

Exhibit C:
CEQA Findings and
Statement of Overriding Considerations
for the
Housing Element Update of the
Comprehensive Advanced Planning Initiative
Pursuant to CEQA Guidelines Sections 15091 and 15093
and Public Resources Code Section 21081

The Final Environmental Impact Report (Final EIR) prepared by the Town of Moraga (Town) for the Comprehensive Advanced Planning Initiative consists of the Draft EIR and Response to Comments on the Draft EIR. The Comprehensive Advanced Planning Initiative consists of the Housing Element and Bollinger Valley Rezoning, as described in the Draft EIR. For the purpose of these findings, the Housing Element is defined to include related rezoning and General Plan Consistency Amendments. The Final EIR identifies significant environmental impacts that will result from implementation of the both the Housing Element and Bollinger Valley Rezoning. This document focuses on the Housing Element (“project”). Separate findings and statements will be considered for the Bollinger Valley Rezoning.

The Town finds that the inclusion of certain mitigation measures as part of approval of the Housing Element will reduce all but the following significant impacts to levels that are less than significant: air quality, biological resources, greenhouse gas emissions, noise, transportation, utilities and service systems, and wildfire. No feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level or mitigation measures have been identified but would not reduce impacts to a level of less than significant; these impacts will remain significant unavoidable impacts of the project. These impacts are required to be overridden due to specific considerations that are described within this document.

As required by the California Environmental Quality Act (CEQA), the Town, in adopting these CEQA Findings and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The Town finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the Town adopts these findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the Town also finds that the Final EIR reflects the Town’s independent judgment as the lead agency for the project.

Table of Contents

1	Introduction	1
1.1	Statutory Requirements for Findings.....	1
1.2	Procedural Findings.....	1
1.3	Findings Required Under CEQA.....	3
1.4	Record of Proceedings	3
1.5	Findings	4
2	Comprehensive Advanced Planning Initiative	5
2.1	Project Objectives	5
2.2	Project Description.....	5
2.3	Alternatives.....	9
3	Topical Areas Determined to have Less than Significant or No Impacts	11
4	Topical Areas Determined to have Potentially Significant Impacts Mitigated to a Less Than Significant Level	18
5	Topical Areas Determined to have Significant and Unavoidable Impacts.....	26
5.1	Cumulative Impacts	30
6	Feasibility of Project Alternatives	31
6.1	Alternative 1: No Project Alternative.....	31
6.2	Alternative 2: Employment-Focused Growth	32
6.3	Alternative 3: Clustered Bollinger Canyon Development	32
7	Statement of Overriding Considerations	33

This page intentionally left blank.

1 Introduction

1.1 Statutory Requirements for Findings

California Environmental Quality Act (CEQA) Guidelines Section 15091 states that:

- (a) No public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.¹

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.² The CEQA Guidelines state in Section 15093 that:

“If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

1.2 Procedural Findings

The Town Council of the Town of Moraga finds as follows:

Based on the nature and scope of the Comprehensive Advanced Planning Initiative, State Clearinghouse No. 2022020106, the Town Council of Moraga determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an Environmental Impact Report (EIR). The EIR was prepared, noticed, published, circulated, reviewed

¹ CEQA Guidelines Section 15091 (a), (b).

² Public Resources Code Section 21081(b).

and completed in full compliance with the CEQA Public Resources Code Sections 21000 et seq. CEQA and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et. Seq.), as follows:

- **Notice of Preparation and Initial Study.** After deciding that an EIR is required, the lead agency (the Town) must file a Notice of Preparation soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code [PRC] Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the project could create significant environmental impacts. The Town prepared an NOP of the Draft EIR for a 30-day agency and public review period that began on February 3, 2022 and ended on March 7, 2022.
- **Draft EIR Prepared.** The Draft EIR must contain a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing, and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; h) discussion of irreversible changes, and i) any identified areas of controversy. The Town prepared a Draft EIR and circulated the Draft EIR for a 46-day public review period that began on October 27, 2022 and ended on December 12, 2022. A corresponding Notice of Availability (NOA) was published to provide notification when the Draft EIR became available for public review.
- **Notice of Completion (NOC).** The lead agency must file a notice of completion with the State Clearinghouse when it completes a Draft EIR and prepare an NOA. The lead agency must place the notice of completion in the County Clerk's office for 30 days (PRC Section 21092) and send a copy of the notice of completion to anyone requesting it (CEQA Guidelines Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following methods: a) publication in a newspaper of general circulation; b) physical signage posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (PRC Sections 21104 and 21253). An NOC was prepared and submitted to the State Clearinghouse with the Draft EIR on October 27, 2022.
- **Final EIR.** A Final EIR must include a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments. The Town prepared a Final EIR, which was published and submitted to the State Clearinghouse on January 6, 2023.
- **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (CEQA Guidelines Section 15090).
- **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines sections 15042 and 15043).
- **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should

be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

- **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures adopted or made conditions of project approval to mitigate significant effects.
- **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the NOD with the county clerk. The NOD must be posted for 30 days and sent to anyone requesting notice previously. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (PRC Section 21167[c]).

1.3 Findings Required Under CEQA

The Town Council (the final decision-making body) of the Town of Moraga (the CEQA Lead Agency) will determine whether to certify the EIR for the Project. Because the Draft EIR identified a potentially significant environmental impact, the Town Council must also make certain "findings" as part of its action to certify that the EIR has been completed in compliance with CEQA and to approve the Housing Element. Pursuant to CEQA Guidelines Section 15091 and CEQA Section 21081, no public agency shall approve or carry out a project for which an environmental impact report has been certified, which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

1.4 Record of Proceedings

For purposes of CEQA and these findings, the record before the Town Council includes the following:

- The Draft EIR and all appendices to the Draft EIR
- The Final EIR including an errata, comments on the Draft EIR and responses to comments, and all appendices to the Final EIR
- Public notices required by CEQA
- Studies conducted for Comprehensive Advanced Planning Initiative and contained in, or referenced by, the Draft EIR or the Final EIR

- Documentary and oral evidence received and reviewed at public hearings, study sessions, and workshops and transcripts and minutes of those hearings related to Comprehensive Advanced Planning Initiative the Draft EIR and the Final EIR
- For documentary and informational purposes, the Findings and Statement of Overriding Conditions, Mitigation Monitoring and Reporting Program, and other documentation relevant to planned growth in the area
- Additional items not listed above if otherwise required by law

1.5 Findings

The Final EIR is incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving Comprehensive Advanced Planning Initiative in spite of the potential for associated significant and unavoidable adverse impacts.

For the purposes of these findings, the impact discussions include the relevant policies and actions, as well as the separate mitigation measures imposed to reduce the impacts where the policies did not result in a less than significant impact. In the findings that follow, impact numbers are provided. The impact numbers correspond to sections of the Draft EIR that contain an expanded discussion of impacts. Please refer to the referenced impact sections of the EIR for more detail.

2 Comprehensive Advanced Planning Initiative

2.1 Project Objectives

Pursuant to CEQA Guidelines Section 15124(b), the EIR project description must include “[a] statement of objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project.” The Comprehensive Advanced Planning Initiative is intended to achieve the following project objectives:

- A State-certified Housing Element for 2023-2031 that responds to local and regional needs.
- An internally-consistent, easy-to-use General Plan that is legally compliant and addresses emerging issues.
- Updated long-range planning policies and programs that respond to recent State legislation related to vehicle miles travelled (VMT), climate change and resilience, fire hazards, evacuation, and other pertinent topics.
- General Plan land use and zoning designations for the Bollinger Canyon Study Area.
- Rezoning consistent with the Housing Element to meet the Town’s Regional Housing Needs Allocation (RHNA).
- Opportunities for meaningful public participation, including the engagement of residents who have not historically participated in planning processes.
- New objective development standards consistent with state law.

