to higher density residential development, as well as market trends
3. Consider regulatory or other incentives to encourage residential development on such sites.

The Town has determined that the non-vacant sites are feasible based on existing conditions, interviews with developers and property owners, development trends in Central Contra Costa County, and metrics such as floor area ratio and improvement to land value ratio.

The analysis of Housing Opportunity Sites in Appendix B includes data on existing uses for each site. The non-vacant sites include:

- Several office buildings, including one that is completely vacant, one that is for sale and being actively marketed as a high-density residential development site, and a “complex” of four small buildings for which conceptual housing plans have been already presented to the Planning Commission for discussion.
- A tenant-operated space most recently in use as a garden center/nursery but now closed.
- A small house in the town center being used as a day care center, adjoined by a flat, vacant half-acre development site.
- A non-residential building, formerly occupied by a supermarket and converted to offices/storage by St. Mary’s College that has been discussed as a potential location for off-campus workforce housing.
- A 67-year old one-story strip shopping center with a number of vacant storefronts and large areas of surface parking.

In most instances, the owners of the listed sites have communicated an interest in redevelopment to the Town. Some have already prepared conceptual site plans. The principal constraint to reuse is that a few of the properties have existing uses that would need to relocate (either permanently or temporarily) in order for housing to be constructed. On sites where this is an issue, the Town will work with property owners and tenants to minimize economic disruption and retain these businesses in Moraga.

The reuse of older commercial sites with multi-family housing is a well-established trend in the Bay Area, although it is relatively new to Moraga. Historically, most of Moraga’s development has occurred on vacant land. Since 2015, the Town has seen the redevelopment of a bowling alley with a 17-unit small lot single family housing development. It has also seen a 36-unit single-family housing development on a site previously zoned for office uses on Country Club Drive.

Market factors and development trends support the conversion of additional non-vacant sites in the Town to higher-density housing. Recycling of older commercial sites is occurring in almost every East Bay city in response to a diminishing supply of vacant sites and an emphasis on transit-oriented development. In nearby Lafayette, approved multi-family projects include sites previously developed with offices, retail stores, a gas station and an auto repair facility. A 2-acre restaurant site in Lafayette was recently developed with 66 townhomes. In Danville, the town’s largest multi-family project in several decades was recently completed on a former office building site. Danville also recently approved a 37-unit mixed use project on a property currently in use as a restaurant. The conversion of commercial properties to residential is occurring on an even larger scale in Walnut Creek.

Hundreds of units in that city have been developed on underused commercial sites, institutional properties, and BART parking lots.

With the adoption of new MCSP mixed use zoning in 2020 and the upcoming rezoning of the Rheem Center, the Town will be better positioned to support reuse of commercial properties with multi-family housing. Moraga's zoning provides a strong incentive for mixed use by regulating the allowable number of housing units (i.e., density) separately from the allowable square footage of commercial space (i.e., Floor Area Ratio). This helps support larger projects and provides an incentive to add housing on sites that might otherwise develop only with commercial uses. The 45' height limit in commercial/ mixed use areas is also conducive to buildings with three to four stories, including residential use above ground level parking or commercial uses. Proposed modifications to parking standards will further create regulatory conditions that support mixed use. Multi-family housing meeting objective design standards is also permitted "by right," providing greater certainty and a pathway to faster approval.

#### **4.6.6: Accessory Dwelling Units (ADUs)**

Government Code Section 65583.1(a) allows a city or town to account for ADUs in its calculation of housing opportunities. In the four years from the start of 2018 through the end of 2021, the Town of Moraga entitled 11 ADUs, or an average of 2.75 units per year. The number of ADUs permitted per year was trending upward, however, with seven units entitled in 2021 alone. The Town expects continued interest in ADU development during the 2023-2031 planning period. For Housing Element purposes, it is assumed that four ADUs per year will be added, or a total of 32 units over the planning period.<sup>28</sup> These units will develop incrementally on scattered sites zoned to allow low density single-family residential dwellings (one, two and three dwelling units per acre).

ADUs are generally rented at market rates and serve households with a range of incomes. In some instances, an ADU may be offered "rent free" or rented at a discount to a family member or friend. These units may meet a portion of the Town's need for "very low income" (or even "extremely low income") housing. In general, ADUs tend to be more affordable than conventional apartments. They are often smaller, and their owners may be more interested in a reliable, stable tenant than maximizing profit. Further, the unit cost of constructing an ADU is typically less than the unit cost of building a multi-family apartment, as the land on which the ADU is built is already owned by the homeowner and in many cases the structure already exists.

To count ADUs toward the RHNA, the Town must estimate the income groups these units will serve. The size of the unit is sometimes used as a metric, with units smaller than 500 square

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<sup>28</sup> The 32-unit projection does not include the 30 ADUs that were approved as part of the Palos Colorados subdivision.

feet presumed to be affordable “by design” to lower-income households and units larger than 500 square feet presumed to be affordable to moderate-income households. In 2021, the Association of Bay Area Governments (ABAG) published the findings of a rent survey based on data provided by 387 ADU owners across the Bay Area. The report includes recommendations for local governments seeking to estimate ADU production using the four income categories required for the Housing Element. In jurisdictions that historically have not produced affordable housing, the survey recommended the following assumptions:

- Very Low Income: 5%
- Low Income: 30%
- Moderate Income: 50%
- Above Moderate Income: 15%

Applying these percentages to the forecast of 32 units over eight years yields the following breakdown:

- Very Low Income: 2 units
- Low Income: 9 units
- Moderate Income: 16 units
- Above Moderate Income: 5 units

This distribution has been incorporated in this Housing Element.

It should be noted that the town has much more theoretical capacity for ADUs than what is presumed for Housing Element purposes. Moraga’s housing stock is conducive to ADU and Junior ADU construction. The median single family lot size in the town is 15,000 square feet. Most homes are larger than 2,000 square feet and 52 percent have four bedrooms or more. Based on 2020 Census data, 57 percent of the Town’s owner-occupied homes have only one or two occupants. The Town has a large number of older adults, including households who might benefit from an on-site home care provider, or from the extra income an ADU can provide. Most Moraga homes have space for off-street parking and relatively flat backyards for accessory structures. Some have pool houses and guest quarters that could be converted into independent dwellings.

As required by State law, the Town allows the conversion of such structures to ADUs, and it supports the creation of Junior ADUs within existing residential footprints. A program in this Housing Element supports expanded education and outreach to homeowners regarding opportunities for ADU construction.

#### **4.6.7: Summary of Housing Opportunities**

Table 4-2 summarizes housing opportunities for the 2023-2031 planning period, adding together entitled projects, Housing Opportunity Sites, and projected accessory dwelling units (ADUs). The table indicates the capacity for 1,802 additional units. About 12 percent of this total is associated with entitled projects. About 2 percent is associated with ADUs. The remaining 86 percent is associated with potential development on the Housing Opportunity Sites.

Of the Housing Opportunity Sites, 75 percent are vacant and 25 percent are non-vacant. With the adoption of zoning changes proposed as part of the Town's Comprehensive Planning Initiative, the Town will have the capacity for roughly 1,100 units on sites zoned as high-density residential or mixed use. As Table 4-2 indicates, the multi-family sites have been distributed across the three income categories in a way that ensures the RHNA can be met. It is possible that some of the lower income sites may develop with market-rate housing, but it is also possible that some of the moderate and above moderate sites will develop with affordable units. The Town has identified significant buffers in all income categories. For lower income sites, the Town has identified a 25 percent buffer.

More detailed assumptions for each site can be found in Appendix B.

**Table 4-2: Capacity to Meet the RHNA by Income Category**

Site Type	Income Category			TOTAL
	Low/ Very Low	Moderate	Above Moderate	
Entitled Projects (Development Pipeline)	0	15	210	225
Housing Opportunity Sites				
Vacant, zoned for Low Density Residential	0	0	242	242
	0	18	182	200
	129	288	0	417
	150	0	100	250
	335	0	101	436
Accessory Dwelling Units	11	16	5	32
<b>TOTAL</b>	<b>625</b>	<b>337</b>	<b>840</b>	<b>1,802</b>
RHNA	501	172	445	1,118
<b>Buffer</b>	<b>+124</b>	<b>+165</b>	<b>+395</b>	<b>+684</b>
<b>Percent Buffer for Lower Income Sites</b>	<b>25%</b>			

Source: Barry Miller Consulting, 2022. See Appendix B for detailed inventory

## 4.7: Other Considerations

The Government Code requires consideration of environmental constraints and infrastructure as part of the Opportunity Site analysis. Data for each site is provided in Appendix B and is summarized below. This section also considers the ability of the housing sites to affirmatively further fair housing.

### 4.7.1: Environmental Constraints

The Moraga General Plan establishes environmental preservation, including preservation of ridgelines and open space areas, as a guiding principle for new development. Development in open space areas requires higher levels of environmental analysis than development on flat, previously disturbed areas. Policies in the General Plan and Local Hazard Mitigation Plan provide a framework for reviewing development on sites deemed to contain environmental constraints.

Each of the housing opportunity sites was evaluated based on environmental and natural hazard conditions. While these conditions do not preclude development, they may require additional development costs or reduce the number of units that could potentially be accommodated on a

given site. The Town has adopted various regulations and standards to mitigate these hazards where development is proposed:

- **Slopes over 20 percent.** Hillside sites are typically more expensive and difficult to develop than flat sites, and are subject to special requirements for roads, building sites, landslide mitigation, and grading. From 2014-2018, the Town undertook a Comprehensive Hillside and Ridgeline Protection Project, including an evaluation of soil stability, steepness of slope, proximity to ridgelines, accessibility (distance to road), hydrology, vegetation, development features, and visibility. This analysis resulted in Hillside Development regulations, including requirements for hillside development permits. Many of the lower density housing sites in Appendix B are on hillside sites, but the higher density and mixed use sites are generally on flat ground and are not affected by these requirements.
- **Geologic hazards.** Some of the hillside sites may include areas at risk of landslides. The Town requires geotechnical reports on most hillside sites to identify foundation design requirements, road design standards, and other measures to ensure slope stability and protect the safety of life and property. The Town created a Geologic Hazard Abatement District in 2015 to facilitate development of the Palos Colorados, Hetfield Estates, and Bella Vista (Rancho Laguna) subdivisions.
- **100-year flood plain.** Moraga is traversed by a number of creeks, some of which have associated flood plains. While construction in the 100-year flood plain is not prohibited, drainage and hydrologic reports may be required, and special design and construction standards are prescribed to reduce flood hazards. Properties along creeks are also subject to a 50-foot setback requirement from the top of the stream bank. Flood plain areas may also include ecologically sensitive riparian corridors.
- **Wildfire hazards.** CALFIRE has mapped areas across California based on their wildfire hazard severity levels. One of the housing sites in Appendix B (Indian Valley) is in a “very high” fire severity hazard area, and few others are in “high” severity areas. Sites in high fire hazard areas are subject to specific Building Code and Fire Code requirements that may affect the cost of development. They are also subject to special requirements for internal streets, fire-fighting water supply, and emergency vehicle access.
- **Biological resources.** Areas with sensitive biological resources include sites with riparian corridors, wetlands, oak woodlands, and protected trees as well as areas with potential habitat for special status species. Some of the lower density sites include such areas, but the higher density and mixed use sites generally do not. Sites with potential biological resources may be subject to requirements for site-specific plant and animal surveys, and mitigation measures relating to tie timing and method of construction and grading activities.

The sites identified as suitable for lower income housing in Moraga are only minimally affected by the environmental factors listed above. A few of the higher-density residential sites in the MCSP area are on moderate slopes and will require grading for roads and building pads. This includes the former orchard west of Laguna Creek and the orchard on the east side of Moraga Road opposite the shopping center (Area 16). There is also a riparian corridor along Laguna Creek, meaning that projects along the creek will be required to preserve a 50' setback from the top of the bank. Chapter 6 of this Housing Element describes the regulations that apply to these sites, including Municipal Code standards for projects in the 100-year flood plain.

The environmental constraint that was mentioned most frequently during the Housing Element community outreach process is the risk of wildfire. The Town's Fire Hazard Area regulations are listed in Chapter 8.110 of the Municipal Code. They are designed to ensure that any new development is constructed in accordance with Chapter 7A of the California Building Code (Materials and Construction Methods for Exterior Wildfire Exposure) and all other applicable laws. Even outside the Very High Fire Hazard Severity Zones (VHFHSZ), some of the low-density sites are located on hilly brush-covered terrain that are prone to wildfire. There is a possibility that parts of the Rheem Center may be added to the VHFHSZ during the lifetime of this Housing Element. This could require additional measures that affect the cost of construction in order to improve resilience and reduce hazards. There is also a need for sustained emergency preparedness and evacuation planning, particularly as periods of extended drought and heat become more common.

#### **4.7.2: Availability of Infrastructure to Serve Housing Sites**

Public facilities and infrastructure have a direct influence on the Town's ability to accommodate residential growth. This includes access to roads, water, sewer, storm drainage, electric, gas, and telecommunications facilities. As shown in Appendix B, most of the sites identified in this Element currently have access to all public facilities and infrastructure. However, some of the lower-density sites would require internal street and utility systems and a few would require the extension of utilities to the property prior to constructing on-site improvements. Both on-site and off-site improvements generally occur at the developer's expense, representing an additional cost and factor in determining the feasibility of development.

About 60 percent of the Town's lower income housing potential is in the Moraga Center Specific Plan (MCSP) area. The MCSP concluded that the area has sufficient water and sewer capacity, as well as dry utility capacity, to meet anticipated demand. However, localized improvements will be needed to extend service from existing water and sewer mains into proposed development sites, especially in the orchard area west of Laguna Creek. A bridge across Laguna Creek is shown on the MCSP. Although the Specific Plan notes this could be a pedestrian/

bicycle bridge, more detailed traffic studies and site plans could determine that a complete road crossing is needed.

Development of the MCSP Retail-Residential sites at the north end of School Street will require completion of a 500-foot extension of School Street so that it aligns with the Moraga Road/ St. Mary's Road intersection. Intersection and signal improvements also will be needed. Overall, there is need for follow-up infrastructure and circulation planning in the western part of the MCSP area to resolve infrastructure alignment, design, and cost issues. The 2010 MCSP recommended a development agreement with the landowner and other financial incentives to make these improvements more viable. An action item in this Housing Element calls for continued coordination with the primary landowner on infrastructure planning, as well as applications for grants and other funding sources to complete necessary improvements.

The Rheem area sites have fewer infrastructure needs, and currently have road access, water, sewer, and dry utilities. There is a storm sewer easement running north-south through the eastern part of the Shopping Center that could potentially affect development footprints along Moraga Road. This easement does not affect the capacity of the sites, as calculated in the Housing Element.

