



Town of Moraga	Agenda Item
STUDY SESSION	5. A.

Meeting Date: January 18, 2023

TOWN OF MORAGA

STAFF REPORT

To: Honorable Mayor and Councilmembers

**From: Afshan Hamid, AICP, Planning Director
Barry Miller, FAICP, Planning Consultant**

Subject: Study Session - Informational Report on the 2023-2031 Moraga Housing Element and Related Documents

Request

Receive an overview and presentation on the Comprehensive Advanced Planning Initiative Final EIR, the 2023-2031 Moraga Housing Element, related Moraga General Plan Amendments, and proposed zoning changes for the Rheem Park area and Moraga Center area. The presentation is intended to prepare the Town Council for a public hearing to be convened on January 25, 2023, at which time Councilmembers will be asked to vote on resolutions and ordinances related to these items. No formal action will be taken at this meeting. The January 18 presentation is an opportunity to preview the material in advance of the hearing and ask clarifying questions of staff.

Background

All cities and towns in the Bay Area are statutorily required to adopt new Housing Elements by January 31, 2023. The Town Council is scheduled to adopt the 2023-2031 Moraga Housing Element on January 25, 2023. Immediately following Council action, the Housing Element will be submitted to the State Department of Housing and Community Development (HCD) for a compliance determination.

A number of concurrent actions will accompany adoption of the Housing Element, including certification of a Final Environmental Impact Report (FEIR) for the Comprehensive Advanced Planning Initiative, adoption of General Plan Amendments, and rezoning and amendments to Title 8 of the Moraga Municipal Code. Some of these actions have multiple components. The FEIR includes a Mitigation Monitoring and Reporting Program (MMRP), adoption of the Housing Element Update and related documents requiring adoption of CEQA Findings, and a Statement of Overriding Considerations. The Housing Element adoption resolution also includes Findings of Substantial Compliance with the Government Code, based on an analysis of the edited document relative to Government Code requirements and HCD's findings upon its review

1 of the Town's August 2022 Draft Housing Element (see Exhibit A and B to the Planning
2 Commission staff report). The General Plan Consistency Amendments include
3 amendments related to the new state laws for the Circulation Element and the Safety
4 Element, as well as those related to the Housing Element. The zoning changes include
5 both text changes and map changes. New zones are being created and others are being
6 rescinded.

7
8 The Town Council has been meeting on these actions for the past 15 months and has
9 had numerous study sessions to become familiar with the material, offer policy direction,
10 and provide guidance to staff. Given the scope and breadth of the items under
11 consideration, the January 18, 2023 meeting is being convened to review the material at
12 a high level and respond to questions prior to the Council public hearing. There will be
13 no decisions made at the January 18 meeting.

14
15 The Planning Commission convened a public hearing on this item on January 10, 2023.
16 A copy of the Planning Commission staff report and the various attachments and exhibits
17 to that report are attached herein. At its January 10 meeting, the Commission approved
18 the following resolutions by a vote of 5-0 in favor:

- 19
- 20 • 01-2023 recommending Council certification of the Final EIR and adoption of a
21 Mitigation Monitoring Program, Findings, and a Statement of Overriding
22 Consideration. The Findings and Statement of Considerations cover the Housing
23 Element and related actions only (actions related to Bollinger Canyon General Plan
24 and Zoning amendments are excluded and will be calendared for a future meeting).
25
 - 26 • 02-2023 recommending Council adoption of the Housing Element, including findings
27 of substantial compliance with the Government Code.
28
 - 29 • 03-2023 recommending amendments to the Moraga General Plan, including those
30 required for internal consistency with the Housing Element, and those required for
31 compliance with SB 743 (Circulation Element) and AB 747/SB 99 (Safety Element).
32
 - 33 • 04-2023 recommending amendments to Title 8 of the Moraga Municipal Code,
34 including zoning text and map changes in the Moraga Center area.
35
 - 36 • 05-2023 recommending amendments to Title 8 of the Moraga Municipal Code,
37 including zoning text and map changes in the Rheem Park area.
38

39 Attached is the January 10 Planning Commission detailed staff report with links to the
40 resolutions and their associated exhibits. Members of the public were notified of the
41 Planning Commission public hearing. Two residents spoke at the meeting regarding Area
42 14 in the Moraga Center Specific Plan Area and the setback and height of future projects
43 in relation to the single-family neighborhood to the south. In general, the Planning
44 Commission had clarifying questions, however there were no changes to the resolutions.

1 **Next Steps**

2
3 The Town Council will convene a public hearing on this item at its regular meeting on
4 January 25, 2023. If the Council adopts the Housing Element, it will be submitted to HCD.
5 HCD has 60 days to issue a compliance determination.

6
7 Staff will be proceeding with other actions related to the Comprehensive Advanced
8 Planning Initiative during the 60-day review period. This includes Objective Development
9 and Design Standards for the Rheem Park area and rezoning and General Plan
10 amendments for the Bollinger Canyon Study area.

11
12 **CEQA**

13
14 A programmatic EIR has been prepared as part of the Comprehensive Advanced
15 Planning Initiative. A Resolution related to certification of the EIR and adoption of a
16 Mitigation Monitoring Program and Findings/ Statement of Overriding Consideration will
17 be considered by the Town Council on January 25, 2023.

18
19 **Fiscal Impact**

20
21 The Housing Element identifies a number of programs to be implemented over the next
22 eight years. Implementing these programs will require staff time and identification of
23 additional funding sources such as grants, participation in County programs, and revenue
24 from the Town's newly created Affordable Housing Fund.

25
26 **Recommendations**

27
28 Receive the Informational Report.

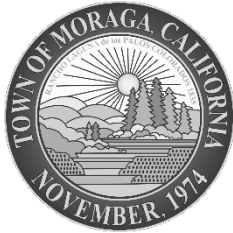
29
30 **Report reviewed by: Brian Dolan, Interim Town Manager**
31 **Karen Murphy, Assistant Town Attorney**

32
33 **Attachments:**

34 **A. Planning Commission Staff Report dated January 10, 2023**
35

ATTACHMENT A

Planning Commission Staff Report dated
January 10, 2023



Town of Moraga	Agenda Item
Public Hearings	10.A

Meeting Date: January 10, 2023

**TOWN OF MORAGA
PLANNING COMMISSION**

STAFF REPORT

To: Planning Commissioners

**From: Afshan Hamid, Planning Director
Barry Miller, Barry Miller Consultant**

Subject: Comprehensive Advanced Planning Initiative/Housing Element Update: Consider resolutions recommending that the Town Council certify the Final Environmental Impact Report for the Comprehensive Planning Initiative and adopt a Mitigation Monitoring and Reporting Program, California Environmental Quality Act Findings, and a Statement of Overriding Considerations for the Housing Element Update and related actions; adopt the 2023-2031 Town of Moraga Housing Element, including findings of substantial compliance; adopt amendments to the Moraga General Plan, including internal consistency amendments and Circulation Element Amendments and Safety Element Amendments required by State law; and adopt two Ordinances amending Title 8 of the Municipal Code to amend certain zoning designations in the Moraga Center Specific Plan and Rheem Park areas so that zoning is in place to meet the Town’s Regional Housing Needs Allocation.