2.2 Project Description

The Planning Initiative includes an update to the Town’s Housing Element, rezoning of key sites within the Town’s jurisdiction, and amendments to the 2002 General Plan. The Planning Initiative would provide a cohesive long-term framework for future growth and development in the Town. The Initiative was catalyzed by the RHNA allocation, as well as Plan Bay Area 2050 and other initiatives that support denser housing in “Priority Development Areas” around the region. The Planning Initiative is meant to ensure the Town has a sufficient number of appropriately zoned sites to meet its housing allocation. It is also intended to provide supportive housing goals, policies, programs, and quantitative objectives to meet the Town’s future housing needs. It is further intended to provide objective design and development standards so that projects may be approved more quickly and efficiently, thus reducing development costs and making housing easier to build.

The Town of Moraga is consolidating long range planning efforts through this initiative, namely the Housing Element Update and corresponding rezoning of the Moraga Center Specific Plan and Rheem Park areas, rezoning of the Bollinger Canyon Study Area, and 2002 General Plan amendments to achieve internal consistency and meet recent State requirements. The location of the three study areas are Moraga Center Specific Plan area, Rheem Park area, and Bollinger Canyon Study Area. The Planning Initiative would ensure a refreshed vision for growth throughout the Town that meets the community’s needs.

Housing Element Update

The Housing Element Update presents a comprehensive set of housing policies and actions for the years 2023-2031. It would provide Moraga with a “road map” for accommodating its future housing demand and would guide decisions that impact housing for the next 8 years. The document aims to achieve several overarching goals, including:

- Accommodating projected housing demand to meet RHNA, as mandated by the State
- Increasing housing production to meet this demand
- Improving housing affordability
- Preserving existing affordable housing
- Improving the safety, quality and condition of existing housing
- Facilitating the development of housing for all income levels and household types, including special needs populations; and
- Improving the livability and economic prosperity of all Moraga residents; and promoting fair housing choice for all.

The Housing Element Update would be based on the Town’s RHNA, plus a buffer of units to ensure ongoing compliance with the No Net Loss provisions of State housing law. The 2023-2031 RHNA for Moraga has been set at 1,118 housing units. This is an increase of more than 400 percent relative to the allocation for 2015-2022 and therefore requires the rezoning of the three areas as shown in Figure 2-3 in Section 2, *Project Description*, of the Draft EIR. The Housing Element site inventory also accounts for projects that have been fully entitled but not yet constructed (also called “pipeline” projects). The 225 units shown include Palos Colorados (123 single family homes plus 30 accessory dwelling units), Country Club Extension (65 single family homes), and Hetfield Estates (7 single family homes). These three projects were also listed in the 2015-2023 Housing Element but remain undeveloped. No changes to these three projects are proposed. The Town of Moraga also anticipates new housing may be created through the addition of Accessory Dwelling Units (ADUs) to existing homes. ADUs are an important tool to help meet local housing needs.

The “No Net Loss” Law (Government Code Section 65863) requires maintenance of sufficient sites to meet the RHNA for all income levels throughout the planning period. The recommendation from the California Department of Housing and Community Development is to adopt a housing site inventory with a buffer of at least 20 percent over the allocated RHNA. Moraga’s buffer exceeds this guideline. Consistent with the 2002 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 2002 General Plan objectives such as supporting the Town’s shopping centers and businesses, creating community gathering places, encouraging walking and bicycling, and conserving hillsides and natural resources.

State law requires that housing elements are updated every 8 years (California Government Code Sections 65580 to 65589.8). The proposed update, the 2023-2031 Housing Element, identifies sites adequate to accommodate a variety of housing types for all income levels and needs of special population groups defined under state law (California Government Code Section 65583); analyzes governmental constraints to housing maintenance, improvement, and development; addresses conservation and improvement of the condition of existing affordable housing stock; and outlines policies that promote housing opportunities for all persons.

The update to the Housing Element would ensure compliance with State legislation passed since adoption of the General Plan and the 2015-2023 Housing Element.

Rezoning

It is important to note that not every parcel within the rezoned areas is considered a “Housing Opportunity Site.” Zoning boundaries are used to define “districts” comprised of multiple parcels where particular uses are allowed, and particular development standards apply. Although all of the parcels in a given zoning district are subject to common regulations, each parcel contains unique uses and activities. Some parcels are vacant or underutilized and have the potential for housing. Others are developed with active uses and are likely to remain as they are today in the future. Development potential has only been calculated for those rezoned properties that are likely to redevelop with housing. For example, the Town offices are within one of the areas being rezoned—but they are not expected to redevelop by 2031.

Likewise, the 24 unit/acre zoning limit is subject to density bonuses, including those available under State law and those that could be provided by the Town through future incentive programs. Such bonuses could result in a larger number of housing units on individual sites than was presumed in the Housing Element. These larger yields are covered by this EIR to the extent that the total number of housing units produced in the Town does not exceed the total number of units presumed by the EIR. If a project would cause the Townwide “buildout” numbers in this EIR to be exceeded, additional environmental review would be required.

Moraga Center

Moraga Center is an approximately 187-acre area generally located around the intersection of Moraga Road and Moraga Way. Land use in this area is governed by a Specific Plan adopted in 2010, as well as new zoning regulations adopted in 2020. The Moraga Center Specific Plan used a buildout range of 510-630 units (the higher number includes increased density for senior housing) for CEQA analysis and planning purposes. The previous 2015-2023 Housing Element assumed that the entire 510-630 units would occur on residentially zoned land and did not quantify any housing potential on mixed use properties. To meet the higher RHNA for the 6th cycle, the Housing Element Update would consider several of the Moraga Center Specific Plan mixed use sites as Housing Opportunity Sites.

Rheem Park Area

The Rheem Park area is an approximately 60-acre area located at the intersection of Rheem Boulevard and Moraga Road in north-central Moraga. The Rheem Park area includes the Rheem Shopping Center, the Rheem Theater, Town of Moraga Offices, a Saint Mary’s College administration facility, private office buildings, a convalescent facility, miscellaneous commercial uses, and vacant land. Current zoning in the area includes Suburban Office, Limited Commercial, and Community Commercial. Multi-family residential uses are not listed as a permitted use in these zoning districts. Proposed zoning changes in this area would rezone some of the commercial parcels to mixed use to permit residential development. Rezoning of this area is required not only to meet the RHNA, but also to meet new state requirements for Affirmatively Furthering Fair Housing (AFFH). Input from property owners supports the Town’s efforts to rezone the sites. The Town is strongly encouraged to distribute lower-income housing opportunities in multiple geographic areas rather than concentrating them in a single location (Moraga Center). Rheem Park is the only other

viable location in the Town for higher densities, given natural hazards, infrastructure, and environmental considerations.

General Plan Amendments

The Housing Element Update and resulting rezoning would require amendments to the 2002 Moraga General Plan. The amendments are required to maintain internal consistency, respond to new State laws, and provide a framework for zoning changes. Amendments to the 2002 Moraga General Plan, specifically new and modified goals, policies, and implementation programs, apply to the Planning Initiative in its entirety, including development within the Moraga Center area, and Rheem Park area.

Bollinger Canyon Study Area General Plan Amendment and Rezoning

As mentioned earlier, findings and a statement of overriding considerations for this component of the Comprehensive Advanced Planning Initiative will be separately prepared and considered. The below description is included for informational purposes.

Bollinger Canyon, located in the east central portion of the Town, is identified as “Study Area” on Moraga’s General Plan and Zoning maps. The Study Area is approximately 423 acres and includes 20 parcels with 13 different owners. The Study Area designation does not have an associated density range. The Moraga Town Council has expressed the goal of replacing the Study Area designation, which was intended to be temporary, with permanent General Plan, zoning designations and development standards.

