MORAGA CENTER SPECIFIC PLAN

Final Environmental Impact Report

STATE CLEARINGHOUSE NO: 200707212

Town of Moraga Planning Department
329 Rheem Blvd, Suite 2
Moraga, CA 94556

March 26, 2009

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in association with
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6 RESPONSES TO COMMENTS ON THE DRAFT EIR

6.1 INTRODUCTION

The regulations for implementing CEQA direct the lead agency to respond to substantive public comments received on the Draft EIR (Guidelines 15204(a)). All comments received during the comment period for the Draft EIR are responded to in this Chapter. The range of possible responses includes requiring specific mitigation measures, modifying alternatives, supplementing analyses, making factual corrections, and explaining why comments do not warrant further agency response. In cases where public response has been especially voluminous, the agency may summarize or consolidate similar comments, as long as all substantive issues are represented.

This chapter includes responses to each individual oral and written comment on the Draft EIR. Written comments are included in Section 6.5 and oral comments follow in Section 6.6. Editorial revisions to the Draft EIR made by the Town in response to comments are referenced in the Responses to Comments sections and printed in Chapter 7. Text revisions included in Chapter 7 are formatted in revision fashion: strikeouts indicate removed text and underlines indicate new text.

6.2 PUBLIC REVIEW PROCESS FOR THE EIR

The public comment period for the Draft EIR 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 Draft EIR. The Draft EIR was also made available to the public on the Town's web site (http://www.moraga.ca.us).

The Town will hold several meetings to consider certification of the EIR. A meeting in front of the Planning Commission for a recommendation on certification will take place prior to a meeting in front of the Town Council to consider certification. Meeting dates will be posted on the Town's website (http://www.moraga.ca.us) and may be adjusted based on Council direction at the first hearing. In order to certify the Final EIR, the Town must find that:

a) the Final EIR has been completed in compliance with CEQA; and

b) the Final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the Final EIR prior to selection of a Project (CEQA Guidelines 15090).

If the Town certifies the Final EIR, the Town will make the final decision regarding the approval of a Moraga Center Specific Plan, and the Notice of Determination will be filed.

At the time of considering approval of the Specific Plan, the Town must consider the information presented in the Final EIR. Because the project has significant, unavoidable environmental impacts, the Town must find that the benefits of the project outweigh the environmental effects before it may approve the project. This is called a Statement of Overriding Considerations and it must be included in the record of project approval (CEQA Guidelines 15093).

6.3 USE OF COMMENT SUMMARIES

The full text of all written comments is included in Appendix G. Each comment is identified by a comment number in the margin; responses use the same corresponding number system. In addition, to facilitate reading the response to comments, a summary of each comment is inserted in italics just prior to each response. This summary does not substitute for the actual comment; the reader is urged to read the full original text of all comments. The responses are prepared as an answer to the full text of the original comment, and not to the abbreviated summary.

6.4 LIST OF COMMENT LETTERS RECEIVED

The comment letters have been numbered based upon date of receipt. Fifty (50) comment letters were received on the Draft EIR. Each comment letter is identified below by comment number, comment author and date received. Written responses to each comment letter received are provided in Section 6.5 below.

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
1	Pickett, Bob	C and C Equity Company	2703 Ridgeview Lane Walnut Creek, CA 94598	June 16, 2008
2	Srivatsa, Niroop	City of LaFayette Planning and Building Services Manager	3675 Mt. Diablo Blvd Suite 210 LaFayette, CA 94549	June 25, 2008
3	Muzzini, Anne	The County Connection (CCCTA) Director of Planning	CCCTA- Administrative Offices 2477 Arnold Industrial Way Concord, CA 94520	July 7, 2008
4	Smith, Victoria	Mayor of City of Orinda	City of Orinda PO Box 2000 22 Orinda Way Orinda, CA 94563	July 7, 2008
5	Kalvass, George	Moraga Resident	George.m.kalvass@kcc.com	July 9, 2008
6	Comprelli, Frank	Moraga Bluffs Resident Committee	1844 Joseph Drive Moraga, CA 94556	July 10, 2008
7	Kirkpatrick, William R.	Manager of Water Distribution Planning- East Bay Municipal Utility District	375 Eleventh Street Oakland, CA 94607	July 28, 2008

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
8	Humm, Dee and Dave	Resident of Moraga	Dmh2@silcon.com	July 21, 2008
9	Osborn, Verna	Resident of Moraga	vernaosbornEearthlink.net 1937 Ascot Drive Moraga, CA 94556	July 19, 2008
10	Ramazetti, David	Resident of Moraga	899 Camino Ricardo Moraga, CA. 94556	No Date
11	Delaney, Lindsay	Resident of Moraga	905 Camino Ricardo Moraga, CA 94556	July 25, 2008
12	Townsend, Jim	Trails Development Program Manager-East Bay Regional Park District	2950 Peralta Oaks Court PO BOX 5381 Oakland, CA. 94605	July 25, 2008
13	Johnson, James P.	258 Claudia Court Moraga, CA 94556	jimpjohnson@comcast.net	July 7, 2008
14	Deschmbault, Lynda	Environmental Chemist		No Date
15	Murtagh, Ceil	Resident of Moraga	62 Corte del Caballo Moraga, CA 94556	July 26, 2008
16	Giordani, John	Resident of Moraga	9 Avila Place Moraga, CA 94556	No Date
17	Maher, Rebecca	Moraga Resident	No Address	No Date
18	Sanderson, Garrett	Resident of Moraga	gsanderson@cbmlaw.com 41 Corte de Rosas Moraga, CA 94556	July 28, 2008
19	Waters, Corey R.	Resident of Moraga	5 Whiting Court Moraga, CA 94556	July 28, 2008
20	Wechser, Mark	Resident of Moraga	Corliss Drive Moraga, CA 94556 wechser@yahoo.com	July 28, 2008
21	Weinstein, Joseph	Resident of Moraga	5 Avila Lane Moraga, CA 94559	July 28, 2008
22	Buchman, Wendy	Resident of Moraga	wlbuchman@yahoo.com	July 29, 2008
23	Windatt, Rich	Resident of Moraga Managing Director of UBS Prime Brokerage Services	Whiting Court Moraga, CA. 94556	No Date
24	Botsford, john and Kristina	Residents of Moraga	794 Crossbrook Drive Moraga, CA. 94556	July 30, 2008
25	Grossberg, John		No Address	No Date
26	Hayes, Connie	Resident of Moraga	184 Corliss Drive Moraga, CA. 94556	July 30, 2008
27	Reid, Amy	Resident of Moraga	244 Corliss Drive Moraga, CA.	No Date
28	Taylor, Mark	McMorgan and Company LLC	425 Market Street, Suite 1600 San Francisco, CA 94105	No Date
29	Becker, Damon	Resident of Orinda	11 Aspinwall Court Orinda, CA 94563	July 31, 2008

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
30	Smith, Victoria	Mayor of City of Orinda	PO Box 2000 22 Orinda Way Orinda, CA 94563	July 31, 2008
31	Loewke, Richard T	Bruzzone Family	547 Wycombe Ct San Ramon, CA. 94583	July 31, 2008
32	Myers, Brian and Heather	Residents of Moraga	1306 Rimer Drive Moraga, CA.	July 31, 2008
33	Carboni, Lisa	District Branch Chief- California Department of Transportation	111 Grand Avenue PO BOX 23660 Oakland, CA. 94623	July 31, 2008
34	Grossberg, John		jbgphdmft@yahoo.com	August1, 2008
35	McGough, Ruth	Resident of Moraga	Donald Drive # 3 Moraga, Ca 94556	August 1, 2008
36	McGuire, Kevin	Resident of Moraga	3 Whiting Court Moraga, CA.	August 4, 2008
37	Meyers, Stephen	Meyers, Nave, Riback, Silver and Wilson Professional Law Corporation	555 12th Street Suite 1500 Oakland, Ca. 94607	July 31, 2008
38	Olsen, Richard	Resident of Moraga	1861 St. Andrews Drive Moraga, CA 94556	August 1, 2008
39	Williams, Todd A.	Morgan Millar Blair- A Law Corporation submitted on behalf of Sonsara HOA and select residents	1331 North California Boulevard Suite 200 Walnut Creek, CA. 94596	August 1, 2008
40	Wonder, Brigid	Resident	wonderventures@yahoo.com	August 1, 2008
41	Argabright, Keith	Resident of Moraga	777 Camino Ricardo Moraga, CA	July 31, 2008
42	Croates, Ashley	Resident of Moraga	3902 Paseo Grande Moraga, CA. 94556	August 1, 2008
43	Anderson, Mike	Mayor of Lafayette	3675 Mt Diablo Blvd. Suite 210 Lafayette, CA. 94549	August 1, 2008
44	Bhattacharya, Joy and Kluter, Andrew	TJKM Traffic Consultant- for City of Lafayette		July 31, 2008
45	Sproul, Malcolm	Resident of Moraga	45 Williams Drive Moraga, CA 94556	July 28, 2008
46	Pickett, Bob	Pickett Development Company	2703 Ridgeview Lane Walnut Creek, CA. 94598	July 31, 2008
47	Wilson, Stephen	Tobin and Tobin	500 Sansome Street Eighth Floor San Francisco, CA. 94111	August 1, 2008
48	Wilson, Stephen	Tobin and Tobin	500 Sansome Street Eighth Floor San Francisco, CA. 94111	August 1, 2008
49	William, Dick	Resident of Moraga	84 Greenfield Drive Moraga, CA. 94556	August 1, 2008

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
50	Ludwig, Stephen and Dana	Resident of Moraga	147 Corliss Drive Moraga, CA. 94556	August 1, 2008

6.5 RESPONSE TO WRITTEN COMMENTS

Each individual comment is summarized below in italics text followed by a response to the comment in non-italicized text. Each individual comment is identified by letter number and comment number and can be located in its original form in the Appendices that follow this chapter.

Comment Letter 1 – Robert Pickett, For C&C Equity Company, June 16, 2008

Comment 1-a: *Comment Summary – C and C Equity Company owns a long and narrow 14.26-acre parcel in MCSP Area 7 (MCSP Figure 4-1, page 26) and requests an emergency vehicle access to Moraga Road. The access could be a pedestrian and bicycle connection from Moraga Commons and surrounding neighborhoods, but would not be used as a vehicular thoroughfare.*

Internal circulation will be developed during the detailed project application process. A connection from the C and C property can be provided to the Village using an EVA and pedestrian access. A connection to Moraga Road through Area 7 is not proposed because of potential impacts to riparian corridors.

Comment 1-b: *Comment Summary – Suggests eastern portion of Area 7 as a 2-acre location for senior housing.*

Given the environmentally sensitive nature Area 7 between two riparian corridors and the distance from other MCSP amenities (e.g., commercial), the Town disagrees that this site would be a good location for senior housing.

Comment Letter 2 – Niroop Srivatsa, City of Lafayette Planning, June 24, 2008

Comment 2-a: *Comment Summary – Requests that the public comment period be extended past August 1, 2008 because many Lamorinda residents are away on vacation and there are potentially significant impacts on the roads and intersections in Lafayette.*

Public Resources Code (PRC) Section 21091(a) requires that the public review period for a draft environmental impact report be at least 30 days, unless the document is submitted to the State Clearinghouse for review, in which case the public review period must be at least 45 days. The Draft EIR public review period lasted 46 days from June 17, 2008 to August 1, 2008. On July 22, 2008, the Town Council considered arguments to extend the

public review period beyond the statutorily-required period and declined to do so.

Section 15087(i) of the CEQA Guidelines encourages, but does not require, public hearings as an element of the CEQA process. The Town of Moraga held three public hearings to solicit comments on the proposed MCSP and Draft EIR. The Parks and Recreation Commission held a public hearing on July 7, 2008, and the Town Council held hearings on July 9 and July 22, 2008. This exceeds CEQA requirements to inform the public and solicit comments on the MCSP project and Draft EIR.

The Town has the option to consider and respond to written comments received after the close of the public review period, but the Town is not legally obligated to do so.

The Lamorinda Program Management Committee (LPMC) and the cities of Orinda and Lafayette will review the MCSP for consistency with the Lamorinda Action Plan (LAP) because buildout will generate more than 50 new vehicle trips. If the MCSP is found to be inconsistent with the LAP, the Town Council could decide to modify the MCSP or request an amendment to the LAP so that it would be consistent. If there is a conflict between jurisdictions, then the conflict resolution process outlined in the LAP would occur.

Comment Letter 3 – Anne Muzzini, CCCTA, July 1, 2008

Comment 3-a: *Comment Summary – The transportation element of the MCSP accurately reflects the bus transit services to the project area.*

Comment noted.

Comment 3-b: *Comment Summary – Requests a bus cutout and shelter in front of the Community Center to increase pedestrian access to public transportation.*

Mitigation Measure 4.F-4 provides for the increase in transit opportunities, including providing addition bus stops, routes, and bus service. Specific locations and designs of transit stops would be developed at the individual project level. Mitigation Measures 4.F-10a and 4.F-10b outline pedestrian and bicycle features that will facilitate walking and biking trips to and through the area.

Comment 3-c: *Comment Summary – Retain existing stops along Moraga Way and Moraga Road.*

The MCSP does not propose removing existing bus stops.

Comment 3-d: *Comment Summary – Improvements to pedestrian circulation and transit access should be identified as mitigation for the growth planned in the MCSP area.*

Please see Response to Comment 3b.

Comment Letter 4 – Victoria Smith, Mayor, City of Orinda, July 2, 2008

Comment 4-a: *Comment Summary – Requests a 45-day extension of the public comment period, as justified by the size and nature of the MCSP and the technical*

complexity of the environmental analysis. Staff and Councilmember summer vacation schedules result in conflict with the comment period deadline.

Please see Response to Comment 2-a.

Comment Letter 5 – George Kalvass, Moraga Resident, July 9, 2008

Comment 5-a: *Comment Summary – Main concern is traffic, especially 2,000-3,000 more daily car trips on Moraga Road and impacts to emergency vehicle access.*

The five roads providing access to Moraga average 50,000 vehicle trips per day. Based on trip generation methodologies (pages 4.F-22 through 4.F-24) in the Draft EIR, the MCSP generates 5,060 new vehicle trips on a typical day (Table 4.F-7), with 1,834 trips entering or leaving Moraga on its five access roads. Therefore, the project would represent a 3.6% increase in daily traffic on Moraga's access roads. This level of traffic change will not adversely impact existing emergency vehicle response times.

Project traffic would contribute up to 52 PM peak hour vehicle trips to the Moraga Road/St. Mary's Road intersection, representing less than a 2.6% increase to the existing 1,966 vehicles during the PM peak hour. Tables 4.F-11 and 4.F-12 identify existing and with project AM and PM peak hour traffic volume and LOS along Moraga Road, respectively. Draft EIR Impacts 4.F-9 and 4.L-2 state that the expected level of traffic changes due to the proposed project will not adversely impact emergency vehicle response times or require changes to evacuation plans.

Comment 5-b: *Comment Summary – The traffic studies should take into consideration that Moraga is a "cul-de-sac" community. Controlled, sustainable growth is supported, but Moraga infrastructure must handle each new development before adding the next round of increases. The existing roadway infrastructure cannot accommodate additional traffic associated with the project.*

The Draft EIR Section 4.F considers existing traffic and roadway capacity on routes into and out of Moraga. The comment does not provide new information or describe how the analysis is inadequate. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 5-c: *Comment Summary - How do other Bay Area communities comply with ABAG guidelines (e.g., Los Altos Hills, Hillsborough)?*

Cities use a variety of techniques to comply with state housing law. One technique for cities to meet their "fair share" requirements for affordable housing is to provide land use designations and zoning that meet the state "affordable by design" criteria of at least 20 dwelling units per acre (dua). Other cities may emphasize the use of second units in single-family residential areas, or provide economic incentives to develop affordable housing.

Cities are not required to ensure affordable housing is built. Instead, the State of California Housing and Community Development (HCD) Department requires cities to provide suitable policies, land use designations and zoning that could accommodate their fair share of affordable housing.

The Association of Bay Area Government (ABAG) prepares the Regional Housing Need Allocation (RHNA), which is the number and affordability levels of housing units to be provided by each jurisdiction.

Draft EIR page 4.B-4 explains the criteria to determine housing affordability as based on local median income levels. Housing that is affordable to residents earning less than 50% of the median household income is considered very low income, low income is less than 80% of the median, moderate is less than 120% of the median, and above moderate housing is affordable to those earning more than 120% of the median income. The median household income for a family four in Contra Costa County is approximately $83,800.

According to a June 20, 2007 memorandum from Cathy Creswell, Deputy Director of the state HCD, Moraga needs to provide a total of 307 units in the 2007-2014 planning period as listed below.

Income Affordability Level	Very Low	Low	Moderate	Above Moderate
1999 RHNA	32	17	45	120
Units constructed	21	0	0	65
Previously identified sites currently available (capacity)	0	0	0	189*
Sites rezoned pursuant to Housing Element Program	0	0	0	0
Site rezoned (other)	0	0	0	0
Remaining need from 1999-2006 planning period	11	17	45	0
2007 RHNA	73	47	52	62
Total allocation for 2007 – 2014	**84**	**64**	**97**	**62**

*The Palos Colorados development = 123 units, and the Country Club development = 66 units.

Cities are required to update the Housing Elements in their General Plans every five years to address changes in housing law and revised RHNAs. The state HCD reviews draft elements for compliance with existing laws and regulations, and has authority to certify the Housing Element. Other Bay Area cities updating their housing elements include Hillsborough and Los Altos Hills. As an example, the following from the Town of Hillsborough website summarizes their Housing Element update process.

2009 HOUSING ELEMENT EXECUTIVE SUMMARY
Welcome to the Town of Hillsborough's 2009 Housing Element process

The Town successfully adopted a Housing Element in 2002 which was certified by the State of California Department of Housing and Community Development (HCD). For preparation and certification of the last Housing Element, a fourteen member "Housing Element Steering Committee" was appointed to include citizens from different geographic areas, professional fields and economic segments within the Town to identify key policies and develop strategies to maximize affordable housing opportunities for the community. The Town has commenced work on its 2009 Housing Element using a similar process. The draft 2009 Housing Element has been prepared based on the following:

- State Law requires that all Bay Area jurisdictions adopt and forward a Housing Element to the California Department of Housing and Community Development (HCD) by June 30, 2009.

- A key part of every Housing Element cycle is the development of the Regional Housing Needs Allocation (RHNA), which is the number and affordability levels of housing units to be provided by each jurisdiction.

- The Town's housing allocation requires that the Town plan for (there is no requirement to build) the creation of 86 new units between 2007 and 2014. Of these units, 34 units would need to be affordable to lower income households. The Town's allocation for the prior Housing Element cycle required planning for 84 new housing units. From 1999 through 2006, Hillsborough planned for 133 new units, and issued permits for 95 net new units. Of the net new units, 49 were second dwelling units having the potential to provide below market level housing within the Town. The Draft 2009 Housing Element demonstrates that the Town should be able to continue to meet the requirements for planned new units for all income levels for the 2009 Housing Element cycle.

After working with the Citizens Steering Committee for the last seven months, the Town is presenting a draft 2009 Housing Element for community-wide review and consideration. The draft builds on the current Housing Element, most of which remains as approved and adopted in 2002. The key changes (other than updates to statistical information) are:

Second Units: Second units are the most important contributors to affordable housing in Hillsborough. For this Housing Element cycle, HCD – while recognizing the town's success in spurring the production of second units – is requesting supporting information that second units do in fact provide affordable housing. Since Hillsborough's single family residential zoning is a key component of it's essential and unique character, the continuance of second units (as opposed to higher density/multi-family housing zoning districts) to serve our affordable housing needs is imperative. In conjunction with Countywide efforts, we must demonstrate that second units are affordable housing. Additionally, we propose to begin collecting information on new second units to determine their general use (i.e., for rent, family, etc), rent range if applicable, number of bedrooms, and floor area.

Emergency Shelter for the Homeless: State Law passed in 2007 requires that every city provide an area within their borders for emergency shelter adequate to meet the community's local homeless needs. The Town's Police Department is conducting assessments of the homeless situation to verify our needs. As is the case with other State housing requirements, we are not required to build an emergency shelter. However, we need to provide a planning opportunity for such a shelter. State Law allows us to develop standards to control hours of operation, maximum number of beds, etc. One option that has been discussed is the former fire station within the Civic Center/Town Hall area. This would allow the Town to manage and maintain control over such a facility should an applicant come forward with a request to build and operate an emergency shelter within the Town.

Transitional and Supportive Housing (Assisted living for lower income persons to improve their health status and long term self-sufficiency): State Law supersedes local law and requires that all California jurisdictions allow these facilities as permitted uses in the same manner as single-family residential uses. The Town's Zoning Ordinance currently permits these uses.

Please contact Elizabeth Cullinan, at 650 375 7411 or **ecullinan@hillsborough.net** or go to **http://www.hillsborough.net/depts/planning/2009_housing_element_process/default.asp** for further information.

Similar to Hillsborough, the City of Los Altos Hills housing element process is underway. On January 8, 2009, the City of Los Altos Council considered formation of an ad hoc subcommittee in accordance with a staff

recommendation. According to the staff report, the housing needs allocation for Los Altos Hills in the 2007-2014 planning period is 81 units including 27 very low income units, 19 low income units, 22 moderate income units and 13 above moderate income units.

Legal and Financial Risks and Recent Housing Element Litigation

Moraga self-certified its last Housing Element and has not been sued. There is considerable legal and financial risk to the Town for not complying with state housing law or attaining a state HCD certified General Plan Housing Element. The Town currently receives about $250,000 per year in Measure C transportation funds that would be at risk without a certified Housing Element. The following summarizes recent court cases and litigation involving California cities and counties failing to comply with state housing law or properly implement their Housing Element. In a series of court cases, no city or county has prevailed on the legal theory that it does not have to comply with state housing law.

City of Corte Madera. Sued by Legal Aid and Public Advocates, Inc. The Court issued an injunction against the City of Corte Madera which settled the lawsuit on the condition that the City meet a series of stringent requirements, including attaining a state certified Housing Element and imposing a fee on commercial development to fund affordable housing. The Court prohibited the City from approving anything but affordable housing development on 10 key sites until it obtained a state certified housing element. The Court awarded substantial attorney's fees to plaintiffs.

City of Benicia. Sued by the California Affordable Housing Law Project (CAHLP) with the claim that the state HCD certified the City of Benicia's Housing Element "based on paper." CAHLP photographed sites the City had identified, and some were underwater, others were already developed. The state HCD rescinded certification, and the City settled after six months of litigation and was ordered to pay $90,000 in attorney's fees to CAHLP. A new City Council reneged on the agreement and appealed the Court's judgment three times, and lost each appeal. The City spent over $500,000 in attorney's fees, and the final settlement exceeded the requirements under state law.

City of Pittsburgh. Sued by the CAHLP and Public Advocates, Inc. The legal settlement committed the City to produce 990 units of affordable housing over nine years. Of the 990 units, at least 396 are required to be affordable to very low income, and 200 must be built within four years. The City also agreed to provide incentives for construction of larger units, units affordable to extremely low income residents, and to provide a preference to ensure that people who live or work in the City will benefit from the new units.

City of Folsom. Sued by Legal Services. The City of Folsom had previously signed an agreement to produce 650 affordable units within four years, but none of the 7,000 housing units approved by the City during the 10 years prior to litigation were for low or moderate income residents. The Court ordered moratoria on development of 600 acres until the City attained a state certified Housing Element. A stipulated judgment required the City to

rezone 128 acres for affordable housing, to create incentives for developers, and to create an affordable housing trust fund.

City of Mission Viejo. Sued by CAHLP and Legal Aid. The City of Mission Viejo's RHNA was small; only 94 more units were required. The City failed to comply with the RHNA, the state HCD rescinded certification of the City's Housing Element. The Court issued a writ against Mission Viejo and ordered moratoria on the three sites the City had identified but not rezoned for affordable housing. The court gave the City 120 days to comply with the writ or be held in contempt of court. Attorney's fees will be determined upon final judgment.

City of Pasadena. Sued by CAHLP and Legal Services, the court ordered moratoria on all development until the City of Pasadena attained a state HCD certified Housing Element.

County of Sacramento. Sued by Legal Services for failure to implement its Housing Element. The court ruled against County of Sacramento in several proceedings, resulting in a stipulated judgment to implement its Housing Element. The Court awarded substantial attorney's fees to plaintiffs and ordered the County to adopt upgraded development standards for multi-family projects and enact amendments to the zoning code to ensure that multi-family projects are reviewed through a simplified process. The County imposed a moratoria prohibiting building except multi-family residences on lands zoned Limited Commercial or Shopping Center. The County adopted an Inclusionary Zoning Ordinance. The Legal Services lawsuit remains active on claims that the County of Sacramento has still not complied with the settlement agreement.

County of Mendocino. Sued by Legal Services and the CAHLP, the state HD required Mendocino County to rezone 40 acres for affordable housing. The County's sites were not physically or realistically capable of accommodating affordable housing. The settlement implemented a moratorium on development if the County did not attain a stated HCD certified Housing Element. The attorney's fees awarded for pre-litigation work was based on the public benefit theory. The state HCD has conditionally certified the County's Housing Element, but the court monitors ongoing County compliance.

County of Sonoma. Sued by the Sonoma County Housing Advocacy Group, the court ordered moratoria on all development until the County of Sonoma attained a stated HCD certified Housing Element. The County was ordered to pay over $300,000 in plaintiff's attorney fees.

County of Madera. Sued by California Rural Legal Assistance, the County of Madera challenged the Housing Element law as an "unfunded mandate," a defense which the County Counsel described as handing a "slam dunk" win to the plaintiffs. The Court ordered the County to pay the plaintiffs attorney's fees.

County of Napa. Sued by California Rural Legal Assistance and Public Advocates, Inc. The Court ordered a stipulation that the County of Napa : (1) Make adequate provision for low income and farmworker housing in its General Plan; (2) Identify and rezone sites to accommodate affordable

housing; (3) Allocate funds from its trust fund for affordable housing and (4) Prohibit market rate development from sites "restrained" to affordable housing, as determined by the plaintiff. The court ordered moratoria on development and was ordered to pay plaintiff's attorney fees.

Comment 5-d: *Comment Summary – New retail might be frequented enough to provide increased sales tax revenues, but many Moragans will still shop Walnut Creek or Lafayette.*

The Moraga Center Specific Plan Market Assessment by Economic & Planning Systems, Inc. (EPS 2006) provided in Appendix A to the MCSP analyzes current economic conditions in Moraga, including unmet retail demand in the Town. As stated in the Draft EIR Chapter 2, the schedule of the MCSP buildout is unknown, but is likely to occur over several years in response to market demand. The comment does not identify specific information on what topic or impact is inadequately addressed. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment Letter 6 – Frank Comprelli, Moraga Resident, July 10, 2008

Comment 6-a: *Comment Summary – Main concern is traffic safety at Bollinger Canyon Road and St. Mary's Road, as this intersection is a single chokepoint for the 153 existing homes to access any services in Moraga.*

Draft EIR Table 4.F-2 presents the peak hour traffic analysis results to determine if a signal is warranted at the intersection. The analysis considered existing conditions, the future conditions with the project, and the cumulative build out condition along the Bollinger Canyon Road corridor. While the three intersections referenced by the commenter have similar peak hour traffic volumes on St. Mary's Road, the side street volumes at St. Mary's Parkway and Rheem Boulevard are higher than at Bollinger Canyon Road. The side street volume threshold for a traffic signal was exceeded for the first two intersections but not for Bollinger Canyon Road.

Comment 6-b: *Comment Summary – The Draft EIR fails to analyze traffic from the proposed Bollinger Valley Project's 126 dwelling units that must also pass through Bollinger Canyon Road and St. Mary's Road intersection.*

Traffic volumes from the proposed Bollinger Valley project were added to the intersection of St. Mary's Road/Bollinger Canyon Road under cumulative scenarios. This increase in volume was used in the intersection analysis for all cumulative scenarios. Draft EIR Appendix D includes figures showing intersection volumes.

Comment 6-c: *Comment Summary – Appendix D of the Draft EIR does not include the 799 dwelling units in the analysis. Request a full build-out scenario for 2030.*

The project was evaluated under three buildout scenarios: existing, existing plus approved projects, and cumulative buildout. The cumulative buildout scenario represents a potential baseline condition in Year 2030 based on growth consistent with general plan development in Lafayette, Moraga, and Orinda. Development projects assumed in the existing plus approved scenario are listed in Table 4.F-4 (page 4.F-17) while additional projects (Table 4.F-5) were assumed for the cumulative scenario. The cumulative

scenario included an additional 2% increase in intersection traffic volumes to account for general infill housing projects not listed in the tables. The projected cumulative volumes at the Moraga/Lafayette border on St. Mary's Road increase to about 1,120 vehicles during the AM and PM peak hours.

Comment 6-d: *Comment Summary – Four cars/minute will be attempting to egress Bollinger Canyon from 7 am to 7 pm from 279 dwellings (153 existing and 126 planned) representing 2,957 trips.*

Trip generation rates were applied to the Bollinger Valley project and added to existing intersection counts at St. Mary's Road/Bollinger Canyon Road. The resulting volumes are shown in Figure 7.1B (Draft EIR Appendix D) and include 100 left and 60 right turns from Bollinger Canyon Road in the AM peak hour (three cars/minute) and 60 left and 40 right turns from Bollinger Canyon Road in the PM peak hour (two cars per minute). The rate will be lower in the off-peak hours.

Comment 6-e: *Comment Summary – Most cars will be turning left (access to Moraga, Orinda), requiring simultaneous interval in two lanes of opposing traffic, making the left turn from Bollinger Canyon to St Mary's Road unsafe.*

As indicated in Figure 7.1B (Appendix D of the Draft EIR) during both the AM and PM peak hours 60% to 65% of the Bollinger Canyon Road traffic turns left onto St. Mary's Road. These volumes represent cumulative traffic growth in the Lamorinda community including the Bollinger Valley project. As shown in Table 4.F-2, even with the cumulative traffic growth the Bollinger Canyon Road/St. Mary's Road intersection does not meet the peak hour warrant for traffic signal installation. Please see Response to Comment 6-a regarding the traffic signal warrant analyses.

Comment 6-f: *Comment Summary – Other concerns at this intersection include high potential for rear-end collision while waiting for safe turn opportunity due to blind spots and excessive speed.*

According to the State-wide Integrated Traffic Records System (SWITRS) Database, three collisions occurred from 2002 through 2006 near the St Mary's Road/Bollinger Canyon Road intersection, none involving injuries. The Caltrans threshold to consider signalization is five accidents in one year. The data do not indicate an existing accident trend at this intersection. Moraga commissioned a separate study to evaluate the curve alignment on St. Mary's Road in this area, which will provide a more detailed engineering analysis.

Comment 6-g: *Comment Summary – Bollinger Canyon-St. Mary's intersection cannot be considered independently of the Rheem Blvd-St. Mary's Road intersection (100 yards distance) because of the blind s-curve with a concomitant drop in grade, followed by an uphill grade to the Rheem intersection. Requests that these two intersections focus on the impacts of increased traffic at these intersections.*

According to SWITRS, from 2002 through 2006 there have been nine collisions near the St. Mary's Road/Rheem Boulevard intersection, which is below the Caltrans threshold of five accidents in one year to consider signalization. This data does not indicate that there is an existing accident trend at this intersection. Moraga commissioned a separate study to evaluate

the curve alignment on St. Mary's Road in this area, which will provide a more detailed engineering analysis.

Comment 6-h: *Comment Summary – Concerned about the use of LOS ratings and that these ratings don't adequately describe these intersections.*

LOS is the accepted standard for quantitatively determining project impacts at the 51 study intersections. Sight distance and the collision rate are important considerations when evaluating whether or not a particular mitigation measure is feasible and practical. To address concerns along St. Mary's Road, Moraga commissioned a separate study of the curve alignment in this area and will consider the impact of placing all-way stop signs.

Comment 6-i: *Comment Summary – Recommends the traffic engineer experience on the ground- turning left from Rheem Boulevard onto St. Mary's Road and turning right from Rheem Boulevard onto St. Mary's Road.*

The Town is evaluating the specific design issues raised by the comment as part of a separate curve alignment study which will also consider stop sign installations.

Comment Letter 7 – William Kirkpatrick, EBMUD, July 21, 2008

Comment 7-a: *Comment Summary – A Water Supply Assessment (WSA) is required for development that would demand an amount of water equal to or more than a 500-dwelling unit project (CEQA Section 15083.5). A written request to EBMUD will be necessary and the WSA may take up to 90 days to prepare.*

Comment noted. The WSA will be prepared when and if a Moraga Center Specific Plan development application with more than 500 dwelling units is proposed. The Draft EIR Impact 4.J-1 states that EBMUD's Water Supply Management Plan (WSMP) for the year 2030 indicated sufficient water supply is available for buildout of the Moraga General Plan.

Comment 7-b: *Comment Summary – Bryant Pressure Zone will serve the MCSP and main extensions may be required at the project sponsor's expense. Depending on metering and fire flow requirements set by local fire department, off-site pipeline improvements may also be required.*

Infrastructure connections required for development will be identified at the time of project applications and the project sponsor will pay appropriate connection fees.

Comment 7-c: *Comment Summary – EBMUD owns and operates water transmission and distribution mains in rights-of-way that transverse the MCSP area. The integrity of these mains must be maintained.*

Construction within public rights of way will follow standard procedures to locate and avoid existing buried infrastructure. Project applicants will be required to consult with EBMUD during the design phase to coordinate work in the vicinity of existing infrastructure.

Comment 7-d: *Comment Summary – EBMUD Policy 8.01 requires that customers use non-potable water for non-domestic purposes when it is of adequate quality and quantity, available at a reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. The MCSP is a candidate for*

recycled water through a satellite treatment system. Submit an estimate of potential recycled water demand with a detailed map showing application areas.

During the project design review phase, the Town will require project applicants to consult with EBMUD to determine the feasibility of using non-potable or recycled water for landscaping and other non-domestic purposes.

Comment 7-e: *Comment Summary – EBMUD will provide input on design and implementation of BMPs to protect the water quality of the Upper San Leandro Reservoir.*

Development of best management practices (BMPs) is addressed in Draft EIR Mitigation Measures 4.D-1a, 4.D-2b, 4.D-3, and 4.D-8. Site-specific BMPs for water quality protection and slope stabilization will be identified during project design and project permitting, and will be submitted to EBMUD for review. BMPs must comply with the conditions set forth in the NPDES General Construction permit and Storm Water Pollution Prevention Plan (SWPPP) required by the San Francisco Bay Regional Water Quality Control Board (SFRWQCB). Permanent, post-construction BMPs will be designed to control, collect and infiltrate runoff from impervious surfaces of the MCSP project area. Post-construction BMPs required as part of the Federal NDPES program must adhere to Contra Costa Clean Water Program C.3 standards. The SFRWQCB added provision C.3 to the State NPDES General Construction Permit in February 2003. Proposed developments must comply with Moraga General Plan goals, objectives, and policies for hydrology, surface water, and groundwater resources in the project area.

Comment 7-f: *Comment Summary – Consider opportunities to incorporate water conservation measures and comply with Moraga's Landscape Water Conservation Guidelines.*

Project applicants are required to submit project designs for the Town review compliance with Landscape Water Conservation Guidelines and for EBMUD to review water conservation measures during the project application phase.

Comment Letter 8 – Dee Humm, Moraga Resident, July 21, 2008

Comment 8-a: *Comment Summary – Opposes the "vision" of the MCSP; additional housing is not consistent with the semi-rural nature of Moraga.*

MCSP consistency with General Plan goals and policies is described in Table 4.A-3. The project will change the character of the MCSP area, but the change is consistent with the residential and commercial uses allowable under current zoning and goals and policies identified in the General Plan.

Comment 8-b: *Comment Summary – Opposes the Civic Center with gym in lieu of open spaces or the hotel since most residents have big houses.*

Comments that state a position for or against a specific component of the project or alternative are appreciated as this gives the Town Council a sense of the public's feeling and beliefs about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 8-c: *Comment Summary – Concerns with large trucks on town roads.*

The Draft EIR (Table 4.F-7) indicates that the MCSP would increase traffic by about 3.6% on area roads. A similar increase in truck activity is expected. Moraga Way and Moraga Road are designed to accommodate truck traffic.

Comment Letter 9 – Verna Osborn, Moraga Resident, July 19, 2008

Comment 9-a: *Comment Summary – Requests a permanent park and ride lot for those residents who take the bus and more parking at the library.*

Mitigation Measure 4.F-4 (page 4.F-53) includes patron parking at select transit stops as a possible enhancement to transit service. Parking at the Moraga Library is outside of the MCSP area and beyond the scope of this EIR.

Comment Letter 10 – David Ramazetti, Moraga Resident, July, 2008

Comment 10-a: *Comment Summary – Disagrees that the Environmentally Superior Alternative is the Proposed Project.*

Draft EIR Chapter 5 describes Alternative 3 as the Environmentally Superior Alternative.

Comment 10-b: *Comment Summary – The Draft EIR is heavily biased in the scope of work and that the Proposed Project has detailed color plans while the other alternatives have black and white details and graphics.*

Alternatives described in Draft EIR Chapter 2 include land use plans with comparable detail to the proposed project. CEQA does not require that alternatives include the same amount of detail as the proposed project, but that enough detail is provided to determine whether alternatives would reduce significant impacts of the proposed project.

Comment 10-c: *Comment Summary – The No Project Alternative and Alternative 3 are not analyzed enough. Why are variations of Alternative 3 are not addressed*?

Draft EIR Chapter 2 includes a range of alternatives that include the No Project (existing conditions) and Action Alternatives that consider reduced development densities, residential units, and commercial spaces compared to the proposed project. CEQA does not require equal analysis for alternatives, but requires enough detail to determine whether alternatives would reduce significant impacts of the project. Alternative 3 is provided as an alternative to the proposed MCSP.

Comment 10-d: *Comment Summary – The Draft EIR does not address the potential increase in crime*.

The Draft EIR Section 4.L finds impacts to police services as potentially significant, and proposes mitigation measures to reduce impacts to a less than significant level.

Section 4.L of this Final EIR (Chapter 7, page 4.L-7) provides a revised analysis of potential increase in crime and discussion of impacts to police services using new information on crimes and police services in Moraga and adjacent cities. To ensure that the MPD is properly funded for future growth, Mitigation Measure 4.L-1a includes development fees that would be collected on population growth generated by development in the MCSP area.

The fees would fund additional police staffing at a ratio of one officer per 1,000 new residents, which is higher than the existing ratio of 0.79 officer per 1,000 residents.

In order to determine how the number of MCSP dwellings and proposed high density housing may impact crime levels in the Town, the Moraga Police Department (MPD) provided the 2007 Uniform Crime Report (UCR) and an Incident Query Case List (IQCL) for 2004 to 2007 (Priebe 2008). The 2007 UCR includes Part I crimes for 2004 to 2007. The IQCL breaks down Part I crimes by Town District (e.g., Rheem Valley Center, Moraga Town Center, St. Mary's College) for the same period. The statistics show that for the period of 2004-2007, the 73% of reported crime occurs in commercial/retail centers and the two higher density housing areas in the town. District R-3, which includes the Ascot Drive residential area, experienced 33% of reported crime, followed by Rheem Valley Shopping Center (15%), Moraga Center (11%), and St. Mary's College (10%). According to the MPD, most crimes are theft related and these four areas contain large parking lots and commercial/institutional uses that are typically the focus of theft related crimes.

The MCSP includes commercial, retail, and higher density housing land uses that are correlated with higher crime rates in Moraga. Accordingly, build out of the MCSP is expected to increase the need for police services. Senior housing has one of the lowest reported crime rates as determined by calls for police services from the Moraga Royale and Aegis developments in Moraga. The MCSP and Alternatives 3 and 4 include senior housing similar to the Moraga Royale and Aegis developments, which would partially offset the expected increase in needs for police service. Senior housing would form a large component of high density housing in the project and Alternatives 3 and 4.

Revised information in this Final EIR (Chapter 7, page 4.L-1) includes data from the FBI's crime database to compare population, crime rates, and police services in Moraga to five nearby cities in Contra Costa County. Moraga has a low ratio of police officers to residents but the MPD has a high ratio of officers per crime (Federal Bureau of Investigation 2009).

Comment 10-e: *Comment Summary – 360 units should be the MCSP maximum objective.*

Draft EIR Table 2-2 provides a conceptual MCSP development approach that provides flexibility to mix residential housing types during MCSP buildout. The low end of the range (360 units) was identified to show the minimum number of residential units needed to meet Moraga's RHNA by housing type.

Comment 10-f: *Comment Summary –Moraga should not try to meet all ABAG RHNA requirements for Moraga in this one project, and that Rheem and other projects can meet some of the allocation. How much state funding do we risk losing?*

Please see Response to Comment 5-c.

Comment 10-g: *Comment Summary – Report is inadequate in explaining the impact on traffic. Data presented but analysis is difficult to follow. Moraga cannot handle more residents.*

Draft EIR Table 4.F-11 quantifies peak hour vehicles that travel through the 51 study intersections during the AM and PM peak hours. The data is divided into existing traffic, traffic from approved development, traffic from the project, and cumulative traffic that may occur with Moraga, Orinda, and Lafayette General Plan buildout.

Table 4.F-12 compares the existing intersection LOS at project study intersections to the LOS with the proposed project and each alternative. LOS shown in bold in this table are unacceptable according to General Plan policies. Table 4.F-14 includes traffic volume for approved projects from Lafayette, Moraga, and Orinda. Table 4.F-15 adds traffic volume from approved projects and proposed projects from each jurisdiction's General Plan. Intersections shown in bold are discussed under the impact and mitigation measure section of the Draft EIR beginning on page 4.F-50. Cumulative impacts and mitigations begin on page 4.F-66.

Comment 10-h: *Comment Summary – The Draft EIR inadequately clarifies environmental impacts.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 10-i: *Comment Summary – The Draft EIR inadequately explains emergency evacuation plans*.

Please see Response to Comment 5-a.

Comment 10-j: *Comment Summary – Questions the need for the project*.

The Moraga General Plan, adopted by the Town Council in 2002, called for the adoption of a Specific Plan for the Moraga Center and Rheem Center areas. The General Plan identifies goals of the Specific Plan, including the creation of vibrant, attractive, and functional community focal point that enhances community character and livability.

Comment 10-k: *Comment Summary – The Draft EIR is unclear on cost to the Town of MCSP impacts to fire protection and the school services*.

Section 4.L of this Final EIR (Chapter 7) includes new information from the Moraga-Orinda Fire District (MOFD) and a revised impact analysis and mitigation measures for fire protection and emergency services.

Section 4.K of this Final EIR (Chapter 7) includes a revised analysis of impacts to school services based on new information provided by the MSD (Chapter 7, page 4.K-6). Impacts to schools are considered fully mitigated under state law by the payment of state mandated school impact fees (SB 50), and no additional mitigation is required. The intention of the impact fees is for new developments to cover their proportional fair share of costs for new or additional school services. The existing community would not pay for additional services or experience reduced services due to higher enrollment associated with new development.

As described in Section 4.K of the Draft EIR, the Moraga School District (MSD) and Acalanes Union High School District (AUHSD) develop and

update formulas to estimate the number of new students and prevailing costs for providing additional facilities, teachers, and staff to accommodate increased enrollment from new development. The districts update fees and enrollment projections periodically to reflect changing market conditions and demographics. The school districts establish a fee schedule based on market costs for services and expected new students, and determine the appropriate strategy for spending school impact fees for accommodating higher enrollment. Strategies may include hiring more teachers, adding new classrooms, modifying school service boundaries, or intra-district transfers to less impacted schools. School impact fees shown in Table 4.K-5 are estimates based on current market and demographic conditions for the cost of providing new school services that would be paid by developers.

Comment 10-l: *Comment Summary – Impact 4.A-2 is incorrect; high-density housing along Camino Ricardo is a land use conflict existing homes across the street.*

The Draft EIR Impact 4.A-2 analysis concludes that there is no land use conflict associated with the proposed MCSP. New homes would back to Camino Ricardo and a landscaped buffer and pedestrian path, similar to the one along Moraga Way constructed for the Sonsara development, would be placed between back yards and the street. Section 4.E of this Final EIR (Chapter 7, page 4.E-2) includes a revised visual simulation of the buffer area to document the desired look and feel of MCSP buildout. Figure 4.E-5 shows a wider buffer along Camino Ricardo similar to Sonsara on Moraga Way and retention of some existing orchard trees. Figure 4.E-6 shows offices further back and reduced building mass at Camino Ricardo and Moraga Way; and

Based on the setback and the proposed access to homes from the interior of the project, the increased residential density proposed for the MCSP Area 4 will not conflict with the lower density single-family homes across Camino Ricardo. The Draft EIR analyzes the effects of three Action Alternatives (2, 3, and 4) with lower residential densities along Camino Ricardo.

Draft EIR Table 4.A-9 summarizes that the MCSP complies with CD1.3 because it provides Design Guidelines (Appendix B) to minimize grading of existing topography, preservation of native trees along Laguna Creek, and landscaping and architectural design elements that will blend with the existing environmental and Town character. Impacts 4.E-2 and 4.E-3 find that the MCSP would have potentially significant impacts on visual resources, and identifies Mitigation Measures 4.E-2a (Develop and Implement Additional MCSP Design Guidelines) and 4.E-2b (Require Internal View Corridors) to reduce the impacts to less than signifcant levels.

Comment 10-m: *Comment Summary – Requests the retail store analysis be public, describe specific retail stores, and that weighted probabilities for varying scenarios and risk should be addressed and published.*

The Map Info study prepared for the Town to document retail demand has been published on the Town website and is available for review by the public.

Comment 10-n: *Comment Summary – States that the details of project implementation are not presented adequately and that there is large risk associated with the project.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 10-o: *Comment Summary – States that alternative uses for existing structures (e.g. Hacienda for the Community Center) have not been addressed.*

While the Hacienda can still be used for community purposes, its use is not part of the MCSP process. An alternative to reduce traffic and parking demand associated with the proposed Community Center and gymnasium is to utilize the existing Hacienda for non-gymnasium uses and construct a new gymnasium facility within the MCSP area. Under this alternative, MCSP Community Center uses unrelated to the gymnasium (e.g., meeting spaces) would be developed at the Hacienda as part of the Hacienda's current Master Planning effort. The additional space at MCSP site A or B could be used for more parking and coordinated with other special events (e.g. community events, fire works, etc.) at the Moraga Commons. MCSP gymnasium parking would help offset the loss of the Russell Bruzzone overflow lot that would be developed as retail uses under the proposed MCSP alternatives. During daytime hours, a portion of the gymnasium parking could be made available for park and ride uses to help reduce trips associated with the MCSP development.

Comment 10-p: *Comment Summary – States that the overall tax shortfall, alternatives to a building project for the necessary tax revenues, and parcel tax rates need to be addressed.*

The comment does not address the adequacy of the EIR or the environmental impacts of the project and does not require further response in this document. The Town Council is considering the development of a Revenue Enhancement Committee to consider revenue alternatives for the Town, including a parcel tax.

Comment 10-q: *Comment Summary - There has been inadequate time permitted for comments and that the two public meetings were not adequate.*

Please see Response to Comment 2-a.

Comment 10-r: *Comment Summary - The Town Council needs to first address the inadequacies in the Draft EIR and then release for public comment again or get a second opinion report.*

PRC Section 21092.1 requires recirculation for additional public review if an agency adds significant new information to an environmental impact report after the commencement of public review but prior to certification. Recirculation is not required because significant new information has not been added to the EIR. There is no requirement under CEQA for a "second opinion report."

Comment 10-s: *Comment Summary – Area 4 should be restricted to low-density housing (like Sonsara) and that there should be no access to Camino Ricardo. Senior housing should be on the Safeway side of the Orchards.*

Please see Response to Comment 10-l. MCSP Draft EIR Alternatives 2, 3 and 4 propose reduced residential density along Camino Ricardo. While individual homes would back onto Camino Ricardo and have access from interior streets, at least one new street access is expected to be required to provide for safety, emergency vehicle access, and evacuation. Other access points would connect to Moraga Way and the School Street Extension.

Comment 10-t: *Comment Summary – Student/faculty housing is too far from St. Mary's College.*

Existing transit facilities serve St. Mary's College and the MCSP area. St. Mary's College administrators support faculty/staff/student housing in the MCSP area.

Comment Letter 11 – Lindsay Delaney, Moraga Resident, July 25, 2008

Comment 11-a: *Comment Summary – Concerned about the number of housing units proposed.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 11-b: *Comment Summary – Concerned about traffic and pedestrian safety.*

Improvements along Camino Ricardo include a buffer area with landscaping, an earthen berm, and a shared use trail connecting to the project and the Lafayette-Moraga Regional Trail. The trail and buffer from traffic on Camino Ricardo will improve pedestrian access and safety. Mitigation Measures 4.F-10a (revised in this Final EIR, Chapter 7, page 4.F-69) and 4.F-10b identify other measures to increase pedestrian and bicycle safety.

Comment 11-c: *Comment Summary – Can schools absorb additional student and will students attend closest school?*

Public schools serving Moraga currently have residual capacity and can readily accommodate additional students within existing facilities. Section 4.K of this Final EIR applies new enrollment and school capacity information provided by the MSD to analyze impacts of the MCSP on school services. The Draft EIR and this Final EIR identify impacts to school services as potentially significant, and provide mitigation measures to reduce impacts to a less than significant level. If the MCSP area was built out and occupied today, the number of new students generated in the MCSP area would exceed the residual capacity of elementary schools. The probability of actually exceeding school capacity is unknown and depends on many factors, including the schedule of new development, the population of school-age children among new occupants, and town demographic changes over time.

The MSD attempts to accommodate students at the closest elementary school, but sometimes it is not feasible based on class size, capacity, and enrollment from each school's service area. The MSD would determine the

appropriate strategy to accommodate higher enrollment, including adding new classrooms, converting existing special-use rooms to classrooms, changing school service boundaries, or intra-district student transfers.

Comment 11-d: *Comment Summary – Wants new stores and restaurants in the shopping center.*

Comments that state a position for or against a specific component or alternative are appreciated as this gives the Town Council a sense of the public opinion about a proposed course of action. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment Letter 12 – Jim Townsend, East Bay Regional Park District, July 25, 2008

Comment 12-a: *Comment Summary – Page 4E-24 correction requested regarding trail markers in the MCSP area. There is a formal entry structure and signage for the trail at the intersection of Moraga Road and St. Mary's Road. There are mile markers painted on the sidewalk along School Street. Trail post with signage and directional arrows at School Street and Moraga Way and School Street and Country Club Drive. There is another formal entrance and signage at the south side of Country Club Drive.*

The discussion of the Lafayette Moraga Regional Trail in the Draft EIR has been corrected. The revisions are included in Chapter 7, page 4.E-30 of this Final EIR.

Comment 12-b: *Comment Summary – The proposed integration of the trail with the School Street extension (page 2-7) should be considered potentially significant under section 4.F-10 of Table 3-1. Expected increases in vehicular traffic, an increase in the number and usage of driveways crossing the trail within Area 2 will impact bicycle and pedestrian travel.*

The Draft EIR states that MCSP impact to pedestrian and bicyclist safety (Impact 4.F-10) is considered potentially significant because detailed route designs have not been developed. Mitigation Measures 4.F-10a and 4.F-10b include best practices to be implemented during design to maintain pedestrian and bicyclist safety with new development. This Final EIR revises Mitigation Measure 4.F-10a to include consultation with the EBRPD on the proposed design and location of portions of and connections to the Lafayette-Moraga Regional Trail to maintain and enhance the safety, usability, and function of the trail system.

Comment 12-c: *Comment Summary – The Draft EIR needs to analyze that routing at the intersection of School Street and Village Route 3 will increase the possibility of accidents.*

The road design is not final, so the intersection design and layout within the specific plan area is illustrative. Technical details will be resolved during design development. Draft EIR Mitigation Measures 4.F-10a and 4.F-10b address pedestrian and bicycle safety. Please see Response to Comment 12-b.

Comment 12-d: *Comment Summary –Potential impacts can be mitigated by rerouting the trail adjacent to the east bank of Laguna Creek between Moraga Road and Moraga Way to reduce bicycle and pedestrian conflicts with cars, provide non-motorized access to the MCSP, a recreational amenity, and a riparian buffer.*

Please see Response to Comment 12-b.

Comment 12-e: *Comment Summary – Short connectors from the trail to new retail and residential areas will reduce auto trips, traffic congestion and greenhouse gases.*

Trail connections to the Lafayette Moraga Regional Trail are proposed and conceptually shown on the Land Use diagram (Draft EIR Figure 2-2). Internal trail networks are proposed to provide access from the residential areas to the commercial center and Regional Trail.

Comment Letter 13 – James Johnson, July 25, 2008

Comment 13-a: *Comment Summary – Disagrees with findings of the Draft EIR on impacts to Moraga schools (long-term operating costs and reduced quality of education*).

Please See Responses to Comments 10-k and 11-c.

Comment 13-b: *Comment Summary – Agrees with general summary of the final assessment and that Alternative 3 is the Environmentally Superior alternative.*

Comments that state a position for or against a specific component or alternative are appreciated as this gives the Town Council a sense of the public opinion about a proposed course of action. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 13-c: *Comment Summary – Requests a public referendum on the next general election date of two-thirds majority vote for any plan to be approved.*

The Town does not require voter approval for Plan documents such as the Moraga Center Specific Plan.

Comment 13-d: *Comment Summary – The MCSP does not conform to the spirit and intent of the General Plan.*

The Draft EIR evaluated MCSP consistency with General Plan goals and policies. This analysis is provided in Draft EIR Table 4.A-3 and concludes that the proposed MCSP is consistent with the direction included in the General Plan.

Comment Letter 14 – Lynda Deschambault, July 2008

Comment 14-a: *Comment Summary – The Draft EIR does not adequately mitigate elements required under CEQA or fully address federal, state and local laws and guidelines.*

The comment does not identify specific information that is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 14-b: *Comment Summary – What type of mitigation is included to provide alternative habitat for Alameda whipsnake and red-legged frog, such as Mulholland Ridge?*

The MCSP area does not contain Critical Habitat for federally listed species, such as Alameda whipsnake and California red-legged frog. Mitigation Measure 4.I-1 requires surveys, consultation, and permitting with the USFWS to develop project level mitigation measures for impacts to federally listed species and their habitat.

Comment 14-c: *Comment Summary – Federal Clean Water Act - Setback mitigations should be a condition of approval. Mitigations for permeable surfaces? Mandatory permacrete recommended. Landscape mitigations and native plants required? Restricted use of pesticides and compliance with Moraga's Integrated Pest Management Program.*

Draft EIR Mitigation Measure 4.D-1b requires minimum development setbacks in accordance with Contra Costa County Code 914-14.006. Setback mitigations are a condition of permit approvals. Mitigation Measure 4.D-1a requires a Master Drainage Plan for the MCSP. Depending on site conditions, including slope, land use, and soil types, "permacrete," or other type of material that is permeable to water may be integrated as a design feature if appropriate. Mitigation Measure 4.D-3 requires the determination of peak flows due to development and a reduction of peak flows to below pre-project conditions. The mitigation measure implements the contra Costa County Clean Water Program's C.3 provisions, one of which requires that project site designs minimize the area of new roofs and paving and the use of pervious surfaces where feasible so that runoff can percolate to the underlying soil. General Plan policy OS3.7 encourages: "water conservation in new building construction and retrofits through measures such as low-flow toilets and drought tolerant landscaping."

Although there is no specific restrictions on fertilizer and pesticide use, Mitigation Measure 4.D-1a requires the preparation of a storm drain education program that includes labeling, strict limitation of fertilizers and pesticides, and prohibits regular washing or maintenance of vehicles in paved areas that drain directly to storm drains. The Town Council adopted the Moraga Integrated Pest Management Policy on September 13, 2006. Activities and development within Moraga must comply with this policy and its directives.

Comment 14-d: *Comment Summary – California State Protection of California Live Oak- Requests mitigation and recommends replacement of 4 to 1.*

The state tree of California is the coast redwood. The coast live oak riparian woodland is considered a sensitive community and would remain undeveloped under the action alternatives considered. Impacts to native trees would be minor, limited to stream crossings for trails or roads. The woodland provides habitat to special status species. This Final EIR includes a revised analysis under Impact 4.I-4 (Chapter 7, page 4.I-25) that states while tree removal is expected to be minor, habitat loss for special status species is considered potentially significant. This Final EIR includes a new Mitigation Measure 4.I-4 to provide at least 4:1 replacement for native trees removed during construction.

Comment 14-e: *Comment Summary – The Draft EIR ignores certain elements in the General Plan and asks if this requires a General Plan amendment.*

The analysis in the Draft EIR and proposed amendments to the General Plan are consistent with California land use planning law and CEQA. The Draft EIR was completed consistent with the guidance provided in CEQA and in the State of California Planner's Guide to Specific Plans, Part Three: CEQA and Specific Plans. The Draft EIR analyzes potential environmental impacts of land uses, development levels, and proposed policy amendments, including increasing the residential land use densities in the MCSP area beyond those allowed under policies LU 3.1 and LU 3.3. The MCSP Section 7.B (Page 54) states that the Town must first certify this EIR and amend the appropriate sections of the General Plan based on the findings in this EIR prior to adopting the Specific Plan. Chapter 1 (page 1-4) and Mitigation Measure 4.A-1 of this Final EIR include clarifications of this process.

Comment 14-f: *Comment Summary – The proposed retail and office space exceed the General Plan build out assumptions. The Draft EIR should include mitigation for additional square footage and limit the maximum area for retail space to the size of the OSH to prevent big box stores reduce traffic impacts.*

The trip generation assumptions used for commercial space in the MCSP Draft EIR are consistent with local serving commercial uses (i.e., the primary market area is Lamorinda). Big box stores larger than OSH (e.g., Costco) that attract users from the greater central Contra Costa County region would not be consistent with the assumptions made in the traffic analysis. If proposed, such retail development would require new environmental analysis. The MCSP includes a list of permitted uses in Section 4.I (pages 39-43). The permitted uses listed in the MCSP do not specifically preclude big box uses. However, the potential for these uses to be constructed in Moraga is considered unlikely due to the relatively low traffic levels along Moraga's main arterial roadways and the distance to large population centers.

Comment 14-g: *Comment Summary – Number of car trips, 10.4 for single family or 5.6 for empty nester, do not add up. Require HOA to collect fees and provide public transit card for every resident.*

Sources of the trip generation rates used are described on page 4.F-22 through 4.F-25 of the Draft EIR and are described in greater detail in *Effects of Planned Development at Moraga Town Center on Community-Wide Travel Patterns* (Fehr & Peers 2007). The rates referenced by the commenter are comparable to industry standard rates for single family and multi-family homes.

As described in Draft EIR page 4.F-63, enhancement of existing transit service would be required to reduce the traffic effects from MCSP buildout to levels at or below General Plan buildout levels. The suggestion to provide MCSP homeowners a transit card would be additional mitigation that could further reduce impacts of the project below General Plan development levels. The Town Council can decide whether they want to include this measure when considering the certification of this Final EIR.

Comment 14-h: *Comment Summary – The Draft EIR does not address evacuation plans.*

Please see Response to Comment 5-a.

Comment 14-i: *Comment Summary – Ensure that school level of service is maintained.*

Please see Responses to Comments 10-k and 11-c.

Comment 14-j: *Comment Summary – Maintain level of service and response times for fire and police.*

Please see Response to Comment 5-a.

Comment 14-k: *Comment Summary – Provide clear trail easements.*

The conceptual land use and circulation plan shown in Figure 2-2 of the Draft EIR shows locations for key trail corridors. Please see Responses to Comments 12-b and 12-d for locations of the proposed Lafayette Moraga Regional Trail improvements near the School Street extension. Internal trails within the residential land use areas will be designed during development applications as required by proposed design guidelines and traffic circulation mitigation measures (4.F-10a on page 4.F-64).

Comment 14-l: *Comment Summary – Protect the pear trees, Moraga's heritage and historical mementos.*

The MCSP is consistent with existing Moraga General Plan policies encouraging the preservation of orchard trees. Policy CD 3.5 encourages the preservation of orchard trees in scenic corridors and along streets. Policy LU3.1l states: "*Orchard Preservation. 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*." Draft EIR Table 4.A-3 states that the proposed MCSP and Alternatives 3 and 4 have sufficient land use densities to effectively allow for clustering and the preservation of remnant orchard trees visible from Moraga Way and Moraga Road. The MCSP could also accommodate existing orchard trees in the landscaped buffer along Camino Ricardo under Draft EIR Mitigation Measure 4.A-2..

Comment 14-m: *Comment Summary – Provide landscaping and setback mitigation to reduce impacts to scenic- quality.*

The proposed MCSP Appendix B includes draft Design Guidelines that include setbacks and landscaping standards to maintain scenic quality.

Comment 14-n: *Comment Summary – Provide mitigation to reduce aesthetic impact of parking by requiring all residential parking to be underground.*

Project applicant may choose to place parking underground during the design phase. Draft EIR Mitigation Measure 4.E-4 includes landscaping surface parking areas with large shade trees to reduce or minimize visual impacts of parking lots. Draft EIR Table 4.A-9 summarizes that the MCSP complies with CD1.3 because it provides Design Guidelines (Appendix B) to minimize grading of existing topography, preservation of native trees along Laguna Creek, and landscaping and architectural design elements that blend with the existing environmental and Town character. Impacts 4.E-2 and 4.E-3 find that the MCSP would have potentially significant impacts on visual resources, and identifies Mitigation Measures 4.E-2a (Develop and

Implement Additional MCSP Design Guidelines) and 4.E-2b (Require Internal View Corridors) to reduce the impacts to less than signifcant levels.

Comment 14-o: *Comment Summary – Consider OPR suggested GHG mitigation measures. Commenter lists mitigations from AB32 and the state attorney general's office.*

There are no formally accepted or required measures to reduce or mitigate GHG emissions. The Draft EIR (page 4.G-25) includes Mitigation Measure 4.G-4 to promote public transportation and other measures to reduce greenhouse gas emissions from projects that will be proposed within the MCSP. The requirement to consider alternative energy sources (e.g., solar or wind power sources) is included in the Town's existing Design Guidelines. The use of reclaimed water would be determined through consultation with EBMUD under Policy 8.01 during the design phase (see Response to Comment 7-d). Maintaining or restoring natural hydrology and groundwater is described in Draft EIR Mitigation Measures 4.D-1 and 4.D-2.