#### **4.7.3: Contribution of the Housing Sites toward Affirmatively Furthering Fair Housing**

Pursuant to AB 686, housing sites must be identified throughout the community in a manner that affirmatively furthers fair housing (AFFH) (Government Code Section 65583(c)(10)). This means that sites identified to accommodate the lower income need are not concentrated in "low resource areas." Low resource areas are neighborhoods with low-performing schools, poor environmental health indicators, and more limited access to jobs and economic opportunity.

In Moraga's case, the entire Town is a high-resource area. As indicated in Appendix A (AFFH analysis, Figure A-32), the community is relatively homogenous and there are not significant differences in income, education levels, tenure, or special needs from one census tract to the next. Providing affordable housing opportunities *anywhere* in the Town supports AFFH goals. However, given that the Town must plan for 501 lower-income units, it is important that the identified sites are not all concentrated in a single location or area. The Town has distributed most of the lower income RHNA between its two commercial/mixed use districts to ensure geographic dispersal. These sites are spread across each of the commercial/mixed use districts and are not concentrated on a single parcel, or in a single location within each district.

Moraga is also evaluating ways to introduce affordable units in established single family neighborhoods. It is important that the Town affirmatively further fair housing in these areas, as well as in its mixed use districts. ~~The Town could consider applying One potential way of doing this would be to apply~~ inclusionary housing requirements across the entire town or in specific upzoned rather than only in multi-family areas. Another way ~~of~~ doing this is by

encouraging accessory dwelling units (ADUs). Although the number of projected lower income ADUs is small relative to the total RHNA (see Table 4-2 above), they provide an ideal way to distribute lower cost housing in high resource areas. As indicated in the Housing Plan (Chapter 6 of this document), the Town will encourage ADUs as a way to create housing that is affordable “by design” in areas that are otherwise unaffordable to lower income households.

#### **4.7.4: Energy Conservation**

Government Code 65583(a)(7) requires that the Housing Element include “an analysis of opportunities for energy conservation with respect to residential development.” State guidelines recommend that this analysis identify measures to incorporate energy-saving features, materials, and design in residential development. These measures indirectly reduce housing costs since they can reduce monthly utility bills. They also provide the collateral benefit of reducing greenhouse gas emissions and creating a more sustainable community.

The link between energy conservation and housing also includes transportation. The transportation sector is the single greatest consumer of energy in California, and the largest source of greenhouse gas emissions. Reducing transportation costs can leave more disposable income for housing. Much of the regional planning focus over the last decade has been focused on reducing vehicle miles traveled (VMT) by making it easier to live closer to work, or travel shorter distances for shopping and services. Housing Elements can contribute to that goal by supporting more compact growth that makes walking, bicycling, and transit use more viable.

The discussion below covers the design techniques that can be used to reduce residential energy consumption, the building code standards that support energy conservation, the link between the Town of Moraga’s Climate Action Plan and housing, and the energy efficiency programs and cost subsidies that are currently available to Moraga households.

#### **4.7.5: Design Techniques**

Residential energy costs can be significantly reduced through site planning. New buildings can be oriented to retain natural heat during the winter and keep natural heat out during the summer. This reduces heating and air conditioning demands. Design techniques to reduce energy consumption include:

- Using materials (such as stone, brick, and concrete) that absorb heat during the day and release heat at night
- Using window coverings, insulation, and other materials to reduce heat exchange between the interior and exterior
- Locating openings and ventilating devices to take advantage of natural air flow
- Using eaves and overhangs that block direct solar gain through window openings during the summer, but allow solar gain during the winter
- Orienting the long axis of dwellings north-south, while minimizing southern and western exposure

- Locating dwellings to take advantage of natural air circulation and evening breezes
- Locating windows and building openings in a way that considers the path of the sun
- Using landscaping features such as shade trees to moderate interior temperatures

These measures apply primarily to new construction and major additions. Even more significant gains can be made through the retrofitting of existing construction. Much of Moraga's housing stock was built before current energy efficiency standards were in place. Weatherization and insulation can reduce heat gain and loss in older homes. Likewise, the replacement of older home appliances with energy-efficient appliances, and the replacement of older windows with glazed or dual-paned windows can repel summer heat and retain winter warmth. Moraga's climate makes it well suited for photovoltaic panels and other solar devices.

Energy-efficiency retrofits may be cost-prohibitive for lower income homeowners and are not an option for most renters. Financial incentives such as those available through the Contra Costa County Neighborhood Preservation Program can help. The Program provides loans to low- and moderate-income individuals for plumbing and heating repair, roof replacement, and energy efficiency upgrades.

#### **4.7.6: Building Codes**

The State's Green Building Standards Code (also known as "CALGreen"), mandates statewide energy efficiency and water conservation measures for all new construction. It also promotes healthy indoor and outdoor air quality in accordance with the provisions of AB 32. Moraga adopted CALGreen standards in 2016 and updated these standards in 2019. The updates added new requirements to further reduce energy consumption in new or remodeled buildings, while also adding standards for reduced water use, recycling of construction debris, and low-emissions interior finish materials (e.g., paint, carpet, etc.). CALGreen also promotes the development of renewable energy systems and electric vehicle charging infrastructure.

The Green Building Code requirements supplement those already in place under Title 24 (Parts 6 and 11), including California's standards for energy-efficient design and conservation. The next set of Title 24 standards will take effect at the State level on January 1, 2023. The new requirements encourage efficient electric heat pumps, establish electric-ready requirements for new homes, expand solar photovoltaic and battery storage standards, and strengthen ventilation standards.

The Town also uses "Build it Green" guidelines for new home construction, including site planning, foundations, landscaping, structural frame and building envelope, exterior finishes, insulation, plumbing, heating, ventilation, air conditioning, renewable energy, building performance, finishes, floor, appliances, and other features. These guidelines were developed by Build it Green, an East Bay nonprofit whose mission is to promote green building. The guidelines use a point system, with a minimum number of points in specific categories.

Like energy, water service is also considered an indirect housing expense. As such, reduced water use can help reduce monthly housing costs. Moraga has adopted a Water Efficient Landscaping Ordinance (WELO), which includes specific requirements and guidelines to reduce water consumption and use drought-tolerant plant materials. Locally adopted building codes also encourage water efficient faucets, showerheads, and toilets. East Bay Municipal Utility District (EBMUD) provides technical support and education for customers to reduce water waste and track their water use.

#### **4.7.7: Energy Action Plan and Climate Action Plan**

Moraga drafted an Energy Action Plan (EAP) in 2013. The plan was designed to reduce emissions resulting from energy use and included a variety of recommendations related to conservation and energy efficiency. In 2014, some of the recommendations of the EAP were incorporated into the Moraga Climate Action Plan (CAP). While the CAP was not formally adopted, it has been used as a benchmark for monitoring the Town's efforts to reduce greenhouse gas emissions. The CAP supports continued implementation of various green building and energy efficiency requirements, while aspiring to expand the use of solar energy and Energy Star certification criteria.

Some of the CAP measures relate to land use and transportation. This includes programs to reduce vehicle miles traveled and encourage walking, bicycling, and carpooling. The CAP's targets include a 10 percent reduction in car trips to school, and a 5 percent reduction in single vehicle occupancy trips. The CAP also supports the use of transportation demand management (TDM) measures that make it easier to get around Moraga without a car. The 2023-2031 Housing Element strongly advances one of the CAP's major initiatives, which is to make it more possible for persons working in Moraga to live locally, thereby reducing car travel and related emissions.

#### **4.7.8: MCE**

In 2017, The Town of Moraga became the first community in Contra Costa County to enroll in MCE (formerly Marin Clean Energy), a Community Choice Aggregation Program serving a number of Bay Area communities. MCE provides Moraga's residents and businesses with the ability to select the source of their electricity supply. The current electricity options MCE offers are "Light Green" (50% from renewable sources) and "Deep Green" (100% renewable - zero emissions). Pacific Gas and Electric (PG&E)'s default option is 33% renewable, while it also offers a 100% renewable option called "Solar Choice."

In April 2018, all 6,417 existing residential and commercial electric accounts in Town were automatically enrolled in MCE and provided with the ability to opt out at any time. Most of those accounts remain enrolled in MCE today.

#### 4.7.9: Energy Management and Efficiency Programs

There are a number of other programs designed to provide energy efficiency for residents of Moraga and surrounding communities:

- **Bay Area Regional Energy Network (BayREN)** provides energy efficiency rebates, no-cost energy consulting to Contra Costa County residents. Single family homeowners can receive rebates up to \$5,000. BayREN also offers a program for multifamily property owners to receive \$750 per unit for improvements that reduce their building's energy use by 15 percent.
- **Property Assessed Clean Energy (PACE)** is a financing tool that allows property owners to borrow money to pay for renewable energy systems, energy efficient improvements, seismic retrofits, and more by spreading the cost of the upgrade over a period of time. Payments are made through a special assessment on the property tax bill. Moraga does not use PACE financing at this time, but it has been discussed.
- **East Bay Energy Watch (EBEW)** is a collaboration between PG&E, local governments, and non-profit and for-profit energy service providers in the East Bay. EBEW's provides no cost home energy assessments, energy assistance to multi-family buildings and local businesses, and recommendations for cost-effective energy retrofits that can reduce monthly utility costs. Recommendations can include simple solutions such as replacing old and inefficient lighting or replacing outdated appliances. Energy watch also offers technical assistance for implementation of energy efficiency projects and rebates to help defray project costs.
- **Energy Upgrade California** is a statewide initiative committed to helping Californians be more energy efficient and use more sustainable natural resources. They offer planning assistance and cash rebates to multi-family properties that undertake energy and green upgrades. The program is designed to save 10 percent or more of a building's energy usage. They also provide assistance and incentives for home improvement projects.
- **Energy audits** are offered by MCE and PG&E. These programs are intended to identify sources of energy loss in private homes, with follow-up recommendations to address deficiencies. The audit includes a review of home appliances, furnaces, air conditioning systems, ductwork, insulation, and other building systems. In some instances, rebates are available for residents who implement energy efficiency recommendations.
- **California Public Utilities Commission Energy Savings Assistance Program (ESA)** provides no-cost weatherization services to low-income households who meet specified income guidelines. Services provided include attic insulation, energy efficient refrigerators, energy

efficient furnaces, weatherstripping, caulking, low-flow showerheads, water heater blankets, and door and building envelope repairs which reduce air infiltration.

- **GoGreen Home Energy Financing** is a State program that administers financing loans for central heating and air conditioning, windows and appliances, cool roofs, and other home improvements.
- **Federal Housing Administration Energy Efficient Mortgage Program (EEM)** is designed to help families save money on their utility bills by enabling them to finance energy efficient improvements with their FHA-insured mortgage.

#### **4.7.10: Reduced Rates for Lower Income Households**

A number of programs have been developed by PG&E to assist lower income customers. These are available regardless of whether the household receives its power through MCE or PG&E, provided that the customer meets the income criteria. They include:

**CARE (California Alternate Rates for Energy)** reduces monthly energy bills for qualified households by about 30 percent (for electricity; 20 percent for natural gas). Eligibility is based on whether any person living in the home participates in a list of public assistance programs or meets certain household income guidelines.

**FERA (Family Electric Rate Assistance) Program** is a rate reduction program for large households of three or more people with low- to middle-income. Qualifications are based on household income. FERA generally provides an 18 percent discount on electricity.

**Relief for Energy Assistance through Community Help (REACH)** is a one-time energy-assistance program sponsored by PG&E and administered through non-profit organizations like the Salvation Army. Those who have experienced an uncontrollable or unforeseen hardship may receive an energy credit of up to \$300. Generally, recipients can receive REACH assistance only once within a 12-month period, but exceptions can be made for seniors, the physically challenged, and the terminally ill.

**Low-Income Home Energy Assistance Program (LIHEAP):** LIHEAP is a federally funded program that helps low-income households pay their energy bills. The program offers a variety of services, including HEAP, which provides one-time financial assistance; LIWP, which provides weatherization services; and the Energy Crisis Intervention Program (ECIP), which assists low-income households that are in a crisis situation. Qualifying customers receive up to \$1,000 in assistance.

**Energy Savings Assistance Program:** The Energy Savings Assistance Program provides qualified low-income customers with energy-saving improvements at no charge, significantly reducing

energy bills. Both renters and owners who live in a house, mobile home, or apartment that is at least 5 years old are eligible. Common improvements may include free weatherization measures and energy-efficient appliances to reduce gas and electricity use.

**Medical Baseline Program:** Residential customers can get additional quantities of energy at the lowest (baseline) price. To qualify for Medical Baseline a full-time resident in the home must have a qualifying medical condition and/or require the use of a qualifying medical device to treat ongoing medical conditions.

# CHAPTER 5: CONSTRAINTS TO HOUSING CONSERVATION AND PRODUCTION

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## 5.1: 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, credit and financing terms, interest rates, the availability of state and federal funds, and local attitudes about growth and development.

## 5.2: Governmental Constraints

### 5.2.1: Moraga General Plan

The Moraga General Plan (Plan) was adopted in 2002. The Plan has been amended several times in the last 20 years, but it has not been comprehensively updated. It was amended in 2010 to maintain internal consistency with the Moraga Center Specific Plan. It was amended in 2015 when the 2015-2023 Housing Element was adopted. Amendments were also made in 2018 when the Hillside 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, 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. Nor does it reflect the housing laws adopted by the State of California, many of which require cities and towns to support more diverse housing types and more equitable housing policies.

The 2002 General Plan includes the Town's Land Use Map (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.<sup>29</sup> Collectively, they apply to 75 percent of all parcels in the Town.

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 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 as well as opportunities to explore higher-density 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, 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 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, including privately funded improvements that facilitate development. 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

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<sup>29</sup> A "hybrid" category of 1.5 DUA is shown on the Land Use Map, although it is not referenced in the text.

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.<sup>30</sup> 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 (GME), 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.

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<sup>30</sup> Staff has also identified internal inconsistencies between the Public Safety Element and the Land Use Element. These will be corrected as part of the Safety Element Update, which is now underway.

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 its 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 for consistency and alignment with State laws. This should address effectively remove the constraints identified here and provide a coordinated framework for meeting future housing needs.

### **5.2.2: 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.<sup>31</sup> 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 MSCP also envisions workforce housing

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<sup>31</sup> 510 "base units" plus 120 density bonus units for senior housing = 630 units

(particularly for Saint Mary's College employees) renovation of the Moraga Ranch as a community focal point, and a "Town Square" north of the Moraga Shopping Center. An underlying goal of the MCSP 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 have to travel elsewhere for these services.