Request

The Planning Commission is asked to approve five resolutions, each of which recommends action by the Town Council related to the Comprehensive Advanced Planning Initiative and, specifically, the Housing Element Update and related actions. The five resolutions are:

- 1) A resolution recommending that the Town Council certify the Final Environmental Impact Report and adopt the Mitigation Monitoring and Reporting Program, CEQA findings, and a Statement of Overriding Considerations for the Housing Element Update and related General Plan amendments and rezoning.
- 2) A resolution recommending that the Town Council adopt the 2023-2031 Town of Moraga Housing Element, including findings of substantial compliance.

- 1 3) A resolution recommending that the Town Council amend the Moraga General
2 Plan to maintain internal consistency with the newly adopted Housing Element, to
3 implement State law (SB 743) with respect to the Circulation Element and the use
4 of Vehicle Miles Traveled as a metric for evaluating environmental impacts, and to
5 implement State law (AB 747, SB 99) with respect to the Safety Element.
- 6 4) A resolution recommending that the Town Council adopt an Ordinance amending
7 Title 8 of the Moraga Municipal Code to:
- 8 a. increase the allowable density in the MCSP MU-RR District and MCSP MU-
9 OR District zones from 20 dwelling units per acre to 24 dwelling units per
10 acre.
- 11 b. amend the Moraga Zoning Map on selected Moraga Center parcels from R-
12 20 to R-24, allowing 24 dwellings units per acre where 20 dwelling units per
13 acre is allowed today.
- 14 c. amend the Moraga Zoning Map on selected Moraga Center parcels from
15 MCSP-C District to MCSP MU-RR District.
- 16 5) A resolution recommending that the Town Council adopt an Ordinance amending
17 Title 8 of the Moraga Municipal Code to:
- 18 a. establish new chapters within Title 8 of the Moraga Municipal Code creating
19 the Rheem Park Mixed Office-Residential District Zone (RMOR) and the
20 Rheem Park Mixed Commercial-Residential District Zone (RMCR).
- 21 b. rescind the Suburban Office (SO) zone and the Research and Development
22 Overlay Zone.
- 23 c. amend the Moraga Zoning Map on selected Rheem Park Area parcels from
24 Suburban Office (SO) to Rheem Park Mixed Office-Residential (RMOR)
- 25 d. amend the Moraga Zoning Map on selected Rheem Park Area parcels from
26 Community Commercial (CC) to Rheem Park Mixed Commercial-
27 Residential (RMCR)
- 28 e. amend the Moraga Zoning Map on selected Rheem Park Area parcels from
29 Limited Commercial (LC) to Rheem Park Mixed Commercial-Residential
30 (RMCR)

31 **Background**

32 All local governments in California are required to maintain and periodically update a
33 General Plan "Housing Element." The Housing Element establishes the jurisdiction's
34 policies and programs for meeting local housing needs, with an emphasis on the needs
35 of lower- and moderate-income households and persons with special needs. Housing
36 Elements address all aspects of housing, including production, conservation,
37 rehabilitation, and fair housing.

38

1 Cities and towns are required to update their Housing Elements on eight-year cycles. The
2 start and finish dates of these cycles vary by region and are set by the State. In the Bay
3 Area, the next planning period (referred to as the “6th cycle”) begins on January 31, 2023
4 and ends on January 31, 2031. All 101 cities and 9 counties in the Bay Area must adopt
5 new Housing Elements by January 31, 2023.

6
7 Housing Elements are subject to review and approval by the State Department of Housing
8 and Community Development (HCD). State law requires cities and towns to submit draft
9 Housing Elements to HCD for initial review before they are adopted. HCD issues findings
10 to the jurisdiction following a 90-day review period, indicating what edits to the document
11 will be required before HCD can find that it “substantially complies” with State law, and
12 can be certified.

13
14 Most cities and towns edit their Elements after receiving the HCD findings, then adopt the
15 Housing Element and submit it for a compliance determination. Cities and towns with
16 non-compliant Housing Elements face adverse consequences, including ineligibility for
17 many state and regional grants (including grants for transportation, planning, etc.),
18 vulnerability to lawsuits, fines and penalties, and potential loss of local land use control.

19
20 An important factor in determining if a Housing Element is compliant is the Town’s
21 demonstration that it can meet its “fair share” of the region’s housing needs over the eight-
22 year planning period. The “fair share” is determined by the Association of Bay Area of
23 Governments (ABAG) through a process called the “Regional Housing Needs Allocation”
24 or RHNA. ABAG takes the total regional need, which is determined by the State, and
25 assigns a share to each jurisdiction based on factors such as population, employment,
26 access to transit, and growth potential. The regional need for the nine-county Bay Area
27 for the 2023-2031 planning period was determined to be 441,176 units; Moraga’s
28 assignment was 1,118 units, or about one-third of one percent of the regional total.

29
30 The RHNA is further broken down into income categories. Moraga’s assignment includes
31 318 very low-income units, 183 low-income units, 172 moderate-income units, and 445
32 above moderate-income units. This is an increase of more than 400 percent over the
33 Town’s assignment for the 5th Cycle (2015-2023) planning period, in part due to Moraga’s
34 designation as a “highest resource area” by the State Treasurer’s Office. The Town is
35 responsible for identifying the specific sites in the community where this housing can be
36 built, and for zoning these sites in a way that enables their development. The Town is
37 not responsible for building housing itself, but it must demonstrate that its policies and
38 regulations support construction of a diverse range of housing types by private and non-
39 profit developers.

40
41 The State has determined that low- and very low-income sites must be capable of
42 accommodating densities of at least 20 units per acre. The State has also determined
43 that cities and towns must plan for a “buffer” of extra units beyond their RHNA in case
44 some of the sites become unavailable for housing during the planning period.

45
46 Since the Town’s prior Housing Element was adopted and certified in 2015, many new
47 State housing laws have been passed. This has resulted in substantive changes to
48 Housing Element requirements. One of the most impactful laws is SB 686, which requires

1 every jurisdiction in California to “Affirmatively Further Fair Housing” (AFFH). This
2 requires extensive data collection and analysis, policies and programs that promote fair
3 housing, inclusive public outreach strategies, and measures to increase housing choices
4 for lower income and special needs households in each community, particularly in “high
5 resource” (or more affluent) communities.

6
7 In light of the Town’s increased RHNA, the need for rezoning and density increases, and
8 the fact that it has been 20 years since the last major update of the General Plan, the
9 Town launched a “Comprehensive Advanced Planning Initiative” (Initiative) beginning in
10 2021. The Initiative includes the 2023-2031 Housing Element, amendments to the
11 Moraga General Plan, rezoning and ordinance updates for the Moraga Center and
12 Rheem Center commercial districts, General Plan and zoning amendments for the
13 Bollinger Canyon Study Area, and a programmatic Environmental Impact Report (EIR)
14 covering all plan-related actions.

15
16 Given the magnitude of these changes and the urgency of adopting the Housing Element
17 by January 31, 2023, some aspects of the Initiative will be considered in January and
18 others will follow in February and subsequent months. Specifically, the Housing Element
19 and related General Plan and zoning amendments (“Housing Element Update”) will be
20 considered in January, with the Bollinger Canyon rezoning to be considered in early 2023.
21 The Initiative also includes a “phase two” work program that covers additional updates to
22 the Moraga General Plan and further amendments to zoning regulations.