The Comprehensive Advanced Planning Initiative would eliminate the Study Area designation from both the General Plan and zoning maps and apply new General Plan and zoning designations for both areas. A community process was implemented in late 2021 and early 2022 to consider new designations. Three “parcel groups” were identified based on shared characteristics, and different zoning strategies were adopted for each group. Open Space (General Plan)/Non-MOSO Open Space (Zoning)

A total of 136 acres, comprised of four parcels and commonly referred to as Harvey Ranch, would receive an “Open Space” General Plan designation and be rezoned to “Non-MOSO Open Space.”³ The Non-MOSO zoning designation allows for residential uses with a conditional use permit (at densities of one unit per 5, 10, or 20 acres per unit, depending on conditions). However, no future development potential is presumed on these parcels since they are being acquired by the John Muir Land Trust for conservation purposes.

Residential – 1 Dwelling Unit per Acre (General Plan/Zoning)

A total of 17 acres, including nine parcels, would receive a General Plan and zoning designation of one dwelling unit per acre. This area is already developed with existing residences, generally ranging from just under one acre to about 3.5 acres. There is one vacant lot, presumed to have the potential for two residential units under the proposed zoning.

³ MOSO is the Moraga Open Space Ordinance. Open Space in the Town includes “MOSO” Open Space, which was covered by the Ordinance, and non-MOSO Open Space, which includes parcels not expressly covered by the Ordinance.

Rural Residential – 1 Dwelling Unit per 5 Acres (General Plan/Zoning)

The remaining 270 acres would receive a General Plan and zoning designation of “Rural Residential” consistent with properties to the northeast and north in adjacent jurisdictions. This designation does not currently exist but would be created as part of the project. Residential and agricultural uses would be permitted by right; a number of additional uses would be conditionally permitted.

Given existing land uses (including several existing residential units) and parcelization patterns, the theoretical number of parcels that could be created through future subdivision is approximately 51. The analysis in this EIR assumes 49 new residential units on the entire 270 acres. The Rural Residential zoning district would allow for density to be clustered, achieving a higher density in a defined area but with the same total number of units, while allowing for open space. A minimum lot size of 40,000 square feet would apply in such instances. As in other low-density residential zoning districts, the Rural Residential zoning would also allow for density to be transferred to another part of Moraga. This would include commercial and mixed-use districts. As a result of the rural densities being proposed in Bollinger Canyon and the surplus of existing sites in the Town for above moderate-income housing, the area is not considered a Housing Opportunity Site under the Housing Element Update.

Total new housing potential for the entire 423-acre Bollinger Canyon Study area, including the Non-MOSO Open Space area, the 1 DU/Acre area, and the RR area, is 51 units.⁴

2.3 Alternatives

Based on the project objectives and anticipated environmental consequences, and pursuant to CEQA Guidelines Section 15126.6, the following project alternatives were selected for analysis:

- **Alternative 1: No Project.** The No Project Alternative assumes there is no change in zoning or General Plan land use designations for the parcels identified by the Planning Initiative. Current uses on the sites would continue under this alternative, with buildup of the proposed Housing Opportunity Sites regulated by existing zoning and General Plan designations. No development would occur within the Bollinger Canyon Study Area since existing zoning and General Plan designations require a study to determine the appropriate number of units that the area can support prior to development.
- **Alternative 2: Employment-Focused Growth.** Alternative 2 assumes that nine of the Housing Opportunity Sites identified under the Planning Initiative would be developed for office/retail uses instead of residential uses. These sites are vacant or currently used for office or commercial purposes. Development would occur within the Bollinger Canyon Study Area as envisioned in the Planning Initiative and described in Section 2, *Project Description*. The purpose of Alternative 2 is to achieve the Town’s RNA obligations while creating jobs and services in the vicinity of housing to reduce VMT.
- **Alternative 3: Clustered Bollinger Canyon Development.** Alternative 3 assumes that buildup would be the same as proposed under the Planning Initiative, except development within the Bollinger Canyon Study Area would be required to be clustered. The exact location of clustered development is not specified under Alternative 3, but development would likely cluster adjacent to existing residential development west of the Bollinger Canyon Study Area or near Bollinger Canyon Road. The purpose of Alternative 3 is to reduce impacts to biological resources, cultural resources, geology and soils, hydrology and water quality, tribal cultural resources, and utilities

⁴ 2 units in 1 DUA and 49 units in RR.

Town of Moraga
Comprehensive Advanced Planning Initiative

by minimizing ground disturbance and maximizing remaining contiguous open space within the Study Area.

Refer to Chapter 6, *Alternatives*, of the Draft EIR for the complete alternatives analysis.

3 Topical Areas Determined to have Less than Significant or No Impacts

The Town finds that, based upon substantial evidence in the record, as discussed below, the Housing Element's impacts associated with the following topical areas would less than significant.

Aesthetics

Impacts AES-1 – AES-6

Implementation of the Housing Element would result in new development that could affect scenic vistas. However, strategic siting of Housing Opportunity Sites within urbanized areas of the town, along with compliance with applicable Design Guidelines, Municipal Code, and General Plan policies would ensure that development would not have a substantial adverse effect on scenic vistas.

Impacts would be less than significant.

Development facilitated by the Housing Element would not substantially degrade existing visual character or quality of public views through strategic siting within developed areas of the town and compliance with Moraga Municipal Code, applicable Design Guidelines, and General Plan goals and policies. Impacts would be less than significant.

Development facilitated by Housing Element would introduce new sources of light and glare. With adherence to existing ordinances that regulate light and glare for new development, impacts would be less than significant.

Air Quality

Impact AQ-1

The Housing Element would be consistent with Bay Area Air Quality Management District's (BAAQMD) 2017 Clean Air Plan and impacts would be less than significant.

Impacts AQ-3 and AQ-4

Construction of development facilitated by the Housing Element would result in the temporary generation of air pollutants, which would affect local air quality. Policies in the Moraga General Plan incorporate the BAAQMD Basic Construction Measures, which would reduce construction emissions. Impacts would be less than significant. Operation of the Housing Element would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard because the Housing Element's VMT per resident for the Town of Moraga would decrease from the baseline year to the buildout year. Impacts would be less than significant.

Impacts AQ-6 – AQ-8

Construction and operation of the development facilitated by the Housing Element would not result in substantial other emissions, such as odors and impacts would be less than significant.

Biological Resources

Impact BIO-5

Implementation of the Housing Element would avoid impacts to wildlife movement corridors by conserving Open Space in the Town as directed by policies in the General Plan. Impacts would be less than significant.

Impacts BIO-7 – BIO-10

Development facilitated by the Housing Element would be required to conform with applicable local policies protecting biological resources. Impacts would be less than significant.

Implementation of the Housing Element would not conflict with an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan. No impact would occur.

Cultural and Tribal Cultural Resources

Impacts CUL-1 and CUL-6

Development facilitated by the Housing Element may result in the alteration or demolition of historical resources in the Plan Area. Proposed Implementation Programs in the General Plan would reduce impacts to historical resources. Impacts would be less than significant.

Development facilitated by the Housing Element would have the potential to impact archaeological resources in the Plan Area. With implementation of proposed General Plan Implementation Programs requiring surveys for and protection of archaeological resources, impacts would be less than significant.

Development facilitated by the Housing Element could result in damage to or destruction of human burials in the Plan Area. However, compliance with existing regulations on human remains would ensure less than significant impacts.

Impacts TCR-1 and TCR-6

Development facilitated by the Housing Element in the Moraga Center and Rheem Park areas may involve grading and excavation during construction, which has the potential to uncover previously unidentified tribal cultural resources. Implementation of proposed Implementation Programs in the General Plan would reduce impacts to tribal cultural resources to a less than significant level.

Energy

Impacts ENG-1 – ENG-4

Development facilitated by the Housing Element would not result in a significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. Impacts would be less than significant.

The Housing Element Update would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

Geology/Soils

Impacts GEO-1 – GEO-12

Development facilitated by the Housing Element would not be subject to rupture of a known earthquake fault. There would be no impact.

