

**CEQA FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS
OF THE
TOWN COUNCIL OF THE TOWN OF MORAGA
FOR THE
MORAGA CENTER SPECIFIC PLAN**

Adopted _____ 2010

**TOWN OF MORAGA
FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS**

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

TABLE OF CONTENTS

1.0 INTRODUCTION AND BACKGROUND.....3

 1.1 *THE PROJECT*.....3

 1.2 *TOWN OF MORAGA GENERAL PLAN EIR*.....~~10109~~

 1.3 *CEQA REQUIREMENTS*.....~~101010~~

 1.4 *GENERAL FINDINGS*.....~~121212~~

 1.5 *PUBLIC AND AGENCY INVOLVEMENT*.....~~141414~~

2.0 CEQA FINDINGS161616

 2.1 *POTENTIALLY SIGNIFICANT UNAVOIDABLE IMPACTS*~~161616~~

 2.2 *SIGNIFICANT IMPACTS*~~222222~~

 2.3 *IMPACTS FOUND TO BE LESS THAN SIGNIFICANT*~~282828~~

3.0 MITIGATION MONITORING AND REPORTING PROGRAM.....313131

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS323232

1.0 INTRODUCTION AND BACKGROUND

These Findings and Statement of Overriding Considerations have been prepared in accordance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines (14 California Code Regulation [CCR] Section [Sec.] 15000 et seq.). The Town of Moraga is the lead agency for the environmental review of the project and has the principal responsibility for its approval. The project covered by these findings and relevant CEQA documents is the Moraga Center Specific Plan (MCSP).

1.1 THE PROJECT

A proposed 720-unit version of Moraga Center Specific Plan (MCSP) Project (the “720-Unit Project”) and four alternatives have been evaluated in the Environmental Impact Report (EIR). A description of the 720-Unit Project and four alternatives is provided in Chapter 2 of the Draft EIR (DEIR). An analysis of potential environmental impacts of the 720-Unit Project and alternatives is provided in DEIR Chapter 4. Amendments to the impact discussion and analysis are provided in Final EIR (FEIR) Chapter 7.

CEQA Guidelines Sec. 15126.6 requires a discussion of a reasonable range of alternatives to the project or to the location of the project. An EIR need not consider an alternative whose implementation is remote or speculative. An EIR is required to describe and comparatively evaluate a range of reasonable alternatives to a project, or location of the project, that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen significant effects of the project.

As discussed in the DEIR, significant impacts from implementation of the 720-Unit Project (and the Modified MCSP Project under consideration by the Town) can be reduced to a less than significant level with implementation of mitigation measures. There are six impacts that remain significant even with implementation of identified mitigation measures:

- Transportation, Traffic, and Circulation, three impacts; and,
- Air Quality, three impacts.

As described below, the Town intends to adopt the Modified MCSP Project that provides for a level of residential development midway between the 720-Unit Project and Alternative 4 (560 units) as analyzed in the EIR. The impact discussion and Findings for the 720-Unit Project apply to the modified version of the MCSP that the Town intends to adopt. At a reduced level of residential development, the Modified MCSP Project is expected to have reduced environmental effects compared to the 720-Unit Project described and analyzed in the EIR.

The following is a summary of the 720-Unit Project and Alternatives as described and analyzed in the EIR, followed by a description of the Modified MCSP Project the Town intends to adopt, and a rationale for selecting the Modified MCSP Project and not adopting the 720-Unit Project or one of the Alternatives.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

720-Unit Project – As described in the Draft EIR, the 720-Unit Project is a planning document for a 187-acre urban infill area in the Town of Moraga. The 720-Unit Project includes revitalization and renovation of the aging Moraga Center Shopping Center and Moraga Ranch, adding 90,000 square feet (sf) of new retail and entertainment space with a 75-room hotel and 50,000 sf of new office space. The pedestrian-friendly commercial core of the MCSP will be supported by new residential development at densities ranging from low (3-6 dwelling units per acre [DUA]) to compact (10-12 DUA) and high (12-24 DUA). Buildout of the 720-Unit Project will add 320 compact single-family residential units, 100 St. Mary’s College (SMC) faculty/student/staff residential units, 300 active senior residential units and 150 congregate care/assisted living units. A 30,000 sf Community Center will complement increased activity associated with new residences and address community-wide recreational needs.

Alternative 1 - No Project Alternative – Under the No Project Alternative (Alternative 1), no new development will occur and no existing uses will be replaced or intensified on the lands located in the MCSP area, including development envisioned under the 2002 General Plan. The No Project Alternative is included to provide baseline or existing conditions to compare the 720-Unit Project (and Modified MCSP Project) and Action Alternatives (Alternatives 2, 3 and 4).

Alternative 2 - General Plan Development Level Alternative – Under the General Plan Development Level Alternative (Alternative 2), the number of new residential units is consistent with that evaluated in the Moraga 2002 General Plan EIR. Alternative 2 does not include [a potential the MCSP proposed Community Center use](#) because it was not specifically identified in the General Plan buildout for the MCSP area. Because this level of development was already analyzed and approved by the Town of Moraga, no new discretionary land use decisions would need to be taken by the Town. The maximum potential development “capacity” is 16,000 sf of new community commercial space, 38,000 sf of new suburban office space, and 339 conventional single-family housing units at densities up to 6 DUA. The General Plan EIR assigned 323 residential units to the MCSP area. The MCSP EIR includes consideration of an additional parcel and its associated 16 residential units located east of Moraga Road across from Moraga Center. Therefore, Alternative 2 considers 339 new housing units to be consistent with the levels of development potential in the General Plan EIR if the additional parcel was included in the MCSP area. Alternative 2 includes less new commercial and office space due to the fewer dwelling units and associated population increase compared to the 720-Unit Project (and Modified MCSP Project). Renovation and revitalization of Moraga Center may still occur, but may not be as economically feasible as under the 720-Unit Project (and Modified MCSP Project). Intersection improvements will occur at Moraga Way and School Street, Moraga Road and School Street, and the proposed town square or “village” area. A 2.5-acre recreation area will be located in the northeastern area of the project boundary and the Laguna Creek riparian corridor will be maintained and enhanced with a pedestrian/bike trail.

Alternative 3 - The 400 Unit Alternative – The 400 Unit Alternative (Alternative 3) is the minimum development required to meet the Town’s “fair share” housing goals known as the Regional Housing Need Allocation (RHNA) as established by the Association of Bay Area Governments (ABAG). Under Alternative 3, fewer residential units and less retail space will be developed than the 720-Unit Project (and Modified MCSP Project). Alternative 3 includes up to 50 single family homes built at 3 DUA, 100 compact residential condominiums or townhouses

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

built at 10-12 DUA, 100 SMC faculty/student/staff residential units at 12-20 DUA, 150 senior housing residences at up to 20 DUA, and 60 congregate care/assisted living units. The medium to higher density units will be developed within walking distance of commercial and office space. Intersection improvements will occur at the intersections of Moraga Road/School Street and Moraga Way/School Street, and at the proposed town square or “village” area. Alternative 3 differs from the 720-Unit Project (and Modified MCSP Project) by minimizing the overall development footprint.

Alternative 4 - The 560 Unit Alternative – The 560 Unit Alternative (Alternative 4) provides a midpoint between the 720-Unit Project and the minimum residential development needed to meet the ABAG RHNA in Alternative 3. Alternative 4 reduces average residential densities while still providing the mixed-use “village” center. Under Alternative 4, new residential development includes up to 65 single family residential units at 3 DUA with medium to high-density housing clustered near commercial, retail, and office space. Alternative 4 plans for 560 total residential units, retail and office space, a hotel, congregate care and assisted living units. Although the total number of housing units, hotel rooms, and congregate care/assisted living units is less than the MCSP, the total allocated retail and office square footage, if feasible, is identical. Alternative 4 uses less undeveloped lands than the MCSP while still providing opportunities for a revitalized pedestrian-friendly downtown, enhancing retail opportunities and meeting the Town’s affordable housing allocation. The 65 single-family residences are located on the northwest boundary and at the termination of Moraga Way, while 230 senior residential units at up to 20 DUA are located in the central “village” area of the project site. Alternative 4 includes up to 165 townhomes/condominiums at 10-12 DUA on lands located between the lower density single-family housing and the higher density senior housing and up to 100 SMC faculty/student/staff residential units at 12-20 DUA in the mixed retail/residential zone near Moraga Center. Intersection improvements occur at Moraga Road/School Street, Moraga Way/School Street, and at the proposed town square or “village” area. Alternative 4 differs from the MCSP by reducing the overall residential densities.

Community Center Site Project Alternatives – The EIR evaluates two locations for a 30,000 sf Community Center. Site A is privately owned and contiguous with retail and mixed retail/residential uses adjacent to the primary intersection of Moraga Road, St. Mary’s Road, and School Street. Site B is across from Moraga Commons on Moraga Road, connected by pathways to other portions of the planning area. The Town owns a portion of Site B, which is separated from other potential development by the Laguna Creek riparian corridor. In addition to the two sites noted in the Specific Plan, it is also possible that a Community Center could be located on a site outside the Specific Plan area.

Cumulative Projects – The other existing, approved, planned, or reasonably foreseeable future projects that contribute to cumulative impacts varies by resource category. For the cumulative impact analysis for public schools, the analysis considered other major planned or proposed residential developments that are expected to bring new school-age children to Moraga. These projects include Rancho Laguna 2, Palos Colorados, and Bollinger Valley, which together will add up to 279 new single-family homes to Moraga.

Projects considered in the MCSP EIR cumulative traffic analysis include the planned and proposed projects listed below in Tables 1.1-1 and 1.1-2 (DEIR Tables 4.F-4 and 4.F-5,

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

respectively). Growth under the cumulative impact analysis scenarios was based on data provided by Planning Department staff at the Cities of Lafayette and Orinda and the Town of Moraga (the “Lamorinda” region). The growth provided by staff was checked for reasonableness against growth assumptions in ABAG’s *Projections 2007*. Lamorinda growth represents about 90 percent of the household growth projected by ABAG through 2030, and about 135 percent of the employment growth.

Moraga has 210 approved but not occupied residential units, and it was assumed that by 2030, an additional 590 residential units and 10,000 sf of commercial uses would be built. In Lafayette, development approved but not occupied includes 20 residential units, and 95,000 sf of commercial/civic uses. Lafayette was assumed to add 820 residential units and 380,000 sf of commercial use by 2030. Orinda has 270 residential units approved but not occupied, and miscellaneous recreational uses. Orinda was assumed to add 330 residential units and 420,000 square feet of commercial uses by 2030.

1.2 MCSP PROJECT TO BE ADOPTED

The Town of Moraga intends to adopt a modified version of the project as described above. The Modified MCSP Project to be adopted shall be considered “the Project” in terms of these Findings, and consists of land use designations and zoning that would allow a level of residential development midway between the 720-Unit Project and Alternative 4 as analyzed in the EIR. The MCSP Project to be adopted generally has reduced environmental impacts compared to the 720-Unit Project analyzed in the EIR due to a reduced level of development.

The modified MCSP to be adopted provides for greater flexibility in the type and location of the mix of housing type ultimately developed in the Plan Area. This flexibility allows for future developers to be more responsive to the evolving housing needs of Moraga and market conditions. The reduced number of residential units as compared to the 720-Unit Project described and analyzed in the EIR provides for reduced impacts to traffic and air quality in Moraga and adjacent communities, and provides greater compatibility with existing low density residential areas contiguous to the MCSP Area.

The MCSP to be adopted by the Town includes revitalization and renovation of the aging Moraga Center Shopping Center and Moraga Ranch. The adopted MCSP will include up to 90,000 sf of new retail and entertainment space, up to 85 rooms for a bed and breakfast/boutique hotel and up to 50,000 sf of new office space. The MCSP will include up to 150 assisted living/congregate care units. A Community Center of up to 20,000 square feet could be accommodated in the Specific Plan area to ~~will~~ complement increased activity associated with new residences and address community-wide recreational needs. The pedestrian-friendly commercial core of the MCSP will be supported by up to 630 new residential units at densities of 3-20 DUA (up to 30 DUA with available density bonus for senior residential). Residential development under the Plan includes up to 65 traditional single-family detached homes at 3-6 DUA along Camino Ricardo. Other residential housing includes up to 300 active senior dwelling units at up to 30 DUA; up to 165 compact single-family housing units at 10-12 DUA in a central “Village” setting; and up to 100 workforce housing units. Minimum residential unit types have been identified in the MCSP, including 40 single family detached homes, 148 active senior units, and 100 compact single-family homes. The ultimate residential development in the

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

adopted MCSP will be capped at a number and mix of types of residential units that are expected to generate no more than the level of peak hour, peak direction traffic generated by buildout of the development levels anticipated for the MCSP area in the 2002 General Plan.

1.3 REASONS FOR NOT ADOPTING THE PROJECT OR ACTION ALTERNATIVES

The Town decided to not adopt the 720-Unit Project described in the EIR, and develop and adopt the Modified MCSP Project with residential development levels between the 720-Unit Project and Alternative 4 because as compared to the 720-unit project, the modified MCSP will have fewer traffic impacts and visual impacts. The reasons the Town intends to adopt a modified MCSP with up to 630 residential units are that, based on information and analysis in the MCSP EIR and comments received from the public, when compared to Alternatives 2, 3 and 4 the Modified MCSP Project is expected to:

- Enhance flexibility to meet future housing needs and changing market conditions in Moraga as the MCSP area is built out over the planning horizon;
- Reduce the densities of residential development along Camino Ricardo that are potentially incompatible with existing low-density single-family residential communities in the adjacent areas;
- Reduce peak hour vehicle traffic generated by buildout and occupation of the MCSP Area to levels at or below those levels project for the buildout of the 2002 General Plan;
- Reduce potential to result in a carbon monoxide (CO) “hotspot” due to increased traffic congestion; and
- Reduce contributions to emissions of air pollutants for which the region is in a non-attainment status, including ozone (O₃) precursors and fine particulate matter (PM₁₀).

Based on the consideration of the information and analyses in the MCSP EIR, including public comments, the Town is deciding to not adopt the Action Alternatives considered in the EIR for the following reasons:

Alternative 2 (323 units):

- With residential development limited to low-density single-family housing, Moraga would not be able to address existing needs for workforce, affordable, and senior housing under Alternative 2;
- Without a Community Center, Alternative 2 would not address an existing need for community recreational facilities and meeting space; and
- With lower levels of commercial, office, and retail development, Alternative 2 is the least economically feasible of the Action Alternatives, and is unlikely to meet the economic development needs of Moraga, such as capturing retail sales tax

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

leakage and providing the economic base to renovate the aging Moraga Town Center.

Alternative 3 (400 units):

- By providing for the minimum land use designations needed to satisfy affordable housing needs in Moraga, Alternative 3 provides no flexibility to meet evolving market and demographic trends in Moraga for new housing, and therefore provides less flexibility to meet the needs of the Town and developers during the planning period; and
- With substantially less residential development, Alternative 3 is considerably less economically feasible because it is less likely to result in a critical density needed to support the renovation of the existing Moraga Town Center and support the new commercial and retail uses. Consequently, Moraga is less likely to meet its economic goals in the MCSP of reducing sales tax leakage and renovating the aging shopping center.