23 24 Community Outreach

25 The Town of Moraga’s Comprehensive Advanced Planning Initiative process began in
26 October 2021. It included a strategic and far-reaching community engagement process.
27 An initial engagement strategy published in October 2021 identified the outreach methods
28 to be used in the Housing Element Update (website, branding, media, community
29 workshops, pop-up workshops, study sessions, surveys, presentations to civic groups,
30 etc.) and the stakeholder groups to be contacted. “Make Moraga Home” became the
31 Housing Element’s tagline and was secured as a URL for all plan-related materials and
32 announcements.

33
34 The outreach process included three community workshops in October/November 2021
35 and three additional community workshops in March 2022 (one of which was a walking
36 tour). It included presentations to numerous stakeholder groups and civic organizations,
37 pop-up exhibits at the Pear and Wine Festival and Farmers Market, a developer forum
38 (October 20, 2022) and one-on-one meetings with property owners, developers, and
39 stakeholder organizations such as the School District, the Moraga-Orinda Fire District,
40 Saint Mary’s College, and housing advocacy groups. The Town also administered three
41 separate surveys, including a resident survey (receiving 1,008 responses), a student
42 survey (with 143 responses), and a “Balancing Act” on-line tool (102 responses) in which
43 participants could express their preferences for how the Town’s housing needs should be
44 distributed across Moraga.

45
46 In all more than 1,200 individuals participated in the process, representing diverse
47 perspectives, income groups, age groups, and life experiences. Their feedback was used

1 to identify key issues, and to develop the Town’s goals, policies, and housing programs.
2 Strategies in the Housing Element respond to the priorities expressed by the public.

3
4 Study sessions with the Planning Commission and Town Council were an essential part
5 of the outreach and policy-setting process. These meetings occurred on October 6, 2021,
6 October 27, 2021, November 17, 2021, March 2, 2022, April 14, 2022, May 4, 2022, June
7 21, 2022, June 28, 2022, July 11, 2022, and July 13, 2022. Additional meetings were
8 held to address other aspects of the Planning Initiative, including the General Plan
9 Consistency Amendments, the Bollinger Canyon rezoning, the adoption of VMT
10 standards, and the Affordable Housing Ordinance. In all, more than 20 study sessions or
11 hearings were convened between October 2021 and December 2022.

12
13 The first Draft of the Housing Element was published on June 30, 2022. It was circulated
14 for 30 days, as required by State law, and then edited to incorporate feedback from the
15 Planning Commission, Town Council, and general public. The edited document was
16 submitted to HCD as a “Working Draft” on August 12, 2022. HCD’s comments were
17 transmitted to the Town on November 10, 2022, 90 days after the document was received
18 by them. The Town briefed the Planning Commission on the HCD comments on
19 November 14, 2022. The Town Council was briefed on the comments on November 16
20 and December 7, 2022. Staff met with HCD (via Zoom) on December 8 to review the
21 comments.

22 23 24 **Discussion**

25 26 Organization

27
28 The remainder of this staff report is organized around the five Resolutions to be
29 considered by the Planning Commission at its January 10, 2023 meeting. The first
30 resolution covers the Environmental Impact Report (EIR). Action on the EIR is required
31 prior to taking action on the other resolutions. The second resolution addresses the
32 Housing Element. The discussion below provides an overview of the Element and
33 highlights the changes that have been made in response to HCD’s findings.

34
35 The third resolution addresses amendments to the General Plan. The discussion provides
36 a high-level overview of the amendments, as well as a description of changes made since
37 October. As noted in prior meetings, some of the amendments are required to maintain
38 internal consistency within the General Plan, given the adoption of the new Housing
39 Element. Other changes are necessitated by new State laws, including laws related to
40 the Circulation and Safety Elements.

41
42 The last two resolutions address zoning amendments. These amendments are
43 necessary to create the capacity to meet the RHNA in the Moraga Center and Rheem
44 Park areas. The first resolution addresses Moraga Center and the second resolution
45 addresses Rheem Park. The discussion is organized accordingly. Both of these
46 resolutions recommend that the Town Council adopt Ordinances making the applicable
47 zoning amendments.

1 Links to all pertinent documents are provided at the end of this report. Many of these
2 documents are referenced as Exhibits to the resolutions.

3
4 RESOLUTION 01-2023: Environmental Impact Report (EIR)

5
6 The Resolution recommending certification of the FEIR is Attachment 1 to this staff report.
7 It covers the following documents, all of which are appended to the Resolution as exhibits
8 and will be adopted by reference:

- 9
10 • Final EIR (primarily comprised of the comment letters on the Draft EIR and responses
11 to those comments. Also includes by reference the Draft EIR, inclusive of edits made
12 through January 5, 2023)
- 13 • Mitigation monitoring and reporting program
 - 14 • Findings of Fact and Statement of Overriding Considerations as to the Housing
15 Element Update and Related Rezoning

16
17 *Discussion:*

18
19 The Comprehensive Advanced Planning Initiative is considered a “project” under the
20 California Environmental Quality Act (CEQA). The Town determined that an EIR was
21 required to evaluate the significance of potential impacts and identify appropriate
22 mitigation measures. The EIR is a public disclosure document required by law that
23 decision makers can use to evaluate future projects.

24
25 The EIR is a “Program” EIR meaning that it evaluates a series of future actions that are
26 connected with the adoption of certain policies, regulations, rules, and plans rather than
27 the impacts of an individual development. In this instance, the actions associated with the
28 Planning Initiative collectively create the potential for approximately 1,800 dwelling units
29 on various sites around the town. Much of this potential already exists under the current
30 General Plan and zoning map, but it has not been comprehensively evaluated in a single
31 environmental review document since the General Plan was adopted in 2002. Moreover,
32 proposed land use and zoning map changes have increased the potential beyond what
33 was envisioned by the 2002 Plan, requiring an updated environmental assessment.

34
35 Program EIRs evaluate the cumulative effects of actions over time—in this case, adoption
36 of the 2023-2031 Housing Element, the rezoning of the Bollinger Canyon Study Area, the
37 adoption of new zoning regulations for Rheem Park, modified zoning regulations for
38 Moraga Center, and miscellaneous General Plan text amendments. Individual
39 development projects will still be subject to future environmental review but may rely on
40 the Program EIR for the evaluation of impacts that are not site-specific in nature.

41
42 The EIR begins with an Executive Summary, including a summary of all impacts and
43 mitigation measures discussed in the document. This is followed by an Introduction
44 explaining the purpose and scope of the document, a Project Description that identifies
45 all attributes of the project, and a brief description of Moraga’s environmental setting. The
46 heart of the Draft EIR is the analysis of the project’s environmental impacts. Seventeen
47 different topic areas are covered, including aesthetics, air quality, biological resources,
48 cultural resources, energy, geology/soils, greenhouse gas emissions, hazards/hazardous

1 materials, hydrology/water quality, land use and planning, noise, population/housing,
2 public services/recreation, tribal cultural resources, utilities and service systems, and
3 wildfire. For each topic, the EIR addresses impacts associated with the Housing Element
4 (including General Plan amendments and rezoning) and impacts associated with the
5 rezoning of the 423-acre Bollinger Canyon Study Area.