Development facilitated by the Housing Element could be located in areas that would be exposed to seismic events, including ground shaking, liquefaction, and landslides. Compliance with the CBC and Safety Element policies would reduce ground shaking, liquefaction, and landslide hazards. However, with required adherence to existing policies and regulations that require geologic hazard investigations where warranted, control siting of development, and require safe construction practices, impacts would be less than significant.

Development facilitated by the Housing Element would include ground disturbance such as excavation and grading that would result in loose or exposed soil. Disturbed soil could be eroded by wind or during a storm event, which would result in the loss of topsoil. Adherence to permit requirements, Town regulations, and General Plan policies would ensure that this impact would be less than significant.

Development facilitated by the Housing Element could be located on a geologic unit or soil that is unstable or could become unstable resulting in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Compliance with the CBC and Safety Element policies would reduce hazards resulting from expansive soils and impacts would be less than significant.

Development facilitated by the Housing Element would mostly occur on or near developed sites that would be served by existing sanitation infrastructure. New development is not anticipated to include the use of septic systems. Therefore, impacts related to the use of septic tanks or alternative wastewater disposal systems would be less than significant.

Development facilitated by the Housing Element has the potential to impact paleontological resources. Proposed General Plan Implementation Program PAL-A would reduce impacts to paleontological resources. Impacts would be less than significant.

Greenhouse Gas Emissions

Impacts GHG-1 and GHG-2

Greenhouse gas (GHG) emissions from development facilitated by the Housing Element would not exceed the BAAQMD interpolated 2031 project-level or plan-level thresholds. This impact would be less than significant.

Impact GHG-3

The Housing element would be consistent with GHG reduction goals contained in the California Air Resources Board (CARB) 2017 Scoping Plan, Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC) Plan Bay Area 2050, and Moraga General Plan. The Housing Element would not conflict with State policies or regulations. Impacts would be less than significant.

Hazards and Hazardous Materials

Impacts HAZ-3 and HAZ-4

Development facilitated by the Housing Element could result in the release of potentially hazardous materials within 0.25 mile of a school. However, compliance with regulations related to hazardous materials would minimize the risk of releases and exposure to these materials. Impacts would be less than significant.

Impacts HAZ-7 – HAZ-10

The Housing Element Area is not located in an airport land use plan or in the vicinity of a private airstrip. No impacts related to safety hazard or excessive noise due to airports would occur.

Development facilitated by the Housing Element would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Hydrology and Water Quality

Impacts HYD-1 – HYD-10

Development facilitated by the Housing Element would not violate water quality standards or Waste Discharge Requirements, or otherwise substantially degrade surface or groundwater quality. Individual development projects would be required to comply with best management practices in accordance with State and local regulations and permit requirements. Impacts would be less than significant.

Development facilitated by the Housing Element would not interfere substantially with groundwater supplies and recharge and the Planning Initiative would not impede sustainable groundwater management of local groundwater basins. Impacts would be less than significant.

Development facilitated by the Housing Element may alter drainage patterns and increase runoff but would not result in substantial erosion or siltation on or off site, increased flooding on or off site, contribute increased runoff that would exceed the capacity of existing or planned stormwater

systems, or contribute substantial additional sources of polluted runoff. Impacts would be less than significant.

Development facilitated by the Housing Element could alter drainage patterns on or increase runoff. Development within an area at risk from inundation by flood hazard would be required to comply with applicable General Plan goals and policies to prevent impedance or redirection of flood flows or release of pollutants due to project inundation. The Housing Opportunity Sites in areas at risk from post-wildfire flooding would be required to comply with applicable State, County, and Town regulations and policies to reduce impacts from redirection of post-fire flows. Impacts would be less than significant.

Development facilitated by the Housing Element would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Compliance with the basin plan would be a requirement of all development facilitated by the Planning Initiative. Impacts would be less than significant.

Land Use and Planning

Impacts LU-1 – LU-4

Implementation of the Housing Element would continue orderly development in the Plan Area and would not physically divide an established community. Impacts would be less than significant.

The Housing Element would not result in a significant environmental impact due to a conflict with Plan Bay Area 2050 or the Moraga General Plan. This impact would be less than significant.

Population and Housing

Impacts POP-1 – POP-4

Development facilitated by the Housing Element could accommodate an additional 5,067 new residents and 1,770 new housing units in the Town. This would exceed Plan Bay Area 2040 population and housing forecasts but would be consistent with the Town's RHNA allocation. ABAG's next Plan Bay Area would incorporate the Housing Element Update, and therefore, resulting growth would be anticipated and would not result in unplanned population growth. Impacts would be less than significant.

Development facilitated by the Housing Element would not result in the displacement of a substantial number of existing people or housing units to accommodate the planned increase in development intensity since the proposed rezoning of properties would allow for an overall increase in housing units as compared to existing conditions. Impacts would be less than significant.

Public Services and Recreation

Impacts PS-1 – PS-10

Development facilitated by the Housing Element would increase the population in the town, which would increase demand for fire protection services. However, this increase would not require additional and/or expanded fire protection facilities. Impacts would be less than significant.

Development facilitated by the Housing Element would increase the population in the town, which would increase demand for police protection services. However, this increase would not require additional and/or expanded police protection facilities. Impacts would be less than significant.

Development facilitated by the Housing Element would increase the population in the planning area, which could result in the need for additional and/or expanded school facilities. However, Government Code 65995 (b) would require funding for the provision or expansion of new school facilities to offset impacts from the Housing Element. Therefore, this impact would be less than significant.

Development facilitated by the Housing Element would increase the population in the town, which would increase demand for parks and recreation services. However, the Town would not exceed its threshold of three acres of parkland per 1,000 residents. Therefore, this impact would be less than significant.

Development facilitated by the Housing Element would increase the population in the town which would increase demand for the use of public facilities such as libraries. However, any future plans to expand public facilities such as the Moraga Library would be subject to environmental review under CEQA and given that the Moraga Library is on an infill site expansion is unlikely to result in significant impacts. Therefore, this impact would be less than significant.

Transportation

Impacts TRA-1 and TRA-2

The Housing Element would not conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, Roadway, bicycle, and pedestrian facilities. These impacts would be less than significant.

Impacts TRA-5 – TRA-8

The Housing Element would not result in designs for on-site circulation, access, and parking areas that fail to meet Town or industry standard design guidelines. Impacts would be less than significant.

The Housing Element would not result in inadequate emergency access to development sites. Impacts would be less than significant.

Utilities and Service Systems

Impact UTIL-1

Development facilitated by the Housing Element would increase demand for water, wastewater treatment, storm water drainage, electric power, natural gas, and telecommunications. However, existing utility systems would have capacity to serve the project. Relocation or construction of new or expanded facilities resulting in significant environmental impacts would not occur, and adequate

water supply and wastewater capacity exists to serve the project's demand. Impacts would be less than significant.

Impacts UTIL-3 and UTIL-4

Development facilitated by the Housing Element would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. The Housing Element would not impair the attainment of solid waste reduction goals and development facilitated by the project would comply with federal, State, and local statutes and regulations related to solid waste. Impacts would be less than significant.

4 Topical Areas Determined to have Potentially Significant Impacts Mitigated to a Less Than Significant Level

These topical areas contain impacts of the Housing Element that are reduced to a less-than-significant level through the implementation of mitigation measures. Pursuant to California Public Resources Code Section 21081(a)(1) and CEQA Section 15091(a)(1), as to each impact, the Town, based on the evidence in the record before it, finds that changes or alterations incorporated into the project mitigate, avoid, or substantially lessen to a level of insignificance these environmental impacts of the project. The basis for the finding for each impact is set forth below.

Air Quality

Impact AQ-5

Development facilitated by the Housing Element could potentially expose sensitive receivers to toxic air contaminants during construction. New sensitive receivers from resulting from the Housing Element could be exposed to toxic air contaminants (TAC). However, the Housing Element would adhere to policies in the Moraga General Plan that would limit incompatible land uses in proximity to each other and minimize health risks from sources of TAC upon sensitive receptors. Impacts would be less than significant with mitigation.