Alternative 4 (560 units):

- Compared to the modified MCSP to be adopted, Alternative 4 provides less flexibility for the Town and developers to meet evolving housing needs as market conditions and demographics change in Moraga during the planning period;
- With less residential development, Alternative 3 is less economically feasible and less likely to support the renovation of the existing Moraga Town Center and new commercial and retail uses. Consequently, Moraga is less likely to meet its economic goals in the MCSP of reducing sales tax leakage and renovating the aging shopping center.

Table 1.1-1 (DEIR Table 4.F-4)

Development Projects Under the Approved Baseline Condition

Location	Project	Use	Size*
Lafayette	Hidden Oaks	Single-Family	21 DU
Lafayette	Lafayette Mercantile	Office; Retail	33 ksf; 22 ksf
Lafayette	Lafayette Library & Learning Center	Library	30.3 ksf
Lafayette	Veteran's Building	Civic Building	10.5 ksf
Moraga	Kimberly	Single-Family	2 DU
Moraga	Crossbrook	Single-Family	3 DU
Moraga	Corliss Drive & Moraga Road	Single-Family	1 DU
Moraga	500 Rheem Blvd.	Single-Family	1 DU
Moraga	229 Rheem Blvd.	Single-Family	1 DU
Moraga	Country Club Extension	Single-Family	68 DU
Moraga	Los Encinos	Single-Family	10 DU
Moraga	Palos Colorados	Single-Family	123 DU

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Table 1.1-1 (DEIR Table 4.F-4)

Development Projects Under the Approved Baseline Condition

Location	Project	Use	Size*
Orinda	Sandy Lane Subdivision	Single-Family	3 DU
		Single-Family	245 DU
Orinda	Gateway Valley	Softball Fields	5 fields
		Garden Center	4.5 acres
		Swim Club	6 acres
Orinda	Soule Road Subdivision	Single-Family	3 DU
Orinda	Lloyd Lane Subdivision	Single-Family	2 DU
Orinda	Park Way Subdivision	Single-Family	3 DU
Orinda	Orinda Oaks/Castlegate	Single-Family	12 DU

* DU = dwelling unit, ksf = thousand square feet. Source: Fehr & Peers 2008

Table 1.1-2 (DEIR Table 4.F-5)

Development Projects Under the Cumulative Baseline Condition

Location	Project	Use	Size*
Lafayette	Town Center Phase II	Office	26 ksf
Lafayette	Lafayette Park Terrace	Condo	32 DU
Lafayette	Soldier Field Subdivision	Single-Family	8 DU
Lafayette	In-fill housing	Single-Family	250 DU
Lafayette	In-fill retail	Commercial	380 ksf
Lafayette	Downtown In-fill housing	Multi-Family	500 DU
Moraga	Bollinger Valley	Single-Family	126 DU (20% with 2 nd Units)
Moraga	Indian Valley	Single-Family	150 DU
Moraga	Rheem Park	Commercial; Senior Housing	10 ksf; 64 DU
Moraga	Northwest Moraga	Single-Family	19 DU
Moraga	Northeast Moraga	Single-Family	65 DU
Moraga	Central Moraga	Single-Family	1 DU
Moraga	Southeast Moraga	Single-Family	35 DU
Moraga	In-fill Housing	Single-Family	100 DU
Orinda	Pine Grove	Single-Family and Condo	65 SF DU; 8 condos
Orinda	Former Library Site	Senior Housing	44 DU
Orinda	Southwood Valley	Single-Family	17 DU
Orinda	Moraga Adobe Subdivision	Single-Family	15 DU
Orinda	BART Office Complex	Office	300 ksf
Orinda	Phair Building	Commercial; Condo	20 ksf; 20 DU
Orinda	North Orinda Residential	Commercial; Condo	50 ksf; 60 DU
Orinda	Crossroad Orinda Residential	Commercial; Condo	50 ksf; 30 DU
Orinda	In-fill Housing	Single-Family	70 DU

*DU = dwelling unit, ksf = thousand square feet. Source: Fehr & Peers 2008

1.4 TOWN OF MORAGA GENERAL PLAN EIR

The MCSP EIR utilizes the 2000 Town of Moraga General Plan Update EIR, which is incorporated into this EIR by reference, State Clearinghouse Number 2000032129. The 2002 Moraga General Plan and the EIR is available for review at the Town of Moraga Offices located at 329 Rheem Boulevard, and 2100 Donald Drive, in Moraga, CA 94556 (925) 888-7050. Electronic copies of the 2002 General Plan and 2000 EIR are available online at www.moraga.ca.us.

The Town of Moraga certified the EIR on April 11, 2001 and adopted the General Plan on June 4, 2002. The General Plan EIR identifies significant impacts due to the growth accommodated in the General Plan and includes mitigation measures to reduce impacts to less than significant. As stated in the DEIR and FEIR, implementation of the Moraga 2000 General Plan Update may result in significant and unavoidable impacts with respect to traffic and circulation impacts to Highway 24 at the Caldecott Tunnel, and intersections in Lafayette and Orinda (General Plan EIR Impacts 4.E-1, 4.E-4 and 4.E-5).

1.5 CEQA REQUIREMENTS

Pursuant to CEQA, discretionary decisions by public agencies regarding public projects are subject to environmental review. The purpose of an EIR is to identify significant environmental effects of a project and project alternatives, and to indicate the manner in which those significant effects can be mitigated or avoided (Sec. 21002.1(a)). When feasible, public agencies are required to mitigate or avoid the significant environmental impacts of projects they approve.

The Town of Moraga prepared the EIR as the lead agency for the MCSP site pursuant to CEQA and CEQA Guidelines (California Administrative Code Sec. 1500 *et seq.*). Environmental effects that must be addressed include the significant adverse effects of the project, growth-inducing effects of the project, and significant cumulative effects of past, present, and reasonably anticipated future projects. The FEIR for the MCSP was published on March 26, 2009. The Moraga Town Council has certified that the FEIR:

- Has been completed in compliance with CEQA;
- Was presented to the Town Council, the decision-making body;
- Was reviewed and considered, including the information in the FEIR and written comments and oral comments, by that the Town Council; and
- Reflects the lead agency's independent judgment and analysis.

The Town of Moraga has eliminated or substantially lessened significant effects on the environment where feasible as shown in the findings provided in this document. The Town of Moraga has determined that remaining significant effects on the environment found to be unavoidable under Sec. 15091 are acceptable due to overriding concerns presented in these findings.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

The Town of Moraga finds that the EIR has been prepared in accordance with CEQA, and that the EIR meets the requirements of a Specific Plan EIR.

The EIR will be used to evaluate subsequent projects under the MCSP. Additional environmental review under CEQA may be required and will be based on consistency with the MCSP and the analysis in the EIR, as required under CEQA. Under CEQA Guidelines Sec. 15168 and 15162, the EIR should be used as the primary environmental document to evaluate subsequent planning and permitting actions associated with the MCSP. The Town of Moraga finds that the EIR may be used as the basis for future projects' compliance with CEQA, pursuant to CEQA Guidelines Sec. 15182 and 15183. Pursuant to CEQA Guidelines Sec. 15183(f), the Town of Moraga finds that the development policies and standards set forth in the MCSP EIR substantially mitigate, as to future projects, impacts identified in the EIR, except those determined to be significant and unavoidable.

Other agencies have discretionary authority to approve the Project or portions of the Project and will rely on the Town of Moraga to produce an EIR adequate for their needs. These agencies must use the EIR as the basis for their permit approvals. The Town of Moraga must confer with other interested public agencies that do not have approval authority over the Project, but which have specific expertise with regard to the Project or have responsibility for resources affected by the Project.

The following agencies may be Responsible Agencies under CEQA and may need to issue approvals for the Project that will rely upon the EIR.

- U.S. Army Corps of Engineers (Corps) (Trustee Agency) – Fill or excavation in jurisdictional wetlands or waters of the U.S. require a Sec. 404 permit under the Clean Water Act from the Corps.
- U.S. Fish and Wildlife Service (USFWS) (Trustee Agency) – The Project site includes suitable habitat for the California Red-Legged Frog, federally listed as Threatened under the Endangered Species Act (ESA). Other federally listed threatened, endangered, or candidate species may also be present in the Project area. Project actions that result in incidental take of federally-listed species require consultation and permitting with the USFWS under Sec. 7 or 10 of the Endangered Species Act.
- California Department of Fish and Game (CDFG) (Trustee Agency) – Project-related impacts to the bed, bank, and associated riparian habitat Laguna Creek and its tributaries, such as trails, bridges, and restoration, may require a Lake or Stream Bed Alteration Agreement with the CDFG under Sec. 1602 of State Fish and Game Code. The CDFG may require a Sec. 2081 Management Agreement regarding state-listed species under the California Endangered Species Act, such as the Alameda Whipsnake.
- San Francisco Regional Water Quality Control Board (SFRWQCB) (Responsible Agency) – A Certification or Waiver under Sec. 401 of the Clean Water Act is required from the SFRWQCB for activities that affect wetland habitat subject to the jurisdiction of the Corps and other wetlands in the jurisdiction of the SFRWQCB. The Project is covered under the State Water Resources Control Board's General Permit for Construction.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

- Contra Costa County Flood Control and Water Conservation District (FC District) (Responsible Agency) – The FC District will review Project design plans for compliance with County C.3 requirements and National Pollutant Discharge Elimination System (NPDES) and Stormwater Pollution Prevention Program (SWPPP) permits to ensure the Project does not result increase the potential for flooding, sedimentation, and degradation of surface water quality.
- Cities of Orinda and Lafayette (Responsible Agencies) – The MCSP will add traffic to unsignalized intersections and road segments located in Orinda and Lafayette that may not operate at acceptable levels of service. The Cities may implement traffic signal installation to mitigate increased traffic associated with the MCSP development, and if so, would have discretionary approval over the intersection installation.

Record Of Proceedings

Various documents and other materials constitute the record of proceedings upon which the Moraga Town Council bases its findings and decisions contained herein. The record of proceedings is located at the Town of Moraga City Offices, 329 Rheem Boulevard, and 2100 Donald Drive, Moraga, CA 94556 (925) 888-7050. Electronic copies of the record of proceedings are available online at www.moraga.ca.us. The custodian for the record of proceedings is the Town of Moraga Planning Department. This information is provided in compliance with California Public Resources Code (PRC) Sec. 21081.6(a)(2) and 14 CCR Sec. 15091(e). For purposes of CEQA and these findings, the record before the City includes, without limitation, the following:

- A. The Initial Study;
- B. The DEIR and appendices to the DEIR;
- C. The FEIR and appendices to the FEIR;
- D. Notices required by CEQA, staff reports, and presentation materials related to the Project;
- E. Studies conducted for the Project and contained in, or referenced by, staff reports, the DEIR, or the FEIR;
- F. Public reports and documents related to the Project prepared for the Town of Moraga and other agencies;
- G. Documentary and oral evidence received and reviewed at public hearings and workshops and transcripts and minutes of those hearings related to the Project and the FEIR which were forwarded to the City Council.
- H. Additional items not included above, if required by law.

1.6 GENERAL FINDINGS

Terminology Of Findings

CEQA Guidelines §15091 requires that, for significant environmental effects identified in an EIR, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The three allowable conclusions are:

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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 FEIR;
2. Such changes or alterations are within the responsibility and jurisdiction of another public adopted by such other agency or can and should be adopted by such other agency; and
3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

For purposes of these findings, the term “mitigation measures” shall constitute the “changes or alterations” discussed above. The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less than significant level. Although §15091, read literally, does not require findings to address environmental effects that an EIR identifies as “potentially significant,” these findings will nevertheless fully account for such effects identified in the EIR for the Project. When an impact remains significant or potentially significant with mitigation, the findings state that the impact is still “significant.”

In the process of adopting mitigation, the Town of Moraga will be making decisions on whether mitigation measures proposed in the EIR are feasible or infeasible. Pursuant to the CEQA Guidelines, “feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” When the Town of Moraga finds a measure is not feasible, it will provide evidence for its decision.

Certification Of FEIR

In adopting these findings, in accordance with CEQA the Town of Moraga has considered the environmental effects as shown in the FEIR prior to approving the Project. These findings represent the independent judgment and analysis of the Town of Moraga.

Changes To The DEIR

In the course of responding to comments received during the public review and comment period on the DEIR, certain portions of the DEIR have been modified and some new information has been added. The changes made to the DEIR do not result in the existence of:

1. A substantial increase in the severity of an environmental impact that is not reduced to a level less than significant by adopted Mitigation Measures;
2. A feasible project alternative or Mitigation Measure not adopted that is considerably different from others analyzed in the DEIR that would clearly lessen the significant environmental impacts of the Project; or
3. Information that indicates that the public was deprived of a meaningful opportunity to review and comment on the DEIR.

The Town of Moraga finds that the amplifications and clarifications made to the DEIR do not collectively or individually constitute significant new information within the meaning of PRC §21092.1 and CEQA Guidelines §15088.5.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Evidentiary Basis For Findings

These findings are based upon substantial evidence in the entire record before the Town of Moraga as described in Section 4. The references to the DEIR and to the FEIR set forth in the findings are for ease of reference and are not to provide an exhaustive list of the evidence relied upon for these findings.

Findings Regarding Mitigation Measures

Except as otherwise noted, the Mitigation Measures herein referenced are those identified in the FEIR. Except as otherwise stated in these findings, in accordance with CEQA Guidelines Sec. 15091 - 15093, the Town of Moraga finds that the environmental effects of the Project:

- Will not be significant; or
- Will be mitigated to less than significant by the Mitigation Measures adopted by the Town of Moraga; or
- Can and should be mitigated to less than significant by the Mitigation Measures within the jurisdiction of another public agency; or
- Will remain significant after mitigation, but specific economic, legal, social technological, or other considerations outweigh the unavoidable adverse environmental effects.

The Town of Moraga finds that the Mitigation Measures incorporated into and imposed upon the Project are feasible and fully capable of implementation.

Findings Regarding Monitoring/Reporting Of CEQA Mitigation Measures

As required in PRC §21081.6 the Town of Moraga adopts a Mitigation Monitoring and Reporting Plan (MMRP) regarding changes in the Project or Mitigation Measures imposed to mitigate or avoid significant effects on the environment. The MMRP, in the form presented to the Town of Moraga as Chapter 8 of the FEIR, is adopted because it effectively fulfills the CEQA mitigation monitoring and reporting requirement.

1.7 PUBLIC AND AGENCY INVOLVEMENT

The Town of Moraga held Community Design Workshops on April 1, 2003 and March 15, 2006. An estimated 150 and 200 participants were at each event, respectively. The workshops were held at the SMC Soda Center and included briefings of the MCSP process, presentations of work accomplished to-date and initial findings, and individual group discussions. Comments and key points were summarized and included in MCSP subsection 7.

On July 30, 2007, the Town of Moraga issued a Notice of Preparation (NOP) for the proposed project. The NOP was noticed in the Town and sent to the State Clearinghouse. Public scoping meetings were held on August 6, 2007 and September 4, 2007 at the Joaquin Moraga Intermediate School Auditorium. Comments were recorded at these meetings and were accepted in written and electronic formats through the close of business September 4, 2007.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

The DEIR was prepared based on input received during the scoping meeting and comments received on the NOP and Initial Study. The public comment period for the DEIR began on June 17, 2008 and closed on August 1, 2008. The Town 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 DEIR. The DEIR was publicly available on the Town's web site (<http://www.moraga.ca.us>), and at these locations:

- Town offices, 329 Rheem Boulevard, Moraga, CA 94556;
- Town offices, 2100 Donald Drive, Moraga, CA 94556; and
- Moraga Library, 1500 St. Mary's Road Moraga, CA 94556

The Town released the FEIR on March 26, 2009, for review by the individuals and agencies that commented on the DEIR. The FEIR distribution list is provided in FEIR Appendix H. The FEIR was available for public review on the Town's website and at the same locations as the DEIR. 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. The Town of Moraga Planning Commission made its preliminary recommendation to the Moraga Town Council to certify the adequacy of the EIR on April 20, 2009. On May 18, 2009, the Town of Moraga Planning Commission made a recommendation to the Town Council to certify the adequacy of the EIR. The Town Council considered the adequacy of the EIR prior to considering approval of the project.