The MCSP 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 MCSP 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 MCSP 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 MCSP identifies future circulation improvements, public service and facility needs, and implementation measures (including zoning changes). Some of these measures have been completed while others are contingent on new development. The MCSP 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.

### **5.2.3: 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](#)

~~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 in 1980.

The Code requires that all projects in these districts 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.<sup>32</sup>

### **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.<sup>33</sup> 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~~ 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,

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<sup>32</sup> 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.

<sup>33</sup> 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.

potentially including a higher density range (such as 12 or 15 DUA). Changes to MCSP R-6 could be considered to allow for narrower lot widths 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.

**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' <sup>1</sup>	40'	25'	20' <sup>1</sup>	N/A
MCSP R-6	3,600 SF	50'	15'-20' <sup>2</sup>	5-10 <sup>3</sup>	N/A	10' <sup>1,2</sup>	15'	4 DUA/6 DUA
MCSP R-12	3,600 SF	50'	15'-20' <sup>2</sup>	5-10 <sup>3</sup>	N/A	N/A	15'	10 DUA/12 DUA
R-20A and R-20B <sup>4</sup>	2-3 acre pre-development	200'	20'	20'	40'	15'	15'	16 DUA/20-30 DUA <sup>5</sup>

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 DUA max, except 30 DUA allowed for senior housing

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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.

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 calculated based on the gross area of a site, then applied to the individual lots that are created. The allowable FARs get larger 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.<sup>34</sup> 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.

<sup>34</sup> “Missing middle” refers to smaller multi-family and clustered housing types that are compatible with single family neighborhoods, such as duplexes, triplexes, fourplexes, bungalow courts, and row houses.

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-20A and R-20B districts were created in 2010 when the MCSP was adopted. 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. This method of calculating unit yield is common in many Bay Area cities and towns.

**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

**Table 5-3, continued**

Standard	Requirement	Analysis Comments
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 <sup>(1)</sup>	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: <sup>1</sup> 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.

Basic R-20A and -B development standards are shown in [Table 5-2](#)[Table 5-2](#). [Table 5-3](#)[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 requirements 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.

The standards should be monitored to ensure they are not impeding the ability to develop the R-20 properties. A smaller threshold (for example, 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 a minimum of 20 square feet of open space per unit and another that sets a maximum of 100 square feet. The setbacks in the Ordinance 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 MCSP mixed use zones include previously developed parcels, while R-20 applies only to large parcels that are vacant.

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.

**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)

Table 5-4, continued

Standard	MCSP Mixed Retail-Residential	MCSP Mixed Office-Residential
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

### ***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 and PD regulations support housing and mixed uses in the Rheem commercial area, the case could be made that housing is consistent with their purpose.<sup>35</sup>

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.

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<sup>35</sup> The Town’s PD regulations provide for densities of 10 DUA in Rheem Center

### **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 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 Canyon 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 (one unit per five acres) or Non-MOSO Open Space.

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.

#### **5.2.4: 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.<sup>36</sup>

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 Town is now considering allowing increased development for the~~ multi-family and mixed use sites ~~that~~ 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,

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<sup>36</sup> Most of the R-20 land area is outside the scenic corridors, but both parcels partially fall within the 500-foot buffer.

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 on infill sites and creating community focal points at the shopping centers. Variations from the corridor standards may be considered in the future~~warranted in the two centers, particularly when the result would be a better pedestrian experience and a more attractive urban form.~~

### 5.2.5: 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 residential unit. It applies the same standard to multi-family housing as single 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 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). Car 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

## 5.2.6: Environmental Protection Ordinances

### *Hillside and Ridgeline Ordinances*

In 2018, the Town of Moraga adopted new regulations guiding the development of projects in hillside areas and near or on ridgelines. These include provisions to protect views of hillsides and ridgelines from other locations. Hillside areas are defined in Chapter 8.04 of the Municipal Code and include parcels with average predevelopment slopes of 20 percent or greater, or the portions of parcels within a development project with slopes greater than 20 percent. Ridgelines are mapped in the General Plan and are classified into different categories depending on their visibility and prominence.

Approval of development in hillside areas, including new homes, accessory buildings larger than 400 square feet, and additions over 500 square feet, typically requires a Hillside Development Permit (HDP). Subdivisions on sites over 20 percent slope also require HDPs. For planned developments and subdivisions, such permits can only be approved after the PD or subdivision permit is approved. HDPs can be issued administratively by the Planning Director if they only require a building permit. For projects that require discretionary review by the Planning Commission approval, the Commission also has jurisdiction over the HDP. In such cases, the decision to approve a permit is rendered after a noticed public hearing and findings that the project is consistent with the General Plan and is designed to minimize visual impacts, protect natural resources, minimize exposure to geological hazards, and achieve a natural appearance. Conditions of approval may be attached to the permit.

Most of the housing capacity identified in the 2015-2023 Housing Element—including all of the lower-income housing capacity—is on sites that are on slopes *less than* 20 percent, where the hillside regulations do not apply. Housing sites that are on hillsides have been designated for moderate- or above moderate-income housing, recognizing the additional cost of development on sloped sites, including grading, infrastructure, and design to avoid visual impacts.

The Town's ridgeline requirements were developed in tandem with the hillside requirements. Their purpose is to protect the Town's scenic natural setting and semi-rural feel, including limiting development along highly visible ridgelines that are now undeveloped. Most of these areas are designated as open space on the General Plan, and none of them have been identified as housing sites.

### *Creek Protection and Tree Protection Ordinances*

The Moraga Center Specific Plan includes specific setback requirements for projects along Laguna Creek, including a Contra Costa County requirement for a 50-foot setback from the top of bank. The requirement is not a development constraint as it is mapped on parcels that are large, with ample developable areas outside the setback. The MCSP also envisions the setback

as an area for walkways and recreational features, which would be amenities for new development.

The Town has also adopted tree preservation requirements (Chapter 12.12 of the Municipal Code). These requirements apply to private property as well as public rights of way. Special requirements have been developed for native trees, orchards, and trees of historic significance, with the latter group individually recognized through designation by the Town Council. A permit is required to remove native trees above a certain size, orchard trees, and trees of historic significance. These permits are administratively issued by the Planning Director, based on criteria such as the health of the tree, safety hazards, and impact on erosion and runoff.

For subdivisions and larger-scale developments, applicants are required to include provisions to protect trees, particularly where construction may encroach into the dripline. Arborist reports may be requested to develop tree protection measures or justify tree removal. Any trees to be removed must be identified on applications and are subject to review by the Planning Director. Although several of the Town's development sites are on former orchards, the tree removal requirements are not expected to be a constraint. Preservation of individual trees could be incorporated in future development plans, but the orchards are generally inactive and not in agricultural use.

### ***Hazard Mitigation and Water Quality Ordinances***

The Town has adopted regulations to minimize public and private losses due to flood conditions in areas identified as flood prone or prone to mudslides and erosion. These areas correspond to flood hazard areas designate by the Federal Emergency Management Agency (FEMA). Structures within this area are subject to rules consistent with federal insurance requirements, including a requirement that development does not negatively affect the carrying capacity of floodways or the base flood elevation downstream. The Town Engineer serves as the floodplain administrator and has the responsibility for reviewing development permits to make sure they comply with these requirements. Various levels of certification are required for projects in flood plain areas.

Moraga's flood plain regulations include specific measures for floodproofing and hazard reduction. These include anchoring homes, using flood resistant materials for homes and utilities, designing HVAC systems to avoid flood damage, and elevating all new construction at least two feet above the base flood elevation in most instances. Special requirements are included for accessory structures, garages, and manufactured homes. More stringent requirements are required for floodways, as these areas have a higher velocity of water during floods. The Ordinance includes provisions for variances for projects that cannot meet the standards.

Most of the Housing Opportunity Sites have no flooding issues and are well above the flood plain. The Laguna Creek flood plain extends onto three of the housing sites in the MCSP area, but these are large parcels with ample developable acreage above the 100-year flood elevation. Flood-prone areas are shown as creekside open space in the Specific Plan itself and do not affect the ability of these sites to accommodate the yields described in this Housing Element.

Moraga also has adopted Fire Hazard Area Regulations, including maps of “high” and “very high” fire hazard severity zones recommended by the California Department of Forestry and Forest Protection (CalFIRE). The maps are also used for planning and development review purposes by the Moraga Orinda Fire District (MOFD). At the current time, only one of the housing sites is in a “very high” fire hazard severity zone (VHFHSZ). This is Indian Valley, which has been listed in this Element as an Above Moderate income site.

It is likely that new fire hazard severity maps will be adopted during the time horizon of this Housing Element. Preliminary maps indicate that the extent of the “very high” hazard zone will be expanded, potentially encompassing some of the Rheem Shopping Center area. This area is across the street from MOFD Station 42 on previously developed and disturbed land with multiple access roads leading in and out of Moraga. Including this area in the VHFHSZ would not preclude its use for higher density housing. However, additional fire resilience measures would be required, which would increase construction costs.

Other local ordinances address grading and stormwater management. Title 14 of the Moraga Municipal Code requires a grading permit for any earth movement exceeding 50 cubic yards or greater, as well earth movement meeting other criteria (such as an area of 10,000 square feet or greater or the use of fill to support buildings). Larger grading projects require review by the Planning Director and Design Review Board (Planning Commission) to ensure they are consistent with the Town’s Design Guidelines and General Plan. Such applications are subject to a noticed public hearing and an opportunity for appeal. Major grading applications, such as those needed to repair a landslide or modify slopes greater than 25 percent, are subject to approval by the Town Council. Once permits are issued, grading activities are subject to adopted specifications for earth movement and retention, observation and monitoring, security, and post-grading procedures.

Grading standards are not a constraint to development on the lower-income housing sites designated in this Housing Element. However, some of the moderate- and above-moderate income housing sites may require grading permits and may need to incorporate the measures specified in the Municipal Code before they are developed. While these measures are common in Bay Area hillside communities and are necessary to protect public safety and water quality, they represent an additional cost for projects on hillside sites.

Projects in Moraga also must comply with stormwater management standards. These standards implement the Municipal Regional Stormwater NPDES permit and are an important part of the

Contra Costa County Clean Water Program. They apply to all jurisdictions in Contra Costa County. Most development projects are required to prepare a Stormwater Control Plan (SCP). Each SCP identifies best management practices to limit water pollution and increases in runoff rates.

### ***Density Transfers***

The Town has adopted procedures to enable the transfer of allowable dwelling units from one parcel of land to another. This is referred to as “density transfer” or transfer of development rights and is primarily used as a tool to conserve open space in visually and environmentally sensitive areas. In such cases, there is a “sending” (transferor) parcel and a “receiving” (transferee) parcel. The parcels may be under common ownership or they may have different owners. Density may only be transferred off of parcels if they are zoned for residential or open space uses. Density transfers are only initiated at the request of property owners and are entirely voluntary.

The maximum number of units that may be transferred may not exceed 30 percent of the allowable density on the receiving parcel. This implies that parcels where residential uses are not allowed may not be receiving parcels. An action program in this Housing Element calls for an amendment so that all commercially zoned properties may be receiving sites. The Town could also consider incentives for density transfers, such as allowing a larger number of units on the receiving sites than are being transferred from the sending sites (i.e., a local density bonus).

### **5.2.7: Housing-Related Ordinances**

Like all communities in California, Moraga has adopted a number of ordinances to support housing production and preservation. Relevant local housing regulations include the density bonus ordinance, the short-term rental ordinance, and the condo conversion ordinance. Moraga is also planning on adopting an inclusionary housing ordinance as part of its Comprehensive Advanced Planning Initiative. The parameters for such an ordinance are described below.

The need for inclusionary zoning is driven in part by the need for new tools to stimulate the production of affordable housing in the town. Moraga’s most recent annual housing progress report found that the Town had more than satisfied its “above moderate” income housing assignment for the 2015-2023 period. However, the Town has produced zero very low-income units and only one low-income unit during the last six years. Many cities and towns use inclusionary zoning to narrow this gap.

### ***Density Bonuses***

The premise of a density bonus is that additional density (i.e., additional housing units above and beyond those permitted by zoning) may be added to a project in exchange for setting aside a certain percentage of the units as affordable. The bonuses are higher where deeper levels of

affordability are provided. The additional units are an incentive for developers, in that they offset potential lost revenue from rent/sale of the affordable units by allowing more units to be built. State law requires that the City offer waivers and concessions to developers using density bonuses, because other zoning standards may not accommodate the additional units.

On January 1, 2021, new State density bonus rules went into effect, expanding and enhancing these incentives. AB 2345 increased the maximum density bonus from 35 percent to 50 percent. To be eligible for a 50 percent bonus, a project must set aside:

- At least 15% of the units for very low-income households; or
- At least 24% of the units for low-income households; or
- At least 44% of the units (in a for-sale project) for moderate income households

Below the 50 percent maximum, bonus percentages are awarded on a sliding scale based on the percentage of affordable units. Density bonuses of 20 percent are also available for senior housing projects (even if they are market-rate) and to projects serving foster youth, disabled vets, and homeless persons. Density bonuses are not available for moderate-income for-rent units, since market-rate rents are often already in the moderate-income affordability range.

The Town of Moraga has adopted a density bonus ordinance as part its Municipal Code, incorporating the State's standards by reference. A 50 percent bonus on a 20 unit per acre project would allow 30 units per acre. However, developers interviewed by staff during the Housing Element update indicated that there were still challenges with projects “penciling out” at 30 units per acre when 15 percent of the base units would be required to rent (or sell) at prices affordable to very low-income households. In some cases, the need for parking made it difficult to accommodate the additional units, and the cost of podium parking could not be justified unless densities were considerably higher.

Density bonuses are particularly helpful in communities with inclusionary zoning requirements (see discussion in next section). When setting aside some of the units in a new project as “below market rate” is made mandatory, rather than voluntary, there is a greater incentive to use the bonus to offset the reduced profit margin. Once a developer applies for a density bonus (a voluntary action), the jurisdiction is required to provide one or more incentives or concessions requested by the developer. Typical concessions include modifications to setbacks, parking standards, and design requirements. A jurisdiction must grant the concession unless it finds it would cause a health, safety, or environmental problem, compromise a historic resource, or be contrary to law.

Once concessions are determined, the jurisdiction is required to grant waivers of any development standard that would physically prevent the project being built at the increased density. The jurisdiction may not apply any standard which physically precludes the project from

proceeding. Typical waivers include building height, lot coverage, and floor area ratio requirements.

Density Bonus requirements are not a development constraint in Moraga. To the contrary, they provide a strong incentive for housing production and the inclusion of affordable units. At the same time, the availability of concessions and waivers creates a degree of uncertainty around the size and character of future projects for the public. This may result in increased community opposition and negative reactions to new housing proposals. Once a developer submits an application, community opposition does not change the requirement to abide by State law.