MITIGATION MEASURE AQ-1 CONSTRUCTION EQUIPMENT EMISSION CONTROL MEASURES

Based on BAAQMD *CEQA Guidelines* (2017), construction-related TAC and PM impacts should be addressed on a case-by-case basis, taking into consideration the specific construction-related characteristics of each project and proximity to off-site receptors. Construction activity from the projects developed under the Housing Element or Bollinger Canyon Rezone that are within 1,000 feet of sensitive receptors; utilize more than three pieces of construction equipment simultaneously onsite; have a duration of construction longer than two months; and exclude Tier 4 Final construction equipment shall be required to prepare an HRA assessment. An HRA shall be conducted prior to the issuance of a permit to construct. The applicant would be required to have it prepared by a third party or by if Town staff would be capable. The HRA would be reviewed by the Town in-house, or a contracted consultant. If the findings of the HRA assessment exceed BAAQMD health risk thresholds, then development projects under the Housing Element or Bollinger Canyon Rezone shall incorporate the following construction equipment emission control measures to the maximum extent feasible:

- Implement diesel construction equipment meeting USEPA Tier 4 Final emission standards for off-road heavy-duty diesel engines. If use of USEPA Tier 4 equipment is not feasible, diesel construction equipment meeting Tier 4 Interim or Tier 3 emission standards shall be used. Tier 3 equipment shall use a CARB Level 3 diesel particulate filter.
- Perform periodic site inspections during construction to verify compliance of USEPA Tier 4 (Final or Interim) or USEPA Tier 3 equipment.
- Use alternative fueled or catalyst equipped diesel construction equipment.
- Minimize idling time to five minutes or less.

- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable diesel generator set).
- Curtail construction during periods of high-ambient-pollutant concentrations; this may include ceasing of construction activity during the peak-hour vehicular traffic on adjacent roadways.
- Implement activity management (e.g., rescheduling activities to reduce short-term impacts).

Finding

The Town finds that with incorporation of Mitigation Measure AQ-1, which would require incorporation of BAAQMD Basic Construction Measures, would reduce temporary construction impacts and fugitive dust emissions to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Housing Element that avoid or substantially lessen the significant environmental effect to the extent feasible.

Biological Resources

Impact BIO-1

Implementation of the Housing Element may result in direct or indirect impacts to special-status plant species or their associated habitats including impacts to migratory bird nest sites. Impacts would be less than significant with mitigation.

MITIGATION MEASURE BIO-1 BIOLOGICAL RESOURCES SCREENING AND ASSESSMENT

For development projects facilitated by the Housing Element that would require vegetation trimming or removal, prior to consideration of the application, the project applicant shall hire a qualified biologist to perform a preliminary biological resources screening, for the Town's review and approval, to determine whether the project has any potential to impact special status biological resources, inclusive of special status plants and animals, sensitive vegetation communities, jurisdictional waters (including creeks, drainages, streams, ponds, vernal pools, riparian areas and other wetlands), critical habitat, wildlife movement area, or biological resources protected under local or regional ordinances. If it is determined that the project has no potential to impact biological resources, no further action is required under this mitigation measure.

If the project would have the potential to impact biological resources, a qualified biologist shall conduct a project-specific biological analysis to document the existing biological resources within a project footprint plus a minimum buffer of 50 feet around the project footprint, as is feasible, and to determine the potential impacts to those resources, as approved by the Town. The project-specific biological analysis shall evaluate the potential for impacts to all biological resources including, but not limited to special status species, nesting birds, wildlife movement, sensitive plant communities, critical habitats, and other resources judged to be sensitive by local, State, and/or federal agencies. If the project would have the potential to impact these resources, additional measures may be required and recommendations developed to enhance wildlife movement (e.g., installation of wildlife friendly fencing), as applicable, to reduce impacts to less than significant levels. Additional measures may also include compensatory mitigation when avoidance of a biological resource is not possible. Pending the results of the project-specific biological analysis, Town review, design alterations, further technical studies (e.g., protocol surveys) and consultations with the USFWS,

NMFS, CDFW, and/or other local, State, and federal agencies may be required as determined by the Town.

MITIGATION MEASURE BIO-2 PRE-CONSTRUCTION BIRD SURVEYS, AVOIDANCE, AND NOTIFICATION

For construction activities at development sites under the Housing Element initiated during the bird nesting season (February 1 – September 15) involving removal of vegetation or other nesting bird habitat, including abandoned structures and other man-made features, a qualified biologist hired by the Town shall conduct a pre-construction nesting bird survey no more than five days prior to initiation of vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot and shall include a buffer around the construction site at a distance determined by a qualified biologist, including staging and storage areas. The minimum survey radii surrounding the work area shall be the following: 250 feet for non-raptors and 1,000 feet for raptors. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in California Bay Area communities (i.e., qualified biologist). If construction lapses for seven days or longer, the qualified biologist shall conduct another focused survey before project activities are reinitiated. If nests are found, an avoidance buffer shall be determined by a qualified biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site. The qualified biologist shall observe the active nest to establish a behavioral baseline of the adults and nestlings, if present. The qualified biologist shall continuously monitor the active nests to detect signs of disturbance and behavioral change as a result of construction impacts, such as noise, vibration, odors, or worker/equipment motion. If signs of disturbance and behavioral changes are observed, the qualified biologist shall cease work causing those changes and may contact CDFW or USFWS for guidance. The buffer shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified as to the existence of the buffer zone as an “Ecologically Sensitive Area” and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be submitted to the Town prior to the commencement of construction activities.

Future project site plans proposed at development sites shall include a statement acknowledging compliance with the federal MBTA and California Fish and Game Code that includes avoidance of active bird nests and identification of Best Management Practices to avoid impacts to active nests, including checking for nests prior to construction activities during February 1 to September 15 and what to do if an active nest is found so that the nest is not inadvertently impacted during grading or construction activities.

MITIGATION MEASURE BIO-3 ROOSTING BAT SURVEYS AND AVOIDANCE PRIOR TO REMOVAL

Prior to tree or vacant structure removal, a qualified biologist shall conduct a focused survey of all trees and structures to be removed or impacted by construction activities to determine whether active roosts of special-status bats are present on site. Tree or structure removal shall be planned for either the spring or the fall and timed to ensure both suitable conditions for the detection of bats and adequate time for tree and/or structure removal to occur during seasonal periods of bat activity exclusive of the breeding season, as described below. Trees and/or structures containing

suitable potential bat roost habitat features shall be clearly marked or identified. If no bat roosts are found, the results of the survey will be documented and submitted to the Town within 30 days of the survey, after which no further action will be required.

If day roosts are present, the biologist shall prepare a site-specific roosting bat protection plan to be implemented by the contractor following the Town's approval. Additionally, the qualified biologist shall determine compensatory mitigation for temporary or permanent habitat loss due to tree removal, in conjunction with CDFW. The plan shall incorporate the following guidance as applicable:

- When possible, removal of trees/structures identified as suitable roosting habitat shall be conducted during seasonal periods of bat activity (outside the breeding and hibernation periods), including the following:
 - a) Between September 1 and about October 15, or before evening temperatures fall below 45 degrees Fahrenheit and/or more than 0.5 inch of rainfall within 24 hours occurs.
 - b) Between March 1 and April 15, or after evening temperatures rise above 45 degrees Fahrenheit and/or no more than 0.5 inch of rainfall within 24 hours occurs.
- If a tree/structure must be removed during the breeding season and is identified as potentially containing a colonial maternity roost, then a qualified biologist shall conduct acoustic emergence surveys or implement other appropriate methods to further evaluate if the roost is an active maternity roost. Under the biologist's guidance, the contractor shall implement measures similar to or better than the following:
 - a) If it is determined that the roost is not an active maternity roost, then the roost may be removed in accordance with the other requirements of this measure.
 - b) If it is found that an active maternity roost of a colonial roosting species is present, the roost shall not be disturbed during the breeding season (April 15 to August 31).
- Tree removal procedures shall be implemented using a two-step tree removal process. This method is conducted over two consecutive days and works by creating noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery) on day one. The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed to not return to the roost that night. The remainder of the tree is removed on day two.
- Prior to the demolition of vacant structures within the project site, a qualified biologist shall conduct a focused habitat assessment of all structures to be demolished. The habitat assessment shall be conducted enough in advance to ensure the commencement of building demolition can be scheduled during seasonal periods of bat activity (see above), if required. If no signs of day roosting activity are observed, no further actions will be required. If bats or signs of day roosting by bats are observed, a qualified biologist will prepare specific recommendations such as partial dismantling to cause bats to abandon the roost, or humane eviction, both to be conducted during seasonal periods of bat activity, if required.
- If the qualified biologist determines a roost is used by a large number of bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed will depend on the size of the hibernaculum and shall be determined through consultation with CDFW. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.