2.0 CEQA FINDINGS

CEQA requires that when a project EIR identifies one or more significant environmental effects the lead agency must make written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The MCSP FEIR identified significant environmental effects. Significant effects are listed below with the required written finding and a brief explanation of the rationale for each finding.

2.1 POTENTIALLY SIGNIFICANT UNAVOIDABLE IMPACTS

The following environmental impacts have been identified as significant and unavoidable. The MCSP includes the implementation of Mitigation Measures to reduce environmental impacts, but the impact remains significant after implementation.

Transportation, Traffic, and Circulation

Impact 4.F-1. The Project and Alternative 4 will add up to 30 new vehicle trips to SR 24 during AM and PM peak hours, four new trips to Pleasant Hill Road, and six to Camino Pablo. The added trips to SR 24 increase the Delay Index by up to 0.01. The Delay Index on SR 24, Pleasant Hill Road, and Camino Pablo will remain below 2.0 in the AM and PM peak hours, with the exception of the westbound AM peak hour on SR 24.

Finding. Impact 4.F-1 is considered a significant and unavoidable impact to existing SR 24 westbound AM peak traffic conditions because there is no feasible mitigation measure identified to reduce the impact to a less than significant level.

Explanation. Impact 4.F-1 was anticipated in the Town of Moraga 2002 General Plan EIR, and the Town adopted a statement of overriding considerations in Resolution 21-2002. The MCSP Project and Alternative 4 would generate less impact to SR 24 than Alternative 2, 2002 General Plan buildout.

Impact 4.F-4. The Project and Alternative 4 will create a significant impact to signalized intersections in Lafayette at Moraga Road/Moraga Boulevard and Moraga Road/Brook Street. These intersections operate at LOS E in the AM peak hour and LOS C in the PM peak hour. The minimum acceptable intersection operation is LOS D with 55 seconds of vehicle delay. The Project will add 36 vehicle trips in the AM and 56 in the PM to these intersections, but will not change the LOS rating.

Finding. Impact 4.F-4 is a significant and unavoidable impact to Lafayette intersections at Moraga Road/Moraga Boulevard and Moraga Road/Brook Street. These intersections operate at LOS E in the AM peak hour, and LOS C in the PM peak hour under the existing and with project conditions. Implementation of Mitigation Measure 4.F-4 will reduce the impact to the operation of these signalized intersections, but they will continue to operate at LOS E during the AM peak hour. The addition of vehicle trips in the AM

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

peak hour is a significant impact, and operation of these intersections will remain significantly impacted.

Explanation. Impact 4.F-4 was anticipated in the Town of Moraga 2002 General Plan EIR, and the Town adopted a statement of overriding considerations in Resolution 21-2002. The existing poor intersection operations in the AM peak hour are due, in part, to the school-related traffic. Vehicle queues at adjacent intersections also impact intersection operations. Implementation of Mitigation Measure 4.F-4 to enhance transit service and reduce the size of any potential future Community Center will reduce the impacts to below the levels predicted under Alternative 2, 2002 General Plan buildout.

Transit Service: Enhanced transit service in Lamorinda south of SR 24 reduces traffic effects from the Project. Enhanced service may include stylized buses ≤ 30 feet in length; transit stop amenities; real-time bus information; reduced headways; up to 16 hours of weekday and weekend service; reduced fares such as the Eco-Pass Program provided by AC Transit; and patron parking at select transit stops. Reduced headway may increase daily ridership by 1,130 riders and decrease about 950 vehicle trips. Enhanced transit service requires financial support from residents, businesses, and governmental agencies.

Community Center: Decreasing AM and PM peak hour programs associated with a possible ~~at the~~ Community Center decreases traffic volumes during these times. The 30,000 sf Community Center would attract users from outside of Moraga, resulting in 7 and 30 vehicle trips on Moraga Road through Lafayette during the AM and PM peak hours, respectively. Limiting programs to a local focus and reducing the size to less than 20,000 sf minimizes trips and impacts on Lafayette roads and intersections.

Other Measures: Implementation of the following measures further reduces traffic associated with the MCSP and Alternative 4 compared to the General Plan EIR:

- Alternative 4 will include a park and ride lot, and Transportation Demand Management appropriate for the buildout of commercial and office uses in the alternative; and,
- The Project will include the park and ride lot, Transportation Demand Management, and provision of expanded shuttle/bus service and necessary facilities in the development to encourage shuttle use.

These measures will not reduce the impact to a less than significant level, but will reduce impacts from the Project and Alternative 4 to levels at or below those predicted for Alternative 2, the General Plan buildout. Intersection and road improvements necessary to reduce impacts to the Moraga Road corridor do not have local support for implementation. Several measures were considered to improve existing and future traffic flow on Moraga Road through Downtown Lafayette. These measures were debated for the *Lamorinda Traffic Study* (August 1, 1994) and ultimately rejected by the public and decision-makers. Some of the key measures considered and rejected include widening Moraga Road and extensions of Oak Hill Road, First Street, Moraga Road, and Pleasant Hill Road.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Impact 4.F-6. The Project and Alternative 4 will result in significant adverse vehicular impacts for signalized intersections on streets in the City of Orinda. At Camino Pablo/Brookwood Road, the minimum acceptable operation is LOS E with 68 seconds of vehicle delay. The intersection currently operates at LOS E with a 58 second delay in the AM peak hour and LOS F with a 98 second delay in the PM peak hour. The MCSP will add 63 trips and 5 seconds to the AM peak hour and 83 trips and 6 seconds to the PM peak hour. The LOS rating would not change, but the addition of vehicle trips in the PM peak hour is a significant impact.

At Glorietta Boulevard/Moraga Way, the minimum acceptable operation is LOS D with 45 seconds of vehicle delay. The intersection currently operates at LOS F with a 80 second delay in the AM peak hour and LOS C with a 25 second delay in the PM peak hour. The poor intersection operations are due, in part, to the school-related traffic turning to/from Glorietta Boulevard. The MCSP will add 72 trips and 7 seconds to the AM peak hour and 93 trips and 3 seconds to the PM peak hour. The LOS rating would not change, but the addition of vehicle trips in the AM peak hour is a significant impact.

At Ivy Drive/Moraga Way, the minimum acceptable operation is LOS D with 45 seconds of vehicle delay. The intersection currently operates at LOS D with a 43 second delay in the AM peak hour and LOS C with a 24 second delay in the PM peak hour. The poor intersection operations are due, in part, to the school-related traffic turning to/from Ivy Drive. The MCSP will add 93 trips and 5 seconds to the AM peak hour and 104 trips and 2 seconds to the PM peak hour. The LOS rating will not change, but the addition of vehicle trips and increase in the expected delay to 48 seconds in the AM peak hour is a significant impact.

Finding. Impact 4.F-6 is a significant and unavoidable impact to Orinda intersections at Glorietta Boulevard/Moraga Way and Ivy Drive/Moraga Way. Implementation of Mitigation Measure 4.F-4 will reduce the impact to the operation of these signalized intersections, but the addition of peak hour vehicle trips remains a significant impact to the operation of these intersections.

Explanation. Impact 4.F-4 was anticipated in the Town of Moraga 2002 General Plan EIR, and the Town adopted a statement of overriding considerations in Resolution 21-2002. The existing poor intersection operations in the AM peak hour are due, in part, to the school-related traffic. Vehicle queues at adjacent intersections also impact intersection operations. Implementation of Mitigation Measure 4.F-4 to enhance transit service and reduce the size of a potential Community Center will reduce the impacts to below the levels predicted under Alternative 2, the General Plan buildout.

Transit Service: Enhanced transit service in Lamorinda south of SR 24 reduces traffic effects from the Project. Enhanced service may include stylized buses ≤ 30 feet in length; transit stop amenities; real-time bus information; reduced headways; up to 16 hours of weekday and weekend service; reduced fares such as the Eco-Pass Program provided by AC Transit; and patron parking at select transit stops. Reduced headway may increase daily ridership by 1,130 riders and decrease about 950 vehicle trips. Enhanced transit service requires financial support from residents, businesses, and governmental agencies.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Community Center: Decreasing AM and PM peak hour programs associated with the potential at the Community Center decreases traffic volumes during these times. The 30,000 sf Community Center would attract users from outside of Moraga, resulting in 7 and 30 vehicle trips on Moraga Way through Orinda during the AM and PM peak hours, respectively. Limiting programs in the possible future Community Center to a local focus and reducing the size to less than 20,000 sf minimizes trips and impacts on Lafayette roads and intersections.

Other Measures: Implementation of the following measures further reduces traffic associated with the MCSP and Alternative 4 compared to the General Plan EIR:

- Alternative 4 will include a park and ride lot, and Transportation Demand Management appropriate for the buildout of commercial and office uses in the alternative; and,
- The Project will include the park and ride lot, Transportation Demand Management, and provision of expanded shuttle/bus service and necessary facilities in the development to encourage shuttle use.

These measures will not reduce the impact to a less than significant level, but will reduce impacts from the Project and Alternative 4 to levels at or below those predicted for Alternative 2, General Plan buildout. Intersection and road improvements necessary to reduce impacts to the Moraga Way corridor do not have local support for implementation. Several measures were considered to improve existing and future traffic flow on Moraga Way through Orinda. These measures were debated for the *Lamorinda Traffic Study* (August 1, 1994) and ultimately rejected by the public and decision-makers. Some of the key measures considered and rejected include widening Moraga Road and the SR 24 eastbound off-ramp, and extensions of Gateway Boulevard and Brookside Road.

Air Quality

Impact 4.G-4. The Project will result in a substantial net increase of ozone (O₃) and fine particulates (PM₁₀). The region currently is in non-attainment and exceeds state ambient air quality standards for these criteria pollutants. Ozone precursor pollutants (i.e., reactive organic gases [ROG] and nitrogen oxides [NO_x]) and PM₁₀ are pollutants that affect the entire region. Direct and indirect emissions of O₃ precursor pollutants from build out of the MCSP or Alternative 4 contribute to O₃ formation in downwind areas with existing unhealthy O₃ levels. Emissions of PM₁₀ or pollutants that lead to secondary formation of PM₁₀ could affect both local and downwind air quality. The Project and Alternative 4 exceed BAAQMD thresholds of significance for daily emissions of ROG, NO_x, CO and PM₁₀. This is a significant and unavoidable impact to air quality.

Finding. Impact 4.G-4 is a significant and unavoidable impact to air quality because daily emissions of ROG, NO_x, CO and PM₁₀ from the Project exceed significance thresholds established by the BAAQMD. Implementation of Mitigation Measure 4.G-4

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

substantially reduces emissions, but the emission level remains above the threshold for significance.

Explanation. Mitigation Measure 4.G-4 reduces energy consumption and air pollution emission rates from mobile, stationary and area sources, including sources related to travel, heating and cooling, appliances, and lighting. The measure encourages alternative fuels, on-site energy production, and reuse of resources. Mitigation Measure 4.G-4 includes design measures to reduce vehicle trips and encourage other modes of travel, such as:

- High-density land uses, and bike and pedestrian facilities;
- Electric vehicle charging facilities;
- Minimal parking areas and increased bike storage;
- Public transit (shuttle) funding;
- US EPA-compliant wood-burning appliances; and,
- Alternative energy generation

Implementation will reduce emissions of contaminants and GHGs, but the actual amount of reduction cannot be estimated until individual projects are submitted, analyzed, and approved by the Town. Project-level emission estimates at this time are speculative, so emissions reduction to a less than significant impact cannot be fully demonstrated.

Impact 4.G-5. The Project will result in a significant impact to local air quality because traffic impacts would lead to high concentrations of vehicle-related CO emissions near congested roadways and intersections. If intersections operate at a LOS of D or worse it is assumed that local exceedence of the threshold for CO concentrations (CO “hotspots”) will occur. Intersections above this threshold are:

- | | |
|--------------------------------------|---------------------------------|
| • Camino Pablo/Brookwood Road | • Glorietta Blvd./Moraga Way |
| • Ivy Drive/Moraga Way | • Deer Hill Drive/Oak Hill Road |
| • Moraga Road/Moraga Blvd. | • Moraga Road/Brook Street |
| • Glenside Drive/Reliez Station Road | • Glenside Drive/Burton Drive |
| • Pleasant Hill Road/Olympic Blvd. | • Moraga Road/Corliss Drive |

Finding. Impact 4.G-5 is a significant and unavoidable impact to air quality because the EIR has not identified mitigation measures to reduce traffic impacts to LOS C or better at all of the above intersections. With proposed mitigation measures, traffic and intersection operation will be better for the Project and Alternative 4 than under Alternative 2, the General Plan buildout. Implementation of Mitigation Measure 4.G-5 substantially reduces CO emissions and concentrations, but the concentrations are expected to remain above the threshold of significance.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Explanation. Mitigation Measure 4.G-5 is to reduce traffic volumes and vehicle delay through transportation Mitigation Measures 4.F-3, 4.F-4, 4.F-5, and 4.F-11, thereby improving air quality, namely CO concentrations, near congested roadways and intersections. These transportation mitigation measures include:

- 4.F-3: Install a traffic signal with the current lane configuration at the Corliss Drive/Moraga Way intersection.
- 4.F-4. Enhance Transit Service in the Lamorinda Area South of SR 24 and Reduce the [size of the potential Community Center Program](#).
- 4.F-5: Install traffic signals at the following Lafayette intersections:
 - Deer Hill Drive/Oak Hill Road (with the current lane configuration),
 - Glenside Drive/Reliez Station Road (widen Glenside Drive for a left turn pocket),
 - Glenside Drive/Burton Drive (widen Glenside Drive for a left turn pocket), and
 - Pleasant Hill Road/Olympic Boulevard (with the current lane configuration).
- 4.F-11: Provide Adequate Parking Supplies.

Implementation of transportation mitigation measures will lessen local air quality impacts but it cannot be demonstrated that the impacts will be reduced to a level of less than significant. Therefore, it is assumed that the level of impact after mitigation remains significant and unavoidable.

Impact 4.G-7. The Project will result in significant greenhouse gas (GHG) emissions and/or substantially contribute to climate change during construction and operation. GHG emissions from construction vehicle and equipment emissions and vegetation removal will occur. During operation, the Project will result in permanent/on-going direct and indirect GHG emissions associated with motor vehicle operation and energy consumption.

Finding. Impact 4.G-7 is a significant and unavoidable impact to because the Project will contribute GHGs to the cumulative impact of global warming. The Project will not substantially increase GHGs compared with Alternative 2. However, there are no formally adopted or known measures identified to reduce this impact to a less than significant level.