### ***Inclusionary Zoning***

Inclusionary zoning refers to a Municipal Code requirement that a certain percentage of units in future developments be reserved as affordable to lower- and/or moderate-income households. This technique is used throughout the United States to create affordable housing units in new market-rate residential developments. It is particularly effective in high-cost markets with a limited supply of affordable units. Nearby communities with inclusionary zoning requirements include Lafayette, Pleasant Hill, Walnut Creek, Danville, Clayton, Concord, and San Ramon. Moraga does not currently have an inclusionary zoning requirement.

An action to adopt an Inclusionary Zoning Ordinance within six months of Housing Element adoption is included in this Element. Among the factors to be addressed as this ordinance is drafted are:

- The percentage of units to be set aside as affordable. The Town will explore~~has discussed~~ a 10% set-aside, but this may vary depending on tenure (for sale vs for rent) and income (% very low, % low, % moderate)
- Opportunities for alternative means of compliance, such as in-lieu fees, constructing units off-site, donating land, and converting existing units to affordable
- Applicability to different product types and smaller projects
- Whether the requirement applies throughout the Town or only in the two commercial districts
- Design of inclusionary vs market-rate units
- Additional incentives (beyond the State Density Bonus Law)
- Administration and monitoring of the below market rate units

### ***Short Term Rentals***

In some communities, short term rentals may be a housing constraint because they remove potential rental housing units from the market. Property owners may find it more profitable to offer such properties for short stays rather than renting them to long-term tenants. Moraga addressed this issue in 2020 by adopting a short-term rental policy and adding provisions to its Municipal Code. The provisions prohibit “non-hosted” rentals (i.e., the rental of an entire home

without an owner on-site). Rentals of two nights or longer are permitted where the space is “hosted.” A review of the AirBNB website in May 2022 indicated 14 rentals in Moraga, all of which were individual rooms or “guest suites.” None of the listings were rental apartments or entire homes.

### **Condominium Conversions**

Moraga has adopted provisions limiting the conversion of existing multi-family rental housing to condominiums. One of the purposes of these rules is to reduce the displacement of renters and provide assistance in the event that relocation is required. Another is to maintain a supply of rental housing for low- and moderate-income persons. All condominium conversions are subject to public hearings before the Planning Commission.

Prior to converting rental units to condominiums, a report on the physical elements of each structure must be completed, including a list of necessary repairs and required upgrades. A list of covenants, codes, and restrictions (CC&Rs) also is required, addressing maintenance, safety, and similar topics. Condominiums are also required to meet certain standards for private open space and parking.

Applicants must disclose information on the existing tenants, including signed statements from tenants acknowledging they have been notified of the proposed conversion. Tenants are also provided with a first right of refusal to purchase their units, as well as the option of remaining in their units for up to 180 days along with relocation assistance equal to two times the monthly rent. There are also provisions for senior renters to remain in their units indefinitely, and for qualifying low-income renters to remain in their units for up to three years. The Ordinance also includes no net loss provisions to limit the loss of the Town’s rental stock.

### **5.2.8: Design Guidelines**

The Town of Moraga has adopted a comprehensive set of design guidelines to inform the review of new development, additions, and alterations by staff, the Planning Commission (in their capacity as the Town’s Design Review Board), and the Town Council. The Guidelines express Moraga’s design philosophy and indicate design review procedures. Design review priorities include maintaining the Town’s semi-rural character, protecting hillsides and ridgelines, complementing existing landscaping, enhancing scenic corridors, minimizing the impacts of development, promoting commercial centers as community gathering places, and thoughtfully designing new single family and multi-family residential neighborhoods. A separate section of the guidelines provides more focused direction for the Moraga Center Specific Plan (MCSP) Area.

The Guidelines are rooted in the Community Design Element of the General Plan and use that Element as their organizing framework. They are intended to provide flexibility and positive examples rather than exact models of what is required. The Guidelines themselves state that “there is no formula for good design” and further state that “compliance with the Guidelines

does not guarantee approval.” The Guidelines also give the Planning Commission the discretion to modify or approve projects even when they do not conform.

~~In staff's experience using the guidelines, several provisions have been identified as potentially subjective and should be evaluated for objectivity, arbitrary, or inappropriate for a design guidelines document.~~ These include:

- A guideline that two (2) two-story single-family homes should not be placed side-by-side if they are visible from the street. The requirement limits second story additions for many homeowners and creates an inequitable system for the owners of one-story homes adjacent to homes with previously approved or existing second story additions.
- A guideline limiting the height of buildings on padded (e.g., graded) lots to 28 feet for two story homes and 19 feet for single story homes. This guideline conflicts with the 35-foot height limit established by the zoning code.
- Additional requirements regarding the visibility of structure(s) from off-site (SFR 2.6).
- Design requirements for stormwater management systems, which are already regulated by a federal clean water (NPDES) permit and Contra Costa County.
- In multiple areas, the Planning Commission (acting as the Design Review Board) is granted additional subjective authority, such as the ability to require a larger side yard than is required by code or modify the allowable floor area ratio on a property.

~~These provisions should be modified to remove an impediment to reinvestment, and to enable homeowners to adapt their homes to meet changing needs.~~

The guidelines for multi-family housing are brief and address topics such as the screening of air conditioning units and siting of trash enclosures and parking. The guidelines for multi-family projects within the MCSP area are more extensive. They recognize the intent of the Specific Plan to encourage denser development and are supportive of the building typologies described in this Housing Element. The MCSP guidelines strongly support a diversity of housing types, multi-family and mixed-use building forms, and a less auto-centric development pattern. Since they were prepared recently, they also incorporate objective standards. The MCSP Guidelines also provide direction for landscaping, street character, open space, and civic space.

The appendix to the Design Guidelines contains a table listing the allowable floor area ratio (FARs) on single family residential lots of varying sizes. A sliding scale is used, with FARs decreasing as lot sizes get larger. On a 5,000 square foot lot, the maximum FAR is 0.38, enabling a home size of 1,900 square feet. On a one-acre (43,560 square foot) lot, the maximum FAR is 0.13, enabling a home size of 5,500 square feet. Lots smaller than 5,000 square feet and larger than one acre are not subject to an FAR requirement but have a maximum home size of 1,900 square feet and 5,500 square feet respectively. Lots within Planned Developments are exempt from these requirements, as the FAR is established through the PD process.

While the FARs themselves are not a development constraint, their location in an appendix to the Design Guidelines makes them harder to apply as objective standards. The Town should consider moving the standards ~~should be moved~~ into the Municipal Code (Title 8) for clarity. Consideration also should be given to simplifying the standards by applying a mathematical formula rather than having a unique FAR specified for each lot using increments of 1,000 square feet.

### 5.2.9: Standards for Different Housing Types

The next section of the Constraints Analysis evaluates standards for special housing types in Moraga. Table 5-6~~Table 5-6~~ indicates the permitting requirements for different housing types in zoning districts where residential uses are permitted or conditionally permitted.

#### **Accessory Dwelling Units (ADUs) <sup>37</sup>**

ADUs provide a source of housing that is “affordable by design” by virtue of lower construction costs and typically smaller unit sizes. They create less demand on infrastructure and services than larger-scale apartment developments, make efficient use of space on existing lots, and often consume less energy than new housing. In mature neighborhoods such as those in Moraga, they provide an opportunity to meet local housing needs in a way that disperses units and is compatible with neighborhood quality and character.

ADUs also provide an important housing resource for certain segments of the population, including extended family members, college students, young adults, seniors, and care givers. They also provide rental income for homeowners, helping to off-set mortgage costs and making homeownership more affordable and viable.

In April 2021, the Moraga Town Council adopted new regulations for Accessory Dwelling Units (ADU). The regulations were reviewed by the State Department of Housing and Community Development prior to adoption and confirmed to be fully compliant with State law.

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<sup>37</sup> An ADU is a residential dwelling unit attached or detached from a primary unit, or entirely enclosed within an existing building, which provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit.

**Table 5-6: Housing Types Permitted By Zoning District**

Structure Type	Institutional	1, 2, 3 DUA	6 DUA	MCSP R-6	MCSP R-12	R-20	MSCP-OR and MCSP R-R
Single Family Dwelling	-	C	C	P	P	-	P
Two-Family Dwellings	-	-	-	P	P	P	P
Multi-Family Dwellings	-	-	-	C	P	P	P
Multi-Family Dwellings above Commercial Space	-	-	-	-	C	C	P
Live/Work Space	-	-	-	-	-	-	(1)
Manufactured Home on Foundation	-	-	(1)	(1)	(1)	(1)	(1)
Congregate Care	-	-	-	-	-	-	P
Small Residential Care Home	-	-	(1)	(1)	(1)	(1)	(1)
Large Residential Care Home	-	-	-	--	--	P	P
Accessory Dwelling Unit	-	C	P	P	P	P	P
Single Room Occupancy (SRO) Hotel	-	-	-	-	-	-	-
Transitional Housing	-	C	(1)	(1)	P	P	(1)
Supportive Housing	-	C	(1)	(1)	P	P	(1)
Low Barrier Navigation Center	-	-	-	-	-	-	-
Emergency Shelter	P(2)	-	-	-	-	-	-

Source: Moraga Municipal Code

P=Permitted; C=Conditional Use Permit; “-” = Not Permitted

Notes: (1) Use is allowed but not expressly listed as a permitted use in the Municipal Code  
 (2) Specific development standards apply

ADUs and Junior ADUs (JADUs) are permitted in all residential zoning districts in Moraga.<sup>38</sup> They are allowed “by right,” with a building permit approved by the Planning Director provided they meet the standards established in the Municipal Code. These standards generally correspond to State law and include:

- An ADU may be created entirely within the envelope of the primary unit (or another existing legally constructed accessory building on the lot) if it has exterior access independent from the primary unit. An addition of up to 150 square feet is permitted for ingress and egress purposes.
- Multiple ADUs may be added to multifamily buildings through the conversion of space that is not currently habitable (such as storage rooms and garages), provided the number of ADUs does not exceed 25 percent of the number of existing units
- A JADU is permitted provided the owner occupies the principal unit or JADU, the interior space is less than 500 square feet and has an efficiency kitchen and an exterior entrance, and the JADU is not sold as an independent dwelling or used as a short-term rental.
- A new detached ADU can be created if it meets front yard setback standards, has side and rear setbacks of at least 4 feet, is not more than 800 square feet, and is no taller than 16 feet.

ADUs that do not meet the streamlining criteria above are considered “standard” ADUs. These units are subject to additional standards but may still be approved ministerially by the Planning Director without discretionary review, public hearings, or further design review.

The interior living area of standard ADUs must be at least 150 square feet and not more than 850 square feet for one-bedroom units, and up to 1,000 square feet for units that are more than one-bedroom. For attached ADUs, the square footage may not exceed 50 percent of the pre-existing living area of the primary unit. If the unit will result in an exceedance of the allowable FAR for the property, it may have an interior floor area of no more than 800 square feet. Standard ADUs are subject to 4' side and rear setback requirements (except where the unit converts an existing garage in the setback), a 19' height limit (16' within 10 feet of the property line), and other requirements related to slopes, tree removal and grading. An off-street parking space is required, unless the unit meets specific exemption criteria established by the State of California such as proximity to public transit. ADUs created through from garage conversions are also exempt from the parking requirement, per State law.

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<sup>38</sup> A JADU is an Accessory Dwelling Unit that is (1) no more than 500 square feet in size; (2) contained entirely within an existing or proposed single-family primary unit; (3) has its own bathroom or shares a bathroom with the primary unit; and (4) includes an efficiency kitchen.

Standard ADUs are also subject to a number of objective design standards. These include colors that are compatible with the primary unit, downward exterior lighting, landscaping of blank facades, and specific provisions for the treatment of windows, decks, and stairways. The Planning Director has the discretion to approve adjustments to the standards, including a 10 percent increase in the allowable height, a reduction in the dimensions of a required parking space, an increase in the size of an allowable deck, and the use of non-permeable parking materials.

Additional procedures have been established for ADUs that do not meet the design standards, and thus do not qualify for ministerial review. This increases the opportunity for units to be developed in Moraga, even when they require discretionary review. Such projects require a conditional use permit.

In addition to the above requirements, ADUs may not be rented for a term of less than 30 days (to limit their use as short-term rentals) and may not be sold separately from the primary unit. While owner occupancy is required for Junior ADUs, other ADUs are exempt from this requirement. These limitations must be included in deed restrictions for all ADUs and JADUs and apply to future owners in the event the property is sold. The deed restrictions may be removed if the ADU is eliminated.

The Town has created further incentives for ADUs by granting them relief from the impact fees that are charged for new single-family homes. No impact fee is required for an ADU that is less than 750 square feet in floor area. Units larger than 750 square feet are charged fractional impact fees based on the size of the ADU relative to the primary unit. The units are also not required to have new or separate utility connections, eliminating the need for a connection fee or capacity charge.

The revisions to the standards have made it much easier to develop an ADU in Moraga and resulted in a gradual uptick in ADU production. However, ADU entitlements are not as robust as they could be and average just 3 or 4 units a year. A program in this Housing Element calls for expanded outreach and education to homeowners to generate additional interest.

### ***Manufactured Housing***

Manufactured housing is treated the same as other housing types in Moraga and is allowed on a permanent foundation wherever housing is permitted. The General Plan has an implementation program (IP-B1) allowing manufactured housing when placed on permanent foundations and consistent with the Town's Design Guidelines. However, manufactured housing is not explicitly addressed in the Municipal Code. An action program in the Housing Element recommends adding a definition of manufactured housing to the Code and affirmatively stating that it is permitted in all residential zones.

### ***Residential Care Facilities (Group Homes)***

The Town of Moraga allows residential care facilities with fewer than six persons “by right” in all single family zones, as required by State law (Lanterman Act). However, small residential care facilities are not explicitly listed in the Municipal Code as a permitted use in single family districts. An action program in the Housing Element recommends clarifying that these uses are permitted and are not subject to use permits or other special permitting or design requirements. There are no special restrictions or limits on either small or large residential care facilities (with more than six residents). Congregate care facilities such as nursing homes are permitted by right in the R-20 and Mixed Use districts in the MCSP area.

### ***Supportive and Transitional Housing***

Supportive housing refers to housing occupied by a target population that is linked to on-site or off-site services that help the resident retain their housing, improve their health, or maximize their ability to live and work in the community. Transitional housing serves a similar purpose but includes a fixed term of assistance, which may vary from six to 24 months. Supportive and transitional housing is sometimes provided in single family homes that are operated by non-profits and social service providers.