Comment 14-p: *Comment Summary – The aesthetic impacts have not been adequately reviewed. Not enough viewpoints and up to build line is insufficient. The first priority should be revitalization and integration, opportunities for infill for downtown village feel. Believes "flythrough" simulation is necessary.*

Viewpoint locations were selected to show changes along scenic corridors in locations where new development would be visible from the selected viewpoint, and in locations where each of the different MCSP uses would be located. These simulations were necessary to determine whether the proposed building massing would be consistent with scenic corridor guidelines. The simulations were generated to show potential buildout scenarios consistent with the MCSP and Design Guidelines (Appendix B). Guidelines include elements such as setbacks, massing, colors and textures, architectural styles, and landscaping. Landscaping is shown in mature stages to illustrate the intended growth and cover. Proposed projects would be evaluated individually based on conformance with an adopted Specific Plan and Design Guidelines.

Section 4.E of this Final EIR (Chapter 7, page 4.E-2) includes revised visual simulations to better document the desired look and feel of MCSP at buildout. Simulation revisions include:

1) Figure 4.E-2 provides a better overview of the MCSP area from Sandringham Drive, illustrating a simulated view of the proposed mixed use village;

2) Figure 4.E-4 shows a changed architectural style of the prominent building located on the corner of new intersection and illustrate pedestrian enhancements;

3) Figure 4.E-5 shows a wider buffer along Camino Ricardo similar to the Sonsara Development along Moraga Way and retention of some existing orchard trees;

4) Figure 4.E-6 shows offices further back and reduced building mass at Camino Ricardo and Moraga Way;

5) Figure 4.E-8 changes the architectural style of the prominent building located on the corner of the new intersection with enhanced pedestrian features;

6) Figure 4.E-9 illustrates enhanced bicycle and pedestrian friendly elements of the School Street extension near the village center;

7) Figures 4.E-11, 4.E-12, and 4.E-13 are new illustrations of some enhancements of the existing shopping center.

Draft EIR Table 4.A-9 summarizes that the MCSP complies with CD1.3 because it provides Design Guidelines (Appendix B) to minimize grading of existing topography, preservation of native trees along Laguna Creek, and landscaping and architectural design elements that will blend with the existing environment and Town character. Impacts 4.E-2 and 4.E-3 find that the MCSP would have potentially significant impacts on visual resources, and identifies Mitigation Measures 4.E-2a (Develop and Implement Additional MCSP Design Guidelines) and 4.E-2b (Require Internal View Corridors) to reduce the impacts to less than signifcant levels.

Comment 14-q: *Comment Summary – Does not support the "revitalize existing by building new." The project must include revitalization, or else the area may become blighted.*

The Town is considering revisions to the Draft MCSP Implementation Element (Chapter 7) to allow the use of development impact fees for the revitalization of the existing Town Center. The revised Implementation Element may link the approval of new residential development to the revitalization of the existing Moraga Center and the construction of new commercial or office development. This consideration will be discussed during final review and adoption of the selected MCSP alternative after certification of the Final EIR. Revitalization of the existing Town Center, and development of new retail, commercial, professional, and residential land uses are both key goals of the MCSP. Revitalization would be partly supported by development of new housing adjacent to the existing Town Center, and by development of new retail, commercial, and professional uses that would provide more opportunities to work and shop in Moraga. These goals, underscored by the EPS (2006) economic study, are in place because existing land uses in the MCSP area are not conducive to the mix of uses necessary to achieve revitalization.

Comment 14-r: *Comment Summary – Prefers the Town meets housing goals by demonstrating affordability of units rather than minimum densities; 24 DUA is not appropriate for the semi-rural community. The grant should be available for seniors only.*

There are existing multi-family developments in the Town that have densities similar to the senior and multi-family housing development proposed as part of the MCSP (e.g., Ascot area). The appearance of high density residential development (e.g., up to 24 dua) is controlled more by floor area restrictions than the residential density. For example, 12 dua at 2,000 square feet each may look the same as 24 dua at 1,000 square feet each - both would be consistent with the proposed development standards (e.g., floor area ratios)

included in Table 4-11 of the MCSP. Senior housing would be restricted to senior citizens.

Comment Letter 15 – Ceil Murtagh, Moraga Resident, July 26, 2008

Comment 15-a: *Comment Summary – Concerned about impacts to traffic from multi-unit housing.*

Traffic impacts and mitigations are addressed beginning on page 4.F-33. The impacts and mitigations are identified for each part of the proposed MCSP including the multi-family housing units.

Comment 15-b: *Comment Summary – Moraga Road must be widened to accommodate more cars.*

As shown in Draft EIR Section 4.F, significant impacts at intersections in Moraga are reduced to less than significant with mitigation. This indicates that Moraga Way and Moraga Road in Moraga have the capacity for the additional trips generated by the MCSP. Lafayette and Orinda have significant and unavoidable impacts on Moraga Road and Moraga Way. Measures have been considered over the years to improve traffic flow through these corridors but have been rejected by the community. Mitigation Measure 4.F-4 enhances transit service in the Lamorinda area south of SR 24 and reduces the Community Center program to minimize traffic levels to those predicted under General Plan buildout.

Comment Letter 16 – John Giordani, Moraga Resident, July 2008

Comment 16-a: *Comment Summary – Concerned about development of hillside adjacent to Camino Ricardo on his neighborhood and Moraga.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Such opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 16-b: *Comment Summary – Concerned that direct connection to Camino Ricardo would increase traffic, lengthening commute and endangering children.*

Direct access to Camino Ricardo would provide accessibility to the limited number of homes located in that area and provides access from the existing Camino Ricardo neighborhoods to the commercial area without traveling onto Moraga Way. The Draft EIR concludes that the access would not create unsafe conditions, is not required for capacity purposes, and could be limited to emergency vehicle use only if the Town decides to limit access onto Camino Ricardo. This decision would increase vehicle travel for Camino Ricardo drivers wishing to access the MCSP area.

Comment 16-c: *Comment Summary – The density and mandated affordable housing are inconsistent with the Moraga lifestyle and culture.*

The MCSP proposal is consistent with the lifestyle and culture of Moraga as embodied in the General Plan because it proposes residential options for the existing Moraga population that includes growing numbers of seniors and students.

Comment 16-d: *Comment Summary – Residents of Sonsara would like to see housing on the hillside visible from homes that is consistent with their density, not higher. Move higher density housing closer to retail area.*

The comment expresses a preference for an alternative. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation. The figure on page 26 of the Draft MCSP is taken from the General Plan and depicts a conceptual plan for the MCSP area envisioned during the General Plan update. The MCSP Draft EIR (starting on page 4.A-21) shows that residential densities on Camino Ricardo are consistent with existing residential areas on the west side of Camino Ricardo because the MCSP includes a landscaped buffer and homes will back to, and will not front on Camino Ricardo. Alternatives 2, 3, and 4 consider lower density residential land uses along Camino Ricardo. Please see Response to Comment 10-l for additional information on residential densities on Camino Ricardo.

Comment 16-e: *Comment Summary - Current retail is struggling, why does Town council believe that new retail will succeed when Moraga is isolated from traffic.*

According to the economic study by EPS (2006) (MCSP Appendix A) of the Moraga retail market, opportunities exist for additional business development. In Moraga, as in other communities, businesses struggle for a variety of reasons. A key goal and objective of the MCSP is to create a "critical mass" of development where businesses can succeed by serving a more concentrated population, and by capturing a greater portion of the estimated three-fourths of retail demand the leaves Moraga as residents drive out of Town to purchase goods and services.

Comment 16-f: *Comment Summary – Why not develop the street and infrastructure that are at the top of the Moraga County Club first?*

Moraga Country Club is outside of the project area and beyond the scope of the environmental document.

Comment 16-g: *Comment Summary – Where can the public access the PowerPoint presentation of the traffic report from the 7/22/08 Council meeting?*

The summary of the MCSP Draft EIR traffic analysis presented during the July 22nd Council meeting is provided on the Town's website [www.ci.moraga.ca.us].

Comment 16-h: *Comment Summary – What is the estimated time frame of development and construction from breaking ground to finished livable product?*

There is no timeline provided in the MCSP for implementation. For most General Plan or Specific Plan impact analyses, a buildout timeline of 20 years is assumed when a more detailed timeline is not provided. Market conditions are expected to be the primary influence on the rate of project development EIR certification.

Comment 16-i: *Comment Summary – Are there penalties if the developer exceeds construction timeframe and impacts daily life for neighbors for a longer duration?*

As a planning level document, construction timelines are not known or planned at this time. During the design and approval process, the Town may consider incentives to meet specific timelines to reduce impacts associated with construction activity.

Comment Letter 17 – Rebecca Maher

Comment 17-a: *Comment Summary – Requests that the public comment period be extended*.

Please see Response to Comment 2-a.

Comment Letter 18 – Garrett Sanderson, Moraga Resident, July 28, 2008

Comment 18-a: *Comment Summary - The comment period is not sufficient.*

Please see Response to Comment 2-a.

Comment 18-b: *Comment Summary – Opposes the MCSP because of shortcomings in addressing impacts on traffic, schools, crime, low-income housing, and pollution*.

The state HCD considers residential land uses of 20 dua or greater to be "affordable by design." The MCSP proposes a minimum of 20 dua for senior housing, and designates Areas 3, 5, and 7 as 24 dua. The MCSP does not propose actual price controls or deed restrictions that would require the residential units to be occupied by any category of income level.

The comment does not identify specific information to support that impacts to traffic, schools, police services, public safety, and air quality are inadequately addressed. Opinions can be used by the Town in arriving at a decision but not for improving the environmental analysis or documentation.

Comment 18-c: *Comment Summary – Traffic is already heavy during workweek and morning and evening commutes.*

Intersection operations at 51 intersections were analyzed with the additional traffic volume from the proposed project. Draft EIR Tables 4.F-4 and 4.F-5 evaluate three time frames: existing, existing plus approved projects, and cumulative. The cumulative scenario includes 2% more intersection traffic to account for infill housing projects not listed in the tables. Intersections in Moraga will operate at acceptable LOS with implementation of Draft EIR mitigation measures.

Comment 18-d: *Comment Summary – What additional roads out of Moraga would be constructed to alleviate existing traffic congestion or future traffic from development?*

No new roads out of Moraga would be constructed as part of this project.

Comment 18-e: *Comment Summary – What are the impacts of new roads to Orinda and Lafayette?*

Please see Response to Comment 18-d.

Comment 18-f: *Comment Summary – Why does everyone want to put low-income housing near Rheem Elementary School?*

The MCSP area is in the Los Perales Elementary School boundary, and is about one mile from Rheem Elementary School. The state HCD considers the affordable housing component in the MCSP "affordable by design" based on density. The MCSP does not propose actual price controls or deed restrictions that would require the residential units to be occupied by any category of income level.

Comment 18-g: *Comment Summary – Supports the extension of the comment period for Orinda and Lafayette.*

Please see Response to Comment 2-a.

Comment Letter 19 – Corey R. Waters, Moraga Resident, July 28, 2008

Comment 19-a: *Comment Summary – Opposes the MCSP: it will change Moraga from a small town to a city.*

Statements of opinions are appreciated and can be used by the Town in deciding on proposed projects but not for improving the environmental analysis or documentation.

Comment 19-b: *Comment Summary – The density of Area 4 should be 3-5 dua to blend with adjacent neighborhood.*

Please see Response to Comment 16-d.

Comment 19-b: *Comment Summary – Development will increase traffic and traffic-related, noise, air pollution, and wear and tear on roads in Moraga, Orinda, and Lafayette.*

The Draft EIR describes and analyzes impacts related to increased traffic due to new development, including noise and air quality, and identifies impacts as less than significant, less than significant with implementation of mitigation measures, or significant and unavoidable. Draft EIR Section 4.F provides mitigation for traffic impacts in Moraga. Lafayette and Orinda have significant and unavoidable impacts on Moraga Road and Moraga Way. Measures have been considered over the years to improve traffic flow through these corridors but have been rejected by the community. Mitigation Measure 4.F-4 enhances transit service in the Lamorinda area south of SR 24 and reduces the Community Center program to minimize traffic levels to those predicted under General Plan buildout. Air quality Impacts 4.G-4 and 4.G-5 are described as significant and unavoidable even with mitigation. Traffic-related noise impacts are described in Tables 4.H-9 and 4.H-10, and are described as either less than significant or less than significant after implementation of identified mitigation measures. The comment does not provide new information or describe how the analysis in the EIR is inadequate, so it is not possible to revise the environmental analysis and documentation in the Draft EIR based on the comment.

Comment 19-d: *Comment Summary – Supports some growth in Moraga, but prefers Alternatives 2 or 4; the proposed project is too large in terms of density and retail growth.*

Comments that state a position for or against a specific alternative are appreciated as this gives the Town Council a sense of the public opinion about a proposed course of action. Opinions can be used by the Town to

make decisions but not for improving the environmental analysis or documentation.

Comment Letter 20 – Mark Wechser, Moraga Resident, July 28, 2008

Comment 20-a: *Comment Summary – Request an extension of public comment period for benefit of residents on summer vacation.*

Please see Response to Comment 2-a.

Comment Letter 21 – Joe Weinstein, Moraga Resident, July 28, 2008

Comment 21-a: *Comment Summary – Requests official and public response to Orinda and Lafayette's comments and believes their concerns and cooperation are crucial regardless of deadlines.*

The Cities of Orinda and Lafayette provided comments on the Draft EIR above in letters 4 and 2 above, respectively. The comment letters and responses are part of the public record. Please see Response to Comment 2-a regarding the comment period.

Comment Letter 22 – Wendy Buchman, Moraga Resident, July 29, 2008

Comment 22-a: *Comment Summary – Concerned with senior housing in the area bordering Moraga Way, Camino Ricardo and School Street. Support development resembling Sonsara; 12-24 dua would decrease property values.*

Please see Responses to Comments 16-d and 10-l.

Comment 22-b: *Comment Summary – Concerned about Moraga's road capacity to absorb new residents, and that traffic assumptions about senior housing generating fewer vehicle trips may be wrong.*

Draft EIR Section 4.F shows that mitigation can reduce significant traffic impacts to less than significant levels. This indicates that Moraga's roads and intersections have the capacity to handle the increase in traffic. Senior housing is expected generate less vehicle traffic both during a typical day and during typical commute times because senior housing has fewer people per household, no children, and in most cases they are retired and do not work. Trips can be further reduced if senior housing is located near amenities like recreational trails, community/recreation centers, and shopping. These are all features in the proposed MCSP. Trip generation rates in Draft EIR Table 4.F-6 are consistent with professional standards and published studies of the region. The modeling process incorporates trip generation rates from *Trip Generation* published by the Institute of Transportation Engineers, the CCTA model, data from the US Census, the Bay Area Travel Survey (for the Lamorinda area), local traffic counts, data collected at St. Mary's College and Miramonte High School, and a market assessment for the MCSP. The model estimates the number of trips that remain internal to Moraga as well as the number of trips that leave Moraga. For additional information, please see Fehr & Peers (2007).

Comment 22-c: Comment Summary – *Increased population will strain public services (police, fire, schools) and make it a less desirable place to live.*

This Final EIR Sections 4.K and 4.L (Chapter 7) include revised impact analyses and mitigation measures based on new information provided by the MPD, MOFD, and MSD. Mitigation measures are revised for identified potentially significant impacts to ensure that MCSP development pays for its proportional fair share of new police, fire, and school services such that existing service levels in the Town are maintained. Please see Responses to Comments 10-d regarding police services, 10-k for school and fire protection services, and 37-b for fire protection services.

Comment 22-d: *Comment Summary – Increased development will result in Moraga losing its semi-rural feel and open space.*

Lands in the MCSP are not designated as open space lands in General Plan or Zoning. The General Plan designates the land as Specific Plan and the Zoning designates a majority of the lands as residential - up to 6 dua. Alternative 2 (Moraga General Plan Development Level) would allow development of the same undeveloped lands as the Project. Alternatives 3 and 4 would include less development than the Project or Alternative 2, and would provide an opportunity to preserve more open space. The General Plan includes goals and policies that promote the preservation of open space lands and the existing look and feel of Moraga. These goals and policies are analyzed in Table 4.A-3 in the Draft EIR.

Comment Letter 23 – Rich Windatt, Moraga Resident, July, 2008

Comment 23-a: *Comment Summary – Opposes MCSP as contrary to the essence of Moraga.*

The comment expresses an opinion but does not identify specific information or impact that is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 23-b: *Comment Summary – Do any Town Council members have a conflict of interest by benefiting from the development in the MCSP area?*

The comment does not address the potential environmental effects of the project or the adequacy of the Draft EIR. The Political Reform Act bars any Town official from participating in any Town decision when the official knows or has reason to know that he or she has a financial interest in the decision (California Government Code § 87100). Government Code Section 1090 prohibits any government officer from making a contract in which he or she is financially interested. Prior to the Council's consideration of the MCSP, in the event that potential conflicts of interest arise, Town staff and legal counsel will work with members of the Town Council to determine whether there are conflicts of interest that disqualify a Council member from participating in the Council's deliberations and action regarding the MCSP.

Comment 23-c: *Comment Summary – How will this not impact schools?*

An analysis of the project's impact on schools is provided in Section 4.K of the MCSP Draft EIR, and is updated with new information provided by MSD in this Final EIR Section 4.K. Impact 4.K-1 identifies potentially significant impacts to accepted service standards. To ensure that schools are properly funded for future enrollment, Mitigation Measure 4.K-1 includes development impact fees that would be collected on MCSP development

pursuant to state law. Please see Responses to Comments 10-k and 11-c for additional information.

Comment 23-d: *Comment Summary – How will this not decrease home values?*

The comment expresses an opinion but does not identify specific information or impact that is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 23-e: *Comment Summary – How will crime not increase given number of dwellings and low-income units?*

Please see Response to Comment 10-d regarding potential impacts to crime and police services. The state HCD considers the proposed affordable housing component in the MCSP "affordable by design" based on density. The MCSP does not propose actual price controls or deed restrictions that would require the residential units to be occupied by any category of income level.

Comment 23-f: *Comment Summary – How can Moraga Way handle increase in residents and traffic?*

Draft EIR Section 4.F shows that mitigation can reduce significant impacts at Moraga Way intersections in Moraga to less than significant levels. This indicates that the intersections in Town have the capacity to handle the increase in traffic.

The analysis determined that Moraga Way at Glorietta Boulevard (AM peak hour) and at the SR 24 Off-Ramp (PM Peak Hour) intersections operate below acceptable thresholds in the future whether or not the project is constructed. This is an indication that driving during the peak hours of the day will be congested, as noted in the comment, regardless of project-related impacts. Orinda will have significant and unavoidable impacts on Moraga Way. Measures have been considered to improve traffic flow through these corridors but have been rejected by the community. Mitigation Measure 4.F-4 enhances transit service in the Lamorinda area south of SR 24 and reduces the Community Center program to minimize traffic levels to those predicted under General Plan buildout.

Comment 23-g: *Comment Summary – How will years of development not disrupt Moraga?*

Draft EIR Sections 4.F, 4.G, and 4.H describe and analyze short-term construction impacts on air quality, traffic, and noise. Most construction in the MCSP is expected to occur on undeveloped land and would have minimal disruption to residents and businesses. Construction adjacent to homes and businesses would result in short-term noise and air quality impacts. Construction would temporarily affect traffic. Construction-related impacts in the Draft EIR are considered less than significant or potentially significant, and significant impacts can be reduced to less than significant levels with implementation of identified mitigation measures.

Comment 23-h: *Comment Summary – How can the Town Council justify ruining Moraga?*

The comment expresses an opinion but does not identify specific information or impact that is inadequately addressed. Opinions can be used by the Town

to make decisions but not for improving the environmental analysis or documentation.

Comment Letter 24 – John and Kristina Botsford, Moraga Residents, July 30, 2008

Comment 24-a: *Comment Summary – The MCSP will change Moraga forever, losing our rural appeal, changing the demographics, increasing traffic and crime.*

The comment expresses an opinion but does not identify specific information or impact that is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation. The 2002 General Plan called for the adoption of a MCSP and identifies the goals of the MCSP, including, but not limited to, the creation of vibrant, attractive and functional community focal point that enhance community character and livability.

Comment 24-b: *Comment Summary – Moragans do not want development of this proportion, homes on 0.5-acre lots and senior housing is fine, but St. Mary's College should build its own housing and the existing center has empty retail space.*

The comment expresses an opinion but does not identify specific information or impact that is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 24-c: *Comment Summary – Does not like development simulations and does not want to lose look and feel of Moraga.*

Section 4.E of this Final EIR (Chapter 7, page 4.E-2) includes revised visual simulations. Please see Responses to Comments 10-l and 14-p. The visual simulations provided in the MCSP Draft EIR (Section 4.E) are conceptual and intended to provide a depiction of the scale and massing of potential buildout of land uses proposed in the MCSP. The architectural style of the buildings will be reviewed to determine consistency with the Town's Design Guidelines and MCSP Design Guidelines (Appendix B). Location and massing of the MCSP development will be designed pursuant to MCSP Draft EIR Mitigation Measures 4.E-2a and 4.E-2b to ensure that structures and landscaping reflect the existing structural and natural character of the existing adjacent land uses.

Comment 24-d: *Comment Summary – Process has been unclear. Questions the approval process, who has the final say, and if adequate input from residents was gathered. Attendees of the Council meeting last September were against the massive development.*

MCSP meetings conducted in 2007 were held to take public input on scope and content of the environmental analysis to be prepared for the MCSP. Based on the input received, several alternatives were developed for analysis in the Draft EIR, including development currently allowed in the Moraga Zoning Code and two reduced development alternatives with less residential, commercial, and office uses.

Comment 24-e: *Comment Summary – Questions compliance with ABAG low-income housing. Are there specific penalties? Moraga does not want or need low-income housing.*

Please see Response to Comment 5-c.

Comment 24-f: *Comment Summary – Families in multi-unit housing do not contribute to the PTA or the Moraga Educational Foundation and that this type of housing will decrease property values along Camino Ricardo. Low-income housing next to affluent homes does not make sense, cites past examples.*

Please see Response to Comment 10-k regarding school impact fees required of new development. Voluntary financial contributions are not an environmental issue within the scope of the EIR. A majority of the proposed higher density, affordable housing residential land uses in the MCSP consist of senior and St. Mary's College housing which are expected to result in minor increases in the demand for school services. The state HCD considers the proposed affordable housing component in the MCSP "affordable by design" based on density. The MCSP does not propose actual price controls or deed restrictions that would require the residential units to be occupied by any category of income level. Please see Response to Comment 10-l regarding residential densities on Camino Ricardo.

Comment 24-g: *Comment Summary – Moraga already has multi-unit developments, why do we need more?*

Please see Response to Comment 24-e.

Comment 24-h: *Comment Summary – Does not support the amount of construction and the noise, dust and inconvenience that would impact neighborhoods for several years.*

Please see Response to Comment 23-g.

Comment Letter 25 – John Grossberg, July 2008

Comment 25-a: *Comment Summary – Opposes the MCSP; the Town will not benefit from more growth, commercial development, or affordable housing. The community should have a vote.*

Comments that state a position for or against a specific alternative are appreciated as this gives the Town Council a sense of the public opinion about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation. Please see Response to Comment 13-c.

Comment 25-b: *Comment Summary – Requests clean energy production and agriculture be considered for MCSP area.*

The land uses considered in the MCSP are intended to meet the goals and objectives for the project area and the 2002 General Plan. Please see Response to Comment 14-o regarding GHG emissions. The Town welcomes statements of preferences about specific projects to understand public opinion, but such statements do not address the adequacy of analysis contained in the Draft EIR.

Comment 25-c: *Comment Summary – Opposes growth of retail, commercial, and multi-unit development as it will change the semi-rural nature of Moraga.*

Please see Response to Comment 22-d. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 25-d: *Comment Summary – Requests fair compensation for the Bruzzone's land.*

Real estate transactions are outside the scope of the environmental analysis.

Comment 25-e: *Comment Summary – Decision-making should be in a transparent, prudent, and carefully considered fashion; the MCSP process is rushed.*

The Town welcomes public comments during all phases of the planning, environmental review, and project review process. Decisions, and the information and analyses used to support planning and project decisions, are available for public review and comment.

Comment 25-f: *Comment Summary – Developers should be required to install solar panels, water conservation and recycling technologies, sustainable landscaping and native species.*

Please see Response to Comment 14-o regarding alternative energy applications. The MCSP Appendix B Design Guidelines address landscaping. Please see Responses to Comments 7-e, 7-f, and 14-c regarding energy conservation, landscaping, and low impact development.

Comment Letter 26 – Connie Hayes, Moraga Resident, July 30, 2008

Comment 26-a: *Comment Summary – Requests an extension of the public comment period due to the timing during summer vacation. Supports the requests of Orinda and Lafayette.*

Please see Response to Comment 2-a.

Comment 26-b: *Comment Summary – Opposes the level of development presented at the July 9th meeting as not in keeping with the look and feel of Moraga due to density and lack of open space. The MCSP is an eyesore at the entrance of town.*

Please see Responses to Comments 14-p and 14-m.

Comment 26-c: *Comment Summary – Concerned with traffic on Corliss and Camino Ricardo. What traffic calming devices will be installed to reduce cut through and speeding traffic?*

The project would introduce a new connection between Moraga Way and Moraga Road via School Street. Based on field investigations and a review of the site plan characteristics, driver preference is anticipated to be the new School Street connection to travel between Moraga Way and Moraga Road.

Comment 26-d: *Comment Summary – What schools will students from this development attend? How will they arrive? What about traffic and pollution?*

Students from the MCSP area are within the Los Perales Elementary and Joaquin Moraga Intermediate School boundaries. There would be no proposed changes to how students arrive based on adoption of the MCSP.

The Draft EIR traffic and air quality analyses considered vehicle trips associated with commutes to school.

Comment 26-e: *Comment Summary – Per student or Moraga Education Foundation donations to the schools will not be the same for low-income housing.*

Please see Response to Comment 10-k regarding school impact fees required of new development. Voluntary contributions are not an environmental issue within the scope of the EIR. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation. The state HCD considers the proposed affordable housing component in the MCSP "affordable by design" based on the proposed density. The MCSP does not propose actual price controls or deed restrictions that would require the residential units to be occupied by any category of income level.

Comment 26-f: *Comment Summary – Would multi-family units pay a parcel tax per individual unit? If not, schools will be impacted.*

Please see Responses to Comments 10-k and 11-c regarding school funding.

Comment 26-g: *Comment Summary – Why is town trying to meet ABAG requirements with this one development? Why aren't housing requirements divided proportionally between other developments and future projects?*

The MCSP contributes to the Town's "fair share" of affordable housing along with other projects in the Town. Other recent projects with affordable housing include secondary living units in the Palos Colorados project and student housing at St. Mary's College. The Town's housing needs requirements are distributed throughout the Town consistent with the opportunities for compliance throughout town.

Comment 26-h: *Comment Summary – What other ideas are there to meet affordable housing goals?*

The Town is scheduled to update its Housing Element in 2009. During the Housing Element update process, the Town will consider a variety of policies, goals, and objectives to meet its fair share of affordable housing. If adopted, the MCSP will play an important role in meeting the Town's fair share housing allocation, but other methods and locations to meet affordable housing goals will also be considered in the Housing Element. Please see Response to Comment 5-c for more information on meeting affordable housing goals.

Comment Letter 27 – Amy Reid, Moraga Resident, July 2008

Comment 27-a: *Comment Summary – Primary concern is the potential impact on Moraga schools, especially overcrowding at Los Perales. Moraga is attractive because of the schools. How can 300-700 new units not impact our schools? More than 20 students in a class could risk federal funding.*

According to MSD Superintendant (Schafer, August 25, 2008), the district redirects students to one of the other elementary schools if enrollment in an elementary school exceeds the school's capacity for a given year. Each elementary school has had to redirect students to other schools in the past.

Current enrollment trends show a decline in enrollment, and class sizes are currently consistent with state law.

Please see Responses to Comments 10-k and 11-c regarding impacts to school enrollment and capacity.

Comment Letter 28 – Mark Taylor, McMorgan & Company LLC, July 2008

Comment 28-a: *Comment Summary – Strongly objects to the lack of public comment period for proposed development, and especially proposes rental units.*

Please see Response to Comment 2-a regarding the comment period. The MCSP is a land use plan called for in the 2002 General Plan. Specific development projects have not been proposed at this time. Compliance with CEQA requires that the Draft EIR describe and analyze potential environmental impacts associated with the construction and occupation of the proposed land uses and alternatives. The Town is currently reviewing comments on the adequacy of the EIR. The Town welcomes public comment and input on the proposed project and alternatives, and proposed developments after adoption of the plan.

Comment Letter 29 – Damon Becker, Orinda Resident, July 31, 2008

Comment 29-a: *Comment Summary – Opposes MCSP because traffic would be unsafe to children.*

The comment states that increased traffic is unsafe for children but does not provide context for this issue. Mitigation Measures 4.F-10a and 4.F-10b address pedestrian and bicycle safety, identifying measures to incorporate during design phase.

Comment 29-b: *Comment Summary – Concerned about additional students impacts to schools.*

Please see Responses to Comments 10-k and 11-c.

Comment 29-c: *Comment Summary – Does not want to lose rural atmosphere and quality of life.*

Please see Response to Comment 22-d.

Comment Letter 30 – Victoria Smith, Mayor, City of Orinda, July 31, 2008

Comment 30-a: *Comment Summary – Greatest concerns to Orinda are increased traffic and pavement deterioration between SR 24 and Moraga due to doubling the residential density over that established in the 2002 General Plan.*

Draft EIR Table 4.F-7 describes daily and peak hour trip generation for the MCSP and alternatives. Alternative 2 includes land use assumptions in the 2002 General Plan. Table 4.F-11 presents vehicle trip contributions at the 51 study intersections.

Table 4.F-11 shows that PM peak hour volume at the Glorietta Boulevard/Moraga Way intersection is 2,486 vehicles. Development in the MCSP area per the 2002 General Plan assumptions adds 55 vehicle trips, a 2.2% increase. The proposed MCSP and Community Center adds 93 vehicles, a 3.7% increase, or a 1.5% increase above that previously analyzed

and described in the 2002 General Plan EIR. Such minor increases in traffic are not expected to result in changes in pavement management requirements.

Comment 30-b: *Comment Summary – Measure C requires cooperative planning with surrounding jurisdictions to qualify for the benefits of the measure. Orinda invites Moraga to engage in a cooperative planning process prior to certifying the EIR and adopting the MCSP.*

Moraga is committed to working with the Lamorinda community. Moraga has brought this project before the technical committee and informed the community of the environmental process as required under Measure C.

Comment 30-c: *Comment Summary – TJKM Transportation Consultants letter attached- June 24, 2008 provides a peer review of the traffic analysis and lists additional analysis needs and mitigations. These are summarized in the following comments supplied by the Orinda.*

Please see Responses to Comments 30-v through 30-qq.

Comment 30-d: *Comment Summary – The MCSP EIR fails to fully analyze impacts on roadways and intersections in Orinda and Lafayette and identify mitigation measures*.

Draft EIR Section 4.F fully discloses transportation impacts on the road system and intersections in Orinda and Lafayette and describes mitigation measures. Detailed intersection analysis was conducted for three scenarios: existing, existing plus approved, and cumulative conditions. The analysis was conducted in equal detail for the project and alternatives. Comments from the Notice of Preparation were incorporated into the analysis. Viable mitigation measures were identified for impacted intersections, taking into consideration 20 years of public input on traffic conditions and community acceptable road improvements. Resulting significant and unavoidable impacts are the same as those identified for buildout of the Moraga 2002 General Plan. Lafayette and Orinda have significant and unavoidable impacts on Moraga Road and Moraga Way. Measures have been considered over the years to improve traffic flow through these corridors but have been rejected by the community. Mitigation Measure 4.F-4 enhances transit service in the Lamorinda area south of SR 24 and reduces the Community Center program to minimize traffic levels to those predicted under General Plan buildout

Comment 30-e: *Comment Summary – The EIR fails to analyze impacts of construction traffic at primary gateways in Orinda to SR 24 on Moraga Way.*

As a planning document, development plans in the MCSP are at the conceptual level, so quantitative construction activity estimates are considered speculative. Moraga and project applicants will coordinate construction activities with Orinda and Lafayette. The following construction management plan outline shall be added to the Draft MCSP Implementation Element (Chapter 7):

The project applicant and construction contractor shall meet with the appropriate agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other

nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Town. The plan shall include at least the following items and requirements:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, sidewalk closure procedures, signs, cones for drivers, and designated construction access routes.
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- A location of construction staging areas for materials, equipment, and vehicles must be located on the project site.
- Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.
- Temporary construction fences to contain debris and material and to secure the site.
- Provisions for removal of trash generated by project construction activity.
- A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager.

Comment 30-f: *Comment Summary – Conduct LOS analysis during afternoon peak periods at intersections adjacent to Lamorinda schools.*

Please see Response to Comment 30-cc.

Comment 30-g: *Comment Summary – Re-evaluate peak hour project trip generation; internalization rates are high.*

Please see Responses to Comments 30-w, 30-x, 30-y, and 30-z.

Comment 30-h: *Comment Summary – The Draft EIR fails to identify a significant impact under existing plus project conditions for Moraga Way/Ivy Drive.*

Please see Response to Comment 30-ii.

Comment 30-i: *Comment Summary – Analyze impacts on key Orinda intersections.*

The Draft EIR Section 4.F analyses impacts to Orinda intersections due to the project, project plus approve projects, and the cumulative buildout of Moraga, and finds impacts to some intersections significant and unavoidable. The Draft EIR identifies significant and unavoidable impacts in Lafayette and Orinda on Moraga Road and Moraga Way. Measures have been considered over the years to improve traffic flow through these corridors but have been rejected by the community. Mitigation Measure 4.F-4 proposes

enhanced transit service in the Lamorinda area south of SR 24 and a reduction of the Community Center program to minimize traffic levels to those predicted for General Plan buildout for the proposed MCSP. The Draft EIR studied other alternatives (Alternatives 3 and 4) that would result in less traffic on Moraga Way than levels predicted under General Plan buildout. Traffic impacts to Orinda intersections have been studied over the years in a variety of documents dating back to the Lamorinda Traffic Study. At various times over the years, residents have made requests to signalize impacted intersections such as those on Moraga Way, but the historic traffic levels and accident trends at these intersections do not indicate a need for signalization based on traffic signal warrants. Traffic signal coordination, like enhanced transit and a reduced Community Center, does not fully mitigate traffic impacts. The Capital Improvement Programs for Lafayette, Moraga, and Orinda were reviewed and there were no capacity enhancing projects at the impacted study intersections. Moraga will comply with the Lamorinda Action Plan and associated deficiency plans for routes of regional significance consistent with the level of compliance by Lafayette and Orinda.

Comment 30-j: *Comment Summary – Include traffic studies regarding commercial truck routes on Orinda gateway roads.*

The proposed development in the MCSP area will not change the character or mix of delivery truck traffic that now serves Moraga and the surrounding communities. As indicated in Response to Comment 5-a, buildout is expected to increase traffic by 3.6%. A similar increase in truck activity would be expected. Moraga Way and Moraga Road are designed to accommodate truck traffic.

Comment 30-k: *Comment Summary – Consult mitigation measures from Lamorinda Action Plan, including existing improvement plans such as the CIP.*

Please see Response to Comment 30-i.

Comment 30-l: *Comment Summary – Tiering from the 2002 Moraga GP EIR is inappropriate due to departure of MCSP from the GP.*

The MCSP Draft EIR references the 2002 General Plan EIR on page 1-2. The MCSP Draft EIR does not rely on analyses in the General Plan EIR to address impacts of the MCSP. The MCSP Draft EIR includes detailed analysis specific to the buildout of the MCSP for applicable environmental resource areas and identifies mitigation measures beyond those in the General Plan EIR to reduce the significance of identified impacts.

Comment 30-m: *Comment Summary – The MCSP proposed residential densities and quantities are substantially greater than the General Plan, which had 323 residential units distributed between the MCSP and Rheem Park Specific Plan. Density of 12-24 dua is inconsistent with the General Plan's maximum allowable density of 16 dua.*

The growth assumptions in the General Plan buildout are based on existing zoning. The General Plan land use designation for the MCSP area is Specific Plan and calls for the preparation of a specific plan for the project area. The General Plan envisions that the MCSP would include higher density residential uses than currently allowed by existing zoning. The objectives of the MCSP as described in Draft EIR Chapter 2 include:

- Creation of a mixed use Village that serves as an activity center for the community;
- Provision of residential housing densities that are adequate to help meet the Town's fair-share of affordable housing goals; and
- Control of maximum peak hour traffic volumes at levels equal to or less than those predicted in the Town's General Plan EIR for the MCSP area.

The proposed MCSP and alternatives were developed using these objectives with the intent of keeping identified impacts at or below levels identified in the Moraga General Plan analysis for the MCSP area.

Comment 30-n: *Comment Summary – A General Plan amendment is not an appropriate mitigation measure for reducing impacts associated with the MCSP proposed increase in residential units. The Town must first amend the General Plan, and conduct an environmental review of the amendment, prior to approving the MCSP.*

Please see Response to Comment 14-e.

Comment 30-o: *Comment Summary – The Draft EIR's discussion of growth inducing effects fails to consider the potential of additional growth beyond the project boundaries.*

The Draft EIR analyzes growth potential in Moraga in the cumulative impacts analysis. The Town has little available land and minor potential for infill growth that could occur beyond the projects identified in the cumulative impacts analysis (e.g., Bollinger Canyon, Indian Valley, Rancho Laguna). Growth outside of Moraga from implementation of the MCSP is not anticipated because the project's retail and office uses are local serving and additional residential units in the project are needed to maintain existing and proposed retail uses according to the EPS 2006 market study (MCSP Appendix A).

Comment 30-p: *Comment Summary – The Draft EIR underestimates additional vehicle trips by families moving into residences vacated by seniors relocating to the MCSP area.*

The comment's assertion is atypical for a project of a few hundred housing units and requires conjecture unsubstantiated by accepted traffic engineering practice. It is considered speculative to determine the specific demographic transition raised by the comment and it is not practical to presuppose how the community might change. It is unlikely that 720 units would substantially alter housing patterns since there are over 23,000 housing units in the Lamorinda community.

Comment 30-q: *Comment Summary – The MCSP lacks a mechanism to ensure that seniors and St. Mary's College students occupy units designated for these populations.*

California Civil Code Section 51.3 sanctions senior housing provisions to ensure that adequate housing is available to seniors who require certain accommodations. A condition of MCSP senior housing project approval would require that units be occupied by residents who are 55 or over. The

Moraga Planning Department enforces this condition if complaints were received - similar to a condition that would be placed on the hours of operation for a business. St. Mary's College would operate the proposed faculty/staff/student housing to ensure the target population is served. For affordable housing, the MCSP proposes no deed restrictions or income qualification requirements. Instead, the MCSP proposes land use designations of 24 dua in Areas 3, 5, and 7 that would meet state HCD "affordable by design" requirements of at least 20 dua.

Comment 30-r: *Comment Summary – Lack of analysis of emergency response times in Orinda.*

Please see Response to Comment 5-a.

Comment 30-s: *Comment Summary – Include more traffic mitigation measures: a comprehensive transportation demand management (TDM) program with a menu of vehicle trip reduction measures, park and ride lots, and a shuttle should be considered.*

Mitigation Measure 4.F-4 recommends enhancing transit service to mitigate traffic exceeding that predicted for General Plan buildout (Alternative 2). This Final EIR expands Mitigation Measure 4.F-4 to further reduce traffic associated with the MCSP and Alternatives 3 and 4 compared to Alternative 2.

- Alternative 3 mitigation includes a park and ride lot at the Town owned portion of the Sign Board Community Center site.
- Alternative 4 mitigation includes a park and ride lot, and a TDM program appropriate for commercial and office uses in the alternative.
- MCSP mitigation includes a park and ride lot, a TDM program, and expanded shuttle or bus service.

Comment 30-t: *Comment Summary – Fehr & Peers (2007) does not clearly outline the steps performed to generate the trip rates or how each data source was used.*

As indicated in the technical appendix to Fehr & Peers (2007), the trip generation process involved four steps:

1. Measure Moraga's existing travel patterns in terms of external traffic volumes and review data from reliable sources on trip generation and internal/external distribution.
2. Derive relationships that quantify the extent to which changing the proportions of internal opportunities (such as increasing the number of local jobs) produce changes in trip generation and the percentage of external travel.
3. Develop an analysis framework that estimates the effects of development projects based on the derived relationships and locally validated trip generation rates and internalization percentages.
4. Apply the analysis tool to proposed future land use changes and compute changes to external travel.

Comment 30-u: *Comment Summary – Retail trip generation rates used for the project were based on existing trip generation rates for the Town rather than higher rates because new residential development in Town will increase retail demand.*

The EPS (2006) economic study finds that retail uses in Moraga would continue to under perform national averages. The retail trip generation rates used in the study reflect that economic reality. New housing associated with the MCSP and other Moraga General Plan development will generate retail demand, and this demand was accounted for in the housing trip generation.

Comment 30-v: *Comment Summary – The ITE trip generation rates would yield significantly higher trip generation than shown on Table 12B of Fehr & Peers (2007).*

The PM peak hour trip generation shown in Table 12B Fehr & Peers (2007) is 703 trips while the commenter calculated 824 trips using the publication Trip Generation. The difference in trip generation reflects locally valid information specific to travel and economic data unique to the bay area while, as noted by the commenter, the data from Trip Generation represents surveys of uses throughout the United States and Canada. Excluding the retail trip generation, the calculations prepared by the commenter and those in Table 12B are within 1.6%.

The retail component of the trip generation in Trip Generation varies considerably. For example, the commenter used the average PM peak hour rate of 3.75 trips per 1,000 square feet. The low end of this range was 0.68 trips and the high end was 29.27 trips with a standard deviation of 2.75. The value used in Table 12B (2.51 trips) is well within one standard deviation of the average rate and reflects the reality that retail in Moraga under performs the national averages in both sales and employment as discussed in the EPS (2006) economic study.

Comment 30-w: *Comment Summary – The Draft EIR traffic analysis assumes project trip internalization rates that are too high. The 38% of trips that stay in Moraga is too high given that 86% of commuter's travel outside the Town and that 76% of retail purchases are made out of Town. The 60% internalization for buildout is too high.*

The comment is correct in that 86% of the commute trip travel leaves Moraga, but as indicated in Fehr & Peers (2007, page 7) only 22% of Moraga's vehicle trip generation is represented by commute trips. While 76% of retail dollars are spent outside of Town on a variety of goods not available in Town, retail sales are not a good indicator of day-to-day vehicle trip generation. Less than 40% of Moraga's vehicle trip generation is shopping trips. The 60% internalization under the General Plan buildout refers only to the added traffic from General Plan growth. This higher internalization will occur because new growth in Moraga will first be attracted to goods and services provided in Town. The General Plan growth is less than 4% of the total Town vehicle trip generation.

Comment 30-x: *Comment Summary – Peak hour internalization rates should be calculated for both the AM and PM peak hours and applied to the traffic study accordingly.*

Draft EIR Table 4.F-7 shows the trip generation characteristics for the project. About 64% of the daily vehicle trips stay in Moraga. About 54% of AM and 62% of PM peak hour trips stay in Moraga.

Comment 30-y: *Comment Summary – TJKM executed the CCTA model for 2000 and 2030 and determined internalization for Moraga to be 28% and 35% for the AM and PM peak hours. This is substantially different than that assumed in the study.*

The CCTA model was used as a starting point for forecasting vehicle travel in Moraga. Additional detail was assembled to address local conditions and intra-community and short-distance trips. A detailed discussion of this work is available in the technical appendices to Fehr & Peers (2007). The refinements relate to:

a) Overcoming an underestimate in the ABAG year 2000 Moraga employment figures,

b) Updating Moraga land use data to 2006, using directly-measured trip generation and distribution data for unique generators such as St Mary's College and Lamorinda high schools,

c) Validating the Moraga commuter trip distribution against 2000 Census data,

d) Reconciling the model's trip generation rates for residential, retail and office use with those reported by the Bay Area Travel Survey and Institute of Transportation Engineers,

e) Fine-tuning the model for greater local detail, including explicit traffic conditions on each facility crossing the inner cordon, and

f) Validating and calibrating the model to replicate 2006 traffic counts at the inner and outer cordons for daily traffic and AM and PM peak traffic on an average weekday.

With these changes, a 38% internalization of vehicle traffic to Moraga was derived for existing and buildout conditions. Please see Response to Comment 30-w for additional information regarding internalization.

Comment 30-z: *Comment Summary – To further verify internalization and trip rates assumed in the traffic study, TJKM examined the CCTA model for the Specific Plan area, and concluded that there was no change in internalization.*

The comment does not provide either the internalization or trip generation results from their CCTA model run, so it is not possible to compare their findings with the Draft EIR traffic study. Please see Responses to Comments 30-w and 30-y regarding trip internalization.

Comment 30-aa: *Comment Summary – The Draft EIR should specify whether signal timing information was gathered from the city, field collected, or optimized in Synchro.*

The signal timings for Lafayette were obtained from the city as part of the Downtown Lafayette Strategic Plan. Timing data at other intersections were based on field observations to determine cycle length and then optimized in

Synchro. The signal timings parameters remained the same for all analysis scenarios.

Comment 30-bb: *Comment Summary – The delay index is calculated for the entire corridor rather that at a specific location so it is difficult to identify specific congestion points.*

The delay index is intended to address overall travel delay on routes of regional significance. The Draft EIR analysis does this by providing the reader the corridor's overall travel delay consistent with the Lamorinda Action Plan.

Comment 30-cc: *Comment Summary – Why was afternoon school peak hour not analyzed?*

The evaluation periods in the Draft EIR are consistent with the analysis periods for other environmental documents prepared for Lafayette, Moraga, and Orinda. Analysis for the Lamorinda Traffic Study (completed in the 1990s) conducted an evaluation of the afternoon school peak and determined that the critical intersection operations occurred during either the AM or PM peak commute periods and not during the afternoon school period. Data collected for Fehr & Peers (2007) and summarized in Figure 6 illustrate that traffic levels are highest during the AM and PM peak commute periods, even at locations near schools.

Comment 30-dd: *Comment Summary – The Glorietta Boulevard/Rheem Boulevard intersection was incorrectly analyzed. It is an all-way stop controlled intersection.*

The intersection analysis was redone with all-way stop controls and determined to operate at acceptable service levels under all analysis scenarios. The analysis has been updated. Please see revisions to Table 4.F-12 (page 4.F-41) in Chapter 7 of this Final EIR.

Comment 30-ee: *Comment Summary – The LOS output for the Bollinger Canyon Road/St. Mary's Road intersection does not match Table 4.F-12 in the Draft EIR.*

The intersection delay values shown in Table 4.F-12 have been corrected to reflect the analysis output. Please see Final EIR revisions to Table 4.F-12 (Chapter 7, page 4.F-41).

Comment 30-ff: *Comment Summary – The Traffic Indices and other factors relative to construction truck traffic are not analyzed.*

The Traffic Index is a pavement management measurement and is not applicable to a CEQA document. Regarding the impact of construction traffic on area roads, the Draft EIR analyzes buildout on a planning level and does not provide sufficient detail for construction activities to evaluate the impact of construction traffic on the circulation system. Please see a Response to Comment 30-e for a discussion of construction monitoring to be added to the Implementation Element of the MCSP.

Comment 30-gg: *Comment Summary –Traffic Indices should be provided to address expected truck loadings on Orinda roads.*

The Traffic Index is a pavement management measurement and is not applicable to a CEQA document. Please see Response to Comment 8-c for more information on delivery truck traffic.

Comment 30-hh: *Comment Summary – The incorrect peak hour factors were used in the study.*

The average peak hour factor for the overall intersection was used in the analysis because this represents the peak 15-minutes of operation at the study intersection as measured in the field. We disagree with the approach to use the peak hour factor for each individual intersection approach because it is highly unlikely that each approach will peak at the same time. Thus, the analysis would over-estimate the actual vehicle delay measured in the field.

Comment 30-ii: *Comment Summary – The Draft EIR fails to identify the significant impact at the Moraga Way/Ivy Drive intersection under existing plus project conditions.*

Draft EIR Table 4.F-12 and Impact 4.F-6 identify the Moraga Way/Ivy Drive intersection as a significant project impact during the AM peak hour.

Comment 30-jj: *Comment Summary – Increased transit service does not sufficiently reduce trips to mitigate operating conditions at impacted signalized intersections.*

Please see Response to Comment 30-s regarding changes to Draft EIR Mitigation Measure 4.F-4.

Comment 30-kk: *Comment Summary – Reducing the Community Center does not sufficiently reduce trips to mitigate operating conditions at all impacted signalized intersections.*

At the significantly impacted intersections in Orinda and Lafayette as shown in Table 4.F-11, Alternatives 3 and 4 have less AM peak hour traffic than the land use assumptions in the General Plan (Alternative 2). Limiting the Community Center size further reduces AM peak hour traffic compared to Alternative 2. Draft EIR Mitigation Measure 4.F-4 enhances transit service in the Lamorinda area south of SR 24 and reduces the Community Center program to minimize traffic levels to those predicted under General Plan buildout.

Comment 30-ll: *Comment Summary – The study should consider other mitigation measures consistent with the Lamorinda Action Plan.*

Please see Response to Comment 30-i.

Comment 30-mm: *Comment Summary – The entire Glenside Drive–Reliez Station Road–Olympic Boulevard corridor should be evaluated as a system.*

The key intersections along this corridor were identified through field investigations including observations of traffic flow along the corridor. Locations with vehicle turning conflicts were chosen for analysis. The Glenside intersections at Los Palos Drive and Michael Lane (referenced by the commenter) do not have many turning movement conflicts and were not chosen for analysis. The identified mitigation measures for the area (i.e., signalization) will help to minimize the turning conflicts observed at the key intersections identified for study.

Comment 30-nn: *Comment Summary – The Draft EIR does not address the flashing signals at the Reliez Station/Diane Court intersection nor the trail crossing on Glenside Drive.*

The flashing signal will continue to function as a warning device with the project traffic. The regional trail crossing at Glenside Drive has excellent sight distance for both trail users and vehicle drivers.

Comment 30-oo: *Comment Summary – Provide a qualitative discussion on impacts of the project on intersections along Moraga Way.*

The intersections referenced by the commenter have been studied over the years in a variety of documents dating back to the Lamorinda Traffic Study. At various times over the years, residents have made requests to signalize each of these intersections but the historic traffic levels and accident trends at these intersections do not indicate a need for signalization based on traffic signal warrants.

Comment 30-pp: *Comment Summary – The study does not include a collision analysis.*

Accident trends were reviewed, and the three major corridors (Moraga Way, Moraga Road, St. Mary's Road) had accident rates less than the statewide average for similar roads. The collision rates are: 1.12 - Moraga Way; 1.15 - Moraga Road; 0.61 - St. Mary's Road; 1.19 - two-lane rural highway (state-wide average); 1.28 - two-lane suburban highway (state-wide average).

Comment 30-qq: *Comment Summary – The traffic analysis should consider construction of the 4th bore at the Caldecott Tunnel.*

The fourth bore would have no impact on peak direction traffic on SR 24. The additional bore will provide relief in the non-peak direction of travel. The bore will not change peak direction travel patterns streets and roads in Lamorinda.

Comment Letter 31 – Richard Loewke, On Behalf of Bruzzone Family, July 31, 2008

Comment 31-a: *Comment Summary – Modify the Draft EIR to inform reader that the market feasibility and implementation of the MCSP rests solely with the Bruzzone family.*

The comment does not address the adequacy of the information or analysis regarding environmental impacts in the Draft EIR. Market feasibility and implementation planning are considered in the development of project goals, objectives, and a feasible range of alternatives to meet those goals and objectives. The current market conditions, and potential economic impacts of development in the MCSP area, were considered in the 2006 EPS economic study. The comment addresses economic and policy concerns, not an environmental concern, and so is beyond the scope of the Draft EIR as required under CEQA.

Comment 31-b: *Comment Summary – Implementation element of the MCSP lacks policies, tools, or incentives to address feasibility and implementation issues.*

Please see Response to Comment 31-a.

Comment 31-c: *Comment Summary – The Draft EIR needs to be revised to correlate land use policy with physical conditions, market needs and constraints, and economic conditions.*

Please see Response to Comment 31-a.

Comment 31-d: *Comment Summary – Accommodation of very-low, low, and moderate-income housing is infeasible under all alternatives, as justified by items (a) through (m).*

The state HCD considers the proposed affordable housing component in the MCSP "affordable by design" based on density. The Town is required to provide adequate policies, land use designations, and zoning to accommodate its "fair share" of affordable housing. The state HCD does not require the Town to physically provide housing. The MCSP does not propose price controls or deed restrictions that would require the residential units to be occupied by any category of income level. The specific concerns about the feasibility of building affordable housing would be addressed at the project level.

Comment 31-e: *Comment Summary – Proposed MCSP reduces retail and housing potential embodied in current zoning standards and policies and replaces them with a confusing regulatory scheme.*

Please see Response to Comment 31-a.

Comment 31-f: *Comment Summary – Expand Draft EIR to discuss weak business environment and the efforts of the MCSP to revitalize.*

Please see Response to Comment 31-a.

Comment 31-g: *Comment Summary – The Draft EIR should discuss sales tax "leakage" of ¾ of Moraga tax dollars leaving Town. Discuss secondary effects such as valuations and property tax revenues. Discuss relationship for Alternatives 3 and 4.*

Please see Response to Comment 31-a.

Comment 31-h: *Comment Summary – Consider range of market incentives to stimulate revitalization and expansion of the Moraga Center.*

Please see Response to Comment 31-a.

Comment 31-i: *Comment Summary – The MCSP should accommodate a portion of specialized housing needs. Consider the effects of meeting all affordable housing needs in one area and the impact in the town's character.*

Please see Response to Comment 26-h.

Comment 31-j: *Comment Summary – Disclose effects of failure to meet basic local housing needs and the resulting consumption of resources (CO_2 emissions) of commuters.*

Residential development that has or has not occurred in Moraga over the past two decades is outside of the scope of the MCSP Draft EIR as required under CEQA. Numerous private residential parcels in Town (e.g., Moraga Country Club) have been approved for development but remain undeveloped. The Town plans for and processes development applications to construct residential uses, but does not provide the actual housing units.

Comment 31-k: *Comment Summary – Consider the full range of consequences on Moraga from failure to adopt a feasible MCSP and the accumulation of unmet housing demand.*

Please see Response to Comment 5-c.

Comment 31-l: *Comment Summary – Disclose MCSP inconsistencies with regional transportation policy and the effect this will have on the Town.*

The MCSP is consistent with the intent of the regional transportation policies. The MCSP was developed to include a mix of land uses to minimize vehicle trips. Senior housing units and assisted-care units generate less vehicle trips than traditional housing types. The local-serving retail uses are designed to attract residents who might otherwise make vehicle trips outside Moraga to shop. The multi-use trail system connects with the existing Lamorinda system, providing non-motorized access to the MCSP. Mitigation Measure 4.F-4 enhances transit service between the MCSP, BART, and St. Mary's College, and provides a park-and-ride lot.

Comment 31-m: *Comment Summary – Consider mitigation measures and additional alternatives to improve economic vitality of the MCSP. The comment proposes measures (a) through (j).*

Please see Response to Comment 31-a.

Comment 31-n: *Comment Summary - Encourage concurrent build out of low-density family housing on remaining sites in the General Plan land use and housing elements. Consider opportunities for infilling. Consider energy waste and unnecessary GHGs from export of local retail sales due to lack of local housing.*

The comment addresses issues beyond the scope of the MCSP area or are speculative in nature. Please see Response to Comment 31-a.

Comment 31-o: *Comment Summary – Revise the Draft EIR to consider alternatives which include mandatory programs in General Plan policies for increased residential development; development phasing, critical linkages between market rate housing and program goals; feasibility for renovation under Alternatives 3 and 4; land use inconsistencies; TDR policies; local commercial activities; and how the Moraga Center will be revitalized.*

The key mechanism included in the MCSP to revitalize the Moraga Center is increased residential density and number of units over what is allowed in the current Moraga Municipal Code. The Town Council is considering revisions to the Implementation Element (Chapter 7) of the Draft MCSP to provide additional incentives for buildout of both the residential and non-residential land uses provided in the MCSP. Please see Response to Comment 14-q.

Comment 31-p: *Comment Summary – Development agreements need to be described. Aesthetic impacts of the existing Town Center have not been described.*

Renovation of the existing Moraga Center is one of the key objectives of the MCSP. The current appearance of the Town Center is considered an existing condition under CEQA and is not considered an impact of the MCSP. Portions of the Town Center are inconsistent with goals for the Town's scenic corridors included in the recently adopted Town of Moraga Design Guidelines (e.g., Guideline SC8). One of the ways to achieve renovation goals for Moraga Center is to condition new development approvals to require renovation of the existing retail Center. Another way to achieve renovation goals would be a Development Agreement negotiated with the

property owners to renovate the existing center as part of a buildout program for the new development included in the MCSP.

Comment 31-q: *Comment Summary – Clearly state Town's past record in complying with housing laws and ABAG projections, and regulatory constraints that maintain lower home values compared to adjacent cities.*

Please see Response to Comment 31-a.

Comment 31-r: *Comment Summary – Describe economic factors critical to the ability for Moraga to function in the absence of a successful MCSP.*

Please see Response to Comment 31-a.

Comment 31-s: *Comment Summary – Provide a complete analysis of the relationship of the MCSP to the Town's current and projected budget.*

Please see Response to Comment 31-a.

Comment Letter 32 – Brian and Heather Myers, Moraga Residents, July 31, 2008

Comment 32-a: *Comment Summary – Support pedestrian space and walkable shopping.*

Comments that state a position for or against a specific component of the project are appreciated as this gives the Town Council a sense of the public opinion about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 32-b: *Comment Summary – Opposes high density housing without specific planning and restrictions.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 32-c: *Comment Summary – Enforcement of occupants of housing type must be enforced (e.g., seniors in senior housing and workforce in workforce housing). Minimum ownership of 90% recommended with rentals to be approved by a board.*

Please see Response to Comment 30-q.

Comment 32-d: *Comment Summary – Housing unit resale plan needed.*

Please see Response to Comment 30-q.

Comment 32-e: *Comment Summary – Plan accordingly with the schools and publish this assessment.*

Please see Responses to Comments 10-k and 11-c regarding school impacts.

Comment Letter 33 – Lisa Carboni, California Department of Transportation, July 31, 2008

Comment 33-a: *Comment Summary – Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy.*

Draft EIR Mitigation Measure 4.F-9 requires certain roadway improvements be implemented as the MCSP is built out to avoid significant internal circulation impacts.

Comment 33-b: *Comment Summary – Draft EIR, page 4.f-26 references multi-jurisdictional regulatory agencies and guidelines (CCTA, CMP, DLAP). Missing from all plans and the MCSP is a detailed Transportation Demand Management Program (TDM). This is not required, but recommended to reduce impacts on state highway systems. Strategies include: shuttles, vanpools, carpools, emergency ride home program, transit incentives, transit programs, and bicycle parking incentive and safety programs.*

Please see Response to Comment 30-s.

Comment 33-c: *Comment Summary – Please see MTC study: "Parking Best Practices and Strategies for Supporting Transit Oriented Development in the Bay Area."*

Mitigation Measure 4.F-11 states that the parking supply must meet the Town's parking code unless studies support a different supply requirement. This Final EIR includes a reference to the suggested document in Mitigation Measure 4.F-11.

Comment 33-d: *Comment Summary – Provide mitigations to reduce impacts to SR 24 traffic.*

SR 24 is constrained by the Caldecott Tunnel to the west and the I-680 interchange to the east. There are no plans to further expand these facilities except the 4th bore at the tunnel, which would not reduce traffic in the peak travel direction. The Lamorinda Action Plan, consistent with the Draft EIR analysis, concludes that the SR 24 corridor will continue to exceed acceptable thresholds. Moraga is an active participant in the regional planning process and will continue to support efforts to maximize BART use as an alternative to auto travel on SR 24.

Comment Letter 34 – John Grossberg, August 1, 2008

Comment 34-a: *Comment Summary – The MCSP should be developed to reflect Moraga's environmental awareness and semi-rural feel. Area 5 could be used for a small, luxury 10 unit B&B with attached tennis courts, pool and restaurant with arrangements with country clubs for golfing. Areas 3, 4, and 6 could be developed as organic orchards, vegetables, and vineyard. The B&B could be built to highest water and energy standards and run in partnership with a St. Mary's College hotel and restaurant management program. The farm could sell food locally and partner with high school programs (provides examples such as Cornell and Berea College). The vineyards, gardens, and orchards could provide food to the development and serve as an educational forum for the community at large. Area 7 could serve as open space or vineyards.*

Comments that suggest alternatives to the proposed MCSP or specific development ideas are appreciated as this gives the Town Council a sense of the public opinion about a proposed course of action. Because the suggestions are not linked to potential impacts from the MCSP, this information can be used by the Town to make decisions on project applications but not for improving the environmental analysis or documentation.

Comment Letter 35 – Ruth McGough, Moraga Resident, August 1, 2008

Comment 35-a: *Comment Summary – What happens if Moraga does not comply with the ABAG regional housing element? When was Moraga last in compliance and what have been the consequences?*

Please see Response to Comment 10-f.

Comment 35-b: *Comment Summary – How many affordable housing units are required? What qualifies for low-income in Moraga? Why is Moraga choosing high density over low income?*

Please see Response to comment 5-c regarding Moraga's "fair share" allocation of affordable housing units in the ABAG RHNA and definition of affordable housing. Higher density housing of at least 20 dua is one method of meeting the state HCD "affordable by design" requirement. Higher density housing also contributes towards meeting other goals of the MCSP, such as developing a pedestrian friendly "Village" that would revitalize the downtown while minimizing vehicle trips.

Comment 35-c: *Comment Summary – What happens if housing element does not meet requirements for General Plan?*

Please see Response to Comment 10-f.

Comment 35-d: *Comment Summary – Why did Moraga apply to ABAG to be a priority development area instead of a high conservation area?*

The Town applied to ABAG for both priority development area status and priority conservation area status. The priority conservation area status was approved at numerous locations in Moraga.

Comment 35-e: *Comment Summary – According to CalTrans, the Town is responsible for road and highway improvements. Why would we burden our citizens with this expense?*

The comment refers to an economic issue, rather than an environmental issue, and so is not relevant for the environmental analysis.

Comment 35-f: *Comment Summary – Opposes big box stores in MCSP, and believes assumption that new retail development will reduce out of town trips is erroneous.*

The EPS (2006) economic study did not find a market for big box retail uses but instead found that additional local-serving retail uses could be supported given the demographics in the Lamorinda area. The transportation analysis was based on an analytical tool reflecting local vehicle travel patterns associated with local-serving retail. The underlying relationships between land use and travel in Moraga were determined and used to predict traffic of future development. For example, 27% of the trips out of Moraga are shopping-related. Community-based retail uses would capture some of those existing trips, reducing traffic in adjacent cities.