Explanation. There are no established legally binding or advisory federal, state, county or air district thresholds of significance for GHG emissions. The issue is cumulative impacts to climate change, including rising temperatures. Project GHG emissions are a minor portion of regional or global GHG emissions and would have no measurable effect on climate. The issue is whether the project’s incremental contribution to a significant worldwide cumulative impact is itself “cumulatively considerable.” Implementation of

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Project components and mitigation measures to improve air quality and energy conservation, and reduce vehicle trips, will substantially lessen, but not avoid, project-specific GHG emissions. Such emissions are therefore significant and unavoidable.

The Town is aware that “the ‘one [additional] molecule rule’ is not the law” (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 120). As such, the Town declines to set “no net increase” as a CEQA threshold that must be met to avoid a finding of significant effect. Still, the Town is aware that “the greater the existing environmental problems are, the lower the threshold should be for treating a Project's contribution to cumulative impacts as significant” (Communities for a Better Environment, supra, 103 Cal.App.4th at p. 120). The Town considers an appreciable net GHG emission increase a cumulatively considerable impact.

AB 32 sets forth the state’s goals to limit GHGs and requires the CARB to adopt lists, plans, and regulations to advance these goals. Reliance on fossil fuels for transportation and energy is the primary problem to be addressed. Land use decisions can exacerbate climate change by contributing to electricity consumption and GHG-emitting vehicle fuels; but good planning can only achieve limited results as long as the energy and transportation sectors remain highly dependent on fossil fuels.

The Project includes several components to promote energy efficiency (e.g., high density residential housing, trail networks, MCSP Design Guidelines that require landscaping, etc.). The Draft EIR identifies mitigation measures that further define project mitigation elements and require mitigation to increase transportation efficiency and alternative transportation that will serve to limit GHG emissions. Implementation of measures to improve air quality will substantially lessen, but not avoid, project-specific GHG emissions and such emissions would be significant and unavoidable.

Land use decisions can have only limited effects on reducing GHG emissions. Other than insisting on aggressive energy conservation and taking steps to design and orient land uses to reduce overall vehicle miles traveled, the Town has few options for making additional GHG emission reductions. The Town has taken a conservative approach and in spite of the numerous mitigation measures proposed, has determined that the project will create a cumulatively considerable incremental contribution to the significant cumulative impact of global climate change.

2.2 SIGNIFICANT IMPACTS

The following impacts have been identified as being significant. Mitigation measures have been incorporated in the MCSP (MMRP) that avoid or substantially lessen the environmental impacts to be less than significant.

Table 2.2-1 provides a summary of the impacts and mitigation measures that are discussed in detail in the EIR. The impacts are identified with symbols based on category of impact as follows.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

- Significant and Unavoidable – Impact is significant and cannot be mitigated to a less than significant level;
- ⊙ Significant Before Mitigation – Impact is significant but can be mitigated to a less than significant level with the implementation of the identified Mitigation Measure.

Table 2.2-1

Summary of Significant Impacts and Mitigation Measures

Potential Effects	Level of Significance with Mitigation	Required Mitigation Measures
4.A LAND USE		
4.A-1. Is the Project consistent with the 2002 Town of Moraga General Plan adopted for the purpose of avoiding, minimizing, or monitoring environmental effects?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.A-1: Eliminate inconsistency with the Moraga General Plan.
4.C GEOLOGY, SOILS AND SEISMICITY		
4.C-1. Will the Project expose people or structures to major geologic hazards, such as strong seismic ground shaking, or seismic related ground failure?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.C-1. Implement Moraga General Plan EIR Mitigation Measure 4.I-1: Prepare geologic hazard evaluations and incorporate appropriate design measures into development projects.
4.C-2. Will the Project result in damage caused by unstable slope conditions (e.g., landslides, lateral spreading, subsidence, liquefaction, collapse, or soil erosion)?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.C-2. Implement Moraga General Plan EIR Mitigation Measure 4.I-2: Prepare and implement slope stability assessments, site grading plans and landslide mitigation designs.
4.C-3. Will the Project be located on expansive or corrosive soil, creating substantial risks to life or property?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.C-3a. Prevent moisture variation of expansive soils; and, 4.C-3b. Construct appropriate foundations for expansive soils; and, 4.C-3c. Construct appropriate foundations for corrosive soils.
4.D HYDROLOGY, SURFACE WATER AND GROUNDWATER QUALITY		
4.D-1. Will the Project degrade surface water quality or violate any water quality standards or waste discharge requirements?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.D-1a Develop and implement a Master Drainage Plan; and, 4.D-1b. Develop and implement Laguna Creek Greenway Protection, Maintenance, and Monitoring Program.
4.D-2. Will the Project substantially deplete groundwater supplies or interfere with groundwater recharge?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.D-2a. Demonstrate that existing springs and seeps are not dependent on the recharge from the project area; and, 4.D-2b. Capture and infiltrate runoff.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Table 2.2-1

Summary of Significant Impacts and Mitigation Measures

Potential Effects	Level of Significance with Mitigation	Required Mitigation Measures
4.D-3. Will the Project substantially alter existing drainage patterns resulting in substantial erosion, sedimentation, or flooding in new areas, or alter storm runoff such that storm drainage capacity would be exceeded?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.D-3. Determine peak flows due to development and reduce peak flows to below pre-project conditions.
4.D-7. Will the Project expose people or structures to increased potential for flooding, bank erosion and/or sedimentation?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.D-1b. Develop and implement Laguna Creek Greenway Protection, Maintenance and Monitoring Program; and, 4.D-3. Determine peak flows due to development and reduce peak flows to below pre-project conditions
4.D-8. Will construction of the Project result in degradation of surface water quality?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.D-8: Implement water quality standards and best management practices
4.E OPEN SPACE, VISUAL RESOURCES AND RECREATION		
4.E-2. Will the Project have a substantial adverse effect on a scenic vista or substantially damage scenic resources (e.g., natural landforms, trees, rock outcrops and historic buildings along a scenic highway)?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.E-2a. Develop and implement additional MCSP Design Guidelines; 4.E-2b. Require internal view corridors
4.E-3. Will the Project substantially degrade the existing visual quality of the site and its surroundings?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.E-2a. Develop and implement additional MCSP Design Guidelines; and, 4.E-2b. Require internal view corridors.
4.E-4. Will the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.E-4. Light and glare minimization.
4.F TRANSPORTATION, CIRCULATION AND PARKING		
4.F-1. Will the Project create adverse vehicular impacts on Routes of Regional Significance?	<ul style="list-style-type: none"> ● Project (720 units) ● Alt. 4 (560 units) 	None.
4.F-3. Will the Project create adverse vehicular impacts for unsignalized intersections in the Town of Moraga?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.F-3: Install a traffic signal with the current lane configuration at the Corliss Drive/ Moraga Way intersection.
4.F-4. Will the Project create vehicular impacts for signalized intersections in Lafayette?	<ul style="list-style-type: none"> ● Project (720 units) ● Alt. 4 (560 units) 	4.F-4. Enhance Transit Service in the Lamorinda Area South of SR 24 and Reduce the size of the potential Community Center Program .

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Table 2.2-1

Summary of Significant Impacts and Mitigation Measures

Potential Effects	Level of Significance with Mitigation	Required Mitigation Measures
4.F-5. Will the Project create vehicular impacts for unsignalized intersections in Lafayette?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.F-5: Install traffic signals at the following Lafayette intersections: Deer Hill Drive/ Oak Hill Road (with the current lane configuration), Glenside Drive/ Reliez Station Road (widen Glenside Drive for a left turn pocket), Glenside Drive/ Burton Drive (widen Glenside Drive for a left turn pocket), and Pleasant Hill Road/ Olympic Boulevard (with the current lane configuration).
4.F-6. Will the Project create vehicular impacts for signalized intersections in Orinda?	<ul style="list-style-type: none"> ● Project (720 units) ● Alt. 4 (560 units) 	4.F-4. Enhance transit service in the Lamorinda area south of SR 24 and reduce the size of the potential Community Center Program .
4.F-9. Will the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment on roads)?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.F-9: Ensure adequate internal circulation within the MCSP.
4.F-10. Will the Project cause adverse impacts on the use of bicycle and/or pedestrian travel ways?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.F-10a: Reduce potential vehicular conflicts with bicycles and pedestrian travel ways. 4.F-10b: Provide enhanced pedestrian crossing on Moraga Road between Community C Site B and Moraga Commons.
4.F-11. Will the Project create adverse impacts to existing parking or access to existing parking?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.F-11: Provide adequate parking supplies.
4.G AIR QUALITY		
4.G-1. Will the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.G-1: Implement measures to reduce dust generation and diesel exhaust during construction periods.
4.G-4. Will the Project result in a substantial net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<ul style="list-style-type: none"> ● Project (720 units) ● Alt. 4 (560 units) 	4.G-4. Implement measures to reduce energy consumption from mobile, stationary and area sources.
4.G-5. Will the Project result in a significant impact to local air quality?	<ul style="list-style-type: none"> ● Project (720 units) ● Alt. 4 (560 units) 	Implement Transportation Mitigation Measures 4.F-3, 4.F-4, 4.F-5, and 4.F-11 to reduce traffic volumes and vehicle delay.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Table 2.2-1

Summary of Significant Impacts and Mitigation Measures

Potential Effects	Level of Significance with Mitigation	Required Mitigation Measures
4.G-7. Will the project result in substantial greenhouse gas emissions and/or substantially contribute to global warming?	<ul style="list-style-type: none"> ● Project (720 units) ● Alt. 4 (560 units) 	4.G-7. Implement air pollution reduction measures identified in Table 4.G-7 and Mitigation Measure 4.G-4.
4.H NOISE		
4.H-2. Will Project construction expose people to high noise levels or ground borne vibration?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.H-2. Implement noise control measures during construction phase.
4.H-4. Will Project traffic result in traffic noise levels at proposed land uses that exceed the acceptable exterior noise level standards?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.H-4. Implement Noise Control Measures when Reviewing New Residential Projects (Project and Alternative 4)
4.H-5. Will development of commercial, retail and office uses result in noise sources which impact existing and future noise-sensitive uses in the Project area?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.H-5. Implement Noise Control Measures when Reviewing New Commercial or Office Projects.
4.I BIOLOGICAL RESOURCES		
4.I-1. Will the Project cause a loss of individuals or habitat of endangered, threatened, or rare wildlife species?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.I-1: Implement General Plan EIR Mitigation Measure 4.H-1: Site specific surveys and consultation with CDFG and USFWS.
4.I-2. Will the Project cause a loss of rare plant species?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.I-1: Implement General Plan EIR Mitigation Measure 4.H-1: Site specific surveys and consultation with CDFG and USFWS.
4.I-3. Will the Project cause a loss of active raptor nests, migratory bird nests, or native wildlife nursery sites?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.I-3: Implement General Plan Mitigation EIR Measure 4.H-3: Pre-construction surveys for breeding raptors and migratory birds.
4.I-4. Will the Project cause a permanent loss of natural vegetation or habitat for sensitive wildlife species?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.I-3: Implement General Plan EIR Mitigation Measure 4.H-3: Pre-construction surveys for breeding raptors and migratory birds.
4.I-10. Will the Project result in a net loss of wetlands, streams or other waters of the U.S.?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.I-10. Implement General Plan EIR Mitigation Measure 4.H-9: Protect wetlands and other waters of the United States.
4.K SCHOOLS		
4.K-1. Will the Project increase demand for schools or libraries to such a degree that accepted service standards are not maintained and new facilities are required?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.K-1a: Implement General Plan EIR Mitigation Measure 4.L-1: Development impact fees; and, 4.K-1b: Pay school impact fee at issuance of building permit and schedule residential development.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Table 2.2-1

Summary of Significant Impacts and Mitigation Measures

Potential Effects	Level of Significance with Mitigation	Required Mitigation Measures
4.L PUBLIC SERVICES		
4.L-1. Will the Project increase demand for public services to such a degree that accepted service standards are not maintained and new facilities are required to maintain service standards for the following:		
a. Police protection?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.K-1a: Fee payment to the Town for increased police protection services and review of Design Guidelines and Project plans.
b. Fire protection?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.K-1b: Development impact fees, a Fire Protection Plan, and review of Design Guidelines and Project plans.
4.M CULTURAL RESOURCES		
4.M-1. Will the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA § 15064.5?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.M-1: Protect potential historic resources.
4.M-2. Will the Project cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA § 15064.5?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.M-2. Protect potential archaeological resources.
4.M-3. Will the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.M-3. Protect undiscovered paleontological materials.
4.M-4. Will the Project disturb any human remains, including those interred outside of formal cemeteries?	<ul style="list-style-type: none"> ⊙ Project (720 units) ⊙ Alt. 4 (560 units) 	4.M-2. Protect potential archaeological resources.

Key Level of Significance:

- Significant and unavoidable impact before and after mitigation.
- ⊙ Significant impact before mitigation; less than significant impact after implementation of the identified Mitigation Measures.

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

2.3 IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

The EIR identified the following effects of the MCSP that are considered to have less than significant or no impact on the environment. The impact category in Table 2.3-1 is identified with a symbol, as follows:

- Less than Significant – Impact is not considered significant and no mitigation is required; and,
- == No Impact.

Table 2.3-1	
Summary of Less Than Significant Impacts and No impacts	
Potential Effects	Level of Significance
4.A LAND USE	
4.A-2. Will the Project result in conflicts between adjacent land uses (i.e., higher density versus lower density residential and residential versus retail/mixed use/office)?	○ Project (720 units) ○ Alt. 4 (560 units)
4.A-3. Will the Project substantially increase densities?	○ Project (720 units) ○ Alt. 4 (560 units)
4.A-4. Will the Project convert or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, or conflict with a Williamson Act contract?	== Project (720 units) == Alt. 4 (560 units)
4.B POPULATION, EMPLOYMENT AND HOUSING	
4.B-1. Will the Project displace substantial numbers of existing dwelling units or people, particularly units occupied by low- or moderate-income households, requiring the construction of replacement housing elsewhere?	== Project (720 units) == Alt. 4 (560 units)
4.B-2. Will the Project create a demand for housing or induce population growth in excess of growth anticipated in the Moraga 2002 General Plan either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	○ Project (720 units) ○ Alt. 4 (560 units)
4.B-3. Is the Project consistent with adopted goals and policies, related to population, employment, and housing?	== Project (720 units) == Alt. 4 (560 units)
4.C GEOLOGY, SOILS AND SEISMICITY	
4.C-4. Will the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	== Project (720 units) == Alt. 4 (560 units)
4.D HYDROLOGY, SURFACE WATER AND GROUNDWATER QUALITY	
4.D-4. Will the Project expose people or structures to inundation by seiche, tsunami, or mudflow?	○ Project (720 units) ○ Alt. 4 (560 units)
4.D-5. Will the Project expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	== Project (720 units) == Alt. 4 (560 units)
4.D-6. Will the Project place structures within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	○ Project (720 units) ○ Alt. 4 (560 units)
4.E OPEN SPACE, VISUAL RESOURCES AND RECREATION	
4.E-1. Will the Project result in loss of potential public open space?	○ Project (720 units) ○ Alt. 4 (560 units)