Finding

The Town finds that implementation of mitigation measures BIO-1 through BIO-3 would reduce potential impacts to special-status species including nesting birds and roosting bats, habitat for special-status species, and locally important species to less than significant levels by requiring biological resources screening and assessments of sites, pre-construction surveys, and avoidance of nesting birds and roosting bats. Impacts to special status species would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Housing Element that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact BIO-3

Implementation of the Housing Element may adversely impact riparian habitat, other sensitive natural communities, or protected wetlands. Implementation of federal, State, and local regulations and policies would reduce impacts to riparian habitat and wetlands. However, impacts could be significant and mitigation measures would be required.

MITIGATION MEASURE BIO-5 CONDUCT JURISDICTIONAL DELINEATION

If required pursuant to Mitigation Measure BIO-1, and in areas determined by the Biological Resources Screening and Assessment as likely to impact waters, wetlands, or riparian habitat a jurisdictional delineation shall be required. A qualified biologist shall complete a jurisdictional delineation of all features within the project site. The jurisdictional delineation shall determine the extent of the jurisdictions for CDFW, United States Army Corps of Engineers (USACE), and Regional Water Quality Control Board (RWQCB), and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency, USACE, RWQCB, and CDFW, as appropriate, for review and approval. Jurisdictional areas shall be avoided to the maximum extent possible. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Waste Discharge Requirements permit and/or Water Quality Controls (depending upon whether the feature falls under federal jurisdiction). If CDFW asserts its jurisdictional authority, then a Lake and Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Commission would also be required prior to construction within the areas of CDFW jurisdiction. If the USACE asserts its authority, then a permit pursuant to Section 404 of the Clean Water Act would likely be required.

MITIGATION MEASURE BIO-6 PERFORM RESTORATION FOR IMPACTS TO WATERS AND WETLANDS

If waters and/or wetlands cannot be avoided and will be impacted by construction, a compensatory mitigation program shall be implemented. Impacts to waters and wetlands shall be mitigated through one or more options to meet the required amount of mitigation as required based on direct impacts from project development under the mitigation ratios outlined below. Mitigation for impacts to waters and wetlands can be achieved through the acquisition and in-perpetuity management of similar habitat and/or through the in-lieu funding of such through an existing mitigation bank. Funding and management of internal mitigation areas can be managed internally. Funding and management of off-site mitigation lands shall be provided through purchase of credits from an existing, approved mitigation bank or land purchased by implementing entity and placed into a conservation easement or other covenant restricting development (e.g., deed restriction).

Internal mitigation lands and/or in-lieu funding sufficient to acquire lands shall provide habitat at a minimum ratio of 1:1 for impacted lands, comparable to habitat to be impacted by individual project activity. Compensatory mitigation for sensitive vegetation communities can be combined with other compensatory mitigation (e.g., sensitive vegetation communities) as applicable. All temporary impacts to waters and wetlands shall be fully restored to natural condition.

Finding

The Town finds that with implementation of mitigation measures BIO-5 and BIO-6 would reduce potential impacts to riparian habitat, wetlands, and waters to less than significant. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Housing Element that avoid or substantially lessen the significant environmental effect to the extent feasible.

Hazards and Hazardous Materials

Impact HAZ-1

Development facilitated by the Housing Element could involve the use, storage, disposal, or transportation of hazardous materials. Upset or accident conditions in the Plan Area could involve the release of hazardous materials into the environment. Compliance with existing regulations and mitigation would ensure that impacts would be less than significant.

MITIGATION MEASURE HAZ-1 PROPERTY ASSESSMENT – PHASE I AND II ENVIRONMENTAL SITE ASSESSMENT

Prior to the start of construction (i.e., demolition or grading) of development at the Housing Opportunity Sites on or adjacent to the two open and active cleanup sites (Moraga Cleaners and Laundry [State Water Resources Control Board (SWRCB) No. T10000012913] and Rheem Valley Shopping Center [SWRCB No. T10000012758]), the project applicant shall retain a qualified environmental professional, as defined by ASTM International E-1527 to prepare a project area Phase I Environmental Site Assessment (ESA) in accordance with standard American Society for Testing and Materials methodologies, to assess the land use history of the project site that will be affected. If either of the two sites have been closed on SWRCB's GeoTracker, then this mitigation shall not be required.

After the site-specific Phase I ESA has been completed, the determination of specific areas that require a Phase II ESA (i.e., soil, groundwater, soil vapor subsurface investigations) shall be evaluated by the project applicant. The Phase II ESA shall be completed prior to construction and shall be based on the results of the Phase I ESA. Specifically, if the Phase I ESA identifies recognized environmental conditions or potential concern areas, the project applicant shall retain a qualified environmental consultant, California Professional Geologist or California Professional Engineer, to prepare a Phase II ESA of the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/industrial land uses.

As part of the Phase II ESA, the qualified environmental consultant shall screen the analytical results against the San Francisco Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels for direct exposure of a construction worker under

various depth and land use scenarios. The lead agency shall review and approve the Phase I ESA prior to construction (i.e., demolition and grading).

If the Phase II ESA for the development site indicates that contaminants are detected in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan for Impacted Soils prior to project construction.

If the Phase II ESA for the contaminant site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (California Code of Regulations [CCR] Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation at the project prior to onsite construction.

Finding

Mitigation Measure HAZ-1 would ensure that hazardous materials are identified and remediated prior to construction. Impacts would be less than significant with mitigation. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Housing Element that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact HAZ-5

Development facilitated by the Housing Element would be located on a site included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Compliance with applicable regulations and mitigation would minimize impacts from development on previously unknown contaminated sites. Impacts would be less than significant with mitigation.

Mitigation Measure HAZ-1 (see Impact HAZ-1).

Finding

The Town finds that Mitigation Measure HAZ-1 would ensure that hazardous materials are identified and remediated prior to construction. Impacts would be less than significant with mitigation. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Noise

Impact NOI-5

Development facilitated by the Housing Element could temporarily generate groundborne vibration during construction, potentially affecting nearby land uses. Construction vibration from pile drivers may disturb people or damage buildings. However, impacts would be less than significant with mitigation.

MITIGATION MEASURE NOI-2 VIBRATION CONTROL PLAN

Prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and

masonry (no plaster); a vibratory roller within 25 feet of any structure; or a dozer or other heavy earthmoving equipment within 15 feet of any structure, the project applicant shall prepare a vibration analysis to assess and mitigate potential vibration impacts related to these activities. This vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving, static rollers as opposed to vibratory rollers, and lower horsepower dozers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.

Where vibration monitoring is determined to be necessary, a pre-construction baseline survey shall be conducted at buildings and structures within the screening distances by a licensed structural engineer. The condition of existing potentially affected properties shall be documented by photos and description of existing condition of building facades, noting existing cracks. A vibration monitoring and construction contingency plan shall be developed to identify where monitoring would be conducted, set up a vibration monitoring schedule, and define structure-specific vibration limits. Construction contingencies would be identified for when vibration levels approach the limits. If vibration levels approach limits, the contractor shall suspend construction and implement contingencies to either lower vibration levels or secure the affected structure.