As required by State law (SB2), the Moraga Municipal Code expressly states that supportive and transitional housing are subject to the same requirements and restrictions that apply to other residential uses of the same type in each zoning district. In other words, a residence used for transitional housing in a particular zoning district is subject to the same rules as a residence used by any other household in that district. The current Code is fully compliant with State law.

### ***Emergency Shelter***

Senate Bill 2 (SB2), which took effect on January 1, 2008, requires cities, towns, and counties to identify at least one zoning category in which emergency shelter can be located without discretionary approval from the local government. Cities are permitted to apply objective standards that regulate the number of beds or persons served, the size and location of client intake areas, the provision of on-site management, the proximity to other shelters, length of stay and security. These provisions are found in Chapter 8.164 of the Moraga Municipal Code and were approved in 2014.

Shelters are permitted by right in the Institutional zoning district provided they meet the following standards:

- A maximum of 20 beds
- Maximum term of stay is six months during any consecutive 12-month period
- Conformance with all applicable state and local housing and building codes
- On-site security must be provided during all hours when the shelter is open
- Exterior lighting on pedestrian pathways and parking lot areas must be provided.

- Secure areas must be provided for personal property.
- The shelter may not exceed 50 percent of the total floor area used for a religious, college or institutional facility
- Two parking spaces per facility for staff, plus one space per six occupants allowed

Shelters are also subject to programmatic requirements addressing the maximum length of residency per client, transportation provisions for clients, appropriate State licensing, standards for food preparation, and other operational characteristics. Shelters are also required to complete a management plan, which must be approved by the Planning Department, Building Department, and Moraga-Orinda Fire District (MOFD). The Plan must address good neighbor issues, transportation, client services, food services, and other management issues, and include a floor plan.

The Institutional zoning district includes 403 acres of land and is largely comprised of property owned by Saint Mary's College, who was supportive of the amendment at the time it was adopted. The 2020 point-in-time homeless count identified four (4) unhoused persons in Moraga; the currently zoned acreage and sites are sufficient to meet this need. No changes to current regulations are required.

### ***Housing for Persons with Disabilities***

Persons with disabilities have a number of special housing needs related to the accessibility of dwelling units; access to transportation, employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services. Moraga's current policies and regulations support these needs and do not constrain the development of housing for persons with disabilities. The Town accommodates requests for special structures or appurtenances (e.g. access ramps or lifts) serving disabled persons on a ministerial basis. There are no additional zoning, building code, or permitting procedures other than those allowed by State law.

Both the Federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Ordinance to ensure that homes are accessible for the mobility impaired.

Chapter 8.168 of the Municipal Code specifically addresses reasonable accommodation for disabled persons. Any person with a disability or their representative may request reasonable accommodation when a zoning requirement or other Town requirement becomes a barrier to fair housing opportunities. This request may cover modifications or exceptions to rules related

to housing or housing-related facilities in order to provide a disabled person with equal opportunity to the housing of their choice.

The Town has established an application process and form, including information on the basis for which reasonable accommodation is requested. The request is reviewed by the Planning Director and a decision is rendered within 45 days of the application being deemed complete. The decision to grant or deny the request is based on specific factors related to the necessity of the modification, the impact on the town, the physical attributes of the property, the potential impact on surrounding uses and similar factors. The decision may be appealed.

In summary, current requirements for reasonable accommodation are fully compliant with State Law.

### ***Family Housing***

The Town's Municipal Code includes a definition of "family" as follows:

*"Family" means: (i) Two or more persons related by birth, marriage, or adoption, or (ii) An individual or a group of persons living together who constitute a bona fide housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.*

This is an inclusive definition that does not distinguish between related and unrelated persons and is consistent with California case law.

### ***Low Barrier Navigation Centers (LBNCs)***

LBNCs are low-barrier, temporary service-enriched shelters that help homeless individuals and families quickly obtain permanent shelter. Assembly Bill (AB) 101 established requirements for local jurisdictions to allow LBNCs as a permitted use in certain zoning districts, provided they meet specific criteria. These criteria include such features as allowing pets, providing privacy, giving residents the ability to store possessions, use of a coordinated entry system, and providing access to permanent housing. They must be allowed by right in mixed use and non-residential zoning districts where multi-family housing is permitted. LBNCs are not currently addressed in the Moraga Municipal Code, as AB 101 only recently became effective.

#### **5.2.10: Local Processing and Permitting Procedures**

Processing and permitting procedures can become a housing constraint when they add significantly to the time required for development approval. Increased time, additional meetings, and multiple appeal opportunities can mean increased cost and uncertainty. This is particularly true for projects in environmentally sensitive areas, which may also require permits from state and federal resource agencies. Large projects on undeveloped sites may also require

environmental impact reports. In such instances, it is not uncommon for approval to take several years. This is true for all communities in the Bay Area and is not unique to Moraga. Smaller projects and urban infill projects can be processed more quickly.

In Moraga, building permitting and inspection is performed by the Contra Costa County Department of Conservation and Development. This is more cost-effective and efficient for applicants than the Town maintaining its own building department. Most interior residential alterations can be processed with a simple building permit. Minor exterior alterations such as window and door replacement require Administrative (staff) Review. This requires noticing of neighbors, which extends the review period and increases the potential for appeals or modification requests. More significant alterations and additions may require design review, although in many cases this is still an administrative process performed by staff.

Larger projects such as subdivisions and planned developments require review by the Planning Commission and/or Town Council. All new single family homes likewise require review by the Planning Commission. Many project types are also subject to plan checking and review by the Moraga-Orinda Fire District and the Central Contra Costa Sanitary District (Central San).

All projects are subject to the requirements of the State's Permit Streamlining Act (PSA). This requires that a formal decision be made on planning applications within 60 days after they are deemed complete. Actual processing time is typically shorter than 60 days. However, it is not uncommon for applications to be found incomplete on the first submittal, which can extend the review time. Projects requiring Planning Commission approval typically require a month's lead time to be scheduled for a hearing once an application is deemed complete. Most planning decisions are subject to a 10-day appeal process.

Table 5-7 shows the typical permit processing times for applications in 2022. A building permit is typically processed by one to two days by the Town (excluding County processing time), while most Administrative Design Review applications are processed within 45 days. Projects requiring Planning Commission review are typically approved within 90 to 150 days. The longest review times are associated with planned development applications. The process is designed to take 12 to 24 months for full approval and permitting. However, public opposition and appeals on recent projects have resulted in approval timelines that are significantly longer—in some cases, over four years.

Figure 5-1 illustrates the plan review process for several different types of applications. Four specific processes are highlighted below: approval of a single family home, approval of a multi-family (R6) project, approval of a subdivision, and approval of a Planned Development (PD).

**Table 5-7: Typical Permit Processing Times**

Type of Permit/ Approval	Typical Timeframe
Building Permit, No Design Review	1-2 days (for Town, excludes County processing)
Building Permit with Administrative Design Review	45 days
Minor Subdivision/ Site Plan Review	150 days
Use Permit	120 days
Major Subdivision/ Tentative Map	12-24 months
Planned Development (based on recent projects)	24-48 months (*)

Source: Town of Moraga, 2022, based on recent projects. Excludes delays that may result from incomplete submittals.

(\*) Process is designed to take 12-24 months, but recent projects have taken 2.5 to 4.5 years, with an average of 10 public meetings

**Figure 5-1: : Typical Processing Procedures by Project Type**

**Single Family Home (in a single family zone)**



**Multi-family Development in an R6 Zone**



**Subdivision less than 10 acres**



**Planned Development**



### **Planned Development Process**

The Town has established procedures to allow variations from zoning standards through the planned development (PD) process. Generally, 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 and all parcels zoned R-6 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 than are allowed in the base zoning district. While the number of units on a site is set by the base zoning density, the siting of these units can vary. Density in PDs is effectively “transferred” from one part of a pre-subdivided property to another, with housing clustered in areas where construction has less impact or is more feasible.

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 oriented toward single family subdivisions, although they apply to all housing types. A commercial PD process has been developed for commercial and mixed use projects. The current PD process was adopted from the County's regulations when the Town incorporated in 1974 and is over 48 years old.

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

- First, a conceptual development plan (CDP) 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. Environmental review also occurs at this stage. 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 (GDP) 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 (PDP) 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. Many decisions about project design are made during the CDP phase, making it difficult to modify the plan once this phase has been completed. This includes environmental review, which is costly to redo in the event the applicant wishes to change their plans. ~~As currently structured, the PD process needs to be better aligned does not align well~~ with Moraga's General Plan goals and policies. The Town is revising the process concurrently with the Housing Element update and intends to adopt a revised procedure in tandem with the General Plan Update. The goal of the revisions is to align the General Plan goals and policies with the PD zoning district, while reducing the number of hearings and rounds of review required, thus reducing the processing costs and lengthy approval procedures for applicants.

### ***Design Review Process***

Chapter 8.72 of the Municipal Code establishes requirements for design review in Moraga. The intent of these requirements is to protect the health, safety and welfare of the town by regulating the appearance of open spaces, buildings, and structures. Design review is required in all land use districts and applies to additions and alterations as well as new construction. Certain projects are exempt such as routine maintenance, remodeling that does not change the exterior of a building by more than 10%, replacement of existing features with similar features, minor changes to windows and doors, changes in roof material, demolition of most outdoor features, and minor changes to approved plans. As stated previously the 10% threshold is a constraint for projects such as on window replacement, door replacement and garage door updates.

Responsibility for design review applications is assigned to the Planning Director, who serves as the Town's "design review administrator." Most applications related to single family homes may be approved administratively if they meet the Town's design review standards – or denied if they do not.

Certain types of projects require review by the Town's design review board (DRB). These include new single family residences and subdivisions, as well as new multi-family and mixed use projects. In 2020, the Town Council combined the DRB and the Planning Commission, so the same seven-member board now has design review and planning review authority. The merger

was an efficiency measure ~~to reduce and has not impacted~~ the time required for approval or number of hearings required.

The DRB/ Planning Commission considers factors such as height, bulk, mass, fences, walls, screening, landscaping, colors, safety, and the relationship to surround properties in their review. The Town has developed design guidelines to help inform this process. In single family districts, the DRB/ Planning Commission considers if the project will “contribute to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.” It further considers the effect of the project on property values, and the potential for the project to discourage the maintenance and improvement of surrounding properties. Special design requirements apply to homes with elevated building pads.

Different standards have been developed for multi-family, mixed use, and commercial zones. These zones have their own set of exempted projects (also covering most maintenance and renovation projects). All new multi-family or mixed use construction requires design review by the DRB/Planning Commission. Applicants are required to submit a site plan and architectural drawings and may be asked to provide additional information such as photographs, story poles, and supplemental analyses. Applications are reviewed based on their overall height, mass and bulk; special features such as walls and towers; exterior colors; concealment of mechanical equipment; landscaping; and relationship to existing and proposed adjoining development. The standards used to evaluate applications are similar to those for single family homes but may include additional factors such as noise and vibration.

The DRB/Planning Commission has the authority to approve design review applications following a public hearing. Such hearings are subject to various noticing requirements and procedures. Decisions are appealable to the Town Council. Similarly, design review applications that are administratively approved by staff may be appealed to the DRB/ Planning Commission.

### ***SB 330 and SB 35 Expedited Processing Procedures***

Senate Bill (SB) 330 was approved by the State legislature in 2019 to provide an expedited review and approval process for new housing. The process enables developers to submit a “preliminary application”—essentially a checklist and questionnaire that shields the project from subsequent fee increases or changes in regulations once the application is deemed complete. All residential projects are eligible for SB 330 unless the square footage or unit count increases by 20 percent or more after the preliminary application is completed. A full application must be submitted within 180 days of the preliminary application. Decisions on housing projects submitted under SB 330 must be rendered after no more than five total public hearings.

The Town of Moraga has developed an SB 330 preliminary application form and has posted the required procedures on its website. This option can potentially lead to expedited approvals.

The Town also has developed on-line application materials and information for projects eligible for processing under Senate Bill (SB) 35. SB 35 became effective in 2018 and requires cities and towns to use a streamlined “by right” review process for multi-family projects that comply with objective planning standards, provide specified levels of affordable housing, and meet other specific requirements. Proposed projects in Moraga with more than 10 units of housing must reserve at least half of the units for lower income households to be eligible. There are additional requirements related to the payment of prevailing wages to construction workers. Qualifying projects are subject to lower parking standards but must otherwise comply with all adopted development standards and plans.

### **5.2.11: Building Codes and Code Enforcement**

Moraga has adopted the 2019 California Building Standards Code. The Code includes the 2019 California Building, Residential, Green Building, Electrical, Plumbing, Mechanical, and Existing Building Codes. The codes are enforced by the Building Inspection Division of the Contra Costa County Department of Conservation and Development, which also provides building inspection services to the Town. While building codes impact the cost of housing, they are also essential to ensure the safety of occupants.

Health and Safety Code Sections 17958.5 and 18941.5 authorize a jurisdiction to modify State Building Codes and establish more restrictive standards if the jurisdiction finds that the changes are needed due to local climatic, geological, or topographical conditions. Contra Costa County has adopted a number of such amendments, responding to earthquake, fire, landslide, and other hazards, and those apply in Moraga. Local (County) amendments include special requirements for smoke detectors, fire-treating of wood shake or shingle roof and wall materials, special inspections for concrete (for seismic safety), and more restrictive electric vehicle charging standards. These amendments do not significantly increase the cost of construction relative to other Bay Area communities.

Code enforcement is not a development constraint in Moraga and is an important part of sustaining the Town’s existing housing stock. Enforcement is complaint-based, with some calls initially received by the Town’s Planning Department and others filed via a mobile app (Mobile Moraga). Because Moraga does not have a Code Enforcement Division, it works with the County Building Department and other County Departments to resolve and respond to cases relating to illegal construction, unsafe building conditions, or hazards. Complaints are relatively uncommon, as the Town’s housing stock is in excellent condition.

### **5.2.12: Site Improvement Standards and Requirements**

New development is responsible for completing on-site improvements such as curbs, gutters, sidewalks, street tree planting, and utility connections. Larger projects are responsible for providing onsite drainage systems as well as water and sewer lines in the rights-of-way. New roads that are internal to subdivisions and planned developments are typically constructed by the developer and dedicated to the Town as public streets. In some instances, off-site

improvements such as traffic signals, turning lanes, and sewer replacement, may be required to address external project impacts.