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Table 2.3-1

Summary of Less Than Significant Impacts and No impacts

Potential Effects	Level of Significance
4.E-5. Will the Project create additional demand for recreation facilities such that new facilities need to be constructed to maintain the existing level of service?	○ Project (720 units) ○ Alt. 4 (560 units)
4.F TRANSPORTATION, CIRCULATION AND PARKING	
4.F-2. Will the Project create adverse vehicular impacts for signalized intersections on streets in the Town of Moraga?	○ Project (720 units) ○ Alt. 4 (560 units)
4.F-7. Will the Project create vehicular impacts for unsignalized intersections in Orinda?	○ Project (720 units) ○ Alt. 4 (560 units)
4.F-8. Will the Project adversely affect public transit service levels or accessibility to public transit service?	○ Project (720 units) ○ Alt. 4 (560 units)
4.G AIR QUALITY	
4.G-2. Will the Project conflict with or obstruct implementation of the applicable Clean Air Plan?	○ Project (720 units) ○ Alt. 4 (560 units)
4.G-3. Is the Project consistent with the Clean Air Plan population and Vehicle Miles Traveled (VMT) assumptions and Transportation Control Plans (TCMs)?	○ Project (720 units) ○ Alt. 4 (560 units)
4.G-6. Does the Project provide buffer zones around existing and proposed land uses that emit odors and/or toxic air contaminants?	○ Project (720 units) ○ Alt. 4 (560 units)
4.H NOISE	
4.H-1. Will operation of the Project expose people to high noise levels or ground-borne vibration?	○ Project (720 units) ○ Alt. 4 (560 units)
4.H-3. Will Project traffic result in traffic noise level increases at existing land uses in the project area?	○ Project (720 units) ○ Alt. 4 (560 units)
4.I BIOLOGICAL RESOURCES	
4.I-5. Will the Project cause a permanent loss of sensitive native plant communities?	○ Project (720 units) ○ Alt. 4 (560 units)
4.I-6. Will the Project result in a substantial loss of native vegetation or wildlife populations?	○ Project (720 units) ○ Alt. 4 (560 units)
4.I-7. Will the Project substantially block or disrupt wildlife migration or travel corridors?	○ Project (720 units) ○ Alt. 4 (560 units)
4.I-8. Will the Project conflict with local policies or ordinances for the protection of biological resources?	○ Project (720 units) ○ Alt. 4 (560 units)
4.I-9. Will the Project conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan?	== Project (720 units) == Alt. 4 (560 units)
4.J PUBLIC UTILITIES AND HAZARDOUS MATERIALS	
4.J-1. Will the Project increase demand for water, wastewater treatment and disposal, solid waste or hazardous waste disposal that accepted service standards are not maintained and/or new facilities are required to maintain acceptable service standards?	○ Project (720 units) ○ Alt. 4 (560 units)
4.J-2. Will the Project create a significant hazard to the public or the environment through the routine transport, use, disposal of, or reasonably foreseeable upset and accidental release of hazardous materials?	○ Project (720 units) ○ Alt. 4 (560 units)
4.J-3. Will the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ - mile of an existing or proposed school?	○ Project (720 units) ○ Alt. 4 (560 units)
4.J-4. Will the Project be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code 65962.5, and, as a result, would it create a significant hazard to the public or the environment?	== Project (720 units) == Alt. 4 (560 units)

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Table 2.3-1	
Summary of Less Than Significant Impacts and No impacts	
Potential Effects	Level of Significance
4.J-5. Will the Project expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	== Project (720 units) == Alt. 4 (560 units)
4.K SCHOOLS	
4.K-2. Will the Project conflict with local policies for providing public school facilities?	○ Project (720 units) ○ Alt. 4 (560 units)
4.L PUBLIC SERVICES	
4.L-2. Will the Project impair or physically interfere with an adopted emergency response or evacuation plan?	○ Project (720 units) ○ Alt. 4 (560 units)

Key Level of Significance:
 ○ Less than significant impact; no mitigation proposed.
 == No impact

3.0 MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, and is being approved by the Town Council by the Resolution adopting these findings (see PRC Sec. 21081.6, subdivision (a)(1); CEQA Guidelines Sec. 15097). The MMRP is located in Chapter 8 of the MCSP FEIR. The Town will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review at the Town Planning Department, Town Offices, the Moraga Library, and via the internet on the Town's website (www.moraga.ca.us) during the compliance period.

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

In determining whether to approve the Project, CEQA requires a public agency to balance the benefits of a project against its significant unavoidable environmental impacts (14 CCR Sec. 15093). In accordance with PRC Sec. 21081(b) and CEQA Guidelines Sec. 15093, the Town Council has, in determining whether to approve the Project, balanced the economic, social, technological, academic, and other benefits of the Project against its unavoidable environmental effects. The Town Council has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less than significant levels for the reasons set forth below. This statement of overriding considerations is based on the MCSP EIR, oral and written testimony, and other evidence received at the public hearings held on the Project and the EIR.

The Town Council finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the Project notwithstanding the Project's significant unavoidable impacts.

Implementation of the mitigation measures discussed in the DEIR and FEIR will avoid or substantially lessen Project specific significant impacts, with the exception of the following six impacts identified in the EIR:

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

The Town of Moraga recognizes that the Project will cause the six significant Project-specific impacts described in Section 2 of these findings. The Town has carefully balanced the benefits of the proposed Project against the unavoidable adverse impacts identified in the DEIR, FEIR, and the Town's Findings of Fact. Notwithstanding the disclosure of impacts identified as significant and which have not been eliminated or mitigated to a level of insignificance, the Town, acting pursuant to Sec. 15093 of the CEQA Guidelines, hereby determines that the benefits of the Project outweigh the significant unmitigated adverse impacts.

Based upon 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, the Moraga Town Council finds that there is evidence that supports a finding that the Project 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.

The Town Council finds it imperative to balance competing goals in approving the Project. Some environmental interests have not been fully satisfied because of the need to satisfy

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

competing concerns. The Town Council has chosen to accept certain environmental impacts because to eliminate them would unduly compromise other important benefits of the MCSP. The Town Council finds and determines that the text of the Project approval document provides for a positive balance of the competing goals and that the economic, fiscal, social, planning, land use and other benefits to be obtained by the MCSP outweigh the specific environmental impacts of the Project that cannot be sufficiently mitigated.

Substantial evidence is included in the record of these proceedings and in documents relating to the Project demonstrating the environmental, land use, social, and economic benefits that the Town would derive from the implementation of the Project. The MCSP creates economic benefit. The MCSP provides definitions, policies, and programs to guide growth and development in the Moraga Center, a portion of the Town of Moraga.

The Town of Moraga has adopted a General Plan that contains a number of goals and policies designed to guide the city's growth in the future. Table 4-1 presents General Plan goals and policies applicable to the Project, and demonstrates how the MCSP is consistent with and implements the Town's goals and policies as amended under MCSP EIR Mitigation Measure 4.A-1 prior to adoption of the MCSP. General Plan policies that require amendment prior to adoption of the MCSP, and the nature of the amendment, include:

LU1.2 Residential Densities. Restrict residential densities to the maximum allowable indicated on the General Plan Diagram and in the table (p. 3-1 of the General Plan).

- Residential densities will need to allow up to 20 DUA (higher with a density bonus) or 30 DUA for a senior housing project.

LU2.1 Commercial Building Height. Restrict heights for office and commercial structures to minimize visual impacts on adjacent properties and protect views. Office and commercial structures shall be limited to two stories or 35 feet, whichever is less, unless such height is found to create a significant adverse impact on neighboring residential properties or on scenic corridors, and in such cases, the maximum height shall be lowered.

- The maximum height may need to be raised to meet for mixed-use and residential density goals.

LU3.1 Moraga Center Specific Plan. Undertake a specific planning process for the area designated on the General Plan Diagram as the 'Moraga Center Area Specific Plan,' coordinated as appropriate with the planning for the Rheem Park Area Specific Plan.

- This policy is no longer required with the adoption of the MCSP.

LU3.3 Residential Densities in the Specific Plan Areas. Utilize the Specific Plan process to establish and map two new residential land use designations and provide adequate housing sites to meet the Town's Regional Housing Need. The two new residential designations shall be 'Residential – 10 DUA' (with a maximum of 12.5 units per acre through application of the 25-percent density bonus program) and 'Residential – 16 DUA' (with a maximum of 20 units per acre through application of the 25-percent density bonus program).

- Residential densities will need to allow up to 20 DUA (higher with a density

TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

[bonus\) or 30 DUA for senior housing.](#)

CD6.5 Moraga Center Area. 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. Provide a land use and zoning plan, design theme and circulation system (traffic, pedestrian and bicycle) for the entire Moraga Center area, including the Moraga Center shopping center; commercial uses in the Country Club Drive/School Street area (including the Moraga Barn); commercial uses on the east side of Moraga Road; the historical buildings, creek area and orchards in the Moraga Ranch; the new Town Center facility; areas of potential new residential development; and adjacent existing residential neighborhoods. Consider also the pathways connecting between the Specific Plan Area and other Town facilities and attractions, including Moraga Commons, the Moraga Library, school facilities, Saint Mary’s College, Hacienda de Las Flores, and the Rheem Park area.

- This policy is no longer required with the adoption of the MCSP.

Table 4-1

Moraga General Plan Consistency Analysis with the MCSP

General Plan Goals and Policies	Consistency Analysis
Land Use	
LU1.2 Residential Densities	
Restrict residential densities to the maximum allowable indicated on the General Plan Diagram and in the table on page 3-1 of the General Plan.	<u>Not Consistent:</u> The Project and Alternative 4 include residential densities greater than those in LU1.2. The Project and Alternative 4 provide land uses for sufficient multi-family and high-density housing units to meet the Town’s ABAG RHNA for affordable housing, the densities exceed those in the General Plan. The densities in the MCSP (10-12 and 20 DUA) have been used to allow for more clustered development near the MCSP center and to better meet regional housing goals for affordable housing units.
LU3.1 Moraga Center Area Specific Plan (MCSP)	
Undertake a specific planning process for the area designated on the General Plan Diagram as the ‘Moraga Center Area Specific Plan,’ coordinated as appropriate with the planning for the Rheem Park Area Specific Plan. Address the following issues through the specific plan process:	<u>Consistent:</u> The Town has undertaken the preparation of the MCSP, the subject of this document. The Rheem Park Area Specific Plan will be prepared as a separate planning study.
a) <i>Vision.</i> Define a long-term vision for the area’s development and redevelopment as a community focal point and activity center, defining specifically the area’s role within the larger structure of the Town and its relation to the Rheem Park Specific Plan Area	<u>Consistent:</u> The MCSP document provides information concerning the vision for the area's development and redevelopment in Section C - Land Use Element and Section D - Circulation Element. The Rheem Park Specific Plan area is discussed to provide context for the larger Town planning area.
b) <i>Mix of Uses.</i> Establish an appropriate mix of	<u>Consistent:</u> See Section C - Land Use Element that

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
residential and commercial use areas in addition to community facilities and open space areas. Focus in particular on those parcels that are undeveloped, under-utilized, or subject to potential redevelopment.	describes the land uses to be accommodated in the MCSP. The development program focuses primarily on the utilization of undeveloped, vacant land with good potential for higher intensity uses near the center of the Town, while addressing potential redevelopment and revitalization of the aging Moraga Center.
c) <i>Housing</i> . Define appropriate locations and densities to achieve the Town’s fair share of ‘Regional Housing Need’ in keeping with the goals and policies of the Housing Element. Provide a mix of housing types that is fitting with Moraga’s community character and responds to the needs of lower and moderate-income households, the local workforce, seniors, and ‘empty nesters.’	<u>Consistent:</u> As identified in the Town’s Housing Element, the Project and Alternative 4 provide adequate residential land use densities and acreage for sufficient multi-family and high-density housing units to meet the ABAG RHNA for affordable housing for Moraga, senior housing, and assisted living/congregate care facilities.
d) <i>Retail and Office Uses</i> . Define appropriate locations and densities for new or redeveloped retail and office uses. Explore opportunities for new types of specialty retail stores and/or flexible small office arrangements that may respond to Moraga’s evolving community needs.	<u>Consistent:</u> See Section C – Land Use Element and Figure 3-11 which describes and show retail and office uses to be accommodated in the MCSP area. The Project and Alternative 4 provide land uses for retail, office, commercial, and mixed land uses.
e) <i>Town Center Facility</i> . Identify possible sites for a potential Town Center facility and define its relationship to and connections with other uses within the Specific Plan Area as well as with adjacent residential neighborhoods.	<u>Consistent:</u> The Proposed Project and Alternative 4 (560 units) provide land uses and conceptual designs <u>which could accommodate</u> for a Community Center that could complement a Town Center facility <u>expanded retail, office and higher density housing uses</u> that will serve as the commercial, retail, professional, and social core for Moraga.
f) <i>Design Quality</i> . Establish design guidelines to create an attractive pedestrian-friendly environment and reflect Moraga’s community character.	<u>Consistent:</u> The Project and Alternative 4 (560 units) provide design standards to create a pedestrian-friendly downtown environment consistent with the existing character of the Town.
g) <i>Traffic Access, Circulation and Parking</i> . Address traffic access and circulation issues and provide adequate parking to meet current and projected needs, located and designed consistent with the area’s pedestrian orientation.	<u>Consistent:</u> The Project and Alternative 4 (560 units) provide design standards to create a pedestrian-friendly downtown environment consistent with the Town character while providing for sufficient parking, roadway, and intersection improvements to meet projected increased levels of traffic.
h) <i>Pedestrian and Bicycle Circulation</i> . Create an environment that encourages walking and biking, with appropriate amenities and connections to adjacent residential neighborhoods. Consider providing some flexibility in parking standards in return for effective strategies and amenities that promote the use of alternative transportation modes.	<u>Consistent:</u> The Project and Alternative 4 (560 units) provide design standards to create a pedestrian-friendly downtown environment and a bike/pedestrian trail along Laguna Creek connected to other regional trails. Each plan includes amenities (e.g., trails and walkable neighborhoods) to encourage the use of non-automotive transportation.
i) <i>Transit</i> . Provide a comfortable and attractive central transit stop with park and ride facilities, passenger amenities, and pedestrian/bicycle connections to new and existing residential developments	<u>Consistent:</u> The Project and Alternative 4 (560 units) include a new town square focal point along an extension of School Street where a centrally located transit connection can be provided.
j) <i>Historic Preservation</i> . Preserve historic architecture to the extent possible at the Moraga Ranch and incorporate it into the overall design of the area.	<u>Consistent:</u> The Project and Alternative 4 (560 units) provide for the renovation, <u>preservation</u> and <u>possible expansion</u> preservation of the Moraga Ranch theme and incorporate it into the “village” center plan.
k) <i>Creek Protection</i> . Protect the creek area with	<u>Consistent:</u> The Project and Alternative 4 (560 units)

