

## Public Hearing

### **Proposed Rancho Laguna II - residential subdivision on Rheem Boulevard between Via Barcelona and Fernwood Drive, Conceptual Development Plan (CDP) and Conditional Use Permit (CUP) with Certification of the Final Environmental Impact Report (EIR)**

**NOTICE IS HEREBY GIVEN** that the Town of Moraga Planning Commission will hold a public hearing on the project described above on **Monday August 17, 2009 at 7:30 pm**, at the **Joaquin Moraga Intermediate School Auditorium, 1010 Camino Pablo, Moraga, CA 94556** to consider certification of the Final Environmental Impact Report (EIR) and approval of the Conceptual Development Plan (CDP) and Conditional Use Permit (CUP) for the proposed project.

**PROJECT DESCRIPTION:** The Rancho Laguna II project as proposed by the applicant, is a proposed residential subdivision of 35 lots on a 180.2 acre site **located on the east side of Rheem Boulevard between Via Barcelona and Fernwood Drive in the Town of Moraga**. The project site was formerly part of a larger landholding known as “Rancho Laguna de Los Palos Colorado.” Access to the project will be from Rheem Boulevard at three locations. The proposed project clusters 14 residential lots paralleling Rheem Boulevard (ranging in size from 15,043 sq. ft to 20,933 sq. ft.) and, by separate access, 21 residential lots on the eastern facing slope of the site (ranging in size from 18,988 sq. ft. to 32,714 sq. ft.). The 35 proposed lots and accompanying roadways encompass approximately 21.7 acres, 12% of the 180.2 acre site. A total of approximately 160 acres of open space is proposed to be managed by a Geologic Hazards Abatement District (GHAD) or other approved Town entity and preserved in perpetuity. The open space area includes all of the minor ridgeline and Coyote Creek and the rest of the Moraga Open Space Ordinance (MOSO) designated property. The GHAD or other approved Town entity would be responsible for the management and maintenance of the open space in all respects, including the trails, as well as the storm-water peak flows and water quality and geotechnical stability improvements throughout the project site.

The Rancho Laguna II project, as now recommended for approval by Town staff, has undergone revisions to the project described above and in the Draft EIR. The Draft EIR and Responses to Comments analyzed a 35 lot project, with 21 lots on the southern plateau and 14 lots in the upper and lower Rheem valleys. Following several study sessions with the Planning Commission and input from Town staff, the Applicant proposed a revised 31 lot conceptual development plan for the Rancho Laguna II project. Subsequently, the Planning Commission directed the preparation of documents to analyze a 27 lot project on the property (six lots on “D” Drive and 21 lots above “A” Way) with the lower valley buttress in addition to the upper valley buttress. The objective was to determine if the one remaining significant and unavoidable impact along Rheem Boulevard could in fact be avoided by changes in the design of that preferred 27 lot alternative. The project has been reconfigured, and, as redesigned and mitigated, the

recommended 27 Lot Project will have no significant and unavoidable impacts. The plan that is recommended by staff for approval by the Planning Commission reduces all environmental impacts to less than significant. This was accomplished by: (i) moving the “D” Drive entry to the south end of the upper Rheem valley; (ii) changing the landscape plan to maintain a “cone of vision” for southbound travelers on Rheem Boulevard; (iii) restricting the six lots to single story homes on flat pads (with 18-21 feet as the standard for these planned development lots in order to provide some articulation to improve the streetscape); (iv) providing a landscape buffer between “D” Drive and the six homes to help screen them from Rheem Boulevard; and (v) modifying the evergreen tree and shrub palette in the buffer areas on either side of “D” Drive to a height that screens the homes but does not block the views of the hillsides and skyline above them.

**EIR CERTIFICATION:** A Draft EIR was prepared for this project to assess potential environmental impacts and was made available and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act (CEQA). It also examined environmental impacts for alternatives to the project as required by CEQA. The DEIR document was available for public comment for a 76-day public review period from July 11, 2006 until September 25, 2006. The Town also held two public hearing on July 17, 2006 and August 7, 2006 to receive public comment on the Draft EIR.

A Final EIR has been prepared and made available to the public on August 19, 2008. It responds to the comments received on the Draft EIR and proposes text revisions to the Draft EIR in response to some comments. Pursuant to direction from the Planning Commission at its last public hearing on the project, staff has updated the environmental documentation to address the 27 lot project, which is a project that has fewer lots than previously analyzed in the Draft EIR. The Mitigation Monitoring and Reporting Program has been also been updated to reflect the 27 lot project.

The Planning Commission will certify the Final EIR if it finds it acceptable and in conformance with CEQA. EIR certification must occur prior to action on the project. Unlike the Draft EIR, comments on the Final EIR are not required to be responded to by the Town. If written comments are received, they will be provided to the Planning Commission as part of the staff report. It should be noted that the certification of the Final EIR does not constitute approval of the project for which it was prepared. The decision to approve or deny the project will be made separately by the Planning Commission.

All testimony must either be given in person at the time of the public hearing or received in writing by the Planning Department prior to the date of the public hearing. Testimony cannot be given over the telephone. If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Town Council within the time period established in the Municipal Code is required and you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, said public hearing.

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