6
7 As required by CEQA, the EIR also studied three alternatives as follows:

- 8
- 9 • Alternative 1: No Project
- 10 • Alternative 2: Employment-Focused Growth
- 11 • Alternative 3: Clustered Bollinger Canyon Development
- 12

13 The Draft EIR concluded that adoption of the Housing Element and related zoning
14 changes and General Plan Amendments could have significant and unavoidable impacts
15 on noise, transportation, and wildfire, even after mitigation measures are implemented.
16 The Draft EIR further concluded that rezoning Bollinger Canyon from its current “study
17 area” designation to new designations could have significant, unavoidable impacts on air
18 quality, biological resources, greenhouse gas emissions, transportation, utilities, and
19 wildfire. Although no development project is proposed for the Bollinger Canyon Study
20 Area at this time, the EIR evaluated a hypothetical yield of 51 units that could result on
21 various sites in the 423-acre area under the zoning designations that are proposed.

22
23 As noted earlier in this report, the actions being considered by the Planning Commission
24 at its January 10 meeting only pertain to the Housing Element, General Plan
25 Amendments, and zoning amendments for the Moraga Center and Rheem Park areas.
26 The General Plan and Zoning Amendments for Bollinger Canyon will be discussed in the
27 coming months and are not being considered at this hearing. However, the EIR under
28 consideration covers this future action.

29
30 The EIR process began with issuance of a Notice of Preparation (NOP) and Scoping
31 meeting in February 2022. Comments were considered and incorporated as appropriate.
32 The Draft EIR was published on October 27, 2022. Printed copies were made available
33 at the Planning Department counter, the Moraga Public Library and the Town Clerk’s
34 Office. The Planning Commission accepted public comments on the document at its
35 November 7 meeting, and the Town Council accepted public comments at its November
36 16 meeting. The comment period closed on December 12, 2022.

37
38 There were six comment letters on the DEIR received, as follows:

- 39
- 40 • East Bay Municipal Utility District (EBMUD)
- 41 • Paul Miller
- 42 • Suzanne Jones
- 43 • Fennemore Wendel Law (on behalf of the Bruzzone family)
- 44 • Contra Costa County Climate Leadership
- 45 • 350 Contra Costa Action and Greenbelt Alliance
- 46

47 A seventh letter, from the California Department of Fish and Wildlife (CDFW), was
48 received on December 30, 18 days after the December 12, 2022 deadline. Although the

1 Town was not obligated to consider the CDFW letter given its late submittal, it recognized
2 the importance of biological resource issues to Town residents and prepared a response
3 and associated modifications to the EIR.
4

5 The EBMUD comment primarily addresses requirements for new water service, water
6 conservation, annexation of undeveloped properties to the service area, and metering of
7 new structures. The CDFW letter requested a number of clarifying edits, various
8 mitigation measures that would be more commonly associated with specific development
9 projects (rather than a program-level EIR), and recommended protocols for bird surveys,
10 tree protection, and mitigation of potential whipsnake impacts. Some of the requested
11 changes have been incorporated.
12

13 Letters from members of the public, including advocacy organizations, addressed a
14 variety of topics. These include the EIR's evaluation of wildfire impacts, provisions for
15 emergency evacuation, the importance of net zero energy construction requirements (to
16 reduce greenhouse gas emissions), the importance of more sustainable building
17 methods, and the greenhouse gas emissions impact analysis. One of the letters is
18 specifically focused on the EIR's findings and mitigation measures for Bollinger Canyon.
19

20 The Final EIR was published on January 5, 2023. Electronic copies were posted at
21 www.makemoragahome.org and paper copies were made available at Town offices and
22 the Public Library. The document includes itemized responses to each of the points
23 raised in each of the letters. It further includes minor revisions to the Draft EIR, including
24 revisions made in response to comments. The FEIR concludes that the revisions do not
25 require recirculation of the EIR.
26

27 Before adopting any part of the Planning Initiative, the lead agency (i.e., the Town of
28 Moraga) is required to certify that the EIR has been completed in compliance with CEQA,
29 that the decision-making body reviewed and considered the information in the EIR, and
30 that the EIR reflects the independent judgment of the lead agency.
31

32 In addition, the Town is required to adopt a mitigation monitoring and reporting program
33 (MMRP). The MMRP summarizes the measures listed in the EIR that are required to
34 address potentially significant impacts. Most of these measures will be implemented
35 through operating procedures and/or conditions of approval as future residential
36 development projects consistent with the Housing Element and General Plan are
37 proposed.
38

39 Because implementation of the Comprehensive Advanced Planning Initiative was found
40 to have potentially significant unavoidable impacts, the Town must adopt findings of fact,
41 and a Statement of Overriding Considerations before any project is approved. CEQA
42 requires the agency to state in writing the specific reasons for considering a project
43 acceptable when significant impacts are not avoided or substantially lessened. Those
44 reasons must be based on substantial evidence in the Final EIR or elsewhere in the
45 administrative record (CEQA Guidelines Section 15093(b)). If the benefits of the project
46 outweigh its unavoidable adverse environmental effects, those effects may be considered
47 acceptable (CEQA Guidelines Section 15093(a)).
48

1 In this case, the findings of fact and Statement of Overriding Considerations focus on the
2 Housing Element Update and note that the potentially significant impacts of the Housing
3 Element Update on noise, transportation, and wildfire are outweighed by the essential
4 need for additional housing and the statewide housing crisis. This also considers the
5 consequences of not meeting this need, which include an unsustainable lack of housing
6 affordability, increased homelessness, social stress, a reduction of economic prosperity,
7 and impediments to achieving climate change and greenhouse gas reduction goals. On
8 balance, the Statement of Overriding Considerations concludes that these considerations
9 override and outweigh the significant unavoidable effects of the Housing Element Update
10 and are therefore acceptable.

11
12 RESOLUTION 02-2023: 2023-2031 Moraga Housing Element

13
14 The Resolution recommending adoption of the Housing Element by the Town Council is
15 Attachment 2 to this staff report. It covers the following documents, all of which are
16 appended to the Resolution as exhibits and will be adopted by reference:

- 17
- 18 • Exhibit A provides findings supporting the conclusion that the Housing Element is in
19 substantial compliance with state law. It does this by showing how the Town has
20 responded to each comment in HCD’s findings letter.
 - 21 • Exhibit B provides additional findings supporting the conclusion that the Housing
22 Element is in substantial compliance with State law. It does this by listing each
23 provision of the Government Code for Housing Elements and indicating where in the
24 document this requirement has been satisfied.
 - 25 • Exhibit C is a “tracked change” version of the August 12 Working Draft Element
26 showing how the HCD comments have been incorporated
 - 27 • Exhibit D is a “clean” version of the document, accepting all changes. This is the
28 version that will ultimately be adopted by the Town Council (inclusive of any changes
29 made between now and January 25) and submitted to HCD for a compliance
30 determination.

31
32 *Discussion:*

33
34 The Town of Moraga’s 2023-2031 (6th Cycle) Housing Element provides a policy
35 framework and implementation plan for addressing housing needs in Moraga over the
36 next eight years. The Element builds on the previous 2015-2023 (5th Cycle) Housing
37 Element. The Town has been reasonably successful in implementing some of the goals
38 and objectives in the 5th Cycle Element, including the conservation of the existing housing
39 stock and meeting its targets for above moderate-income units. However, the Town has
40 fallen short on its production goals for low- and very low-income units. In fact, the Town
41 did not see production of any housing affordable to lower income households in the prior
42 planning period.