Where historic structures are involved, the engineer shall provide a shoring design or other methods to protect such buildings and structures from potential damage. At the conclusion of vibration causing activities, the qualified structural engineer hired by the applicant shall issue a follow-up letter describing damage, if any, to impacted buildings. The letter shall include recommendations for repair, as may be necessary, in conformance with the Secretary of the Interior Standards. Repairs shall be undertaken and completed by the contractor and monitored by a qualified structural engineer in conformance with all applicable codes including the California Historical Building Code (Part 8 of Title 24).

A Statement of Compliance signed by the applicant and owner is required to be submitted to the Contra Costa County Building Department at plan check and prior to the issuance of any permit. The Vibration Control Plan, prepared as outlined above, shall be documented by a qualified structural engineer, and shall be provided to the Town upon request. A Preservation Director shall be designated, and this person's contact information shall be posted in a location near the project site that it is clearly visible to the nearby receptors most likely to be disturbed. The Director would manage complaints and concerns resulting from activities that cause vibrations. The severity of the vibration concern should be assessed by the Director, and if necessary, evaluated by a qualified noise and vibration control consultant.

Finding

The Town finds that impacts associated with construction vibration, including avoidance of damaging historic or cultural resources, would be reduced to a level of less than significance through implementation of Mitigation Measure NOI-2. Therefore, impacts related to construction vibration would be reduced to less than significant levels with mitigation. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Housing Element that avoid or substantially lessen the significant environmental effect to the extent feasible.

5 Topical Areas Determined to have Significant and Unavoidable Impacts

Noise

Impact NOI-1

Construction of individual projects facilitated by the Housing Element would temporarily increase noise levels, potentially affecting nearby noise-sensitive land uses. Provisions in the Moraga Municipal Code and implementation of Mitigation Measure NOI-1 would limit construction noise disturbance to the extent feasible. However, construction noise may still exceed noise standards and impacts would be significant and unavoidable.

MITIGATION MEASURE NOI-1 CONSTRUCTION NOISE REDUCTION MEASURES

The Town shall include the following measures to minimize exposure to construction noise as standard conditions of approval:

1. **Mufflers.** During excavation and grading construction phases, construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
2. **Stationary Equipment.** Stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.
3. **Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receivers.
4. **Smart Back-up Alarms.** Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
5. **Signage.** For the duration of construction, the applicant or contractor shall post a sign in a construction zone that includes contact information for individuals who desire to file a noise complaint.
6. **Temporary Noise Barriers.** Where necessary to meet the FTA criterion of 80 dBA $L_{eq(8\text{ Hr})}$ for daytime construction affecting residential uses, erect temporary noise barriers at a height of 12 feet minimum to block the line-of-sight between construction equipment and receptors. Barriers shall be constructed with a solid material that has a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier.

The Town shall confirm that these measures are implemented during construction by monitoring the project at least once per month.

Finding

The Town finds that implementation of Mitigation Measure NOI-1 would reduce construction noise to the extent feasible. However, implementation of Mitigation Measure NOI-1 would not ensure that all construction noise impacts would be reduced sufficiently to not be considered a substantial increase in ambient noise levels. Therefore, construction impacts would be significant and unavoidable.

Impact NOI-3

Development facilitated by the Housing Element would introduce new operational noise sources. Stationary operational noise levels would be reduced with mitigation and impacts would be less than significant. Impacts from operational traffic noise levels would be significant and unavoidable.

Mitigation Measure TRA-1, discussed in Impact TRA-3, would be required.

Finding

The Town finds that the impacts from stationary operational noise would be less than significant with Implementation Program NOI-A. Additionally, Mitigation Measure TRA-1, included in Section 4.14, *Transportation*, would reduce impacts to traffic noise through implementation of VMT reduction measures. Nonetheless, impacts from traffic noise would remain significant and unavoidable.

Transportation

Impact TRA-3

The Housing Element would generate home-based VMT per resident that is greater than 85 percent of the countywide average home-based VMT per resident. Impacts would be significant and unavoidable.

MITIGATION MEASURE TRA-1 VMT REDUCTION MEASURES

Individual housing project development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods applied in the certified EIR, with modifications if appropriate based on future changes the Town of Moraga practices and Contra Costa Transportation Authority VMT analysis methodology guidelines. Projects which result in a significant impact shall include measures to reduce VMT. These shall include travel demand management measures and physical measures to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. In addition, application of one or more transportation demand measures (TDM) is generally expected to result in a net VMT reduction of 10 percent or less for development projects in suburban settings such as Moraga.

- Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.
- Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07

percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. Note that these effectiveness rates are based on available research and analysis prepared by CAPCOA.

- Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.

In addition to the on-site measures noted above, individual housing projects that are above the VMT threshold could potentially contribute to future VMT mitigation fee programs, banks, or exchanges. No regional VMT mitigation programs currently exist; however, the CCTA is currently evaluating different mitigation program frameworks which may lead to a countywide or sub-regional VMT mitigation program. Should such a program be implemented, development projects could potentially pay into a fee program or purchase mitigation credits to achieve needed VMT mitigation instead of, or in addition to, onsite TDM measures.

Finding

The Town finds that because the effectiveness of the above measures in reducing an individual project's VMT impact to a less than significant level cannot be determined in this analysis, the impact for projects which do not screen out from VMT impact analysis would remain significant and unavoidable even with mitigation.

Wildfire

Impact WFR-1

Development facilitated by the Housing Element would be in and near a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zones (FHSZ). Compliance with applicable State and local regulations relating to evacuation would reduce the extent to which the project would impair emergency response and evacuation. Nonetheless, this impact would be significant and unavoidable.

MITIGATION MEASURE WFR-1 DEVELOP WILDFIRE ASSESSMENT PLAN AND GUIDELINES

The Town shall require a Wildfire Assessment Plan and Guidelines prior to approval of projects where deemed necessary to protect public safety. The Plan and Guidelines shall be developed for the project site, approved by Moraga-Orinda Fire District, and shall address but shall not be limited to the following:

- Well-maintained, fire district approved landscape and vegetation management plan.
- Adequate roadway and driveway widths, designed to accommodate two-way traffic and large firefighting apparatus.
- Adequate water supply and water flow for firefighting efforts.
- Vegetation modification zones surrounding the community.
- Buildings are built to current Building Code standards, ignition-resistant eaves, ember resistant construction, defensible space, residential fire sprinklers, a Class A ignition-resistant roof, dual pane (one being tempered) glass windows, and chimneys with spark arrestors containing a minimum of 0.5-inch screen.

Finding

The Town finds that with implementation of Mitigation Measure WFR-1, a wildfire assessment plan and guidelines would be adopted and could reduce impairment of an adopted emergency evacuation plan. However, it is not possible to ensure that future development of Housing Opportunity Sites would not substantially impair an adopted emergency response plan or emergency evacuation plan, despite implementation of mitigation. Thus, this impact would remain significant and unavoidable.

Impact WFR-3

Development facilitated by the Housing Element would expose project occupants and structures to wildfire risks for sites located in or near Very High FHSZs. Wildfire risk would be significant and unavoidable.

MITIGATION MEASURE WFR-2 CONSTRUCTION WILDFIRE RISK REDUCTION

The Town of Moraga shall require the following measures during project construction:

1. Construction activities with potential to ignite wildfires shall be prohibited during red-flag warnings issued by the National Weather Service for the site. Example activities include welding and grinding outside of enclosed buildings.
2. Portable pumps shall be available onsite during project construction. Portable pumps shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.
3. Construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained pursuant to manufacturer recommendations to ensure adequate performance.

