

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

A resolution of the Town Council making )  
findings pursuant to CEQA and adopting )  
the Moraga Center Specific Plan. )  
\_\_\_\_\_ )

Resolution No. \_\_\_-2010

**WHEREAS**, on June 4, 2002, the Town of Moraga adopted a General Plan with Guiding Principle 4: Create a community ‘focal point’ in the vicinity of the Moraga Center shopping area and Moraga Commons; and

**WHEREAS**, the General Plan sets forth Policy LU3.1 Moraga Center Area Specific Plan, which requires the Town to “Undertake a specific planning process for the area designated on the General Plan Diagram as the ‘Moraga Center Area Specific Plan;” and

**WHEREAS**, the General Plan sets forth Policy CD6.5 Moraga Center Area, which requires that the Town “Use the Moraga Center Area Specific Plan to create a community focal point and mixed-use activity center of businesses and higher density residences with a unified ‘village’ character;” and

**WHEREAS**, the Town implemented a public planning process, holding Community Design Workshops on April 1, 2003 and March 15, 2006, culminating in the Draft Moraga Center Specific Plan (MCSP) on June 13, 2008; and

**WHEREAS**, on July 30, 2007 the Town issued a Notice of Preparation for the MCSP Project to prepare a California Environmental Quality Act (CEQA) Initial Study and held public scoping meetings on August 6, 2007 and September 4, 2007, and the Town decided to prepare a Draft Environmental Impact report (DEIR); and

**WHEREAS**, the Town published the MCSP DEIR on June 17, 2008 with a public comment period from June 17, 2008 to August 1, 2008, and held public hearings on July 7, 2008 (Planning Commission), July 8, 2008 (Parks and Recreation Commission), July 9, 2008 (Town Council), and July 22, 2008 (Town Council) to solicit oral comments on the MCSP DEIR; and

**WHEREAS**, the MCSP Final EIR (FEIR) was published on March 26, 2009, public hearings were held on March 26, 2009 (Design Review Board), April 6, 2009 (Planning Commission and Parks and Recreation Commission), and April 20, 2009 (Planning Commission) to consider the adequacy of the FEIR; and

**WHEREAS**, the Town of Moraga Planning Commission made its preliminary recommendation on April 20, 2009, and its final recommendation on May 18, 2009 to the Moraga Town Council to certify the adequacy of the EIR; and

**WHEREAS**, the Town Council has adopted Resolution \_\_\_\_ certifying the EIR.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Moraga adopts the Findings of Fact attached hereto as Exhibit A and makes such findings as if set forth in their entirety herein.

**BE IT FURTHER RESOLVED** that the Town of Moraga adopts the Mitigation Monitoring and Reporting Plan (MMRP) prepared for the Project and on file with the Town Clerk;

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Moraga finds that the Mitigation Measures described in the EIR and incorporated into and imposed upon the MCSP Project are feasible and fully capable of implementation, and will avoid or substantially lessen Project specific significant impacts, with the exception of the following six impacts identified in the EIR, which impacts cannot be feasibly mitigated as further described in the Findings of Fact:

- Transportation, Traffic, and Circulation Impacts 4.F-1, 4.F-4, and 4.F-6; and,
- Air Quality Impacts 4.G-4, 4.G-5, and 4.G-7;

**BE IT FURTHER RESOLVED** that the Town has carefully balanced the benefits of the MCSP against the unavoidable adverse impacts identified in the DEIR, FEIR, and the Town's Findings of Fact, and considered the above recitals and the entire record, including the MCSP EIR, oral and written testimony, and other evidence received at the public hearings held on the Project and the EIR, and that the Moraga Town Council finds that there is evidence to support its finding that the MCSP will result in substantial community benefits, including economic, legal, social, technological, or other benefits, that outweigh and render acceptable the significant effects on the environment that cannot be mitigated to a level less than significant.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Moraga, acting pursuant to CEQA Guidelines §15093 in adopting a statement of overriding considerations for the MCSP Project EIR, finds that:

1. MCSP implementation would result in benefits, including revitalization of the Moraga Center, expansion of retail opportunities, creation of a mixed-use "village" that serves as an activity center for the community, provision of residential housing densities that are adequate to meet the Town's affordable housing goals; and
2. MMRP implementation ensures implementation of feasible mitigations of the Project's environmental impacts; and
3. Balancing project benefits against potential significant impacts to traffic and circulation and air quality, the public benefits of the project outweigh its unavoidable significant impacts, which impacts are therefore acceptable.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Moraga hereby adopts the Moraga Center Specific Plan on file with the Town Clerk.

**PASSED AND ADOPTED** by the Town Council of the Town of Moraga at a ~~regular~~<sup>special</sup> meeting held on January ~~27~~<sup>13</sup>, 2010 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

Ken Chew, Mayor

Attest:

---

Marty C. McInturf, Town Clerk