43
44 Despite programs designed to support affordable housing, additional measures are
45 needed for the 6th cycle programs to be more effective. This is particularly important given
46 the significantly larger RHNA and the increased State scrutiny of jurisdictions that are
47 falling short of meeting their housing targets.

48

1 The Housing Element includes the following components:
2

- 3 • Chapter 1: Introduction, explains the purpose and legal requirements for the Housing
4 Element, the organization of the document, and a summary of the community
5 engagement process.
6
- 7 • Chapter 2: Effectiveness of the 5th Cycle Housing Element, includes an analysis of
8 the Town's progress toward achieving its 2015-2023 RHNA objectives and
9 implementing the programs in the 2015-2023 Housing Element.
10
- 11 • Chapter 3: Housing Needs Assessment, provides an analysis of demographic and
12 socio-economic conditions, housing conditions, market trends, and other factors to
13 evaluate current and future housing needs in Moraga, including housing needs
14 among lower-income households and populations with special housing needs.
15
- 16 • Chapter 4: Housing Sites and Resources Analysis, contains an evaluation of the
17 sites that can accommodate the Town's RHNA, including an analysis of site
18 suitability and availability. This also includes the State-mandated discussion of
19 energy conservation programs.
20
- 21 • Chapter 5: Constraints to Housing Conservation and Production, addresses
22 governmental constraints to housing development such as zoning, development
23 fees, development standards, and development review processes, as well as non-
24 governmental constraints, such as high land and construction costs and public
25 opposition to housing construction.
26
- 27 • Chapter 6: Housing Plan, presents goals, policies, and programs to address the
28 Town's housing needs as well as quantified objectives for housing development and
29 preservation during the planning period.
30

31 A series of appendices containing background details and technical analysis are
32 included at the end of this document. These include:
33

- 34 A. Assessment of Fair Housing
- 35 B. Housing Opportunity Site Inventory
- 36 C. Resident Survey Report
- 37 D. Student Survey Report
- 38 E. Balancing Act Report
39

40 The programs in the updated Housing Element build on and expand Town efforts to
41 address housing needs for a variety of households and income levels. Actions that will
42 be undertaken during the 6th Housing Element Cycle include increasing development
43 capacity on rezoned sites, reducing parking requirements for studios and one-bedroom
44 units, streamlining the development review process, and establishing objective design
45 standards. These actions will improve the feasibility of affordable housing in Moraga,
46 including housing for persons with special needs. The Housing Element also includes an
47 increased focus on fair housing practices and affirmatively furthering fair housing.
48

1 As noted in the “Background” section of this staff report, the Town received a 14-page
2 findings letter from HCD on November 10, 2022 identifying the changes required to have
3 a statutorily compliant Housing Element. Nearby communities received similar letters.
4 Lafayette and Danville also received 14-page findings letters, while Orinda received a 12-
5 page letter.

6
7 The consulting team completed an analysis of the HCD letter shortly after it was received.
8 A total of 41 discrete comments were listed, and a course of action was developed to
9 address each comment. This “action plan” was shared with HCD, and a meeting was
10 convened with HCD to discuss the Town’s approach for responding to their comments.

11
12 HCD comments may be broadly characterized as follows:

- 13
14 • Specific additions to the fair housing analysis were requested, including additional
15 discussions of special needs groups, fair housing practices, local knowledge about
16 fair housing issues, and the distribution of lower-income housing sites relative to
17 existing development patterns.
- 18 • Multiple comments relate to the sites inventory, including requirements for
19 additional data demonstrating that mixed use sites are likely to develop with
20 housing (rather than commercial uses), that non-vacant sites are realistic
21 development opportunities, and that multi-family housing is likely on the housing
22 sites (as opposed to less dense housing types such as townhomes or single-family
23 housing).
- 24 • Several comments address the need for programs to mitigate specific housing
25 constraints, such as long approval times and limits on particular housing types
26 (such as group homes and employee housing),
- 27 • Several of the comments address the need for programs that are more specific
28 and proactive, including metrics and timelines. HCD objected to programs
29 directing the Town to “consider” various actions in the future, or to implement
30 programs on an “ongoing” basis. Their findings indicated the Town should use
31 more committal language (e.g., “require”, “enact”, “complete” rather than
32 “consider” or “study”), have more specific timeframes, and set measurable targets
33 wherever feasible.

34
35 The Town responded to these comments by preparing a “tracked change” version of the
36 Housing Element incorporating new text. The tracked change document includes yellow
37 bars on the right-hand side of pages indicating the specific comments being addressed
38 by the edit. A few of the edits are not numbered because they address an issue not raised
39 by the HCD letter (such as the Town’s adoption of an Affordable Housing Ordinance in
40 December 2022).

41
42 Most of the changes required adding data and analysis to the Housing Element. One
43 change required eliminating one of the housing sites (the Moraga School District offices
44 and corporation yard at School Street and Country Club Drive) and adding a replacement
45 site (the vacant site at 1405 Moraga Way, just east of Wells Fargo Bank and south of
46 Safeway). One of the sites that staff previously classified as “vacant” (containing the RV
47 storage lot on School Street) had to be reclassified as “non-vacant” as it did not meet
48 HCD’s definition of “vacant.”

1
2 The most substantive changes are those related to the programs in Chapter 6. At HCD's
3 request, each program has been linked to a specific fair housing objective. These
4 objectives include housing mobility (removing barriers to housing for lower income
5 households), new housing choices (increasing housing supply), place-based strategies
6 (actions focused on particular sites or locations), and displacement prevention strategies
7 (to help residents maintain their housing). Several programs were specifically listed by
8 HCD as needing more actionable language (see Programs 9, 11, 17, 24, 25, 28, 32, 36,
9 38, and 39). These have been strengthened with timelines and specific actions to be
10 achieved. In editing these programs, staff has made every effort to be realistic and
11 recognize the Town's limited staff and resources.

12
13 Exhibit A to the Resolution demonstrates how the Town has responded to each HCD
14 comment. The exhibit repeats each finding in the HCD letter verbatim, and then explains
15 how (and where) the Town has addressed the finding in the letter. Every comment in
16 HCD's findings letter has been comprehensively addressed, enabling the Town to find
17 that its new draft is now in substantial compliance with State law. As noted earlier, Exhibit
18 B lists the requirements for Housing Elements specified in the Government Code and
19 explains where each requirement has been addressed in Moraga's revised document.

20
21 The edited Housing Element was posted to the Town's website on December 28, 2022.
22 Assuming it is approved by the Town Council, it will be submitted to HCD (with the
23 Resolution and other attachments) on or before January 31, 2023. A compliance
24 determination will be due to the Town 60 days later, or by March 30, 2023.