The Town's site improvement standards are established by the Subdivision Ordinance. These include a 52 foot right of way requirement for local public streets, with a curb-to-curb width of 36 feet (two 10-foot travel lanes and two 8-foot parking lanes). Larger rights-of-way are required for collector streets, arterials, four-lane streets, and streets with medians. Narrower rights-of-way are permitted for private streets, but a 36' curb to curb width is still required. The Subdivision Ordinance also establishes maximum slopes for different street types, as well as standards for pavement and pavement management. In addition, State fire codes establish requirements for access points into subdivisions, including a requirement that subdivisions with over 25 lots must have two access points. Central San and the Moraga Orinda Fire District may identify additional requirements and improvements to protect water quality and ensure fire safety and emergency access.

### **5.2.13: Development and Permitting Fees**

Table 5-8 shows the development fees that would be charged for a hypothetical new single family home in Moraga. The total is almost \$80,000, which represents approximately 14 percent of the permit valuation of \$582,000. More than 75 percent of the total is associated with impact fees. These include a school fee (\$9,854), a sanitary district connection fee (\$9,300), a general government fee (\$7,710), and two park-related fees totaling about \$23,000 per unit. There is also a Lamorinda Fee and Financing Authority charge of \$8,472 per unit to offset traffic impacts, which is collected under a joint powers agreement between Moraga, Orinda, and Lafayette.

The Table assumes a project location outside the MCSP area. Residential uses within the MCSP area are subject to a Specific Plan recovery fee, which ranges from \$412/unit for senior housing to \$1,185 for a conventional single family home. Other impact fees cover storm drain impacts and public safety. Most of the impact fees are collected a per unit (house) basis but a few are based on square footage.

Entitlement fees cover costs such as design review and study sessions. These are based on the actual cost of staff time to process the permits, which is calculated using an hourly rate. Deposits are collected at the time of application submittal. The Planning Department collects the balance based on staff's equivalent hourly rate, as the Town's services are performed on a cost recovery basis. The amount shown for design review in Table 5-8 is for the deposit, which is often less than the full amount required to complete an application. Since 2021, the Town also has collected a 10 percent advanced planning fee to fund the cost of long-range planning activities. Building permit fees vary based on construction value. In the hypothetical example in Table 5-8, they are about \$12,800 for a \$582,000 project.

| [Table 5-9](#)[Table 5-9](#) provides similar information for a hypothetical 100-unit apartment building, including an estimate of the total cost per unit. In this instance, the impact fees make up an even larger share of the total cost. Based on the assumptions shown in the Table, over 95 percent of the permitting cost would be impact fees. Unit costs are generally lower for multi-family homes than for single family homes, but in a 100-unit project they would still be over \$39,000 a unit. The entitlement fees shown in [Table 5-9](#)[Table 5-9](#) would likely be higher than the amounts shown in the table, given the cost of staff reports and preparation for Planning Commission/ Design Review hearings. The permitting fees represent only about one percent of the project costs.

**Table 5-8: Permitting Fees for a Hypothetical Single-Family Home**

(based on a 3,100 square foot home with a permit valuation of \$582,800)

	Multiplier	Per	Cost (*)
<b>Entitlement Fees</b>			
Design Review (*)	\$5,000	Dep	\$5,000.00
Advanced Planning Fee	10% of planning fees		\$500.00
Fire Dept Design Review	\$339	Set	\$339.00
<b>Sub-Total Entitlement Fees</b>			\$5,839.00
<b>Building Fees</b>			
Building Permit Fee	Based on Valuation		\$540.13
Building Plan Check Fee	Based on Valuation		\$3,215.06
Construction Inspection Fee	Based on Valuation		\$3,733.66
Energy Compliance	Based on Valuation		\$1,148.26
Access Compliance	Based on Valuation		\$2,183.26
Electrical Inspection	Based on Valuation		\$364.04
Mechanical Inspection	Based on Valuation		\$364.04
Plumbing Inspection	Based on Valuation		\$364.04
Planning Review	\$215	Set	\$215.00
Fire Review	\$544	Set	\$544.00
SMIP Fee	0.013%	Val	\$75.76
CA Building Standards Fee	\$1 per \$25K valuation		\$23.31
<b>Sub-Total Building Fees</b>			\$12,770.58
<b>Impact Fees</b>			
School District Fee	\$3.79	SF	\$9,854.00
CCC Sanitary District Connection Fee	\$9,300.00	Unit	\$9,300.00
General Government Impact Fee	\$7,710.00	Unit	\$7,710.00
Public Safety Impact Fee	\$851.00	Unit	\$851.00
Park Development Impact Fee	\$9,581.00	Unit	\$9,581.00
Storm Drain Impact Fee	\$419 per 1k SF of Impervious Surface		\$1,298.90
Parkland Development In-Lieu Fee	\$13,933.00	Unit	\$13,933.00
Lamorinda Fee and Finance Authority	\$8,472.08	Unit	\$8,472.08
<b>Total Impact Fees</b>			\$60,999.98
<b>Total Project Fees</b>			<b>\$79,609.56</b>

Source: Contra Costa County Housing Collaborative, 2022. Town of Moraga, 2022.

(\*) Cost shown for design review is the deposit only. The actual cost may be substantially higher.

**Table 5-9: Permitting Fees for a Hypothetical 100-unit Multi-Family Housing Development**  
 (based on a 100-unit project with 800 square foot units with a permit valuation of \$15,040,000)

	Multiplier	Per	Cost
<b>Entitlement Fees</b>			
Study Session- New Construction	\$3,000	Dep*	\$3,000.00
Design Review	\$5,000	Dep*	\$5,000.00
Land Use Permit	\$3,500	Dep*	\$3,500.00
Advanced Planning Fee	10% of planning fees		\$1,000.00
Fire Dept Design Review	\$339	Set	\$339.00
<b>Sub-Total Entitlement Fees</b>			<b>\$12,839.00</b>
<b>Building Fees</b>			
Building Permit Fee	Based on Valuation		\$9,513.60
Building Plan Check Fee	Based on Valuation		\$76,105.80
Construction Inspection Fee	Based on Valuation		\$25,887.80
Energy Compliance	Based on Valuation		\$12,943.40
Access Compliance	Based on Valuation		\$18,655.60
Electrical Inspection	Based on Valuation		\$6,918.40
Mechanical Inspection	Based on Valuation		\$6,918.40
Plumbing Inspection	Based on Valuation		\$6,918.40
Planning Review	\$215	Set	\$215.00
Fire Review	\$544	Set	\$544.00
SMIP Fee	0.013%	Val	\$75.76
CA Building Standards Fee	\$1 per \$25K valuation		\$601.60
<b>Sub-Total Building Fees</b>			<b>\$167,721.20</b>
<b>Impact Fees</b>			
School District Fee	\$3.79	SF	\$30,320.00
CCC Sanitary District Connection Fee	\$9,300.00	Unit	\$93,000.00
General Government Impact Fee	\$4,989.00	Unit	\$49,890.00
Public Safety Impact Fee	\$550.00	Unit	\$5,500.00
Park Development Impact Fee	\$6,200.00	Unit	\$62,000.00
Storm Drain Impact Fee	\$419 per 1k SF of Impervious Surface		\$20,950.00
Parkland Development In-Lieu Fee	\$9,016.00	Unit	\$901,160.00
Lamorinda Fee and Finance Authority	\$5,930.10	Unit	\$593,010.00
<b>Total Impact Fees</b>			<b>\$3,924,160.98</b>
<b>Total Project Fees</b>			<b>\$4,103,220.20</b>
<b>Cost Per Unit</b>			<b>\$41,032.20</b>

Source: Contra Costa County Housing Collaborative, 2022

(\* ) The amounts shown here are for deposits. The actual costs would likely be higher, as they are based on actual staff costs associated with processing each permit.

**Table 5-10** compares fees for the hypothetical projects in Moraga with fees for the identical projects in other cities and towns in Contra Costa County. The table shows the permit cost for a single family home and a 100-unit apartment building in each city. This analysis was performed by the Contra Costa Collaborative, a technical support initiative funded by ABAG to help local governments in Contra Costa County with their housing element updates. While it is only intended to convey “order of magnitude” differences, it provides a helpful comparison between cities.

Moraga’s fees are somewhat higher than the countywide average. This is primarily due to impact fees, some of which are set by other agencies. All of the Town’s fees are set to cover the actual cost of delivering services. Because Moraga is a residential community, its ability to cover development costs through other municipal revenues such as sales taxes and commercial property taxes is very limited.

**Table 5-10: Comparison of Average Permit Costs in Contra Costa County Jurisdictions**

	Permitting Cost for a Single Family Home	Permitting cost per unit 100 unit Multi-Family Development
Antioch	\$22,146.24	\$8,139.11
Danville	\$62,489.24	\$33,369.20
Lafayette	\$68,946.25	\$31,320.50
Hercules	\$64,064.99	\$29,673.85
Clayton	\$39,160.00	\$16,692.46
Pinole	\$56,665.77	\$22,773.71
Brentwood	\$113,158.84	\$47,662.96
Concord	\$47,248.07	\$17,658.46
El Cerrito	\$57,356.24	\$29,377.68
Moraga	\$79,606.56	\$41,032.20
Martinez	\$58,701.86	\$24,687.69
Oakley	\$70,088.22	\$35,721.69
Orinda	\$64,627.76	\$33,479.54
Pittsburg	\$60,830.46	\$31,982.03
Pleasant Hill	\$30,927.67	\$16,704.08
Richmond	\$45,694.42	\$23,011.17
San Pablo	\$29,498.69	\$6,740.52
San Ramon	\$100,495.59	\$33,187.73
Walnut Creek	\$31,004.88	\$15,076.28
<b>Average Cost</b>	<b>\$58,327.09</b>	<b>\$26,219.78</b>

Source: Contra Costa County Housing Collaborative, 2022

## 5.3: Non-Governmental Constraints

A variety of non-governmental constraints impact the maintenance, improvement, and development of housing in a community. These constraints could include market-related conditions, such as the availability of financing and land and construction costs, as well as community opposition to new development.

### 5.3.1: Availability of Financing

The availability of financing can have an impact on the supply and cost of housing. There are generally two types of financing used in the housing market: (1) capital used for initial site preparation and construction; and (2) capital used to finance the purchase of units by homeowners and investors. Interest rates substantially impact home construction, purchase, and improvement costs. A small fluctuation in rates can make a dramatic difference in the annual income needed to qualify for a loan. Interest rates have increased during 2022, following a period of record lows. However, they remain relatively low in historical terms. In general, financing is available for new construction, rehabilitation, and refinancing.

While financing is available for market-rate development, limited availability of funding to subsidize affordable projects is an impediment to the construction of affordable housing. This is true not only in the Bay Area, but throughout California and the U.S. Most affordable housing developments require several sources of financing to become feasible, including bank loans as well as federal, State, local, and philanthropic funding. Major sources of funding include low-income housing tax credits, Affordable Housing and Sustainable Communities funding, HOME funds, and Community Development Block Grant (CDBG) funds.

Low-income housing tax credits are issued to the State of California by the federal government. The State awards the tax credits to developers of affordable rental projects on a competitive basis. Developers sell the credits to private investors to obtain funding for their projects. These investors can then claim the tax credit deduction over a 10-year period. Currently, State formulas for allocating tax credits favor “high-resource” areas, as these areas have historically had the most limited opportunities for lower income households. All three of the Lamorinda area cities are in the highest resource category. However, the supply of tax credits overall remains very limited.

### 5.3.2: Cost of Land

Land is one of the largest components of housing development cost. It is influenced by many factors including location, lot size, zoning, accessibility, availability of services, and existing infrastructure. There have been relatively few sales of vacant land in Moraga in recent years, and therefore there is limited information on the cost of land in the Town. Among recent sales, prices ranged from approximately \$25,000 per acre to approximately \$3.5 million per acre. Some of these sites were zoned for open space or for residential development at very low

densities. Land prices could be significantly higher for sites with more significant potential for residential development.

Land costs in the Bay Area often exceed \$200,000 per single family unit, while land costs for multifamily units can range from \$25,000 per unit to over \$100,000 per unit, depending on the location. While there is limited data on land cost in Moraga specifically, it represents a significant component of total housing costs and constraint to affordability.

### **5.3.3: Construction Costs**

Construction costs have increased substantially over the past several years and are often cited as a key barrier to the production of housing. Causes for the increase in construction costs include increases in the cost of materials as well as increases in labor costs. In recent years, several factors have increased cost of materials, including global trade patterns and federal policy decisions, such as tariffs, as well as state and local regulations, such as building codes. Most recently, the elevated construction demand due to wildfire reconstruction has been compounded by the COVID-19 pandemic in influencing the cost and availability of construction labor and materials. California has also seen a severe tightening in the construction labor market, especially for workers trained in specific construction trades. The lack of an available labor force drives up the cost of labor and leads to project delays as workers are either unavailable or lost to more profitable projects.

According to construction cost data published by RS Means, the per square foot cost of single-family construction in Moraga is approximately \$289 per square foot, not including site improvement costs. Site improvement costs may be over \$50,000 per lot; this can vary substantially due to contributing factors such as the size of the lot, availability of water and sewer connections, soil conditions, and other conditions that could impact costs. In total, construction costs for a single-family Moraga home would likely exceed \$630,000 for a 2,000 square foot single family home, before including the cost of land. With the addition of financing costs, permits and fees, other soft costs, and a builder profit of approximately ten percent, the cost to a homebuyer would almost certainly exceed one million dollars.

For multifamily development, RS Means indicates that per square foot construction costs in Moraga would be approximately \$278 per square foot. Assuming an average of 1.5 parking spaces per unit, the cost of podium parking could add \$75,000 or more to the per-unit construction cost. After factoring in \$25,000 in site improvement costs per unit, financing costs, permits and fees, and other soft costs totaling approximately 30 percent of hard costs, the development cost for a 900 square-foot multifamily unit could be approximately \$475,000, before including the cost of land.

Information provided in low-income housing tax credit applications submitted to the California Tax Credit Allocation Committee (TCAC) suggests that the typical cost to construct a new affordable unit (i.e., total development costs) in Contra Costa County is approximately \$550,000

to \$600,000 per unit, including the cost of land. This may be an underestimate of the typical cost in Moraga because the TCAC applications include lower-cost areas of the County, where land costs are lower than would be typical in the Lamorinda area.

Within the 6<sup>th</sup> Housing Element Cycle, the Town of Moraga will seek to mitigate some of the impacts of high development costs in part by increasing development capacity on rezoned sites, as discussed in the Housing Sites Analysis and Housing Plan chapters of the Housing Element. The figures provided above demonstrate that the cost to construct a multifamily unit is significantly lower than the cost to construct a single-family unit. Therefore, rezoning to allow for more multifamily development will facilitate the production of housing that is more affordable “by design” as well as housing that is formally affordable due to the use of subsidy and tax credit programs.