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
appropriate development setbacks to protect its riparian environment and address flood risks. Consider incorporating the creek into a linear park feature connecting Moraga Road to the Moraga Way/School Street area, with pedestrian/bicycle connections across the creek as appropriate	maintain undeveloped the Laguna Creek riparian corridor, including the bed, bank, and associated riparian habitats, and provide for a recreation trail parallel to the creek. New road crossings require permits and mitigation measures to restore potentially affected stream banks and native habitats. The Project and Alternative 4 avoid new development within the 100-year floodplain, and new development is required to attenuate storm flows to the pre-project hydrograph.
1) <i>Orchard Preservation</i> . Encourage clustered housing design on the Moraga Ranch property to protect some of the remaining orchard areas, particularly those areas that are most visible from Moraga Way and Moraga Road.	<u>Consistent</u> : The Project and Alternative 4 provide sufficient land resources to accommodate clustering and avoid significant visual resource effects, as seen from the adjoining scenic corridors of Moraga Road and Moraga Way. The Project and Alternative 4 includes adequate land area and densities to allow for clustering of residential units with areas of undeveloped areas and/or improved trails and landscaping between.
LU3.3 Residential Densities in the Specific Plan Areas	
Utilize the Specific Plan process to establish and map two new residential land use designations and provide adequate housing sites to meet the Town’s Regional Housing Need. The two new residential designations shall be ‘Residential – 10 DUA’ (with a maximum of 12.5 units per acre through application of the 25-percent density bonus program) and ‘Residential – 16 DUA’ (with a maximum of 20 units per acre through application of the 25-percent density bonus program).	<u>Not Consistent</u> : The Project and Alternative 4 include residential densities greater than those in policy LU3.3. While the Project and Alternative 4 (560 units) provide land uses for sufficient multi-family and high-density housing units to meet the ABAG RHNA for affordable housing in Moraga, the densities are greater than those in the General Plan Land Use Element. General Plan Appendix B specifically calls for higher densities in specific plan areas to achieve the economic and housing goals of the overall General Plan. The densities included in the MCSP (10-12 and 20 DUA or 30 DUA for senior housing) allow more clustered development near the MCSP center and better meet the ABAG RHNA.
Community Design	
CD1 Natural Setting	
CD1.1 Location of New Development. To the extent possible, concentrate new development in areas that are least sensitive in terms of environmental and visual resources, including: <ul style="list-style-type: none"> a) Areas of flat or gently sloping topography outside of flood plain or natural drainage areas. b) The Moraga Center area and Rheem Park area. c) Infill parcels in areas of existing development. 	<u>Consistent</u> : The Project and Alternative 4 (560 units) provide land uses that concentrate new development in flat, gently sloping areas, outside of mapped floodplains along Laguna Creek, outside of areas with native tree cover, and in infill areas in the MCSP area.
CD1.2 Site Planning, Building Design and Landscaping. Retain natural topographic features and scenic qualities through sensitive site planning, architectural design and landscaping. Design buildings and other improvements to retain a low visual profile and provide dense landscaping to blend structures with the natural setting.	<u>Consistent</u> : The Project and Alternative 4 (560 units) provide MCSP Design Guidelines to minimize grading of existing topography and landscaping and architectural design elements that blends with the existing environmental and Town character.
CD1.3 View Protection. Protect important elements of the natural Setting to maintain the Town’s semi-rural character. Give Particular attention to viewsheds along the Town’s scenic corridors, protecting ridgelines, hillside areas, mature native tree groupings, and other significant	<u>Consistent</u> : The Project and Alternative 4 (560 units) provide MCSP Design Guidelines to minimize grading of existing topography, preservation of native trees along Laguna Creek, and landscaping and architectural design elements that blends with the existing

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
natural features. Consideration should be given to views both from within the Town and from adjacent jurisdictions. Likewise, the Town should work with adjacent jurisdictions to protect views from Moraga to adjacent areas	environmental and Town character.
CD1.5 Ridgelines and Hillside Areas. Protect ridgelines from development. In hillside areas, require new developments to conform to the site’s natural setting, retaining the character of existing landforms preserving significant native vegetation and with respect to ridgelines, encourage location of building sites so that visual impacts are minimized. When grading land with an average slope of 20% or more, require ‘natural contour’ grading to minimize soil displacement and use of retainer walls. Design buildings and other improvements in accordance with the natural setting, maintaining a low profile and providing dense native landscaping to blend hillside structures with the natural setting.	<u>Consistent:</u> The Project and Alternative 4 (560 units) provide MCSP Design Guidelines to minimize grading of existing topography. Site-specific grading plans for slopes south of Moraga Road will be consistent with policy CD1.5.
CD1.6 Vegetation. Emphasize and complement existing mature tree groupings by planting additional trees of similar species at Town entries, along major street corridors, in and around commercial centers, in areas of new development, and along drainage ways. Encourage the use of native, fire resistant, and drought-tolerant species.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines that incorporate landscaping with native, drought tolerant, and fire-resistant species.
CD2 Public Places	
CD2.1 Public Places as Focal Points. Provide and maintain public parks and facilities that serve as community focal points, gathering places, and activity centers, with pedestrian and bicycle path connections to residential neighborhoods and commercial centers. Provide public views and inviting pedestrian entries into public places from adjacent streets and neighborhoods.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include potential a new identify the Community Center use as a permitted use in the CC District, thereby accommodating it within the planning area sites, an integrated bike/pedestrian trail alignment along undeveloped areas parallel to Laguna Creek, and MCSP Design Guidelines to create attractive public views and inviting pedestrian entries.
CD2.2 Town Center Facility. Promote development of the potential Town Center facility as a central community gathering place and activity center, utilizing the Specific Plan process to ensure the facility has both visual and physical access from adjacent roadways and public areas.	<u>Consistent:</u> The Project and Alternative 4 (560 units) accommodate include a new an expanded retail and office core Town Center to serve as a socio-economic hub for the Town. The circulation plan provides convenient and efficient access from adjacent roads.
CD2.3 Commercial Centers as Community Places. Encourage design improvements at the Moraga Center and Rheem Park Centers to create a stronger pedestrian orientation and support their role as community gathering spots and activity centers. Incorporate amenities such as plaza spaces, outdoor seating, shade, and landscaping to promote their use as social spaces. Consider the use of flexible setbacks (for example, with new buildings at or near the public sidewalk and parking located to the side or rear) to achieve pedestrian-oriented design goals.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include additional commercial land uses that facilitate the accomplishment of these design improvements in the MCSP area.
CD2.5 Connections. Designate pedestrian and bicycle routes that connect selected public places with each other and with residential neighborhoods, schools, and commercial centers.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include designated bike and pedestrian routes to connect public places with each other and adjacent neighborhoods.
CD3 Scenic Corridors	

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
CD3.2 Visual Character. Improve the visual character along Scenic Corridors with lighting, landscaping and signage.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines to improve the visual character along Moraga Way, Moraga Road, and Canyon Road in the MCSP area.
CD3.4 Moraga Road. Improve the design quality and consistency of Moraga Road as the Town’s primary boulevard linking the two major commercial centers.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines to improve the visual character along Moraga Road in the MCSP area.
CD3.5 Landscaping and Amenities. Use additional street tree planting, berms, fencing and ornamental landscaping to enhance the visual continuity along the Town’s Scenic Corridors. Require appropriate landscaping for both public and private developments located on designated Scenic Corridors, including pedestrian lighting and street trees within existing commercial areas. Encourage use of native and drought-tolerant species and, where applicable, preservation of orchard trees.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines that incorporate landscaping with native and drought tolerant tree and shrub species that enhance visual continuity.
CD4 Single Family Neighborhoods	
CD4.4 New Residential Developments. Design new single-family developments to create high quality pedestrian environments with pathways to adjacent neighborhoods and, where feasible, commercial areas. Ensure that the layout of new residential lots respect the site topography and natural features. Where feasible, avoid standard repetitive lot sizes and shapes in hillside areas.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include mix of residential densities with high quality pedestrian environments and pathways to existing neighborhoods and the new “village” center and commercial core of Moraga. A majority of new residential units would be in close proximity to commercial areas.
CD5 Multi-Family Residential Developments	
CD5.1 Location. Locate new multi-family developments in close proximity to commercial centers, transit stops, and community facilities such as parks and schools, with site design and landscaping to create buffers between adjacent uses while providing connection to pedestrian and bicycle paths.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include multi-family residential areas in close proximity to commercial centers, transit stops, parks, and schools.
CD5.2 Design. Ensure that new multi-family developments are planned, designed and constructed to enhance the local area, reflecting the scale and quality of their surroundings. Encourage designs that help to break up large building masses, for example by breaking one large building into several smaller buildings; providing variations in rooflines; creating a three-dimensional façade rather than a massive, flat façade; and using landscaping to soften building edges. Architectural styles and materials should reflect the character of existing residential neighborhoods, with landscaping to enhance the natural setting.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines consistent with policy CD5.2. Simulations of the MCSP development demonstrate the architectural character that is envisioned for the area.
CD5.3 Open Space. Require usable private and common open space in all new multi-family residential development.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines and adjacent land uses that provide usable private and common open space consistent with policy CD5.2.
CD5.4 Pedestrian Amenities. Design new multi-family developments to create high quality pedestrian environments, with connections to the Town’s pedestrian path and trail system.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines and adjacent land uses that provide multi-family housing with high quality pedestrian environments connected path and trail systems.

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
CD6 Commercial Areas	
<p>CD6.1 Design Quality. Improve the design quality of the Town’s commercial centers, creating an attractive and inviting environment for shopping and socializing and enhancing their function as community focal points. Enhancements might include more landscaping; configuration of parking areas to incorporate more landscaping and create better pedestrian connections and entrances; architectural improvements to create visual focal points; creation of pedestrian walkways, plazas and seating areas; and signage improvements.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines to renovate the Moraga Center and create an attractive, pedestrian friendly new “village” environment to serve as a commercial core for the Town, consistent with policy CD6.1.</p>
<p>CD6.2 Traffic Access and Circulation. Ensure adequate traffic access, circulation and parking in the Town’s commercial centers. Reduce potential safety hazards by minimizing the number of driveway openings onto public streets, encouraging side street access to commercial developments, and encouraging connections between developments.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) include traffic and circulation design elements consistent with CD6.2. School Street will be extended to utilize the existing signalized intersection of St. Mary’s Road and Moraga Road for primary access to the MCSP.</p>
<p>CD6.3 Pedestrian Orientation. Create a safe, inviting and functional pedestrian environment in commercial areas, with interconnected walkways; pedestrian amenities (e.g., seating, lighting, signage, landscaping); plaza areas; and outdoor café spaces. Where pedestrian paths cross parking areas or vehicle lanes, give clear priority to pedestrians through pavement markings, differentiation in the pavement surface, and signage.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines that create a pedestrian friendly, revitalized retail and commercial “village” consistent with policy CD6.3.</p>
<p>CD6.4 Office Development. Encourage high quality office development projects in close proximity to the Town’s retail centers, with pedestrian connections between them. Encourage office building designs that respect the visual dominance of the landscape, reflect the scale and character of adjacent neighborhoods, and create buffers between residential neighborhoods and arterial roadways.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines and land uses that provide for high quality office space adjacent to the downtown commercial area accessible to pedestrians.</p>
<p>CD6.5 Moraga Center Area. 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. Provide a land use and zoning plan, design theme and circulation system (traffic, pedestrian and bicycle) for the entire Moraga Center area, including the Moraga Center shopping center; commercial uses in the Country Club Drive/School Street area (including the Moraga Barn); commercial uses on the east side of Moraga Road; the historical buildings, creek area and orchards in the Moraga Ranch; the new Town Center facility; areas of potential new residential development; and adjacent existing residential neighborhoods. Consider also the pathways connecting between the Specific Plan Area and other Town facilities and attractions, including Moraga Commons, the Moraga Library, school facilities, Saint Mary’s College, Hacienda de Las Flores, and the Rheem Park area.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) include land uses and MCSP Design Guidelines consistent with policy CD6.5. The “village” theme incorporated along the extension of School Street and adjacent to the Moraga Center, Moraga Ranch and Laguna Creek serve to create a community focal point.</p>
CD7 Historic Resources	

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
<p>CD7.1 Designation of Historic Resources. Identify and protect buildings, sites and other resources in the community that give residents a tie with the past, which may include:</p> <ul style="list-style-type: none"> a) Hacienda de Las Flores b) Older buildings at Saint Mary’s College c) Trees with historical significance d) Moraga Ranch e) Moraga Barn 	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) include direction to enhance, preserve and expand/preserve uses in the Moraga Ranch and MCSP Design Guidelines for building renovation in keeping with its existing character. Simulations of the MCSP development demonstrate the type of infill for the Moraga Ranch area. Existing mature trees and trees with historic significance are maintained to the extent feasible during design and construction.</p>
<p>CD7.2 Historic Preservation. Promote the preservation and conservation of historic buildings and sites, providing incentives as appropriate for their retention and rehabilitation.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) require evaluation of potential historic and prehistoric resources. Development in the MCSP area is required to comply with standard practices of retaining an archaeologist or other appropriate professional to determine the potential significance of resources encountered through grading or trenching.</p>
Housing	
H1 Housing and Neighborhood Quality	
<p>H1.4 Design Excellence. Review the design of new housing developments to ensure that they are compatible with the scale and character of the neighborhood in which they are located and the semi-rural character of the Town as a whole, consistent with policies in the Town’s Community Design Element. Strive to ensure that affordable housing developments are well designed and professionally managed so that they provide a high quality living environment and contribute to the overall quality of life in the Town.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) provide land uses for a range of housing types consistent with existing neighborhoods and the General Plan Community Design Element. Higher density housing is in areas adjacent to existing commercial or office development, and where necessary, is buffered from existing lower density residential developments.</p>
H2 Housing Mix and Affordability	
<p>H2.1 Housing Variety. Ensure that new residential developments provide the Town with a wide range of housing types to meet the various needs and income levels of people who live and work in Moraga.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) provide a range of housing types available to a variety of income levels, including single-family homes, townhouses, condominiums, senior housing, assisted living and congregate care facilities, and SMC faculty/student/staff housing. These elements contribute to the Town’s compliance with the ABAG RHNA.</p>
<p>H2.3 Fair Share Housing. Provide for Moraga’s ‘fair share’ of the regional housing need, as identified by the Association of Bay Area Governments, by identifying adequate sites for higher density housing (at least 12 acres are to be zoned Residential – 10 DUA or 7.5 acres are to be zoned Residential – 16 DUA or some combination thereof) within the Moraga Center Area Specific Plan and Rheem Park Area Specific Plan areas, as provided on the General Plan Diagram. Additionally, work with Saint Mary’s College, the Moraga School District and other property owners to identify and facilitate the development of affordable housing opportunities and also allow the development of attached or detached secondary living units where appropriate and feasible.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) ensure that the Town meets the 2007-2014 ABAG RHNA for identifying sufficient high density and affordable housing sites. The Project and Alternative 4 specifically address affordable housing needs by providing opportunities for student and workforce SMC housing, and providing a range of densities from 3-2030 DUA to meet high density housing in the General Plan Land Use Element.</p>
<p>H2.4 Multi-Family Housing Amenities. Ensure that</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units)</p>