25
26 RESOLUTION 03-2023: General Plan Text Amendments

27
28 The Resolution recommending that the Town Council adopt General Plan Text
29 Amendments is Attachment 3 to this staff report. It covers the following documents, all of
30 which are appended to the Resolution as exhibits:

- 31
32 • Tracked Change General Plan, showing all edits
33 • Clean General Plan, with edits accepted

34
35 This matter was previously considered by the Planning Commission at its October 25,
36 2022 meeting. The Commission recommended a number of changes to the October draft
37 that were incorporated prior to the document being forwarded to the Town Council.
38 MOFD also reviewed and commented on the Draft Safety Element. The Town Council
39 held a study session on the Draft on November 7, 2022 and made additional changes.
40 These changes are also included in the current draft.

41
42 *Discussion:*

43
44 The Moraga General Plan (Plan) was adopted in 2002. The Plan has been amended
45 several times in the last 20 years, but it has not been comprehensively updated. It was
46 amended in 2010 to maintain internal consistency with the Moraga Center Specific Plan.
47 It was amended in 2015 when the 2015-2023 Housing Element was adopted.
48 Amendments were also made in 2018 when the Hillside and Ridgeline Ordinance was

1 adopted. However, the Plan does not reflect the transformative changes that have
2 reshaped the region in the last 20 years, such as the housing crisis, climate change, and
3 changes in the way we live, work, communicate, and travel. The Plan also does not reflect
4 demographic changes, including an aging and more diverse population, or the effects of
5 high housing costs on young families and the local workforce. Nor does it reflect the
6 housing laws adopted by the State of California, many of which require cities and towns
7 to support more diverse housing types and more equitable housing policies.

8
9 The General Plan Update is being completed in two phases. Phase One includes the
10 amendments needed to keep the General Plan internally consistent. These amendments
11 incorporate the land use and policy changes needed to meet the 2023-2031 RHNA and
12 align with the Housing Element’s focus on fair housing and diverse housing types. Phase
13 One also includes amendments to comply with changes to State law. The second phase
14 (scheduled for 2023-2024) is intended to review policies and programs to ensure that they
15 reflect local priorities, issues, and values. This will include a review of community design,
16 open space, conservation, circulation, community facility, and growth management
17 policies, as well as the General Plan’s implementation program and appendices.

18
19 Phase One General Plan text amendments include the following:

- 20
21 • Increasing the density range for the highest density residential category from 20 to
22 24 units per acre
- 23 • Increasing the density range for the MCSP mixed use categories from 20 to 24
24 units per acre
- 25 • Allowing residential uses up to 24 units per acre in the Rheem Park area
- 26 • Amending Policy LU-1.4 to acknowledge State Law regarding accessory dwelling
27 units (ADUs) and to encourage ADUs in single family neighborhoods
- 28 • Replacing recommendations for a Rheem Park Specific Plan with
29 recommendations for a Public Realm Plan (the zoning standards and design
30 guidance that would be in a Specific Plan are being developed through the
31 Comprehensive Advanced Planning Initiative so a specific plan is no longer
32 necessary)
- 33 • Minor amendments to the Land Use Element to update outdated references, and
34 include language that is more supportive of multi-family and missing middle
35 housing, consistent with the Housing Element
- 36 • Circulation Element Amendments to comply with SB 743. SB 743 limits a
37 jurisdiction’s ability to use congestion (level of service) when evaluating the
38 transportation impacts of a proposed project. It requires cities and towns to instead
39 use vehicle miles traveled (VMT), which is a measure of how much driving a project
40 may induce. This intent of this change is to meet the State’s greenhouse gas
41 emissions reduction goals. A new goal has been added to the Circulation Element
42 (Chapter 6) encouraging reduction in Vehicle Miles Traveled (VMT) and a new
43 policy has been added supporting the use of VMT in environmental review (Policy
44 C5.1). Importantly, the new VMT policy does not require that the Town delete its
45 LOS policies. The Town will continue to maintain policies in its Growth
46 Management Element requiring LOS “C” on its roadways.
- 47 • Safety Element Amendments to comply with AB 747 and SB 99, which require
48 cities and towns to address emergency evacuation routes. In addition, SB 1241

1 requires cities and towns to address wildfire hazard issues and SB 379 requires
2 cities and towns to address climate change resilience. AB 2140 allows cities and
3 towns to adopt their Local Hazard Mitigation Plans (LHMP) by reference and as
4 part of the General Plans, thereby ensuring hazards are considered in long-range
5 planning decisions.

- 6 • Addition of implementation measures related to noise, cultural resources, tribal
7 cultural resources, and paleontology. These had been identified in the
8 Comprehensive Advanced Planning Initiative EIR as necessary to avoid potential
9 impacts related to these topics.

10
11 The Draft reviewed by the Planning Commission at its October 25, 2022 meeting included
12 the assignment of new land use categories and policies for the Bollinger Canyon Study
13 Area. These are not included in the current Draft. Staff intends to bring the Bollinger
14 Canyon amendments forward in early 2023 with the draft zoning amendments.

15
16 On October 25, 2022, the Planning Commission recommended a number of edits to the
17 Draft General Plan amendments, including restoring the term “semi-rural” in a Safety
18 Element Goal and ensuring that the CEQA-related implementation measures were not
19 too onerous and were clearly intended for large-scale development and not for home
20 additions, remodels, etc. These changes were incorporated.

21
22 On November 9, 2022, the Town Council provided additional feedback. This included
23 adding a definition of “stationary noise” to the Draft, deleting proposed edits to Policy
24 LU1.6 that would have added very high fire hazard severity zones to the definition of “high
25 risk” areas (a term currently used in the General Plan for areas with landslide and geologic
26 hazards), and deleting references to fee “waivers” (and focusing instead on fee
27 “deferrals”). The Council also recommended adding an action on communication system
28 resiliency, clarifying language in Policy S-1.13, and various minor editorial changes.
29 These have been incorporated in the current draft.

30
31 The resolution before the Planning Commission includes a recommendation that the
32 Town Council adopt the General Plan consistency amendments. Consistent with Moraga
33 Municipal Code Section 8.12.100, the resolution provides the findings necessary for
34 “change in text of a land use regulation” (general plan consistency, land use compatibility,
35 community need, and conformance with public convenience, general welfare, and good
36 zoning practice). The resolution does not recommend any changes to the Town’s
37 General Plan Land Use Map, since none are necessary at this time.

38 39 RESOLUTION 04-2023: Moraga Center Zoning Amendments

40
41 The Resolution recommending Town Council adoption of Moraga Center Zoning
42 Amendments is Attachment 4 to this staff report. It covers the following documents, all of
43 which are appended to the Resolution as exhibits:

- 44
45 • Map showing parcels impacted by the rezoning in the Moraga Center area
 - 46 • Text amendments to Title 8 of the Municipal Code
- 47

1 All of the zoning changes addressed by this resolution are within the Moraga Center
2 Specific Plan area. While the specific details of the zoning revisions have not been
3 discussed by the Planning Commission previously, the Commission has had discussions
4 on the areas being rezoned, the housing opportunity sites located within these areas, and
5 the need to increase the maximum density from 20 units per acre to 24 units per acre.

6
7 *Discussion:*

8
9 The bulleted list below summarizes the text changes:

- 10
11 • The allowable density in the MCSP Mixed Retail/Residential District is being increased
12 from 20 to 24 units per acre.
13 • The allowable density in the MCSP Mixed Office/Residential District is being increased
14 from 20 to 24 units per acre.
15 • The R-20 zone is retitled the R-20/R-24 zone. This zoning designation currently
16 applies to three sites in the MCSP area. Currently, two of these sites are zoned “R-
17 20B” and one is “zoned R-20A”. A map of these sites is included in the resolution.
18 Under current rules, the R-20A sites allow projects to be approved through a
19 ministerial (“by right”) process while the R-20B sites require discretionary review. The
20 Town is eliminating the “A” and “B” nomenclature. Instead, two of the parcels are
21 being assigned the R-24 (24 unit/acre) density and one is retaining its R-20 (20
22 unit/acre density). The sites with the 24-unit/acre density include the lower part of the
23 orchard west of Laguna Creek (the area currently zoned R-20A) and “Area 14” on
24 Country Club Drive (currently zoned R-20B). The site with the 20-unit/acre density is
25 located the middle part of the orchard, where the elevation is slightly higher.

26
27 All other text changes proposed are non-substantive and are related to consistency in
28 nomenclature.

29
30 The resolution also includes zoning map changes as follows:

- 31
32 • The vacant former Moraga Garden Center and adjacent Valero Station are being
33 rezoned from MCSP-Commercial to MCSP Mixed Retail-Residential
34 • The vacant lot at 1405 Moraga Way (east of the Wells Fargo Bank, south of Safeway,
35 and west of McCaulou’s) is being rezoned from MCSP-Commercial to MCSP Mixed
36 Retail-Residential
37 • Four parcels on the block bounded by Viader, School, Country Club, and Moraga Way
38 are being rezoned from MCSP-Commercial to MCSP Mixed Retail-Residential. These
39 parcels include the vacant lot at the corner of Viader and Moraga Way, the Montessori
40 School, and the small office buildings at 925 Country Club and 1550 Viader.

41
42 The new zoning on these sites will allow a wide range of commercial uses, but also
43 provides the flexibility to develop housing in the future. Three of the properties within this
44 area (the two vacant lots, and the Garden Center) have been listed as housing opportunity
45 sites.

46
47 As part of a future Housing Element program, staff will be working on additional changes
48 to the MCSP area zoning regulations in the coming year. These changes may result in

1 modified development standards (setbacks, lot coverage, floor area ratio, lot width and
2 depth standards, lot size requirements, etc.). Staff anticipates that this work will occur
3 later in 2023, in collaboration with property owners.
4

5 6 RESOLUTION 05-2023: Rheem Park Zoning Amendments 7

8 The Resolution includes a recommendation from the Planning Commission to the Town
9 Council to adopt zoning amendments for the Rheem Park commercial district. It is
10 included as Attachment 5 to this staff report. It covers the following documents, all of
11 which are appended to the Resolution as exhibits:
12

- 13 • Map showing parcels impacted by the rezoning in the Rheem Park area
- 14 • Text amendments to Title 8 of the Municipal Code
15

16 While the specific details of the zoning revisions have not been discussed by the Planning
17 Commission previously, the Commission has had discussions of the areas being rezoned,
18 the housing opportunity sites located within these areas, the need to amend zoning to
19 allow residential uses, and the need for a 24 dwelling unit per acre density limit. The
20 proposed zoning supports current General Plan policies. The rezoning is necessary to
21 create the capacity to meet the RHNA, particularly to create capacity for low- and
22 moderate-income households. All of the zoning changes addressed by this resolution are
23 within the Rheem Park commercial district, as defined on the Moraga General Plan.
24

25 *Discussion:* 26

27 Outside of Moraga Center, Rheem Park is the only other commercial district in Moraga.
28 It is smaller than the Moraga Center (approximately 60 acres), has less vacant land, and
29 has multiple property owners. The anchor of the Rheem Commercial district is a 165,000
30 square foot shopping center initially developed in 1957. Like the Moraga Center, this
31 district also includes professional offices, restaurants, and civic uses. It also includes
32 property owned by Saint Mary's College and it includes the Rheem Theater. While the
33 General Plan supports housing in this area, the zoning in place as of 2022 did not allow
34 residential uses.
35

36 Current zoning in the Rheem Park district includes Suburban Office, Community
37 Commercial, and Limited Commercial. The Suburban Office parcels generally
38 correspond to office buildings, a convalescent home, Town offices, the vacant parcel west
39 of the Rheem Theater, and several apartment buildings on the west side of Moraga Road
40 north of Lucas Drive. The Community Commercial parcels include the 24-hour Fitness,
41 the adjacent restaurants and dry cleaner, and the Saint Mary's administrative facility
42 (originally built as a supermarket), as well as the Rheem Shopping Center, the Theater,
43 and associated outparcels (gas stations, auto repair, etc.). The Limited Commercial
44 parcels are all on the east side of Moraga Road, extending from the 7-11 store on the
45 south to the corner at Rheem Boulevard on the north. None of these zoning districts
46 includes housing as a permitted use.
47

48 The proposed zoning changes are summarized as follows:

- A new zoning district called “Rheem Park Mixed Office-Residential” (RMOR) is being created. The District applies to all parcels currently zoned Suburban Office. This zoning district is comparable to the MCSP Mixed Office-Residential zone. Its permitted and conditionally permitted uses are similar to its MCSP counterpart and it has similar development standards. Like its MCSP counterpart, the district will have a maximum density of 24 dwelling units per acre.
- The Suburban Office zoning district is being rescinded, since it will no longer apply to any parcels in Moraga (it currently appears only in the Rheem Park area).
- A new zoning district called “Rheem Park Mixed Commercial-Residential (RMCR) is being created. The District is being mapped on some (but not all) of the parcels with Community Commercial zoning, including the north side of Rheem Boulevard (24-Hour Fitness, Saint Mary’s, etc.), and the northern half of the Rheem Shopping Center. It is also being mapped on the vacant site at the southeast corner of Lucas Drive and Moraga Road and the adjacent 7-11 store. This new district does not apply to the Rheem Theater, Home Goods, or the southern part of the Shopping Center, or several of the auto service/gas stations at the Rheem Center. Those properties will remain “Community Commercial.”
- The new RMCR district is comparable to the MCSP Mixed Retail-Residential zone. It allows the same permitted and conditionally permitted uses and has similar development standards. Like its MCSP counterpart, the district has a maximum density of 24 units per acre.
- The “Research and Development Overlay” zone is being rescinded. This zone was created in the 1990s to create opportunities for a technology campus on Saint Mary’s property and adjacent parcels on the north side of Rheem Boulevard west of Moraga Road. Since the Saint Mary’s property is now identified as a housing site, and the college has expressed interest in housing, the overlay is no longer applicable.
- The Limited Commercial and Community Commercial zoning districts will be retained “as is.” No changes to these districts are proposed, but they will apply to a smaller number of parcels.

The zoning amendments would create two new Chapters—Chapter 8.38 and Chapter 8.39—corresponding to the two new Rheem Park Mixed Use zoning districts. Each of these chapters is parallel in their organization and includes:

- A purpose statement (8.38.010 and 8.39.010)
- A list of permitted uses (8.38.020 and 8.39.020). For RMCR, the uses ensure the continued viability of commercial activities such as retail sales, professional services, hotels, banks, restaurants, fitness centers, etc. For RMOR, the uses ensure the continued viability of those activities permitted in the Suburban Office district, including offices, business support services, personal services, restaurants, schools. etc. Residential uses are permitted in both zones, either in mixed use buildings or in buildings that are entirely residential.
- A list of conditionally permitted uses (8.38.030 and 8.39.030). These uses would require a conditional use permit, subject to CUP findings, prior to approval. The list of conditional uses is comparable to the equivalent zones in MCSP.

- 1 • Residential density limits (8.38.040 and 8.39.040). Both the RMCR and RMOR district
2 permit housing, subject to a maximum density of 24 units per acre and a minimum
3 density of 12 units per acre (the same as the equivalent zones in MCSP)
- 4 • Development standards (8.38.050 and 8.39.050). These include standards for lot
5 area, lot width, lot depth, minimum frontage, setbacks, building height, private open
6 space (for residential uses), and floor area ratio (for non-residential uses only). The
7 parking standards in this zone are comparable to those in the R-20A district. The
8 zoning requires active ground floor uses (such as retail, community facilities, etc.) for
9 buildings facing Center Street and Park Street (i.e., the shopping center frontage)

10
11 Other minor code edits are referenced in the resolution to ensure consistent nomenclature
12 throughout the Municipal Code. For example, references to the Suburban Office district
13 are being eliminated from the sign regulations (since the district is being rescinded), and
14 references to the new Rheem Park districts will be added.

15
16 The zoning regulations being proposed do not yet contain objective development and
17 design standards. Staff has drafted these standards and will be bringing them to the
18 Commission in the coming months for discussion. This will provide time to vet the
19 standards with property owners and make adjustments before Commission discussion.
20 The objective standards address issues such as landscaping, building orientation and
21 siting, frontage improvements, building massing and articulation, façade design,
22 pedestrian and bicycle access, windows and openings, building materials, and parking
23 area design. By incorporating these standards into the Municipal Code, the Town will
24 have a benchmark for evaluating future projects, thereby increasing predictability for
25 property owners and expediting review and approvals.

26 27 **Next Steps**

28 Following the January 10 Planning Commission meeting, two meetings before the Town
29 Council are planned. The first meeting, on January 18, will introduce the Town Council
30 to the documents under consideration, including the revised Housing Element, General
31 Plan Amendments, Final EIR, and zoning amendments. The second meeting, on January
32 25, is a public hearing. The Town Council will be asked to consider three resolutions and
33 two ordinances at the January 25 meeting. If the Town Council votes to approve the
34 Housing Element, it will be submitted to HCD before the January 31 deadline.

35
36 The January 25 meeting constitutes the first reading of the two ordinances (amending the
37 MCSP zones and creating the Rheem Park zones, with accompanying map changes). A
38 second reading and adoption will occur on the next regularly scheduled Town Council
39 meeting and the ordinances will go into effect 30 days later.

40
41 As noted earlier in this report, there are a number of follow-up tasks that will follow Town
42 Council action on January 25. These include the adoption of objective development and
43 design standards for the Rheem Park zones, and the adoption of General Plan and zoning
44 amendments for the Bollinger Canyon study area. Both of these are high priority items
45 and will be agendized for Planning Commission meetings in February, March, and later
46 months as needed.

1 In addition, HCD’s determination of compliance will be made within 60 days following their
2 receipt of the adopted Housing Element. In the event that HCD finds that the Element
3 requires further revision, future amendments to the Housing Element would be necessary.
4 This would result in an additional Planning Commission hearing, likely in April or May
5 2023.

6
7 Following State certification, staff will begin implementing several high priority Housing
8 Element implementation programs. These include further revisions to MCSP
9 development standards, and a variety of zoning changes related to different housing
10 types, parking, and other standards. Many of these actions will require Planning
11 Commission input and feedback later in 2023.

12
13 **CEQA**

14 As noted earlier in this staff report, the Town has prepared a program-level environmental
15 impact report (EIR) for the Comprehensive Advanced Planning Initiative, including the
16 Housing Element and related rezoning and General Plan amendments, as required by
17 CEQA. Certification of the FEIR must occur prior to adoption of the Housing Element.
18 As such, it is the first resolution to be considered by the Planning Commission and will be
19 the first resolution to be considered by the Town Council at the January 25 adoption
20 hearing.

21
22 **Hearing Notification**

23 Notification of the January 10, 2023 Planning Commission public hearing was published
24 in the East Bay Times. Additionally, the Town sent flyers to individual property owners
25 within 300 feet of the affected re-zoning sites. The re-zoning sites flyer provided a link to
26 makemoragahome.org for a re-zone map and affected Assessor Parcel Numbers.

27
28 **Recommendation**

29 The project team is requesting that the Planning Commission approve the five resolutions
30 identified in this staff report. In each instance, the resolution recommends adoption of the
31 associated item by the Town Council, including:

- 32
- 33 • Certification of the EIR, including the Final EIR, and adoption of Mitigation
34 Monitoring and Reporting Program, CEQA Findings, and Statement of Overriding
35 Considerations
 - 36 • Adoption of the 2023-2031 Housing Element
 - 37 • Adoption of Related General Plan Amendments
 - 38 • Adoption of Moraga Municipal Code Title 8 (zoning) amendments in the Moraga
39 Center area
 - 40 • Adoption of Moraga Municipal Code Title 8 (zoning) amendments in the Rheem
41 Park area
- 42
43
44

1 **Attachments:**

- 2
- 3 1. [Resolution 01-2023](#), Certifying the Final Environmental Impact Report and
- 4 adopting the Mitigation Monitoring and Reporting Program and findings as
- 5 required under the California Environmental Quality Act (CEQA), including the
- 6 following exhibits:
- 7 A. [Final EIR](#)
- 8 B. [MMRP](#)
- 9 C. [Findings and Statement of Overriding Considerations](#)
- 10 2. [Resolution 02-2023](#), recommending approval of the Draft Moraga 2023-2031
- 11 Housing Element, including the following exhibits:
- 12 A. [Findings of substantial compliance based on response to HCD comments](#)
- 13 B. [Findings of substantial compliance based on conformance to Government](#)
- 14 [Code—to be sent 01.06.2023](#)
- 15 C. Tracked change version
- 16 C1: [Housing Element Main Document tracked](#)
- 17 C2: [Appendices tracked](#)
- 18 D. Clean version
- 19 D1: [Housing Element Main Document clean](#)
- 20 D2: [Housing Element Appendices clean](#)
- 21 3. [Resolution 03-2023](#), recommending approval of amendments to the Moraga
- 22 General Plan, including the following exhibits:
- 23 A. [Tracked change version of General Plan](#)
- 24 B. [Clean version of General Plan, with changes accepted](#)
- 25 4. [Resolution 04-2023](#), recommending approval of an Ordinance amending Title 8 of
- 26 the Moraga Municipal Code to make zoning changes in the Moraga Center area,
- 27 including the map of parcels affected by zoning changes and proposed
- 28 amendments to Title 8
- 29 5. [Resolution 05-2023](#), recommending approval of an Ordinance amending Title 8 of
- 30 the Moraga Municipal Code to make zoning changes in the Rheem Park area,
- 31 including the map of parcels affected by zoning changes and proposed
- 32 amendments to Title 8
- 33 6. [Public Comments](#)