The Housing Plan also includes a program that will reduce parking requirements for studios and one-bedroom units, which will help to lower multifamily development costs. In addition, the Town will take actions to streamline the development process, including approving multifamily development by right, and establishing objective design standards which can help to reduce time and uncertainty in the development process and lower overall development costs.

#### **5.3.4: Time Between Approval and Building Permits**

In most cases, the time between project approvals and the issuance of building permits in Moraga is relatively short. However, there are three residential projects in Moraga that were approved at least five years prior to the preparation of this Housing Element Update, and which have not yet been constructed. This could be due to a number of factors, including funding constraints, construction labor shortages, increases in construction costs that could lead to unexpected cost increases after project approval, and time needed to finalize project design. In addition, some property owners seek to entitle projects and plan to sell the entitled property to a developer and may struggle to find developer interest for the specific project that is entitled on the site.

The Housing Plan chapter of this Housing Element Update includes a program that states that Town staff will meet with developers, homeowners, and other applicants on an annual basis to identify ways to reduce developer costs, increase the feasibility of projects, and address potential barriers to housing construction. These meetings would be an opportunity for developers to discuss any issues that are preventing construction of approved projects and seek opportunities to work with the Town to overcome barriers to construction.

#### **5.3.5: Projects Developing Below Maximum Allowable Densities**

Another potential non-governmental constraint is that developers may propose projects that are below the densities allowed by zoning. This includes building single family homes on sites zoned for multi-family housing. It also includes subdivisions with larger lots and thus fewer units than were anticipated in local housing plans. In the Moraga Center Specific Plan (MCSP) area, the

Town has adopted “minimum densities” as well as “maximum densities,” reducing the potential for “underdevelopment” of higher-value sites. For instance, the R-20 zone established a minimum density of 16 units per acre while the MCSP mixed use zones include minimum densities of 12 units per acre.

Recent data for residential projects shows that most are developing close to their General Plan and zoning designations. However, most of these designations were assigned through Planned Development applications. Examples include:

- Moraga Town Center Homes, which include 36 units on 3.06 acres (11.7 units per acre). This is very close to the 12 unit/acre density approved when the site was rezoned from Suburban Office to Planned Development.
- Harvest Court, which included 26 units on an 8.7 acre site (excluding 2.5 acres dedicated as a park). The density is 3 units per acre, which is equal to what was allowed by zoning.
- Via Moraga, which included 17 units on a 1.9 acre site (8.9 units per acre). This is close to the 10 unit/acre density approved when the site was rezoned from Limited Commercial to Planned Development.
- Bella Vista, which included 27 units on 179 acres, equivalent to a density of 1 unit per 6.6 acres. In this instance, the site had open space planning and zoning designations. The allowable number of units was determined through a PD process, and ultimately resulted in 27 units on 27 acres, or a density of one unit per acre. The remaining 152 acres was dedicated as permanent open space.
- Los Encinos, which included 10 lots on a 7-acre site, equivalent to a density of 1.4 units per acre. Zoning allows 3 units per acre, but the development site was originally part of a 65-acre parcel designated as open space.
- Hetfield Estates, which included 7 lots on a 58-acre site, equivalent to a density of one unit per 8.2 acres. However, this was originally an open space parcel, and the lots themselves are all 15,000-25,000 square feet (or about 2 units per acre)

More recent pre-application plans for sites in the MCSP area have been close to the maximum density allowed by zoning. This is expected to continue in the future, given the minimum density requirements and the high cost of land and construction.

### **5.3.6: Community Opposition**

The State of California recognizes community opposition as a factor in impacting the cost and viability of construction. Although opposition may lead to improvements in the quality of development and projects that are more compatible with surrounding uses, it can also increase the cost of development. This can result from additional processing time and the required number of hearings, the cost of appeals and legal challenges, and the cost of making changes to projects that reduce the number of units or add new amenities. The Town strongly encourages preapplication meetings, neighborhood meetings, study sessions, and other methods to identify

community concerns early on and address them proactively. As required by State law, it has also developed expedited procedures for projects meeting objective development and design standards. These steps may not be sufficient to address community concerns, which are often passionate and rooted in concerns about traffic, wildfire hazards, and the loss of valued open space and community character.

# CHAPTER 6: HOUSING PLAN

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This chapter presents the Town of Moraga's Housing Plan for the 2023-2031 Housing Element planning period. The Housing Plan is the core of the Moraga Housing Element, as it lays out the Town's housing goals, the policies that will guide the Town's actions to achieving those goals, and the programs that the Town will implement in the 2023 to 2031 Housing Element Planning period to work toward its goals. The goals, policies, and programs provided below are based on findings from the analysis of housing needs, constraints, and sites inventory presented in prior chapters of this report, as well as findings from the Assessment of Fair Housing Appendix. In addition, the goals, policies, and programs reflect input received from the stakeholders, community members, and others that participated in the public outreach process for the Housing Element Update, along with direction from the Moraga Planning Commission and Town Council. The programs below provide a comprehensive strategy for addressing State requirements and advancing the Town's housing objectives, while remaining tailored to be achievable within the Housing Element planning period, given the Town's financial and staffing resources.

## 6.1: Goals, Policies, and Programs

The Town of Moraga's goals, policies, and programs for the 2023-2031 Housing Element planning period are as follows:

### 6.1.1: 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 and proactively encourage 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 ~~n 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 ~~as needed to keep the Plan current, internally consistent, and compliant with all State laws 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 Align~~ 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 ~~respecting low-density neighborhoods in a way that is consistent with State law, 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:	<i>Fully updated General Plan, with 2040 horizon</i>
Timeframe:	<i>Complete by end of 2024</i>
Responsibility:	<i>Planning Department</i>
Potential Funding Sources:	<i>SB2 grants, General Fund, American Rescue Plan Act funds, Impact fees</i>

**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 include updated development standards and 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:	<i>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</i>
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<b>Timeframe:</b>	<i>January 31, 2023 (concurrently with adoption of the Housing Element and conforming General Plan Amendments)</i>
<b>Responsibility:</b>	<i>Planning Department, Planning Commission, Town Council</i>
<b>Potential Funding Sources:</b>	<i><a href="#">General Fund Comprehensive Advanced Planning Initiative (underway)</a></i>

**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

<b>Objective:</b>	<i>Increased zoning capacity to meet the RHNA</i>
<b>Timeframe:</b>	<i>January 31, 2023 (concurrently with adoption of the Housing Element and conforming General Plan Amendments)</i>
<b>Responsibility:</b>	<i>Planning Department, Planning Commission, Town Council</i>
<b>Potential Funding Sources:</b>	<i><a href="#">General Fund Comprehensive Advanced Planning Initiative (underway)</a></i>

**Program 4: Phase Two Zoning Text Amendments.** Within 24 months of Housing Element adoption, adopt the following additional revisions to the existing 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 Analyze the Town's residential FAR standards, ensure they are objective, and consider moving them from the Moraga Design Guidelines to the Municipal Code.

Objective: *Removal of constraints to developing higher density housing*  
 Timeframe: *Complete by end of 2025*  
 Responsibility: *Planning Department*  
 Potential Funding Sources: *General Fund/ Potential planning grants/ Staff function*

**Program 5: Moraga Center and Rheem Center Development** Activity 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, Depending on the level of development activity, consider additional zoning changes midway through the planning period, 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.<sup>39</sup>

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 Staff function (no supplemental funding required)*

**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 zoning 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 zoned 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*

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<sup>39</sup> 1.15 is currently the maximum FAR allowable for residential projects in the R-20 zone. See 8.34.060(B).

Timeframe:	<i>Begin monitoring in January 2023. Continue for duration of planning period. Include this information in the Annual Housing Progress Report</i>
Responsibility:	Planning Department
Potential Funding Sources:	<i>General Fund Staff function (no supplemental funding required)</i>

**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:	<i>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.</i>
Timeframe:	<i>Update inventory at least annually and publicize updated inventory on the Town website</i>
Responsibility:	Planning Department
Potential Funding Sources:	<i>General Fund Staff function (no supplemental funding required)</i>

**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:	<i>Annual Report</i>
Timeframe:	<i>Annually</i>
Responsibility:	Planning Department
Potential Funding Source:	General Fund

### 6.1.2: 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 zoning for that* new residential developments ~~provide~~s 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~~ Use 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 of development standards 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 FeesStaff function (no supplemental funding required)

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

*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 FundStaff function (no supplemental funding required)

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

- a) Supporting additional County Housing Authority Section 8 subsidies if rental dwelling units can be located that are within Federal fair market rent guidelines.
- b) Participating in Encourage 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 modifications to 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 programs aimed at bond measure for affordable housing.

Objective:	<i>Improve access to affordable housing subsidies</i>
Timeframe:	<i>Ongoing</i>
Responsibility:	<i>Planning Department</i>
Potential Funding Sources:	<u><i>General Fund/Staff function (no supplemental funding required)</i></u>

**Program 12: Saint- Mary's Partnership.** Work collaboratively with Saint- 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 Saint- 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:	<i>Development of housing serving Saint- Mary's students, faculty, and/or staff</i>
Timeframe:	<i>Initiate in 2023, continue through planning period</i>
Responsibility:	<i>Planning Department, Town Manager</i>
Potential Funding Sources:	<u><i>General Fund/Staff function (no supplemental funding required)</i></u>

**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 Saint- Mary's students. *They can also provide an affordable housing option for older adults-but are not limited to student residency.*

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

#### **6.1.3: Goal 3: Access to Opportunity and Safety**

*Ensure that all Moraga residents, regardless of income, have access to high-quality housing, excellent services, and safe neighborhoods without risk of displacement. This includes sustained efforts to address wildfire hazards and maintain high levels of emergency preparedness and response.*

## Policies

**H3.17 Wildfire Prevention and Response.** Consistent with the General Plan Public Safety Element, the Town shall make wildfire prevention and safety a priority in the location and design of new housing. It shall also support measures to make existing neighborhoods and housing units more resilient, thereby minimizing the potential for the loss of housing and displacement of residents.

**H3.28 Evacuation Capacity.** Consistent with the General Plan Public Safety Element, the Town shall consider the effects of new housing on the ability to safely and efficiently evacuate residents in the event of an emergency, including residents with special needs such as seniors and persons with disabilities. Ongoing efforts should be made to improve emergency preparedness and reduce the potential for injury and loss of life in the event of a wildfire or other disaster.

**H3.31 Integrated Living Patterns.** The Town shall avoid creating concentrated lower income areas and will promote social and economic integration of all incomes, ages, ethnicities, and household types.

**H3.24 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 encouraging inclusionary housing, ADUs, ~~SB-9 developments~~, and room rentals in existing and new single family and multifamily communities.

**H3.53 High-Resource Neighborhoods.** The Town shall foster the development of housing, particularly affordable housing, in areas with services, high-quality schools, and other resources.

**H3.64 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.

**H3.75 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.

**H3.86 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.

**H3.9** **Public Transportation to Housing Sites.** Encourage additional public transportation service to the Town's two commercial districts to improve travel options for residents and reduce potential increases in traffic.

**H3.7** **Wildfire Prevention and Response.** Consistent with the General Plan Public Safety Element, the Town shall make wildfire prevention and safety a priority in the location and design of new housing. It shall also support measures to make existing neighborhoods and housing units more resilient, thereby minimizing the potential for the loss of housing and displacement of residents.

**H3.8** **Evacuation Capacity.** Consistent with the General Plan Public Safety Element, the Town shall consider the effects of new housing on the ability to safely and efficiently evacuate residents in the event of an emergency, including residents with special needs such as seniors and persons with disabilities. Ongoing efforts should be made to improve emergency preparedness and reduce the potential for injury and loss of life in the event of a wildfire or other disaster.

## Programs

**Program 1425: Wildfire Safety and Emergency Preparedness Planning.** Continue efforts with the Moraga Orinda Fire District (MOFD) and the Cities of Orinda and Lafayette to reduce wildfire hazards and maintain the capacity to safely evacuate Moraga residents in the event of an emergency. Parts of Moraga have been identified as "very high" or "high" fire hazard severity zones. MOFD review of proposed development in these areas is critical, as are ongoing efforts to reduce fire hazards through vegetation management, creation of defensible space, use of appropriate construction materials, and resident education. During the eight-year planning period, the Town will continue to work collaboratively with partner agencies to improve emergency preparedness, ensure the safe evacuation of households with special needs, and address issues related to evacuation capacity, emergency vehicle access, and post-disaster recovery. This includes addressing the housing needs of displaced persons and the special needs of those with impaired mobility.

<u>Objective:</u>	<u>No loss of housing units or life due to wildfire</u>
<u>Timeframe:</u>	<u>Apply for grant funding in 2023 to complete a quantified evacuation analysis, including the 2023-31 housing sites</u>
<u>Responsibility:</u>	<u>Planning Department, Police Department, Fire District</u>
<u>Potential Funding Sources</u>	<u>Emergency preparedness grants</u>

**Program 154: Adoption of an Inclusionary Zoning Ordinance.** Adept-Develop an inclusionary housing ordinance for Town Council consideration. The ordinance should 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, zoning districts to be included, 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 should 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:	<i>10% inclusionary requirement</i>
Timeframe:	<i>Adopt ordinance by July 2023</i>
	<i>Evaluate the ordinance and adjust as needed by July 2025 to meet RHNA goals</i>
Responsibility:	<i>Planning Department</i>
Potential Funding Sources:	<i><u>General Fund— Comprehensive Advanced Planning Initiative (underway)</u></i>

**Program 156: Facilitate ADU Production.** The Town shall facilitate the production of ADUs by taking take 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) Maintain State-mandated existing fee reductions and waivers for ADUs (this action is encompassed in Program 31)

Objective:	<i>32 new ADU units in high-resource neighborhoods to improve residential mobility</i>
Timeframe:	<i>Items a and b by December 2024.</i> <i>See Program 31 for item c.</i>
Responsibility	<i>Planning Department</i>
Potential Funding Sources	<i><u>General Fund</u><u>Staff function (no supplemental funding required)</u></i>

**Program 167: 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*~~Permit fees, staff function~~

**Program 187: ADU TrackingDatabase.** The Town shall maintain a list~~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. ~~This information shall be tracked throughout the 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 2024. Evaluate progress and initiate modifications if needed by December 2026.*  
**Responsibility:** *Planning Department*  
**Potential Funding Sources:** *General Fund*~~Staff function (no supplemental funding required)~~

**Program 198: Facilitate SB 9 Projects.** The Town shall develop and implement a process, including objective standards, for program to promote development of new housing units under SB 9 applications consistent with State law. in order to expand homeownership opportunities. ~~The Town will create~~This may include public information materials or links to draw materials from existing resources prepared by ABAG or other organizations~~s~~ to provide property owners with information on SB 9 development standards and, permitting procedures, and construction resources. ~~The Town shall publish these materials through media such as About Town and the City's website.~~

Objective:	<i>Provide information</i> <u>Adopt Ordinance and Objective Standards</u>
Timeframe:	<u>2024</u> <u>Develop or identify materials by June 2023; publish materials on an ongoing basis.</u>
Responsibility:	Planning Department
Potential Funding Sources:	<u>General Fund</u> <u>Staff function (no supplemental funding required)</u>

**Program 2019: Shared Housing.** Participate in Eden Council for Hope and Opportunity Housing's Shared Housing Program or a 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.

Objectives:	<i>(1) Develop an outreach program and connect with ECHO to establish a program; (2) Connect 10 Moraga residents with shared housing program participants</i>
Timeframe:	<i>End of 2023</i>
Responsibility:	Planning Department
Potential Funding Sources:	<u>General Fund</u> <u>Staff function (no supplemental funding required)</u>

**Program 210: 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 Saintt. Mary's to proactively inform students of this housing opportunity.

Objective:	<i>Provide information</i>
Timeframe:	<i>Publish information annually in the Town newsletter</i>
Responsibility:	Planning Department
Potential Funding Sources:	<u>General Fund</u> <u>Staff function (no supplemental funding required)</u>

**Program 221: Rheem Center Public Realm Plan.** Seek grant funding to prepare a Public Realm Plan for the Rheem Center area (as defined on the General Plan Map) 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 entire Rheem Center area as a community focal point, shopping, indoor and outdoor 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 232: Allow Family-Supportive Services By Right in High-Density Residential and Mixed Use Zones.** The Town shall update the Zoning Ordinance to allow community services such as childcare and community gathering spaces by right on the ground floor of mixed use and multi-family residential buildingsuses.

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/potential planning grants, staff function

**Program 243: 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~~Staff function (no supplemental funding required)

**Program 254: 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	<u>General Fund</u> <u>Staff function (no supplemental funding required)</u>

**Program 25: Wildfire Safety and Emergency Preparedness Planning.** Continue efforts with the Moraga Orinda Fire District (MOFD) and the Cities of Orinda and Lafayette to reduce wildfire hazards and maintain the capacity to safely evacuate Moraga residents in the event of an emergency. Parts of Moraga have been identified as "very high" or "high" fire hazard severity zones. MOFD review of proposed development in these areas is critical, as are ongoing efforts to reduce fire hazards through vegetation management, creation of defensible space, use of appropriate construction materials, and resident education. During the eight year planning period, the Town will continue to work collaboratively with partner agencies to improve emergency preparedness, ensure the safe evacuation of households with special needs, and address issues related to evacuation capacity, emergency vehicle access, and post disaster recovery. This includes addressing the housing needs of displaced persons and the special needs of those with impaired mobility.

Objective:	No loss of housing units or life due to wildfire
Timeframe:	Apply for grant funding in 2023 to complete a quantified evacuation analysis, including the 2023 31 housing sites
Responsibility:	Planning Department, Police Department, Fire District
Potential Funding Sources	Emergency preparedness grants

#### 6.1.4: 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.
- H4.2 CEQA Infill Exemptions.** The Town shall employ CEQA infill exemptions for qualified projects.
- H4.3 Maintain Consistency with State Law.** The Town shall ensure continued consistency with the permit streamlining act and other housing streamlining laws.

**H.4.4 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 26: 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:	<i>Reduce the length of Planned Development process and amend to be consistent with the General Plan</i>
Timeframe:	<i>By end of 2024</i>
Responsibility:	<i>Planning Department</i>
Potential Funding Sources:	<i>General Fund Planning grants/ staff function</i>

**Program 27: 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:	<i>Reduced parking requirements for multi-family residential development</i>
Timeframe:	<i>Phase One: January 2023; Phase Two: by end of 2024</i>
Responsibility:	<i>Planning Department</i>
Potential Funding Sources:	<i>General Fund Comprehensive Advanced Planning Initiative (underway)</i>

**Program 28: 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:	<i>Reduce permit processing times relative to current levels</i>
Timeframe:	<i>Annually, starting in 2023</i>
Responsibility:	<i>Planning Department, Contra Costa County Building Department</i>
Potential Funding Sources:	<i><u>General Fund</u><u>Staff function</u>, Permit fees</i>

**Program 29: Fee Waivers and Deferrals.** The Town may consider ~~waivers or reductions deferrals~~ 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. To the extent financially feasible, the Town shall also consider fee deferrals for qualifying market-rate developments until issuance of a Certificate of Occupancy to facilitate the development of housing in Moraga.

Objective:	<i>Reduce fees for residential development costs relative to current levels without placing a financial burden on the Town</i>
Timeframe:	<i>Establish eligibility criteria for reduced/deferred fees by January 2024.</i>
Responsibility:	<i>Planning Department &amp; Town Council</i>
Potential Funding Source:	<i><u>General Fund</u><u>Staff function (no supplemental funding required)</u></i>

**Program 30: 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:	<i>Reduce permit processing times relative to current levels</i>
Timeframe:	<i>By December 2023</i>
Responsibility:	<i>Planning Department</i>
Potential Funding Source:	<i><u>General Fund</u><u>Staff function (no supplemental funding required)</u></i>

**Program 31: Infrastructure Grants.** The Town will actively pursue grant funding for 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:	<i>Submit at least one grant application during the first three years of the planning period.</i>
Timeframe:	<i>Annually evaluate notices of funding availability.</i>
Responsibility:	<i>Planning Department, Public Works Department</i>
Potential Funding Sources:	<i>General Fund, Grants</i>

**Program 32: Amendments to the Scenic Corridor Regulations.** Amend Review the Town's Scenic Corridors regulations (Chapter 8.132 of the Municipal Code) to consider allow for modified setbacks and possible waivers of upper story stepback requirements on designated housing opportunity sites where certain conditions apply. The specific criteria for reduced setbacks would be consistent with State law 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.

<i>Objective:</i>	<i>No net loss from realistic site capacity estimates on Housing Opportunity Sites</i>
<i>Timeframe:</i>	<i>2024</i>
<i>Responsibility:</i>	<i>Planning Department</i>
<i>Potential Funding Sources:</i>	<i>General Fund, <u>Planning Grants</u></i>

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

**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:	<i>Update the Building Code every three years, or as otherwise needed to comply with State updates</i>
Responsibility:	<i>Planning Department, Contra Costa County Building Department</i>
Timeframe:	<i>Annually</i>
Potential Funding Sources:	<i>General Fund</i> <del>Staff function (no supplemental funding required)</del>

**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:	<i>Priority access to water and sewer service for affordable units</i>
Timeframe:	<i>Immediately after Housing Element adoption</i>
Responsibility:	<i>Planning Department</i>
Potential Funding Source:	<i>General Fund</i> <del>Comprehensive Advanced Planning Initiative (underway)</del>

#### 6.1.5: Goal 57: 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

**H57.1 Environmental Sustainability.** The Town shall promote cost effective sustainability, energy efficiency, water conservation, and waste reduction in new construction and renovations to existing homes.

**H5.27.3 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 3642: Sustainable Residential Development Climate Action Plan.** To the extent financially feasible, the Town will continue to promote implement the sustainable residential development sustainability initiatives in its Climate Action Plan, including and measures to improve energy efficiency and reduce utility costs in residential buildings. These include:

- a) Working with the Contra Costa County Department of Conservation and Development to continue implementing CALGreen building and energy efficiency requirements for new construction.
- b) Lobbying MCE for increased funding for programs to assist lower income households with energy conservation and efficiency upgrades.
- c) Promoting water-efficient landscaping to reduce home water costs and meet water conservation goals.
- d) Supporting residential waste diversion, recycling, organic waste recycling; and construction and demolition debris recycling measures.
- e) Supporting increased use of renewable energy systems such as solar panels to reduce monthly energy bills.
- f) Consider adopting an ordinance that requires energy efficiency retrofits for homes at point of sale.

<u>Objective:</u>	<u>Implementation of the CAP</u> <del>Reduced greenhouse gas emissions and home energy costs</del>
<u>Timeframe:</u>	<u>See Climate Action Plan</u> <del>Ongoing</del>
<u>Responsibility:</u>	<u>Varies, per Climate Action Plan</u> <del>All</del>
<u>Potential Funding Sources:</u>	<u>General Fund, grants, private</u> <del>investment, staff function</del>

### **6.1.5-6.1.6: Goal 65: 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**

**H65.1 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.

- | **H65.2 Support Aging in Place.** The Town shall assist older adults in adapting their residences to facilitate aging in place.
- | **H65.3 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.
- | **H65.4 Housing for People with Disabilities.** The Town shall encourage housing that is adaptable and accessible and responds to the needs of people with disabilities.
- | **H65.5 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.
- | **H65.6 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.
- | **H65.7 Emergency Shelters by Right.** The Town shall continue to allow emergency shelters by right in the Institutional District.
- | **H65.8 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.
- | **H65.9 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 376: 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 co-housing and other non-traditional housing types that are more affordable to lower income households.

*Objective:* Create housing opportunities for persons with special needs  
*Timeframe:* 2023  
*Responsibility:* Planning Department  
*Potential Funding Sources:* General Fund Staff function (no supplemental funding required)

**Program 387: Publicize Senior Housing Resources.** The Town shall provide web-based 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 Staff function (no supplemental funding required)

**Program 389: 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 information 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 Staff function (no supplemental funding required)

**Program 4039: 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 FundStaff function (no supplemental funding required)*

**Program 410: 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 FundStaff function (no supplemental funding required)*

#### **6.1.6-6.1.7: Goal 76: 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**

**H76.1 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.

**H76.2 Equal Housing Coordinator.** The Town shall ensure fair housing issues are addressed and illegal or arbitrary housing criteria are minimized.

**H76.3 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.

**H76.4 Fair Housing Information.** The Town shall maintain and provide information to the public regarding equal housing opportunity laws, and organizations that provide fair housing programs and services.

## Program

**Program 412: 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, 26, 27, 28, 29, 30, 31, and 32)
- 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, and 410)
- d) Adoption of an inclusionary housing ordinance (see Program 154) and implementation of the State Density Bonus (see Program 9)
- e) Programs ~~for to promote the~~ production of ADUs (see Program 165) and SB 9 projects (see Program 189)
- f) Programs to reduce displacement (see Programs 2019 and 2423)
- g) 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) Consider an agreement with a fair housing provider to provide fair housing services, first-time home buyer counseling, and tenant/landlord services.
- k) 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:	<i>a through f: refer to relevant programs</i> <i>Respond to 100% of complaints received</i> <i>Include nondiscrimination clauses in 100% of rental agreements and deed restrictions on for affordable housing"</i>
Timeframe:	<i>a through f: refer to relevant programs</i> <i>g through i: ongoing</i> <i>j and k: identify costs and potential resources by December 2023</i>
Responsibility:	<i>a through f: refer to relevant programs</i> <i>g through k: Planning Department</i>
Potential Funding Sources:	<i>a through f: refer to relevant programs</i> <i>General Fund</i> , <i>g, h, i: Staff function (no supplemental funding required)</i> <i>j and k: General Fund</i>

#### **6.1.7: 1.1.1: 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 42: Climate Action Plan.** ~~To the extent financially feasible, the Town will continue to implement the residential sustainability initiatives in its Climate Action Plan, including measures to improve energy efficiency and reduce utility costs in residential buildings. These include:~~

- a) Working with the Contra Costa County Department of Conservation and Development to continue implementing CALGreen building and energy efficiency requirements for new construction.**

- b) Lobbying MCE for increased funding for programs to assist lower income households with energy conservation and efficiency upgrades.
- c) Promoting water efficient landscaping to reduce home water costs and meet water conservation goals.
- d) Supporting residential waste diversion, recycling, organic waste recycling; and construction and demolition debris recycling measures.
- e) Supporting increased use of renewable energy systems such as solar panels to reduce monthly energy bills.
- f) Consider adopting an ordinance that requires energy efficiency retrofits for homes at point of sale.

Objective: *Implementation of the CAP*

Timeframe: *See Climate Action Plan*

Responsibility: *Varies, per Climate Action Plan*

Potential Funding Sources: *General Fund, grants, private*

## 6.2: Quantified Objectives

State Housing Element Law requires that each jurisdiction establish quantified objectives for Housing Element planning period. Quantified objectives differ from the Regional Housing Needs Allocation (RHNA) because they include not only targets for production of new housing units by household income level, but also include targets for rehabilitation of housing units and targets for conservation of housing units. In addition, local jurisdictions set their quantified objectives based on their realistic assessment of what can be achieved during the Housing Element planning period. Thus, the quantified objectives for housing production may differ from the local jurisdiction's RHNA for new housing units for the same planning period based on market conditions, financial resources, and other factors. Table 6-1 below shows the Town of Moraga's quantified objectives for the 2023-2031 Housing Element planning period, based on the following:

- **New Construction:** The objective for new construction is based on Moraga's RHNA allocations for the 2023-2031 Housing Element Period. Although the RHNA does not include allocations for extremely low-income households, Housing Element Law requires that jurisdictions estimate the need for housing units affordable to extremely low-income households. The quantified objectives assume that half of the very low-income housing needs consist of housing to serve extremely low-income households.
- **Rehabilitation:** The rehabilitation objective is based on Program 23, which has a goal of enabling 12 lower-income households to access County home repair and modification resources to during the Housing Element planning period. The income levels shown are based on an equal distribution of rehabilitated units among extremely low-income, very low-income, and low-income households.

- **Conservation:** There are no existing deed-restricted affordable housing units in Moraga that are at risk of converting to market rates, and therefore Table 6-1 does not include a quantified objective for conservation of deed-restricted units.

**Table 6-1: Quantified Objectives, 2023-2031**

<b>Income Category</b>	<b>New Construction</b>	<b>Rehabilitation</b>	<b>Conservation</b>
Extremely Low	159	4	N/A
Very Low	159	4	N/A
Low	183	4	N/A
Moderate	172	0	N/A
Above Moderate	<u>445</u>	<u>0</u>	<u>N/A</u>
<b>All Income Categories</b>	<b>1,118</b>	<b>12</b>	<b>N/A</b>

Source: Town of Moraga, 2022.

## APPENDIX A: ASSESSMENT OF FAIR HOUSING

## APPENDIX B: HOUSING OPPORTUNITY SITE INVENTORY

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## APPENDIX C: RESIDENT SURVEY REPORT

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## APPENDIX D: STUDENT SURVEY REPORT

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## APPENDIX E: BALANCING ACT REPORT

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