At the Town's discretion, additional wildfire risk reduction requirements may be required during construction. The Town shall review and approve the project-specific methods to be employed prior to building permit approval.

MITIGATION MEASURE WFR-3 PROJECT DESIGN WILDFIRE RISK REDUCTION

Project landscape plans shall include fire-resistant vegetation native to Contra Costa County and/or the local microclimate of the site and prohibit the use of fire-prone species, especially non-native, invasive species.

Finding

The Town finds that with implementation of mitigation measures WFR-2 and WFR-3, the risk of loss of structures and the risk of injury or death due to wildfires would be reduced. These measures would make structures more fire resistant and less vulnerable to loss in the event of a wildfire. These measures would also reduce the potential for construction to inadvertently ignite a wildfire. However, it is not possible to prevent a significant risk of wildfires or fully protect people and structures from the risks of wildfires, despite implementation of mitigation. Thus, this impact would remain significant and unavoidable.

5.1 Cumulative Impacts

With the exception of the unavoidable impacts to wildfire, utilities, operational noise, VMT, sensitive use noise exposure, GHG plan consistency, habitat modification and consistency with BAAQMD's 2017 Clean Air Plan, the Housing Element would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues.

Because the project is a general plan update, including related long-range planning components, cumulative impacts are treated somewhat differently than would be the case for a project-specific development. *CEQA Guidelines* Section 15130 provides the following direction relative to cumulative impact analysis and states that the following elements are necessary for an adequate discussion of environmental impacts:

A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

By its nature, a general plan considers cumulative impacts insofar as it considers cumulative development that could occur within the town limits. For example, the transportation analysis considers the overall change in VMT due to implementing several development projects under the Planning Initiative that would add to the Town buildup. As such, the analysis in this EIR considers the cumulative impacts in the Town from implementation of the Housing Element. These cumulative VMT calculations are accounted for in the air quality, energy, greenhouse gas emissions, and noise analyses; therefore, these analyses would also be considered cumulative. Other impacts, such as geology and soils and cultural resources, are site specific and would not result in an overall cumulative impact from growth outside of the Town. Therefore, the analysis of project impacts in the Draft EIR also constitutes the cumulative analysis.

6 Feasibility of Project Alternatives

CEQA requires that an EIR include an analysis of a reasonable range of feasible alternatives to a project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the Project. The discussion of alternatives is required to include the “No Project” alternative. CEQA requires further that the Town identify an environmentally superior alternative. If the “No Project” alternative is the environmentally superior alternative, an environmentally superior alternative must be identified from among the other alternatives (CEQA Guidelines, Section 15126.6).

6.1 Alternative 1: No Project Alternative

The No Project Alternative assumes there is no change in zoning or General Plan land use designations for the parcels identified by the Planning Initiative. Current uses on the sites would continue under this alternative, with buildout of the proposed Housing Opportunity Sites regulated by existing zoning and General Plan designations. No additional development would be assumed within the Bollinger Canyon Study Area since existing zoning and General Plan designations require a study to determine the appropriate number of units. Buildout of the proposed Housing Opportunity Sites under existing zoning would result in less residential development and reduced population growth than under the Planning Initiative. This alternative would not accomplish any of the project objectives.

Finding

The No Project Alternative would generally result in similar or decreased environmental impacts compared to the proposed project. By reducing the number of development sites, this alternative would reduce impacts related to aesthetics, air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services and recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. The No Project Alternative would have more severe impacts to the proposed project related to cultural resources, geology and soils, land use and planning, and population and housing. However, this alternative would not meet the project objectives, as it would not encourage the development of housing in the Town of Moraga and it would not enable the Town to meet its fair share housing obligations.

The Town rejects Alternative 1 as infeasible because it would not achieve the objectives of the Comprehensive Advanced Planning Initiative. Furthermore, Alternative 1 would result in greater impacts to cultural resources, geology and soils, land use and planning, and population and housing than the proposed project.

The findings for the Comprehensive Advanced Planning Initiative set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

6.2 Alternative 2: Employment-Focused Growth

Alternative 2 assumes that nine of the Housing Opportunity Sites identified under the Planning Initiative would be developed for (or would remain as) office/retail uses instead of residential uses. These sites are vacant or currently used for office or commercial purposes. Development would occur within the Bollinger Canyon Study Area as envisioned in the Planning Initiative and described in Section 2, *Project Description*. The purpose of Alternative 2 is to achieve the Town's RHNA obligations while creating jobs and services in the vicinity of housing to reduce VMT. Buildout of Alternative 2 would result in fewer residential units and would generate less population than under the Planning Initiative but would increase office/retail development by approximately 176,000 square feet and add 516 jobs to the town. Alternative 2 would accomplish all of the project objectives.

Finding

Alternative 2 would generally result in similar or incrementally decreased environmental impacts compared to the proposed project. While Alternative 2 would reduce the severity of air quality, energy, GHG emissions, noise, public services and recreation, and transportation by reducing VMT per capita, it would have greater land use and planning impacts.

The Town rejects Alternative 2 as infeasible because it will result in more significant impact to land use and planning than the proposed project.

The findings for the Comprehensive Advanced Planning Initiative set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

6.3 Alternative 3: Clustered Bollinger Canyon Development

Alternative 3 assumes that buildout would be the same as proposed under the Planning Initiative, except development within the Bollinger Canyon Study Area would be required to be clustered. The exact location of clustered development is not specified under Alternative 3, but development would likely cluster adjacent to existing residential development west of the Bollinger Canyon Study Area or near Bollinger Canyon Road. The purpose of Alternative 3 is to reduce impacts to biological resources, cultural resources, geology and soils, hydrology and water quality, tribal cultural resources, and utilities by minimizing ground disturbance and maximizing remaining contiguous open space within the Study Area. Buildout of Alternative 3 would result in the same number of residential units and level of population growth as under the Planning Initiative. Alternative 3 would accomplish all of the project objectives.

Finding

Alternative 3 does not address the Housing Element and will be considered with the Bollinger Valley Rezoning.

7 Statement of Overriding Considerations

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)). CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)). The Housing Element Update, as proposed, could result in significant unavoidable impacts related to noise, and transportation even after incorporation of feasible mitigation measures. These significant unavoidable impacts are identified and discussed in Section 5 of these Findings.

The Town adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of Housing Element Update and the anticipated benefits of Housing Element Update. The Town finds that each of the benefits set forth below in this Statement constitutes a separate and independent ground for finding that the long-term benefits of the Housing Element Update outweigh the risks of their potential significant adverse environmental impacts. The benefits of Housing Element Update, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the Housing Element Update are as follows:

- As stated in Government Code Section 65589.5, the State of California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives. The Legislature adopted the Housing Crisis Act of 2019 (SB 330) which states that "In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years."
- The State has identified the lack of housing as a significant area of public concern, leading to an unsustainable lack of housing affordability, increased homelessness, social stress related to increased poverty and a reduction in economic prosperity for many state residents. In the current RHNA cycle, Moraga has been allocated 1,118 units between 2023 and 2031. The 1,770 units estimated in the Housing Element Update provide for development of the RHNA units and create an important level of flexibility to allow market forces to efficiently develop the required units.
- Under State law, the Town must adopt a Housing Element Update which meets its assigned RHNA requirement and allow for future growth and development.
- The Housing Element Update was shaped by an extensive public outreach process that engaged the community and decision-makers. The Town hosted a series of community workshops, online forums, stakeholder interviews, and Planning Commission/Town Council study sessions. The Housing Element Update reflects this public input and consideration.
- The Housing Element Update would achieve a number of economic benefits that address both Town and regional goals for fiscal sustainability, housing supply and affordability, and enhancement of public infrastructure and facilities.

Town of Moraga
Comprehensive Advanced Planning Initiative

On balance, the Town finds that there are specific considerations associated with the Housing Element Update that serve to override and outweigh the Housing Element Update's significant unavoidable effects. Therefore, pursuant to CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable.