

EAST BAY FOR EVERYONE

July 7th, 2023

Afshan Hamid
Planning Director
329 Rheem Boulevard
Moraga, CA 94556

RE: Moraga's Revised Draft Housing Element dated 12/26/22

Ms. Hamid:

East Bay for Everyone is a network of people fighting for the future of housing, transit, tenant rights, and long-term planning in the East Bay. The third draft of Moraga's Housing Element ("Draft") takes good steps toward compliance but we feel it does not go far enough to encourage new housing development in Moraga.

Program 1 and Program 4 do not do enough to encourage Missing Middle development:

These programs propose to adjust the current 6 DUA General Plan designation to allow 12 or 15 dwelling units per acre. Only 18.25% of the zoned area of Moraga is in a 6-DUA zone, and is already built out with duplexes, townhouses and small apartment buildings; as noted in section 5.2.3, some developments here are as dense as 30 DUA. This zone is **already some of the densest and most affordable housing available in Moraga**. Increasing the allowed density in this zone does not further fair housing and instead entrenches the same patterns that already exist in Moraga.

Instead, Moraga should allow true "missing middle" housing (i.e. housing types between detached single-family homes and large multi-story apartment buildings) in all current residential zones. This would help the city further its fair housing goals by encouraging diverse housing options in some historically single-family neighborhoods. We suggest building a zoning framework that allows for redevelopment of single family properties into small multifamily housing. For example, a strong missing middle zoning program would include:

- Residential zones should permit at least **30 to 45 dwelling units per acre**, except those at high risk of wildfire or flood inundation.
- Reduced minimum parking requirements to no more than 1 space per unit
- Minimum setbacks should be, at most, 10 feet for the front and 4 feet for the side and rear

- Maximum building height should be increased to 35 feet or higher.
- Allow up to six residential units per parcel
- Set the minimum lot size at 3,000 feet or less.
- Increase the maximum site coverage restriction to 60 percent or greater.
- Remove any Floor Area Ratio requirements
- Remove other barriers to infill missing middle developments, in line with the above changes.

Program 4 also identifies the MCSP R-6 zone as a potential opportunity to promote missing middle development, but does not outline specific proposed changes. The one parcel currently under this designation should be rezoned as outlined above. Due to its central location, the MCSP area as a whole provides an excellent opportunity for mid- and high-density zoning.

Moraga's New Parking Regulations Copy Cities Where Parking is A Constraint

Program 27 looks to Orinda, Lafayette, and Danville and their Parking Requirements. But these cities' parking minimums are a significant constraint to development, and reductions are being explored in their Housing Element drafts. So for Moraga to copy those Parking Minimums as they existed in 2022 does not make sense. Instead Moraga should reduce all parking minimums to no more than 0.5 parking spaces per unit, with no guest parking, in all residential zones.

More Should be Done to Address Regulatory Constraints on Development

Program 26 discusses improvements to the Planned Development (PD) process. We agree with the goal of adjusting zoning so that fewer projects require the use of the PD process and with the goal of simplifying the process itself, but we urge Moraga to pursue a more concrete goal in this regard; the constraints analysis notes that the PD process has taken up to 4.5 years for some recent projects, against an intended timeline of 12-24 months. The specific goal of Program 26 should be to achieve this intended timeframe.

Program 28 addresses development review as a whole. This is a step in the right direction, but we have concerns. First, there is no commitment to reduce fees, despite the fact that Moraga's significantly higher-than-average fees are identified as a potentially significant constraint on development. Second, we find the goal of seeking developer and homeowner input to be well-considered, but note that the constraints analysis already identifies several known bottlenecks in the review process; there seems to be little need to wait for this sort of long-term consultation process before addressing these.

For Program 29, regarding fee deferrals, we feel that a more concrete approach is needed, considering that the fee burden is already an identified constraint. Moraga should commit to a substantial reduction of the park impact fee, aside and apart from the development and implementation of a fee deferral program. In addition, all below-market-rate units - not just

extremely-low-income and special needs housing - should receive priority for fee deferrals.

We find Program 30 to be a much-needed step and in line with our earlier recommendations to Moraga. Since the subjectivity of current Residential Design Guidelines has been identified as a constraint, though, we feel that Program 30 should recognize this situation and commit to a simplification and streamlining of these guidelines, specifically including the elimination or substantial removal of the potentially subjective provisions already identified as constraints, rather than merely exploring revisions. Further, Program 30 does not specifically include revisions to the HDP process. Changes should be made to ensure that projects currently requiring Planning Commission approval of an HDP are not constrained by the arduous nature of the public hearing process or by overly subjective standards. The most expeditious way to do this would be to allow administrative review for *all* HDPs; the current parallel discretionary review process imposes unnecessary constraints to development.

Site Inventory

We welcome the change of specifying the previous Housing Elements under which particular sites have been considered.

We have specific comments on a number of sites listed; our July 2022 letter includes a more complete set of comments.

B1 and B2 - Both these sites are recycled, lack utilities, have >20% slopes, and are not densely zoned. It is not clear whether they are likely to be developed in the near future.

B3 - these sites are both vacant, large, zoned for 1 DUA, and possess >20% slopes. Considering their proximity to Campolindo HS, they should be considered for upzoning, especially the publicly-owned B4 parcel. Prospects for development at the stated density are unclear.

B5 - 8 Madsen Ct is not vacant; it is a single-family home, still intact as of this month's Maxar satellite footage. It should be removed.

B7, B9, B10, B11, B12 - Sites with no zoning change and >20% slope, some of them recycled from 5th HE. We feel the probability of development at the stated density levels given current zoning is extremely remote.

B8 - APN 258-160-028 is site B2 and should be removed from here.

B14 - Local opposition represents a substantial constraint to development, as does the site's location in a VHFHSZ. Concerns over biological resources also appear to presage lengthy CEQA problems for any development unless these are proactively addressed.

C1, C2, and C3 - These sites all have >20% slopes. With no change in zoning, we feel development is highly unlikely.

F8 and F9 - These two sites together make up 200 units of realistic capacity, a substantial proportion of the overall total, and deserve special attention.

The presence of landowner interest for F8 is a good start, but considering that the site is mostly non-vacant, more information is needed on owner intentions, capital improvements, lease details and timing, and other aspects that might constrain redevelopment. For F9, there is no discussion of landowner interest, or of these other aspects of current use. Without this information, the possibility of development on these sites appears extremely speculative. That said, substantial upzoning here to allow true high-density development might make it a more attractive prospect for developer interest.

Signed,

The 2500 members of East Bay for Everyone