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
multi-family housing developments provide adequate parking for residents and visitors as well as open space and recreational facilities to meet resident needs.	provide design standards to create a pedestrian-friendly downtown environment consistent with Town character while providing sufficient parking and recreational improvements (e.g., trails and accommodation of the potential Community Center) to meet projected demand.
H2.6 Density Bonus. Provide a density bonus of 25 percent or equivalent regulatory or financial incentive, consistent with State law requirements (California Government Code 65915), for residential projects that provide <i>at least</i> 10 percent of the dwelling units affordable to very low-income households, or <i>at least</i> 20 percent affordable to low-income households, or <i>at least</i> 50 percent suitable for senior citizens.	<u>Consistent:</u> The Project and Alternative 4 (560 units) have residential land uses at densities of up to 2030 DUA that will allow the Town to meet the state requirements for a 25% density bonus .
H2.8. Affordable Housing Partnerships. Work with Saint Mary’s College, the Moraga School District, affordable housing developers, and other groups and organizations to develop collaborative approaches for meeting local housing needs, including affordable workforce housing, senior housing, and other special housing needs.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include land uses that allow SMC to work with the property owners to provide faculty/student/staff housing; provide senior and assisted/congregate care housing; and provides multiple sites for high density, multi-family housing affordable to a range of household income levels.
H2.10 Secondary Living Units. Allow secondary living units in single-family and multi-family areas, including MOSO and non-MOSO open space providing they comply with the Town’s Municipal Code and Design Guidelines. Further, detached second units within existing subdivisions may be allowed on lots that are sufficiently large for accommodation of such units taking into consideration impacts to the neighborhood and its residents including but not limited to visual impacts and privacy impacts and where they are otherwise compatible with the neighborhood.	<u>Consistent:</u> The Project and Alternative 4 (560 units) allow secondary housing units when in compliance with the Town’s Municipal Code and Design Guidelines.
H3 Special Housing Needs	
H3.3 Student Housing Demand. Cooperate with Saint Mary’s College to address student housing needs.	<u>Consistent:</u> The Project and Alternative 4 (560 units) provide land use designations for up to 100 units of student and workforce SMC student housing to help address affordable housing needs.
H3.4 Senior Housing. Encourage senior citizen housing, consistent with projected community needs. Include the following considerations: easy access to needed services, such as shopping, medical, transportation, etc.; off-street parking requirements consistent with project needs; limited income constraints of many elderly; and adaptable to mobility constraints of disabled.	<u>Consistent:</u> The Project and Alternative 4 (560 units) address the demand for conveniently or centrally located senior housing needs in the Town by providing locations for up to 300 to 150 senior housing units, respectively , adjacent to downtown, respectively .
H3.5 Housing for People with Disabilities. Encourage housing that responds to the needs of people with disabilities, providing maximum housing choice consistent with community needs.	<u>Consistent:</u> The Project and Alternative 4 (560 units) provide for a range of housing types and densities, as well as congregate care facilities and assisted living facilities.
Circulation	
C3 Commercial Area Traffic and Parking	
C3.1 Commercial Area Traffic Safety. Maintain effective and safe vehicle circulation into, out of, and within	<u>Consistent:</u> The Project and Alternative 4 (560 units) include an extension of School Street to create a new

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
commercial areas.	primary access point at the St. Mary’s Road/Moraga Road signalized intersection.
C3.2 Traffic Volume Impacts. Utilize the Specific Plan process as well as the development review process to consider and address potential traffic impacts from new commercial development, in accordance with policies C1.2, C1.3 and C1.4. As one possible mitigation measure for commercial developments, consider establishing time restrictions on commercial deliveries to prohibit deliveries during peak traffic hours.	<u>Consistent:</u> The Project and Alternative 4 (560 units) have been evaluated for impacts to roadway and intersection traffic volumes. Identified mitigation measures reduce delay.
C3.3 Commercial Area Parking. Maintain sufficient, convenient, free parking within all commercial areas to accommodate actual and anticipated parking needs.	<u>Consistent:</u> The Project and Alternative 4 (560 units) balance demand with existing and parking supply to ensure no impacts to adjacent residential and office areas.
C3.4 Through Traffic. Discourage traffic from traveling through the commercial centers	<u>Consistent:</u> The Project and Alternative 4 (560 units) extend School Street to create a new primary access point at the St. Mary’s Road/ Moraga Road signalized intersection.
C4 Pedestrians, Bicycles and Transit	
C4.1 Pedestrian Circulation. Provide a safe, continuous and connected system of pedestrian pathways through the Town, including sidewalks, paths, trails and appropriate crosswalks along all principal streets, to link residential neighborhoods, commercial areas, community facilities such as schools and parks, and other important destinations. Link this network as appropriate with the regional trails system.	<u>Consistent:</u> The Project and Alternative 4 (560 units) design standards create a pedestrian-friendly downtown environment and a bike/pedestrian trail along Laguna Creek linked to other trails. Plans include amenities (e.g., trails and walkable neighborhoods) to encourage non-automotive transportation.
C4.2 Bicycle Circulation. Develop a complete bicycle system with direct, continuous, interconnected pathways between residential and commercial areas, community facilities, commuter corridors and transit hubs.	<u>Consistent:</u> The Project and Alternative 4 (560 units) design standards create a pedestrian-friendly downtown environment and a bike/pedestrian trail along Laguna Creek linked to other trails. Plans include amenities (e.g., trails and walkable neighborhoods) to encourage non-automotive transportation.
C4.3 Transit. Encourage the use of transit to and from the Lamorinda BART stations by providing: <ul style="list-style-type: none"> • Efficient, comfortable, frequent and reliable bus service; • Roadways that are properly designed to accommodate bus maneuvering, stopping and parking; • Adequate, free, convenient all-day ‘park and ride’ facilities at major transit stops in the Town; • Public information programs to make the public aware of the service and promote its use; • Comfortable, safe and attractive amenities at bus stops. 	<u>Consistent:</u> The Project and Alternative 4 (560 units) include a new town square focal point along an extension of School Street where a centrally located transit connection can be provided.
C4.4 Trip-Reduction Strategies. Encourage development patterns and other strategies that may help reduce traffic trips, especially during the morning and afternoon peak hours. For example: <ul style="list-style-type: none"> • Encourage home-based occupations and telecommuting; • Encourage mixed use, small office, and live-work Developments in centrally located areas of 	<u>Consistent:</u> The Project and Alternative 4 (560 units) include a “village” area in MCSP lands west of the existing shopping center where a majority of new development will take place. Properties within the “village” area accommodate a range of residential densities for development of new specialty housing opportunities, specialty retail, office, and commercial uses. Based on its close proximity to existing and

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
<p>the Town (i.e., in the Specific Plan areas);</p> <ul style="list-style-type: none"> • Encourage higher density housing to locate near transit Facilities; • Encourage young people to bike, walk or take the school bus to school; and • Encourage ridesharing. 	<p>planned commercial services, residential densities in the “village” area are to be up to 2430 DUA to encourage non-auto transportation.</p>
Open Space and Conservation	
OS1 Open Space Preservation	
<p>OS1.7 Receiving Areas for TDRs. Designate the two specific plan Areas—the Moraga Center Area and Rheem Park Area—as ‘receiving areas’ for the transfer of development rights.</p>	<p><u>Consistent.</u> The Project and Alternative 4 (560 units) do not change the TDR process defined in the Moraga Municipal Code.</p>
OS2 Environmental Quality	
<p>OS2.1 Protection of Wildlife Areas. Prohibit development in locations where it will have a significantly adverse effect on wildlife areas. When development is permitted in the vicinity of wildlife areas, require implementation of appropriate mitigation measures to reduce any adverse impact upon the wildlife.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) preserve the sensitive central coast live oak riparian woodland in the corridor along Laguna Creek with buffers to retain native tree canopy and minimal intrusions in the form of new road crossings or pedestrian trails. Poor quality and isolated habitats occur in the remainder of the MCSP area.</p>
<p>OS2.2 Preservation of Riparian Environments. Preserve creeks, streams and other waterways in their natural state whenever possible.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) preserve the Laguna Creek riparian corridor, including the bed, bank, and riparian habitats. New road crossings require permits and mitigation measures to restore affected stream banks and native habitats.</p>
<p>OS2.3 Natural Carrying Capacity. Require that land development be consistent with the natural carrying capacity of creeks, streams and other waterways to preserve their natural environment.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) as required in the 2002 Moraga General Plan (Policy OS3.6 Run-off from New Developments) will implement a Master Drainage Plan that outlines a system to attenuate and reduce peak storm water runoff and non-point source pollution to streams. A reduction in peak storm flows ensures that land development is consistent with the natural carrying capacity of Laguna and Moraga Creeks.</p>
<p>OS2.5: Wildlife Corridors. To the extent possible, connect open space areas so that wildlife can have free movement through the area, bypass urban areas and have proper access to adjacent regional parks and related open space systems.</p>	<p><u>Consistent:</u> The Project and Alternative 4 (560 units) preserve the central coast live oak riparian woodland in a corridor along Laguna Creek. Although the MCSP area is isolated from other natural areas, Laguna Creek and the associated woodland preserve a contiguous movement corridor for many riparian associated species.</p>
<p>OS2.6: Reintroduction of Wildlife Species. Consider reintroduction into the natural environment of those species that could survive, would not be detrimental to the urban development, and which could be economically accomplished.</p>	<p><u>Consistent:</u> Implementation of the Project and Alternative 4 (560 units) requires permits for new road crossings of Laguna Creek and habitat restoration to mitigate impacts. Habitat restoration will enhance the suitability for wildlife species that may colonize the area. Direct reintroduction of wildlife species is not advised due isolation from other habitats.</p>
<p>OS2.7: Reintroduction of Native Plant Species. Consider reintroduction into the natural environment of plant species that are indigenous to the area and encourage programs to manage, reduce or eliminate the use and proliferation of non-native, invasive species. Encourage</p>	<p><u>Consistent.</u> Implementation of the Project and Alternative 4 (560 units) requires permits for new road crossings of Laguna Creek and habitat restoration with native plants to mitigate impacts. As part of habitat restoration, non-native invasive plant species may be</p>

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
the use of native plant species in new landscaping plans.	removed or controlled. Landscaping plans developed in the MCSP Design Guidelines encourage use of locally native plants.
OS2.8 Tree Preservation. Preserve and protect trees wherever they are located in the community as they contribute to the beauty and environmental quality of the Town.	<u>Consistent.</u> The Project and Alternative 4 (560 units) preserve most native trees in the MCSP area along Laguna Creek. Other individual trees may be preserved as feasible during design and construction.
OS2.9: Tree-Covered Areas. Preserve or substantially maintain in their present form certain tree-covered areas, especially with respect to their value as wildlife habitats, even if development in those areas is permitted. Give preference to the retention of original growth over replanting. These areas include, but are not limited to: <ul style="list-style-type: none"> • Mulholland Hill (both northeast and southwest slopes) • Indian Ridge • Bollinger Canyon • Sanders Ranch properties • St. Mary’s Road northeast of Bollinger Canyon Road • The “Black Forest” area located northerly of the terminus of Camino Ricardo • Coyote Gulch west of St. Mary’s Road, to the north • Wooded area to the east and south of St. Mary’s Gardens • Wooded area behind Donald Rheem School • Wooded area on the ridge south of Sanders Drive 	<u>Consistent.</u> The Project and Alternative 4 (560 units) preserve the native tree covered portion of the MCSP area - 16.8 acres of central coast live oak riparian woodland in a corridor along Laguna Creek. Other individual trees may be preserved as feasible during design and construction.
OS3 Water Quality and Conservation	
OS3.1 Sewer Connections. Require all development to be connected to a sewage system, with exceptions granted only in those areas where it is demonstrated that a sewer connection is not feasible <i>and</i> it has been confirmed by a competent technical counsel that septic system effluent will not infiltrate underground aquifers.	<u>Consistent:</u> The Project and Alternative 4 (560 units) require connection to the CCCSD system.
OS3.6 Run-off from New Developments. Engineer future major developments to reduce peak storm runoff and non-point source pollution to local creeks and streams, taking into consideration economically viable Best Management Practices (BMPs) in the design of the project as well as factors such as the physical constraints of the site, the potential impact on public health and safety and the practicability of possible mitigation measures.	<u>Consistent:</u> The Project and Alternative 4 (560 units) implement a Master Drainage Plan that outlines a system to attenuate and reduced peak storm water runoff and non-point source pollution to streams. The Master Drainage Plan will include temporary and permanent BMPs.
OS3.7 Water Conservation Measures. Encourage water conservation in new building construction and retrofits.	<u>Consistent:</u> The Project and Alternative 4 (560 units) comply with UBCs and include water conservation measures.
OS3.8 Water Recycling. When and where feasible and appropriate, encourage the use of recycled water for landscape irrigation purposes.	<u>Consistent:</u> The Project and Alternative 4 (560 units) include water recycling recommendations. The Town will consult with CCCSD and EBMUD to determine the feasibility and appropriateness of recycled water for landscape irrigation.
OS4 Air Quality	
OS4.1 Development Design. Conserve air quality and	<u>Consistent.</u> The Project and Alternative 4 (560 units)

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
minimize direct and indirect emissions of air contaminants through the design and construction of new development. For example, direct emissions may be reduced through energy conserving construction that minimizes space heating, while indirect emissions may be reduced through uses and development patterns that reduce motor vehicle trips generated by the project.	include Design Guidelines to maximize energy conservation and higher intensity land uses in the center of Moraga to minimize the generation of new vehicle trips and emission of air pollutants.
OS4.2 Development Approval and Mitigation. Prohibit development projects which, separately or cumulatively with other projects, would cause air quality standards to be exceeded or would have significant adverse air quality effects through direct and/or indirect emissions. Such projects may only be approved if, after consulting with the Bay Area Air Quality Management District (BAAQMD), the Town Council explicitly finds that the project incorporates feasible mitigation measures or that there are overriding reasons for approving the project.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines to maximize energy conservation and higher intensity land uses in the center of Moraga to minimize the generation of new vehicle trips. The Project and Alternative 4 will implement feasible mitigation measures, including BAAQMD BMPs to minimize fugitive dust, diesel emissions, GHGs, and ozone precursors during construction and operation of the Project.
OS4.3 Development Setbacks. Provide setbacks along high intensity use roadways to reduce resident exposure to air pollutants.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include MCSP Design Guidelines to maximize energy conservation and higher intensity land uses in the center of Moraga to minimize the generation of new vehicle trips and reduce emission of air pollutants. The MCSP and Alternative 4 require setbacks and landscaping between residential areas and heavily used roadways.
OS4.4 Landscaping to Reduce Air Quality Impacts. Encourage the use of vegetative buffers along roads to assist in pollutant dispersion.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines to maximize energy conservation and higher intensity land uses in the center of Moraga to minimize the generation of new vehicle trips. The MCSP and Alternative 4 include Design Guidelines that require landscaping between residential areas and roads.
OS4.5 Alternate Transportation Modes. Encourage transportation modes that minimize motor vehicle use and the resulting contaminant emissions. Alternate modes to be encouraged include public transit, ride-sharing, combined motor vehicle trips to work and the use of bicycles and walking.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines to maximize energy conservation and higher intensity land uses in the center of Moraga to minimize the generation of new vehicle trips and maximize opportunities for transit, ride sharing, walking, and biking.
OS4.6 New Transportation Technologies. Encourage use of new transportation technologies such as alternative fuel vehicles that may provide environmental benefits such as reduced air pollution, lower energy consumption, and less noise.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines to maximize energy conservation and higher intensity land uses in the center of Moraga to minimize the generation of new vehicle trips and maximize opportunities for transit, ride sharing, walking, and biking. The MCSP Design Guidelines include provisions for electric vehicle charging stations.
OS4.7 Trip Reduction Programs. Encourage employers to foster employer-based transportation control measures such as ride-sharing, use of public transportation, bicycling and walking to work.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines to maximize energy conservation and higher intensity land uses in the center of Moraga to minimize the generation of new vehicle trips and maximize opportunities for transit, ride sharing, walking, and biking.
OS5 Energy Conservation	
OS5.3 Trip Reduction. Encourage energy conservation	<u>Consistent.</u> The Project and Alternative 4 (560 units)

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
through measures that reduce automobile trips, such as transit supportive development, provisions for pedestrian and bicycle circulation, and promotion of home-based offices and telecommuting.	include Design Guidelines to maximize energy conservation and higher intensity land uses in the center of Moraga to minimize the generation of new vehicle trips and maximize opportunities for transit, ride sharing, walking, and biking.
OS6 Noise	
OS6.4 Noise Impacts of New Development. Ensure that new development will not raise noise levels above acceptable levels on the Town's arterials and major local streets.	<u>Consistent.</u> The Project and Alternative 4 (560 units) are consistent with acceptable noise levels on arterial and major local streets. The Project includes mounding buffers, landscaping, and setbacks for residential development to reduce noise from arterial and major local streets.
Public Safety	
PS1 General Public Safety	
PS1.1 Assessment of Risk. Include an environmental assessment of natural hazard risks in development proposals to permit an adequate understanding of those risks and the possible consequent public costs in order to achieve a level of 'acceptable risk.' Public costs should be expressed in terms of effect on life and property.	<u>Consistent.</u> Specific development proposals to be implemented under the MCSP will require an assessment of risk associated with development in areas of high hazards (e.g., steep slopes and floodways).
PS1.2 Public Review of Risk Data. Include appropriate cost-effective data in the evaluation of existing and potential hazards and make that data available for citizen review and comment in order to determine what public resources should be allocated to mitigate risk conditions.	<u>Consistent.</u> Specific development proposals to be implemented under the MCSP will require an assessment of risk associated with development in areas of high hazards (e.g., steep slopes and floodways).
PS2 Police and Emergency Services	
PS2.3 Public Safety and Design. Develop guidelines for the design and siting of buildings to reduce the opportunity for crime, and apply such considerations in the review of development proposals. Provide related information to the public to educate them on the benefits of appropriate home designs and other preventive steps they can take to reduce the incidence of crime in their neighborhood.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include roadway standards and building setbacks that the MOFD and MPD will review and approve to ensure consistency with public safety considerations, including emergency vehicle access, evacuation, and enforcement.
PS3 Fire Safety and Emergency Services	
PS3.1 Cooperation with the Moraga-Orinda Fire District. Cooperate with the Moraga-Orinda Fire District in developing standards, guidelines and local ordinances to assure provision of adequate fire protection and emergency medical service for all persons and property in the community.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines that the MOFD will review and approve to ensure consistency with public safety considerations. To maintain public services levels, new development is required to pay appropriate development impact fees.
PS3.5 Development Review for Emergency Response Needs. Evaluate new development proposals to ascertain and mitigate problems associated with emergency response needs.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines that the MOFD will review and approve to ensure consistency with public safety considerations. To maintain public services levels, new development is required to pay appropriate development impact fees.
PS3.6 Fire Vehicle Access. Provide access for fire-fighting vehicles to all new developments in accordance with fire access standards of the Moraga-Orinda Fire District and Town of Moraga Ordinances.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines that the MOFD will review and approve to ensure consistency with public safety considerations.
PS3.7 Preemptive Devices at Traffic Signals. Equip all new traffic signals with preemptive devices for emergency response services. Existing traffic signals	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines that the MOFD will review and approve to ensure consistency with public safety

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
significantly impacted by new developments shall be retrofitted with preemptive devices at developer’s cost.	considerations.
PS3.8 Fire Safety Devices in Buildings. Require the installation of appropriate fire safety devices in all structures at the time of original construction, additions, or remodeling, in accordance with adopted building codes and standards.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines that the MOFD will review and approve to ensure consistency with public safety considerations. To maintain public services levels, new development is required to pay appropriate development impact fees.
PS3.9 High Occupancy Residential Buildings. Require approved built-in fire protection systems in new construction in high occupancy residential buildings (such as multi-story/multiunit structures, group quarters, etc.) in accordance with Moraga-Orinda Fire District standards. For each new building or addition exceeding 5,000 square feet of fire area in high occupancy residential buildings, a comparable amount of existing fire area shall be equipped with approved built-in fire protection systems.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include Design Guidelines that the MOFD will review and approve to ensure consistency with public safety considerations. To maintain public services levels, new development is required to pay appropriate development impact fees.
PS4 Seismic and Geologic Hazards	
PS4.1 Development in Geologic Hazard Areas. Prohibit development in geologically hazardous areas, such as slide areas or near known fault lines, until appropriate technical evaluation of qualified independent professional geologists, soils engineers and structural engineers is completed to the Town’s satisfaction. Allow development only where and to the extent that the geologic hazards have been eliminated, corrected or mitigated to acceptable levels.	<u>Consistent:</u> The Project and Alternative 4 (560 units) comply with UBCs and CBCs and include design criteria tailored for California earthquake conditions in seismic zone 4. Mitigation Measure 4.I-1 of the 2002 Moraga General Plan EIR requires geologic hazard evaluations by qualified geologists, soils engineers, or structural engineers and incorporation of design measures into development projects.
PS5 Flooding and Streambank Erosion	
PS5.3 New Structures in Flood Hazard Areas. Avoid placing new structures within potentially hazardous areas along stream courses.	<u>Consistent:</u> The Project and Alternative 4 (560 units) propose construction of bridges across Laguna Creek and its tributaries. New structures will be designed to not obstruct floodwaters and be usable during 100-year flow events.
PS5.5 Streambank Erosion and Flooding Potential. Reduce the potential for future streambank erosion and flooding by requiring appropriate mitigation measures.	<u>Consistent:</u> The Project and Alternative 4 (560 units) will implement Mitigation Measure 4.D-1b, Develop and Implement Laguna Creek Greenway Protection, Maintenance and Monitoring Program to reduce the potential for future streambank erosion and flooding. Mitigation Measure 4.D-1a develops a Master Drainage Plan (MDP) to address storm water and flooding.
PS5.6 On-site Storm Water Retention. Require on-site storm water retention for new developments.	<u>Consistent:</u> The Project and Alternative 4 (560 units) will implement Mitigation Measure 4.D-1a, Develop and Implement a Master Drainage Plan (MDP). The MDP addresses storm water runoff and complies with NPDES permits and County C.3 provisions.
Community Facilities and Services	
FS2.1: Population Growth and School Capacity. Ensure that potential impacts on school facilities are considered when reviewing and approving development proposals, working with the MSD and ACUHSD to determine potential impacts and establish appropriate mitigations, as necessary.	<u>Consistent.</u> The potential impacts of the Project and Alternative 4 (560 units) on school facilities are described and analyzed in this EIR. The MSD and AUHSD will review the data and analysis presented in this document.
FS2.2: Pace of Growth. Control the timing and location	<u>Consistent.</u> Residential construction schedules for the

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
of new residential development in a way that allows the MSD and ACUHSD to plan and finance facility expansion in an orderly fashion.	Project and Alternative 4 (560 units) is considered in Mitigation Measures 4.K-1 to mitigate potential adverse impacts on school facilities due to increases in enrollments.
FS2.3: School Impact Fees. Cooperate with the school districts to assess an impact fee on new subdivision developments to offset the costs of facility expansion and other school impacts resulting from those developments, in accordance with state law.	<u>Consistent.</u> The payment of appropriate school impact fees under SB 50 for the Project and Alternative 4 (560 units) is provided in Mitigation Measures 4.K-1 for potential impacts on schools due to increased enrollments.
FS3 Parks and Recreation	
FS3.2 Parks and Recreation Facilities in New Developments. Ensure that adequate recreation facilities are provided in areas of new residential development as a condition of development approval. Recreation facilities may include but need not be limited to amenities such as playgrounds, drinking fountains, trails, restrooms, picnic tables, play fields, and natural areas.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include new recreation facilities, including bike/pedestrian trails, undeveloped lands along Laguna Creek. <u>In addition, the Project accommodates the, and a potential new Community Center by providing for this use as a "permitted use" in the CC District.</u>
FS3.3 Park Dedication Requirements. Require residential and business developments to make appropriate provisions for park land dedication, trails, trail easements and/or in-lieu fees as part of the planning and development process. Land and/or facilities provided by the developer can be considered for credit toward the park dedication requirement.	<u>Consistent.</u> The Project and Alternative 4 (560 units) include new recreation facilities, including bike/pedestrian trails, undeveloped lands along Laguna Creek, and <u>accommodates the a-potential for a new Community Center.</u> If development does not include an adequate amount of parkland per policy GM1.5), then appropriate in lieu fees or new parklands will be dedicated to the Town.
FS3.6 Access for People of All Abilities. Design and manage park and recreation facilities, including trail facilities, so that people of all abilities can access and enjoy Moraga’s recreational opportunities, consistent with the requirements of the Americans with Disabilities Act (ADA).	<u>Consistent.</u> New park and recreation facilities constructed under the Project and Alternative 4 (560 units) will be ADA-compliant according to state and federal laws.
FS3.7 Parking at Parks and Recreation Facilities. Strive to ensure all adequate parking at parks and recreation facilities.	<u>Consistent.</u> Parking facilities for new facilities under the Project and Alternative 4 (560 units) will be reviewed by the Town to ensure adequate parking is provided.
FS3.14 Neighborhood Compatibility. Ensure that recreational facilities and activities are compatible with the neighboring environment.	<u>Consistent.</u> New recreation facilities are located near the Moraga Center commercial area and Moraga Commons and are compatible with the neighboring environment.
FS3.20 Trails Master Plan. Implement the Moraga Trails Master Plan through ownership and easements to establish and maintain a comprehensive trails network in the Town. Adjust the plan as necessary to take advantage of any new trail opportunities that may arise.	<u>Consistent.</u> The Project and Alternative 4 (560 units) provide new recreation trails compatible with and connect to the existing bike and pedestrian trails network. Proposed projects implemented in the MCSP area will consult with the Town and EBMUD to ensure compatibility with existing trails.
FS3.21 Trail Design and Maintenance. Consider the following when planning, designing, implementing and maintaining trail facilities: <i>Environmental Impacts.</i> Design trails for a minimum adverse environmental impact. <i>Fiscal Impacts.</i> Consider the fiscal impacts of accepting ownership and maintenance responsibility of trail facilities.	<u>Consistent.</u> The Project and Alternative 4 (560 units) provide new recreation trails in areas that minimize impacts to natural resources along Laguna Creek and provide for separation from roads where feasible.

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
<p><i>Safety.</i> Separate trail routes from motor vehicle routes whenever possible.</p> <p><i>Use of Fire Trails.</i> In undeveloped areas, improve existing fire trails for trail use in cooperation with landowners.</p>	
Growth Management	
GM1 Growth Management	
GM1.4 Traffic Service Standards. Establish the LOS standard for all Moraga roads, urban and suburban, as a ‘high C’ (0.75 to 0.79 vehicle to capacity ratio).	<u>Consistent.</u> Traffic analysis shows that standards can be maintained in the Town using mitigation measures to increase capacity at several intersections, including Moraga Road/ Corliss Drive and Moraga Road/Moraga Way.
GM1.5 Other Performance Standards. Establish the following performance standards for other Town facilities, services and infrastructure. These standards pertain to the development review process and should not be construed as applying to existing developed lands. Developments must include mitigation measures to assure that these standards or their equivalent are maintained. Modifications to these standards may be accomplished by a resolution of the Town Council.	See responses below.
<ul style="list-style-type: none"> • Parks. Five acres of parkland per 1000 residents (note: State law allows three acres of parkland per 1,000 residents to be required for dedication). 	<u>Consistent.</u> The Project and Alternative 4 (560 units) include recreation facilities, bike/pedestrian trails, undeveloped lands along Laguna Creek, and revised zoning standards to accommodate the potential new Community Center. If development does not include adequate parkland per policy GM1.5, then in lieu fees or new parklands will be dedicated to the Town.
<ul style="list-style-type: none"> • Fire. A fire station within 1.5 miles of all residential and nonresidential development in the Town, in the absence of appropriate mitigation measures. 	<u>Consistent.</u> MOFD Fire District Station 41 is in the MCSP area.
<ul style="list-style-type: none"> • Police. Maintain a three-minute response time for all life threatening calls and those involving criminal misconduct. Maintain a seven-minute response time for the majority of non-emergency calls. 	<u>Consistent.</u> Police response time to the MCSP area is expected to not exceed three minutes.
<ul style="list-style-type: none"> • Sanitary Facilities. The capacity to transport and treat residential and non-residential wastewater as indicated by the Central Contra Costa Sanitary District. 	<u>Consistent.</u> CCCSD has stated there is adequate infrastructure for increased wastewater flows created by the Project and Alternative 4.
<ul style="list-style-type: none"> • Water. The capacity to provide sufficient water to all residents and businesses in the Town as indicated by the East Bay Municipal Utility District. 	<u>Consistent.</u> EBMUD has stated there is adequate infrastructure for increased water demand created by the Project and Alternative 4.
<ul style="list-style-type: none"> • Flood Control. Containment of the 100-year flood event (as determined by FEMA) by the flood control/drainage system. 	<u>Consistent.</u> The County requires that runoff in excess of existing drainage flows cannot be discharged to receiving streams. Upstream detention is required to reduce peak flows attributed to new development in the Project and Alternative. The Project and Alternative 4 will implement Mitigation Measures 4.D-1a, 4.D-1b, 4.D-2b, and 4.D-3 to ensure flood control objectives are met.
GM1.6 Development Impacts and Share of Costs. Require all new development to contribute to or participate in the improvement of traffic service, parks, fire, police, sanitary, water and flood control systems in	<u>Consistent.</u> Through Development Agreements, the Project and Alternative 4 (560 units) will construct or improve facilities or pay in lieu fees to maintain public services at current levels.

**TOWN OF MORAGA – MORAGA CENTER SPECIFIC PLAN
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

General Plan Goals and Policies	Consistency Analysis
proportion to the demand generated by project occupants and users.	
GM1.7 Development Review and Approval. Approve development projects only after making findings that one or more of the following conditions are met:	See response below.
a) Standards for traffic level of service and facility/service performance will be maintained following project occupancy;	<u>Consistent:</u> Traffic analysis shows that intersection standards can be maintained within the Town limits using recommended mitigation measures to increase capacity at several intersections, including Moraga Road/ Corliss Drive and Moraga Road/ Moraga Way.
b) Mitigation measures are available and will be required of the applicant in order to insure maintenance of standards;	See response above.
c) Capital projects planned by the Town or by a special district will result in maintenance of standards.	See response above.
GM1.10 Findings of Consistency. The Contra Costa Transportation Authority requires that projects estimated to generate over 100 peak-hour vehicle trips to conduct a traffic impact study. In addition, the Lamorinda Project Management Committee (LPMC) is required to review projects that are expected to add an additional 50 peak-hour trips. In such instances, the approval body must make Findings of Consistency with the adopted Level of Service standards and approved action plans in order to approve the project; unless mitigations are programmed to be completed within five years or Findings of Special Circumstances have been made.	<u>Consistent:</u> Prior to Town adoption of the MCSP, the project will be taken to the LPMC for review and determination of consistency with the Action Plan. If necessary, the Project and/or Alternative 4 impacts will be mitigated to meet or exceed predicted impact levels under the Moraga 2002 General Plan implementation alternative.

Sources: MCSP DEIR (June 16, 2008) and MCSP FEIR (March 26, 2009).

MCSP implementation would result in benefits, including revitalization of the Moraga Center, expansion of retail opportunities, creation of 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 the opportunity ~~to accommodate for development of the future~~ community center ~~by making that a permitted land use in the CC zoning district, along with and~~ recreational facilities within the MCSP area. Implementation of the Mitigation Monitoring and Reporting Program that will ensure environmental protections are conducted. Balancing project benefits against potential significant impacts to traffic and circulation and air quality, the Town of Moraga finds that public benefits of the project outweigh unavoidable impacts, and therefore determines that the impacts are acceptable.