Comment 35-g: *Comment Summary – Regional transportation model assumptions does not fit with fit Moraga driving habitats, so the traffic patterns in the Draft EIR are*

incorrect. The Draft EIR should survey Moraga residents to get an accurate model of transportation patterns.

The Town initiated extra effort in developing an analytical tool to reflect local vehicle travel patterns, as documented in Fehr & Peers (2007). Local data sources include: survey data of Moraga residents from the 2000 US Census, Bay Area travel surveys, traffic counts at 11 gateways in the Lamorinda community, vehicle surveys at St. Mary's College, vehicle counts at Miramonte High School, and economic data collected and analyzed by EPS (2006) for Moraga.

Comment 35-h: *Comment Summary – New retail will create jobs for non-residents, thereby increasing traffic.*

Retail trip generation rates were established based on existing retail and office activity in Moraga. Economic studies indicate that retail will be local-serving uses. While employees may travel from outside town, residents who live and shop in Moraga would generate the majority of vehicle trips.

Comment 35-i: *Comment Summary – Most residents would continue to leave Town to work for larger companies. Additional office space is unlikely to attract employers of Moraga residents and reduce vehicle trips. A survey of residents and the potential use of new office space should be conducted to develop more accurate traffic impacts.*

EPS's 2006 economic study for Moraga (MCSP Appendix A) evaluated the economic climate for retail and office uses in Moraga that formed part of the basis for the traffic analysis assumptions.

Comment 35-j: *Comment Summary – Most seniors have cars and make trips out of Town for big box stores and medical appointments. Is this factored in to the analysis?*

Please see Responses to Comments 14-g and 22-b.

Comment 35-k: *Comment Summary – The MCSP would result in LOS D traffic in violation of the General Plan.*

The Corliss Drive/Moraga Way intersection in Moraga will operate below acceptable levels with buildout of the MCSP. Draft EIR Mitigation Measure 4.F-3 l restores the intersection to LOS B. Under cumulative conditions, the intersection of Moraga Way/Moraga Road falls below acceptable LOS. Mitigation Measure 4.F-C2 requires general vehicle circulation between Moraga Way and Moraga Road on School Street to maintain acceptable LOS C at the Moraga Road/Moraga Way intersection.

Comment 35-l: *Comment Summary – Increases in population, automobiles, and delivery trucks would increase noise, traffic, and air pollution.*

Section 4.H of the Draft EIR analyzes noise levels from increased population, traffic and retail deliveries operations. The analysis states that noise levels would increase, but would not exceed applicable noise level standards.

Comment 35-m: *Comment Summary – Increased population and higher density housing will increase demand for parks and the band shell, resulting in increased noise.*

MCSP buildout will add population as addressed in Draft EIR Section 4.B, increasing demands for recreation as addressed in Section 4.E. Development in the MCSP will result in a less than significant impact on park and recreation facilities (Impact 4.E-5). It is considered speculative to suggest that increased population will result in more amplified music at the Moraga Commons band shell. Use of the facility would require compliance with the Town noise ordinance under Section 7.12.120 or obtain a conditional use permit under Section 8.36.020.

Comment 35-n: *Comment Summary – The hotel should be located at St. Mary's College to reduce traffic. Most Moragans have room in homes to house visitors.*

The EPS 2006 study showed a demand for a hotel or bed and breakfast. St. Mary's College was referenced in the document because they are the largest employer in Moraga. Hotel use is a small component of the MCSP and its traffic impact is minor.

Comment 35-o: *Comment Summary – Draft EIR does not address emergency evacuations.*

Please see to Response to Comment 5-a.

Comment 35-p: *Comment Summary - A new EIR should be produced with specific design plans included.*

As applicants seek discretionary approvals for projects within the MCSP area, the Town will evaluate whether the MCSP EIR has adequately analyzed the environmental effects of such projects or whether additional environmental review is required by CEQA. CEQA Guidelines Section 15162 provides for preparation of a subsequent EIR where a lead agency determines, on the basis of substantial evidence in light of the whole record, that changes in the project or changes in the circumstances under which the project is undertaken will result in new significant impacts or a substantial increase in the severity of previously identified significant effects, or where there is new information of substantial importance regarding the project's environmental effects, mitigation measures or alternatives, as further described in Section 15162.

Comment 35-q: *Comment Summary – Regional recreation center has parking problems. Recreation center would increase traffic and air pollution. Requests calculations for increased use of the center if the Hacienda is sold.*

Please see Response to Comment 10-o.

Comment 35-r: *Comment Summary – States that revitalization of existing structures is not included in Draft EIR, only for new buildings.*

The MCSP Draft EIR evaluates potential impacts associated with new land uses in the MCSP area. Revitalization or renovation of existing structures would not involve new land uses, and typically do not result in new impacts as changes are generally cosmetic. New uses associated with revitalization of the existing Moraga Center would be similar to existing uses and would therefore generate similar traffic levels.

Comment 35-s: *Comment Summary – Design visuals did not reflect full buildout density and that trees were added that presently do not exist.*

The visual simulations were based on buildout of land uses and densities provided for in the proposed MCSP, and included typical design elements, such as trees and other landscaping that would be expected with new development. Please see Response to Comment 14-p regarding revised visual simulations provided in this Final EIR.

Comment 35-t: *Comment Summary – Green building requirements are not included in the plan.*

Green building requirements are included as mitigation measures in the air quality analysis. Please see Response to Comment 14-o for other measures.

Comment 35-u: *Comment Summary – Evaluate significant impacts more carefully in all areas.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Such information can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment Letter 36 – Kevin McGuire, Moraga Resident, August 1, 2008

Comment 36-a: *Comment Summary – Crime not studied in Draft EIR.*

Please see Response to Comment 10-d.

Comment 36-b: *Comment Summary - Have ABAG low-income housing requirements been spread out to other areas of Moraga? Is all the low-income housing being included in the MCSP?*

Please see Responses to Comments 26-g and 26-h.

Comment 36-c: *Comment Summary – How can Moraga mitigate crime that occurs in high density, low-income areas?*

Please See Response to Comment 10-d.

Comment 36-d: *Comment Summary – Can low-income housing be available to only seniors and teachers and civil servants with priority going to current residents of Moraga?*

Please see Response to Comment 30-q. The state HCD considers the proposed affordable housing component in the MCSP "affordable by design" based on density. The MCSP does not propose actual price controls or deed restrictions that would require the residential units to be occupied by any category of income level. Other than senior housing, deed restrictions to limit resident type in affordable housing are not being considered for the environmental analysis.

Comment 36-e: *Comment Summary – Student housing should be excluded or limited due to students disrupting the peace.*

St. Mary's College faculty/staff/student housing is proposed as a mixed use development within the Moraga Center commercial area. These units would not be adjacent to existing low density residential uses or senior housing.

Comment 36-f: *Comment Summary – The Draft EIR did not adequately address impacts to schools.*

The analysis of potential impacts to school services has been updated with new information provided by MSD. Please see Responses to Comments 10-k and 11-c regarding impacts related to school funding and school crowding.

Comment 36-g: *Comment Summary – Has the CO_2 impact of the MCSP been mitigated as required by CEQA?*

Please see Response to Comment 14-o for measures to reduce the MCSP impact on GHG emissions.

Comment 36-h: *Comment Summary – Request for referendum on the MCSP.*

Please see Response to Comment 13-c.

Comment 36-i: *Comment Summary – Has California Fish and Game Commission been notified to review impacts to the sanctuary on Camino Ricardo?*

The MCSP area along Camino Ricardo includes privately-owned property, and does not include any known or recognized wildlife sanctuary.

Comment 36-j: *Comment Summary - Does Town Council have prior or current financial connections to the MCSP?*

Please see Response to Comment 23-b.

Comment 36-k: *Comment Summary - Did Town Council members receive campaign contributions from the owners of the property?*

Please see Response to Comment 23-b.

The comment does not address the potential environmental effects of the project or adequacy of the Draft EIR. The question is noted and included in this Final EIR. Government Code Section 84308 establishes restrictions on the ability of public officials to participate in decisions that may benefit campaign contributors. Similar to the Response to Comment 23-b, prior to the Council's consideration of the MCSP, in the event that potential conflicts of interest arise, Town staff and legal counsel will work with members of the Town Council to determine whether there are conflicts of interest that disqualify a Council member from participating in the Council's deliberations and action regarding the MCSP.

Comment 36-l: *Comment Summary – Why is the proposed MCSP project- with the greatest impacts on Moraga, Orinda, and Lafayette- prioritized, and not Alternatives 2 and 3?*

CEQA Guidelines (Section 15126.6 (d)) states that an EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

Comment Letter 37 – Stephen Meyers, Meyers Nave Professional Law Corporation, July 31, 2008

Comment 37-a: *Comment Summary – The MCSP will have a significant impact on fire and emergency services and proper mitigation measures have not been proposed.*

The comment does not identify specific information on how the impact is inadequately addressed. The comment can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 37-b: *Comment Summary – Fire Station 41's current facilities, equipment, and staff will not be able to adequately serve the MCSP. Contrary to General Plan policy, MCSP buildout reduces service levels, endangering life and property. Revise the Draft EIR to state a significant impact on fire protection services and provide mitigation.*

The MCSP includes compliance with applicable public safety and growth management policies in the General Plan, requiring MOFD review of the circulation, access, and evacuation plans in the Design Guidelines (Appendix B); payment of impact fees; and review of fire suppression systems.

Section 4.L of this Final EIR (Chapter 7) includes revised information and analysis on potentially significant impacts on the provision of fire protection and emergency services based on information provided in this letter. Impact 4.L-1b (page 4.L-9) finds that MCSP buildout will have a potentially significant impact on fire protection services because accepted service standards cannot be maintained and will require new staff, equipment, and facilities. Revised Mitigation Measure 4.L-1b reduces potentially significant impacts to less than significant levels.

Comment 37-c: *Comment Summary – Under the MCSP land use plan and regulations, the MOFD's Station 41 would not be a permitted use. Service levels must be preserved to be consistent with General Plan policies.*

The Draft MCSP will be revised at adoption to clarify that public service uses, such as fire or police station, would be a permitted use in Mixed Office/Residential (Area 13) at the present location of Station 41.

Comment 37-d: *Comment Summary – MOFD personnel did not provide statements or information to support that the existing staffing level, facilities and equipment are adequate to meet new demands associated with the MCSP.*

Please see Response to Comment 37-b. The analysis has been revised based on information provided in this letter. A detailed analysis of the MCSP's potential impacts on the MOFD were not included in the Draft EIR following a phone conversation with MOFD Battalion Chief Borden on April 29, 2008 at 11:07 AM. During the phone conversation, the environmental analyst was informed that the MCSP would not impact existing response times from Station 41 because of the development's close proximity to the station.

Comment 37-e: *Comment Summary – Buildout of the MCSP will have significant impacts on fire protection and emergency services, and the EIR must include mitigation measures to address impacts.*

Please see Response to Comment 37-b.

Comment 37-f: *Comment Summary – Buildout of the MCSP project area, and cumulative buildout of the Town, will result in a significant impact on the MOFD due to increased calls for service. The MCSP will add 1,614 new residents, 720 homes, and up to 140,000 square feet of commercial or office space. Cumulative buildout will add 2,563 residents and 1,000 new homes to Moraga.*

Please see Response to Comment 37-b.

Comment 37-g: *Comment Summary – The MCSP's 450 senior or assisted living units alone will result in about 450 new medical service calls per year, a 25% increase. Over 70% of current calls are for medical response, 60% from seniors. Senior housing averages about 1 call per bed or unit per year.*

Please see Response to Comment 37-b.

Comment 37-h: *Comment Summary – Station 41 cannot be remodeled or expanded to handle the new staff and equipment needed to maintain service levels with MCSP buildout and other planned or proposed developments in Moraga.*

Please see Response to Comment 37-b.

Comment 37-i: *Comment Summary – The MCSP proposed maximum building height of 45 feet. With a single aerial ladder, the MOFD lacks the ability to respond to more than one call for service simultaneously, which may endanger life and property.*

Please see Response to Comment 37-b.

Comment 37-j: *Comment Summary – Significant traffic impacts at certain intersections in Moraga will increase response times. Significant impacts to intersections in Lafayette will increase response times for mutual aid assistance.*

Please see Response to Comment 37-b.

Comment 37-k: *Comment Summary – Significant impacts to fire protection and emergency services must be addressed by mitigation measures. The MOFD believes the following mitigation measures would reduce significant impacts to a less than significant level: new buildings and/or property to expand staff, equipment, and administration at Station 41; a new ambulance and other equipment; a new aerial ladder fire engine; and an impact fee imposed on new development.*

Please see Response to Comment 37-b. These measures will be considered in the development of mitigation measures to reduce potentially significant impacts to fire protection services to a less than significant level.

Comment 37-l: *Comment Summary – The Town needs to coordinate with the MOFD on the location and design of a new signalized intersection near Station 41 on Moraga Way.*

The Town will coordinate with the design and location of new signals, as well as circulation and access, during the design phase of projects in the MCSP area. Section 4.L of this Final EIR includes coordination between the Town, MOFD, and project applicants on the design and location of new streets and intersections.

Comment 37-m: *Comment Summary – The Draft EIR needs to analyze the compatibility of high-density housing around Station 41 and consistency with General Plan policy LU 4.6.*

This Final EIR Section 4.A (Chapter 7, page 4.A-21) includes revised information and analysis on consistency with General Plan policy LU4.6, and includes mitigation measures (Section 4.L, Chapter 7, page 4.L-11) to reduce identified potentially significant impacts on fire protection services to less than significant levels.

Comment 37-n: *Comment Summary – The MOFD should review street design and building setbacks to ensure they meet service standards.*

The Draft EIR describes and analyzes street designs and compatibility with emergency access and the Town's evacuation plan under Impacts 4.L-1b and 4.L-2. This Final EIR revises Mitigation Measure 4.L-1b to clarify that the MOFD shall review development plans for adequate emergency vehicle access, including street designs and building setbacks.

Comment 37-o: *Comment Summary – The Draft EIR inaccurately describes the fire flow tax.*

Please see Response to Comment 37-b.

Comment 37-p: *Comment Summary – The Draft EIR inaccurately describes fire flow requirements.*

Please see Response to Comment 37-b.

Comment 37-q: *Comment Summary – The MCSP is inconsistent with General Plan policies PS3.1 Cooperation with Moraga-Orinda Fire District; PS3.3 Response Times; and PS3.5 Development Review for Emergency Response Needs*

Please see Response to Comment 37-b.

Comment 37-r: *Comment Summary – The MCSP land use plan states that Public Services (police and fire) are not permitted uses within the Mixed Commercial Residential land use area that includes MOFD Station 41. Would Station 41 be a non-conforming use?*

The Draft MCSP will be revised at adoption to clarify that public service uses, such as MOFD Fire Station 41 or a police station, would be a permitted use at the present location of Fire Station 41.

Comment Letter 38 – Richard J. Olsen, Moraga Resident, August 1, 2008

Comment 38-a: *Comment Summary – Opposes the MCSP in its present form as it would permanently and irrevocably destroy the semi-rural character of Moraga.*

The comment expresses an opinion but does not identify specific information or impact that is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 38-b: *Comment Summary – States that the MCSP planning process has been unnecessarily fast tracked and is biased in favor of higher density residential uses. Lower density land uses should have been considered.*

The comment expresses an opinion but does not identify specific information on what topic or impact is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation. Alternative 2 in Draft EIR limits residential development to lower density, single-family homes consistent with existing neighborhoods in the vicinity and the level of development in the 2002 General Plan.

Comment 38-c: *Comment Summary – The MCSP's "mixed use urban village" is not compatible with the existing semi-rural character of Moraga.*

The MCSP objectives are listed on page 2-2 of Chapter 2. The Moraga Center is also the town center, and as such, it is consistent to propose greater residential and commercial density in the MCSP area than the rest of the Town. With proper design guidelines, higher density can be developed with buffers and open spaces to be consistent with the rural character found in the other parts of the Town.

Comment 38-d: *Comment Summary – By including only single-family homes, Alternative 2 maximizes adverse impacts to traffic, and so is unrealistic.*

The Draft EIR includes Alternative 2 to describe and analyze impacts from building residential and commercial uses that are currently allowed in the Moraga Zoning Code and General Plan and the type of residential units consistent with existing neighborhoods. Draft EIR Table 4.F-7 shows that the MCSP generates more traffic than Alternative 2 which represents the development level consistent with the 2002 General Plan. Alternative 2 would reduce residential densities and would be more consistent with the existing look and feel of adjacent residential neighborhoods. Draft EIR Section 4.F, however, demonstrates that Alternative 2 would increase vehicle delay during peak hour commute traffic compared to the proposed MCSP and other mixed use action alternatives. Therefore, traffic impacts are related to factors other than residential density.

Comment 38-e: *Comment Summary – Disagrees that traffic impacts will not exceed gateway levels.*

Traffic impacts analyzed in Draft EIR Section 4.F identify several significant impacts due to buildout of the MCSP or alternatives. The Draft EIR identifies several significant and unavoidable impacts to traffic in Orinda and Lafayette. No mitigation is available to reduce these impacts to a less than significant level. Moraga's General Plan Adoption Resolution 21-2002 made findings that general plan-level development would cause significant and unavoidable intersection impacts in the City of Lafayette.

Comment 38-f: *Comment Summary – The traffic analysis in the Draft EIR needs to consider that housing may be built prior to commercial/retail development and improvements to the existing Town Center. Developing housing first would generate increased car trips for shopping.*

Please see Response to Comment 14-q. The Town may include measures in the Final MCSP that would require phasing of residential development and revitalization of the existing Moraga Center. However, should the MCSP Implementation Element be unchanged, there is a possibility that residential development could precede commercial and office development. If so, the number of total peak hour trips decreases as does the number of internal and

external trips. This is because the retail and office uses, while they are local serving, would still attract drivers from outside Moraga. This would include employees and patrons who live outside Moraga. For example, a shopper who lives in the Orinda and Lafayette area. In the PM peak hour, the total trip growth predicted for the MCSP would decrease from 429 to 265 trips. The Draft EIR documented that 158 of 429 trips (37%) were external. Under residential only development, 120 of 265 trips (45%) would be external. Therefore, without the retail and office, a higher percentage of new trips would cross the Moraga border, but there would be 38 fewer vehicles crossing the border. Similar changes would occur in the AM peak hour and daily trip totals.

Comment 38-g: *Comment Summary – The Town's recent experience shows that student and senior housing populations are incompatible and add additional burden on police and emergency services. States that the Draft EIR fails to address these additional police service, noise, and other burdens.*

St. Mary's College faculty/staff/student housing is proposed as a mixed use development in the commercial area. These units would not be adjacent to senior housing. Please see revised Section 4.L in this Final EIR (Chapter 7) regarding impacts to police and emergency services. Draft EIR Section 4.H analyses potential noise impacts.

Comment 38-h: *Comment Summary – Supports the efforts towards affordable housing but believes that the need and legal consequences are is overstated.*

Please see Response to Comment 5-c regarding legal and financial risks of not attaining a state HCD certified Housing Element. The comment does not address how the Draft EIR overstates the Town's obligations under Government Code Section 65583. The comment does not address the environmental effects of the project or the adequacy of the Draft EIR's analysis of those impacts.

Comment 38-i: *Comment Summary – ABAG supports high-density Transit Villages close to BART stations, so why have Lafayette and Orinda not proposed high density residential uses adjacent to BART. One project near Orinda's BART is actually less dense than the MCSP uses. Orinda and Lafayette should propose more high density housing, especially since Moraga already has a greater proportion of multi-family housing than those cities.*

Orinda and Lafayette are considering increased residential land use densities. Lafayette allows up to 35 dua, but Moraga currently allows a maximum of 6 dua. Similarly, Orinda is considering a maximum building height of 55 feet to accommodate higher density housing. Moraga's current residential height limit is 35 feet.

Comment 38-j: *Comment Summary – The visual simulations in the Draft EIR are misleading because they show mature vegetation.*

Please see Response to Comment 14-p.

Comment 38-k: *Comment Summary – Moraga Way Scenic Corridor representations are misleading due to mature vegetation and long-distance perspective. Views from Moraga Country Clubs hillsides are not represented.*

The visual simulations show buildout of the MCSP area using conceptual building massing and architectural themes, and include landscaping and trees that represent 10 to 15 years of growth. The simulations are only conceptual in nature as is appropriate for a planning level document, and do not represent actual proposed structures. Project specific simulations could be developed when specific projects are proposed. Viewpoints were selected at publicly accessible locations.

Comment Letter 39 – Todd A. Williams, Morgan Miller Blair for Sonsara Homeowners Association, August 1, 2008

Comment 39-a: *Comment Summary – The Draft EIR has inconsistencies, such as Table 3-1 stating that the No Project Alternative would have significant and unavoidable impacts.*

The information summarized in Table 3-1 is correct. As documented in Chapter 4 of the Draft EIR, under the No Project Alternative, existing impacts that are considered significant and unavoidable would continue to occur.

Comment 39-b: *Comment Summary – The MCSP proposed housing in the MCSP exceeds that in the General Plan. As a Specific Plan EIR instead of a General Plan Amendment EIR, the document fails to comply with CEQA.*

Please see Response to Comment 14-e.

Comment 39-c: *Comment Summary – The Draft EIR is misleading in handling impacts to traffic and transportation. The traffic analysis is flawed and the analysis should be re-done and re-circulated.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Comments that state a position or opinion are appreciated as this gives the Town Council a sense of the public's interests about a proposed course of action. Such opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 39-d: *Comment Summary - The timing and length of comment period is inadequate given the magnitude of the project. Requests official comment period be extended.*

Please see Response to Comment 2-a.

Comment 39-e: *Comment Summary – MCSP residential densities are inconsistent with the General Plan as noted in Impact 4.A-1, and California law requires specific plans to be consistent with General Plans.*

Please see Response to Comment 14-e.

Comment 39-f *Comment Summary – Addressing land use impacts in a table instead of the main text minimizes their significance.*

The presentation or organization of data or analysis in tabular form is consistent with state CEQA Guidelines. Potentially significant impacts are described in the text of the Draft EIR.

Comment 39-g: *Comment Summary – The MCSP is inconsistent with General Plan policy CD1.3 View Protection, and the Draft EIR fails to discuss how development would protect views.*

Draft EIR Table 4.A-9 summarizes that the MCSP complies with CD1.3 because it provides Design Guidelines (Appendix B) to minimize grading of existing topography, preservation of native trees along Laguna Creek, and landscaping and architectural design elements that will blend with the existing environmental and Town character. Impacts 4.E-2 and 4.E-3 find that the MCSP would have potentially significant impacts on visual resources, and identifies Mitigation Measures 4.E-2a (Develop and Implement Additional MCSP Design Guidelines) and 4.E-2b (Require Internal View Corridors) to reduce the impacts to less than signifcant levels.

Comment 39-h: *Comment Summary – The Draft EIR fails to discuss how commercial parking in the MCSP is consistent with General Plan policy C3.3 Commercial Area Parking.*

The Draft EIR identifies potentially significant impacts and provides mitigation measures that, with implementation, would reduce significant impacts to a less than significant level. The State's CEQA Guidelines encourages the use of tables in EIR as a means to present clear, organized information and analysis.

Comment 39-i: *Comment Summary – The Draft EIR fails to identify incompatible housing densities, and so fails to find Impact 4.A-2 significant and identify mitigation measures to address potential conflicts between residential densities.*

The MCSP Draft EIR (page 4.A-21) shows that residential densities in the MCSP are consistent with existing residential areas because of a landscaped buffer and berm on Camino Ricardo and homes will back to, and will not front on, Camino Ricardo. Alternatives 2, 3, and 4 evaluate lower density residential land uses on Camino Ricardo. Please see Response to Comment 10-l for additional information on residential densities on Camino Ricardo.

Comment 39-j: *Comment Summary – The Draft EIR should find Impact 4.A-3 as significant because residential densities in the MCSP exceed those in the General Plan and would require a General Plan amendment.*

Please see Response to Comment 14-e. Development in the MCSP area was not known at the time of the General Plan because the MCSP had not been completed. Accordingly, the General Plan and EIR made development density assumptions for the MCSP area for the purpose of the environmental analysis of the overall buildout of the Town. A General Plan Amendment based on the findings of this EIR, followed by adoption of the MCSP, is consistent with California planning law.

Comment 39-k: *Comment Summary – Impact 4.B-2 should be significant because buildout creates demand for housing or induces population growth greater than considered in the General Plan. The Draft EIR is incorrect in stating that General Plan buildout would add more residents and at a higher growth rate than the MCSP.*

The Draft EIR analyzes the increased population growth and its potential impacts to other resource areas where increased population can create new

impacts (e.g., traffic, public services, schools). Impact 4.B-2 addresses increased population growth and references other sections where increased population may indirectly create environmental impacts. The Draft EIR states that the population growth associated with the MCSP is less than the population at General Plan buildout. If other potential General Plan residential development was constructed along with the MCSP, population increases exceed that predicted for General Plan buildout. Relevant sections of the MCSP Draft EIR analyze the potential impacts from higher levels of such population growth.

Comment 39-l: *Comment Summary – The Draft EIR fails to consider if the new businesses contained in the residential and commercial portions of the MCSP, along with renovations of the existing Town Center, would generate additional demand for housing.*

Please see Response to Comment 39-k. Draft EIR Section 4.B addresses potential growth inducing impacts.

Comment 39-m: *Comment Summary –The Draft EIR should include a Water Supply Assessment (WSA) from EBMUD because the MCSP envisions more than 500 residential units and over 100,000 square feet of commercial space.*

Please see Response to Comment 7-a.

Comment 39-n: *Comment Summary –Virtually all requirements in Chapter 8.132.050 Development Guidelines are mandatory, so change language in Draft EIR Mitigation Measures 4.E-2a and 4.E-2b from "should" to "shall."*

This Final EIR (Chapter 7, page 4.E-42) includes revisions to Mitigation Measures 4.E-2a and 4.E-2b replacing "should" with "shall." Draft EIR Impact 4.E-2 finds that the MCSP would have significant impacts on scenic corridors. Draft EIR Mitigation Measures 4.E-2a and 4.E-2b reduce potential impacts to a less than significant level in part by adding Municipal Code requirements in Chapter in 8.132.050 to the MCSP Design Guidelines (Appendix B) to ensure that they are more easily followed during project review.

Comment 39-o: *Comment Summary – We incorporate by reference the comment letters prepared by TJKM, City of Orinda, and City of Lafayette.*

Please see Responses to Comment Letters 30 (Orinda), 43 (Lafayette), and 44 (TJKM).

Comment 39-p: *Comment Summary – The Draft EIR fails to fairly and adequately analyze transportation impacts and provide effective or realistic mitigation. The trip generation calculations, internalization assumptions, and traffic analyses are flawed.*

The comment expresses an opinion and does not provide new information to revise the analysis or identify how the analysis in the Draft EIR is inadequate. Without new information or and identification of how the analysis is flawed, it is not possible to revise the Draft EIR based on the comment.

Draft EIR Section 4.F-3 identifies the traffic impacts and appropriate mitigation on three routes of regional significance and at 51 study

intersections in Lamorinda. Impacts 4.F-2 and 4.F-3 identify impacts and Mitigation Measure 4.F-3 in Moraga to reduce potentially significant impacts to less than significant levels. Similarly, the Draft EIR describes potentially significant cumulative impacts to traffic in Impacts 4.F-C2 and 4.F-C3, and provides Mitigation Measures 4.F-C2 and 4.F-3 to reduce these impacts to less than significant levels.

Draft EIR Impacts 4.F-4 and 4.F-5 describe project impacts and mitigations in Lafayette. Traffic signalization can mitigate significant impacts at several locations in Lafayette but some intersections cannot be mitigated to less than significant levels. The analysis on pages 4.F-54 and 4.F-55 outlines some of the major infrastructure improvements identified in the last 15 to 20 years to address traffic congestion in the community. The community ultimately rejected these improvements after extensive debate, and Lafayette allowed subsequent development to occur that precluded the improvements. The Draft EIR presents this context and then correctly concludes that feasible measures are not available to mitigate the project traffic.

For Orinda intersections, Draft EIR Impacts 4.F-6 and 4.F-7 describes that, like Lafayette, the community has rejected road improvements that could improve traffic flow on Moraga Way through Orinda. The Draft EIR presents this context and then correctly concludes that feasible measures are not available to mitigate project traffic impacts to less than significant levels in Orinda. The Draft EIR makes similar findings in cumulative traffic analysis as described in Impacts 4.F-C4 and 4.F-C5 (Lafayette) and Impacts 4.F-C6 and 4.F-C7 (Orinda).

Comment 39-q: *Comment Summary – The text and tables do not clearly outline the steps performed to generate the trip rates or how each data source was used.*

Please see Response to Comment 30-t.

Comment 39-r: *Comment Summary – The MCSP retail trip generation rates were based on existing rates for the Town and not fully-occupied Moraga Shopping Center. New residential development in Town will increase retail demand and higher trip generation rates.*

Please see Response to Comment 30-u.

Comment 39-s: *Comment Summary – ITE trip generation rates yield significantly higher trip generation than shown on Table 12B of Fehr & Peers (2007).*

Please see Response to Comment 30-v.

Comment 39-t: *Comment Summary – Vehicle trip generation due to senior and student housing in the Draft EIR are too low because the MCSP provides no mechanism to ensure seniors and students occupy these units.*

Please see Response to Comment 30-q regarding mechanism to ensure senior and student housing services these targeted populations. The Draft EIR stipulates land uses were assumed for MCSP implementation, including housing type. Changes from these designations would require additional environmental review at the project level.

Comment 39-u: *Comment Summary – Trip internalization rates in the Draft EIR are too high.*

Please see Responses to Comments 30-w, 30-x, 30-y, and 30-z.

Comment 39-v: *Comment Summary – The Draft EIR fails to identify the significant impact to the Moraga Way/Ivy Drive intersection under existing plus project conditions.*

Please see Response to Comment 30-ii.

Comment 39-w: *Comment Summary – The Draft EIR should specify whether signal timing information was gathered from the city, field collected, or optimized in Synchro.*

Please see Response to Comment 30-aa.

Comment 39-x: *Comment Summary – It is difficult to identify specific congestion points because the delay index is calculated for the entire corridor rather that at a specific location. The result is that the Draft EIR fails to identify potentially significant impacts.*

Please see Response to Comment 30-bb.

Comment 39-y: *Comment Summary – The Draft EIR includes no afternoon school peak hour LOS analysis.*

Please see Response to Comment 30-cc.

Comment 39-z: *Comment Summary – The Glorietta Boulevard/Rheem Boulevard intersection was incorrectly analyzed. It is an all-way stop controlled intersection.*

Please see Response to Comment 30-dd.

Comment 39-aa: *Comment Summary – The LOS and delay in Table 4.F-12 does not match the Synchro output for the Bollinger Canyon Road/St. Mary's Road intersection.*

Please see Response to Comment 30-ee.

Comment 39-bb: *Comment Summary – The Traffic Indices and other factors relative to construction truck traffic are not analyzed.*

The Traffic Index is a pavement management measurement and is not applicable to a CEQA document. As a program level analysis, the Draft EIR does not provide sufficient project-level detail to evaluate construction traffic impacts. Please see Response to Comment 30-e for a discussion of construction monitoring that will be added to the Implementation Element of the MCSP.

Comment 39-cc: *Comment Summary – Traffic Indices should be provided to address expected truck loadings on roads.*

The Traffic Index is a pavement management measurement and is not applicable to a CEQA document. Please see Response to Comment 8-c for more information on delivery truck traffic.

Comment 39-dd: *Comment Summary – The incorrect peak hour factors were used in the study.*

Please see Response to Comment 30-hh.

Comment 39-ee: *Comment Summary – The Draft EIR fails to fully analyze the MCSP impact on Orinda and Lafayette roadways and intersections and identify mitigation.*

Please see Responses to Comments 10-g and 39-j.

Comment 39-ff: *Comment Summary – Analyze impacts of construction traffic at primary gateways in Orinda to SR 24.*

Please see Responses to Comments 30-e and 30-ff.

Comment 39-gg: *Comment Summary – Provide a qualitative discussion of MCSP impacts on Moraga Way intersections.*

Please see Response to Comment 30-i.

Comment 39-hh: *Comment Summary – Analyze truck traffic impacts to Orinda gateway roads.*

Please see Response to Comment 30-j.

Comment 39-ii: *Comment Summary – Mitigation Measure 4.F-4 to enhance transit is unrealistic with the CCCTA budget and is not effective. Mitigation that is more realistic is to reduce MCSP development to General Plan levels.*

Mitigation Measure 4.F-4 "Enhanced Transit" would increase daily ridership by about 1,130 riders and remove 950 vehicles from the road system, but does not mitigate project traffic impacts to less than significant levels. The Draft EIR describes the required capital and operating costs for enhanced transit service, beyond what a single land development project could provide. A successful system requires financial support from residents, businesses, and governmental agencies. Because this level of community-wide participation cannot be assured, the document correctly concludes that the traffic impact would continue to be significant and unavoidable. Draft EIR Table 4.F-7 documents that Alternative 4 generates less vehicle traffic than the land use assumptions assumed in the 2002 Moraga General Plan (Alternative 2).

Comment 39-jj *Comment Summary – Limiting Community Center use is not effective mitigation because it only offsets trip generation during the PM peak; the AM peak period would continue to have significant impacts at intersections.*

Please see Response to Comment 30-kk.

Comment 39-kk: *Comment Summary – The MCSP and Alternatives and General Plan buildout have significant and unavoidable impacts to intersections in Lafayette. The Draft EIR inappropriately relies on the General Plan EIR to justify a lack of new mitigation measures.*

The comment correctly interprets the Draft EIR discussion of significant and unavoidable impacts for Lafayette intersections. Moraga's General Plan Adoption Resolution 21-2002 made findings that General Plan buildout causes significant and unavoidable intersection impacts in Lafayette. The Draft EIR discussion of Mitigation Measure 4.F-4 concludes that no feasible mitigation measures exist.

Table 4.F-11 describes AM and PM peak hour vehicles in the 51 study intersections including existing traffic, traffic from approved developments, traffic from cumulative developments, and traffic from the MCSP and Alternatives. PM peak hour volume at the Glorietta Boulevard/Moraga Way intersection is 2,486 vehicles. Alternative 2 (General Plan assumptions) adds 55 vehicles (a 2.2% increase), while the MCSP and Community Center adds 93 vehicles (a 3.7% increase). The 1.5% difference is within typical day-to-day traffic variations.

The PM peak hour volume at the Moraga Road/St. Mary's Road (North) intersection is 1,966 vehicles. Alternative 2 (General Plan assumptions) adds 20 vehicles (a 1.0% increase), while the MCSP and Community Center adds 52 vehicles (a 2.6% increase). The 1.6% difference is within typical day-to-day traffic variations.

Comment 39-ll: *Comment Summary – The Draft EIR mitigates significant impacts on four unsignalized Lafayette intersections with traffic signals. Traffic signals in two intersections in residential Burton Valley are inconsistent with Lafayette General Plan.*

The Lafayette General Plan has no polices explicitly prohibiting traffic signals at the two intersections in residential Burton Valley. The comment makes a conclusion that can only be determined through the traffic signal design review and approval process by the City of Lafayette.

Comment 39-mm: *Comment Summary – The MCSP causes significant impacts on Pleasant Hill Road but the Draft EIR fails to identify mitigation measures.*

The comment is correct. The Draft EIR (page 4.F-66) finds that the delay index on Pleasant Hill Road will be substantially greater than the threshold in the Lamorinda Action Plan, and concludes that any added traffic to the corridor would be considered significant. The Lamorinda Action Plan, consistent with the Draft EIR analysis, concludes that the Pleasant Hill Road corridor will exceed acceptable thresholds in the future and that there is not adequate mitigation available to reduce the delay index to an acceptable level. One of the new actions being considered by the Lamorinda Program Management Committee is to consider appropriate mechanisms (i.e., maintaining existing roadway lanes and widths and restricting signal timing) to discourage use of Pleasant Hill Road as a substitute for freeway travel. Moraga, Lafayette, and Orinda are active participants in the planning process. Mitigation measures for Pleasant Hill Road to reduce the delay index are considered infeasible because it would be inconsistent with regional planning efforts.

Comment 39-nn: *Comment Summary – The Draft EIR fails to consider other mitigation measures consistent with the Lamorinda Action Plan.*

Please see Response to Comment 30-i.

Comment 39-oo: *Comment Summary – The Draft EIR should consider mitigation measures on the entire lengths of Glenside Drive, Reliez Station Road, and Olympic Boulevard.*

Please see Response to Comment 30-mm.

Comment 39-pp: *Comment Summary – The Draft EIR did not consider impacts to the flashing signals at the intersection of Reliez Station Road and Diane Court and the trail crossing on South Glenside Drive, west of Burton Drive.*

The flashing lights are warning lights to inform drivers of an unexpected condition and would continue to operate in the same manner as they do today whether or not the MCSP is constructed. The trail crossing on South Glenside Drive, west of Burton Drive would also operate as it does today. Trail users are directed via stop signs to stop and proceed across the street when it is safe to do so.

Comment 39-qq: *Comment Summary – The Draft EIR should provide a comprehensive transportation demand management program, park-n-ride lot, or shuttle service.*

Please see Response to Comment 30-s.

Comment 39-rr: *Comment Summary – Provide a qualitative discussion of MCSP impacts on intersections along Moraga Road.*

The three stated intersections were studied in a variety of documents dating back to the Lamorinda Traffic Study. Residents have requested signals at these intersections but traffic levels and accident trends did not indicate a need for signalization.

Comment 39-ss: *Comment Summary – In Lafayette's scoping comments, three identified intersections were not evaluated in the Draft EIR.*

The three intersections were considered for analysis in the Draft EIR, but not included for the following reasons:

a) St. Mary's Road/Rohrer Drive is an all-way stop-controlled intersection. Side street traffic from Rohrer Drive is not sufficient for signalization. Project traffic would only add to through movement but not turning movements, and so would contribute minimal delay.

b) Reliez Station Road/Olympic Boulevard is an all-way stop-controlled intersection. The dominant movements through the intersection do not conflict and would not meet warrants for signalization. Signalization is the primary mitigation to improve traffic capacity at an unsignalized intersection.

c) The Reliez Station Road/Glenside Drive (South) intersection is side street stop controlled for Michael Lane. Sight distance from Michael Lane is good. Traffic volumes turning to and from Michael Lane are not sufficiently high to warrant either signalization or all-way stop control.

As requested by the City of Lafayette, these intersections have been evaluated for inclusion in this Final EIR (Chapter 7) in Section 4.F. Tables 4.F-1, 2, 11, 12, 14, and 15 have been updated to reflect analysis at Glenside Drive/Los Palos Drive, Glenside Drive/Michael Lane, Reliez Station Road/Olympic Boulevard, and St. Mary's Road at Rohrer Drive.

Comment 39-tt: *Comment Summary – The Draft EIR needs to include a collision analysis for public safety.*

Please see Response to Comment 30-pp.

Comment 39-uu: *Comment Summary – The Draft EIR needs to consider the Caldecott Tunnel 4th bore for the cumulative impact analysis*

Please see Response to Comment 30-qq.

Comment 39-vv: *Comment Summary – Mitigation Measure 4.F-5 requires traffic signals in Lafayette, requiring Lafayette's approval, so it may be better to just impose a fair share fee.*

Draft EIR Mitigation Measure 4.F-5 acknowledges that mitigation measures identified in the City of Lafayette require coordination and approval by the City of Lafayette for implementation. If Lafayette chooses to not implement the measure, the Draft EIR discloses that MCSP buildout would have a significant and unavoidable impact on four Lafayette unsignalized intersections. Under Contra Costa County Measure J (effective April 2009) – Cooperative planning for compliance with growth management program – Lafayette is obligated to implement mitigation measures that are identified in an adjacent jurisdictions environmental documentation. The Draft EIR (page 4.F-58) states that the existing Lamorinda traffic impact fee program should be updated to reflect the mitigation measures and that the fee program is the appropriate mechanism for ensuring that future development pays its fair share toward the measures. New development is currently required to contribute to the Lamorinda fee program to mitigate traffic impacts; Lafayette does not have a separate impact fee program for transportation improvements. The Draft EIR states that project applicants are responsible for the fair share contribution as determined by the updated fee program. If insufficient funds are available to construct the mitigation, project applicants are responsible for fully funding and constructing the measures, subject to a reimbursement agreement.

Comment 39-ww: *Comment Summary – The Draft EIR violates CEQA by failing to properly describe and analyze GHGs, evaluate impacts to climate change, and provide mitigation.*

The Draft EIR complies with CEQA by concluding that GHG emission impacts to climate change are significant and unavoidable using quantifiable and implementable mitigation measures. The conclusion of the Draft EIR is conservative, as there are not yet recognizable or quantifiable standards to determine the significance of GHG emissions from a project (the State of California is currently considering changes to CEQA that would require the establishment of standards). The mitigation measures identified would reduce project-related GHGs, but not below existing conditions and there is no formally adopted standard. The Draft EIR includes Alternatives 3 and 4 that reduce GHG emissions relative to the proposed project and General Plan buildout assumptions (Alternative 2). The Draft EIR correctly concludes that adoption of the MCSP or any Action Alternative will require the Town to adopt a statement of overriding considerations for the approval of new land uses that would increase GHGs.

Comment 39-xx: *Comment Summary – The Draft EIR fails to analyze compliance with General Plan policy OS4.1 which prohibits development projects to exceed air quality standards unless the Town Council finds that the project incorporates feasible mitigation measures or adopts a statement of overriding considerations.*

Please see Response to Comment 39-ww.

Comment 39-yy: *Comment Summary – The Draft EIR includes unenforceable goals to reduce GHGs instead of required mitigation measures.*

Please see Responses to Comments 14-o and 39-ww.

Comment 39-zz: *Comment Summary – Disagrees with Impact 4.M-1 and the statement that structures less than 50 years old are generally not considered historic. The Draft EIR should mandate a survey and analysis of potential historical resources within the MCSP and include mitigation measures.*

MCSP areas with potential historic resources could be redeveloped under existing General Plan goals and policies, and zoning ordinances. The MCSP proposes new land use designations to areas presently zoned community commercial. Because the MCSP has no new land use development proposals in the areas with potential historic resources (e.g., Moraga Ranch), the Draft EIR does not need to study the privately owned buildings and accessory structures. Mitigation Measure 4.M-1 requires a survey and evaluation of cultural resources prior to any development in the MCSP. This measure applies to all MCSP locations proposed for new development that have not been previously surveyed and studied.

Comment 39-ab: *Comment Summary – The range of Action Alternatives are too similar to the proposed project and do not reduce impacts as required by CEQA. The Draft EIR should consider alternatives that consist of housing only, commercial only, or a different configuration of land uses.*

CEQA requires an EIR to consider a range of alternatives that are reasonable, feasible to implement, and largely meet the stated objectives of the proposed project. The range of alternatives analyzed meet these guidelines and reduce the significance of several environmental impacts, including impacts to noise, air quality, traffic, and public services. An alternative with less than significant traffic impacts is not considered feasible following the analysis in the 2002 General Plan EIR and other studies (EPS 2006, Fehr & Peers 2007) which find that a lack of affordable housing, retail, and office developments in Moraga generate work commute and shopping trips that contribute to significant traffic impacts. A goal of the MCSP is to reduce vehicle trips in the Lamorinda area by providing a mix of land uses consistent with creating more opportunities to live, work, and shop within Moraga. Alternatives that provide a single land use, such as residential or retail, are not considered feasible at reducing vehicle trips and traffic impacts.

Comment 39-ab: *Comment Summary - No reasons were given for rejecting alternatives.*

The Draft EIR describes, analyzes, and compares environmental impacts of each alternative considered, and does not reject any.

Comment Letter 40 – Brigid Wonder, August 1, 2008

Comment 40-a: *Comment Summary – The amount of housing and retail space exceeds the best interest of Moraga, Orinda and Lafayette due to project and cumulative impacts to traffic on Moraga Way and Moraga Road, especially at Campolindo High School.*

The comment expresses an opinion about the impacts of the proposed MCSP, but does not provide new information or describe how the analysis is flawed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 40-b: *Comment Summary – Over 100 units near Camino Ricardo is too dense. Existing infrastructure cannot support the large amount of growth proposed.*

Aegis-type housing creates fewer impacts. Trying to solve the budget crisis or meet regulatory guidelines in this way does not serve the community. Give the experts more time to analyze and plan the development.

Please see Responses to Comments 10-l and 40-a.

Comment Letter 41 – Keith Argabright, July 31, 2008

Comment 41-a: *Comment Summary – The MCSP is inconsistent with existing residential uses on Camino Ricardo and will change the character of the community and impact property values.*

Please see Response to Comment 10-l.

Comment 41-b: *Comment Summary – MCSP increases demand on police and school district.*

The analysis of potential impacts to schools and police services has been updated in this Final EIR Sections 4.K and 4.L, respectively, with new information provided by the MSD and MPD. Please see Responses to Comments 10-k and 11-c regarding potential impacts to school services, and 10-d for impacts to police services.

Comment 41-c: *Comment Summary – The MCSP will have a significant impact on traffic, particularly on Moraga Way and Moraga Road, and especially considering other new housing that will be built. Moraga will be a less desirable place to live.*

Draft EIR Section 4.F identifies several potentially significant impacts to traffic due to the project and due to cumulative impacts with other planned or proposed developments. The comment expresses an opinion about the impacts of the proposed MCSP, but does not provide new information or describe how the analysis is flawed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 41-d: *Comment Summary – Parking will be a problem.*

As described in Mitigation Measure 4.F-11 (page 4.F-65) in the Draft EIR, a parking management plan will be provided that shows the required parking supply to meet the expected demands from the project. The parking required for the project must be consistent with existing Municipal Codes or an alternative parking approach approved by the Town.

Comment 41-e: *Comment Summary – The MCSP will increases demand on utilities and services affecting utilities and services enjoyed by Moraga residences.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 41-f: *Comment Summary – The MCSP degrades quality of the environment.*

The comment does not identify specific information on what topic or impact is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 41-g: *Comment Summary – Cumulative impacts will occur.*

Each section in Draft EIR Chapter 4 describes and analyzes cumulative impacts.

Comment Letter 42 – Ashley Coates, August 1, 2008

Comment 42-a: *Comment Summary – Building at 12 dua would not meet affordable housing needs or St. Mary's College housing; homes will still be too expensive.*

The MCSP proposes building at up to 24 dua. Residential densities of 20 dua or greater are considered "affordable by design" by the state HCD. Homes at 12 dua do not meet affordable housing goals. St. Mary's College housing may meet affordable housing goals depending on how it is constructed and operated.

Comment 42-b: *Comment Summary – Questions assessment in Table 2-4 for meeting affordable housing needs.*

As shown in Table 2-4, Alternatives 2 and 3 would not meet affordable housing goals as determined by the ABAG RHNA. The comment does not identify specific information on what topic or impact is inadequately addressed. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Comment 42-c: *Comment Summary – Raise 12-24 dua to 20-30 dua for half of the MCSP; 20 dua should be a minimum. Higher densities would help meet the needs of lower income housing.*

The MCSP proposes a minimum of 20 dua for the senior housing land use, and designates Areas 3, 5, and 7 as 24 dua. The MCSP does not propose deed-restricted housing based on income; rather, the MCSP proposes to meet its RHNA by providing sufficient land use designations that meet the state HCD definition of "affordable by design."

Comment Letter 43 – Mike Anderson, Mayor, City of Lafayette, August 1, 2008

Comment 43-a: *Comment Summary – The Draft EIR fails to comply with CEQA because impacts are not reviewed and the analyses and conclusions are not supported by evidence.*

Please see responses to specific comments below.

Comment 43-b: *Comment Summary – Draft EIR must be revised to include analysis to determine project-related impacts to traffic and enforceable mitigation measures. The Draft EIR fails to conform to information requirements under CEQA. See detailed comments below and in the attached letter by TJKM Transportation Consultants.*

Please see responses to specific comments below in this letter and Letter 44 by TJKM Transportation Consultants (TJKM). This comment does not identify specific flaws in the information or analysis in the Draft EIR. The Draft EIR has been prepared pursuant to CEQA and meets CEQA's informational and other requirements. PRC Section 21092.1 requires recirculation for additional public review if an agency adds significant new

information to an environmental impact report after the commencement of public review but prior to certification. Recirculation is not required because significant new information has not been added to the EIR.

Comment 43-c: *Comment Summary – The project description is not sufficiently comprehensive to fully describe the whole of the action this project entails. For example, the project description excludes a description of parking and other infrastructure required to support the new developments; and the EIR requires traffic signals and road improvements in Lafayette, Orinda, and on road right-of-ways that are not under the jurisdiction of Moraga. The project description needs to describe project approvals needed from other agencies to implement the project, and that a general plan amendment is required.*

The Draft EIR Chapter 2 describes the action being considered – adoption of a Specific Plan. Mitigation measures are not considered part of the project description. Proposed mitigation measures are identified as appropriate to reduce potentially significant impacts to a less than significant level. It is common for mitigation measures in a Plan level document to require future approval or permits from responsible agencies when specific development projects are brought forward. Please see Response to Comment 14-e regarding the General Plan amendments required to adopt the proposed MCSP.

Comment 43-d: *Comment Summary – In TJKM's review of the traffic analysis, some underlying assumptions are not disclosed or lack a factual basis, and lead to erroneous impact statements. Examples include trip generation rates, trip internalization rates, and the failure to find a significant impact to unsignalized intersections in Lafayette.*

The project traffic forecasting process and analysis assumptions are documented in Fehr & Peers (2007) and its technical appendix, as well as Appendix D of the Draft EIR, Transportation Technical Support Documents. The comment provides no new information or a description of how the underlying assumptions are incorrect.

While the CCTA model was used as a starting point for forecasting vehicle travel in Moraga, additional local detail was assembled to address localized conditions as well as intra-community and short-distance trips. Model refinements relate to:

a) Overcoming an underestimate in ABAG's year 2000 Moraga employment figures;

b) Updating Moraga land use data to 2006, using directly measured trip generation and distribution data for unique generators such as St. Mary's College and Lamorinda high schools;

c) Validating the Moraga commuter trip distribution against 2000 Census data;

d) Reconciling the model's trip generation rates for residential, retail and office use with those reported by the Bay Area Travel Survey and Institute of Transportation Engineers;

e) Fine-tuning the model for greater local detail, including explicit traffic conditions on each facility crossing the inner cordon; and

f) Validating and calibrating the model to replicate 2006 traffic counts at the inner and outer cordons for daily traffic and AM and PM peak traffic on an average weekday.

Draft EIR Impact 4.F-5 finds significant project impacts at unsignalized intersections in Lafayette.

Comment 43-e: *Comment Summary – Mitigation measures are inadequate or completely lacking for traffic impacts to Lafayette.*

Draft EIR Impacts 4.F-4 and 4.F-5 identify traffic impacts and mitigation measures in Lafayette. Impacted locations in Lafayette can be mitigated with traffic signalization. Other intersections cannot be mitigated to acceptable levels as described in Draft EIR. Page 4.F-54 and 4.F-55 outline some of the infrastructure improvements identified but rejected by the community in the last 15 to 20 years to address traffic congestion. In most cases, Lafayette allowed subsequent development to occur that also precluded the improvements. The environmental document presents this context and then correctly concludes that feasible measures are not available to mitigate the project traffic. The Draft EIR makes similar cumulative traffic impact findings in Impacts 4.F-C4 and 4.F-C5.

Comment 43-f: *Comment Summary – Mitigation measures are insufficient. Fair share contributions towards traffic signals and transit service are not quantified, so the adequacy cannot be determined.*

Please see Response to Comment 39-vv.

Comment 43-g: *Comment Summary – The Draft EIR fails to analyze the environmental impacts of constructing traffic mitigation measures.*

Traffic signal installation is typically exempt from CEQA. Mitigation measures are provided for disclosure, and are not a required element of project implementation. The impacts associated with implementation of mitigation measures are considered speculative, and would be addressed at the project level. Mitigation measures would be implemented based on the final design and land use quantities included in a future project developed under the approved MCSP.

Comment 43-h: *Comment Summary – Draft EIR does not support conclusions that the required mitigation measures will be sufficient.*

The Moraga Road/Corliss Drive intersection mitigation measure (signalization) was evaluated using the same methodologies applied to other signalized intersections as described in the Draft EIR Section 4.F and Appendix D, and Fehr & Peers (2007).

Comment 43-i: *Comment Summary – The Draft EIR traffic analysis is unsupported because there are no measures to ensure that senior and student housing are used by these populations.*

Please see Response to Comment 30-q.

Comment 43-j: *Comment Summary – Two of the four traffic signals are not in any City planning documents and would cause inconsistency with General Plan.*

Refer to Response to Comment 39-ll.

Comment 43-k: *Comment Summary – The Draft EIR uses inconsistent thresholds of significance and has ignored consistency with Lafayette's General Plan.*

Draft EIR Table 4.F-8 identifies the significance thresholds used for signalized intersections located in each community. The signalized intersection criterion for intersections in Lafayette is consistent with the Lafayette General Plan (Policy C-1.2). The general plans from Lafayette, Moraga, and Orinda do not have a policy for unsignalized intersections. The Draft EIR evaluates impacts of the MCSP on unsignalized intersections, so a LOS criterion is required. The standard set-forth in the Town of Moraga Available Roadway Capacity Study was used.

Comment 43-l: *Comment Summary - Mitigation measures are legally insufficient insofar as Lafayette, not the project developer or Moraga must carry them out.*

Please see Response to Comment 39-vv.

Comment 43-m: *Comment Summary – Draft EIR should explore a range of mitigation measures or design elements for traffic impacts, such as transit options, coordinating existing traffic signals, payment of fees to existing programs, and traffic metering.*

The Draft EIR identifies mitigation measures that are considered feasible and effective for reducing impacts to a less than significant level. The comment does not provide new information or analysis to support different mitigation measures than those presented in the Draft EIR. New development is required to contribute to the Lamorinda fee program to mitigate traffic impacts; Lafayette does not have a separate impact fee program for transportation improvements. Traffic metering was raised in the 1990s as part of the Lamorinda Traffic Study and was rejected by the community because the meters would cause severe vehicle queues. For example, vehicle queues on Moraga Road would extend from the town limits south to about Donald Drive, and on Moraga Way would extend from the town limits through the Moraga Road intersection.

Comment 43-n: *Comment Summary – Lafayette should be a responsible agency under CEQA because mitigation measures include four traffic signals in the city.*

PRC Section 21069 defines a "responsible agency" as "a public agency, other than the lead agency which has responsibility for carrying out or approving a project." The City of Lafayette has no responsibility for approving or carrying out the MCSP.

Comment 43-o: *Comment Summary – The Draft EIR fails to provide a reasonable range of alternatives and does not justify the rejection of other alternatives.*

Please see Response to Comment 39-ab.

Comment 43-p: *Comment Summary – The Draft EIR fails to account for air quality and noise impacts during construction; traffic impacts on public services; growth-inducing impacts because the project will add housing units; and provide sufficient mitigation for GHG emissions.*

As a planning level document, construction-related impacts on air quality and noise are considered speculative at this time. These impacts will be considered at the project level. The comment does not provide new information or analysis to revise the analysis and description of traffic-related impacts to public services in the Draft EIR. Growth inducing impacts are considered those that are induced indirectly due to increased infrastructural or other capacity for new population growth. The Draft EIR is not required to evaluate growth if it is not caused by the MCSP. The MCSP would not increase infrastructural capacity to increase population growth beyond that to support new development in the proposed project. Please see Responses to Comments 14-o and 39-ww regarding GHG emissions and mitigation.

Comment 43-p: *Comment Summary – Lafayette has concerns about MCSP and unmitigated significant impacts, and requests re-evaluation of mitigation. CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment unless the mitigation measures are truly infeasible.*

As documented in Draft EIR Impact 4.F-1, there is no mitigation measure available to reduce the AM impacts to westbound SR 24 traffic to a less than significant level. Therefore, this impact would be significant and unavoidable. This impact 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 Proposed Project and Alternatives 3 and 4 would generate less impact to SR 24 than Alternative 2 (General Plan Buildout Assumption).

Mitigation measures have been proposed for every other significant impact identified in the MCSP Draft EIR. Several local roadway and intersection impacts cannot be mitigated to a less than significant level because mitigation measures available to address the impacts have been previously rejected by the community (see Draft EIR Impact 4.F-4).

Comment Letter 44 – Joy Bhattacharya, TJKM Transportation Consultants, July 31, 2008

Comment 44-a: *Comment Summary – Fehr & Peers (2007) does not clearly outline the steps performed to generate the trip rates or how each data source was used.*

Please see Response to Comment 30-t.

Comment 44-b: *Comment Summary –Retail trip generation rates used for the project were based on existing trip generation rates for the Town rather than higher rates because new residential development in Town will increase retail demand.*

Please see Response to Comment 30-u.

Comment 44-c: *Comment Summary – The ITE trip generation rates would yield significantly higher trip generation than shown on Table 12B Fehr & Peers (2007).*

Please see Response to Comment 30-v.

Comment 44-d: *Comment Summary – The Draft EIR traffic analysis assumes project trip internalization rates that are too high. The 38% of trips that stay in Moraga is too high given that 86% of commuter's travel outside the Town and that*

76% of retail purchases are made out of Town. The 60% internalization for buildout is too high.

Please see Response to Comment 30-w.

Comment 44-e: *Comment Summary – Peak hour internalization rates should be calculated for both the AM and PM peak hours and applied to the traffic study accordingly.*

Please see Response to Comment 30-x.

Comment 44-f: *Comment Summary – TJKM executed the CCTA model for 2000 and 2030 and determined internalization for Moraga to be 28% and 35% for the AM and PM peak hours. This is substantially different than that assumed in the study.*

Please see Response to Comment 30-y.

Comment 44-g: *Comment Summary – To further verify internalization and trip rates assumed in the traffic study, TJKM examined the CCTA model for the Specific Plan area, and concluded that there was no change in internalization.*

Please see Response to Comment 30-z.

Comment 44-h: *Comment Summary – The Draft EIR should specify whether signal timing information was gathered from the city, field collected, or optimized in Synchro.*

Please see Response to Comment 30-aa.

Comment 44-i: *Comment Summary – The delay index is calculated for the entire corridor rather that at a specific location so it is difficult to identify specific congestion points.*

Please see Response to Comment 30-bb.

Comment 44-j: *Comment Summary – Why was afternoon school peak hour not analyzed?*

Please see Response to Comment 30-cc.

Comment 44-k: *Comment Summary – The Glorietta Boulevard/Rheem Boulevard intersection was incorrectly analyzed. It is an all-way stop controlled intersection.*

Please see Response to Comment 30-dd.

Comment 44-l: *Comment Summary – The LOS output for the Bollinger Canyon Road/St. Mary's Road intersection does not match Table 4.F-12 in the Draft EIR.*

Please see Response to Comment 30-ee.

Comment 44-m: *Comment Summary – The Traffic Indices and other factors relative to construction truck traffic are not analyzed for Lafayette gateways.*

Please see Response to Comment 30-ff.

Comment 44-n: *Comment Summary – Traffic Indices should be provided to address expected truck loadings on Orinda roads.*

Please see Response to Comment 30-gg.

Comment 44-o: *Comment Summary – The incorrect peak hour factors were used in the study.*

Please see Response to Comment 30-hh.

Comment 44-p: *Comment Summary – The Draft EIR fails to identify the significant impact at the Moraga Way/Ivy Drive intersection under existing plus project conditions.*

Please see Response to Comment 30-ii.

Comment 44-q: *Comment Summary – Increased transit service does not sufficiently reduce trips to mitigate operating conditions at impacted signalized intersections.*

Please see Response to Comment 30-jj.

Comment 44-r: *Comment Summary – Reducing the Community Center does not sufficiently reduce trips to mitigate operating conditions at all impacts signalized intersections.*

Please see Response to Comment 30-kk.

Comment 44-s: *Comment Summary – The study should consider other mitigation measures consistent with the Lamorinda Action Plan.*

Please see Response to Comment 30-i.

Comment 44-t: *Comment Summary – The entire Glenside Drive–Reliez Station Road–Olympic Boulevard corridor should be evaluated as a system.*

Please see Response to Comment 30-mm.

Comment 44-u: *Comment Summary – The Draft EIR does not address the flashing signals at the Reliez Station/Diane Court intersection nor the trail crossing on Glenside Drive.*

Please see Response to Comment 30-nn.

Comment 44-v: *Comment Summary – Provide a qualitative discussion on impacts of the project on intersections along Moraga Road in Lafayette.*

Please see Response to Comment 30-i.

Comment 44-w: *Comment Summary – Enhanced transit service is unrealistic with the CCCTA budget. A more realistic mitigation measure is to reduce the MCSP to General Plan levels.*

Please see Response to Comment 39-ii.

Comment 44-x: *Comment Summary – The Draft EIR mitigates significant impacts on unsignalized intersections with traffic signals. Traffic signals in residential Burton Valley are incompatible with the character and inconsistent with goals and policies in the Lafayette General Plan.*

Please see Response to Comment 39-i.

Comment 44-y: *Comment Summary – The Draft EIR finds that the proposed project will create adverse vehicle impacts on Pleasant Hill Road but no mitigation is proposed.*

Please see Response to Comment 39-mm.

Comment 44-z: *Comment Summary – The Draft EIR should evaluate innovative strategies such as traffic metering, traffic responsive signals, or adaptive traffic signal systems.*

Please see Response to Comment 43-m regarding traffic metering. The traffic signals already have detector loops to respond to vehicle arrivals. Adaptive traffic signal system applications are not appropriate for linear corridors with low side street traffic volumes or for corridors where the majority of side street traffic is unsignalized.

Comment 44-aa: *Comment Summary – In Lafayette's Draft EIR scoping comments, three identified intersections were not evaluated in the Draft EIR.*

Refer to Response to Comment 39-ss.

Comment 44-bb: *Comment Summary – The study does not include a collision analysis.*

Please see Response to Comment 30-pp.

Comment 44-cc: *Comment Summary – The traffic analysis should consider construction of the 4th bore at the Caldecott Tunnel.*

Please see Response to Comment 30-qq.

Comment 44-dd: *Comment Summary – Mitigation measures include signalization in Lafayette requires approval by the City of Lafayette. It may be better to state that the project applicant shall be required to set aside the fair share funds for Lafayette's use as corridor improvements are approved and implemented*

Please see Responses to Comments 39-vv and 43-l.

Comment Letter 45 – Malcolm Sproul, July 28, 2008

Comment 45-a: *Comment Summary – The Draft EIR incorrectly states that vegetation and wildlife habitats are limited and disjunct from other natural areas.*

Chapter 7 of this Final EIR (page 4.I-1) clarifies the characterization of the landscape: "Roads and developed residential commercial areas surround the open spaces in the MCSP area on all sides." Wildlife species differ in the effects of development, roadways, or culverts on their movement. In general, development and roads limits or restricts movement patterns or the suitability of habitat for a sufficient number of species such that the characterization of the open space in the MCSP area as "disjunct from natural areas outside of Moraga" is warranted.

Comment 45-b: *Comment Summary – The Draft EIR should add information on aquatic species and use in evaluation of impacts.*

Site-specific surveys and information have not been developed for this planning-level document. The level of information and analysis is considered appropriate for the analysis of a specific plan. Mitigation Measure 4.I-1 requires site-specific surveys, consultation, and permitting with the USFWS and CDFG for potential impacts to special-status species and sensitive habitats, including Laguna Creek riparian aquatic habitat.

Comment 45-c: Comment Summary – *Draft EIR Page 4.I-5: Clarify stream reach of concern; Revise text to accurately describe channel.*

The text is referring to an ephemeral channel extending from near the terminus of Danefield Place and is not shown in the Figure 4.I-1. This channel drains through the fallow orchard, and is separate from the perennial main and tributary channels of Laguna Creek with associated Central Coast

live oak riparian woodland. Figure 4.I-1 depicts natural vegetation and habitat types, and is not a map of stream channels. A complete mapping of stream channels that may be affected by development in the MCSP area is required under Mitigation Measure 4.I-10.

Comment 45-d: *Comment Summary – Draft EIR page 4.I-12 should include information on the California red-legged frog.*

Page 4.I-12 and Table 4.I-1 state that California red-legged frog is reported from the vicinity of the MCSP area and that Laguna Creek provides suitable habitat for the species, and concludes that development along Laguna Creek may result in a significant impact to this species. Mitigation Measure 4.I-1 requires site-specific surveys, consultation, and permitting with the USFWS regarding potential project-level impacts to the California red-legged frog or its habitats. The level of information and analysis is considered appropriate for the analysis of a specific plan.

Comment 45-e: *Comment Summary – Page 4.I-16: Clarify CDFG requirements for riparian and stream buffers.*

Specific buffers between developed areas and Laguna Creek will be developed at the level of individual project designs and determined through consultation with CDFG during permitting.

Comment 45-f: *Comment Summary – Conclusions reached in Table 4.I-3 are not supported by mitigation.*

Quantitative impacts are not known for some resources at the specific plan level, but the level of impacts can be reasonably determined at a programmatic level and appropriate mitigation measures developed.

Comment 45-g: *Comment Summary – Impact 4.I-1 needs to consider indirect impacts of residential and commercial development on riparian habitat and associated wildlife. Mitigation measures are inadequate. Riparian buffers are necessary and required prior to adoption. Three-tiered buffer system should be established.*

The Draft EIR acknowledges Laguna Creek and its tributaries provide suitable habitat for California red-legged frog and other special-status species, and development in the MCSP area is expected to affect these species. Specific, quantitative impacts to this species and its habitat will be determined by studies at the project level as described under Mitigation Measure 4.I-1. Buffers between developed areas and sensitive habitats will be evaluated by the USFWS and CDFG during the permitting process, and specific impact avoidance, minimization, and mitigation measures will be developed at the project level. Based on project-specific studies, the USFWS and CDFG will determine if the habitat is occupied by listed or other special-status species, and develop mitigation measures accordingly under their regulatory authority. For analysis of a planning level document the impacts and mitigation measures described in the Draft EIR are considered adequate under CEQA.

Comment 45-h: *Comment Summary – Impact 4.I-3 should expand the analysis to include MCSP development impacts to habitat use, including direct and indirect impacts, continued habitat use and the significance of habitat loss?*

This Final EIR includes the following text added to the analysis of Impact 4.I-3: "While foraging for some common and scavenging bird species may not be adversely affected by development in the MCSP area, buildout of any action alternative is expected to degrade foraging habitat for most raptors, migratory birds, and bat species. Buildout of the MCSP area is expected to result in a minor loss of the availability of grassland and woodland foraging areas in the region. The loss of foraging habitat is considered less than significant and no mitigation is required."

Comment 45-i: *Comment Summary – Mitigation Measure 4.I-3 needs measures to maintain the presence of nesting raptors and roosting bats in the MCSP area.*

This Final EIR includes the following text added to Mitigation Measure 4.I-3: "All Action Alternatives include retaining the Central Coast live oak riparian woodland along Laguna Creek and its tributaries. The retention of existing mature trees and woodland canopy is expected to maintain suitable nesting and roosting habitat for raptors and bat species in the MCSP area, and no mitigation is required."

Comment 45-j: *Comment Summary – Impact 4.I-6 should provide analysis of indirect effects on riparian habitat and plant and wildlife populations.*

This Final EIR includes the following text added to Impact 4.I-6: "Noise, light and glare, and domestic or feral animals may increase along Laguna Creek associated with increased human presence and development. These and other impacts to habitat quality for special-status species will be considered during consultation and permitting with the USFWS and CDFG, and appropriate mitigation measures will be developed as needed with these agencies under Mitigation Measure 4.1-1."

Comment 45-k: *Comment Summary – Impact 4.I-7 incorrectly describes the current poor quality of wildlife habitat along Laguna Creek. Potential impacts to wildlife habitats need to be fully described and suitable buffers need to be added as mitigation for wildlife movement.*

This Final EIR includes the following text added to Impact 4.I-7: "In general, species currently moving through the Laguna Creek riparian corridor are expected to be those adapted or habituate to human presence and development. Retaining this corridor as undeveloped will result in minor changes to its current suitability of use as a wildlife movement corridor."

Comment 45-l: *Comment Summary – The Draft EIR provides no assurance that adequate buffers from Laguna Creek will be provided such that the MCSP is consistent with General Plan policy OS2.1. As depicted in Figure 2-2, the MCSP appears to offer no buffer area from existing tree canopies.*

This Final EIR includes revised text (Chapter 7, page 4.I-29) in Table 4.I-5 for Policy OS2.1: "This habitat will retain native tree canopy and have minimal intrusions in the form of new road crossings or pedestrian trails. Additional buffer areas between the tree canopy and developed areas will be developed through consultation with the CDFG and USFWS under Mitigation Measure 4.I-1."

Comment 45-m: *Comment Summary – Delete the statement about the MCSP area as largely isolated from surrounding natural areas on Page 4.I-28 because it is incorrect.*

This Final EIR includes revised text (Chapter 7, page 4.I-30) in Table 4.I-5 for Policy OS2.5: "Although roadways and residential and commercial development separate the MCSP area from surrounding…"

Comment 45-n: *Comment Summary – Impact 4.I-10 needs to clarify where a 700-foot section of stream would be removed and what resources are affected, and needs to conclude that this is a significant impact.*

The ephemeral stream channel is located near the terminus of Danefield Place and extends through the fallow orchard. Direct impacts to this channel would be determined at the project design phase and through a delineation of waters of the U.S. Vegetation cover and wildlife habitats along the channel are not substantially different than the surrounding fallow orchard. Accordingly, the channel is not expected to be associated with a wildlife movement corridor or sensitive wildlife habitat.

Comment 45-o: *Comment Summary – Mitigation Measure 4.I-10 is inadequate as it defers to the decision to the future, is too vague, and the impact is not fully disclosed.*

Impact 4.I-10 discloses that the potential removal of a jurisdictional wetland or other water of the U.S. (WoUS) is considered significant, and that mitigation is required. Mitigation Measure 4.I-10 requires a delineation of WoUS and permitting under Sec. 404 with the Corps and Sec. 401 with the SFRWQCB to develop project-specific impact avoidance, minimization, and mitigation measures. As stated, the mitigation measures would ensure that "no net loss of wetland functions and values is achieved." The level of information, impact analysis, and mitigation measure is considered adequate for an EIR under CEQA for a planning level document.

Comment 45-p: *Comment Summary – Page 4.I-32 incorrectly states that Rancho Laguna property is contiguous with open space.*

This Final EIR under Impact 4.I-1C includes revised text (Chapter 7, page 4.I-33) to make the appropriate correction.

Comment 45-q: *Comment Summary – Page 4.I-32, last sentence of paragraph, mitigation is unknown so cannot be evaluated.*

As an EIR for a planning level document, specific, quantitative impacts and mitigation measures are not known in many cases. Consequently, impacts and mitigation measures are at a programmatic level. The EIR has presented goals and objectives for mitigation where specific quantities are not available.

Comment 45-r: *Comment Summary – Add an alternative that completely removes development from Area 7 (3.2 acres parcel bordered by riparian habitat on all sides).*

This area is currently zoned for residential development in the Moraga Municipal Code. Inclusion in the Specific Plan as residential development does not ensure that the area could be developed, but provides the land owner with an opportunity to apply for site developable – feasibility to be

determined when an application is submitted. Mitigation measures that require minimum setbacks may reduce development potential and protect sensitive resources therefore eliminating the need to study this area as an open space alternative.

Comment Letter 46 – Bob Pickett, Pickett Development Company, July 31, 2008

Comment 46-a: *Comment Summary – Move trail in Area 1 and 2 should be on top of the creek bank.*

The comment states a position or opinion about a project-level design element. Opinions are appreciated as this gives the Town Council a sense of the public's interests about a proposed course of action. The Town can use opinions to make decisions, but not for improving the environmental analysis or documentation.

Comment 46-b: *Comment Summary – New development in Areas 1 and 2 should be oriented towards the creek to attract visitors and increase business.*

Please see Response to Comment 46-a.

Comment 46-c: *Comment Summary – Review attached sketch map of trail and orientation to creek.*

Please see Response to Comment 46-a.

Comment Letter 47 – W. Stephen Wilson, Tobin & Tobin, August 1, 2008

Comment 47-a: *Comment Summary – Concerned that APN 255-310-029-4 in Area 7 (MCSP Figure 4-1) is designated as a transitional land use of 3 dua, and is not utilized as a core component to the MCSP. The MCSP fails to optimize this property for the benefit of the community, and deprives the property owner of its economic potential for the benefit of an adjacent landowner.*

The comment expresses an opinion that the MCSP land use designation deprives the community and benefits one current landowner at the expense of another. No new information is provided to support the claim or explain how the environmental documentation and analysis in the MCSP Draft EIR is not adequate. Opinions are appreciated as this gives the Town Council a sense of the public's interests about a proposed course of action. The Town can use opinions to make decisions, but not for improving the environmental analysis or documentation.

Comment 47-b: *Comment Summary – Higher density senior housing should be considered as a suitable 'transitional' housing type in Area 7 of MCSP Figure 4-1 due to low noise and traffic.*

As described in the Draft EIR, the location of higher density senior housing further away from the existing Town Center is expected to have greater impacts on traffic and land use than the proposed MCSP. The MCSP and alternatives include higher density residential land uses adjacent to commercial uses to encourage pedestrian access to the retail center and avoid placing the highest density multi-family residential land use adjacent to existing lower density single-family homes.

Comment 47-c: *Comment Summary – Include emergency vehicle access to Area 7 in MCSP Figure 4-1, as suggested in Comment Letter 1.*

Please see Response to Comment 1-a.

Comment 47-d: *Comment Summary – Realign Village Routes A and B as suggested in Comment Letter 1.*

The suggested change to internal roadway alignments may be proposed and considered during project development. The internal circulation included in the MCSP is for conceptual purposes only and was necessary to determine where project traffic would access the existing public roadway network. The proposed internal roadway changes would not change the identified impacts and mitigation measures related to public roadways.

Comment Letter 48 – W. Stephen Wilson, Tobin & Tobin, August 1, 2008

Comment 48-a: *Comment Summary – The City of Belmont has successfully located senior housing and care facilities in a location similar to Area 7 in MCSP Figure 4-1 for the MCSP.*

Please see Response to Comment 47-a.

Comment Letter 49 – William Dick, Moraga Resident, August 1, 2008

Comment 49-a: *Comment Summary – Opposes the MCSP; 4,000 parking spaces seems like Sun Valley Mall; does not believe the projections of increased household income would occur because the high number of retirees and the type of housing proposed. Does not believe more housing will improve business climate.*

The comment expresses opinions about elements of the MCSP and development projections. No new information is provided to support the claims or explain how the environmental documentation and analysis in the MCSP Draft EIR is not adequate. Opinions are appreciated as this gives the Town Council a sense of the public's interests about a proposed course of action. The Town can use opinions to make decisions, but not for improving the environmental analysis or documentation.

Comment 49-b: *Comment Summary – The Draft EIR fails to describe the costs of additional equipment and personnel for fire protection services.*

Please see Responses to Comments 10-k and 37-b.

Comment 49-f: *Comment Summary – The Town already has enough traffic.*

Please see Response to Comment 49-a.

Comment Letter 50 – Stephen and Dana Ludwig, Moraga Residents, August 1, 2008

Comment 50-a: *Comment Summary – Opposes more building on Camino Ricardo. Camino Ricardo and Corliss Drive is a cut through street, and more development would exacerbate the traffic in the residential neighborhood.*

The MCSP includes a new connection between Moraga Way and Moraga Road via School Street. Based on field investigations and a review of the site

plan, driver preference is expected to be the School Street connection to travel between Moraga Way and Moraga Road. No MCSP traffic is expected to use the Camino Ricardo – Corliss route to drive between Moraga Road and Moraga Way. Consequently, buildout of the MCSP is expected to reduce the use of the Camino Ricardo and Corliss Drive cut through.

6.6 RESPONSE TO ORAL COMMENTS

The Town of Moraga held three public hearings in which public comment was received on the MCSP and Draft EIR. The Town's Recreation and Parks Commission held a public hearing on July 8, 2008 (Table 6-1). The Town Council held public hearings on July 9, 2008 (Table 6-2) and July 22, 2008 (Table 6-3). The comments of each speaker are provided in the table below along with a response. The comments are recorded in the order in which they were heard during the meeting, so individual speakers may have made multiple comments throughout the duration of a single hearing.

Table 6-1

Responses to Oral Comments from Park and Recreation Commission
July 8, 2008 Public Hearing

Number	Comment	Response
Vice-Chairman Karen Mendonca		
A-1	Why would the Town want to consider so many homes in the MCSP when the 400-unit alternative would meet ABAG requirements?	Providing land uses to help the Town meet the ABAG's RHNA is only one of the several objectives the Town has for the MCSP. The MCSP project and Action Alternatives were developed to meet these multiple objectives. As described in the General Plan and Draft EIR Section 2.2, MCSP objectives include: • Revitalization of the existing Moraga Center through increased residential development in and around the Center. • Expansion of retail opportunities in the vicinity of the existing Moraga Center. • Creation of a mixed use Village that serves as an activity center for the community. • Provision of residential housing densities that are adequate to help meet the Town's fair-share of affordable housing goals. • Control of maximum peak hour traffic volumes at levels equal to or less than those predicted in the Town's General Plan EIR for the MCSP area. • Provision of a community center to address many community-wide needs for

Number	Comment	Response
		recreational facilities.
Commissioner Faoro		
A-2	What would Town staff like the Parks and Recreation Commission (PRC) to comment on regarding the MCSP?	The Town Planning staff would like to get PRC input on the proposed MCSP and Draft EIR information and analyses in the Draft EIR, and specifically the Community Center component of the MCSP. The public comment period closes August 1, 2008. Comments made at tonight's meeting are being recorded and will be addressed in the Final EIR.
Commissioner Haffner		
A-3	Page 16 of the MCSP states that there are no parks in the MCSP. Why are there no parks proposed in the MCSP area?	Based on identified recreation needs in the Park and Recreation Master Plan (PRMP) and the stated objectives of the MCSP, it was determined that a Community Center would be an appropriate land use in the MCSP area.
Commissioner Faoro		
A-4	The town does not own the land in the MCSP correct? Will the Town have to purchase the Community Center site?	The proposed sites for the Community Center are privately owned. If the Town selects Community Center Site A, the property owner has indicated that they will not provide this site for the Community Center. If Site B were selected, the Town would have to acquire the land from the owner.
Commissioner Reed		
A-5	Sees the Plan as the right mix of uses based on the aging of the community.	The Town appreciates hearing the expression of preferences for alternatives or components of the MCSP. Statements of opinions are included in this Final EIR, but do not address the information or analysis in the Draft EIR
Vice Chairman Mendonca		
A-6	How does the status of the Moraga Development Agreement Initiative affect the MCSP and Draft EIR?	The Initiative did not pass. The Initiative would have affected some development processes in the MCSP, but it has no bearing on the environmental information, impact analyses, or mitigation measures in the Draft EIR.
A-7	The MCSP has the right mix of uses based on the aging of the community.	The Town appreciates hearing the expression of preferences for alternatives or components of the MCSP. Statements of opinions are included in this Final EIR, but do not address the information or analysis in the Draft EIR.
A-8	How does the status of the Moraga Development Agreement Initiative affect the MCSP and Draft EIR?	The Initiative did not pass. The Initiative would have affected some development processes in the MCSP, but it has no bearing on the environmental information, impact analyses, or mitigation measures in the Draft EIR.
Commissioner Faoro		
A-9	Are there greater concerns regarding parking and shared parking at one community center location compared to the other?	Site B would provide a closer parking supply for Moraga Commons, but there would be more competition for the parking at Site A since it would be next to the retail area. Site A has fewer constraints than Site B in terms of total area.
A-10	Is the Rheem site large enough as an alternative for the Community Center?	No. The Rheem site is 2 acres, and the Community Center as proposed requires an estimated 3-4 acres. Potential uses of the Rheem

Number	Comment	Response
		site would be addressed in the Rheem Valley Specific Plan, and is beyond the scope of the MCSP Draft EIR.
Commissioner Haffner		
A-11	Where is the evidence that the community needs a gymnasium? I see evidence that we need a Community Center, not a Gym.	According to Liz Faoro, many of the existing gyms in the Town are not up to code and therefore cannot be used. Jay Ingram states that the PRMP included a computation for gym needs and showed a demand for several courts.
Commissioner Crouch		
A-12	The Town needs more gym space, and Tice Valley is a good example of a combined community center/gym.	The Town appreciates hearing the expression of preferences for alternatives or components of the MCSP. Statements of opinions are included in this Final EIR, but do not address the information or analysis in the Draft EIR
Commissioner Haffner		
A-13	Supports Site B, but is concerned about permitting hurdles with the state based on meetings 7 years ago. Are other sites being considered such as the Moraga Commons "back 40" site?	The Draft EIR describes potentially significant impacts related to traffic and biological resources associated with development at Site B, and identifies mitigation measures to reduce impacts to a less than significant level. The Moraga Commons is outside of the MCSP area and beyond the scope of the Draft EIR.
Commissioner Faoro		
A-14	Could the buildings on Site B be combined into one building?	Jay Ingram states that a goal of the PRMP is to combine the needs of the Town into one facility so it is easier to manage than multiple locations. This is a trend seen throughout the country. Suggests that the Town Commission conduct a field trip to see other centers in the area. The MCSP and Draft EIR address land use planning and policy decisions; specific facility designs are not proposed at this time and are beyond the scope of the EIR.
A-15	Where does the Town think the funding will come from to construct the facility?	The Palos Colorados funding is a possible funding source, but no money is committed at this time. The use of the money is at the Council's discretion.
Chairman Mallela		
A-16	The future of the Moraga Commons needs to be discussed at the same time that we review the MCSP.	The Draft EIR Section 4.E discusses potential impacts of MCSP development on the Moraga Commons. The Commons are outside of the MCSP and beyond scope of the Draft EIR Uses of the Commons is
Jay Ingram		
A-17	Does the PRC want to discuss other alternatives for the Community Center, given the proposed size might create impacts outside of Moraga (e.g., traffic)?	Alternative recreation facilities or sizes for the Community Center are not addressed in the MCSP Draft EIR.
Commissioner Haffner		
A-18	The Town should discuss the Moraga School District (MSD) site as an alternative. This site is in the middle of Town and may be available. Karen suggested using this site and rebuilding	Jay Ingram states that potential uses of the MSD site would be addressed at the next school board meeting. The MCSP Draft EIR only addresses Community Center Sites A and B.

Number	Comment	Response
	the orchard around the facilities to maintain the historic use.	
Commissioner Reed		
A-19	When would we discuss the potential downsizing of the facility to determine if the proposed Community Center is really what we need?	Alternative recreation facilities or sizes for the Community Center are not addressed in the MCSP Draft EIR.
Commissioner Crouch		
A-20	Would a larger facility bring in outside residents who may then stay and shop in the Town?	Alternative recreation facilities or sizes for the Community Center are not addressed in the MCSP Draft EIR.
Dick Loewke		
A-21	Provided comments regarding Bruzzone owned lands and existing conditions of the existing Moraga Center. Bruzzone's most important objective is to create synergy amongst the MCSP uses to improve the health of the existing center. Referenced market study and its conclusions about need for new residential units to fuel retail expansion and success. Referenced letter that Dick prepared for submittal to the Planning Commission (PC) last night – will leave a copy with the PRC.	The objectives of the MCSP are consistent with the Bruzzone objective and the findings of the referenced EPS (2007) economic study.
John Bruzzone		
A-22	Spoke of history of the land and the family's original intentions for the land.	The Town appreciates hearing the expression of preferences for alternatives or components of the MCSP. Statements of opinions are included in this Final EIR, but do not address the information or analysis in the Draft EIR
Commissioner Haffner		
A-23	Safety needs to drive the decision on a new facility; either a Community Center, gym, fields or otherwise. Need to make sure that kids can safely access the new and existing recreational facilities. Opposes Site B because of the safety issue crossing Moraga Road.	The Town appreciates hearing the expression of preferences for alternatives or components of the MCSP. Statements of opinions are included in this Final EIR, but do not address the information or analysis in the Draft EIR. Pedestrian safety is addressed in Section 4.F of the Draft EIR.
Commissioner Sweeney		
A-24	Please remind me where the proposed sites for the community center came from?	Please see Response to Comments A-11 and A-14. The Town Council designated the two sites to be studied in the MCSP. The Council specifically designated one site as "A" and the other as "B." The Council directed staff and consultants to study the two sites.
A-25	Is it still possible that a non-MCSP site could be selected for study as the Community Center site?	The Draft EIR does not study alternative Community Center Sites outside of the MCSP area. A separate environmental review process would be required to evaluate sites outside of the specific plan area. At a later date, the Town may choose to evaluate other sites.
Dick Loewke		
A-26	Jay Ingram asked the Bruzzone family to describe their position on the two	The Town appreciates hearing the expression of preferences for alternatives or components of the

Number	Comment	Response
	proposed sites for the Community Center. The Bruzzone's are favorable of Site B over A because of fatal flaws related to Site A in implementing the MCSP program. The Bruzzone's support other non-MCSP sites if they are determined to be better than Site B by the PRC and community.	MCSP. Statements of opinions are included in this Final EIR, but do not address the information or analysis in the Draft EIR.
Richard Chi		
A-27	Concerned about the trail proposed through the retail center because it will be unsafe combined with the retail uses. Thinks the trail through the Plan should be located higher up on hillside through the lower density parts of the MCSP. Use Camino Ricardo corridor similar to the Moraga Way trail and connect to the existing Moraga Commons trail near the proposed Site B site to cross Moraga Road.	The trail locations and connections are shown at a conceptual level in the Draft EIR. The MCSP includes Design Guidelines (Appendix B) that address the design and location of bicycle and pedestrian trails and routes. This Final EIR revises Mitigation Measure 4.F-10a to include consultation with the EBRPD on the proposed design and location of portions of and connections to the Lafayette-Moraga Regional Trail to maintain and enhance the safety, usability, and function of the trail system.
Chairman Mallela		
A-28	It does not appear that the MCSP proposes any recreational parks.	It is true that the MCSP does not propose specific park facilities. The Draft EIR does address the requirements for new park facilities based on additional population by Alternative.
Commissioner Crouch		
A-29	The RPC should look more carefully at the proposed location for the trail connection through the MCSP as referenced by Mr. Chi.	Please see Response to Comment A-27.
Commissioner Haffner		
A-30	The "back 40" of the Moraga Commons should have been included in the MCSP. This area needs to be planned thoughtfully.	The 2002 General Plan defined the MCSP area. The Draft EIR addresses potential impacts to Moraga Commons associated with buildout of the MCSP. Land use planning for Moraga Commons would be a separate process and is beyond the scope of the EIR.
Jay Ingram		
A-31	A Master Plan for the Moraga Commons should follow the MCSP and coordinate closely with what is included in the MCSP.	Comment noted.
Commissioner Crouch		
A-32	Additional community center sites should be identified for evaluation in the DEIR based on the safety issues associated with Site B and the other issues associated with Site A.	Draft EIR Mitigation Measure 4.F-4 includes a reduced use of the Community Center to reduce impacts associated with traffic and parking. While the Hacienda can still be used for community purposes, its use is not part of the MCSP process. An alternative to reduce traffic and parking demand associated with the proposed Community Center and gymnasium is to utilize the Hacienda for non-gymnasium uses and construct a new gymnasium facility within the MCSP area. Under this alternative, MCSP Community Center uses unrelated to the

Number	Comment	Response
		gymnasium (e.g., meeting spaces) would be developed at the Hacienda as part of the Hacienda's current Master Planning effort. The additional space at MCSP Site A or B could be used for more parking and coordinated with other special events (e.g. community events, fire works, etc.) at the Moraga Commons. MCSP gymnasium parking would help offset the loss of the Russell Bruzzone overflow lot that would be developed as retail uses under the proposed MCSP alternatives. During daytime hours, a portion of the gymnasium parking could be made available for park and ride uses to help reduce trips associated with the MCSP development.
David Bruzzone		
A-33	Agrees and suggests that the Commission take this idea forward and educate the Council on other possible Community Center sites and their benefits.	Please see Response to Comments A-32.
Jay Ingram		
A-34	Another alternative is the rebuild of the Hacienda as the community center function and a gym in another location as a possibility. This wouldn't be as convenient, but would still provide the necessary uses identified in the PRMP.	Please see Response to Comments A-32.
Joan Bruzzone		
A-34	The Hacienda should be the focus on the needs identified by the Town. Improve the facility that the Town already has to ensure its protection and continued historical relevance in the Town.	Please see Response to Comments A-32.
Chairman Mallela		
A-35	Study increased demands on Moraga Commons due to MCSP development (e.g., increased use and maintenance needs). The Commons would be used more from location of the Community Center in Site B than Site A. This needs to be addressed.	The Draft EIR addresses increased demands on Moraga Commons associated with MCSP buildout.

Table 6-2

Responses to Oral Comments from Moraga Town Council
July 9, 2008 Public Hearing

Number	Comment	Response
Jonathan Goodwin		
B-1	Fire District wants the land near existing station 41 to conduct training – would keep their staff in the area during training so they could respond to emergencies. Thinks the Town Council should take the District's wishes in mind in preparing the MCSP.	Please see revised information and analysis in this Final EIR Section 4.L (Chapter 7). The MSCP will be revised to include public service facilities, such as Station 41, as a permitted use in Area 13. The Draft EIR addresses the potential impacts of the proposed land use plans and policies. Specific projects, such as the acquisition or construction of a new fire station site, are beyond the scope of the Draft EIR.
B-2	There is an argument that capturing shoppers will allow more revenue with the MCSP. Why hasn't the existing market figured this out to capture these shoppers? Why can it be done with new development? Is this feasible? What retail would do this and is it feasible? Can't the existing facilities just be spruced up to do the same thing?	The MCSP addresses multiple objectives, one of which is the revitalization of the existing Town Center and the expansion of new retail opportunities. The EPS (2006) report provides economic information and analysis that were considered in the development of the MCSP.
B-3	Existing Moraga retail is closed by 7 PM. Will the new plan really extend hours?	As a land use plan and policy document, the MCSP does not address specific project details. Specific details about individual projects or developments are beyond the scope of the Draft EIR.
Connie Hayes		
B-4	What happens to the Town if the affordable housing goals are not met?	The Town is not required to actually construct new homes. Under state law, the Town must provide adequate policies, land use plans, and zoning to meet affordable housing goals as allocated by ABAG. The MCSP is an important contribution towards that goal. The Town is scheduled to update its General Plan Housing Element in June 2009. The Town would face potential litigation and loss of transportation funding – some $250,000 annually – without a certified Housing Element.
Cliff Doctorman		
B-5	To what extent were changes in the Rheem area considered in figuring out the impacts of the MCSP?	The cumulative effects of approved, planned, or reasonably foreseeable other actions and development in Moraga were considered in Chapter 4 of the Draft EIR.
B-6	How were multiple landowners consulted to figure out their proposed uses and values for the land?	The Town worked extensively with landowners and the entire community to developed the proposed MCSP and Action Alternatives.
B-7	Why isn't their more imagination in the MCSP? Why not look out farther into the future and plan for new technologies (e.g.,	Alternative modes of transportation, including walking, bicycling, and mass transit, are widely integrated into the proposed MCSP. As a land

Number	Comment	Response
	pathways for electric cars). For example, simulations had more and more cars up and down the streets. The City of Davis has become a bicycle city. Why not plan for a new Moraga and develop new methods to travel in the Town? Why not propose opportunities for the Town to purchase part of the land to insure it is available in the future for alternative uses?	use plan and policy document, the MCSP does not address specific parcel subdivisions, or property acquisitions. Such project level details are beyond the scope of the Draft EIR.
Richard Chi		
B-8	Lafayette Moraga Trail currently provides walking and biking opportunities for families by the Moraga Commons. There is also a trail along Moraga Way across from the County Club. I don't see a user friendly trail to connect the two. The plan proposes that they go right through the shopping area, creating conflicts with cars. Need to provide a link through the MCSP west of Laguna Creek and away from the shopping center.	Trail locations and connections are shown at a conceptual level in the Draft EIR. The MCSP includes Design Guidelines (Appendix B) that address the design and location of bicycle and pedestrian trails and routes. This Final EIR revises Mitigation Measure 4.F-10a to include consultation with the EBRPD on the proposed design and location of portions of and connections to the Lafayette-Moraga Regional Trail to maintain and enhance the safety, usability, and function of the trail system.
Jim Upseneck		
B-9	St. Mary's traffic was shown in one of the graphic as mostly outbound. Are there any thoughts about how to engage the College community and to bring them into the Plan area?	A major component of the MCSP is the proposed Faculty/Staff/Student housing for St. Mary's College in the plan area. St. Mary's College students provided input into the plan development process. Findings of unmet commercial and retail demand documented in economic study by EPS (2006) were also taken into consideration during plan development.
B-10	How would the MCSP be implemented? How does the Town get the primary property owners to implement the MCSP?	The comment does not address an environmental issue. The primary discretionary action of the Town would be to review proposed projects for consistency with the adopted specific plan, grant approvals or entitlements, and enter into development agreements with project applicants.
Dick Loewke		
B-11	Presented a letter prepared on behalf of the Bruzzone family. Concerns about the implementation portion of the Plan and the discussion of the economic realities of MCSP implementation (e.g., incentives for implementation).	The Draft MCSP includes an Implementation Element (Chapter 7). Town staff is considering revisions that would encourage the revitalization of the existing Moraga Center.
B-12	Presented an article from the current APA journal describing what communities are doing about affordable housing without concentrating it in one area. This article discusses benefits of relying on second units to spread out lower income housing needs and to avoid changes in the character of the community and specific neighborhoods.	The contribution of second units and planning for affordable housing in other parts of Moraga will be addressed during the 2009 Housing Element update process. The MCSP is expected to substantially contribute towards meeting affordable housing goals, but the Housing Element will address contributions from other portions of the Town.

Number	Comment	Response
Judy Denkel		
B-13	Representing the Hacienda Foundation. The Community Center and gymnasium component of the MCSP could be partially met at the Hacienda, which is already owned by the Town and is currently under utilized. There is support by the Town population to improve and better use the existing Hacienda.	While the Hacienda can be used for community purposes, its use is not part of the MCSP process. An alternative to reduce traffic and parking demand associated with the proposed Community Center and gymnasium is to utilize the Hacienda for non-gymnasium uses and construct a new gymnasium facility within the MCSP area. Under this alternative, MCSP Community Center uses unrelated to the gymnasium (e.g., meeting spaces) would be developed at the Hacienda as part of the Hacienda's current Master Planning effort.
Moraga Town Council Comments during Traffic Presentation		
B-14	Does the EIR address impacts to emergency evacuation?	Draft EIR Section 4.L addresses emergency evacuation.
B-15	The EIR did not include new carbon reduction strategies set out by the State of California (e.g., energy conservation, trip reduction, etc.).	Draft EIR Section 4.G-7 addresses GHG emissions and energy conservation; Section 4.F addresses trip reduction strategies; and the MCSP Design Guidelines (Appendix B) address energy conservation.
B-16	Would it be appropriate to do simulations from private viewpoints to provide more information to the citizens of Moraga? Town Council wants to go back to original guidance offered to the Town.	The Draft EIR Section 4.E provides simulations at a conceptual level from public viewpoints, including the Town's designated scenic corridors, to provide a general look and feel of potential buildout of the MCSP. Simulations from a selected private viewpoint may be appropriate during the individual project review stage to consider specific visual impacts of a proposed development on a particular private view shed of concern.
Council Member Bird		
B-17	How can staff work with primary landowners to further define the implementation measures of the Plan? Is the Town Manager willing to meet with property owners in the interim?	The Town will continue to work with property owners and project applicants to address specific issues and concerns related to projects under the adopted specific plan.
Vice Mayor Trotter		
B-18	Proposes that the July 22nd council meeting be agendized to discuss additional Town Council input on the implementation section of the MCSP.	Comments on the Draft MCSP Implementation Plan (Chapter 7), as well as other aspects of the MCSP and Draft EIR where taken at the July 22, 2008 Public Hearing (see Table 6.6-C below).
Council Member Chew		
B-19	Does the Town have any concerns with private property owners since the Town sponsors the MCSP? There have not been not been enough discussions with the landowners regarding this issue.	The Town has solicited input from property owners and the entire Town in the development of the MCSP. The comment does not address an environmental issue pertinent to the Draft EIR.
Mayor Deschambault		
B-20	Why is the primary landowner claiming to not have been involved in the shaping of the project description? It would be a good idea to have the Interim Town Manager get	The Town has solicited input from property owners and the entire Town in the development of the MCSP. The comment does not address an environmental issue pertinent to the Draft

Number	Comment	Response
	involved in continuing the discussions with property owners.	EIR.
Council Member Chew		
B-21	Opposes creating a Town sub-committee to work on the MCSP. Supports the Town Manager continuing discussions with landowners.	The Town has solicited input from property owners and the entire Town in the development of the MCSP. The comment does not address an environmental issue pertinent to the Draft EIR.

Table 6-3

Responses to Oral Comments from Moraga Town Council
July 22, 2008 Public Hearing

Number	Comment	Response
Vice Mayor Trotter		
C-1	Requests a copy of the traffic consultant PowerPoint presentation from the July 9, 2008 Town Council meeting.	A copy of the presentation is available on the Town's website: www.ci.moraga.ca.us.
Thomas McCormick, Orinda City Council		
C-2	Requests a 45-day extension to comment on the Draft EIR because the MCSP proposes significant increases in density in the Town Center that results in significant traffic impacts. Orinda wants to carefully consider these impacts and needs more time to do so. The 2002 Moraga General Plan was not made available to the Town until July 15, 2008. Understanding the existing land uses is important to comment on the MCSP Draft EIR. The last Orinda Council meeting was July 15th and staff was not able to provide a report to Council at that time – next meeting is not until mid August 19th.	Public Resources Code (PRC) Section 21091(a) requires a minimum 30-day public review period for a Draft EIR unless it is submitted to the State Clearinghouse for review, in which case the public review period must be at least 45 days. The Draft EIR public review period lasted 46 days from June 17, 2008 to August 1, 2008. On July 22, 2008, the Town Council considered arguments to extend the public review period beyond the required period and declined to do so. CEQA Guidelines Section 15087(i) encourages, but does not require, public hearings to solicit comments as part of the CEQA process. The Town held three public hearings on the MCSP and Draft EIR with the Parks and Recreation Commission (July 7, 2008) and the Town Council (July 9 and July 22, 2008). This exceeds CEQA requirements to inform the public and solicit comments. The Town has the option to consider and respond to written comments received after the close of the public review period, but the Town is not legally obligated to do so. The Lamorinda Program Management Committee (LPMC) and the cities of Orinda and

Number	Comment	Response
		Lafayette will review the MCSP for consistency with the Lamorinda Action Plan because buildout will generate more than 50 new vehicle trips. If the MCSP is found to be inconsistent with the LAP, the Town Council could decide to modify the MCSP or request an amendment to the LAP so that it would be consistent. If a conflict between jurisdictions occurs, then the conflict resolution process outlined in the LAP would occur.
C-3	Orinda planning staff have said that the State will certify housing elements submitted after the deadline – so the June 2009 deadline is not a firm deadline.	The update of the Town of Moraga General Plan Housing Element will be part of a separate planning and environmental review process.
C-4	Requests a copy of the traffic engineers PowerPoint presentation referenced by Vice Mayor Trotter.	A copy of the presentation is available on the Town's website: www.ci.moraga.ca.us.
John Girdanni		
C-5	Encourages the Town to extend the deadline for comments on the DEIR.	Please see Response to Comment C-2.
Muriel Amstead		
C-6	Wants the comment period to be extended so Moraga residents can also comment on the Plan.	Please see Response to Comment C-2.
Joe Einstein		
C-7	Given that Orinda says there is no jeopardy to not meeting the state's timeline, would like to extend the comment period.	Please see Responses to Comments C-2 and C-4.
C-8	How many Moragan's have participated in the process to date? Many have not had a chance to comment to date.	The comment does not address an environmental issue relevant to the adequacy of the MCSP or Draft EIR. Please see Response to Comment C-2 regarding the comment period.
Dick Loewke		
C-9	Bruzzone family would like to work with the Town to improve the Implementation Element of the Specific Plan. If the Implementation Element is improved, you will want the environmental document to respond to those changes in the Plan, if any are made.	The Town looks forward to additional input from the Bruzzone family and all residents of Moraga. If the Town decides to amend the Draft MCSP Implementation Plan (Chapter 7), the Town will determine if the existing EIR is adequate or if additional environmental review is required. If the changes are limited to modified financial incentives, for example, it is likely that no new environmental analysis is required.
Bill Durkin		
C-10	Wants clarification on commenting on the Plan versus the EIR.	The Town appreciates comments on both the MCSP (the Proposed Project) and the Draft EIR.
Kevin McGuire		
C-11	When is the next Lafayette Council meeting so their Council can meet prior to the comment deadline?	Please see Response to Comment C-2.
Town Council Discussion on Extension of Public Review Period		
C-12	Vice Mayor Trotter: MCSP adoption is the top priority for the Town Council. If deadline is extended the decision is delayed until after a new council takes over, which	Please see Response to Comment C-2.

Number	Comment	Response
	will mean at least one existing council member will not participate in the review and adoption process. Council Member Metcalf: not concerned about being a council member when the decision is made. Council Member Bird: more concerned about the decision for the Town rather than whether she will be a council member when adoption is considered. Mayor Deschambault: Can comments received after the public review period be considered? Regarding the issue of a new council in November, I am more concerned with making sure residents have an opportunity to participate than whether I am still on the Council when a decision is made. The Mayor supports extending the deadline since CEQA provides the most robust chance for input from our neighbors. Council Member Chew: Concerned about whether we meet our deadlines and making sure we respond to key comments. Council Member Bird: Recommends that we develop a plan to proceed that lets us get maximum input while staying on track with state deadlines.	
Council Member Metcalf		
C-13	What does Town staff think about meeting the state deadline for the Housing Element?	As directed by the Council, staff is working to meet the state's deadline in coordination with adoption of the MCSP.
John Girdanni		
C-14	Primary concern is traffic and safety in the streets of our neighborhood (Whiting in Sonsara development). Many children play in or near these streets.	Draft EIR Section 4.F addresses traffic and pedestrian safety.
C-15	New retail will not change the current shopping trends.	The development of the MCSP considered the information and analysis in the EPS (2006) economic study to provide for revitalization of the existing Town Center and reduced sales tax leakage.
C-16	Density and affordable housing doesn't seem to be required in other Bay Area jurisdictions – many are not in compliance.	All cities in California must comply with state laws and regulations requiring a state HCD certified housing element, updated every 5 years.
C-17	How long will MCSP implementation take?	The time required for buildout is unknown; it is expected to largely be based on market conditions. The MCSP and General Plan typically take into consideration a 20-25 year planning horizon.
C-18	Wants to know how to get the traffic study.	The traffic study (Fehr and Peers 2007) prepared for the Draft EIR is available on the Town's website: www.ci.moraga.ca.us.

Number	Comment	Response
Janet Berry		
C-19	In an email on September 3, 2007, addressed concerns about increased high school parking on over 500 new units in the Moraga Center, plus the other potential units in other parts of Moraga (over 1,000 total). Lives near Campolindo High School and would be impacted by new cars parked at the High School. Has not gotten any response regarding this comment and has not seen this issue addressed in the traffic study.	The Draft EIR traffic study (Fehr & Peers 2007) summarized in Section 4.F addresses increases in traffic and parking demands based on MCSP buildout and cumulative Town buildout under the General Plan. The analysis was based in part on empirical data collected on traffic and parking at Miramonte High School (Fehr & Peers 2006). Section 4.K of the Draft EIR addresses impact to high school capacity.
David Trugel, Friends of the Moraga Library		
C-20	The MCSP will impact the parking lot at the Moraga Library. MCSP buildout across from Moraga Commons would further exacerbate impacts to parking at the Library when Moraga Commons parking lots are full. The Draft EIR should analyze parking impacts both on and offsite of the MCSP from use of the Moraga Commons.	
Bill Durkin		
C-21	Requests the Town Council to adopt all feasible measures to reduce significant impacts, including reducing GHG emissions. Examples are proper sustainable energy features, lighting measures, orientation of buildings, water catching mechanisms, setbacks from creeks, minimizing additional construction until existing buildings are full. The items are minimal and cost little, but have long-term sense. Handed out some materials related to global warming.	The Draft EIR 4.G addresses GHG emissions and energy conservation. The MCSP Design Guidelines (Appendix B) address green building techniques such as energy and water conservation. The Design Guidelines and Section 4.D of the Draft EIR address setbacks from creeks. Mitigation measures are identified to reduce potentially significant impacts to these resources to less than significant levels.
Muriel Amsten		
C-22	Concerned about traffic data used to quantify trips out of Moraga. Doesn't think that the MCSP will reduce her trips out of Moraga. Her friends think the same way – we live in a semi rural community, so we have to leave Town for much of our shopping and that will not change. A small restaurant or two might be included and this might keep me in Town. High density units will be used by families who want to get their kids in our schools and they will have more trips than predicted in the Draft EIR. People will move here just to get their kids through high school and then will move. Questions whether housing will bring in residents that will enhance our community, rather than temporary residents.	Trip generation rates in Draft EIR Table 4.F-6 are consistent with professional standards and published studies of the region. The modeling process incorporates trip generation rates from *Trip Generation* published by the Institute of Transportation Engineers, the CCTA model, data from the US Census, the Bay Area Travel Survey (for the Lamorinda area), local traffic counts, data collected at St. Mary's College and Miramonte High School, and a market assessment for the MCSP. The model estimates the number of trips that remain internal to Moraga as well as the number of trips that leave Moraga. For additional information, please see Fehr & Peers (2007). The Draft EIR Section 4.K applied the Moraga School District and Acalanes Union High School District estimates for new school-age students potentially generated by the MCSP. The high

Number	Comment	Response
		density housing is proposed for senior housing and St. Mary's College student, faculty, and staff housing which is expected to result in minimal increases in school age children.
C-23	None of the existing schools have enough parking, so new development will exacerbate existing conditions. These issues have not been addressed in the reports. Scope of the development is too big. Realize that we can't prohibit any new development, but need a plan that won't impact these resources.	The Draft EIR Section 4.K addresses potential impacts to school services, including school facilities. Section 4.F of the Draft EIR addresses parking.
Dave Ramazetti		
C-24	What is driving the proposed project size? Don't think this has been clear in the process.	The Specific Plan Area was designated in the 2002 General Plan, and the proposed land uses are based on the goals and objectives of the specific plan as stated in the General Plan and further developed through studies and public input.
C-25	Why is the Proposed Project, which received more analysis, considered the environmentally inferior alternative? Why has the environmentally superior alternative (#3) not gotten as much analysis?	CEQA requires that alternatives be developed and considered that substantially meet the project objectives while reducing impacts on the environment. Lead agencies must designate an environmentally superior alternative if it can largely meet the objectives of the project with reduced impacts on the environment compared to the proposed project. CEQA does not require that alternatives include the same amount of detail as the proposed project, but that enough detail is provided to determine whether alternatives would reduce significant impacts of the proposed project.
C-26	The Draft EIR needs to analyze potential crime in the community based on the new housing under the new alternatives.	Please see revised information and analysis on potential impacts to crime and police services in Section 4.L of this Final EIR (Chapter 7).
C-27	What is driving the retail growth? There is no financial impact analysis. What happens if there is no tax growth from the project? Are there alternatives to raising funds for the Town budget rather than just building more retail?	The MCSP has multiple objectives, one of which is to increase retail opportunities to revitalize the existing Town Center, reduce shopping-related vehicle trips, and reduce sales tax leakage. The EPS (2006) study analyses the current economic conditions in the Town and options for new development.
Keith Urgabreak		
C-28	Concerned about crime and parking issues associated with the Plan. Thinks that the MCSP is poorly developed and poorly planned.	Please see revised information and analysis on potential impacts to crime and police services in Section 4.L of this Final EIR (Chapter 7). Section 4.F of the Draft EIR addresses parking.
Sandy Rolofson		
C-29	Has been waiting a long time to see development on vacant land. Concerned about all of the unused land. Thinks the Plan is well done and makes good use of vacant lands. Seven years ago I wanted to move from my large home to a smaller	The comment does not address an environmental issue relevant to the adequacy of the MCSP or Draft EIR, but is included in this Final EIR for consideration by the Town. Comments that state a position for or against a specific component of the project are appreciated as this gives the

Number	Comment	Response
	space where I could walk to adjacent uses. I appreciate the MCSP for a new home closer to other land uses. I don't think I am an unusual demographic in the Town – the MCSP would encourage residents to walk more which would be good for Moraga. The MCSP would create a more pedestrian friendly area within the Town Center. I don't think there has been a lack of transparency – it has been emailed to me, letters, online, in the papers. Higher density may increase use of transit because it would be closer to transit stops.	Town Council a sense of the public's feeling and beliefs about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.
J. D. O'Connor		
C-30	The MCSP is the slow death of the Town. Already seeing bottlenecks in traffic and increased levels of crime. Approval of the MCSP will exacerbate existing problems.	The Draft EIR Section 4.F addresses potential impacts to traffic, and Section 4.L addresses crime and police services.
Frank Comprelli		
C-31	Submitted a letter on the St. Mary's Road/Bollinger Canyon Road. If any alternatives were built, along with already approved and planned projects, there would not be any impacts in the Town of Moraga with a few exceptions. The impacts would be near the Bollinger Canyon and St. Mary's intersection, but this intersection was not designated as an impacted intersection. The LOS did not change in the analysis for this intersection. Can't see how this could be true. The LOS calculation also includes safety, which at this intersection, is a real problem. The traffic models do not always take into account the actual conditions at an intersection. Wants the traffic analysis to be reconsidered at this intersection.	Draft EIR Section 4.F analyses project and cumulative impacts to this intersection. According to SWITRS, from 2002 through 2006 there have been nine collisions near the St. Mary's Road/Rheem Boulevard intersection, which is below the Caltrans threshold of five accidents in one year to consider signalization. This data does not indicate that there is an existing accident trend at this intersection. LOS is the accepted standard for quantitatively determining project impacts at the study intersections. Sight distance and the collision rate are important considerations when evaluating whether or not a particular mitigation measure is feasible and practical. To address concerns along St. Mary's Road, Moraga commissioned a separate study of the curve alignment in this area and will consider the impact of placing all-way stop signs
John Haffner		
C-32	Concerned about cluster homes at the base of Camino Ricardo. Increased traffic along Camino Ricardo will be an issue, accessing Moraga Way. Also concerned about a criminal element from affordable/low income housing in the Town with this Plan.	The Draft EIR Section 4.F traffic analysis evaluated impacts to Camino Ricardo and finds that cut-through traffic is expected to decrease as motorists would prefer the new School Street. The proposed affordable housing is expected to meet the state's "affordable by design" criteria of at least 20 dua. The MCSP does not propose income criteria or deed restrictions on the properties. Most of the affordable housing in the proposed MCSP would be senior housing, which has one of the lowest crime rates in the Town. Please see the revised Section 4.L of this Final EIR (Chapter 7) for more information and analysis of the potential for increased crime and impacts to police services.

Number	Comment	Response
Council Member Bird		
C-33	The issue of senior housing versus other affordable housing is key to the Town's perception of the MCSP and therefore Town meetings with the land owners should continue regarding the specifics of the Plan uses.	The comment does not address an environmental issue relevant to the adequacy of the MCSP or Draft EIR, but is included in this Final EIR for consideration by the Town.
Barbara Simpson		
C-34	There is an assumption that persons over 55 are low income or that 55 or older communities wouldn't have grandmothers raising their grandsons. These rules cannot be assumed. Opposes high density infill housing. Not consistent with the semi-rural feel of the Town. Little tanning salons are not going to pay the bills, housing pay the bills.	The proposed affordable housing is expected to be primarily senior housing and meet the state's "affordable by design" criteria of at least 20 dua. Draft EIR Section 4.K assumes that a small percentage of the senior housing units may have school aged children. The MCSP does not propose income criteria or deed restrictions on the properties. The MCSP Design Guidelines (Appendix B) and Draft EIR Section 4.A address consistency with the semi-rural feel of the Town.
Council Member Metcalf		
C-35	Page 4.B-13. Potential impact on affordable housing. Potential for legal challenge if we don't show how we are meeting our fair share of housing. Under No Project Alternative, what are we at risk of? A housing advocacy group is suing Livermore, so it is not just what the State can do.	The MCSP is not the Town's General Plan Housing Element. The MCSP will provide a substantial component of the Housing Element update process scheduled for 2009. Please see Response to Comment 5-a for a discussion of the legal and financial risks of the Town not having a state-certified housing element.
C-36	Has problems with the alternatives recognizing that there may be a likelihood that outlying areas could be downsized if MOSO 2008 is approved. There would be an impact environmentally on the MCSP if the MOSO 2008 is approved. How can we address this issue?	The MCSP and alternatives were developed to meet the goals and objectives of the project. The cumulative analyses address the impacts of the reasonably foreseeable future buildout of the Town under existing land use plans and zoning. It is considered speculative to address potential future changes to the Town land use plans, zoning, and ordinances.
C-37	Disappointed in some of the MCSP visuals; we are not showing what the MCSP development could look like. For example, Figure 4.E-4 from across the Commons. The building on the corner is not what we had in mind for the development. On 4.E-6, I see the something like Lafayette Mercantile – not what I want from the Town. View from school Street looking into the Moraga Ranch – I'm wondering what the image is trying to show there? Does it capture what we want? Maybe we should look at the visual simulations again – because I don't think it gets across the message we are trying to make.	Please see revised visual simulations in Section 4.E of this Final EIR (Chapter 7, page 4.E-2). The visual simulations do not represent a proposed development, but instead are just illustrations of a conceptual scenario consistent with the proposed MCSP land use plans and Design Guidelines (Appendix B).
C-38	Page 4.E-30. Discussion about No Project Alternative should include blight because to not do anything will result in further degradation.	Please see revised discussion of the potential for blight to occur in the existing Town Center in this Final EIR Section 4.E, Impact 4.E-3 (Chapter 7, page 4.E-43).

Number	Comment	Response
C-39	Traffic section. Does not see a good summary of the traffic impacts. What are the five or ten most significant traffic impacts from the project or alternatives? Needs to be put up front and more prominent since it is the key issue.	Draft EIR Table 3-1 provides a summary of the potential impacts of the MCSP and alternatives.
C-40	Page 4.F-15. The last sentence of the top paragraph states that there are no impacts other than west bound Hwy 24, and that there is not much that Moraga can do about it. The real problems are not from Moraga traffic.	The Draft EIR finds that impacts to SR 24 associated with the project are considered significant and unavoidable.
C-41	Should we talk about the Statement of Overriding Considerations for traffic impacts now, or is it an administrative detail for later?	The EIR must describe impacts and their significance. The statement of overriding considerations does not have to be addressed until the Town Council selects a project that has significant and unavoidable impacts.
Council Member Chew		
C-42	Supports an extended comment period and more opportunities for input. The MCSP needs consensus from a majority of the Town residents. A referendum needs to occur before we embark on this big of a Plan for the Town Center.	Statements for or against components of the project are appreciated and give the Town Council a sense of feelings and beliefs about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.
Vice Mayor Trotter		
C-43	We have not discusses which of project alternative or combination is the right vision for the future of the community. Doesn't think this is the time, but ultimately this EIR will help us make an informed decision on the Plan, including the potential traffic impacts outlined in the MCSP. There is no done deal on the Plan – a lot of discussion before we select an alternative.	Statements for or against components of the project are appreciated and give the Town Council a sense of feelings and beliefs about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.
C-44	Missing from the Draft EIR is the look and feel of the land use densities.	Please see revised visual simulations in Section 4.E (Chapter 7, page 4.E-2) of this Final EIR that provide an illustration of the potential look and feel of project buildout.
C-45	Need to do more work describing how the Plan would be implemented and how infrastructure improvements would be financed. How would revitalization of the existing center be paid for so that blight does not worsen?	The Draft MCSP includes an Implementation Element (Chapter 7). Town staff is considering revisions that would encourage the revitalization of the existing Moraga Center.
Council Member Bird		
C-46	The Implementation Element and a more detailed housing mix needs to be agreed upon with the primary landowners.	Statements for or against components of the project are appreciated and give the Town Council a sense of feelings and beliefs about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.

Number	Comment	Response
Mayor Deschambault		
C-47	Wants more opportunity for public input. Any plan has to be done with a lot of thought.	Please see Response to Comment C-2. Statements for or against components of the project are appreciated and give the Town Council a sense of feelings and beliefs about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.
C-48	The CEQA guidance is not clear that specific creek setbacks are required to mitigate impacts to Biological Resources in Section 4.I. Need to clearly define the mitigations and not leave them for later.	The Town may adopt specific creek setback requirements at the project description level in the MCSP Design Guidelines, or by modifying the mitigation measure in the EIR.
C-49	Most developments now use permeable concrete and Bay friendly landscaping to meet C.3 standards. Want to make sure water is infiltrated and not directed into the creeks.	Implementation of Draft EIR Mitigation Measure 4.D-1a requires compliance with C.3 standards and the development of a Master Drainage Plan (MDP). Specific measures to meet C.3 standards will be addressed in the MDP.
C-50	Pear orchards need to be integrated into the Plan and not just removed.	The MCSP is consistent with existing Moraga General Plan policies CD3.5 and LU3.11 encouraging the preservation of orchard trees. Draft EIR Table 4.A-3 states that the proposed MCSP and Alternatives 3 and 4 have sufficient land use densities to effectively allow for clustering and the preservation of remnant orchard trees visible from Moraga Way and Moraga Road. The MCSP could retain orchard trees in the landscaped buffer along Camino Ricardo under Draft EIR Mitigation Measure 4.A-2.
C-51	Thinks 4:1 tree replacement is typical in CEQA documents.	This Final EIR includes a new Mitigation Measure 4.I-4 to provide at least 4:1 replacement for native trees removed during construction.
C-52	Does the MCSP require a General Plan amendment for increased retail space?	Proposed retail land uses are consistent with the General Plan Section C – Land Use Element, which describes the retail and office uses to be accommodated in the MCSP area; Figure 3-11 indicates the locations of these uses.
C-53	Supports an upper square footage or restriction on retail spaces, or the size of one retail building or use.	Statements for or against components of the project are appreciated and give the Town Council a sense of feelings and beliefs about a proposed course of action. Opinions can be used by the Town to make decisions but not for improving the environmental analysis or documentation.
C-54	Don't think we have a plan to get people out of Town and up to 720 new units will add to the existing problem. What will happen to evacuation planning with new homes?	Draft EIR Section 4.F addresses potential impacts to emergency access and evacuation due to increased traffic.
C-55	Schools and parking at schools issues.	The Draft EIR Section 4.F addresses parking and Section 4.K addresses impacts to school services

Number	Comment	Response
		and school facilities.
C-56	Set back mitigation needs to be included for visual resources.	The MCSP Design Guidelines (Appendix B) address setbacks.
C-57	Climate change needs to be dealt with – need to require measures to make new facilities more energy efficient – reducing vehicle miles traveled is the biggest impact. There are communities that require payment to a District that would operate a shuttle. Required under Clean Air Act and CEQA. Don't see anything in the analysis to require these measures.	The MCSP Design Guidelines (Appendix B) address energy efficiency. The proposed land uses and components of the MCSP are designed to reduce vehicle trips and optimize transit opportunities. Draft EIR Mitigation Measure 4.F-4 includes enhanced transit. The Town Council may consider transit fees as a mitigation measure.
C-58	The charrettes focused on the downtown area – why didn't we focus on what the existing downtown area would look like after revitalization? We picked Dahlin over the other firm because they said we would get a fly by computer simulation that would show what it looks like to enter the development. Disappointed that those materials were not prepared. Don't think the visuals show how the new development would blend with the renovations to the existing retail area.	Please see revised visual simulations in Section 4.E of this Final EIR (Chapter 7, page 4.E-2).
C-59	Seems that we could demonstrate how affordable units could be provided with other projects and not just rely on densities of 20 units per acre. I count over 600 homes in other parts of the community without even considering what St. Mary's is doing. Why do we have to put all of this in the MCSP?	The update to the Town's Housing Element, scheduled for 2009, will address Town-wide land use plans and zoning to meet the RHNA. While the MCSP is expected to provide substantial component of meeting the RHNA, the Housing Element update process will address the entire Town
Council Member Metcalf		
	One of the objectives is to revitalize the existing center by building new housing and retail, etc. Thinks this objective may miss the mark. Need to treat this objective in the Implementation program (e.g., page 55 of the MCSP). How will renovation of existing infrastructure be tied in to what new development can be built?	Specific development agreements would be developed after the certification of the EIR and the selection of an alternative.

7 REVISIONS TO THE DRAFT EIR

This chapter contains changes to the text of the Draft EIR made in response to comments. In some Sections, only relevant pages with changes have been provided. In others, the entire Section (e.g., 4.L, Public Services) has been provided based on the number of changes.

These changes correct errors and clarify text and graphics presented in the Draft EIR. Text to be added to the Draft EIR is shown as underline type (example). Text to de deleted from the Draft EIR is shown as strikeout type (~~example~~). These changes appear in order of their location in the Draft EIR.

4.A LAND USE

General Plan Goals and Policies	Consistency Analysis
traffic impact study. In addition, the Lamorinda Project Management Committee (LPMC) is required to review projects that are expected to add an additional 50 peakhour 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.	necessary, Proposed Project and/or Action Alternative impacts will be mitigated to meet or exceed predicted impact levels under the Moraga 2002 General Plan implementation alternative.

Mitigation: **4.A-1: Eliminate Inconsistency with the Moraga General Plan.**

Although the densities identified in the MCSP are consistent with the General Plan's overall policy of accommodating higher densities at this location, the Town shall first amend the General Plan to add residential land use densities and other amendments as necessary prior to ~~at the time of~~ adoption of the Moraga Center Specific Plan~~, the Town of Moraga shall also amend the Moraga General Plan to add residential land use densities consistent with the adopted Moraga Center Specific Plan~~. As currently proposed, the two new Proposed Project residential densities within the MCSP area would be 12 DUA and 24 DUA and the two new Alternative 3 and 4 residential densities would be 10-12 DUA and 20 DUA. Each alternative would also include mixed use land use designations: Mixed Retail/Residential (12-20 DUA) and Mixed Office/Residential (12-20 DUA). ~~In addition, permitted land uses in Area 13 Mixed Office/Residential will be revised to include public service facilities, such as police or fire stations.~~

After Mitigation: *Less than Significant Impact; Proposed Project and Alternatives 3 and 4*

Amendment of the Moraga General Plan Land Use Policies 3.1 and 3.3 to recognize residential densities consistent with the adopted MCSP would reduce the identified conflict with land use goals and policies. Therefore, the impact would be reduced to less than significant. ~~Revision of the MCSP to include public service facilities in Area 13 Mixed office/residential will insure consistency with existing facilities.~~

Significant Impact; Alternatives 1 and 2

Alternatives 1 and 2 would not include a mix of the residential housing or residential densities necessary to meet housing goals of the Moraga General Plan. Therefore, the impact would be significant and unavoidable.

Impact: **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)?**

Analysis: *No Impact; Alternative 1 (No Project)*

4.E OPEN SPACE, VISUAL RESOURCES, AND RECREATION

4.E OPEN SPACE, VISUAL RESOURCES, AND RECREATION

This section addresses the open space, visual resources, and recreation constraints on improvements and construction of facilities as part of the Moraga Center Specific Plan (MCSP) and alternatives. The setting section provides information on the visual characteristics of the area, designated open space areas in comparison to undeveloped land, and the existing and proposed recreational opportunities in and near the MCSP area. The possible visual impacts of proposed development are evaluated from the perspective of public views directly adjacent to the site and from nearby ridgelines.

4.E-1 ENVIRONMENTAL SETTING

Visual Character

The MCSP area contains a mixture of former agricultural areas and undeveloped properties interspersed with existing residential and commercial uses in the center of the Town of Moraga. Specifically, the area is bound to the north by residential development and to the east by the Moraga Commons Park as well as additional residential development. Residential development also abuts the southern and western boundaries of the area. The existing Moraga Center commercial complex includes retail and service facilities such as offices, financial institutions, and auto service stations; there is also a significant cluster of senior housing in the area. Moraga Ranch is located in the central portion of the site adjacent to Laguna Creek and contains offices and other retail/commercial uses along with barns and other ranch style structures that reflect the original use of the site. The principal roads serving the Town, Moraga Road and Moraga Way, intersect the MCSP area.

The MCSP area consists of two distinct landscape types:

- A rural landscape with remnants of the original agricultural activities that took place on the "Ranch", and open land in the foothills west and east of the Town Center that has not been developed; and

- An urban landscape of retail and commercial uses, primary circulation routes, and clustered housing.

The rural landscape of the former orchards, Laguna Creek riparian corridor, and disturbed grassland hillsides provide an aesthetic contrast to the urban pockets of the Town and add to the natural character within scenic corridors.

The western and northern portion of the area is characterized by former orchard area associated with the Moraga Ranch. This area is bound by single family housing along Camino Ricardo, reflecting the ranch and Spanish-style architecture of the Town. There are also some commercial uses in this area, particularly an auto service station. Laguna

Creek and its tributaries are located in the northern and central portion of the site separating the orchard from the mixed-use commercial area of the Ranch.

The southern portion of the area is characterized by commercial and office uses, including religious and educational facilities, dental and medical offices, multifamily housing and two senior housing developments – Aegis and Moraga Royale.

The Central and eastern portions of the area contain retail and mixed-use commercial areas, interspersed with undeveloped in-fill properties. Architectural styles primarily reflect the Spanish-style influence typical in the Town; however some retail and commercial structures either reflect the rural ranch architecture or reflect a commercial utilitarian style. Services in this area include Safeway and Orchard Supply stores, smaller retail, restaurants, auto service stations, financial institutions, a plant nursery, preschool, and other offices.

Views from Public Roads

Since the MCSP area is located within a valley of surrounding hills, the visual character of the 187-acre area varies from different viewpoints in the Town of Moraga. Views of the Town Center from area ridgelines and hillsides include a mixture of residential, commercial, retail, and riparian/orchard characteristics. Undulating topography within the MCSP hides portions of the site behind existing buildings, trees, and slopes, affording different views from within and adjacent to the MCSP boundary. For example, commercial developments clearly visible from viewsheds at the eastern boundary of the site are undetected from western viewsheds. The following figures show the site from ~~nine~~ 13 viewpoints shown in Figure 4.E-1.

Figure 4.E-2 – ~~Alta~~ Sandringham Drive (above Area 16)~~Mesa Drive~~
Figure 4.E-3 – Moraga Road and Moraga Way
Figure 4.E-4 – Moraga Commons
Figure 4.E-5 – Camino Ricardo
Figure 4.E-6 – Moraga Way at Camino Ricardo
Figure 4.E-7 – School Street Facing Moraga Ranch
Figure 4.E-8 – Moraga Road
Figure 4.E-9 – School Street Facing Northeast
Figure 4.E-10 – Village West of Laguna Creek
Figure 4.E-11 – Moraga Town Center from Moraga Way
Figure 4.E-12 – Moraga Town Center on Shopping Center Drive.
Figure 4.E-13 – Moraga Town Center on Shopping Center Drive.
Figure 4.E-14 – Alta Mesa Drive

Moraga Center Specific Plan Scenic Simulations

Figure 4.E-1
Viewpoint Locations

Moraga Center Specific Plan
View-01 Existing From Sandringham Drive

digital imaging studio at Dahlin Group dis

Moraga Center Specific Plan
View-01 Conceptual From Sandringham Drive

digital imaging studio at Dahlin Group dis

Moraga Center Specific Plan Scenic Simulations

Figure 4.E-2
Viewpoint 1 from Sandringham Drive

Moraga Center Specific Plan
View-02 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-02 Conceptual

digital imaging studio at Dahlin Group

Figure 4.E-3
Moraga Center Specific Plan Scenic Simulations
Viewpoint 2 from Moraga Way

Moraga Center Specific Plan
View-03 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-03 Conceptual

digital imaging studio at Dahlin Group

Moraga Center Specific Plan Scenic Simulations

Figure 4.E-4
Viewpoint 3 from St. Mary's Road

Moraga Center Specific Plan
View-04 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-04 Conceptual

digital imaging studio at Dahlin Group

Figure 4.E-5
Moraga Center Specific Plan Scenic Simulations
Viewpoint 4 from Camino Ricardo

Moraga Center Specific Plan
View-05 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-05 Conceptual

digital imaging studio at Dahlin Group

Moraga Center Specific Plan Scenic Simulations

Figure 4.E-6
Viewpoint 5 from Moraga Way

Moraga Center Specific Plan
View-06 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-06 Conceptual

digital imaging studio at Dahlin Group

Moraga Center Specific Plan Scenic Simulations

Figure 4.E-7
Viewpoint 6 from School Street

Moraga Center Specific Plan
View-07 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-07 Conceptual

digital imaging studio at Dahlin Group

Moraga Center Specific Plan Scenic Simulations

Figure 4.E-8
Viewpoint 7 from Moraga Road and Alta Mesa

Moraga Center Specific Plan
View-08 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-08 Conceptual

digital imaging studio at Dahlin Group

Figure 4.E-9
Moraga Center Specific Plan Scenic Simulations
Viewpoint 8 from School Street Extension

Moraga Center Specific Plan
View-09 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-09 Conceptual

digital imaging studio at Dahlin Group

Figure 4.E-10

Moraga Center Specific Plan Scenic Simulations Viewpoint 9 from Village west of Laguna Creek

Moraga Center Specific Plan
View-10 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-10 Conceptual

digital imaging studio at Dahlin Group

Figure 4.E-11
Moraga Center Specific Plan Scenic Simulations
Viewpoint 10 from Moraga Way

Moraga Center Specific Plan
View-11 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-11 Conceptual

digital imaging studio at Dahlin Group

Figure 4.E-12
Moraga Center Specific Plan Scenic Simulations — Viewpoint 11 from Shopping Center Drive

Moraga Center Specific Plan
View-12 Existing

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-12 Conceptual

digital imaging studio at Dahlin Group

Figure 4.E-13
Moraga Center Specific Plan Scenic Simulations — Viewpoint 12 from Shopping Center Drive

Moraga Center Specific Plan
View-13 Existing From Alta Mesa Drive

digital imaging studio at Dahlin Group

Moraga Center Specific Plan
View-13 Conceptual From Alta Mesa Drive

digital imaging studio at Dahlin Group

Moraga Center Specific Plan Scenic Simulations

Figure 4.E-14
Viewpoint 13 from Alta Mesa

Space (OS) and others as MOSO Open Space (OS-M), subject to the Moraga Open Space Ordinance. Most of the open space lands in the Town of Moraga are privately owned.

Parks and Recreational Resources

Parks

There are no existing dedicated parks in the MCSP area; however, Moraga Commons Park is located on 40.2 acres adjacent to the northeastern boundary of the area (Moraga Parks and Recreation Master Plan, 2007). The Moraga Commons Park offers a variety of passive and active recreation areas and is the site of seasonal outdoor performances. Amenities within Moraga Commons Park include picnic areas, amphitheater, tot lots, water features, swings, sand volleyball courts, disc golf, horseshoe pits, bocce ball courts, basketball half courts, and the Lamorinda Skatepark.

The Town of Moraga currently manages 57.5 acres of developed parks throughout the town (Moraga Commons, Rancho Laguna, and Hacienda de las Flores) and 250 acres of preserved natural areas in the Mullholand Open Space Preserve (Moraga Parks and Recreation Master Plan, 2007)

Trails

A segment of the Lafayette-Moraga Regional Trail, operated by the East Bay Regional Park District, is located within the MCSP area. This trail is intended for hiking, bicycling, and equestrian use. The trail winds from north to south, beginning at the Olympic Boulevard trail staging point in Lafayette and ending to the south at the Valle Vista trail staging point that is managed by the EBMUD. Within the MCSP area, the trail passes along the Moraga Commons Park and roughly follows along the School Street corridor. ~~There~~ A formal entry structure and sign for the trail is located near the intersection of Moraga Road and St. Mary's Road. There are mile markers for the trail on the eight-foot wide sidewalk that serves as the trail along School Street. There is a trail post with signs and directional arrows at the intersections of School Street and Moraga Way and School Street and Country Club Drive. Another formal entry structure and signs are located on the south side of Country Club Drive where the trail turns south and follows Laguna Creek and forms a portion of the Lamorinda Loop Trail~~are no trail markers in the MCSP area, nor any other trail improvements of a recreational nature. Just north of the intersection of School Street and Moraga Way the trail resumes an improved designated path, winding south near Laguna Creek~~.

Goal GM1. Growth Management.

Policy 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. Proposed 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.

> ***Parks.*** ~~Five~~ Three acres of parkland per 1000 residents. ~~*Note: The Town is currently processing an ordinance that would make the goal three acres of parkland per 1000 residents to be consistent with California State Law*.~~
>
> ***Fire.*** A fire station within 1.5 miles of all residential and nonresidential development in the Town, in the absence of appropriate mitigation measures.
>
> ***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.
>
> ***Sanitary Facilities.*** The capacity to transport and treat residential and non-residential wastewater as indicated by the Central Contra Costa Sanitary District.
>
> ***Water.*** The capacity to provide sufficient water to all residents and businesses in the Town as indicated by the East Bay Municipal Utility District.
>
> ***Flood Control.*** Containment of the 100-year flood event (as determined by FEMA) by the flood control/drainage system.

Town of Moraga Open Space Ordinance

The Moraga Open Space Ordinance (MOSO), adopted in 1986, defines unsuitable development areas, establishes the OS-M hillside open space land use classification on undeveloped open space lands with slopes greater than 20 percent, and limits development on open space lands to a density of 1 unit per 20 acres unless otherwise approved by the Moraga Planning Commission. The intent of the MOSO is "to protect the remaining open space resources within the Town in the interest of: 1) preserving the feel and character of the community; 2) ensuring the adequacy of recreational opportunities which are contingent on such open spaces; 3) ensuring the protection of local and regional wildlife resources which are dependent on the habitat provided by such open space; 4) ensuring that development does not occur in sensitive view shed areas; 5) protecting the health and safety of the residents of the Town by restricting development on steep or unstable slopes; and 6) ensuring that development within the Town is consistent with the capacity of local and regional streets and other public facilities and does not contribute to the degradation of local or regional air quality" (Moraga Open Space Ordinance Section 2a).

P	Permanent	⦿	Significant impact before mitigation; less than significant impact after mitigation
		❍	Less than significant impact; no mitigation proposed
		==	No impact

Impact: **4.E-1. Will the Project result in loss of potential public open space?**

Analysis: *No Impact; Alternative 1 (No Project Alternative)*

The No Action Alternative would not result in any change to the current allocation of open space. Although there is no open space designated by the General Plan within the MCSP area, this alternative would not change that designation or contribute to or detract from open space areas in the Town.

Analysis: *Less than Significant; Proposed Project and All Action Alternatives*

There is no open space designated by the General Plan within the MCSP area; however, under each action alternative, the 16.8-acre Laguna Creek riparian corridor would be maintained in a natural state. In addition, portions of the hillside area east of Moraga Road not suitable for development due to steep slopes would remain undeveloped.

Although General Plan policy OS1 requires the Town to preserve as much open space land as possible, the methods for preservation do not identify existing funding and rely on dedication, donations, and tax incentives to obtain open space. In addition, there is no identified need to acquire an established acreage of open space to meet service level requirements. Therefore, the Proposed Project and Action Alternatives serve to further this goal with the establishment of the Laguna Creek riparian corridor.

Mitigation: No mitigation is required.

Impact: **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)?**

Analysis: *No Impact; Alternative 1 (No Project Alternative)*

The No Action Alternative would not result in any change to current scenic vistas or resources. All scenic resources would retain their existing character, but no revitalization or improvements to existing structures would occur along scenic corridors.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

As described in the Setting, the MCSP area contains three scenic corridors (Moraga Road, Moraga Way, and Canyon Road) as well as undeveloped hillsides, fallow orchards, a rural ranch setting, and the Laguna Creek riparian corridor. The General Plan does not identify significant ridgelines

within the MCSP area. There are also existing commercial and retail structures within this area that are actively used and serve as one of the two commercial areas of the Town. Further infill and renovation of the retail and commercial areas would not significantly alter the visual character from area ridgeline vistas and viewpoints, as shown on Figures 4.E-2 and 4.E-14. The General Plan indicates that the current strip-mall developments along Canyon Road, Moraga Road, and Moraga Way could be improved to further enhance these scenic corridors.

Figures 4.E-2 through 4.E-~~10~~ 14 illustrate visual changes that may occur as a result of the Proposed Project. Four of the figures, Figures 4.E-3, 4.E-, 4.E-6, ad 4.E-8, illustrate the proposed views from the scenic corridors ~~or~~ on Moraga Road, Moraga Way, and St. Mary's Road. Views along Moraga Way (Figures 4.E-3 and 4.E-6) primarily show a change in the orchard area, where uniform trees are replaced with housing rooftops and desnse, large landscape trees that help hide and integrate the rooftops into the surrounding landscape. Although surrounding ridgelines remain unchaged in Figure 4.E-3, a portion of the ridgeline is obstructed by the proposed office building in Figure 4.E-6. Although most of the ridgeline is still visible, use of setbacks and landscaping are needed.

Figures 4.E-4 (View from St. Mary's Road at Moraga Road) and 4.E-8 (View from Moraga Road at Alta Mesa Drive) show a significant difference in views from these scenic corridors. In both cases, ridgelines are significantly obscured and primarily no longer visible from the roadways. Although the existing views of unused vegetated parcels is dramatically changed through the development of landscaped, yet highly urbanized and visible commercial uses, the greatest difference lies in the loss of ridgeline and hillside views that characterize the Town, resulting in a significant impact to the scenic corridors.

Least affected by the MCSP project would be the view of Moraga Ranch along School Street as shown on Figure 4.E-7. Structures would remain primarily the same, with minor use improvements such as enhanced walkways, street lighting, fencing, and landscaping, being the only significant visual change.

Other views from within the central MCSP area are illustrated on Figures 4.E-9 to 4.E-13~~ and 4.E-10~~. Figure 4.E-9 simulates proposed view changes along the School Street Extension. This view currently does not provide visual interest as it consists of an unimproved road, a cluster of RVs, a dilapidated fence and some landscaping trees. Although the view would significantly change with the development of retail structures, walkways, roadway improvements, and urban landscaping, the view would not be adversely affected. Figure 4.E-10 illustrates the proposed changes from the Village area west of Laguna Creek. The current views of disked land and natural areas would be replaced with highly urbanized views of higher density housing and associated landscaping, visible only from the immediate area within the MCSP.

The development of the residential units on the orchard sites would result in the most significant visual change from surrounding hillside areas as shown in Figures 4.E-2 and 4.E-14 and from Camino Ricardo as shown in Figure 4.E-5. Although views of surrounding ridgelines would not be affected by the residential development, the rural and natural character of the orchard would become a more urbanized collage of rooftops interspersed with dense landscaping. This change would be most significant under the Proposed Project and 339-unit Alternative as residences and roadways would completely cover the gentle sloping hillside most visible from the surrounding area and scenic corridors. The 339-unit Alternative would place lower density housing (6 units/acre) on the orchard, but would still utilize all available land for the residences. The Proposed Project would place roadways and dwelling units at densities between 12 and 24 units per acre on this highly visible hillside. Although the residential units may be clustered under the 400-unit and 560-unit Alternatives to maintain larger expanses of vegetation, the volume of development would significantly alter the rural character of the existing undeveloped orchard.

The Proposed Project and each Action Alternative would include a landscape and mounding buffer along Camino Ricardo to help retain the vegetated appearance of the orchard area from views along the scenic corridor and nearby residences. The landscaped berm would limit the visibility of the proposed housing units along Camino Ricardo (3 units/acre and 12 units/acre) and would effectively retain views of trees and vegetation. Although the landscape berm would help protect views of the site from the west along Camino Ricardo, the proposed landscaped berm would not extend along Moraga Way, a designated scenic corridor.

Development of the Community Center could also result in a significant visual change. Although Alternative Site A would be located near the existing and proposed commercial/retail area, it would be located on currently undeveloped land at the periphery of the developed area, containing trees and vegetation. Alternative Site B would be located across from Moraga Commons within a pocket of land containing and surrounded by large, dense native trees and riparian habitat. Some of these large trees would be removed and the placement of the Community Center structures would result in urbanized development of an area with high natural scenic value. The General Plan Design Guidelines state that mature native tree groupings should be protected (Design Guideline SRC8) and the Scenic Corridor Ordinance limits the removal of specimen trees and tree groves (Municipal Code 8.132.050.11). Both of these sites are located adjacent to Moraga Road, a scenic corridor, and are visible from the Moraga Commons, making changes to the visual character of the two sites significant.

Under all the Alternatives and the Proposed Project, a majority of the existing riparian vegetation along Laguna Creek would be retained and

would therefore not result in an adverse impact to this scenic resource. However, General Plan Design Guideline SRC9 seeks to protect drainage patterns, riparian habitat and wildlife by siting development away from area creeks; therefore, adequate setbacks from the creek are required.

The MCSP includes specific Design Guidelines (MCSP Appendix 9.4) to encourage well-designed development that reflects the requirements of the General Plan Design Guidelines and the scenic character of the Town while establishing new and revitalized structures within the MCSP area. These Design Guidelines include strategies for site design, architecture, lighting, signage, walls, fencing, furniture, and landscape within the MCSP residential, community commercial, mixed-use, and office areas.

Although development and revitalization within the MCSP area has the potential to improve scenic character within the Town's scenic corridors, particularly with implementation of the MCSP Design Guidelines that reduce visual impacts of the proposed development, it also has the potential to increase urbanization and eliminate views of the surrounding hillsides, natural landscape and character that contribute to the community's semi-rural appeal.

Mitigation: 4.E-2a. Develop and Implement Additional MCSP Design Guidelines

To ensure that the scenic corridors and quality of the area are not adversely affected, the structures and landscaping need to reflect the existing structural and natural character of the adjacent land uses. Additional guidelines need to be developed specifically for areas within 500 feet of the scenic corrridors. Careful MCSP design that integrates the Town of Moraga Design Guidelines and Scenic Corridor Ordinance will reduce adverse impacts associated with new development and will help the Town meet goals of visual enhancement. The final MCSP Design Guidelines shall be approved by the Design Review Board prior to adoption and implementation of the Specific Plan.

The MCSP Design Guidelines encourage the use of "semi-rural details" within streetscape and public space design and also require that second stories integrate softened architecture and landscaping to decrease their prominence. The MCSP Design Guidelines also encourage varying setbacks and rooflines to discourage repetitive, unarticulated building forms. To further enhance the MCSP Design Guidelines, the General Plan Guidelines (Municipal Code 8.132.050 – Scenic Corridors), including requirements for structural size, setback, positioning, screening, lighting, and overall architectural compatibility, shall be incoporated into the MCSP Design Guidelines. In addition, these guidelines shall~~ould~~ require the retention and integration of existing topography, vegetation, and scenic features, thereby deferring the appearance of manmade structures and promoting the importance of these natural features.

The MCSP Design Guidelines include measures requiring structures visible from surrounding areas to have low profiles, and ~~should~~ shall ~~also~~ include measures regarding contoured grading, dense native landscaping, and blended rooflines to reduce visibility of the structure in favor of the existing natural features. Within the scenic corridors, design ~~should~~ shall integrate greenbelts between the roadways and developments, with sizing of these greenebelts both in compliance with the General Plan Design Guidelines and in correlation with proposed structural sizing by use type. In addition, adequate setbacks for residential and commercial/office areas ~~should~~ shall be established near the riparian corridor to protect habitat and drainage patterns.

4.E-~~2a~~2b. Require Internal View Corridors

To protect scenic corridors and maintain views of surrounding ridgelines, the MCSP ~~should~~ shall require view corridors through the existing and proposed structures that would retain views of the hills and ridgelines beyond the site. This can be accomplished through the use of setbacks, alleyways, and other open or landscape areas between the structures. At key locations near the intersection of Moraga Road and St. Mary's Road and along Moraga Way, building design, size, and location ~~should~~ shall be limited to ensure that some ridgeline views are retained and structural spacing ~~should~~ shall be employed to create viewsheds of scenic vistas within the MCSP area. One-story buildings shall be set back from the two scenic roadways enough to maintain ridgeline views and structural spacing requirements should include at least one minimum 50-foot-wide view corridor between two-story buildings in each block of development to maintain ridgeline visibility. Due to the amount of MCSP land in relation to the volume of structures, there is adequate land available to include these internal view corridors.

After Mitigation: *Less than Significant Impact; Proposed Project and All Action Alternatives*

The implementation of these measures and the MCSP Design Guidelines will reduce this impact to a less than significant level.

Impact: **4.E-3. Will the Project substantially degrade the existing visual quality of the site and its surroundings?**

Analysis: *No Impact; Alternative 1 (No Project Alternative)*

The No Action Alternative would not result in any change to the existing visual quality of the site or its surroundings. All undeveloped properties would remain in their current state; however, developed properties in need of revitalization would not be improved. While the lack of revitalization and improvements to the existing Town Center may not occur under this alternative, it is unlikely that the No Project Alternative would result in

visual blight of the existing Town Center. The economic study by EPS (2006) documents that the there is sufficient market demand to maintain the existing Town Center development.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

As discussed in Impact 4.E-2 and shown on the viewshed figures, the Proposed Project and Action Alternatives would result in significant changes to the existing rural quality of the orchard areas and would increase the prominence of the urabn commercial core. Although revitalization of the existing commercial areas and infill on undertilized parcels with compatible land uses would have the potential to improve the visual quality of the commercial area, the size and location of some structures may disrupt views of the surrounding hillsides and ridgelines, making the urban core the primary visual feature within some portions of the MCSP area. In addition, the development of the orchard areas for residential and office uses and tree removal for the Community Center may degrade the rural and natural visual quality within the MCSP area. Although the 400-unit and 560-unit Alternatives reduce this degradation through residential clustering, the visual quality immediately adjacent to the roadways would not reflect the existing visual quality of the site, and in some areas would degrade the visual quality afforded by the surrounding hillsides.

Mitigation Measures 4.E-2a and 4.E-2b should be implemented to reduce visual degradation and ensure that new development is designed to reflect the architectural style of the Town and the existing natural features of the site and its surroundings.

Mitigation: **4.E-2a. Develop and Implement Additional MCSP Design Guidelines**

4.E-2b. Require Internal View Corridors

After Mitigation: *Less than Significant Impact; Proposed Project and Action Alternatives*

The implementation of these measures and the MCSP Design Guidelines will reduce this impact to a less than significant level.

Impact: **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?**

Analysis: *No Impact; Alternative 1 (No Project Alternative)*

The No Action Alternative would not result in any change to current lighting or aesthetic character. All existing lighting features would be retained and no new lighting would be installed to affect nighttime views.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

4.F TRANSPORTATION, CIRCULATION AND PARKING

4.F TRANSPORTATION, CIRCULATION, AND PARKING

This section addresses the transportation, circulation, and parking constraints on improvements and construction of facilities as part of the Moraga Center Specific Plan (MCSP) and alternatives.

4.F-1 ENVIRONMENTAL SETTING

Roadway Network

Regional vehicular access to the Project site is provided by State Route 24, while local access is provided via Moraga Way, Moraga Road/Canyon Road, St. Mary's Road, Camino Ricardo, School Street, and Country Club Drive. These roadways are described below.

State Route 24 (SR 24) is an eight-lane east-west freeway north of the Project site that connects to Interstate 680 (I-680) to the east and State Route 13 (SR 13) to the west. SR 24 has an Annual Average Daily Traffic (AADT) of about 186,000 vehicles (Caltrans, 2006) and four to six lanes in each direction near the Project site.

Moraga Way is generally a two-lane road that extends northwest-southeast between Moraga Road (in the Town of Moraga) and SR 24 in the City of Orinda. Within the Town limits, Moraga Way is a four lane road with left-turn lanes.

Moraga Road/Canyon Road is generally a two-lane north-south road. Moraga Road extends between Moraga Way in the Town of Moraga and Mount Diablo Boulevard in the City of Lafayette. Canyon Road is the extension of Moraga Road south of Moraga Way to Pinehurst Road in Alameda County.

St. Mary's Road is a two-lane north-south road that connects to Moraga Road (south) in the Town of Moraga, and Moraga Road (north) in the City of Lafayette.

Camino Ricardo is a two-lane north-south road that extends along the western frontage of the specific plan area. It intersects Moraga Way at a signalized intersection where it becomes St. Andrew's Drive into the Country Club area.

School Street is a two-lane north-south road that extends from south of the specific plan area near Canyon Road north into site. It currently ends north of Moraga Way.

Country Club Drive is a two- to four-lane east-west road that extends between St. Andrew's Drive and Canyon Road, and continues northeast outside the Project area. It has four lanes between School Street and Canyon Road, and two lanes west of School Street and east of Canyon Road. It has a landscaped median between St. Andrew's Drive and Canyon Road.

Transit Service

The site is located about 5 miles south of the Lafayette BART station and about 4.5 miles southeast of the Orinda BART station. Central Contra Costa Transit Authority (County Connection) provides bus service in the area.

County Connection

County Connection currently provides service to the specific plan area via Route 106. In addition, service is provided to St. Mary's College, about one mile northeast of the site, via Route 206. Combined these routes served about 700 daily riders in 2007. Specific route information is provided below.

Route 106

Route 106 operates between the Orinda and Lafayette BART stations via Moraga Way, Moraga Road, and St. Mary's Road. The route also serves the St. Mary's College. There are bus stops within the specific plan area along Moraga Way at Moraga Road, School Street, and Camino Ricardo.

Weekday service runs between 6:00 AM and 8:00 PM, with typical headways of 20 minutes during peak periods (6:30-9:30 AM and 4:00 -7:30 PM) and up to an hour in off-peak periods. Saturday service runs between 9:30 AM and 6:00 PM, with 6 buses a day (headways of between 90 and 120 minutes).

The Route 106 is considered a "core route." The 2007 ridership consisted of 36 percent students, 25 percent adults, 6 percent seniors, and 5 percent St. Mary's College students. An additional 20 percent were transfers to BART and 7 percent were transfers to other buses.

Route 206

Route 206 operates between St. Mary's College, the Lafayette BART station, and Rossmoor Shopping Center via St. Mary's Road, Mt. Diablo Boulevard, and Olympic Boulevard. Only weekday service is provided, and it is limited, with 3 westbound buses per day and 5 eastbound buses per day. The closest bus stop to the specific plan area is at St. Mary's College. Route 206 is considered a "select services" route, primarily oriented towards school service. Its ridership consists mainly of students.

Route 250 (Gail Rail Shuttle)

Route 250 operates between St. Mary's College and the Lafayette BART station via Moraga Road and Rheem Boulevard. Stops are limited to the BART station, St. Mary's College, and the Moraga Road intersection with Rheem Boulevard. Service is limited to Thursday, Friday, Saturday and Sunday.

Bay Area Rapid Transit (BART)

BART provides regional rail service throughout the East Bay and across the Bay to San Francisco and the Peninsula. The closest BART station to the Project site is the Orinda BART station, about 4.5 miles from the specific plan area. The Lafayette BART Station is about 5 miles from the area. The Pittsburg/Bay Point-SFO line provides service at both stations. During the peak hour, 18 trains arrive and depart each station.

Based on BART's most recent Station Profile Survey, most BART riders living in Moraga use the Orinda station. Average ridership originating or ending at the Orinda BART station in March 2008 was about 820 passengers during the morning peak hour (8:00 to 9:00 AM) and 720 passengers during the evening peak hour (5:00 to 6:00 PM). The total daily entries and exits at this station in 2008 were 5,650 passengers. In March 2008 maximum patron queues exiting the Orinda BART station during the PM peak hour were about 4 people with a maximum delay of ten seconds.

Bicycle/Pedestrian Network

Bicycle and pedestrian facilities can be classified into several general types, including:

- Class I Paths – These facilities are located off-street and can serve both bicyclists and pedestrians. Recreational trails can be considered Class I facilities. Class I paths are typically 8 to 10 feet wide excluding shoulders and are generally paved.

- Class II Bicycle Lanes – These facilities provide a dedicated area for bicyclists within the paved street width through the use of striping and appropriate signage. These facilities are typically 4 to 6 feet wide.

- Class III Bicycle Routes – These facilities are found along streets that do not provide sufficient width for dedicated bicycle lanes. The street is then designated as a bicycle route through the use of signage informing drivers to expect bicyclists.

- Sidewalks – The exclusive realm of pedestrians, sidewalks provide pedestrian access and circulation. Sidewalks can vary in width from 5 to 20 feet; wider sidewalks are typically found in heavily urbanized and downtown areas.

Moraga Way and Moraga Road are designated Class II facilities with striped bicycle lanes, although vehicles often park in the bike lanes on segments of both roads. Rheem Boulevard is a designated Class III bicycle route from Moraga Road to near the Town border. In addition, the Lafayette-Moraga trail, a Class I shared-use path, runs parallel to St. Mary's Road, School Street, and Canyon Road in the study area.

Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals. There are several signalized intersections in the vicinity of the Project site, including along Moraga Way at Moraga Road, School Street, and Camino Ricardo, and at the St. Mary's

Road/Moraga Road intersection. Each of these signalized intersections has pedestrian facilities; however, not all intersection crossings accommodate pedestrian movements because of conflicting vehicle movements or limited pedestrian facilities.

Traffic Data Collection

Weekday morning (7:00 to 9:00 AM) and evening (4:00 to 6:00 PM) peak period intersection turning movement counts were conducted at 51 study intersections in April 2005, May 2005, September 2006, October 2006, and September 2007 while area schools were in normal session to obtain existing traffic volumes. The intersection study locations are identified on Figure 4.F-1. The data count sheets for each intersection are provided in a separate document *Transportation Circulation and Parking Technical Worksheets for Moraga Center Specific Plan* available at the Town of Moraga offices.

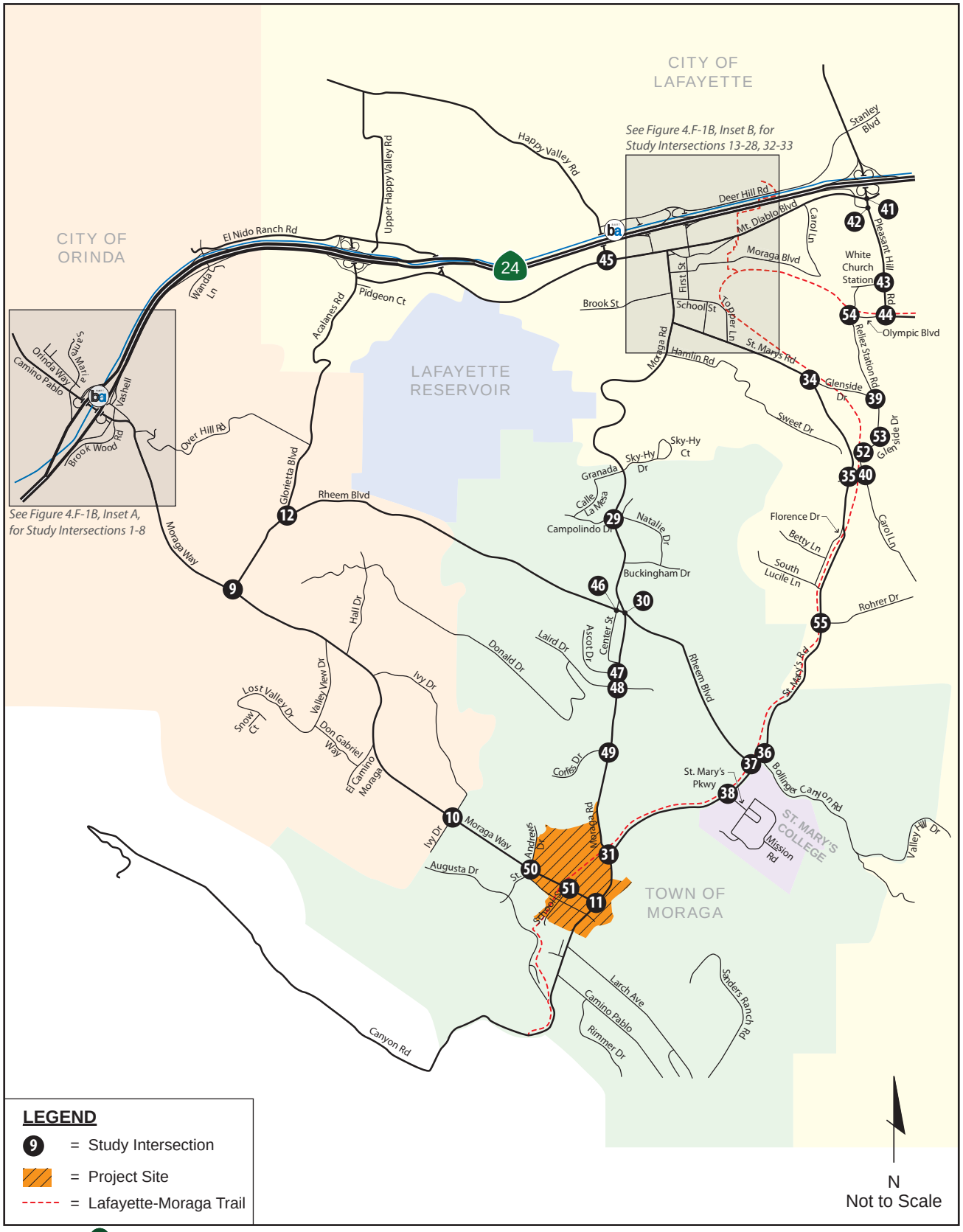
The overall hour with the highest traffic volumes for all the intersections combined was identified as 7:45-8:45 AM and 5:00-6:00 PM. The AM and PM peak hour data used as the basis for the intersection operational analysis is provided in Appendix D. Traffic signal timing data was also collected for the signalized study intersections.

Existing Intersection Operations

The AM and PM peak hour existing traffic volumes were used with the existing lane configurations and signal parameters to calculate existing intersection operations and Level of Service (LOS). Methodologies in the *Highway Capacity Manual* (HCM) were used to quantify intersection operations at both signalized and unsignalized intersections. Refer to Appendix D for a description of the different level of service grades.

A traffic signal was assumed at the Ascot Drive/Moraga Road intersection in Moraga, which is currently unsignalized, because the Town has funding for signalization and is currently designing the signal. The HCM-based intersection analysis results (obtained from SYNCHRO software) indicate that 7 study intersections currently operate below established local standards. The complete list of study intersections and the resulting intersection LOS is shown in Table 4.F-1.

This analysis also examines the general correlation between peak hour traffic demand and the need to install a traffic signal. Table 4.F-2 identifies those unsignalized intersections that meet the peak hour traffic signal warrant. Seven study intersections meet the peak hour traffic signal warrant. The evaluation is a sub-set of the traffic signal warrants recommended in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (as amended for use in California). This analysis should not serve as the only basis for deciding whether and when to install a signal. To reach such a decision, the full set of warrants should be investigated. The decision to install a signal should not be based solely upon the warrants, but should also take into account field conditions such as delay, congestion, approach conditions, driver confusion, future land use, or other evidence of the need for right-of-way assignment beyond that which could be provided by stop signs.



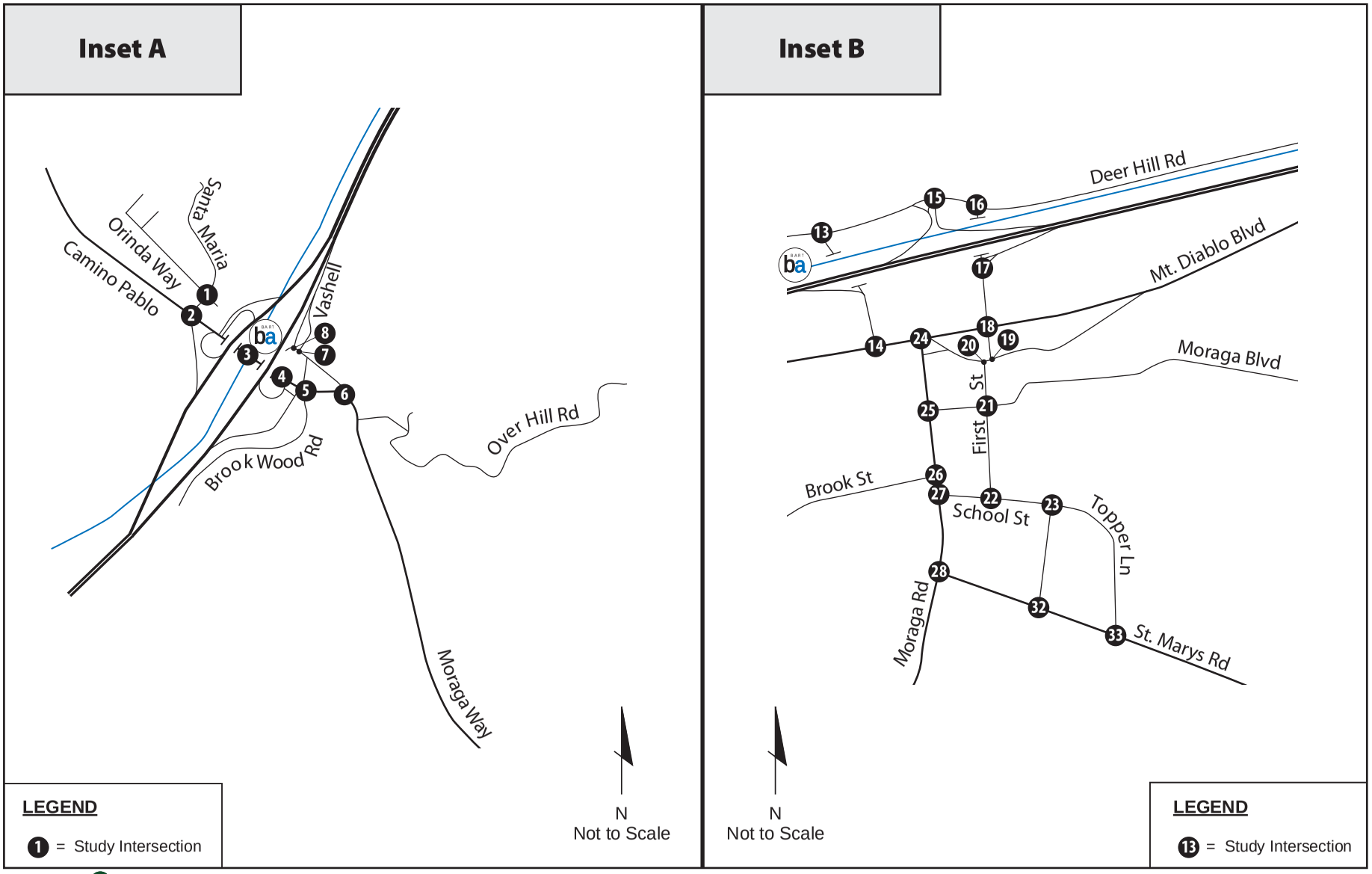
Moraga Center Specific Plan

FEHR & PEERS
TRANSPORTATION CONSULTANTS

March 2009
Graphics\MTC\WC06-2330_4F-1A

STUDY AREA CONTEXT

Figure 4.F-1A



Moraga Center Specific Plan

FEHR & PEERS
TRANSPORTATION CONSULTANTS

June 2008
Graphics\MTC\WC06-2330_4F-1B

STUDY AREA CONTEXT

Figure 4.F-1B

Table 4.F-1

Baseline Intersection Level of Service (AM and PM Peak Hours)

Study Intersection	Control /1/ Designation	Peak Hour	Existing Baseline		Approved Baseline		Cumulative Baseline	
			Delay /2/	LOS	Delay /2/	LOS	Delay /2/	LOS
Orinda Intersections								
1. Orinda Way at Santa Maria Way	Signal	AM	12	B	12	B	12	B
	CBD	PM	15	B	15	B	16	B
2. Camino Pablo at Santa Maria Way	Signal	AM	7	A	7	A	8	A
	CBD	PM	19	B	22	C	51	D
3. Camino Pablo at BART Driveways	SSS	AM	1 (16)	A (C)	1 (16)	A (C)	1 (24)	A (C)
	CBD	PM	2 (27)	A (D)	3 (28)	A (D)	22 (171)	C (F)
4. Camino Pablo at SR 24 EB Ramps	No Control	AM	n/a	n/a	n/a	n/a	n/a	n/a
	CBD	PM						
5. Camino Pablo at Brookwood Road	Signal	AM	58	E	64	E	**92**	**F**
	CBD	PM	**98**	**F**	**115**	**F**	**163**	**F**
6. Camino Pablo at Moraga Way	Signal	AM	13	B	13	B	15	B
	CBD	PM	17	B	18	B	21	C
7. Brookwood Road at Moraga Way	AWS	AM	18	C	18	C	23	C
	CBD	PM	15	C	15	C	24	C
8. Bryant Way at Moraga Way	SSS	AM	5 (17)	A (C)	5 (17)	A (C)	6 (20)	A (C)
	CBD	PM	6 (17)	A (C)	6 (17)	A (C)	6 (21)	A (C)
9. Glorietta Boulevard at Moraga Way	Signal	AM	**80**	**F**	**88**	**F**	**123**	**F**
	Suburban	PM	25	C	27	C	39	D
10. Ivy Drive at Moraga Way	Signal	AM	43	D	44	D	**61**	**E**
	Suburban	PM	24	C	24	C	30	C
12. Glorietta Boulevard at Rheem Boulevard	~~SSS~~ AWS	AM	~~11 (20)~~ 13	B ~~(C)~~	~~12 (22)~~ 13	B ~~(C)~~	~~17 (33)~~ 16	C ~~(D)~~
	Suburban	PM	~~5 (14)~~ 9	A ~~(B)~~	~~5 (16)~~ 9	A ~~(B)~~	~~7 (21)~~ 11	~~A (C)~~ B

Table 4.F-1

Baseline Intersection Level of Service (AM and PM Peak Hours)

Study Intersection	Control /1/ Designation	Peak Hour	Existing Baseline		Approved Baseline		Cumulative Baseline	
			Delay /2/	LOS	Delay /2/	LOS	Delay /2/	LOS
Lafayette Intersections								
13. Deer Hill Drive at Oak Hill Road	AWS	AM	**38**	**E**	**39**	**E**	**39**	**E**
	Downtown	PM	**41**	**E**	**47**	**E**	**60**	**F**
14. Mt. Diablo Boulevard at Oak Hill Road	Signal	AM	27	C	28	C	31	C
	Downtown	PM	31	C	33	C	42	D
15. Deer Hill Drive at SR 24 Westbound Ramps	Signal	AM	32	C	33	C	44	D
	Downtown	PM	30	C	32	C	49	D
16. Deer Hill Drive at 1st Street	Signal	AM	12	B	12	B	14	B
	Downtown	PM	15	B	17	B	21	C
17. SR 24 Eastbound On-Ramp at 1st Street	No Control	AM	n/a	n/a	n/a	n/a	n/a	n/a
	Downtown	PM						
18. Mt. Diablo Boulevard at 1st Street	Signal	AM	30	C	31	C	33	C
	Downtown	PM	28	C	29	C	32	C
19. First Street at Golden Gate Way (East)	SSS	AM	6 (12)	A (B)	6 (12)	A (B)	6 (13)	A (B)
	Outside Downtown	PM	5 (10)	A (A)	5 (10)	A (A)	6 (11)	A (B)
20. First Street at Golden Gate Way (West)	SSS	AM	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)
	Outside Downtown	PM	4 (6)	A (A)	4 (7)	A (A)	4 (7)	A (A)
21. First Street at Moraga Boulevard	AWS	AM	9	A	9	A	10	A
	Outside Downtown	PM	9	A	9	A	9	A
22. First Street at School Street	SSS	AM	6 (13)	A (B)	6 (13)	A (B)	6 (14)	A (B)
	Outside Downtown	PM	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (A)
23. Avalon Avenue at School Street	SSS	AM	2 (13)	A (B)	2 (13)	A (B)	2 (14)	A (B)
	Outside Downtown	PM	1 (10)	A (A)	1 (10)	A (A)	1 (11)	A (B)
24. Mt. Diablo Boulevard at Moraga Road /3/	Signal	AM	51	D	**--**	**F**	**--**	**F**
	Downtown	PM	53	D	**--**	**F**	**--**	**F**

Table 4.F-1

Baseline Intersection Level of Service (AM and PM Peak Hours)

Study Intersection	Control /1/ Designation	Peak Hour	Existing Baseline		Approved Baseline		Cumulative Baseline	
			Delay /2/	LOS	Delay /2/	LOS	Delay /2/	LOS
25. Moraga Road at Moraga Boulevard /3/	Signal	AM	--	**E**	--	**F**	--	**F**
	Downtown	PM	20	B	--	**F**	--	**F**
26. Moraga Road at Brook Street /3/	Signal	AM	--	**E**	--	**F**	--	**F**
	Downtown	PM	21	C	--	**F**	--	**F**
27. Moraga Road at School Street /3/	Signal	AM	42	D	--	**F**	--	**F**
	Downtown	PM	17	B	--	**F**	--	**F**
28. Moraga Road at St. Mary's Road (North) /3/	Signal	AM	34	C	--	**F**	--	**F**
	Downtown	PM	31	C	--	**F**	--	**F**
32. St. Mary's Road at Avalon Avenue	SSS	AM	2 (18)	A (C)	2 (19)	A (C)	2 (21)	A (C)
	Outside Downtown	PM	2 (19)	A (C)	2 (19)	A (C)	3 (24)	A (C)
33. St. Mary's Road at Topper Lane	SSS	AM	3 (25)	A (D)	3 (25)	A (D)	4 (32)	A (D)
	Outside Downtown	PM	2 (19)	A (C)	2 (19)	A (C)	2 (23)	A (C)
34. Glenside Drive at St. Mary's Road (North)	AWS	AM	12	B	12	B	13	B
	Outside Downtown	PM	10	A	10	A	11	B
35. Glenside Drive at St. Mary's Road (South)	AWS	AM	21	C	22	C	**40**	**E**
	Outside Downtown	PM	21	C	22	C	**44**	**E**
39. Glenside Drive at Reliez Station Road	AWS	AM	**91**	**F**	**98**	**F**	**146**	**F**
	Outside Downtown	PM	**49**	**E**	**56**	**F**	**102**	**F**
40. Glenside Drive at Burton Drive	AWS	AM	34	D	**38**	**E**	**44**	**E**
	Outside Downtown	PM	25	D	28	D	**57**	**F**
41. Pleasant Hill Rd at Mt. Diablo Blvd- SR 24 Eastbound On-Ramp	Signal	AM	14	B	14	B	18	B
	Outside Downtown	PM	18	B	18	B	26	C
42. Pleasant Hill Rd at Old Tunnel Rd- SR 24 Eastbound Off-Ramp	Signal	AM	10	A	10	A	10	A
	Outside Downtown	PM	11	B	11	B	13	B

Table 4.F-1

Baseline Intersection Level of Service (AM and PM Peak Hours)

Study Intersection	Control /1/ Designation	Peak Hour	Existing Baseline		Approved Baseline		Cumulative Baseline	
			Delay /2/	LOS	Delay /2/	LOS	Delay /2/	LOS
43. Pleasant Hill Road at Condit Drive	Signal	AM	9	A	9	A	10	A
	Outside Downtown	PM	7	A	7	A	8	A
44. Pleasant Hill Road at Olympic Boulevard	AWS	AM	**55**	**F**	**59**	**F**	**92**	**F**
	Outside Downtown	PM	**48**	**E**	**52**	**F**	**73**	**F**
45. Happy Valley Road at Mt. Diablo Boulevard	Signal	AM	25	C	25	C	30	C
	Downtown	PM	35	C	35	C	39	D
Moraga Intersections								
11. Moraga Way at Moraga Road	Signal	AM	25	C	26	C	33	C
	Suburban	PM	28	C	30	C	**38**	**D**
29. Campolindo Drive at Moraga Road	Signal	AM	18	B	22	C	24	C
	Suburban	PM	14	B	17	B	20	B
30. Rheem Boulevard at Moraga Road	Signal	AM	21	C	21	C	23	C
	Suburban	PM	20	C	21	C	23	C
31. Moraga Road at St. Mary's Road (South)	Signal	AM	12	B	13	B	14	B
	Suburban	PM	12	B	12	B	14	B
36. Bollinger Canyon Road at St. Mary's Road	SSS	AM	1 (20)	A (C)	1 (21)	A (C)	5 (32)	A (D)
	Suburban	PM	1 (16)	A (C)	1 (17)	A (C)	3 (22)	A (C)
37. Rheem Boulevard at St. Mary's Road	SSS	AM	5 (25)	A (C)	6 (26)	A (D)	12 (59)	B (F)
	Suburban	PM	5 (26)	A (D)	5 (27)	A (D)	14 (79)	B (F)
38. St. Mary's Parkway at St. Mary's Road	SSS	AM	4 (15)	A (C)	4 (16)	A (C)	4 (18)	A (C)
	Suburban	PM	6 (15)	A (C)	6 (15)	A (C)	6 (18)	A (C)
46. Center Street at Rheem Boulevard	Signal	AM	8	A	9	A	9	A
	Suburban	PM	10	B	10	B	10	B
47. Moraga Road at Ascot Drive	Signal	AM	10	A	10	A	11	B
	Suburban	PM	8	A	8	A	9	A

Table 4.F-1

Baseline Intersection Level of Service (AM and PM Peak Hours)

Study Intersection	Control /1/ Designation	Peak Hour	Existing Baseline Delay /2/	Existing Baseline LOS	Approved Baseline Delay /2/	Approved Baseline LOS	Cumulative Baseline Delay /2/	Cumulative Baseline LOS
48. Moraga Road at Donald Drive	Signal	AM	11	B	12	B	13	B
	Suburban	PM	7	A	7	A	7	A
49. Moraga Road at Corliss Drive	SSS	AM	23 (200)	C (F)	**28 (247)**	**D (F)**	**50 (444)**	**E (F)**
	Suburban	PM	6 (59)	A (F)	7 (73)	A (F)	15 (162)	B (F)
50. Moraga Way at St. Andrews Drive	Signal	AM	11	B	11	B	13	B
	Suburban	PM	12	B	12	B	13	B
51. Moraga Way at School Street	Signal	AM	10	A	10	A	10	A
	Suburban	PM	11	B	11	B	12	B
52. Glenside Drive at Los Palos Drive	AWS	AM	31	D	33	D	**63**	**F**
	Outside Downtown	PM	14	B	14	B	19	C
53. Glenside Drive at Michael Lane	SSS	AM	3 (18)	A (C)	3 (18)	A (C)	3 (23)	A (C)
	Outside Downtown	PM	2 (20)	A (C)	2 (20)	A (C)	2 (22)	A (C)
54. Reliez Station Road at Olympic Boulevard	AWS	AM	**114**	**F**	**121**	**F**	**163**	**F**
	Outside Downtown	PM	**45**	**E**	**53**	**F**	**91**	**F**
55. St. Mary's Road at Rohrer Drive	AWS	AM	24	C	25	D	**46**	**E**
	Outside Downtown	PM	18	C	19	C	33	D

Bold font indicates unacceptable traffic operations based on each jurisdiction's LOS policies

/1/ Signal = traffic signal, SSS = side-street stop, AWS = all-way stop

/2/ Signalized and all-way stop controlled intersection LOS based on average intersection control delay according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies. Side-street stop controlled intersection LOS based on the delay for the worst minor street approach (shown in parenthesis) according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies.

/3/ These intersections were evaluated using the SimTraffic component of the SYNCHRO software to account for the field observed vehicle queue length fluctuations, school children crossings, left-turn conflicts, and unique signal timing parameters. Delay for LOS D or better based on the average of 5 random runs. Delay for LOS E or F is not reported because of variability between runs.

Source: Fehr & Peers, 2008

Table 4.F-2

Baseline Intersection Peak Hour Traffic Signal Warrants (AM and PM Peak Hours)

			Does the unsignalized intersection meet the peak hour traffic signal warrant criteria (Yes or No)?		
	Control /1/	**Peak Hour**	**Existing Baseline**	**Approved Baseline**	**Cumulative Baseline**
Orinda Intersections					
7. Brookwood Road at Moraga Way	AWS	AM	No	No	No
		PM	No	No	**Yes**
8. Bryant Way at Moraga Way	SSS	AM	No	No	No
		PM	No	No	No
12. Glorietta Boulevard at Rheem Boulevard	~~SSS~~ AWS	AM	**Yes**	**Yes**	**Yes**
		PM	No	No	No
Lafayette Intersections					
13. Deer Hill Drive at Oak Hill Road	AWS	AM	**Yes**	**Yes**	**Yes**
		PM	**Yes**	**Yes**	**Yes**
19. First Street at Golden Gate Way (East)	SSS	AM	No	No	No
		PM	No	No	No
20. First Street at Golden Gate Way (West)	SSS	AM	No	No	No
		PM	No	No	No
21. First Street at Moraga Boulevard	AWS	AM	No	No	No
		PM	No	No	No
22. First Street at School Street	SSS	AM	No	No	No
		PM	No	No	No
23. Avalon Avenue at School Street	SSS	AM	No	No	No
		PM	No	No	No
32. St. Mary's Road at Avalon Avenue	SSS	AM	No	No	No
		PM	No	No	No
33. St. Mary's Road at Topper Lane	SSS	AM	No	No	No
		PM	No	No	No

Table 4.F-2

Baseline Intersection Peak Hour Traffic Signal Warrants (AM and PM Peak Hours)

			Does the unsignalized intersection meet the peak hour traffic signal warrant criteria (Yes or No)?		
	Control /1/	Peak Hour	Existing Baseline	Approved Baseline	Cumulative Baseline
34. Glenside Drive at St. Mary's Road (North)	AWS	AM	No	No	No
		PM	No	No	No
35. Glenside Drive at St. Mary's Road (South)	AWS	AM	**Yes**	**Yes**	**Yes**
		PM	**Yes**	**Yes**	**Yes**
39. Glenside Drive at Reliez Station Road	AWS	AM	**Yes**	**Yes**	**Yes**
		PM	No	No	No
40. Glenside Drive at Burton Drive	AWS	AM	**Yes**	**Yes**	**Yes**
		PM	No	No	**Yes**
44. Pleasant Hill Road at Olympic Boulevard	AWS	AM	**Yes**	**Yes**	**Yes**
		PM	**Yes**	**Yes**	**Yes**
Moraga Intersections					
36. Bollinger Canyon Road at St. Mary's Road	SSS	AM	No	No	No
		PM	No	No	No
37. Rheem Boulevard at St. Mary's Road	SSS	AM	No	No	**Yes**
		PM	No	No	No
38. St. Mary's Parkway at St. Mary's Road	SSS	AM	No	No	No
		PM	No	No	**Yes**
49. Moraga Road at Corliss Drive	SSS	AM	**Yes**	**Yes**	**Yes**
		PM	**Yes**	**Yes**	**Yes**
52. Glenside Drive at Los Palos Drive	AWS	AM	No	No	No
		PM	No	No	No
53. Glenside Drive at Michael Lane	SSS	AM	No	No	**Yes**
		PM	No	No	No

Table 4.F-2

Baseline Intersection Peak Hour Traffic Signal Warrants (AM and PM Peak Hours)

			Does the unsignalized intersection meet the peak hour traffic signal warrant criteria (Yes or No)?		
	Control /1/	Peak Hour	Existing Baseline	Approved Baseline	Cumulative Baseline
54. Reliez Station Road at Olympic Boulevard	AWS	AM	No	No	No
		PM	No	No	No
55. St. Mary's Road at Rohrer Drive	AWS	AM	No	No	**Yes**
		PM	No	No	No

/1/ SSS = side-street stop, AWS = all-way stop

Source: Fehr & Peers, 2008

Table 4.F-11

Traffic Volume Contributions by Study Intersection (AM and PM Peak Hours)

	Peak Hour	Existing	Approved	Cumulative	Proposed Project (720 Units)	Alt. 1 (No Action)	Alt. 2 (339 units)	Alt 3 (400 units)	Alt. 4 (560 Units)	Community Center
Orinda Intersections										
1. Orinda Way/Santa Maria Way	AM	1090	11	74	2	0	1	0	2	0
	PM	1687	33	113	0	0	1	0	0	0
2. Camino Pablo/Santa Maria Way	AM	3479	43	384	7	0	5	2	6	5
	PM	4399	168	620	5	0	5	2	4	18
3. Camino Pablo/BART Driveways	AM	3864	70	719	40	0	48	22	31	5
	PM	4212	151	879	36	0	18	22	30	18
4. Camino Pablo/SR 24 EB Ramps	AM	3528	68	376	40	0	47	22	31	5
	PM	3805	145	617	36	0	18	22	32	18
5. Camino Pablo/ Brookwood Road	AM	3256	61	310	57	0	49	31	48	5
	PM	3938	109	434	65	0	49	39	55	18
6. Camino Pablo/ Moraga Way	AM	2719	64	169	57	0	49	31	48	5
	PM	2804	109	225	65	0	49	39	55	18
7. Brookwood Road/Moraga Way	AM	969	5	84	0	0	0	0	0	0
	PM	1024	6	203	0	0	0	0	0	0
8. Bryant Way/Moraga Way	AM	701	4	39	0	0	0	0	0	0
	PM	681	3	76	0	0	0	0	0	0
9. Glorietta Boulevard/ Moraga Way	AM	2528	60	175	67	0	55	37	55	5
	PM	2486	103	227	75	0	55	45	63	18
10. Ivy Drive/ Moraga Way	AM	1944	29	106	88	0	70	50	75	5
	PM	1798	40	130	86	0	67	45	78	18

Table 4.F-11

Traffic Volume Contributions by Study Intersection (AM and PM Peak Hours)

	Peak Hour	Existing	Approved	Cumulative	Proposed Project (720 Units)	Alt. 1 (No Action)	Alt. 2 (339 units)	Alt 3 (400 units)	Alt. 4 (560 Units)	Community Center
12. Glorietta Boulevard/ Rheem Boulevard	AM	965	44	101	-1	0	3	-2	-2	2
	PM	934	76	138	-2	0	5	-1	-3	10
Lafayette Intersections										
13. Deer Hill Drive/Oak Hill Road	AM	2468	26	207	6	0	1	4	5	2
	PM	2377	85	293	6	0	6	3	5	10
14. Mt. Diablo Boulevard/ Oak Hill Road	AM	1993	83	386	9	0	3	5	7	5
	PM	2425	219	678	9	0	9	5	7	20
15. Deer Hill Drive/SR 24 Westbound Ramps	AM	3197	54	259	12	0	2	8	10	0
	PM	3305	168	323	12	0	12	6	10	0
16. Deer Hill Drive/1st Street	AM	2513	37	111	6	0	1	4	5	0
	PM	2717	106	138	6	0	6	3	5	0
17. SR 24 Eastbound On-Ramp/ 1st Street	AM	2358	76	195	20	0	20	11	16	0
	PM	2733	193	259	17	0	11	10	15	0
18. Mt. Diablo Boulevard/ 1st Street	AM	2698	117	333	21	0	21	11	17	2
	PM	2774	321	510	17	0	12	10	15	10
19. First Street/ Golden Gate Way (East)	AM	312	2	5	0	0	0	0	0	0
	PM	269	9	6	0	0	0	0	0	0
20. First Street/ Golden Gate Way (West)	AM	280	0	6	0	0	0	0	0	0
	PM	246	2	5	0	0	0	0	0	0
21. First Street/ Moraga Boulevard	AM	412	0	9	0	0	0	0	0	0
	PM	351	2	7	0	0	0	0	0	0
22. First Street/ School Street	AM	572	0	12	0	0	0	0	0	0
	PM	405	2	8	0	0	0	0	0	0

Table 4.F-11

Traffic Volume Contributions by Study Intersection (AM and PM Peak Hours)

	Peak Hour	Existing	Approved	Cumulative	Proposed Project (720 Units)	Alt. 1 (No Action)	Alt. 2 (339 units)	Alt 3 (400 units)	Alt. 4 (560 Units)	Community Center
23. Avalon Avenue/ School Street	AM	496	0	10	0	0	0	0	0	0
	PM	353	0	6	0	0	0	0	0	0
24. Mt. Diablo Boulevard/ Moraga Road	AM	3083	124	406	29	0	25	16	24	7
	PM	3352	282	669	25	0	21	15	22	30
25. Moraga Road/ Moraga Boulevard	AM	2320	91	250	29	0	25	16	24	7
	PM	2041	180	390	26	0	21	16	21	30
26. Moraga Road/ Brook Street	AM	2347	91	248	29	0	25	16	24	7
	PM	2153	180	393	26	0	21	16	21	30
27. Moraga Road/ School Street	AM	2323	91	248	29	0	25	16	24	7
	PM	2112	182	392	26	0	21	16	21	30
28. Moraga Road/ St. Mary's Road (North)	AM	2125	94	248	26	0	24	13	21	7
	PM	1966	186	392	22	0	20	14	17	30
32. St. Mary's Road / Avalon Avenue	AM	747	6	46	-3	0	-1	-3	-3	2
	PM	793	8	70	-4	0	-1	-2	-4	10
33. St. Mary's Road/ Topper Lane	AM	851	6	48	-3	0	-1	-3	-3	2
	PM	832	8	72	-4	0	-1	-2	-4	10
34. Glenside Drive/St. Mary's Road (North)	AM	741	7	34	-4	0	-1	-3	-3	5
	PM	645	9	41	-5	0	-1	-2	-4	20
35. Glenside Drive/ St. Mary's Road (South)	AM	1231	17	113	41	0	35	24	35	5
	PM	1265	24	152	49	0	35	30	43	20
39. Glenside Drive/ Reliez Station Road	AM	1497	24	113	39	0	34	21	32	0
	PM	1289	29	142	46	0	34	28	39	0
40. Glenside Drive/ Burton Drive	AM	1187	17	110	42	0	35	24	35	0
	PM	1079	22	136	50	0	35	30	43	0

Table 4.F-11

Traffic Volume Contributions by Study Intersection (AM and PM Peak Hours)

	Peak Hour	Existing	Approved	Cumulative	Proposed Project (720 Units)	Alt. 1 (No Action)	Alt. 2 (339 units)	Alt 3 (400 units)	Alt. 4 (560 Units)	Community Center
41. Pleasant Hill Rd/ Mt. Diablo Blvd- SR 24 Eastbound On-Ramp	AM	3200	60	381	31	0	27	17	25	0
	PM	3168	103	600	29	0	23	17	25	0
42. Pleasant Hill Rd/ Old Tunnel Rd- SR 24 Eastbound Off-Ramp	AM	2177	54	204	33	0	28	19	27	0
	PM	2405	90	320	31	0	23	18	26	0
43. Pleasant Hill Road/ Condit Drive	AM	1860	46	159	33	0	28	19	27	0
	PM	1796	72	218	31	0	23	18	26	0
44. Pleasant Hill Road/ Olympic Boulevard	AM	2311	56	177	40	0	34	21	32	0
	PM	2582	82	248	46	0	33	27	38	0
45. Happy Valley Road/ Mt. Diablo Boulevard	AM	1743	11	74	0	0	1	0	0	3
	PM	2188	33	107	0	0	0	0	0	10
Moraga Intersections										
11. Moraga Way/ Moraga Road	AM	1972	82	209	87	0	50	56	78	14
	PM	2195	109	276	129	0	72	81	114	56
29. Campolindo Drive/Moraga Road	AM	1851	134	147	30	0	28	17	25	5
	PM	1674	194	210	27	0	23	16	22	20
30. Rheem Boulevard/ Moraga Road	AM	1782	71	171	28	0	30	14	23	7
	PM	1871	118	263	27	0	27	16	20	30
31. Moraga Road/St. Mary's Road (South)	AM	1697	55	175	207	0	142	129	181	30
	PM	1762	73	227	267	0	161	167	234	114
36. Bollinger Canyon Road/St. Mary's Road	AM	990	17	171	42	0	35	23	35	5
	PM	933	23	228	49	0	34	29	41	20
37. Rheem Boulevard/St. Mary's Road	AM	1100	20	137	42	0	35	23	35	5
	PM	1038	31	180	49	0	34	29	41	20

Table 4.F-11

Traffic Volume Contributions by Study Intersection (AM and PM Peak Hours)

	Peak Hour	Existing	Approved	Cumulative	Proposed Project (720 Units)	Alt. 1 (No Action)	Alt. 2 (339 units)	Alt 3 (400 units)	Alt. 4 (560 Units)	Community Center
38. St. Mary's Parkway/St. Mary's Road	AM	967	24	107	51	0	40	28	42	14
	PM	1105	34	142	60	0	40	36	51	58
46. Center Street/ Rheem Boulevard	AM	764	31	47	-1	0	1	-3	-3	2
	PM	986	41	67	-1	0	3	-1	-2	10
47. Moraga Road/Ascot Drive	AM	1555	58	128	37	0	34	19	30	7
	PM	1651	91	183	39	0	32	22	30	28
48. Moraga Road/Donald Drive	AM	1497	58	126	37	0	34	19	30	7
	PM	1528	91	182	39	0	32	22	30	28
49. Moraga Road/Corliss Drive	AM	1340	43	106	142	0	92	89	124	18
	PM	1424	57	138	189	0	112	119	166	66
50. Moraga Way/ St. Andrews Drive	AM	1232	29	93	93	0	70	55	80	5
	PM	1401	40	123	104	0	67	63	90	18
51. Moraga Way/ School Street	AM	1069	29	88	93	0	70	55	80	5
	PM	1231	40	119	104	0	67	63	90	18
52. Glenside Drive at Los Palos Drive	AM	1161	17	107	42	0	35	24	35	0
	PM	913	22	131	50	0	35	30	43	0
53. Glenside Drive at Michael Lane	AM	1294	17	110	42	0	35	24	35	0
	PM	933	22	132	50	0	35	30	43	0
54. Reliez Station Road at Olympic Boulevard	AM	1502	23	104	40	0	34	21	32	0
	PM	1167	28	139	46	0	33	27	38	0
55. St. Mary's Road at Rohrer Drive	AM	1145	17	112	42	0	35	23	35	5
	PM	1005	23	146	49	0	34	29	41	20

Table 4.F-11

Traffic Volume Contributions by Study Intersection (AM and PM Peak Hours)

	Peak Hour	Existing	Approved	Cumulative	Proposed Project (720 Units)	Alt. 1 (No Action)	Alt. 2 (339 units)	Alt 3 (400 units)	Alt. 4 (560 Units)	Community Center

Notes:
Bold font indicates unacceptable traffic operations based on each jurisdiction's LOS policies
/1/ Signal = traffic signal, SSS = side-street stop, AWS = all-way stop
/2/ Signalized and all-way stop controlled intersection LOS based on average intersection control delay according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies. Side-street stop controlled intersection LOS based on the delay for the worst minor street approach (shown in parenthesis) according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies.
Source: Fehr & Peers, 2008

Table 4.F-12

Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Existing – No Project (Alternative 1)		Existing With Proposed Project		Existing With Alternative 2 (339 units)		Existing With Alternative 3 (400 units)		Existing With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
Orinda Intersections											
1. Orinda Way/Santa Maria Way	AM	12	B	12	B	12	B	12	B	12	B
	PM	15	B	15	B	15	B	15	B	15	B
2. Camino Pablo/Santa Maria Way	AM	7	A	7	A	7	A	7	A	7	A
	PM	19	B	19	B	19	B	19	B	19	B
3. Camino Pablo/BART Driveways	AM	1 (16)	A (C)	1 (16)	A (C)	1 (16)	A (C)	1 (16)	A (C)	1 (16)	A (C)
	PM	2 (27)	A (D)	2 (28)	A (D)	2 (27)	A (D)	2 (27)	A (D)	2 (27)	A (D)
4. Camino Pablo/SR 24 EB Ramps	AM PM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
5. Camino Pablo/ Brookwood Road	AM	58	E	63	E	63	E	61	E	62	E
	PM	**98**	**F**	**104**	**F**	**103**	**F**	**102**	**F**	**103**	**F**
6. Camino Pablo/ Moraga Way	AM	13	B	13	B	13	B	13	B	13	B
	PM	17	B	18	B	18	B	17	B	17	B
7. Brookwood Road/Moraga Way	AM	18	C	18	C	18	C	18	C	18	C
	PM	15	C	15	C	15	C	15	C	15	C
8. Bryant Way/Moraga Way	AM	5 (17)	A (C)	5 (17)	A (C)	5 (17)	A (C)	5 (17)	A (C)	5 (17)	A (C)
	PM	6 (17)	A (C)	6 (17)	A (C)	6 (17)	A (C)	6(17)	A (C)	6 (17)	A (C)
9. Glorietta Boulevard/ Moraga Way	AM	**80**	**F**	**87**	**F**	**89**	**F**	**83**	**F**	**85**	**F**
	PM	25	C	28	C	27	C	27	C	27	C
10. Ivy Drive/ Moraga Way	AM	43	D	**48**	**D**	**48**	**D**	**45**	**D**	**47**	**D**
	PM	24	C	26	C	25	C	25	C	25	C
12. _Glorietta Boulevard/ Rheem Boulevard	AM	~~11 (20)~~ 13	B ~~(C)~~	~~11 (20)~~ 13	B ~~(C)~~	~~11 (20)~~ 13	B ~~(C)~~	~~11 (20)~~ 13	B ~~(C)~~	~~11 (20)~~ 13	B ~~(C)~~
	PM	~~5 (14)~~ 9	A ~~(B)~~	~~5 (14)~~ 9	A ~~(B)~~	~~5 (14)~~ 9	A ~~(B)~~	~~5 (14)~~ 9	A ~~(B)~~	~~5 (14)~~ 9	A ~~(B)~~

Table 4.F-12

Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Existing – No Project (Alternative 1)		Existing With Proposed Project		Existing With Alternative 2 (339 units)		Existing With Alternative 3 (400 units)		Existing With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
Lafayette Intersections											
13. Deer Hill Drive/Oak Hill Road	AM	**38**	**E**	**38**	**E**	**38**	**E**	**38**	**E**	**38**	**E**
	PM	**41**	**E**	**41**	**E**	**41**	**E**	**41**	**E**	**41**	**E**
14. Mt. Diablo Boulevard/ Oak Hill Road	AM	27	C	27	C	27	C	28	C	27	C
	PM	31	C	31	C	31	C	31	C	31	C
15. Deer Hill Drive/SR 24 Westbound Ramps	AM	32	C	33	C	32	C	32	C	32	C
	PM	30	C	30	C	30	C	30	C	30	C
16. Deer Hill Drive/1st Street	AM	12	B	12	B	12	B	12	B	12	B
	PM	15	B	15	B	15	B	15	B	15	B
17. SR 24 Eastbound On-Ramp/1st Street	AM PM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
18. Mt. Diablo Boulevard/ 1st Street	AM	30	C	30	C	30	C	30	C	30	C
	PM	28	C	28	C	28	C	28	C	28	C
19. First Street/ Golden Gate Way (East)	AM	6 (12)	A (B)	6 (12)	A (B)	6 (12)	A (B)	6 (12)	A (B)	6 (12)	A (B)
	PM	6 (10)	A (B)	6 (10)	A (B)	6 (10)	A (B)	6 (10)	A (B)	6 (10)	A (B)
20. First Street/ Golden Gate Way (West)	AM	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)
	PM	4 (6)	A (A)	4 (6)	A (A)	4 (6)	A (A)	4 (6)	A (A)	4 (6)	A (A)
21. First Street/ Moraga Boulevard	AM	9	A	9	A	9	A	9	A	9	A
	PM	9	A	9	A	9	A	9	A	9	A
22. First Street/ School Street	AM	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)
	PM	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)
23. Avalon Avenue/ School Street	AM	2 (13)	A (B)	2 (13)	A (B)	2 (13)	A (B)	2 (13)	A (B)	2 (13)	A (B)
	PM	1 (10)	A (B)	1 (10)	A (B)	1 (10)	A (B)	1 (10)	A (B)	1 (10)	A (B)

Table 4.F-12

Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Existing – No Project (Alternative 1)		Existing With Proposed Project		Existing With Alternative 2 (339 units)		Existing With Alternative 3 (400 units)		Existing With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
24. Mt. Diablo Boulevard/ Moraga Road/3/	AM	51	D	55	D	51	D	54	D	54	D
	PM	53	D	55	D	53	D	55	D	55	D
25. Moraga Road/ Moraga Boulevard/3/	AM	--	**E**	--	**E**	--	**E**	--	**E**	--	**E**
	PM	20	B	32	C	27	C	29	C	31	C
26. Moraga Road/ Brook Street/3/	AM	--	**E**	--	**E**	--	**E**	--	**E**	--	**E**
	PM	21	C	28	C	27	C	28	C	28	C
27. Moraga Road/ School Street/3/	AM	42	D	44	D	42	D	44	D	44	D
	PM	17	B	28	C	28	C	27	C	28	C
28. Moraga Road/ St. Mary's Road (North) /3/	AM	34	C	36	D	35	C	35	C	36	D
	PM	31	C	35	C	32	C	34	C	35	C
32. St. Mary's Road / Avalon Avenue	AM	2 (18)	A (C)	2 (18)	A (C)	2 (18)	A (C)	2 (18)	A (C)	2 (18)	A (C)
	PM	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)
33. St. Mary's Road/ Topper Lane	AM	3 (25)	A (D)	3 (25)	A (C)	3 (25)	A (C)	3 (25)	A (C)	3 (25)	A (D)
	PM	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)
34. Glenside Drive/St. Mary's Road (North)	AM	12	B	12	B	12	B	12	B	12	B
	PM	10	A	10	A	10	A	10	A	10	A
35. Glenside Drive/ St. Mary's Road (South)	AM	21	C	24	C	23	C	23	C	24	C
	PM	21	C	25	C	24	C	23	C	24	C
39. Glenside Drive/ Reliez Station Road	AM	**91**	**F**	**103**	**F**	**102**	**F**	**97**	**F**	**100**	**F**
	PM	**49**	**E**	**58**	**F**	**57**	**F**	**55**	**F**	**57**	**F**
40. Glenside Drive/ Burton Drive	AM	34	D	**43**	**E**	**42**	**E**	**39**	**E**	**41**	**E**
	PM	25	D	32	D	29	D	29	D	31	D
41. Pleasant Hill Rd/ Mt. Diablo Blvd- SR 24 Eastbound On-Ramp	AM	14	B	14	B	14	B	14	B	14	B
	PM	18	B	18	B	18	B	18	B	18	B

Table 4.F-12

Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Existing – No Project (Alternative 1)		Existing With Proposed Project		Existing With Alternative 2 (339 units)		Existing With Alternative 3 (400 units)		Existing With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
42. Pleasant Hill Rd/ Old Tunnel Rd- SR 24 Eastbound Off-Ramp	AM	10	A	10	A	10	A	10	A	10	A
	PM	11	B	11	B	11	B	11	B	11	B
43. Pleasant Hill Road/ Condit Drive	AM	9	A	9	A	9	A	9	A	9	A
	PM	7	A	7	A	7	A	7	A	7	A
44. Pleasant Hill Road/ Olympic Boulevard	AM	**55**	**F**	**60**	**F**	**62**	**F**	**58**	**F**	**59**	**F**
	PM	**48**	**E**	**52**	**F**	**49**	**E**	**50**	**F**	**51**	**F**
45. Happy Valley Road/ Mt. Diablo Boulevard	AM	25	C	25	C	25	C	25	C	25	C
	PM	35	C	35	C	35	C	35	C	35	C
Moraga Intersections											
11. Moraga Way/ Moraga Road	AM	25	C	26	C	25	C	26	C	26	C
	PM	28	C	31	C	29	C	30	C	31	C
29. Campolindo Drive/Moraga Road	AM	18	B	18	B	18	B	18	B	18	B
	PM	14	B	14	B	14	B	14	B	14	B
30. Rheem Boulevard/ Moraga Road	AM	21	C	21	C	21	C	21	C	21	C
	PM	20	C	20	C	20	C	20	C	20	C
31. Moraga Road/St. Mary's Road (South)	AM	12	B	14	B	13	B	13	B	14	B
	PM	12	B	14	B	13	B	14	B	14	B
36. Bollinger Canyon Road/St. Mary's Road	AM	1 (20)	A (C)	1 (~~21~~ 22)	A (C)	1 (~~22~~ 21)	A (C)	1 (21)	A (C)	1 (21)	A (C)
	PM	1 (16)	A (C)	1 (17)	A (C)	1 (17)	A (C)	1 (17)	A (C)	1 (17)	A (C)
37. Rheem Boulevard/St. Mary's Road	AM	5 (25)	A (D)	6 (30)	A (D)	6 (27)	A (D)	6 (27)	A (D)	6 (29)	A (D)
	PM	5 (26)	A (D)	6 (30)	A (D)	5 (28)	A (D)	5 (28)	A (D)	5 (29)	A (D)
38. St. Mary's Parkway/St. Mary's Road	AM	4 (15)	A (C)	4 (18)	A (C)	4 (16)	A (C)	4 (17)	A (C)	4 (17)	A (C)
	PM	6 (15)	A (C)	6 (17)	A (C)	6 (15)	A (C)	6 (16)	A (C)	6 (16)	A (C)

Table 4.F-12

Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Existing – No Project (Alternative 1)		Existing With Proposed Project		Existing With Alternative 2 (339 units)		Existing With Alternative 3 (400 units)		Existing With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
46. Center Street/ Rheem Boulevard	AM	8	A	8	A	8	A	8	A	8	A
	PM	10	B	10	B	10	B	10	B	10	B
47. Moraga Road/Ascot Drive	AM	10	A	10	A	10	A	10	A	10	A
	PM	8	A	8	A	8	A	8	A	8	A
48. Moraga Road/Donald Drive	AM	11	B	12	B	11	B	11	B	12	B
	PM	7	A	7	A	7	A	7	A	7	A
49. Moraga Road/Corliss Drive	AM	23 (200)	C (F)	**38 (377)**	**E (F)**	**31 (293)**	**D (F)**	**33 (312)**	**D (F)**	**36 (354)**	**E (F)**
	PM	6 (59)	A (F)	12 (149)	A (F)	8 (87)	A (F)	10 (115)	A (F)	11 (131)	B (F)
50. Moraga Way/ St. Andrews Drive	AM	11	B	12	B	12	B	11	B	11	B
	PM	12	B	12	B	12	B	12	B	12	B
51. Moraga Way/ School Street	AM	10	A	10	A	10	A	10	A	10	A
	PM	11	B	11	B	11	B	11	B	11	B
52. Glenside Drive/ ~~at~~ Los Palos Drive	AM	31	D	**37**	**E**	**37**	**E**	34	D	**35**	**E**
	PM	14	B	15	B	14	B	14	B	15	B
53. Glenside Drive/ ~~at~~ Michael Lane	AM	3 (18)	A (C)	3 (19)	A (C)	3 (19)	A (C)	3 (18)	A (C)	3 (18)	A (C)
	PM	2 (20)	A (C)	2 (21)	A (C)	2 (20)	A (C)	2 (21)	A (C)	2 (21)	A (C)
54. Reliez Station Road/ ~~at~~ Olympic Boulevard	AM	**114**	**F**	**126**	**F**	**126**	**F**	**121**	**F**	**124**	**F**
	PM	**45**	**E**	**55**	**F**	**54**	**F**	**52**	**F**	**56**	**F**
55. St. Mary's Road/ ~~at~~ Rohrer Drive	AM	24	C	28	D	27	D	26	D	26	D
	PM	18	C	21	C	19	C	20	C	19	C

Table 4.F-12

Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Existing – No Project (Alternative 1)		Existing With Proposed Project		Existing With Alternative 2 (339 units)		Existing With Alternative 3 (400 units)		Existing With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS

Notes:

Bold font indicates unacceptable traffic operations based on each jurisdiction's LOS policies

/1/ Signal = traffic signal, SSS = side-street stop, AWS = all-way stop

/2/ Signalized and all-way stop controlled intersection LOS based on average intersection control delay according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies. Side-street stop controlled intersection LOS based on the delay for the worst minor street approach (shown in parenthesis) according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies.

/3/ These intersections were evaluated using the SimTraffic component of the SYNCHRO software to account for the field observed vehicle queue length fluctuations, school children crossings, left-turn conflicts, and unique signal timing parameters. Delay for LOS D or better based on the average of 5 random runs. Delay for LOS E or F is not reported because of variability between runs.

Source: Fehr & Peers, 2008

Impact Summary – Existing Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Existing	**E**	--	--	C	21	--
Proposed Project	**E**	--	**36**	C	28	56
Alternative 2 (339 Unit Alternative)	**E**	--	**25**	C	27	21
Alternative 3 (400 Unit Alternative)	**E**	--	**23**	C	28	46
Alternative 4 (560 Unit Alternative)	**E**	--	**31**	C	28	51

Mitigation: **4.F-4. Enhance Transit Service in the Lamorinda Area South of SR 24 and Reduce the Community Center Program.**

No mitigation is available to reduce this impact to a less than significant level. Moraga's General Plan Adoption Resolution 21-2002 made findings that general plan-level development would cause significant and unavoidable intersection impacts in the City of Lafayette.

While no feasible mitigation measures for the study intersections listed above have been identified, measures could be imposed to lessen the project's impact on the road system to traffic levels at or below the travel levels predicted under general plan buildout.

Transit Service: Enhanced transit service in the Lamorinda area, south of SR 24, would be needed to further reduce the traffic effects from the Proposed Project and Alternative 3 (560 unit). The current service, operated by County Connection, operates buses with 20 minute headways during peak school and commute times, but service is reduced to one hour (or less) during non-peak times. Enhanced service in Lamorinda could have stylized buses that are 30 feet or less 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.

The transit component of the CCTA model was used to estimate bus ridership increases with an enhanced transit service. Bus headways for Route 106 and Route 206 in the CCTA model were reduced to 10 minutes and 20 minutes during the on- and off-peak periods, respectively. With these changes, the CCTA model indicates that daily bus ridership would increase by about 1,130 riders. At an average occupancy of 1.2 people per car, the increased ridership would reduce daily automobile traffic in the area by about 950 cars.

Enhanced transit service requires capital and operating costs, beyond what a single land development project could provide. A successful system

would require financial support from residents, businesses, and governmental agencies.

Community Center: As an alternative to the enhanced transit service described above, the proposed community center program could be reduced to decrease AM and PM peak hour traffic volumes. The Proposed Project, Alternative 3 and Alternative 4 each propose a 30,000 square foot community center that would attract users from outside the Town of Moraga. This is expected to result in 7 and 30 vehicle trips on Moraga Road through Lafayette during the AM and PM peak hours, respectively. Changing the community center program to a local-focus and reducing the size to about 16,000 square feet would eliminate these peak hour trips; thereby reducing the community center's impact on roads and intersections located in Lafayette. With these reductions alone (e.g., without the proposed transit improvements), both Alternative 3 and Alternative 4 would be less impacting than Alternative 2 (the general plan alternative) during the critical AM peak hour.

Therefore, under Alternatives 3 and 4, either enhanced transit service or community center program reductions could be used to reduce increased traffic volumes to at or below Alternative 2 levels. The Proposed Project would require the enhanced transit service to reduce traffic levels to at or below Alternative 2 levels, but could also use a reduction in the community center program to reduce the amount of new transit that would be required.

Other Measures: Implementation of the ~~The~~ following detailed measures ~~are proposed to~~ will ~~expand upon the mitigation measure to~~ further reduce traffic associated with the MCSP and Action Alternatives ~~(Alternatives~~ 3 and 4~~)~~ compared to the buildout of development anticipated in the Moraga General Plan (Alternative 2).

- ~~•~~ The 400 unit alternative (Alternative 3) would include a park and ride lot at the Town owned portion of the Sign Board community center site.
- ~~•~~ The 560 unit alternative (Alternative 4) would include the park and ride lot, and TDM appropriate for the buildout of commercial and office uses in the alternative.
- ~~•~~ The 720 unit Project (MCSP) would include the park and ride lot, TDM, and provision of expanded shuttle/bus service and necessary facilities within the development to encourage shuttle use.

After Mitigation: *Significant and Unavoidable Impact; Proposed Project and All Action Alternatives*

As stated below, intersection and road improvement mitigation measures (e.g., those listed below) necessary to reduce the impacts to the Moraga Road corridor do not have local support for implementation. Measures identified above would not reduce the impact to a less than significant level, but would reduce impacts from the Proposed Project and Action Alternatives (as necessary) to levels at or below those predicted for the General Plan alternative. Therefore, this impact would remain significant and unavoidable under both the Proposed Project and all Action Alternatives.

Several measures were considered over the years to improve both existing and future traffic flow on Moraga Road through Downtown Lafayette. These measures were debated extensively in the Lamorinda community during the preparation of the *Lamorinda Traffic Study* (August 1, 1994) and ultimately rejected by the community. Some of the key measures considered and rejected include:

- Oak Hill Road Extension. This project would have extended Oak Hill Road south from Mt. Diablo Boulevard, intersecting Moraga Road at the La Fiesta Square retail driveway. Subsequent to the community rejecting this alternative, Lafayette approved this area for redevelopment.
- First Street Extension. There were several variations of this project considered. One variation would have extended First Street to Moraga Road via the Moraga Boulevard alignment. Another would have introduced a new connection north of Moraga Boulevard. A third variation would have extended First Street south from School Street, intersecting either Moraga Road or St. Mary's Road. Subsequent to the community rejecting these alternatives, the City of Lafayette converted First Street to one-way southbound between Golden Gate Way and School Street. In addition, the City constructed a separated path along the corridor for pedestrians and bicycles.
- Moraga Road Widening. There were several alternatives considered for widening Moraga Road through Downtown Lafayette to provide turn lanes and bike lanes. Consideration was also given to eliminating left turn movements at driveways and intersections. While these measures were rejected, the physical environment along the corridor has not changed since the Lamorinda Traffic Study.
- Moraga Road Extension. An extension of Moraga Road north of Mt. Diablo Boulevard to a collector/distributor road was considered. The collector/distributor road would intersect Oak Hill Road opposite the SR 24 Eastbound Off-Ramp and at First Street opposite the Eastbound On-Ramp. While this measure was

rejected, the physical environment along the corridor has not changed since the Lamorinda Traffic Study.

- Pleasant Hill Road Extension. Alternatives were considered for extending Pleasant Hill Road south of Olympic Boulevard to provide another connection between Lamorinda and the regional road system in an effort to divert traffic away from Downtown Lafayette and St. Mary's Road. Subsequent to the community rejecting this alternative, the City of Lafayette approved a single family housing development with its main access to Olympic Boulevard at Pleasant Hill Road.

Impact: **4.F-5. Will the Project create adverse vehicular impacts for unsignalized intersections on streets in the City of Lafayette?**

Analysis: *No Impact; Alternative 1 (No Action Alternative)*

The No Action Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

Deer Hill Drive /Oak Hill Road (intersection #13): The minimum acceptable intersection operation is LOS D with 35 seconds of vehicle delay. The Proposed Project and Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Existing Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Existing	**E**	**38**	**--**	**E**	**41**	**--**
Proposed Project	**E**	**38**	**8**	**E**	**41**	**16**
Alternative 2 (339 Unit Alternative)	**E**	**38**	**1**	**E**	**41**	**6**
Alternative 3 (400 Unit Alternative)	**E**	**38**	**6**	**E**	**41**	**13**
Alternative 4 (560 Unit Alternative)	**E**	**38**	**7**	**E**	**41**	**15**

Similar to existing conditions, the peak hour traffic signal warrant would be met during the AM and PM peak hours for the Proposed Project and all Action Alternatives.

Because the intersection would continue to operate at unacceptable LOS E; the addition of any vehicle trips in the AM and PM peak hours is a Significant Impact.

Glenside Drive/Reliez Station Road (intersection #39): The minimum acceptable intersection operation is LOS D with 35 seconds of vehicle

delay. The Proposed Project and Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Existing Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Existing	**F**	**91**	**--**	**E**	**49**	**--**
Proposed Project	**F**	**103**	**39**	**F**	**58**	**46**
Alternative 2 (339 Unit Alternative)	**F**	**102**	**34**	**F**	**57**	**34**
Alternative 3 (400 Unit Alternative)	**F**	**97**	**21**	**F**	**55**	**28**
Alternative 4 (560 Unit Alternative)	**F**	**100**	**32**	**F**	**57**	**39**

Similar to existing conditions, the peak hour traffic signal warrant would be met during the AM and PM peak hours for the Proposed Project and all Action Alternatives.

Because the intersection would continue to operate at LOS E or F; the addition of any vehicle trips in the AM and PM peak hours is a Significant Impact.

Glenside Drive/Burton Drive (intersection #40): The minimum acceptable intersection operation is LOS D with 35 seconds of vehicle delay. The Proposed Project and Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Existing Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Existing	D	34	--	D	25	--
Proposed Project	**E**	**43**	**42**	D	32	50
Alternative 2 (339 Unit Alternative)	**E**	**42**	**35**	D	29	35
Alternative 3 (400 Unit Alternative)	**E**	**39**	**24**	D	29	30
Alternative 4 (560 Unit Alternative)	**E**	**41**	**35**	D	31	43

Similar to existing conditions, the peak hour traffic signal warrant would be met during the AM peak hour for the Proposed Project and all Action Alternatives.

Because the intersection would deteriorate from LOS D to E in the AM peak hour; the addition of any vehicle trips in the AM and PM peak hours is a Significant Impact.

Pleasant Hill Road/Olympic Boulevard (intersection #44): The minimum acceptable operation for this intersection is LOS D with 35 seconds of vehicle delay. The Proposed Project and Action Alternatives would add trips to this intersection and have the following operational impacts.

Impact Summary – Existing Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Existing	**F**	**55**	**--**	**E**	**48**	**--**
Proposed Project	**F**	**60**	**40**	**F**	**52**	**46**
Alternative 2 (339 Unit Alternative)	**F**	**62**	**34**	**E**	**49**	**33**
Alternative 3 (400 Unit Alternative)	**F**	**58**	**21**	**F**	**50**	**27**
Alternative 4 (560 Unit Alternative)	**F**	**59**	**32**	**F**	**51**	**38**

Similar to existing conditions, the peak hour traffic signal warrant would be met during the AM and PM peak hours for the Proposed Project and all Action Alternatives.

Because the intersection would continue to operate at LOS E or F; the addition of any vehicle trips in the AM and PM peak hours is a Significant Impact.

Glenside Drive/Los Palos Drive (intersection #52): The minimum acceptable intersection operation is LOS D with 35 seconds of vehicle delay. The Proposed Project and Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Existing Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Existing	D	31	--	B	14	--
Proposed Project	**E**	**37**	**42**	B	15	50
Alternative 2 (339 Unit Alternative)	**E**	**37**	**35**	B	14	35
Alternative 3 (400 Unit Alternative)	D	34	24	B	14	30
Alternative 4 (560 Unit Alternative)	**E**	**35**	**35**	B	15	43

Similar to existing conditions, the peak hour traffic signal warrant would not be met during either the AM or PM peak hour for the Proposed Project and all Action Alternatives.

Because the intersection would deteriorate from LOS D to E in the AM peak hour; the addition of any vehicle trips in the AM and PM peak hours is a Significant Impact. This impact would not occur with Alternative 3 (400 Unit Alternative) because LOS would remain at D.

Reliez Station Road/Olympic Boulevard (intersection #54): The minimum acceptable intersection operation is LOS D with 35 seconds of vehicle delay. The Proposed Project and Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Existing Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Existing	F	114	--	E	45	--
Proposed Project	F	126	40	F	55	46
Alternative 2 (339 Unit Alternative)	F	126	34	F	54	33
Alternative 3 (400 Unit Alternative)	F	121	21	F	52	27
Alternative 4 (560 Unit Alternative)	F	124	32	F	56	38

Similar to existing conditions, the peak hour traffic signal warrant would not be met during either the AM or PM peak hour for the Proposed Project and all Action Alternatives.

Because the intersection would operate below LOS D i.e., LOS E or F in the AM and PM peak hours; the addition of any vehicle trips in the AM and PM peak hours is a Significant Impact.

Mitigation: **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), Glenside Drive/Los Palos Drive (Except Alternative 3, if adopted) (with current lane configuration), and Reliez Station Road/Olympic Boulevard (with current lane configuation) .**

The signals shall have actuated controls. Signal phasing and coordination shall be determined during signal design. Installation shall include the

traffic signal equipment with optimized signal phasing/timing plans and coordination with adjacent traffic signals. Traffic signal equipment shall include ADA compliant features. The intersection shall be reconstructed as necessary to accommodate the traffic signal installation including consideration for pedestrians and bicyclists. Signal installation shall meet Contra Costa County design standards and be subject to the review and approval of Lafayette and County. The full complement of signal warrants shall be investigated prior to signal installation.

This mitigation measure is not currently in Lamorinda's fee program. The fee program should be updated to incorporate this mitigation measure. The Project Applicant is then responsible for the fair share contribution to this mitigation measure as determined by the updated fee program. If the fee program is not sufficiently funded to construct the mitigation measure at the time the measure is needed to mitigate the selected Project's impact, then the Project Applicant shall fully fund and construct the mitigation measure, and shall be reimbursed for the portion that is beyond their fair share contribution, from future available funding sources.

After Mitigation: *Less than Significant; Proposed Project and All Action Alternatives*

The four unsignalized Lafayette intersections will operate at acceptable conditions with traffic signal installation. Therefore, with mitigation, this impact would be less than significant. However, this mitigation measure would remain Significant and Unavoidable if Lafayette does not add the proposed intersection improvements to the Lamorinda fee program.

Impact: **4.F-6. Will the Project create adverse vehicular impacts for signalized intersections on streets in the City of Orinda?**

Analysis: *No Impact; Alternative 1 (No Action Alternative)*

The No Action Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

Camino Pablo/Brookwood Road (intersection #5): The minimum acceptable operation for this intersection is LOS E with 68 seconds of vehicle delay. The Proposed Project and Action Alternatives would add trips to this intersection and have the following operational impacts.

Impact Summary – Existing Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Existing	E	58	--	**F**	**98**	**--**
Proposed Project	E	63	62	**F**	**104**	**83**
Alternative 2 (339 Unit	E	63	49	**E**	**103**	**49**

- Provide a School Street extension from the St. Mary's/Moraga Road intersection to Moraga Way and maintain this corridor as a through street; in order to minimize cumulative and site-generated traffic impacts on the Moraga Way/Moraga Road intersection.

After Mitigation: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Implementation of the measures listed above would ensure adequate internal circulation and would reduce potential traffic hazards. Therefore, with mitigation, this impact would be less than significant.

Impact: **4.F-10. Will the Project create adverse impacts on the use of bicycle and/or pedestrian travel ways?**

Analysis: *No Impact; Alternative 1 (No Action Alternative)*

The No Action Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

The Proposed Project and Action Alternatives have not been fully defined and so specific recommendations and mitigation measures pertaining to bicycle and pedestrian use can not be identified at this time. So, this impact is considered to be potentially significant. However, there are best practices that can be implemented during design development of the site.

Two alternative site locations have been proposed for the community center. Site "A" is located immediately south of the St. Mary's Road intersection with Moraga Road. Site "B" is located several hundred feet north of St. Mary's Road along Moraga Road, opposite the Moraga Commons. The Moraga Road intersection with St. Mary's Road provides a controlled pedestrian connection between Site "A" and the Commons. There is no pedestrian crossing between Site "B" and the Commons. This impact is considered to be potentially significant.

Mitigation: **4.F-10a: Reduce Potential Vehicular Conflicts with Bicycles and Pedestrian Travel Ways.**

Implement the following measures:

- Limit the number of driveways (to the extent possible) between intersections; thereby, reducing the number of intersecting conflict points for vehicles, bicycles, and pedestrians.
- Provide parallel rather than angle parking on roadways with Class II bike lanes or Class III bike routes.
- Provide bicycle detection and pedestrian countdown signal heads at signalized intersections.

- Provide bicycle parking near commercial entrances, transit stops, and/or on sidewalks (in street furniture zone)
- Provide 12-foot width for designated multi-use trails i.e., shared bicycle and pedestrian use.
- Provide continuous pedestrian walkways on all streets.
- Minimize corner radii at intersections to the greatest extent possible.
- Provide ADA-compliant ramps at all intersections with sidewalks and/or paths to maintain continuous accessible paths.
- Maintain 6-foot pedestrian zones along commercial and residential streets.
- Maintain a minimum 4-foot wide ADA compliant pedestrian zone across driveways on streets with sidewalks.
- Minimize lane width on streets without bike designations to the greatest extent possible while still complying with fire district requirements.
- Provide pedestrian-scale lighting along all pedestrian facilities in the commercial and residential areas.
- During the project design phase consult with the EBRPD on the design and location of portions of, and connections to, the Lafayette-Moraga Regional Trail to maintain and enhance the safety, usability, and function of the trail system.

Mitigation: **4.F-10b: Provide an enhanced pedestrian crossing on Moraga Road between the community center Site "B" and the Moraga Commons.**

The enhanced crossing may include advanced warning signs and flashing beacons, advanced limit lines, high visibility markings, and in-pavement flashers. The crossing shall be designed for the prevailing traffic speed on Moraga Road, and it shall be incorporated into a pedestrian path system at a logical location for crossing that maximizes pedestrian route directness.

After Mitigation: *Less than Significant; Proposed Project and All Action Alternatives*

Implementation of the measures above would ensure adequate bicycle and pedestrian circulation and would reduce potential traffic hazards. Therefore, with mitigation, this impact would be less than significant.

Impact: **4.F-11. Will the Project create adverse vehicular parking impacts?**

Analysis: *No Impact; Alternative 1 (No Action Alternative)*

The No Action Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

The Proposed Project and Action Alternatives have not been fully defined and so specific recommendations and mitigation measures pertaining to parking can not be identified at this time. Therefore, this impact is considered to be potentially significant. However, there are best practices that can be implemented during design development of the site.

Mitigation: **4.F-11: Provide Adequate Parking Supplies.**

Provide a parking management plan that shows the expected parking demands and the required parking supply to meet the expected demands. Consideration should be given to meeting the Town Code unless parking studies approved by the Town support parking supply adjustments. The parking management plan shall consider information, analysis, and recommendations in the MTC study: *Parking Best Practices and Strategies for Supporting Transit Oriented Development in the Bay Area.* ~~As part of the plan consideration should be be given to MTCs document titled, *Parking Best Practices and Strategies for Supporting Transit Oriented Development in the Bay Area.*~~

After Mitigation: *Less than Significant; Proposed Project and All Action Alternatives*

Implementation of the measure above would ensure adequate parking supply and would reduce potential parking impacts. Therefore, with mitigation, this impact would be less than significant.

4.F-4 CUMULATIVE IMPACTS

There are several Project impacts – either less than significant or significant – identified in Section: 4.F-3 Environmental Impacts and Mitigation Measures (Existing plus Project). These same impacts would also occur under the two future baseline scenarios considered in the study: Approved Baseline and Cumulative Baseline. The assumed land uses for each of these scenarios is provided in Table 4.F-4 and Table 4.F-5, respectively.

Table 4.F-14 presents the intersection LOS results at each study intersection under Approved scenario, and Table 4.F-15 presents the same information for the Cumulative scenario. Refer to Appendix D for the resulting intersection turning movement forecasts at the study intersections.

Table 4.F-11 presents the traffic contributions at each study intersection from the project and other traffic components including: existing traffic, traffic from approved developments, and traffic from other cumulative development (consistent with the various general plan documents) that could occur by Year 2030.

Impact: **4.F-C1. Will the Project create adverse vehicular impacts on Routes of Regional Significance in the Cumulative Baseline?**

Analysis: *No Impact; Alternative 1 (No Project Alternative)*

The No Project Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

<u>State Route 24:</u> The Project and all the Action Alternatives add traffic to SR 24 during the AM and PM peak hours (refer to Impact 4.F-1). As indicated in Table 4.F-3 the Delay Index on SR 24 exceeds the acceptable 2.0 threshold in the westbound direction during the AM peak hour and in both the east and westbound directions during the PM peak hour. This is considered a Significant Impact.

<u>Pleasant Hill Road:</u> The Project and Action Alternatives add traffic to this corridor during the AM and PM peak hours (refer to Impact 4.F-1). As indicated in Table 4.F-3, the Delay Index on Pleasant Hill Road exceeds the acceptable 2.0 threshold in the southbound direction during the AM peak hour and in both the north and southbound directions during the PM peak hour. This is considered a Significant Impact.

<u>Camino Pablo:</u> The Project and Action Alternatives add traffic to Camino Pablo during the AM and PM peak hours (refer to Impact 4.F-1). As indicated in Table 4.F-3, the Delay Index will remain better than the 2.0 threshold. This is considered a Less than Significant Impact.

Mitigation: No mitigation is available.

After Mitigation: *Significant and Unavoidable Impact; Proposed Project and All Action Alternatives*

While Camino Pablo would continue to operate within acceptable levels under the Cumulative condition, both SR 24 and Pleasant Hill Road would substantially exceed their thresholds, and any added traffic to these two corridors would be considered to be significant and unavoidable. The Proposed Project and Alternatives 3 and 4 would generate less impact on the Routes of Regional Significance than Alternative 2.

Impact: **4.F-C2. Will the Project create adverse vehicular impacts for signalized intersections on streets in the Town of Moraga for either the Approved or Cumulative Baselines?**

Analysis: *No Impact; Alternative 1 (No Action Alternative)*

The No Action Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

All signalized intersection in Moraga will operate at acceptable levels for the Approved Baseline with the added traffic from the Proposed Project or any of the Action Alternatives.

One signalized intersection in Moraga will operate at an unacceptable level for the Cumulative Baseline with the added traffic from the Proposed Project or any of the Action Alternatives.

Moraga Way/Moraga Road (intersection #11): The minimum acceptable operation for this intersection is LOS C with 35 seconds of vehicle delay. The Project and all of the Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Cumulative Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Cumulative	C	33	--	**D**	**38**	**--**
Proposed Project	**D**	**36**	**101**	**D**	**47**	**185**
Alternative 2 (339 Unit Alternative)	C	35	50	**D**	**41**	**72**
Alternative 3 (400 Unit Alternative)	**D**	**36**	**70**	**D**	**44**	**135**
Alternative 4 (560 Unit Alternative)	**D**	**37**	**92**	**D**	**46**	**170**

The deterioration in AM peak hour LOS from C to D combined with the continued LOS D operations during the PM peak hour with the Proposed

Project and the Action Alternatives, and the addition of vehicle trips in the AM and PM peak hours is a Significant Impact

Mitigation: **4.F-C2: School Street shall remain open to general vehicle circulation between Moraga Way and Moraga Road at St. Mary's Road.**

School Street shall remain open to general vehicle circulation between Moraga Way and Moraga Road at St. Mary's Road.During the review of proposed projects, the Town shall require that School Street remains open to general vehicular circulation between Moraga Way and Moraga Road at St. Mary's Road.

After Mitigation: *Less than Significant; Proposed Project and All Action Alternatives*

The Moraga Way approach to Moraga Road would need to be widened to provide two left-turn lanes and one right-turn lane unless School Street remains open to general vehicle use between Moraga Way and Moraga Road at St. Mary's Road.

Impact: **4.F-C3. Will the Project create adverse vehicular impacts for unsignalized intersections on streets in the Town of Moraga?**

Analysis: *No Impact; Alternative 1 (No Project Alternative)*

The No Project Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

One unsignalized intersection in Moraga will operate at an unacceptable level for the Approved and Cumulative Baselines with the added traffic from the Proposed Project or any of the Action Alternatives.

Moraga Road/Corliss Drive (intersection #49): The minimum acceptable overall intersection operation is LOS C with 25 seconds of vehicle delay. The Project and all of the Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Approved Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Approved	**D**	**28**	--	A	7	--
Proposed Project	**E**	**45**	**160**	B	15	255
Alternative 2 (339 Unit Alternative)	**E**	**37**	**92**	A	10	112
Alternative 3 (400 Unit Alternative)	**E**	**39**	**107**	B	12	185
Alternative 4 (560 Unit Alternative)	**E**	**43**	**142**	B	14	232

Impact Summary – Cumulative Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Cumulative	**E**	**50**	--	B	15	--
Proposed Project	**F**	**73**	**160**	**D**	**31**	**255**
Alternative 2 (339 Unit Alternative)	**F**	**64**	**92**	C	22	112
Alternative 3 (400 Unit Alternative)	**F**	**66**	**107**	**D**	**26**	**185**
Alternative 4 (560 Unit Alternative)	**F**	**72**	**142**	**D**	**29**	**232**

In addition, the peak hour traffic signal warrant would be met during the AM and PM peak hours for the Proposed Project and all Action Alternatives, and the side street operations would also be unacceptable LOS F for both the AM and PM hours. The unacceptable intersection operations represents a Significant Impact for the both the Approved and Cumulative Baseline scenarios.

Mitigation: **4.F-C3 Implement Mitigation Measure 4.F-3.**

After Mitigation: *Less than Significant; Proposed Project and All Action Alternatives*

The Moraga Road/Corliss Drive intersection will operate at LOS C or better with traffic signal installation. Therefore, with mitigation, this impact would be less than significant.

Impact: **4.F-C4. Will the Project create adverse vehicular impacts for signalized intersections on streets in the City of Lafayette?**

Analysis: *No Impact; Alternative 1 (No Action Alternative)*

The No Action Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

Five signalized intersection in Lafayette will operate at unacceptable levels for the Approved and Cumulative Baselines with the added traffic from the Proposed Project or any of the Action Alternatives.

Mt. Diablo Boulevard/Moraga Road (intersection #24): The minimum acceptable intersection operation is LOS D with 55 seconds of vehicle delay. The Project and all of the Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Approved Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Approved	**F**	**59**	**--**	**F**	**52**	**--**
Proposed Project	**F**	**65**	**40**	**F**	**55**	**46**
Alternative 2 (339 Unit Alternative)	**F**	**66**	**34**	**F**	**53**	**33**
Alternative 3 (400 Unit Alternative)	**F**	**62**	**21**	**F**	**54**	**27**
Alternative 4 (560 Unit Alternative)	**F**	**64**	**32**	**F**	**55**	**38**

Impact Summary – Cumulative Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Cumulative	**F**	**92**	**--**	**F**	**73**	**--**
Proposed Project	**F**	**95**	**40**	**F**	**76**	**46**
Alternative 2 (339 Unit Alternative)	**F**	**98**	**34**	**F**	**74**	**33**
Alternative 3 (400 Unit Alternative)	**F**	**95**	**21**	**F**	**76**	**27**
Alternative 4 (560 Unit Alternative)	**F**	**95**	**32**	**F**	**76**	**38**

Glenside Drive/Los Palos Drive (intersection #52): The minimum acceptable intersection operation is LOS D with 35 seconds of vehicle delay. The Proposed Project and Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Approved Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Approved	D	33	--	B	14	--
Proposed Project	**E**	**39**	**42**	C	15	50
Alternative 2 (339 Unit Alternative)	**E**	**39**	**35**	C	15	35
Alternative 3 (400 Unit Alternative)	**E**	**36**	**24**	C	15	30
Alternative 4 (560 Unit Alternative)	**E**	**38**	**35**	C	15	43

Impact Summary – Cumulative Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Cumulative	F	63	--	C	19	--
Proposed Project	**F**	**76**	**42**	C	23	50
Alternative 2 (339 Unit Alternative)	**F**	**77**	**35**	C	21	35
Alternative 3 (400 Unit Alternative)	**F**	**71**	**24**	C	22	30
Alternative 4 (560 Unit Alternative)	**F**	**76**	**35**	C	23	43

Similar to existing conditions, the peak hour traffic signal warrant would not be met during either the AM or PM peak hour for the Proposed Project and all Action Alternatives.

Because the intersection would operate at LOS E or F in the AM peak hour; the addition of any vehicle trips in the AM peak hour is a Significant Impact.

Reliez Station Road/Olympic Boulevard (intersection #54): The minimum acceptable intersection operation is LOS D with 35 seconds of vehicle delay. The Proposed Project and Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Approved Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Approved	**F**	**121**	--	**F**	**53**	--
Proposed Project	**F**	**134**	**40**	**F**	**62**	**46**
Alternative 2 (339 Unit Alternative)	**F**	**133**	**34**	**F**	**58**	**33**
Alternative 3 (400 Unit Alternative)	**F**	**128**	**21**	**F**	**58**	**27**
Alternative 4 (560 Unit Alternative)	**F**	**132**	**32**	**F**	**60**	**38**

Impact Summary – Cumulative Plus Project						
	AM Peak Hour			PM Peak Hour		
	LOS	Delay	Trips	LOS	Delay	Trips
Cumulative	**F**	**163**	--	**F**	**91**	--
Proposed Project	**F**	**180**	**40**	**F**	**102**	**46**
Alternative 2 (339 Unit	**F**	**175**	**34**	**F**	**100**	**33**

Alternative)						
Alternative 3 (400 Unit Alternative)	**F**	**170**	**21**	**F**	**96**	**27**
Alternative 4 (560 Unit Alternative)	**F**	**176**	**32**	**F**	**99**	**38**

Similar to existing conditions, the peak hour traffic signal warrant would not be met during either the AM or PM peak hour for the Proposed Project and all Action Alternatives.

Because the intersection would operate below LOS D i.e., LOS E or F in the AM and PM peak hours; the addition of any vehicle trips in the AM and PM peak hours is a Significant Impact.

Reliez Station Road/Olympic Boulevard (intersection #55): The minimum acceptable intersection operation is LOS D with 35 seconds of vehicle delay. The Proposed Project and Action Alternatives would add vehicle trips to this intersection and have the following operational impacts.

Impact Summary – Approved Plus Project						
	AM Peak Hour			**PM Peak Hour**		
	LOS	**Delay**	**Trips**	**LOS**	**Delay**	**Trips**
Approved	D	25	--	C	19	--
Proposed Project	D	30	47	C	22	69
Alternative 2 (339 Unit Alternative)	D	28	40	C	20	54
Alternative 3 (400 Unit Alternative)	D	28	28	C	21	49
Alternative 4 (560 Unit Alternative)	D	29	40	C	22	61

Impact Summary – Cumulative Plus Project						
	AM Peak Hour			**PM Peak Hour**		
	LOS	**Delay**	**Trips**	**LOS**	**Delay**	**Trips**
Cumulative	**E**	**46**	--	**D**	**33**	--
Proposed Project	**F**	**53**	**47**	**E**	**43**	**69**
Alternative 2 (339 Unit Alternative)	**F**	**52**	**40**	**E**	**37**	**54**
Alternative 3 (400 Unit Alternative)	**F**	**50**	**28**	**E**	**39**	**49**
Alternative 4 (560 Unit Alternative)	**F**	**52**	**40**	**E**	**43**	**61**

Similar to existing conditions, the peak hour traffic signal warrant would be met during the AM peak hour for the Proposed Project and all Action Alternatives.

Because the intersection would operate below LOS D i.e., LOS E or F in the AM and PM peak hours with cumulative traffic; the addition of any vehicle trips in the AM and PM peak hours is a Significant Impact.

Mitigation: **4.F-C5 Implement Mitigation 4.F-5, ~~and~~ Install ~~traffic~~ Traffic ~~signals~~ Signals at the Glenside Drive/St. Mary's Road South I~~i~~ntersection, and W ~~(also w~~iden St. Mary's Road for a L~~l~~eft T~~t~~urn P~~p~~ocket)**

Prior to issuing a building permit that would result in a cumulative traffic impacts to unsignalized intersections on streets in the City of Lafayette, the Town shall require the implementation of Mitigation Measure 4.F-5 (above); install, or pay the proportional fair share fee to install, traffic signals at the affected intersections in Lafayette; and widen, or pay the proportional fair share fee to widen, St. Mary's Road for a left turn pocket.

After Mitigation: *Less than Significant; Proposed Project and All Action Alternatives*

The five unsignalized Lafayette intersections will operate at acceptable conditions with traffic signal installation. Therefore, with mitigation, this impact would be less than significant.

Impact: **4.F-C6. Will the Project create adverse vehicular impacts for signalized intersections on streets in the City of Orinda?**

Analysis: *No Impact; Alternative 1 (No Action Alternative)*

The No Action Alternative would not result in any change to current transportation systems.

Analysis: *Significant Impact; Proposed Project and All Action Alternatives*

Camino Pablo/Brookwood Road (intersection #5): The minimum acceptable operation for this intersection is LOS E with 68 seconds of vehicle delay. The Project and all of the Action Alternatives would add trips to this intersection and have the following operational impacts.

Table 4.F-14

Approved Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Approved – No Project (Alternative 1)		Approved With Proposed Project		Approved With Alternative 2 (339 units)		Approved With Alternative 3 (400 units)		Approved With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
Orinda Intersections											
1. Orinda Way/Santa Maria Way	AM	12	B	12	B	12	B	12	B	12	B
	PM	15	B	15	B	15	B	15	B	15	B
2. Camino Pablo/Santa Maria Way	AM	7	A	7	A	7	A	7	A	7	A
	PM	22	C	22	C	22	C	22	C	22	C
3. Camino Pablo/BART Driveways	AM	1 (16)	A (C)	1 (16)	A (C)	1 (16)	A (C)	1 (16)	A (C)	1 (16)	A (C)
	PM	3 (28)	A (D)	3 (29)	A (D)	3 (29)	A (D)	3 (29)	A (D)	3 (29)	A (D)
4. Camino Pablo/SR 24 EB Ramps	AM PM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
5. Camino Pablo/ Brookwood Road	AM	64	E	**70**	**E**	**69**	**E**	67	E	**69**	**E**
	PM	**115**	**F**	**122**	**F**	**120**	**F**	**119**	**F**	**121**	**F**
6. Camino Pablo/ Moraga Way	AM	13	B	13	B	13	B	13	B	13	B
	PM	18	B	18	B	18	B	18	B	18	B
7. Brookwood Road/Moraga Way	AM	18	C	18	C	18	C	18	C	18	C
	PM	15	C	15	C	15	C	15	C	15	C
8. Bryant Way/Moraga Way	AM	5 (17)	A (C)	5 (17)	A (C)	5 (17)	A (C)	5 (17)	A (C)	5 (17)	A (C)
	PM	6 (17)	A (C)	6 (17)	A (C)	6 (17)	A (C)	6 (17)	A (C)	6 (17)	A (C)
9. Glorietta Boulevard/ Moraga Way	AM	**88**	**F**	**94**	**F**	**97**	**F**	**91**	**F**	**93**	**F**
	PM	27	C	29	C	28	C	28	C	29	C
10. Ivy Drive/ Moraga Way	AM	44	D	**51**	**ED**	**51**	**D**	**50**	**D**	**50**	**D**
	PM	24	C	27	C	27	C	26	C	27	C

Table 4.F-14

Approved Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Approved – No Project (Alternative 1)		Approved With Proposed Project		Approved With Alternative 2 (339 units)		Approved With Alternative 3 (400 units)		Approved With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
12. Glorietta Boulevard/ Rheem Boulevard	AM	~~12 (22)~~ 13	B ~~(C)~~	~~12 (22)~~ 13	B ~~(C)~~	~~12 (22)~~ 13	B ~~(C)~~	~~12 (22)~~ 13	B ~~(C)~~	~~12 (22)~~ 13	B ~~(C)~~
	PM	~~5 (16)~~ 9	A ~~(B)~~	~~5 (16)~~ 10	A ~~(B)~~	~~5 (16)~~ 10	A ~~(B)~~	~~5 (16)~~ 10	A ~~(B)~~	~~5 (16)~~ 10	A ~~(B)~~
Lafayette Intersections											
13. Deer Hill Drive/Oak Hill Road	AM	**39**	**E**	**39**	**E**	**39**	**E**	**39**	**E**	**39**	**E**
	PM	**47**	**E**	**48**	**E**	**47**	**E**	**48**	**E**	**48**	**E**
14. Mt. Diablo Boulevard/ Oak Hill Road	AM	28	C	28	C	28	C	28	C	28	C
	PM	33	C	34	C	34	C	34	C	34	C
15. Deer Hill Drive/SR 24 Westbound Ramps	AM	33	C	34	C	33	C	34	C	34	C
	PM	32	C	33	C	33	C	33	C	33	C
16. Deer Hill Drive/1st Street	AM	12	B	12	B	12	B	12	B	12	B
	PM	17	B	17	B	17	B	17	B	17	B
17. SR 24 Eastbound On-Ramp/1st Street	AM PM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
18. Mt. Diablo Boulevard/ 1st Street	AM	31	C	31	C	31	C	31	C	31	C
	PM	29	C	29	C	29	C	29	C	29	C
19. First Street/ Golden Gate Way (East)	AM	6 (12)	A (B)	6 (12)	A (B)	6 (12)	A (B)	6 (12)	A (B)	6 (12)	A (B)
	PM	5 (10)	A (A)	5 (10)	A (A)	5 (10)	A (A)	5 (10)	A (A)	5 (10)	A (A)
20. First Street/ Golden Gate Way (West)	AM	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)
	PM	4 (7)	A (A)	4 (7)	A (A)	4 (7)	A (A)	4 (7)	A (A)	4 (7)	A (A)
21. First Street/ Moraga Boulevard	AM	9	A	9	A	9	A	9	A	9	A
	PM	9	A	9	A	9	A	9	A	9	A
22. First Street/ School Street	AM	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)
	PM	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)

Table 4.F-14

Approved Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Approved – No Project (Alternative 1)		Approved With Proposed Project		Approved With Alternative 2 (339 units)		Approved With Alternative 3 (400 units)		Approved With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
23. Avalon Avenue/ School Street	AM	2 (13)	A (B)	2 (13)	A (B)	2 (13)	A (B)	2 (13)	A (B)	2 (13)	A (B)
	PM	1 (10)	A (A)	1 (10)	A (A)	1 (10)	A (A)	1 (10)	A (A)	1 (10)	A (A)
24. Mt. Diablo Boulevard/ Moraga Road	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
25. Moraga Road/ Moraga Boulevard	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
26. Moraga Road/ Brook Street	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
27. Moraga Road/ School Street	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
28. Moraga Road/ St. Mary's Road (North)	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
32. St. Mary's Road / Avalon Avenue	AM	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)	2 (19)	A (C)
	PM	2 (19)	A (C)	2 (20)	A (C)	2 (19)	A (C)	2 (20)	A (C)	2 (20)	A (C)
33. St. Mary's Road/ Topper Lane	AM	3 (25)	A (C)	3 (25)	A (C)	3 (25)	A (C)	3 (25)	A (C)	3 (25)	A (C)
	PM	2 (19)	A (C)	2 (20)	A (C)	2 (19)	A (C)	2 (20)	A (C)	2 (20)	A (C)
34. Glenside Drive/St. Mary's Road (North)	AM	12	B	12	B	12	B	12	B	12	B
	PM	10	A	10	A	10	A	10	A	10	A
35. Glenside Drive/ St. Mary's Road (South)	AM	22	C	26	D	25	C	24	C	25	C
	PM	22	C	28	D	26	D	25	C	27	D
39. Glenside Drive/ Reliez Station Road	AM	**98**	**F**	**110**	**F**	**109**	**F**	**104**	**F**	**108**	**F**
	PM	**56**	**F**	**65**	**F**	**63**	**F**	**61**	**F**	**63**	**F**

Table 4.F-14

Approved Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Approved – No Project (Alternative 1)		Approved With Proposed Project		Approved With Alternative 2 (339 units)		Approved With Alternative 3 (400 units)		Approved With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
40. Glenside Drive/ Burton Drive	AM	**38**	**E**	**45**	**E**	**45**	**E**	**43**	**E**	**44**	**E**
	PM	28	D	35	D	32	D	32	D	34	D
41. Pleasant Hill Rd/ Mt. Diablo Blvd- SR 24 Eastbound On-Ramp	AM	14	B	14	B	14	B	14	B	14	B
	PM	18	B	18	B	18	B	18	B	18	B
42. Pleasant Hill Rd/ Old Tunnel Rd- SR 24 Eastbound Off-Ramp	AM	10	A	10	A	10	A	10	A	10	A
	PM	11	B	12	B	12	B	12	B	12	B
43. Pleasant Hill Road/ Condit Drive	AM	9	A	9	A	9	A	9	A	9	A
	PM	7	A	7	A	7	A	7	A	7	A
44. Pleasant Hill Road/ Olympic Boulevard	AM	**59**	**F**	**65**	**F**	**66**	**F**	**62**	**F**	**64**	**F**
	PM	**52**	**F**	**55**	**F**	**53**	**F**	**54**	**F**	**55**	**F**
45. Happy Valley Road/ Mt. Diablo Boulevard	AM	25	C	25	C	25	C	25	C	25	C
	PM	35	C	35	C	35	C	35	C	35	C
Moraga Intersections											
11. Moraga Way/ Moraga Road	AM	26	C	28	C	27	C	28	C	28	C
	PM	30	C	33	C	31	C	32	C	33	C
29. Campolindo Drive/Moraga Road	AM	22	C	22	C	22	C	22	C	22	C
	PM	17	B	17	B	17	B	17	B	17	B
30. Rheem Boulevard/ Moraga Road	AM	21	C	21	C	21	C	21	C	21	C
	PM	21	C	21	C	21	C	21	C	21	C
31. Moraga Road/St. Mary's Road (South)	AM	13	B	14	B	14	B	14	B	14	B
	PM	12	B	15	B	13	B	14	B	15	B
36. Bollinger Canyon Road/St. Mary's Road	AM	1 (21)	A (C)	1 (22)	A (C)	1 (22)	A (C)	1 (22)	A (C)	1 (22)	A (C)
	PM	1 (17)	A (C)	1 (18)	A (C)	1 (17)	A (C)	1 (17)	A (C)	1 (18)	A (C)

Table 4.F-14

Approved Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Approved – No Project (Alternative 1)		Approved With Proposed Project		Approved With Alternative 2 (339 units)		Approved With Alternative 3 (400 units)		Approved With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
37. Rheem Boulevard/St. Mary's Road	AM	6 (26)	A (D)	6 (31)	A (D)	6 (30)	A (D)	6 (29)	A (D)	6 (31)	A (D)
	PM	5 (27)	A (D)	6 (32)	A (D)	6 (30)	A (D)	5 (31)	A (D)	6 (31)	A (D)
38. St. Mary's Parkway/St. Mary's Road	AM	4 (16)	A (C)	4 (18)	A (C)	4 (16)	A (C)	4 (17)	A (C)	4 (18)	A (C)
	PM	6 (15)	A (C)	6 (17)	A (C)	6 (16)	A (C)	6 (17)	A (C)	6 (17)	A (C)
46. Center Street/ Rheem Boulevard	AM	9	A	9	A	9	A	9	A	9	A
	PM	10	B	10	B	10	B	10	B	10	B
47. Moraga Road/Ascot Drive	AM	10	A	10	A	10	A	10	A	10	A
	PM	8	A	8	A	8	A	8	A	8	A
48. Moraga Road/Donald Drive	AM	12	B	12	B	12	B	12	B	12	B
	PM	7	A	7	A	7	A	7	A	7	A
49. Moraga Road/Corliss Drive	AM	**28 (247)**	**D (F)**	**45 (445)**	**E (F)**	**37 (352)**	**E (F)**	**39 (372)**	**E (F)**	**43 (419)**	**E (F)**
	PM	7 (73)	A (F)	15 (190)	B (F)	10 (111)	A (F)	12 (147)	B (F)	14 (175)	B (F)
50. Moraga Way/ St. Andrews Drive	AM	11	B	12	B	12	B	11	B	12	B
	PM	12	B	12	B	12	B	12	B	12	B
51. Moraga Way/ School Street	AM	10	A	10	A	10	A	10	A	10	A
	PM	11	B	11	B	11	B	11	B	11	B
52. Glenside Drive at Los Palos Drive	AM	33	D	**39**	**E**	**39**	**E**	**36**	**E**	**38**	**E**
	PM	14	B	15	C	15	C	15	C	15	C
53. Glenside Drive at Michael Lane	AM	3 (18)	A (C)	3 (19)	A (C)	3 (19)	A (C)	3 (19)	A (C)	3 (19)	A (C)
	PM	2 (20)	A (C)	2 (21)	A (C)	2 (21)	A (C)	2 (21)	A (C)	2 (21)	A (C)
54. Reliez Station Road at Olympic Boulevard	AM	**121**	**F**	**134**	**F**	**133**	**F**	**128**	**F**	**132**	**F**
	PM	**53**	**F**	**62**	**F**	**58**	**F**	**58**	**F**	**60**	**F**

Table 4.F-14

Approved Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Approved – No Project (Alternative 1)		Approved With Proposed Project		Approved With Alternative 2 (339 units)		Approved With Alternative 3 (400 units)		Approved With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
55. St. Mary's Road at Rohrer Drive	AM	25	D	30	D	28	D	28	D	29	D
	PM	19	C	22	C	20	C	21	C	22	C

Notes:

Bold font indicates unacceptable traffic operations based on each jurisdiction's LOS policies

/1/ Signal = traffic signal, SSS = side-street stop, AWS = all-way stop

/2/ Signalized and all-way stop controlled intersection LOS based on average intersectioncontrol delay according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies. Side-street stop controlled intersection LOS based on the delay for the worst minor street approach (shown in parenthesis) according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies.

Source: Fehr & Peers, 2008

Table 4.F-15

Cumulative Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Cumulative – No Project (Alternative 1)		Cumulative With Proposed Project		Cumulative With Alternative 2 (339 units)		Cumulative With Alternative 3 (400 units)		Cumulative With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
Orinda Intersections											
1. Orinda Way/Santa Maria Way	AM	12	B	12	B	12	B	12	B	12	B
	PM	16	B	16	B	16	B	16	B	16	B

Table 4.F-15

Cumulative Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Cumulative – No Project (Alternative 1)		Cumulative With Proposed Project		Cumulative With Alternative 2 (339 units)		Cumulative With Alternative 3 (400 units)		Cumulative With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
2. Camino Pablo/Santa Maria Way	AM	8	A	8	A	8	A	8	A	8	A
	PM	51	D	52	D	51	D	52	D	52	D
3. Camino Pablo/BART Driveways	AM	1 (24)	A (C)	1 (24)	A (C)	1 (25)	A (C)	1 (24)	A (C)	1 (24)	A (C)
	PM	22 (171)	C (F)	23 (174)	C (F)	22 (174)	C (F)	23 (174)	C (F)	23 (174)	C (F)
4. Camino Pablo/SR 24 EB Ramps	AM PM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
5. Camino Pablo/ Brookwood Road	AM	**92**	**F**	**100**	**F**	**98**	**F**	**96**	**F**	**97**	**F**
	PM	**163**	**F**	**172**	**F**	**169**	**F**	**170**	**F**	**171**	**F**
6. Camino Pablo/ Moraga Way	AM	15	B	15	B	15	B	15	B	15	B
	PM	21	C	21	C	21	C	21	C	21	C
7. Brookwood Road/Moraga Way	AM	23	C	23	C	23	C	23	C	23	C
	PM	24	C	24	C	24	C	24	C	24	C
8. Bryant Way/Moraga Way	AM	6 (20)	A (C)	6 (20)	A (C)	6 (20)	A (C)	6 (21)	A (C)	6 (20)	A (C)
	PM	6 (21)	A (C)	6 (21)	A (C)	6 (21)	A (C)	6 (21)	A (C)	6 (21)	A (C)
9. Glorietta Boulevard/ Moraga Way	AM	**123**	**F**	**132**	**F**	**135**	**F**	**130**	**F**	**129**	**E**
	PM	39	D	43	D	42	D	42	D	43	D
10. Ivy Drive/ Moraga Way	AM	**61**	**E**	**72**	**E**	**72**	**E**	**66**	**E**	**70**	**E**
	PM	30	C	**37**	**D**	**34**	**D**	**34**	**C**	**35**	**D**
12. Glorietta Boulevard/ Rheem Boulevard	AM	~~17 (33)~~ 16	C ~~(D)~~	~~19 (37)~~ 16	C ~~(E)~~	~~18 (35)~~ 16	C ~~(D)~~	~~18 (35)~~ 16	C ~~(D)~~	~~18 (35)~~ 16	C ~~(D)~~
	PM	~~7 (21)~~ 11	~~A (C)~~ B	~~7 (22)~~ 11	~~A (C)~~ B	~~7 (21)~~ 11	~~A (C)~~ B	~~7 (21)~~ 11	~~A (C)~~ B	~~7 (21)~~ 11	~~A (C)~~ B
Lafayette Intersections											
13. Deer Hill Drive/Oak Hill Road	AM	**39**	**E**	**39**	**E**	**39**	**E**	**39**	**E**	**39**	**E**
	PM	**60**	**F**	**62**	**F**	**61**	**F**	**62**	**F**	**62**	**F**

Table 4.F-15

Cumulative Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Cumulative – No Project (Alternative 1)		Cumulative With Proposed Project		Cumulative With Alternative 2 (339 units)		Cumulative With Alternative 3 (400 units)		Cumulative With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
14. Mt. Diablo Boulevard/ Oak Hill Road	AM	31	C	32	C	32	C	32	C	32	C
	PM	42	D	43	D	43	D	43	D	43	D
15. Deer Hill Drive/SR 24 Westbound Ramps	AM	44	D	44	D	44	D	44	D	44	D
	PM	49	D	50	D	50	D	50	D	50	D
16. Deer Hill Drive/1st Street	AM	14	B	15	B	15	B	15	B	15	B
	PM	21	C	21	C	21	C	21	C	21	C
17. SR 24 Eastbound On-Ramp/1st Street	AM PM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
18. Mt. Diablo Boulevard/ 1st Street	AM	33	C	33	C	34	C	33	C	33	C
	PM	32	C	33	C	32	C	33	C	33	C
19. First Street/ Golden Gate Way (East)	AM	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)	6 (13)	A (B)
	PM	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)
20. First Street/ Golden Gate Way (West)	AM	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)	5 (7)	A (A)
	PM	4 (7)	A (A)	4 (7)	A (A)	4 (7)	A (A)	4 (7)	A (A)	4 (7)	A (A)
21. First Street/ Moraga Boulevard	AM	10	A	10	A	10	A	10	A	10	A
	PM	9	A	9	A	9	A	9	A	9	A
22. First Street/ School Street	AM	6 (14)	A (B)	6 (14)	A (B)	6 (14)	A (B)	6 (14)	A (B)	6 (14)	A (B)
	PM	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)	6 (11)	A (B)
23. Avalon Avenue/ School Street	AM	2 (14)	A (B)	2 (14)	A (B)	2 (14)	A (B)	2 (14)	A (B)	2 (14)	A (B)
	PM	1 (11)	A (B)	1 (11)	A (B)	1 (11)	A (B)	1 (11)	A (B)	1 (11)	A (B)
24. Mt. Diablo Boulevard/ Moraga Road	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
25. Moraga Road/ Moraga Boulevard	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**

Table 4.F-15

Cumulative Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Cumulative – No Project (Alternative 1)		Cumulative With Proposed Project		Cumulative With Alternative 2 (339 units)		Cumulative With Alternative 3 (400 units)		Cumulative With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
26. Moraga Road/ Brook Street	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
27. Moraga Road/ School Street	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
28. Moraga Road/ St. Mary's Road (North)	AM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
	PM	--	**F**	--	**F**	--	**F**	--	**F**	--	**F**
32. St. Mary's Road / Avalon Avenue	AM	2 (21)	A (C)	2 (21)	A (C)	2 (20)	A (C)	2 (20)	A (C)	2 (20)	A (C)
	PM	3 (24)	A (C)	3 (24)	A (C)	3 (24)	A (C)	3 (24)	A (C)	3 (24)	A (C)
33. St. Mary's Road/ Topper Lane	AM	4 (32)	A (D)	4 (32)	A (D)	4 (33)	A (D)	4 (32)	A (D)	4 (32)	A (D)
	PM	2 (23)	A (C)	2 (23)	A (C)	2 (23)	A (C)	2 (23)	A (C)	2 (23)	A (C)
34. Glenside Drive/St. Mary's Road (North)	AM	13	B	13	B	13	B	13	B	13	B
	PM	11	B	11	B	11	B	11	B	11	B
35. Glenside Drive/ St. Mary's Road (South)	AM	**40**	**E**	**48**	**E**	**46**	**E**	**46**	**E**	**48**	**E**
	PM	**44**	**E**	**55**	**F**	**50**	**E**	**51**	**F**	**52**	**F**
39. Glenside Drive/ Reliez Station Road	AM	**146**	**F**	**159**	**F**	**157**	**F**	**152**	**F**	**156**	**F**
	PM	**102**	**F**	**109**	**F**	**111**	**F**	**107**	**F**	**109**	**F**
40. Glenside Drive/ Burton Drive	AM	**44**	**E**	**76**	**F**	**78**	**F**	**70**	**F**	**76**	**F**
	PM	**57**	**F**	**65**	**F**	**63**	**F**	**61**	**F**	**65**	**F**
41. Pleasant Hill Rd/ Mt. Diablo Blvd- SR 24 Eastbound On-Ramp	AM	18	B	18	B	18	B	18	B	18	B
	PM	26	C	26	C	26	C	26	C	26	C
42. Pleasant Hill Rd/ Old Tunnel Rd- SR 24 Eastbound Off-Ramp	AM	10	A	11	B	11	B	10	A	10	A
	PM	13	B	13	B	13	B	13	B	13	B

Table 4.F-15

Cumulative Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Cumulative – No Project (Alternative 1)		Cumulative With Proposed Project		Cumulative With Alternative 2 (339 units)		Cumulative With Alternative 3 (400 units)		Cumulative With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
43. Pleasant Hill Road/ Condit Drive	AM	10	A	10	A	10	A	10	A	10	A
	PM	8	A	8	A	8	A	8	A	8	A
44. Pleasant Hill Road/ Olympic Boulevard	AM	**92**	**F**	**95**	**F**	**98**	**F**	**95**	**F**	**95**	**F**
	PM	**73**	**F**	**76**	**F**	**74**	**F**	**76**	**F**	**76**	**F**
45. Happy Valley Road/ Mt. Diablo Boulevard	AM	30	C	30	C	30	C	30	C	30	C
	PM	39	D	39	D	39	D	39	D	39	D
Moraga Intersections											
11. Moraga Way/ Moraga Road	AM	33	C	**36**	**D**	35	C	**36**	**D**	**37**	**D**
	PM	**38**	**D**	**47**	**D**	**41**	**D**	**44**	**D**	**46**	**D**
29. Campolindo Drive/Moraga Road	AM	24	C	24	C	24	C	24	C	24	C
	PM	20	B	21	C	20	C	20	C	20	C
30. Rheem Boulevard/ Moraga Road	AM	23	C	23	C	23	C	23	C	23	C
	PM	23	C	23	C	23	C	23	C	23	C
31. Moraga Road/St. Mary's Road (South)	AM	14	B	17	B	16	B	16	B	16	B
	PM	14	B	19	B	16	B	18	B	18	B
36. Bollinger Canyon Road/St. Mary's Road	AM	5 (32)	A (D)	5 (36)	A (E)	5 (34)	A (D)	5 (34)	A (D)	5 (35)	A (D)
	PM	3 (22)	A (C)	3 (25)	A (C)	3 (24)	A (C)	3 (23)	A (C)	3 (24)	A (C)
37. Rheem Boulevard/St. Mary's Road	AM	12 (59)	B (F)	14 (72)	B (F)	14 (71)	B (F)	13 (68)	B (F)	14 (72)	B (F)
	PM	14 (79)	B (F)	20 (117)	C (F)	17 (95)	C (F)	18 (107)	C (F)	18 (107)	C (F)
38. St. Mary's Parkway/St. Mary's Road	AM	4 (18)	A (C)	4 (21)	A (C)	4 (19)	A (C)	4 (21)	A (C)	4 (21)	A (C)
	PM	6 (18)	A (C)	8 (22)	A (C)	7 (19)	A (C)	7 (21)	A (C)	7 (22)	A (C)
46. Center Street/ Rheem Boulevard	AM	9	A	9	A	9	A	9	A	9	A
	PM	10	A	10	A	10	A	10	A	10	A

Table 4.F-15

Cumulative Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Cumulative – No Project (Alternative 1)		Cumulative With Proposed Project		Cumulative With Alternative 2 (339 units)		Cumulative With Alternative 3 (400 units)		Cumulative With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS
47. Moraga Road/Ascot Drive	AM	11	B	11	B	11	B	11	B	11	B
	PM	9	A	9	A	9	A	9	A	9	A
48. Moraga Road/Donald Drive	AM	13	B	13	B	13	B	13	B	13	B
	PM	7	A	7	A	7	A	7	A	7	A
49. Moraga Road/Corliss Drive	AM	**50 (444)**	**E (F)**	**73 (723)**	**F (F)**	**64 (606)**	**F (F)**	**66 (627)**	**F (F)**	**72 (704)**	**F (F)**
	PM	15 (162)	B (F)	**31 (387)**	**D (F)**	22 (251)	C (F)	**26 (314)**	**D (F)**	**29 (365)**	**D (F)**
50. Moraga Way/ St. Andrews Drive	AM	13	B	13	B	13	B	13	B	13	B
	PM	13	B	14	B	14	B	14	B	14	B
51. Moraga Way/ School Street	AM	10	A	10	A	10	A	10	A	10	A
	PM	12	B	13	B	13	B	13	B	13	B
52. Glenside Drive at Los Palos Drive	AM	**63**	**F**	**76**	**F**	**77**	**F**	**71**	**F**	**76**	**F**
	PM	19	C	23	C	21	C	22	C	23	C
53. Glenside Drive at Michael Lane	AM	3 (23)	A (C)	3 (24)	A (C)	3 (24)	A (C)	3 (23)	A (C)	3 (24)	A (C)
	PM	2 (22)	A (C)	2 (23)	A (C)	2 (22)	A (C)	2 (23)	A (C)	2 (23)	A (C)
54. Reliez Station Road at Olympic Boulevard	AM	**163**	**F**	**180**	**F**	**175**	**F**	**170**	**F**	**176**	**F**
	PM	**91**	**F**	**102**	**F**	**100**	**F**	**96**	**F**	**99**	**F**
55. St. Mary's Road at Rohrer Drive	AM	**46**	**E**	**53**	**F**	**52**	**F**	**50**	**F**	**52**	**E**
	PM	33	D	**43**	**E**	**37**	**E**	**39**	**E**	**43**	**E**

Table 4.F-15

Cumulative Baseline Intersection Level of Service Results (AM and PM Peak Hours)

Study Intersection	Peak Hour	Cumulative – No Project (Alternative 1)		Cumulative With Proposed Project		Cumulative With Alternative 2 (339 units)		Cumulative With Alternative 3 (400 units)		Cumulative With Alternative 4 (560 Units)	
		Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS	Delay/2/	LOS

Notes:

Bold font indicates unacceptable traffic operations based on each jurisdiction's LOS policies

/1/ Signal = traffic signal, SSS = side-street stop, AWS = all-way stop

/2/ Signalized and all-way stop controlled intersection LOS based on averageintersection control delay according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies. Side-street stop controlled intersection LOS based on the delay for the worst minor street approach (shown in parenthesis) according to Highway Capacity Manual (Transportation Research Board, 2000) methodologies.

Source: Fehr & Peers, 2008

4.I BIOLOGICAL RESOURCES

4.I BIOLOGICAL RESOURCES

This section describes the vegetation, wildlife, habitats and special-status species that occur within the MCSP area; addresses potential project-specific and cumulative impacts to these resources and identifies mitigation measures that will reduce or avoid significant impacts.

4.I-1 ENVIRONMENTAL SETTING

Natural Communities

The Town of Moraga is a predominantly residential community located in southwestern Contra Costa County, between two major ridge systems. To the west is the Gudde Ridge and Berkeley/Oakland Hills, and to the east is the Las Trampas Ridge. The topography in the MCSP consists of nearly level valley bottom and gently sloping hills with elevations ranging from 480 feet to 650 feet above mean sea level (amsl). Located in the center of the Town and comprised mostly of developed areas and fallow orchards, the vegetation and wildlife in the MCSP area is limited and habitats are mostly disjunct from natural areas outside of Moraga. Roads and developed residential commercial areas surround the open spaces in the MCSP area on all sides. The MCSP area contains approximately 4.9 acres of non-native annual grassland southeast of Moraga Road, 67.3 acres of fallow orchards with an understory of non-native grassland, and 16.8 acres of central coast live oak riparian forest along Laguna Creek. These habitat types, which are described in more detail below, were identified during a field investigation conducted by Trevor A. Burwell, Ph.D. on April 10, 2008. Figure 4.I-1 provides a map of natural habitats in the MCSP area.

Non-Native Grassland

Approximately 4.9 acres of non-native grassland occurs on an open hillslope in the southeastern portion of the MCSP area. Management of grassland habitat consists of maintained perimeter fuel breaks adjacent to residential areas. This grassland community is dominated by introduced non-native annual grasses such as wild oats (*Avena fatua*), wild rye (*Lolium* spp.), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), and wild barley (*Hordeum* spp.). Other common plant species include wild artichoke (*Cynara cardunculus*), geranium (*Geranium dissectum*), milk thistle (*Silybum marianum*), and bristly ox-tongue (*Picris echioides*).

Additional non-native annual grasslands occur on undeveloped parcels in the MCSP area. These undeveloped parcels have been graded and are mowed or disked to control weed growth and reduce fuels.

Grasslands provide foraging and nesting habitat for a wide variety of wildlife species including raptors, seed eating birds, small mammals, amphibians and reptiles. Wildlife species typically associated with non-native grasslands include deer mouse (*Peromyscus maniculatus*), western harvest mouse (*Reithrodontomys*

remove native trees within the central coast live oak riparian woodland. Construction-related and permanent impacts may occur to habitat for the federally-listed California red-legged frog, raptor nests protected under CDFG Code, bird species protected under the MBTA, and special-status bats. Development-related impacts to streams and associated riparian habitat will require a Sec. 404 permit from the USACE and a Sec. 1600 LSAA with the CDFG. Noise, light and glare, and domestic or feral animals may increase along Laguna Creek associated with increased human presence and development, which may further degrade habitat for special-status species. This is considered a potentially significant impact. Mitigation Measure 4.I-1 will reduce this impact to a less than significant level.

Mitigation: **4.I-1: Implement General Plan EIR Mitigation 4.H-1: Site specific surveys and consultation with CDFG and USFWS.**

Site-specific surveys shall be conducted prior to development within the project area to determine the presence or absence of individuals and/or occupied or designated critical habitat of endangered, threatened, or rare wildlife or plant species. Prior to conducting these surveys a current listing of rare, threatened, and endangered species that may occur in the project area will be obtained. This will insure that the sensitive species list is kept current and that the proper species are searched for.

Noise, light and glare, and domestic or feral animals may increase along Laguna Creek associated with increased human presence and development, which may further degrade habitat for special-status species. These and other impacts to habitat quality will be considered during consultation and permitting with the USFWS and CDFG, and appropriate mitigation measures will be developed as needed with these agencies under Mitigation Measure 4.1-1.

The Town of Moraga will work in conjunction with CDFG and USFWS to develop measures to prevent the loss of individuals and occupied or designated critical habitat. Mitigation measures may also be developed with these agencies when complete avoidance is not feasible. Examples of potential mitigation measures include protection of habitat by means of restoration, conservation, and permanent protection, and transplantation of plants from development sites to protected areas. All projects that may impact a rare, threatened, or endangered species will be subject to requirements imposed by CESA, FESA, or both.

After Mitigation: *Less than Significant Impact; Proposed Project and Action Alternatives*

Conducting focused biological surveys for special-status wildlife species occurrences and habitats, developing project-specific designs to avoid or minimize impacts to the extent feasible, obtaining appropriate permits from the USACE, USFWS and CDFG and implementing mitigation

measures required under those permits will result in a less than significant impact on special-status wildlife species, and no additional mitigation is required.

Impact: **4.I-2. Will the Project cause a loss of rare plant species?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing conditions and no new construction or ground disturbance, and will have no effect on rare plant species. No mitigation is required.

Analysis: *Potentially Significant Impact; Proposed Project and All Action Alternatives*

All rare plant species with potential to occur in the MCSP area are associated with the central coast live oak riparian woodland community along Laguna Creek and its tributaries. The Proposed Project and all Action Alternatives include new road and pedestrian crossings of Laguna Creek and its tributaries, and a recreation trail parallel to portions of Laguna Creek. Permanent impacts may occur to rare plant populations if located within construction footprints for bridges, culverts, and recreation trails. This is considered a potentially significant impact. Mitigation Measure 4.I-1 (above) will reduce this potentially significant impact to a less than significant level.

Mitigation: **4.I-1: Implement General Plan EIR Mitigation 4.H-1: Site specific surveys and consultation with CDFG and USFWS (described above).**

After Mitigation: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Conducting focused biological surveys for rare plants, developing project-specific designs to avoid or minimize impacts to any occurring rare plants to the extent feasible, obtaining a LSAA with CDFG, and implementing mitigation measures required under the LSAA will result in a less than significant impact on rare plants, and no additional mitigation is required.

Impact: **4.I-3. Will the Project cause a loss of active raptor nests, migratory bird nests, or native wildlife nursery sites?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing conditions and no new construction or ground disturbance, and will have no effect on active raptor nests, migratory bird nests, or native wildlife nursery sites. No mitigation is required.

Analysis: *Potentially Significant Impact; Proposed Project and All Action Alternatives*

Nesting and roosting habitat for special-status bird species and bats occurs in the central coast live oak riparian woodlands and fallow orchards. Older buildings at Moraga Ranch may provide roosting habitat for special-status bat species. The Proposed Project and all Action Alternatives include residential development in most of fallow orchard sites, and new road and pedestrian crossings of Laguna Creek and its tributaries, and renovations of buildings at Moraga Ranch. Residential and bridge construction will require removal of trees and shrubs that provide nesting and roosting habitat for special-status birds and bats, and building renovation may remove roost sites for bats. This is considered a potentially significant impact. Mitigation Measure 4.I-3 will reduce this potentially significant impact to a less than significant level.

While foraging for some common and scavenging bird species may not be adversely affected by development in the MCSP area, buildout of any action alternative is expected to degrade foraging habitat for most raptors, migratory birds, and bat species. Buildout of the MCSP area is expected to result in a minor loss of the availability of grassland and woodland foraging areas in the region. The loss of foraging habitat is considered less than significant and no mitigation is required.

Mitigation: **4.I-3: Implement General Plan Mitigation: 4.H-3: Conduct Pre-construction surveys for breeding raptors and migratory birds.**

Conduct pre-construction surveys for breeding raptors and migratory birds within development areas to determine if active nest sites exist on the site. If active nest sites are located, the project proponent shall consult with the CDFG to determine appropriate construction setbacks from the nest sites. No construction activities shall occur within the construction setback during the nesting season of the affected species.

All Action Alternatives include retaining the Central Coast live oak riparian woodland along Laguna Creek and its tributaries. The retention of existing mature trees and woodland canopy is expected to maintain suitable nesting and roosting habitat for raptors and bat species in the MCSP area, and no mitigation is required.

After Mitigation: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Conducting focused biological surveys for special-status wildlife species, developing project-specific designs to avoid or minimize impacts to the extent feasible, obtaining appropriate permits from the USFWS and CDFG, and implementing required mitigation measures under those permits, will result in a less than significant impact on raptor nests, migratory birds protected under the MBTA, and wildlife nursery sites, and no additional mitigation is required.

Impact: **4.I-4. Will the Project cause a permanent loss of natural vegetation or habitat for sensitive wildlife species?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing conditions and no new construction or ground disturbance, and will have no effect on natural vegetation or habitat for sensitive wildlife species. No mitigation is required.

Analysis: *Potentially Significant; Proposed Project and All Action Alternatives*

The loss of natural vegetation is limited to the area required for new stream crossings and recreation trails at Laguna Creek and its tributaries under the Proposed Project and all Action Alternatives. The majority of the 16.8-acre central coast live oak riparian woodland will be remain in its undeveloped, natural state under the Proposed Project and all Action Alternatives. Table 4.I-4 below summarizes the amount of natural habitat removed under the full build-out of the Proposed Project and each Alternative. While the area of natural vegetation lost for stream crossings and recreation trails is considered ~~less than significant~~minor, this vegetation type provides habitat for special-status wildlife species and so the loss of native trees is considered potentially significant. Mitigation Measure 4.I-4 will reduce this potentially significant impact to a less than significant level.

Table 4.I-4

Natural Habitats Removed Under Each Alternatives

	Non-Native Annual Grassland	Fallow Orchard	Central Coast Live Oak Riparian Woodland	Total
Proposed Project 720 units				
Removed	4.9	67.3	0	72.2
Unused	0	0	16.8*	16.8
Alternative 1 - No Project				
Removed	0	0	0	0.0
Unused	4.9	67.3	16.8	89.0
Alternative 2 - 339 units				
Removed	4.9	67.3	0	72.2
Unused	0	0	16.8*	16.8
Alternative 3 - 400 units				
Removed	4.9	37.3	0	42.2
Unused **	0	30	16.8*	46.8

Table 4.I-4

Natural Habitats Removed Under Each Alternatives

Alternative 4 - 560 units				
Removed	4.9	52.3	0	57.2
Unused **	0	15	16.8*	31.8

*Nominal amounts central coast live oak riparian woodland will be removed for the construction of bridges and culverts over Laguna Creek and its tributaries.
** Acres of fallow orchard land that may not be used if residential units are clustered at proposed residential densities.

The Proposed Project and all Action Alternatives include residential development in most fallow orchard sites. Fallow orchards may provide nesting or roosting habitat for special-status bird and bat species protected under the MBTA or state CDFG Code, and older structures at Moraga Ranch may provide roosting habitat for bats. Residential construction will require removal of trees and shrubs that provide nesting and roosting habitat for special-status birds and bats, and building renovation may remove roost sites for bats. This is considered a potentially significant impact. Mitigation Measure 4.I-3 will reduce this potentially significant impact to a less than significant level.

Mitigation: **4.I-3: Implement General Plan Mitigation: 4.H-3: Conduct Pre-construction surveys for breeding raptors and migratory birds. (see above).**

After Mitigation: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Conducting focused biological surveys for special-status wildlife species, developing project-specific designs to avoid or minimize impacts to the extent feasible in central coast live oak riparian woodland, obtaining the appropriate permits from the USFWS and CDFG, and implementing mitigation measures required under those permits will result in a less than significant impact on special-status wildlife species, and no additional mitigation is required.

Mitigation: **4.I-4: Restore native trees removed during construction at a 4:1 ratio.**

The removal of native trees shall be mitigated through replanting native tree seedlings in the MCSP area at a ratio of no less than four seedlings per tree removed (4:1). Replanted trees shall be of the same species removed, and maintained with supplemental weeding, watering, and staking or caging for at least three years or until established. An

established tree is considered windfirm, above browse height with good structure, and no longer requiring supplemental weeding or watering for continued good growth to maturity. To the extent feasible, seedlings trees should be planted adjacent to existing central coast live oak riparian woodland in protected open space.

After Mitigation: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Establishing native tree seedlings at a minimum of a 4:1 ratio will provide for the long-term replacement of mature, locally native trees that form the overstory canopy structure of the central coast live oak riparian woodland. Implementing this mitigation measure will result in a less than significant impact on sensitive natural vegetation communities that provide habitat for special-status species, and no additional mitigation is required.

Impact: **4.I-5. Will the Project cause a permanent loss of sensitive native plant communities?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing conditions and no new construction or ground disturbance, and will have no effect on sensitive native plant communities. No mitigation is required.

Analysis: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Central coast live oak riparian woodland is considered a sensitive native plant community. While the central coast live oak riparian woodland will remain in its current undeveloped natural state under the Proposed Project and all Action Alternatives, minor amounts of vegetation will be permanently lost for the construction of new stream crossings and recreation trails. The small amount of vegetation removed to accommodate new bridges and trails is expected to be minor in relation to the extent of the habitat type that will remain undeveloped, and is considered less than significant. No mitigation is required.

Mitigation: No mitigation is required.

Impact: **4.I-6. Will the Project result in a substantial loss of native vegetation or wildlife populations?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing conditions and no new construction or ground disturbance, and will have no effect on sensitive native plant communities. No mitigation is required.

Analysis: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Central coast live oak riparian woodland is the only native vegetation community in the MCSP area, and supports the most productive wildlife habitat in the project area. While the central coast live oak riparian woodland will remain in its current undeveloped natural state under the Proposed Project and all Action Alternatives, minor amounts of vegetation will be permanently lost for the construction of new stream crossings and recreation trails. The small amount of vegetation and wildlife populations supported by this habitat that will be removed to accommodate new bridges and culverts is minor in relation to the extent of the habitat type that will remain undeveloped, and is considered less than significant. No mitigation is required.

Noise, light and glare, and domestic or feral animals may increase along Laguna Creek associated with increased human presence and development. These and other impacts to habitat quality for special-status species will be considered during consultation and permitting with the USFWS and CDFG, and appropriate mitigation measures will be developed as needed with these agencies under Mitigation Measure 4.1-1.

Mitigation: No mitigation is required.

Impact: **4.I-7. Will the Project substantially block or disrupt wildlife migration or travel corridors?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing conditions and no new construction or ground disturbance, and will have no effect on wildlife migration or travel corridors. No mitigation is required.

Analysis: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Central coast live oak riparian woodland along Laguna Creek and its tributaries provide a wildlife migration and travel corridor through the MCSP area. Located between other developed areas in the Town of Moraga, the MCSP area is largely isolated from other wildlife habitat areas with natural vegetation in the project vicinity. Consequently, the species that occur in the MCSP area are expected to be adapted or habituated to human presence and disturbed habitat types. While central coast live oak riparian woodland will remain undeveloped under the Proposed Project and all Action Alternatives, the habitat will have minor disturbances associated with new stream crossings and recreation trails. The construction of new bridges and culverts to provide stream crossings in the MCSP area are similar to existing bridges and culverts along Laguna Creek located on Moraga Way and Moraga Road. The existing wildlife movement corridor through the MCSP area is considered

relatively disturbed and poor quality due to adjacent development. In general, species currently moving through the Laguna Creek riparian corridor are expected to be those adapted or habituate to human presence and development. Retaining this corridor as undeveloped will result in minor changes to its current suitability of use as a wildlife movement corridor. The project-related impact to the quality of the wildlife movement corridor is considered less than significant, and no mitigation is required.

Mitigation: No mitigation is required.

Impact: **4.I-8. Will the Project conflict with local policies or ordinances for the protection of biological resources?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing General Plan policies and no new construction or ground disturbance, and will have no effect on existing policies or ordinances. No mitigation is required.

Analysis: *Less than Significant; Proposed Project and All Action Alternatives*

The Project and all Action Alternatives are consistent with existing General Plan goals and policies related to the conservation and protection of natural resources. Table 4.I-5 below lists all relevant policies and describes how the Proposed Project and All Alternatives are consistent. This is considered a less than significant impacts and no mitigation is required.

Table 4.I-5

Consistency Analysis with General Plan Policies

General Plan Policy	Consistency Determination
Policy OS2.1: Protection of Wildlife Areas. Prohibit development in locations where it would 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.	Consistent. The Project and all Action Alternatives will retain the most sensitive habitat type in the MCSP area - 16.8 acres of central coast live oak riparian woodland- in an undeveloped corridor along Laguna Creek. This habitat will ~~will have adequate buffers to~~ retain native tree canopy and have minimal intrusions in the form of new road crossings or pedestrian trails. Additional buffer areas between the tree canopy and developed areas will be developed through consultation with the CDFG and USFWS under Mitigation Measure 4.I-1. Poor quality and isolated habitats occur in the remainder of the MCSP area.
Policy OS2.2: Preservation of Riparian Environments. Preserve creeks, streams and other waterways in their natural state whenever possible.	Consistent. The Project and all Action Alternatives will retain in its current natural, undeveloped state the Laguna Creek riparian corridor, including the bed, bank, and associated riparian habitats. New road

Table 4.I-5

Consistency Analysis with General Plan Policies

	crossings will require permits and mitigation measures to restore affected stream banks and native habitats.
Policy 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.	Consistent. The Project and all Action Alternatives will retain the most critical wildlife corridor in the MCSP area - 16.8 acres of central coast live oak riparian woodland- in its current natural, undeveloped state in a corridor along Laguna Creek. Although roadways and residential and commercial development separate the MCSP area ~~is largely isolated~~ from surrounding natural areas, Laguna Creek and the associated woodland will retain a contiguous movement corridor for many riparian associated species.
Policy 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.	Consistent. Implementation of the Project and all Action Alternatives will require obtaining permits for new road crossings of Laguna Creek and will require habitat restoration to mitigate those impacts. Habitat restoration will enhance the suitability for wildlife species that may colonize the area. Direct reintroduction of wildlife species is not advised due to its relative isolation from other habitats.
Policy 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 the use of native plant species in new landscaping plans.	Consistent. Implementation of the Project and all Action Alternatives will require obtaining permits for new road crossings of Laguna Creek and will require habitat restoration using indigenous plant species to mitigate those impacts. As part of habitat restoration, non-native invasive plant species may be removed or controlled. Landscaping plans developed for the MCSP area will encourage the use of locally native plants.
Policy 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.	Consistent. The Project and all Action Alternatives will retain in an undeveloped, natural state most native trees in the MCSP area in 16.8 acres of central coast live oak riparian woodland in a corridor along Laguna Creek. Other individual trees may be retained as feasible in the design and construction under any action alternative.
Policy 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: ● Mulholland Hill (both northeast and southwest slopes) ● Indian Ridge	Consistent. The Project and all Action Alternatives will retain the only native tree covered portion of the MCSP area - 16.8 acres of central coast live oak riparian woodland- in an undeveloped corridor along Laguna Creek. Other individual trees may be retained as feasible during the design and construction under any action alternative.

Table 4.I-5

Consistency Analysis with General Plan Policies

• 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	

Mitigation: No mitigation is required.

Impact: **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?**

Analysis: *No Impact; Proposed Project and All Alternatives*

There are currently no adopted HCPs, NCCPs, or other habitat conservation plan within the MCSP area or vicinity. The Proposed Project and All Alternatives will have no affect on any existing or proposed habitat conservation plan.

Mitigation: No mitigation is required.

Impact: **4.I-10. Will the Project result in a net loss of wetlands, streams or other waters of the U.S.?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing conditions and no new construction or ground disturbance, and will have no effect on wetlands, streams, or other waters if the U.S. No mitigation is required.

Analysis: *Potentially Significant Impact; Proposed Project and All Action Alternatives*

The Proposed Project and all Action Alternatives include new road and pedestrian crossings of Laguna Creek and its tributaries, and new recreation trails parallel to portions of Laguna Creek. Laguna Creek and

its perennial tributaries have defined bed and bank and support associated riparian vegetation, and are considered jurisdictional other waters of the U.S. Approximately 4,700 linear feet of stream channel and 16.8 acres of associated riparian habitats occur in the project area. Under the Proposed Project and all Action Alternatives, a corridor along Laguna Creek, including the bed and bank of the creek and its tributaries and associated riparian habitats, will remain undeveloped and in its present natural condition. Impacts to the bed and bank of Laguna Creek and its perennial tributaries will be limited to bridges and culverts at new stream crossings, and recreation trails, under the Proposed Project and All Action Alternatives. This is considered a potentially significant impact.

An unnamed, approximately 700-foot long ephemeral drainage channel supporting sparse, highly degraded riparian vegetation occurs in a fallow orchard area below Danefield Place. The channel area is zoned residential in the Proposed Project and Alternative 2 (339 units), and zoned residential in Alternatives 3 and 4 (400 and 560 units, respectively). The entire ephemeral channel may be removed during build-out of the Proposed Project and Alternative 2 (339 units), and approximately half may be removed during build out of Alternatives 3 and 4 (400 and 560 units, respectively). This is considered a potentially significant impact.

Mitigation: **4.I-10. Implement General Plan EIR Mitigation Measure 4.H-9: Protect Wetlands and Other Waters of the United States.**

The Town of Moraga shall require site specific surveys to determine if the project will impact a jurisdictional wetland or other waters of the U.S. Where impacts are found to occur, the project proponent will work in conjunction with the USACE (Sec. 404 permit) to establish a means of protecting, restoring, or replacing the wetland or waterway, such that a no net loss of wetland functions or values is achieved.

If required, the Project Applicant will also apply for a Sec. 401 permit with the SFBRWQCB and a LSAA with CDFG, and work in conjunction with these agencies to establish a means of protecting, restoring, or replacing the wetland or waterway, such that a no net loss of wetland functions or values is achieved.

After Mitigation: *Less than Significant; Proposed Project and All Action Alternatives*

Conducting a wetland delineation, design project-level actions to avoid or minimize impacts to jurisdictional areas, adherence to all permit conditions and implementation of all mitigation measures in the Sec. 404 permit and LSAA are expected to result in no net loss of stream or riparian area, habitats, function, or values.

4.I-4 CUMULATIVE IMPACTS

There are several Project impacts – either less than significant or potentially significant – identified in the Biological Resources section: build-out of the Proposed Project and All Action Alternatives includes constructing new stream crossings of Laguna Creek and its tributaries, and the construction of a new recreation trail. These features may adversely affect sensitive habitats for special-status species associated with the creek and central coast live oak riparian woodland. New residential construction in fallow orchards may remove nesting and roosting habitats for protected bird and bat species.

Cumulative impacts are defined under CEQA as "the change in the environment which results from the incremental impact of the Project when added to other closely related past, present, and reasonably foreseeable probable future impacts. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." Cumulative impacts are the sum of all impacts that occur throughout the Project area or region, from this and other projects and include cumulative loss of habitat functions and values, habitat fragmentation, and loss of movement corridors.

An analysis of cumulative impacts was made by reviewing proposed and active development projects in the region. The sphere of influence for impact evaluation includes the limits of the Town of Moraga, the City of Lafayette south of Highway 24, and the City of Walnut Creek south of Highway 24 and west of Highway 680.

Impact **4.I-1C. Cumulative Impacts to Biological Resources.**

Analysis: *Potentially Significant, Proposed Project and All Action Alternatives*

Proposed or approved projects in the vicinity of the MCSP area include four residential subdivision developments - the Bollinger Valley Project (121 homes), Palos Colorados (123 homes), Rancho Laguna (35 homes), and Rheem Estates- and other residential development projects in the City of Lafayette. These projects include permanent preservation of substantial areas of open space, especially along ridgelines and riparian corridors. The open space areas are mostly connected to adjacent preserved lands, allowing for continuous habitat connections for species adapted to human disturbance or presence in the vicinity. The Bollinger Valley ~~and Rancho Laguna~~ project~~s~~ ~~are~~ is contiguous with extensive publicly-owned open space and natural habitat areas to the south.

Development in Contra Costa County has resulted in the loss of both agricultural and grazing lands, and has fragmented the remaining habitat areas. Build out of the Proposed Project will result in the loss of as much as 70.2 acres of non-native annual grassland and fallow orchard habitats, and the increasing fragmentation and isolation of riparian habitats associated with Laguna Creek and its tributaries. Due to its existing isolation and degraded state, this represents a relatively minor loss of natural habitat quantity and quality in the region, and does not create a significant adverse cumulative effect. The MCSP area is not an important

local or regional wildlife corridor and development will have a minor cumulative effect on wildlife movement in the vicinity. As an urban infill project, the MCSP is not expected to result in a growth-inducing impact or create new demand for development of agricultural or open space properties in the region.

Construction under the Proposed Project and all Action Alternatives will result in the loss of nesting and roosting habitat as trees are removed for new stream crossings and fallow orchards are developed. County-wide, the reduction in nesting habitat and riparian vegetation represents a significant adverse effect on the environment. However, retaining the central coast live oak riparian woodland associated with tributaries to Laguna Creek in a natural, undeveloped state is expected to maintain this impact at a less than significant level when considered on a cumulative basis with other projects in the vicinity. If properly implemented, mitigation would result in no net loss in riparian habitat function and values and native woodlands, and no additional mitigation is required.

Mitigation: No mitigation is required.

4.I-5 PREPARERS AND REFERENCES

Preparers

Trevor A. Burwell, Ph.D., Hauge Brueck Associates

Reviewers

Garth Alling, Hauge Brueck Associates

References

Sycamore Associates, LLC. 2003. Biological Assessment and Preliminary Jurisdictional Determination for the Moraga Ranch Property, Moraga, Contra Costa County, California. Report prepared by Sycamore Associates for David Bruzzone, February 17, 2003. Walnut Creek, CA.

4.K SCHOOLS

4.K SCHOOLS

This section describes the existing facilities in the Moraga School District (MSD) and the Acalanes Union High School District (AUHSD) and the effects of the MCSP Proposed Project and Alternatives on the public schools in Moraga. This section presents an evaluation of the potential for increased enrollment to affect the school environment and induce the need to construct new facilities to maintain existing school quality.

Impacts relevant to population and housing are evaluated in the Population, Employment and Housing section (Chapter 4.B), and other public services such as fire, police, parks, libraries, and utilities are evaluated in the Public Services section (Chapter 4.L).

4.K-1 ENVIRONMENTAL SETTING

School Facilities

The high quality of Moraga's schools is consistently listed as one of the community's most valued features. The large majority of school-age children in Moraga attend public schools. MSD, with 3 elementary schools (kindergarten through grade 5) and 1 intermediate school (grades 6 through 8), and 2 high schools in the AUHSD serve the Town of Moraga. These public schools are:

- Camino Pablo Elementary School (grades K-5), 1111 Camino Pablo Boulevard;
- Donald L. Rheem Elementary School (grades K-5), 90 Laird Drive;
- Los Perales Elementary School (grades K-5), 22 Wakefield Drive;
- Joaquin Moraga Intermediate School (grades 6-8), 1010 Camino Pablo Boulevard;
- Campolindo High School (grades 9-12), 300 Moraga Road;
- Miramonte High School (grades 9-12), 750 Moraga Way.

MSD, with district offices at 1540 School Street in Moraga, manages elementary schools and the intermediate school, while the high schools are the jurisdiction of AUHSD with offices at 1212 Pleasant Hill Road in Lafayette. The two high schools serve students from Lafayette and Orinda, in addition to Moraga.

Table 4.K-1 lists school capacity, current enrollment and residual capacity, updated for the 2008-2009 school year based on data provided by MSD Superintendent Schafer, dated August 26~~5~~, 2008. Capacities are estimates of the maximum number of students a facility can support and may result in less than ideal conditions (e.g., use of laboratory rooms as classrooms, larger class sizes, etc.) as envisioned under the MSD and AUHSD Strategic Plans (Moraga School District 2005, 2007, Acalanes Union High School District 2007).

Since reaching a peak of 1,918 students in 2000-2001, MSD enrollment has gradually decreased to current enrollment of 1,~~730~~ 736 students in ~~2007~~2008-~~2008~~2009. Similarly, AUHSD reached a peak in the 2004-2005 school year with 5,906 students, declining to 5,876 students in ~~2007~~ 2008-2009, with 2,~~784~~ 724 students at Campolindo and Miramonte High Schools. Current projections for both the MSD and AUHSD show a continued decreasing trend in enrollment

(Schreder and Associates 2002, Acalanes Union High School District 2007, Learned 2007). Figure 4.K-1 shows school capacity, actual, and projected enrollment trends for MSD and AUHSD.

Table 4.K-1

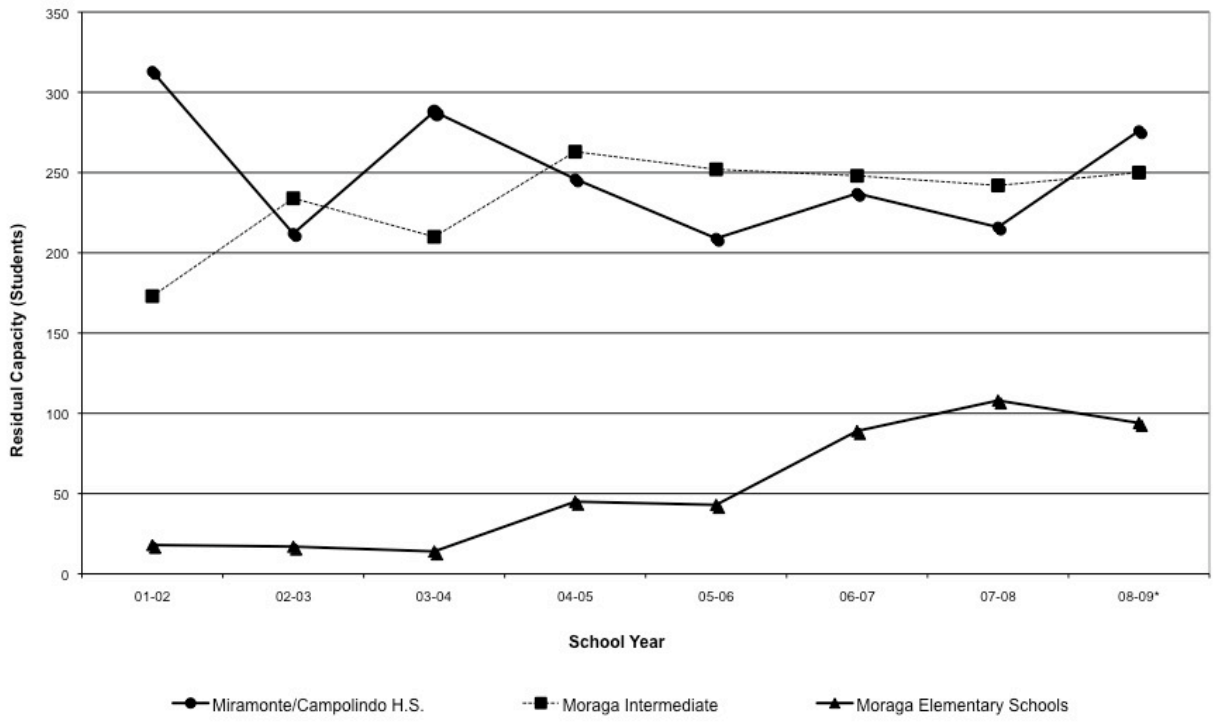
~~2007~~2008-~~2008~~ 2009 School Capacity, Enrollment, and Residual Capacity

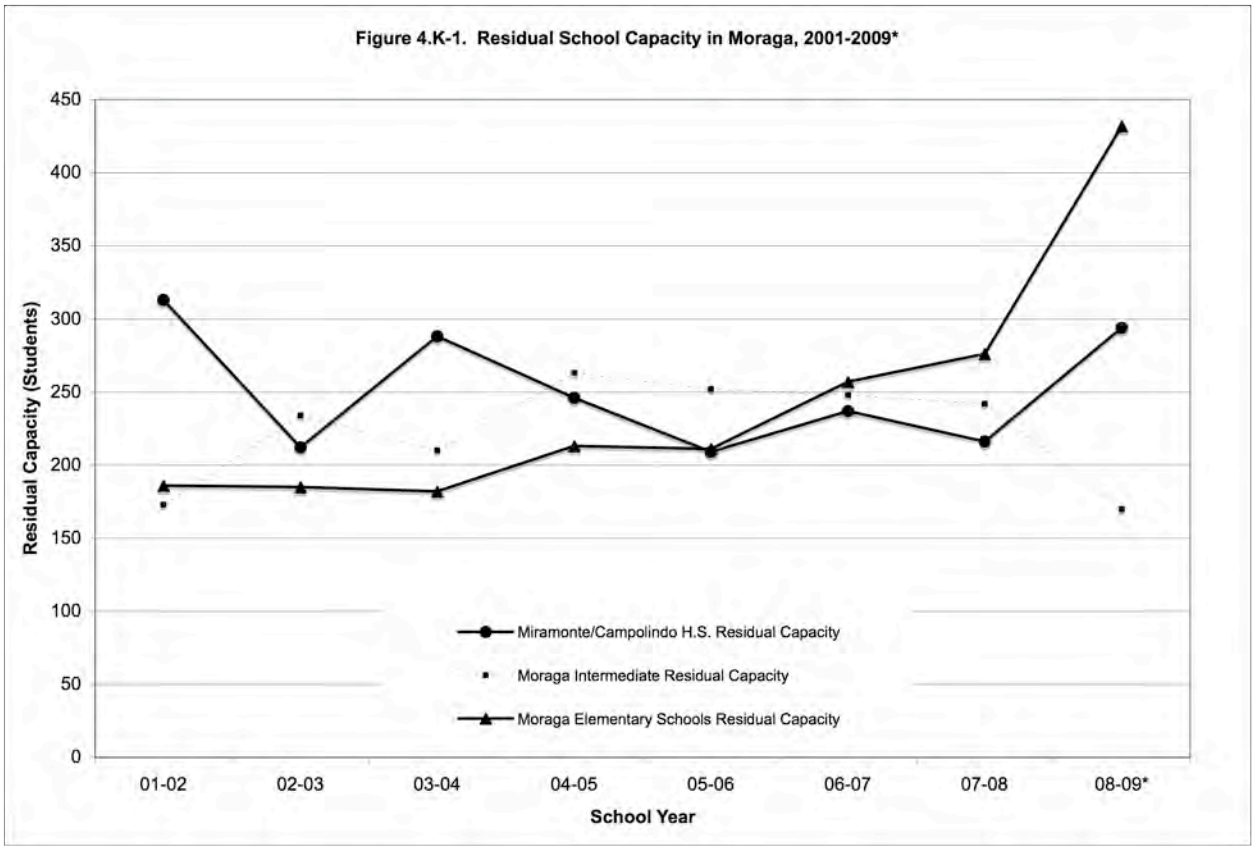
School	Current Capacity	2008-2009 Enrollment~~2007-2008 Enrollment~~	~~2007-2008~~ Residual Capacity [1]
Moraga School District			
Rheem Elementary	~~492~~432	351~~339~~	~~153~~81
Camino Pablo Elementary	~~448~~388	393~~406~~	~~40~~(5)
Los Perales Elementary	~~400~~352	334~~317~~	~~83~~18
All elementary schools (K-5)	*1,~~340~~172*	*1,078~~1,062~~*	*~~276~~94*
Joaquin Moraga Intermediate (6-8)	908	658~~666~~	~~242~~250
All MSD	**2,~~248~~080**	**1,736~~1,730~~**	**~~518~~344**
Acalanes Union High School District			
Miramonte High School	1,500	1,~~398~~342	~~102~~158
Campolindo High School	1,500	1,382~~6~~	~~114~~118
Local AUHSD high schools (9-12)	*3,000*	*2,72~~8~~4*	*~~216~~276*
Total All Schools	**5,080~~248~~**	**~~4,514~~4460**	**~~730~~620**

Sources: Simonin 2007, Acalanes Union High School District 2007, Jack Schreder & Associates 2002, California Department of Education, 2007, ~~Superintendent~~ Schafer, ~~2008~~.

1 Residual capacity is calculated using 2008-2009 Day 1 enrollment for Elementary and Intermediate schools and January 22, 2009~~2007-2008~~ actual enrollment for High Schools.

Figure 4.K-1. Residual School Capacity in Moraga, 2001-2009





**Based on enrollment projections for the 2008-2009 school year.*

Independent of enrollment trends, facility needs may change over time, especially with goals of decreasing class sizes. As class sizes are lowered, the number of classrooms required to accommodate the same number of students increases. Facility expansions to meet class size reduction goals, if necessary, will be accomplished on the existing school sites. There are no plans to expand school facilities beyond current sites.

MSD and AUHSD currently have the following maximum class size goals (Simonin 2007):

- Grades 1-3: 20 students/classroom
- Grades 4-8: 28.5 students/classroom
- Grades 9-12: 26 students/class for core classes (math, science, language arts and social studies).

Funding of MSD includes a current fee of $2.05 per square foot of new residential development, and $0.33 per square foot of new commercial or retail development. This fee is reviewed and updated periodically. The AUHSD does not collect school impact fees, but assesses an annual parcel tax of $189 throughout the district. This assessment is scheduled to expire on June 25, 2011 (Acalanes Union High School District 2007).

4.K-2 REGULATORY SETTING

Town of Moraga Goals, Objectives and Policies

Three Town of Moraga General Plan Policies relate to public schools. These policies, and an analysis of the Proposed Project and Alternatives consistency with these policies, are presented in Table 4.K-6 below.

Evaluation Criteria

Table 4.K-2 presents criteria for analysis of school impacts.

Table 4.K-2

Evaluation Criteria with Points of Significance

Evaluation Criteria	As Measured by	Point of Significance	Justification
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?	Class size, student enrollment, school capacity	Enrollment exceeds school capacity at target class size	CEQA Guidelines, XIII(a); Moraga General Plan Policies FS2.1-2.3
4.K-2. Will the Project conflict with local policies for providing public school facilities?	Number of policies under which a conflict would result	Conflicts with greater than 0 policy	CEQA Guidelines, XIII(a); Moraga General Plan Policies FS2.1-2.3

4.K-3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table 4.K-3 presents potential impacts to schools, outlines points of significance, level of impact, and type of impact and also ranks the level of significance for all Alternatives. The potential for schools conflicts is determined by existing school capacity in relation to school enrollment projections for each Alternative. Published reports, data, and enrollment projections provided by the State, MSD and AUHSD were reviewed, and MSD and AUHSD staff members were contacted, to establish whether the project would exceed, or significantly impact, their ability to provide services.

Table 4.K-3

School Impacts – All Alternatives

Impact	Point of Significance	Type of Impact[1]	Level of Significance[2]
4.K-1. Will the Project increase demand for schools to such a degree that accepted service standards are not maintained and new facilities are required?	Enrollment exceeds school capacity at target class size	P	Proposed Project ⦿ Alternative 1 (No Project - Existing Conditions) == Alternative 2 (339 Unit Alternative - GP Development Level) ⦿ Alternative 3 (400 Unit Alternative) ⦿ Alternative 4 (560 Unit Alternative) ⦿
4.K-2. Will the Project conflict with local policies for providing public school facilities?	Enrollment exceeds school capacity at target class size	P	Proposed Project ❍ Alternative 1 (No Project - Existing Conditions) == Alternative 2 (339 Unit Alternative - GP Development Level) ❍ Alternative 3 (400 Unit Alternative) ❍ Alternative 4 (560 Unit Alternative) ❍

Source: HBA, 2008

Notes:
1. Type of Impact:
C Construction
P Permanent

2. Level of Significance:
● Significant impact before and after mitigation
⦿ Significant impact before mitigation; less than significant impact after mitigation
❍ Less than significant impact; no mitigation proposed
== No impact

Impact: **4.K-1. Will the Project increase demand for schools to such a degree that accepted service standards are not maintained and new facilities are required?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no new housing, commercial, or retail land uses in the MCSP area. Consequently, Alternative 1 (No Project) will not generate any new students or demand for services in the MSD or AUHSD. Alternative 1 (No Project) will have no impact on existing school facilities or school services, and no mitigation is required.

Analysis: *Potentially Significant Impact; Proposed Project and All Action Alternatives*

Estimating new students generated by the Proposed Project and All Action Alternatives is based on the MSD and AUHSD enrollment projection formula for new residential developments (Learned 2007, Schreder 2002). Each new single-

family housing unit (sfu) built in Moraga is expected to generate the following number of new students:

- Elementary school students: 0.296/sfu
- Intermediate school students: 0.263/sfu
- High school students: 0.18 – 0.25/sfu

~~Based on recent enrollment data, the recently developed Sonsara project (new in 200) currently has a student yield of 0.461 for Elementary and 0.179 for Intermediate schools. These estimates are likely to be more applicable for the single family homes proposed in the MCSP area.~~ For the purposes of this analysis, the enrollment projection formulas developed by MSD and AUHSD are applied to all new non-senior housing. In other words, this analysis assumes that single-family, multi-family, and Saint Mary's College housing will result in the same number of new school age children per housing unit. In order to present the most conservative or "worst-case" scenario for potential impacts to high schools, only the higher rate of 0.25 student/sfu is presented.

Most senior housing developments allow for at least temporary residency of minors. According to AUHSD, less than one percent of the senior housing developments in the district contain school age children (Learned 2007). Therefore, this analysis makes a conservative assumption that up to 10% of active senior housing may include school age children at the same proportion as single-family homes.

New public school students, and resulting residual capacity based on ~~2007-2008 and~~ 2008-2009 ~~Day 1~~ enrollment figures, are shown by alternative in Table 4.K-4. The Proposed Project and All Action Alternatives are expected to result in substantial increases in the number of public school students. Current enrollment levels are below capacity and expected to decrease into the reasonably foreseeable future. The MSD and AUHSD currently have sufficient residual capacity to accommodate new student enrollment that may be generated by residential development of the MCSP area while maintaining goals for teacher-student ratios and class sizes.

School enrollment projection data for the Proposed Project and All Action Alternatives in Table 4.K-4 show that public schools serving Moraga have sufficient capacity under current school year conditions to accommodate the number of projected new students.

There is inherent uncertainty, however, in enrollment projections. In order to assist with facility planning, for example, MSD conducted a study in 2002 to estimate high, moderate, and low enrollment projections in Moraga (Jack Schreder & Associates 2002). Due to larger than expected changes to population demographics and employment opportunities throughout the Town of Moraga, elementary school enrollments failed to meet even the lowest student enrollment estimate calculated in the study (Simonin 2007). Likewise, the recently developed Sonsara project (41 new single family homes completed in 2002)

adjacent to the MCSP area yielded a higher number (0.461) of elementary school students yet a lower number (0.179) of intermediate school students per home.

If built and occupied today, the ~~Even though the number new school age children expected to be generated by the~~ Proposed Project and All Action Alternatives are expected to generate 79-133 new elementary school students, 70-118 intermediate students, and 66-113 new high school students. There is currently sufficient residual capacity at Joaquin Moraga Intermediate School and Campolindo and Miramonte High Schools to accommodate these new students while maintain existing service levels and facilities. The Proposed Project would exceed residual capacity at the elementary schools by an estimate 39 students, and Alternatives 2 and 4 would exceed capacity by six and 11 students, respectively. Alternative 3 would result in an estimated residual capacity of 15 students.

The ~~is below current residual capacity levels, the~~ increase in new students is ~~still~~ considered a potentially significant impact on school facilities, and mitigation measure 4.K-1 is required to reduce this impact to a less than significant level.

Table 4.K-4

Schools Enrollment Projection – All Action Alternatives[1]

MCSP Alternative	New Residential Units		Elementary School		Intermediate School		High ~~School[1]~~ School[2]	
	Single-family & multi-family	Active senior	New students	Residual capacity	New students	Residual capacity	New students	Residual capacity
Proposed Project (720 units)	420	300	133	~~299~~(39)	118	~~52~~132	113	~~182~~163
Alternative 2 (339 units)	339	0	100	~~332~~(6)	89	~~81~~161	85	~~209~~191
Alternative 3 (400 units)	250	150	79	~~354~~15	70	~~100~~180	66	~~228~~210
Alternative 4 (560 units)	330	230	105	~~327~~(11)	93	~~77~~157	88	~~206~~188

Notes:
[1] *Based on 2008-2009 school year residual capacity with project conditions*
[2] ~~[1]~~ *Represents only the high enrollment projection of 0.25 student/sfu.*

Mitigation: 4.K-1a: Implement General Plan EIR Mitigation 4.L-1: Development Impact Fees

The Town shall prepare a Development Impact Fee Study to determine the fair share that developers within the MCSP area shall contribute for the operation and expansion of police, fire, parks, and school facilities in Moraga. At a minimum, the Study shall identify funding necessary to maintain services at 2000 levels.

4.K-1b: Pay school impact fee at issuance of building permit and schedule residential development.

At the time the Town of Moraga issues building permits, the Project Applicants shall pay the applicable school impact fees for new residential, commercial and retail construction to the MSD. The current fees are $2.05/sf for new residential construction and $0.33/sf. The AUHSD does not collect school impact fees, but currently assesses an annual parcel tax of $189 throughout the district. This assessment is scheduled to expire on June 25, 2011 (Acalanes Union High School District 2007). Table 4.K-5 provides an estimate of school impact fees for the Proposed Project and All Action Alternatives at existing rates.

For the purposes of this analysis, new single-family detached residences are assumed to be an average 4,000 sf and generate $8,200 in fees per home. All other housing, including multi-family, Saint Mary's College student/faculty/ staff housing, and senior housing, are all assumed to be an average of 1,500 sf, generating $3,030/unit.

New commercial and retail square footage for the Proposed Project and All Action Alternatives, and includes that described in the Project Description, plus the following:

- Hotel/Bed & Breakfast are assumed to include a total of 1,000 sf of developed space per room accommodation; and
- Congregate care and assisted living facilities are assumed to include a total of 500 sf of developed space per accommodation unit.

Impacts to schools are considered fully mitigated under state law by the payment of state mandated school impact fees (SB 50), and no additional mitigation is required. Nonetheless, the Town has an interest in maintaining the quality of public schools while avoiding potential environmental impacts associated with new school construction. Consequently, prior to the issuance of building permits, the Town shall consult with the MSD to obtain the most recent enrollment projection figures. When necessary to avoid a potential exceedence of existing school capacity, the Town shall request the Project Applicant to voluntarily develop a modified residential construction schedule to avoid or minimize potential overcrowding in the school system.

The MSD could implement one or more strategies to alleviate minor or moderate levels of elementary school crowding without building new school sites. The MSD could manage high enrollments by altering school boundaries or transferring students within the district in order to regulate class sizes. Classroom capacity could be expanded by converting one or more special use rooms (e.g., science or music rooms) to classrooms, or by building new classrooms on existing campuses.

Due to the inherent uncertainty in creating school enrollment projections, however, the Town of Moraga shall consult with the MSD to obtain the most recent enrollment figures and projections when new residential building permit applications are submitted. When necessary to avoid potentially exceeding

existing school capacity, the Town shall request that the applicant voluntarily develop a modified construction schedule for new single-family residential development.

Table 4.K-5

Estimated Moraga School District Impact Fees – All Action Alternatives

	Residential Housing Units				Commercial/Retail		
MCSP Alternative	**Detached single-family[1]**	**Other housing[2]**	**Total new sf**	**School Impact Fee ($2.02/sf)**	**Total new sf[3]**	**School Impact Fee ($0.33/sf)**	**Total School Impact Fee ($)**
Proposed Project (720 units)	20	700	1,130,000	$2,282,600	300,000	$99,000	**$2,381,600**
Alternative 2 (339 units)	339	0	1,356,000	$2,739,120	180,000	$17,280	**$2,756,940**
Alternative 3 (400 units)	50	350	725,000	$1,464,500	195,000	$59,400	**$1,523,900**
Alternative Alternative ~~3~~4 (560 units)	65	495	1,002,500	$2,025,050	180,000	$64,350	**$2,089,400**

Notes:
[1]Low density, detached single-family housing with an average of 4,000 sf/home.
[2]All higher density and multi-family housing, including Saint Mary's College housing, and active senior housing, with an average of 1,500 sf/housing unit.
[3]Includes Project Description for commercial/retail, a total developed area of 1,000 sf/hotel and bed & breakfast accommodation, and 500 sf/unit for assisted living/congregate care unit

After Mitigation: *Less than Significant Impact; Proposed Project and All Action Alternatives*

Impacts to schools are considered fully mitigated under state law by the payment of state mandated school impact fees (SB 50), and no additional mitigation is required. If built and occupied today, the Proposed Project and Alternatives 2 and 4 are expected to exceed the residual capacity in the elementary schools, while the intermediate and high schools are expected to have sufficient residual capacity to accommodate new students associated with the project. Alternative 3 is not expected to result in an exceedence of existing school capacity.~~There is sufficient existing capacity in the public schools to accommodate all projected new students without requiring the construction of new facilities. Therefore,~~

Mitigation Measure 4.K-1a and 4.K-1b will reduce the potentially significant impact associated with increased student enrollment in local public schools to a less than significant level. ~~Due to the inherent uncertainty in creating school~~

~~enrollment projections, however, the Town of Moraga shall consult with the MSD to obtain the most recent enrollment figures and projections when new residential building permit applications are submitted. When necessary to avoid potentially exceeding existing school capacity, the Town shall request that the applicant voluntarily develop a modified construction schedule for new single-family residential development.~~

Impact: **4.K-2. Will the Project conflict with local policies for providing public school facilities?**

Analysis: *No Impact; Alternative 1 (No Project)*

Alternative 1 (No Project) involves no change to existing General Plan policies and no new construction or ground disturbance, and will have no effect on existing policies. No mitigation is required.

Analysis: *Less than Significant; Proposed Project and All Action Alternatives*

The Project and all Action Alternatives are consistent with existing General Plan goals and policies related to providing school facilities. Table 4.K-6 below lists all relevant policies and describes how the Proposed Project and All Alternatives are consistent. This is considered a less than significant impact and no mitigation is required.

Mitigation: No mitigation is required.

Table 4.K-6

Consistency Analysis with General Plan Policies

General Plan Policy	Consistency Determination
Policy 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.	Consistent. The potential impacts of the Proposed Project and All Alternatives on school facilities are described and analyzed in this EIR. The MSD and AUHSD will review the data and analysis presented in this document.
Policy FS2.2: Pace of Growth. Control the timing and location of new residential development in a way that allows the MSD and ACUHSD to plan and finance facility expansion in an orderly fashion.	Consistent. The scheduling of new residential construction for the Proposed Project and All Action Alternatives is considered in Mitigation Measures 4.K-1 as a means to mitigate potential adverse impacts on school facilities due to project-related increased in enrollments.
Policy 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.	Consistent. The payment of appropriate school impact fees consistent with State law (SB 50) for the Proposed Project and All Action Alternatives is described in Mitigation Measures 4.K-1 as a means to mitigate potential adverse impacts on school facilities due to project-related increased in enrollments.

4.K-4 CUMULATIVE IMPACTS

The Proposed Project and all Action Alternatives are expected to result in potentially significant impacts to public school facilities due to substantial projected increases in school-age children associated with new residential development. The Proposed Project is expected to add 133 new elementary school students, 118 new intermediate school students, and up to 113 new high school students. While MSD and AUHSD currently have available residual capacity to accomodate these new students within existing classrooms, other residential development projects have been approved or proposed in the Town of Moraga that, if built, will cumulatively affect school enrollment and capacity. These other residential construction projects include Rancho Laguna 2, Palos Colorado, and Bollinger Valley, which together will add 279 new single-family homes to Moraga. The 2002 General Plan EIR assumed a complete buildout of 698 new homes in Moraga during the planning period. Table 4.K-7 below provides a summary of the new homes, students, and impact fees that would be generated by the Proposed Project, other planned or proposed projects in Moraga, and complete buildout of the 2002 General Plan.

For the purposes of this analysis, only MSD-wide enrollment and capacity projections are provided because new students would be generated throughout district boundaries. Only the upper end projection for the number of high school students is presented. A key assumption of the calculations presented in Table 4.K-7 is that all projects are currently built and occupied, and

the existing school capacity for the ~~2007-2008~~2008-2009 school year is held constant. Consequently, this scenario is unrealistic because enrollments and residual school capacity are expected to change with demographic shifts in Moraga independent of any new project, and it is highly unlikely that any one of these projects will be built and occupied within a single year, and even less likely that more than one will be completed simultaneously.

Table 4.K-7

Potential Cumulative Impacts to Public Schools

Cumulative Scenario	Elementary School		Intermediate School		High School[1]		School impact fees at $2.02/sf (residential only)[2]
	New students	Residual capacity	New students	Residual capacity	New students	Residual capacity	
Proposed Project with Other Residential Projects[3]	244	~~188~~(150)	217	~~-47~~33	206	~~88~~70	$6,510,460
Proposed Project with 2002 General Plan Full Buildout[4]	216	~~216~~(94)	192	~~-22~~58	182	~~112~~94	$4,536,920

Notes:
[1]*Only the higher end enrollment projection of 0.25 student per sfu is presented.*
[2]*Includes only residential fees at $2.02/sft as other projects have none or an undefined quantity of commercial-retail space. Assumes an average single-family detached home size of 4,000 sf with all other housing units an average of 1,500 sf.*
[3]*Other projects include a total of 279 new single-family detached housing units.*
[4]*Full buildout of the 2002 General Plan includes 698 new homes, subtracting 339 (278 multi-family and 45 single-family detached) homes assumed to be built within the MCSP area.*

The cumulative impact of existing approved and proposed major residential developments in Moraga or full build out of the General Plan is expected to be 244-216 new elementary and 217-192 new intermediate age students in MSD, and up to 206-182 new students in AUHSD. The expected residual capacity in the schools will accommodate ~~elementary~~ intermediate and high school age students, but ~~Joaquin Moraga Intermediate~~elementary s~~S~~chool capacity would~~ill~~ be exceeded by ~~47-22~~94-150 students. This is considered a significant cumulative impact on existing school facilities, and may decrease the quality of public school facilities or cause environmental impacts associated with construction of new facilities to adequately accommodate the increased number of students at current standards.

Construction and occupation of all planned and approved residential projects will substantially increase the number of school age children, but impacts to school facilities are difficult to predict. Actual school enrollment is very difficult to predict beyond a few years into the future. For example, a 2002 study for the MSD provided high, medium, and low enrollment projections, and by 2005 MSD enrollment was below the lowest estimate and has continued to decline (Jack Schreder & Associates 2002, Simonin 2007).

The cumulative school enrollment projections and impact analysis on school capacity presented in Table 4.K-6 above assume, unrealistically, all projects are currently built and occupied with present school enrollment figures. The final number of residences, and the construction schedule, are still unknown. Normally, larger scale developments are built over multiple years in a series of phases due to permit constraints, developer funding, and market-driven demand. Current estimates for the Bollinger Valley project, for example, is a 5-20 year construction timeline, and the Moraga General Plan covers a planning period through the year 2022.

School enrollment is also largely a function of long-term and unpredictable demographic shifts. Residential communities progress through cycles of aging demographics or influxes of younger families. Regional shifts in the job market and housing affordability affect where families live and work. School enrollment in Moraga has been declining for several years, and actual school capacity will change by the time any one of these projects is developed. Therefore, until building permits are issued, and school enrollment and capacity is reasonably predictable for the time or expected occupancy, it is considered speculative to make a determination of the cumulative impact of all these projects on schools.

All of these projects will be required to pay school impact fees, currently estimated to total $6.5 - 4.5 million for just the residential components, and impacts to schools are considered fully mitigated under state law by the payment of state mandated school impact fees (SB 50), and no additional mitigation is required. Nonetheless, the Town of Moraga may consult with the MSD and AUHSD during the building permit application process, and as needed, request that project applicants voluntarily revise construction schedules to minimize impacts to school facility capacity.

4.K-5 PREPARERS AND REFERENCES

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4.L PUBLIC SERVICES

4.L PUBLIC SERVICES

This section addresses the public services constraints on improvements and construction of facilities as part of the MCSP and alternatives. The setting section provides information on the existing conditions of these public services and facilities.

4.L-1 ENVIRONMENTAL SETTING

Police Services

The Moraga Police Department (MPD) provides police services to the Town of Moraga. ~~is within the jurisdiction of the Moraga Police Department (MPD)~~ The Contra Costa County Sheriff's Department provides assistance in responding to emergency calls in Moraga as needed. Traffic related offenses are the responsibility of the California Highway Patrol in the County outside the Town of Moraga and other unincorporated areas.

~~located on Rheem Boulevard. Response time to the far side of the project area would be approximately 3 min.~~ A total of 13 sworn officers, five reserve officers, and two civilians currently comprise the MPD. The sworn personnel include the Chief of Police, three Sergeants, one Detective and eight Patrol Officers. Currently there are 0.79 officer~~s~~ per 1,000 people in the Town of Moraga.

~~Crime in~~ Moraga has a~~is~~ relatively low crime rate. From 2004-2007, an annual average of 254 Part I crimes and 4,974 calls for police service were reported. Part I crimes are a U.S. Department of Justice classification for statistical reporting purposes and are the eight most serious felony violent and property crimes. Part I crimes are homicide, rape, assault, robbery, burglary, larceny, and vehicle theft. Calls for service include calls dispatched to the MPD Patrol Division, and do not include telephone calls to the police station, counter reports, police officer contacts with citizens, or outside assistance from other agencies (Priebe 2008).

Moraga averaged one Part I crime per 63 residents in 2007 (Federal Bureau of Investigation 2009). Moraga's crime rate is approximately 30% less than the surrounding cities of Lafayette, Orinda, Danville, Pleasant Hill, and Walnut Creek, which averaged one crime per 43 residents, and only one-third the rate of all California cities, which averaged one crime per 39 residents. ~~as compared to other areas of Northern California. While the staff levels of officers is below what is generally accepted standard of 1 officer for every 1,000 people, the relative low crime rates for the area allow the MPD to adequately respond to calls for service. In addition, the Contra Costa County Sheriff's Department provides assistance in responding to emergency calls. Traffic related offenses are the responsibility of the California Highway Patrol in the County outside the Town of Moraga and other unincorporated areas.~~

Most (73%) Part I crimes in Moraga occur in main commercial centers and higher-density residential areas. Approximately 29% of reported crimes occur in Moraga Town Center, Rheem Valley Shopping Center, and other commercial/retail areas. Some 44% of crimes were reported in the two highest density residential neighborhoods adjacent to St. Mary's College and the Ascot Drive neighborhood (Priebe 2008).

While the number officers in Moraga is below the generally accepted standard of one per 1,000 people, the relative low crime rates for the area allow the MPD to adequately respond to calls for service. The low rate of Part I crimes in Moraga is underscored by the number of crimes reported each year to the number of sworn officers. In 2007, MPD reported 21 Part I crimes per officer. Other cities in the region – Lafayette, Orinda, Danville, Walnut Creek, and Pleasant Hill – had higher rates and averaged 30 crimes per officer in 2007 (Federal Bureau of Investigation 2009).

The low crime rate has contributed to the ability of the MPD to meet its goal for maintaining a three-minute response time for emergency calls. The response time from MPD offices on Rheem Boulevard to the farthest side of the MCSP area would be about three minutes. This response time is favorable compared to other local jurisdictions. The City of Orinda reported a 5:22 average response time in 2007, of which an estimated four minutes were travel time.

Fire Protection

The Moraga-Orinda Fire District (MOFD) provides fire protection services for the Town of Moraga. Station 41 ~~located~~ at 1280 Moraga Way is within the ~~project~~ MCSP area and will be the primary responder with a response time of two minutes. MOFD is responsible for providing emergency services including residential, commercial and wild land fires, medical emergencies and other hazardous situations. First Responder Paramedics is also located at Station 41 and is available for responding to necessary emergency situations. Total staff of the MOFD includes 72 employees, 24 reserve firefighters and 6 volunteer communication personnel. Station 41 ~~currently occupies~~ has five rescue responders, an aerial ladder fire engine, an ambulance, a wild land engine, and a California Office of Emergency Services fire engine. Two other stations are in the vicinity of the project, Station 42 and Station 44. These stations would also be available for emergency response.

Individual fire flows for structures are based on structure size and construction type with a range of 1,000 to 2,000 gallons per minute at 20 psi for two hours. The fire flow requirements for MCSP proposed buildings will be addressed upon individual evaluation of specific structures once development applications are available.

4.L-2 REGULATORY SETTING

Town of Moraga Goals, Objectives and Policies

The Moraga 2002 General Plan has numerous goals, objectives and policies addressing public services. The applicable goals, objectives and policies are listed below.

Goal GM1 Growth Management - Maintenance of approved Performance Standards for Town facilities, services and infrastructure.

Policy 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. Proposed developments must include mitigation measures to assure that these standards or their equivalent are maintained. Modification to these standards may be accomplished by a resolution of the Town Council.

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.

Goal PS2 Police and Emergency Services - A high level of fire and life safety.

Policy 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.

Policy PS3.2 Fire Stations. Maintain two fire stations in the Town. Work with the Moraga-Orinda Fire District to support its ongoing facility improvement program, including but not limited to the relocation of Station 42 from Rheem Boulevard to Moraga Road (as indicated on the General Plan Diagram).

Policy PS3.3 Response Times. Provide a maximum emergency response driving time of 3 minutes and/or a travel distance of not more than 1.5 miles for response vehicles from the closest fire station to arrive and effectively control fires and respond to medical and other emergencies in the community.

Policy PS3.4 Fire Flows. Deploy the fire-fighting forces of the Moraga-Orinda Fire District to deliver a minimum fire flow in accordance with the adopted standards of the Moraga-Orinda Fire District. Major fires requiring fire flows in excess of the adopted standards will exceed the initial fire attack capability of local fire-fighting forces and structures involved in such fires are expected to incur major fire damage unless protected by fire resistive interiors and fire sprinkler systems.

Policy PS3.5 Development Review for Emergency Response Needs. Evaluate new development proposals to ascertain and mitigate problems associated with emergency response needs.

Policy 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.

Policy PS3.7 Preemptive Devices at Traffic Signals. Equip all new traffic signals with preemptive devices for emergency response services. Existing traffic signals significantly impacted by new developments shall be retrofitted with preemptive devices at developer's cost.

Policy 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.

Policy 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/multi- unit 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 areas shall be equipped with approved built-in fire protection systems.

Policy PS3.10 Fire Protection Systems. Cooperate with the Moraga-Orinda Fire District to enforce requirements for built-in fire protection systems as required by ordinance, including specialized built-in fire protection systems that may be required based upon building size, use or location.

Policy PS3.11 Development Review by the Moraga-Orinda Fire District. Require proposed construction projects that meet criteria established by the Moraga-Orinda Fire District (MOFD) to be reviewed by the MOFD at the beginning of the Town review process and before permits are issued. The MOFD shall submit conditions of approval for such projects to ensure that they meet adopted fire safety standards.

Policy PS3.12 Hazardous Fire Areas. Apply special fire protection standards to all new developments in hillside, open space, and wild land interface areas. Fire prevention measures such as removal of dry grass and brush, landscaping with fire and drought-resistant vegetation, provision of adequate water supplies and access for fire-fighting vehicles shall be required to reduce the risk of wild land fires. All new structures located in hazardous fire areas shall be constructed with fire resistant exterior materials consistent with applicable building codes and standards.

Policy PS3.13 Dry Grass and Brush Control. Require that all properties be maintained so as to preclude the existence of dry grass and brush that would permit the spread of fire from one property to another. Encourage preventive measures by homeowners to reduce fire risks.

Policy PS3.14 Fire Retardant Roofing. Require fire retardant roofing of Class B or better in all new construction and when replacing roofs on existing structures.

Policy PS3.15 Fire Roads and Trails. Require adequate fire access to open space areas in accordance with Moraga-Orinda Fire District standards.

Evaluation Criteria

Table 4.L-1 presents criteria for analysis of public services impacts.

Table 4.L-1

Evaluation Criteria with Points of Significance

Evaluation Criteria	As Measured by	Point of Significance	Justification
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?	Police response time; Ratio of service personnel to population	More than 3 minute response time for emergency and 7 minutes for non-emergency calls; reduced ratio of officers	CEQA Guidelines VII(g), XIII(a) and XV(e); MPD service standards; Moraga General Plan Policies PS3.6 and GM1.5
b. Fire protection?	Fire response time; Ratio of service personnel to residential population	More than 2 minute response time for fire; More than 1.5 miles from fire station	CEQA Guidelines VII(g), XIII(a) and XV(e); MOFD service standards; Moraga General Plan Policies PS3.6 and GM1.5
4.L-2. Will the Project impair or physically interfere with an adopted emergency response or evacuation plan?	Inconsistencies with plan policies or impediments to implementation	Greater than 0 plan or policy conflicts	CEQA Checklist VII(g) and XV(e); MOFD and MPD adopted response and evacuation plans; Moraga General Plan Policy PS3.1

4.L-3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table 4.L-2 presents potential public services impacts, outlines points of significance, type of impact and also ranks the level of significance for all Alternatives. The potential for public services conflicts is determined by the location of the project in proximity to services, current service levels and the project's potential to disrupt existing services.

Adequate Police and Fire Protection Service is the primary public services concern for all the Alternatives.

Table 4.L-2

Public Services Impacts –All Alternatives

Impact	Point of Significance	Type of Impact[1]	Level of Significance
4.~~K~~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?	More than 3 minute response time for emergency and 7 minutes for non-emergency calls; reduced ratio of officers	P	Proposed Project ⦿~~⊖~~ Alternative 1 (No Project - Existing Conditions) == Alternative 2 (339 Unit Alternative - GP Development Level) ⦿~~⊖~~ Alternative 3 (400 Unit Alternative) ⦿~~⊖~~ Alternative 4 (560 Unit Alternative) ⦿~~⊖~~
b. Fire protection?	More than 2 minute response time for fire; More than 1.5 miles from fire station	P	Proposed Project ⦿~~⊖~~ Alternative 1 (No Project - Existing Conditions) == Alternative 2 (339 Unit Alternative - GP Development Level) ⦿~~⊖~~ Alternative 3 (400 Unit Alternative) ⦿~~⊖~~ Alternative 4 (560 Unit Alternative) ⦿~~⊖~~
4.~~K~~L-2. Will the Project impair or physically interfere with an adopted emergency response or evacuation plan?	Greater than 0 plan or policy conflicts	P	Proposed Project ❍ Alternative 1 (No Project - Existing Conditions) == Alternative 2 (339 Unit Alternative - GP Development Level) ❍ Alternative 3 (400 Unit Alternative) ❍ Alternative 4 (560 Unit Alternative) ❍

Source: HBA 2008

Notes: 1. Type of Impact: 2. Level of Significance:

C	Construction	●	Significant impact before and after mitigation
P	Permanent	⊙	Significant impact before mitigation; less than significant impact after mitigation
		❍	Less than significant impact; no mitigation proposed
		==	No impact

Impact: **4.L-1.a. Will the Project increase demand for police services to such a degree that accepted service standards are not maintained and new facilities are required to maintain service standards for the following:**

Analysis: *No Impact; Alternative 1 (No Project)*

Implementation of the No Project Alternative would not result in any increase in demand for Police Protection Services due to the fact that no increase in development or population would occur. Therefore no impact will result.

Analysis: *~~Less than~~Potentially Significant; Proposed Project and All Action Alternatives*

The MCSP and a~~A~~ll action alternatives would result in an increase in new residents in the Town of Moraga. This increase in population within the Town would result in an increased need in police protection services. The Proposed Project would result in an estimated 1,614 new residents in the Town of Moraga, or 434 fewer residents than analyzed in the 2002 General Plan EIR for the full buildout of the General Plan. The Proposed Project is an overall increase of 10% of the population of Moraga at full MCSP buildout. The expected population increase under each alternative would be less than the Proposed Project. Table 4.B-3 in Section 4.B: Population, Employment, and Housing, provides a summary of the estimated new residents in the MCSP area under the Proposed Project and each alternative.

As stated in the setting section the accepted standard is one officer per 1,000 residents. While the existing ratio of 0.79 officers per 1,000 people is below this standard, it is currently accepted due to the relative low crime rate within the Town of Moraga. The Town currently has about one Part I crime per 63 people, and 21 crimes per officer per year, compared to an average of one crime per 43 people and 30 crimes per officer in neighboring cities, and one crime per 39 people in all California cities (Federal Bureau of Investigation 2009).

The Proposed Project and Action Alternatives would result in increased calls and emergencies, which would impact the MPD's ability to maintain response times and provide adequate service. Due to the close proximity of the project area to the MPD, the response time would not be negatively impacted below acceptable levels. The increase in population, however, has potential to decrease availability of officers due to increased demand and therefore decrease response time during multiple call periods.

The MCSP area would include new commercial, retail, and multi-family residential housing. Similar land uses in Moraga have a proportionately high number of reported Part I crimes and calls for police service. The existing commercial, retail, and non-senior high density housing areas in Moraga report about 73% of the Part I crimes in Moraga (Priebe 2008).

Assuming the crime rate in Moraga remains steady with MCSP buildout, the 1,614 new residents would be associated with 26 new Part I crimes per year. If crime were to increase to the average of surrounding cities, buildout could lead to 38 new Part I crimes per year. To maintain current service levels, the increase in crime would require the addition of one (Alternative 2) to two (Proposed Project, Alternatives 3 and 4) new sworn offcers in the MPD.

~~The increase in development as proposed in the Action Alternatives would require anywhere between one (Alternative 2) and two (Proposed Project) new police officers.~~ While the existing crime rate is relatively low, the increase in population, and especially the increased commercial, retail, and multi-family housing, would further degrade existing service ratios and could have an impact on the safety of existing and future residents. The 2002 Moraga General Plan EIR states the existing facilities for the Town of MPD are currently inadequate. The required increase of officers due to increases in population would likely exacerbate this condition. Therefore this impact is considered potentially significant.

Mitigation: **4.L-1a: Fee Payment to the Town of Moraga for increased Police Protection Services and Review of Design Guidelines and Project Plans.**

As stated in the MCSP, ~~The~~ Project ~~developers~~ applicants shall be required to provide payment to the Town of Moraga General Fund for increased ~~Police~~ police ~~P~~protection ~~Services~~services. Payment shall be required upon completion of approved projects that will result in an increase in population within the MCSP area. The amount of payment shall be equal to the degree of increased population that would be necessary to maintain the one Police Officer per 1,000 residents ratio for the new development population levels. Fees shall be paid prior occupation of new structures, and shall include the development's proportional fair share to support the full cost of additional police services, including new sworn officers, administration, equipment, vehicles, and facilities.

The MCSP includes provisions requiring the Design Guidelines (Appendix B) to be reviewed by the MPD to ensure building setbacks, access, and visibility, especially in higher density housing and commercial areas, are consistent with public safety goals and the needs of first responders. The Town shall take into consideration MPD comments on

the MCSP Design Guidelines and make final revisions prior to adoption of the MCSP. Changes requested by MPD need to be reviewed to ensure consistency with Housing law AB2348 regarding ministerial design review for high density housing. The MPD shall also be provided proposed project-level plans to review for consistency with design elements related to public safety, emergency access, and evacuation plans.

~~The~~

After Mitigation: *Less than Significant Impact; All Action Alternatives*

Payment of fees to the Town of Moraga would allow ~~for~~ the MPD to ~~maintain~~ increase personnel, equipment, and facilities to maintain adequate response times, ~~-~~levels of service, and availability to respond to emergencies~~. Monies would also be used for operation and expansion of facilities that are necessary due to increases in population~~. Incorporating MPD comments into MCSP Design Guidelines (Appendix B) would ensure that goals and objectives for public safety, including visibility, emergency vehicle access, and evacuation, would be considered in the project-specific design review process.

Impact: **4.L-1.b. Will the Project increase demand for fire protection services to such a degree that accepted service standards are not maintained and new facilities are required to maintain service standards for the following:**

Analysis: *No Impact; Alternative 1 (No Project)*

Implementation of the No Project Alternative would not result in any increase in demand for Fire Protection Services because no increase in development or population would occur. Therefore no impact will result.

Analysis: *~~Less than~~Potentially Significant; Proposed Project and All Action Alternatives*

Construction of proposed structures and development within the MCSP area would increase ~~the~~ potential for fires and emergencies within the Town of Moraga. MOFD Station 41 is located within the ~~Proposed Project~~MCSP area~~ and associated Action Alternative areas~~. Response times to all areas in the MCSP area would be less than three minutes. No part of the MCSP area is more than 1.5 miles away from a MOFD station and is in compliance with the evaluations standards outlined in the setting. ~~Based on input from MOFD and the close proximity of the proposed development to existing emergency services buildings and stations, existing MOFD service capacity is adequate (Borden 2008).~~

~~While MOFD Battalion Chief Borden (April 2008) states that the the proposed increased development may result in increased need for fire protection services, discussions with MOFD Battalion Chief Borden~~

~~(April 2008) revealed that the existing level of staffing, equipment, and facilities at Station 41 are considered adequate to serve the MCSP area~~However, buildout of the MCSP would result in a potentially significant impact on the provision of fire protection and emergency services due to the expected increase in calls for service.

~~and station placement in the area would be sufficient to meet the fire protection need resulting from development of the MCSP Action Alternatives.~~

~~Fire Station 41 is located within the MCSP area, and the response time to all areas within the project site would be less than three minutes. No part of the Proposed Project would be further than 1.5 miles away from a MOFD station and therefore is in compliance with the evaluations standards outlined in the setting. Based on input from MOFD and the close proximity of the proposed development to existing emergency services buildings and stations, the existing service capacity is adequate.~~ The MCSP will add up to 1,614 new residents, 720 homes, and up to 140,000 square feet of commercial or office space. Senior housing averages about one call per bed or unit per year. Over 70% of current calls are for medical response, with 60% coming from senior citizens. At this rate of service calls, the MCSP's 450 senior or assisted living units alone will result in an estimated 450 new medical service calls per year, a 25% increase above the existing number of calls for service at Station 41 (Meyers 2008). This is a potentially significant impact to existing staffing levels.

The MCSP ~~proposed~~includes maximum building heights ~~of~~of 35 feet for the proposed residential and community commercial and office uses. However, it proposes maximum building heights of 45 feet for the Mixed Commercial-Residential and Mixed Office-Residential land uses. These land uses consist of approximately 16.4 acres of the proposed MCSP area. The MOFD states that 45 foot tall buildings require an aerial ladder truck for fire calls. With a single aerial ladder, the MOFD lacks the ability to respond to more than one call for service to taller buildings simultaneously, which may endanger life and property.

~~Significant traffic impacts at certain intersections in Moraga described in Section 4.F will increase response times. Significant traffic impacts to intersections and roads in Lafayette will increase response times for mutual aid assistance. Station 41 cannot be remodeled or expanded within its existing property to accomodate the new staff and equipment needed to maintain existing service levels with MCSP buildout.~~

P~~However, p~~roposed MCSP residential and commercial development may create unsafe fire conditions if not properly designed. The MCSP will include new roadways serving high density residential and commercial buildings. Street designs, circulation patterns, and building setbacks that do not meet current M~~P~~OFD and Town standards for emergency access

and evacuation would result in a potentially significant impact on emergency services, endangering life and property in Moraga. Station 41 cannot be remodeled or expanded within its existing property to accomodate the new staff and equipment needed to maintain existing service levels with MCSP buildout. Therefore, impacts to MOFD facilities are considered potentially significant.

As such, the following mitigation measures will ensure potential fire protection impacts are less than significant upon construction of the proposed development (Meyers 2008).

Mitigation: **4.L-1b: Development Impact Fees and a Fire Protection Plan and Review of Design Guidelines and Project Plans.**

Potentially significant impacts to fire protection and emergency services would be reduced to a less than significant level by new developments paying their proporational fair share fees for new staff, equipment, and facilities to maintain the existing level of service in Moraga. The Town would develop an impact fee schedule in coordination with the MOFD. The impact fees shall be used to maintain fire protection and emergency service levels in the MCSP area and vicinity by funding its fair share of one or more of the following (Meyers 2008):

- Buildings and/or property to expand staff, equipment, and administration at Station 41 or other identified facility or property to maintain current levels of service and response times as new developments occur in the MCSP area;
- Ambulance and other equipment; and
- Aerial ladder fire engine.

The project developers shall provide to the Town of Moraga and the MOFD for review and approval a Fire Protection Plan that shall include the following:

- The proposed structures shall be serviced by adequate water supplies to provide adequate flow and pressure for fire suppression.
- Fire hydrants shall be installed at the required distances from all commercial and residential structures.
- The proposed project shall be consistent with the Town of Moraga's emergency evacuation plan and all streets shall be sized to allow for adequate access of emergency vehicles.
- Demonstrated compliance with relevant General Plan Public Safety Goals and Policies.

- Fire sprinklers shall be installed in commercial buildings and single family dwellings as required by the MOFD in accordance with Ordinance #02-02.

- Emergency vehicle access and evacuation plans, circulation plans, including street designs and building setbacks.

The MCSP includes provisions requiring the Design Guidelines (Appendix B) to be reviewed by the MOFD to ensure building setbacks, access, visibility, and building heights, especially in higher density housing and commercial areas, are consistent with public safety goals and objectives for fire protection and emergency services. The Town shall take into consideration MOFD comments on the MCSP Design Guidelines and make final revisions prior to adoption of the MCSP. The MOFD shall also be provided proposed project plans to review for consistency with design elements related to public safety, emergency access, and evacuation plans.

After Mitigation: *Less than Significant Impact; All Action Alternatives*

Payment of fees to the Town of Moraga would allow the MOFD to increase personnel, equipment, and facilities to maintain adequate response times, levels of service, and availability to respond to emergencies. Incorporating MOFD comments into MCSP Design Guidelines (Appendix B) would ensure that goals and objectives for public safety, including emergency vehicle access and evacuation, would be considered in the project-specific design review process.

Impact: **4.~~K~~L-2. _Will the Project impair or physically interfere with an adopted emergency response or evacuation plan?**

Analysis: *No Impact; Alternative 1 (No Project)*

Implementation of the No Project Alternative would not physically interfere with an adopted emergency response or evacuation plan due to the fact that no increase in development or population would occur. Therefore no impact will result.

Analysis: *Less than Significant Impact; Proposed Project and All Action Alternatives*

The MCSP, as noted in the project description is in the central part of the Town of Moraga. Development of the proposed specific plan will require installation of new roadways and infrastructure. This new development, including new roadways, curb cuts, and signals will be required to comply with the Town of Moraga's evacuation plan. The proposed project will not impede egress due to its central nature, therefore this impact is considered to be less than significant.

Mitigation: No mitigation is required.

4.L-4 CUMULATIVE IMPACTS

The impacts of other projects in the vicinity of the Proposed Project may have cumulative impacts when reviewed together with the MCSP. These projects include the following projects:

- Bollinger Valley residential development project consisting of 121 new homes in the Bollinger Canyon just to the south of the Moraga Center and to the east of St. Mary's College;
- Rancho Laguna 2 Residential Development, a proposed 32 single family home development;
- Palos Colorado, an approved 123 home development within the Town of Moraga and,
- Buildout of the 2002 Moraga General Plan.

The impacts on public services that may result from these projects listed above when considered together with the Proposed Project have the potential to create cumulative impacts. Many of the impacts to public services from these other development projects would be similar to those identified in the analysis mentioned above. However the Bollinger Valley, Rancho Laguna 2 and Palos Colorado projects have impacts associated with exposure of these developments to wild fire, as they are adjacent to non-developed areas. These other project sites are located greater distances from police and fire stations, so emergency response times may not be adequate.

Cumulative buildout in Moraga may add 2,563 residents and 1,000 new homes within the Town. Cumulative traffic impacts to intersections and roadways identified in Section 4.F, coupled with increase demands for service due to new construction outside of the Town may adversely impact response times and capacity for providing mutual aid to with Contra Costa County or the Cities of Lafayette and Orinda (Meyer 2008). Station 41 in the MCSP area cannot be remodeled or expanded within its existing property to accomodate the new staff and equipment needed to maintain existing service levels with MCSP buildout and construction of other planned or proposed developments in Moraga (Meyers 2008).

All new development is required to pay service fees to the Town of Moraga to ensure adequate Police Protection Services are maintained. In addition, all properties are required to pay a Fire Flow Tax. The Fire Flow Tax is utilized exclusively for improvements to the Moraga water distribution system as operated by East Bay Municipal Utility District to ensure adequate capacity and pressure. Mitigation Measure 4.L-1b above includes the imposition of a development fee in the MCSP area for new construction to pay for its proportional fair share of increased fire protection and emergency services. Mitigation measures are proposed for the other projects to decrease

any significant impacts to less than significant. Therefore these impacts when considered together will be less than significant.

4.L-5 PREPARERS AND REFERENCES

Preparers

Garth Alling, Hauge Brueck Associates

Reviewers

Rob Brueck, Hauge Brueck Associates

References

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4.M CULTURAL RESOURCES

Impact: **4.M-1. Will the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA § 15064.5?**

Analysis: *No Impact; No Project Alternative*

Under the No Project Alternative, there would be no change to existing conditions within the MCSP and therefore, no impacts to historic resources.

Analysis: *Potentially Significant Impact; Proposed Project and Action Alternatives*

As described under the setting section, there is a potentially significant historic structure within the MCSP area (Moraga Barn). Because of the age of other structures and uses within the MCSP area, it is also possible that other buildings (e.g., Moraga Ranch) and non-building sites could be added to the State's Historic Property Directory in the future. The MCSP and Action Alternatives propose expansion and renovation of the existing Moraga Ranch area, but do not provide a detailed development plan at this time. If the commercial development levels proposed in the MCSP are adopted, it is possible that new commercial development would be proposed in the Ranch. The expanded commercial uses of the Ranch would likely remodel or demolish resources that may be determined by the State to be eligible historical resources.

Remodeling

If a particular project to be developed under the MCSP would include remodeling an existing structure, the first inquiry would be whether the existing structure is included in the Historic Property Directory. The only structure within the MCSP that is on the Directory is the Moraga Barn, which has been recently remodeled. Therefore, it is unlikely that additional work will be proposed for this resource in the near future. If a structure is not on the Historic Property Directory, the next inquiry is whether the structure is 50 or more years old. If the existing structure is not at least 50 years old, it is not generally considered by the State to be a historical resource and remodeling would cause no impact.

Demolition

If a particular project to be developed under the MCSP would require demolition of an existing structure, the first inquiry would be whether the existing structure is included in the Historic Property Directory. Should the Moraga Barn be proposed for demolition, it would be considered a potentially significant impact that would require mitigation. If the structure to be demolished is not included in the Historic Property Directory, the next question is whether the structure is 50 or more years old. If not, demolition would likely cause no impact.

Mitigation: **4.M-1: Protect Potential Historic Resources.**

The records search has revealed that less than five percent of the MCSP has been subjected to intensive pedestrian archaeological survey, and very limited historic architectural survey. ~~It is recommended that a~~A cultural resources survey of the ~~entire~~ MCSP area shall be completed to identify and evaluate~~. A~~ any previously recorded and newly recorded historic architectural and archaeological resources ~~identified during the survey should be evaluated~~ for inclusion in the National Register of Historic Places and the California Register of Historic Resources~~ using the following evaluation criteria.~~

Prior to remodeling or demolishing any structure that is 50 or more years old, developers shall submit an assessment of the structure regarding its eligibility for listing to the Town planning staff. If the planning staff determines that the structure is potentially eligible for listing, or is a potential historic resource, then a site-specific analysis of the impact and feasible mitigation measures, including avoidance of the resource, shall be prepared as part of project review. The analysis will utilize significance criteria provided above under Section 4.M-2, Regulatory Setting.

After Mitigation: *Less than Significant Impact; Proposed Project and Action Alternatives*

Implementation of the mitigation measure above would reduce the potential for impacts to historic resources to a less than significant level.

Impact: **4.M-2. Will the Project cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA § 15064.5?**

Analysis: *No Impact; No Project Alternative*

Under the No Project Alternative, there would be no change to existing conditions within the MCSP and therefore, no impacts to archaeological resources.

Analysis: *Potentially Significant Impact; Proposed Project and Action Alternatives*

There are no known archaeological sites within the MCSP area. However, as is described under Impact 4.M-1 above, specific sites for development under the MCSP have not all been surveyed because specific building development locations have not been identified. Therefore, it is possible that MCSP development could impact archaeological resources. If construction were proposed at the site of an archaeological resource identified during future survey, a site-specific analysis would be required to determine whether the site constituted a "unique archaeological resource" within the meaning of Public Resources Code Section 21083.2 or a historical resource within the meaning of Public Resources Code

8 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) for the MCSP describes mitigation measures in the EIR, and presents the schedule, method, and responsible parties for implementation consistent with the CEQA Guidelines Section 15097. In general, Project Applicants or the Town of Moraga is responsible for implementing and monitoring the measures identified below. In some cases, responsible federal, state, or local agencies will be required to ensure implementation. It is anticipated that additional mitigation measures will be developed during review of individual projects, and will be identified, conditioned, and incorporated into individual project monitoring programs. Table 8-1 summarizes the MMRP. A detailed description of the mitigation measures follows the table.

Table 8-1

Mitigation Monitoring and Reporting Program Summary

Mitigation Measure	Impact Mitigated	Responsibility	Timing
4.A LAND USE			
4.A-1: Eliminate inconsistency with the Moraga General Plan (Proposed Project and Alternatives 3 and 4)	Inconsistency between the General Plan and the MCSP	Town of Moraga	Prior to MCSP adoption
4.B POPULATION, EMPLOYMENT AND HOUSING			
4.B-3: Identify alternative sites to meet housing goals (Alternatives 1 and 2)	Potential impacts to availability of affordable housing	Town of Moraga	Prior to MCSP adoption
4.C GEOLOGY, SOILS AND SEISMICITY			
4.C-1: Implement Moraga General Plan Measure 4.1-1—Prepare geologic hazard evaluations and incorporate appropriate design measures into each development project (Proposed Project and All Action Alternatives)	Potential exposure of people or structures to major geologic hazards	Project Applicants	Prior to issuance of grading and building permits
4.C-2: Implement Moraga General Plan Measure 4.1-2—Prepare and implement slope stability assessments, site grading plans, and landslide mitigation	Potential damage caused by unstable slope conditions	Project Applicants	Prior to issuance of grading permits, and during grading operations

Table 8-1

Mitigation Monitoring and Reporting Program Summary

Mitigation Measure	Impact Mitigated	Responsibility	Timing
designs (Proposed Project and All Action Alternatives)			
4.C-3a: Prevent moisture variation of expansive soils (Proposed Project and All Action Alternatives)	Potential risk to life or property	Project Applicants	Prior to issuance of grading permits, and during construction
4.C-3b: Construct appropriate foundations for expansive soils (Proposed Project and All Action Alternatives)	Potential risk to life or property	Project Applicants	Prior to issuance of grading permits, and during construction
4.C-3c: Construct appropriate foundations for corrosive soils (Proposed Project and All Action Alternatives)	Potential risk to life or property	Project Applicants	Prior to issuance of grading permits, and during construction
4.D HYDROLOGY, SURFACE WATER AND GROUNDWATER QUALITY			
4.D-1a: Develop and implement a Master Drainage Plan (Proposed Project and All Action Alternatives)	Potential surface or groundwater water quality degradation or violation of water quality standards or waste discharge requirements	Project Applicants	Prior to issuance of grading permits
4.D-1b: Develop and implement Laguna Creek Greenway Protection, Maintenance and Monitoring Plan (Proposed Project and All Action Alternatives)	Potential surface or groundwater water quality degradation or violation of water quality standards or waste discharge requirements; potential flooding, bank erosion, and/or sedimentation	Project Applicants	Prior to issuance of grading permits
4.D-2a: Demonstrate that existing springs and seeps are not dependent on the recharge from the project area (Proposed Project and All Action Alternatives)	Potential depletion of groundwater supplies or interference with groundwater recharge	Project Applicants	During Master Drainage Plan development (Mitigation Measure 4.D-1a)
4.D-2b: Capture and infiltrate runoff (Proposed Project and All Action Alternatives)	Potential depletion of groundwater supplies or interference with groundwater recharge	Project Applicants	During Master Drainage Plan development (Mitigation Measure 4.D-1a)
4.D-3: Determine peak flows due	Potential alteration of	Project Applicants	During Master

Table 8-1

Mitigation Monitoring and Reporting Program Summary

Mitigation Measure	Impact Mitigated	Responsibility	Timing
to development and reduce peak flows to below pre-project conditions (Proposed Project and All Action Alternatives)	existing drainage patterns; potential flooding, bank erosion, and/or sedimentation		Drainage Plan development (Mitigation Measure 4.D-1a)
4.D-8: Implement water quality standards and best management practices (Proposed Project and All Action Alternatives)	Potential degradation of surface water quality	Project Applicants	During Master Drainage Plan development (Mitigation Measure 4.D-1a)
4.E OPEN SPACE, VISUAL RESOURCES AND RECREATION			
4.E-2a: Develop and implement additional MCSP Design Guidelines (Proposed Project and All Action Alternatives)	Potential adverse effect on a scenic vista or damage to scenic resources; potential degradation to existing visual quality	Town of Moraga	Prior to adoption/ implementation of the Specific Plan
4.E-2b: Require internal view corridors (Proposed Project and All Action Alternatives)	Potential adverse effect on a scenic vista or damage to scenic resources; potential degradation to existing visual quality	Town of Moraga	Prior to adoption/ implementation of the Specific Plan
4.E-4: Light and glare minimization (Proposed Project and All Action Alternatives)	Potential creation of light or glare that would adversely affect day or nighttime views	Town of Moraga	Prior to adoption/ implementation of the Specific Plan
4.F TRANSPORTATION, CIRCULATION AND PARKING			
4.F-3: Install a traffic signal with the current lane configuration (Proposed Project and All Action Alternatives)	Potential creation of adverse vehicular impacts for unsignalized intersections in Moraga	Project Applicants	Prior to issuance of a building permit
4.F-4: Enhance transit service in the Lamorinda Area south of SR 24 and reduce Community Center program (Proposed Project and All Action Alternatives)	Potential creation of adverse vehicular impacts for signalized intersections in Lafayette and Orinda	Town of Moraga and Project Applicants	Prior to issuance of a building permit
4.F-5: Install traffic signals at six Lafayette intersections (Proposed Project and All Action Alternatives)	Potential creation of adverse vehicular impacts for unsignalized intersections in Lafayette	Town of Moraga and Project Applicants	Prior to issuance of a building permit
4.F-9: Ensure adequate internal circulation within the MCSP (Proposed Project and All Action	Potential creation of hazards due to design features; unsatisfactory	Project Applicants	Prior to issuance of a building permit

Table 8-1

Mitigation Monitoring and Reporting Program Summary

Mitigation Measure	Impact Mitigated	Responsibility	Timing
Alternatives)	access and/or internal circulation		
4.F-10a: Reduce potential vehicular conflicts with bicycles and pedestrian travel ways (Proposed Project and All Action Alternatives)	Potential creation of adverse impacts on the use of bicycle and/or pedestrian travel ways	Project Applicants	Prior to issuance of a building permit
4.F-10b: Provide an enhanced pedestrian crossing on Moraga Road between the Community Center Site "B" and the Moraga Commons (Community Center Site B)	Potential creation of adverse impacts on the use of bicycle and/or pedestrian travel ways	Town of Moraga	Prior to certificate of occupancy
4.F-11: Provide adequate parking supplies (Proposed Project and All Action Alternatives)	Potential creation of adverse vehicular parking impacts	Project Applicants	Prior to issuance of a building permit
4.F-C2: School Street shall remain open to general vehicle circulation between Moraga Way and Moraga Road at St. Mary's Road (Proposed Project and All Action Alternatives)	Potential creation of adverse vehicular impacts for signalized intersections in Moraga for either the approved or cumulative baselines	Project Applicants	Prior to issuance of a building permit
4.F-C5: Install traffic signal at the Glenside Drive/St. Mary's Road South intersection, and widen St. Mary's Road for a left turn pocket (Proposed Project and All Action Alternatives)	Potential creation of adverse vehicular impacts for unsignalized intersections in Lafayette	Project Applicants	Prior to issuance of a building permit
4.G AIR QUALITY			
4.G-1: Implement measures to reduce dust generation and diesel exhaust during construction periods (Proposed Project and All Action Alternatives)	Potential violation of air quality standards or contribution to an existing or projected air quality violation	Project Applicants	Prior to issuance of a grading permit
4.G-4: Implement Measures to reduce energy consumption from mobile, stationary and area sources (Proposed Project and All Action Alternatives)	Potential net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard	Project Applicants	Prior to issuance of a grading permit

Table 8-1

Mitigation Monitoring and Reporting Program Summary

Mitigation Measure	Impact Mitigated	Responsibility	Timing
4.G-5: Implement Mitigation Measures 4.F-3, 4.F-4, 4.F-5, and 4.F-11 to reduce traffic volumes and vehicle delay (Proposed Project and All Action Alternatives)	Potential impact to local air quality	Project Applicants	Prior to issuance of a certificate of occupancy
4.G-7: Implement the air pollution reduction measures identified in Table 4.G-7 and Mitigation Measure 4.G-4 above (Proposed Project and All Action Alternatives)	Potential greenhouse gas emissions and/or contribution to global warming	Project Applicants	Prior to issuance of a certificate of occupancy
4.H NOISE			
4.H-2: Implement noise control measures during construction phase (Proposed Project and All Action Alternatives)	Potential exposure to high noise levels or ground borne vibrations during construction	Project Applicants	Prior to issuance of a grading permit
4.H-4: Implement noise control measures when reviewing new residential projects (Proposed Project and All Action Alternatives)	Potential traffic noise levels exceeding noise level standards	Project Applicants	Prior to issuance of a grading permit
4.H-5: Implement noise control measures when reviewing new commercial or office projects (Proposed Project and All Action Alternatives)	Potential for development of commercial, retail, and office uses to result in noise sources which impact existing and future noise-sensitive uses	Project Applicants	Prior to issuance of a grading permit
4.I BIOLOGICAL RESOURCES			
4.I-1: Implement General Plan EIR Mitigation 4.H-1: Site specific surveys and consultation with CDFG and USFWS (Proposed Project and All Action Alternatives)	Potential loss of individuals or habitat of endangered, threatened, or rare wildlife species	Project Applicants	Prior to issuance of a grading permit
4.I-1: Implement General Plan EIR Mitigation 4.H-1: Site specific surveys and consultation with CDFG and USFWS (Proposed Project and All Action Alternatives)	Potential loss of rare plant species	Project Applicants	Prior to issuance of a grading permit

Table 8-1

Mitigation Monitoring and Reporting Program Summary

Mitigation Measure	Impact Mitigated	Responsibility	Timing
4.I-3: Implement General Plan EIR Mitigation: 4.H-3: Conduct pre-construction surveys for breeding raptors and migratory birds (Proposed Project and All Action Alternatives)	Potential loss of active raptor nests, migratory bird nests, or native wildlife nursery sites	Project Applicants	Prior to issuance of a grading permit
4.I-3: Implement General Plan EIR Mitigation: 4.H-3: Conduct pre-construction surveys for breeding raptors and migratory birds (Proposed Project and All Action Alternatives)	Potential loss of natural vegetation or habitat for sensitive wildlife species	Project Applicants	Prior to issuance of a grading permit
4.I-10: Implement General Plan EIR Mitigation Measure 4.H-9: Protect wetlands and other waters of the United States (Proposed Project and All Action Alternatives)	Potential net loss of wetlands, streams or other waters of the U.S.	Project Applicants	Prior to issuance of a grading permit
4.K SCHOOLS			
4.K-1a: Implement General Plan EIR Mitigation 4.L-1: Development impact fees (Proposed Project and All Action Alternatives)	Potential increase in demand for schools or libraries to such a degree that accepted service standards are not maintained and new facilities are required	Town of Moraga and Project Applicants	Prior to issuance of a certificate of occupancy
4.K-1b: Pay school impact fee at issuance of building permit and schedule residential development (Proposed Project and All Action Alternatives)	Potential increase in demand for schools or libraries to such a degree that accepted service standards are not maintained and new facilities are required	Town of Moraga and Project Applicants	Prior to issuance of a building permit
4.L PUBLIC SERVICES			
4.L-1a: Fee payment to the Town of Moraga for increased police protection services, and Review of Design Guidelines and Project Plans (Proposed Project and All Action Alternatives)	Potential increase in demand for public services to such a degree that accepted service standards are not maintained and new facilities are required to	Town of Moraga and Project Applicants	Prior to adoption of MCSP (Design Guidelines) and prior to issuance of a certificate of occupancy (fees)

Table 8-1

Mitigation Monitoring and Reporting Program Summary

Mitigation Measure	Impact Mitigated	Responsibility	Timing
	maintain service standards for police protection		
4.L-1b: Development impact fees, a Fire Protection Plan, and review of Design Guidelines and project plans (Proposed MCSP and All Action Alternatives)	Potential increase in 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 fire protection	Town of Moraga and Project Applicants	Prior to adoption of MCSP (Design Guidelines) and prior to issuance of a grading permit (fees, Fire Protection Plan)
4.M CULTURAL RESOURCES			
4.M-1: Protect potential historic resources (Proposed Project and All Action Alternatives)	Potential adverse change in the significance of a historical resource	Project Applicants	Prior to issuance of a grading permit
4.M-2: Protect potential archaeological resources (Proposed Project and All Action Alternatives)	Potential adverse change in the significance of an archaeological resource	Project Applicants	Prior to issuance of a grading permit
4.M-3: Protect undiscovered paleontological materials (Proposed Project and All Action Alternatives)	Potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	Project Applicants	Prior to issuance of a grading permit

4.A-1: Eliminate Inconsistency with the Moraga General Plan.

Applicability: Proposed MCSP and All Alternatives

Responsibility: Town of Moraga

Timing: Prior to MCSP Adoption

Description:

Although the densities identified in the MCSP are consistent with the General Plan's overall policy of accommodating higher densities at this location, the Town shall first amend the General Plan to add residential land use densities and other amendments as necessary prior to adoption of the Moraga Center Specific Plan. The two new proposed MCSP residential densities are 12 DUA and 24 DUA; and Alternatives 3 and 4 propose 10-12 DUA and 20 DUA. All Action Alternatives include mixed use land use designations: Mixed Retail/Residential (12-20 DUA) and Mixed Office/Residential (12-20 DUA). In addition, permitted land uses in Area 13 Mixed Office/Residential will be revised to include public service facilities, such as police or fire stations.

Action:

1) The Town Council shall amend Moraga General Plan Land Use Policies 3.1 and 3.3 to recognize residential densities consistent with the proposed MCSP and remove conflicts with land use goals and policies;
2) Under IP-B-1 Zoning and Subdivision Ordinances, revise the Town's Zoning Map, Zoning Ordinance, and Subdivision Ordinances as needed to maintain consistency with the proposed MCSP;
3) The Town Council shall revise the MCSP to include public service facilities in Area 13 Mixed Office/Residential to ensure consistency under LU4.6 with existing facilities.

4.B-3: Identify Alternative Sites to Meet Housing Goals.

Applicability: Alternatives 1 (No Project) and 2 (339 units)

Responsibility: Town of Moraga

Timing: Prior to adoption of the MCSP

Description:

If the Town adopts Alternative 1 (No Project) or Alternative 2 (339 units), impacts to housing affordability would have to be mitigated by identifying adequate sites outside of the MCSP area to make appropriate land use designations and zoning to accommodate a sufficient number of affordable housing units. This action requires a General Plan amendment to provide for higher residential densities in areas outside of the MCSP and to provide for affordable housing in other ways (e.g., mandating a greater number of second units in single family developments). The 2002 General Plan EIR states that the Rheem Center Specific Plan may be suitable for meeting some of these housing needs.

Action:

1) If the Town adopts Alternative 1 or 2, under IP-H1 (Regional Housing Need), the Town Council shall amend General Plan land use designations, zoning, and the Housing

Element as necessary to identify a sufficient number of affordable housing units in the ABAG RHNA.

4.C-1. Implement Moraga General Plan EIR Mitigation Measure 4.I-1: Prepare Geologic Hazard Evaluation and Incorporate Appropriate Design Measures into Development Projects.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permits

Description:

Potential geologic hazards in the MCSP area shall be evaluated by professional geologists or geotechnical engineers and disclosed in geotechnical investigation reports prepared in compliance with Mitigation 4.I-1 of the 2002 Moraga General Plan EIR. Potential hazards shall be mitigated by application of appropriate design standards for grading, foundations and structures as outlined in the Moraga Municipal Code. Compliance with the latest UBCs and CBCs for seismic zone 4 and Public Safety Policies mitigates potential hazards to a less than significant level. Buildings designed and constructed in accordance with these requirements, and the recommendations of the geotechnical investigation report, may experience some damage during a major seismic event but are unlikely to collapse or result in the loss of life.

Action:

1) Project Applicants shall retain a qualified California licensed geological, geotechnical, and civil engineering professionals to evaluate geologic hazards in the MCSP area, and develop appropriate design and construction standards such as the most recent UBC and CBC requirements.
    a. The reports shall be submitted to the Town for review with project application materials.
2) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

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.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading and building permits, and during grading

Description:

Landslides from strong ground shaking are the primary geotechnical concerns in Moraga. The types of landslides in the MCSP area shall be identified and mapped during geotechnical investigations required for permitting. Landslide mitigation measures will be designed into grading plans and the Master Drainage Plan where development and improvements are planned downslope of potential hazards. The specific location, extent, and depth of the required landslide

mitigation will be outlined on the final grading plans. The MCSP has areas of moderate erosion in the form of surface flow from impervious or compacted surfaces, gullying, and streambank sloughing. The potential for ground rupture is considered low since there are no known active faults in the project area. Development proposed across mapped lineations will be evaluated on a case-by-case basis. The potential for ground shaking is significant due to proximity to active faults. Project-level geotechnical investigations will determine site-specific potential for liquefaction. Landslide mitigations shall be designed in the final grading plan and Master Drainage Plan.

Geotechnical mitigation measures include, but are not limited to:

- Avoiding placement of structures in or downslope of slide areas;
- Removing landslide debris;
- Replacing landslides with engineered fill;
- Providing toe buttresses, keyways, debris benches, deflection berms, debris catchment areas, and setback areas;
- Prohibiting of ponding of stormwater; and
- Installing sub-drains to control surface water flow and spring activity.

Actions:

1) Project Applicants shall retain a qualified California licensed engineering geologist or geotechnical engineer to map and identify landslides, prepare slope stability assessments, site grading plans, and landslide mitigation designs. A slope stability assessment is required for new developments and slope stability design measures for slopes 3:1 or greater. Reports and designs shall be submitted to the Town with project applications materials.
2) Project Applicants shall retain a Geotechnical Engineer or qualified representative to be present during grading operations to observe demolition, site preparation, grading operations, and subdrain placement for compliance with plans.
3) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports review and approve the geologic hazard and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.C-3a. Prevent Moisture Variation of Expansive Soils.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permits, and during construction

Description:

Measures to prevent moisture variation of expansive soils shall be implemented during the design and construction, and will to be documented by a qualified geotechnical engineer retaiuned by the Project Applicant. These measures may include, but are not limited to:

- Over-excavate cut and fill lots;

- Moisture condition of fills to over optimum;
- Pre-soak slab subgrade areas;
- Provide a layer of non-expansive granular materials beneath slabs-on-grade as a cushion against building slab movement;
- Use aggregate base under exterior flatwork; and,
- Control irrigation and drainage adjacent to the new buildings.

Actions:

1) Project Applicants shall retain a qualified California licensed engineering geologist or geotechnical engineer to develop and incorporate appropriate protective measures to prevent moisture variation in expansive soils into site grading and construction plans. Reports and designs shall be submitted to the Town with project applications materials.
2) Project Applicants shall retain a Geotechnical Engineer or qualified representative to be present during grading operations to observe demolition, site preparation, grading operations, and subdrain placement for compliance with plans.
3) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.C-3b. Construct Appropriate Foundations for Expansive Soils.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permits, and during construction

Description:

A Geotechnical Investigation for a project-specific construction area will be required and potential for expansive soils onsite will be determined and disclosed. If expansive soils are present, building foundations will be sufficiently stiff to move as rigid units with minimum differential movements or by deepening the foundations to below the zone of moisture fluctuation. Both structural mat foundations and pier-to-grade beam foundation systems are appropriate. Slab-on-grade construction will be independent of foundations with a minimum thickness of four inches and a thickened edge extending at least six inches into compacted soil to minimize water infiltration.

Actions:

1) Project Applicants shall retain a qualified California licensed engineering geologist or geotechnical engineer to develop and incorporate appropriate protective measures to prevent moisture variation in expansive soils into site grading and construction plans. Reports and designs shall be submitted to the Town with project applications materials.
2) Project Applicants shall retain a Geotechnical Engineer or qualified representative to be present during grading operations to observe demolition, site preparation, grading operations, and subdrain placement for compliance with plans.
3) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports review and approve the geologic hazard and

geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.C-3c. Construct Appropriate Foundations for Corrosive Soils.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: Prior to issuance of grading permits, and during construction

Description:

A Geotechnical Investigation for a project-specific construction area will be required and potential for corrosive soils onsite will be determined and disclosed. If corrosive soils are present, all concrete in contact with the soil shall be designed based on Table 19-A-4 of the UBC. All metals in contact with corrosive soils shall be designed based on the results of the soil corrosivity testing and subsequent recommendations of the manufacturer or engineer.

Actions:

1) Project Applicants shall retain a qualified California licensed engineering geologist or geotechnical engineer to determine if corrosive soils are present and develop and incorporate appropriate measures into construction plans. Reports and designs shall be submitted to the Town with project applications materials.
2) Project Applicants shall retain a Geotechnical Engineer or qualified representative to be present during construction to monitor compliance with plans.
3) Prior to issuance of a grading or building permit, the Town shall review and approve the geologic hazard and geotechnical reports as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.D-1a. Develop and Implement a Master Drainage Plan (MDP).

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: Prior to issuance of grading permits

Description:

Site runoff and drainage control measures for projects are required to be prepared by California licensed engineering professionals and are reviewed and approved by the Town Engineer prior to issuance of grading and building permits. Consistent with Public Safety Policies PS5.1–PS5.7, the Town Engineer implements the Flood Control Ordinance, Streambank Repair Ordinance, and Stream Channel Standards. The following mitigation measures shall be implemented to avoid or minimize potential related water quality, stormwater runoff, and flooding impacts.

Action:

1) Project Applicants shall prepare and implement a Master Drainage Plan (MDP) based on the final development plan (which shall identify impervious surfaces, defined collection systems, retention basins and outlets, and best management practices-BMPs). The MDP shall:

a) Be prepared by a registered Civil Engineer (or appropriate licensed professional) and reviewed and approved by the Town engineer;

b) Install suitable storm drainage control system and permanent landscaping as part of construction and operation of the project to capture and infiltrate runoff;

c) Place drainage courses in common areas or drainage easements to facilitate maintenance in new development areas;

d) Limit and minimize the development footprint and associated disturbance;

e) Establish Joint Maintenance Agreements among the property owners to assure that drainage and runoff detention facilities are maintained after construction;

f) Include runoff detention basins and drainage plans to regulate development peak flows to below pre-project levels;

g) Establish a procedure for development projects to contribute to off-site (downstream) mitigation measures such as creek bank stabilization where erosion, incision, and flooding impacts already exist;

h) Conform to the SFWQCB's general construction and the Contra Costa Clean Water Program NPDES permits for stormwater discharge, including SWPPP and Provision C.3;

i) Include recharge-contaminant interceptors as part of the SWPPP;

j) Include a street cleaning and maintenance program for roads and parking areas; and,

k) Include a storm drain education program that includes labeling, strict limitation of fertilizers and pesticides and prohibits regular washing or maintenance of vehicles in paved areas that drain directly to storm drains.

2) Prior to issuance of a grading or building permit, the Town shall review and approve the Master Drainage Plan as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.D-1b. Develop and Implement Laguna Creek Greenway Protection, Maintenance and Monitoring Program.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: Prior to issuance of grading and building permits

Description:

The design goals of the Laguna Creek Greenway Protection, Maintenance, and Monitoring Program shall address reversal of channel incision, stabilization of eroding banks, removal of artificial rip-rap bank protection and preservation and restoration of native riparian vegetation. Locally native trees, shrubs, and grasses will be planted and maintained for three years until established.

Action:

1) The Project Applicant shall develop and implement a Laguna Creek Greenway Protection, Maintenance, and Monitoring Program, including the following elements:

a) Protect, manage and monitor the 16.8 acres of riparian habitat area along Laguna Creek during MCSP development in proximity of the Creek;

b) Develop and implement a Citizen Education and Monitoring Program, as an extension of the Upper San Leandro Creek Watershed Program;

c) Protection measures for slopes and banks;

d) Establish minimum development setbacks in accordance with Contra Costa County Code 914-14.006 "Open channels--Minimum widths of easements";

e) Remove debris and reconstruct streambanks;

f) Stabilize current encroachment and prohibit new development within the Laguna Creek channel;

g) Design bike and pedestrian trails with designated access points to Laguna Creek to provide for bank protection;

h) Adequately size bridges as to not alter flows for the 100-year and 500-year storm.

2) Prior to issuance of a grading or building permit, the Town shall review and approve the Laguna Creek Greenway Protection, Maintenance, and Monitoring Program as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.D-2a. Demonstrate that Existing Springs and Seeps are not Dependent on the Recharge from the Project Area.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: During MDP development (Mitigation Measure 4.D-1a)

Description:

As part of the MDP (Mitigation Measure 4.D-1a) reviewed and approved by the Town of Moraga, seeps and springs in the project area shall be demonstrated to be independent of rainfall infiltration and local groundwater recharge. If seeps and springs are dependent on recharge, additional mitigation described in Measure 4.D-2b shall be conducted and Town review will be necessary.

Action:

1) Project Applicants shall include determination of seeps and springs in the MDP.

2) Prior to issuance of a grading or building permit, the Town shall review and approve the Master Drainage Plan as consistent with applicable General Plan Goals, Policies, and Implementation Measures, and approve the determination of seeps and springs.

4.D-2b. Capture and Infiltrate Runoff.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: During MDP Development (Mitigation Measure 4.D-1a)

Description:

To mitigate potential impacts to groundwater supplies and recharge, runoff from impervious surfaces shall be captured and infiltrated. Stormwater drainage systems and retention/recharge basins shall be designed as part of the MDP and shall calculate the amount of groundwater recharge and runoff infiltration necessary to support seeps and springs.

Action:

1) The Project Applicant shall include stormwater drainage systems and retention/recharge basins in the MDP (Mitigation Measure 4.D-1a).

2) Prior to issuance of a grading or building permit, the Town shall review and approve the MDP as consistent with applicable General Plan Goals, Policies, and Implementation Measures, and that the MDP adequately captures and allows for infiltration of runoff.

4.D-3. Determine Peak Flows due to Development and Reduce Peak Flows to Below Pre-Project Conditions.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: During MDP Development (Mitigation Measure 4.D-1a)

Description:

The Contra Costa Clean Water Program C.3 provision contains enhanced performance standards to address post-construction and some construction phase impacts from new and redevelopment projects. The C.3 requirements are separate from, and in addition to, requirements for erosion and sediment control and for pollution prevention measures during construction as addressed in the state general construction permit. The C.3 provision outlines the following:

- Project site designs must minimize the area of new roofs and paving and use pervious surfaces where feasible so that runoff can percolate to the underlying soil;
- Capture and treat runoff from impervious surfaces using adequately sized treatment devices prior to discharge into streams;
- Determine net increase to off site peak flow volumes and durations as part of the MDP (Mitigation Measure 4.D-1a) based upon the final development plans. Final development plans shall identify impervious surfaces; define collection systems, detention basins, and outlets; and detail BMPs.
- Determine, detain, and infiltrate runoff so that peak flows and duration match pre-project conditions.
- Project applicants must prepare plans and execute agreements to ensure the stormwater treatment and flow-control facilities are maintained in perpetuity.

Action:

1) The Project Applicant shall include C.3 provisions in the MDP (Mitigation Measure 4.D-1a) and submit the MDP to the Town and CCCFCWCD for review and approval.

2) Prior to the Town issuance of a grading permit, the CCCFCWCD shall review and approve the MDP and consistency with C.3 provisions;

3) Prior to the issuance of a grading permit, the Town shall review and approve the MDP as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.D-8: Implement Water Quality Standards and Best Management Practices (BMPs).

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: During MDP Development (Mitigation Measure 4.D-1a)

Description:

The measures designed as part of Mitigation Measure 4.D-1a (detention basins, drainage controls, slope stabilizers, etc.) serve to retain and control pollutants and particulate matter produced by development. The Town Engineer shall set runoff water quality standards in cooperation with EBMUD, develop standard mitigation measures and BMPs for developments during construction and post-completion, and initiate water quality monitoring at key stream and discharge points to assure compliance.

Action:

1) The Project Applicant shall include water quality standards and BMPs in the MDP and submit to the Town and EBMUD for review and approval.
2) Prior to the Town's issuance of a grading permit, EBMUD shall review and approve the water quality standards, BMPs and monitoring in the MDP.
3) Prior to issuance of a grading permit, the Town shall review and approve the MDP as consistent with applicable General Plan Goals, Policies, and Implementation Measures.

4.E-2a. Develop and Implement Additional MCSP Design Guidelines

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga

Timing: Prior to adoption/ implementation of the Specific Plan

Description:

To ensure that the scenic corridors and quality of the area are not adversely affected, the structures and landscaping need to reflect the existing structural and natural character of the adjacent land uses. Guidelines need to be developed specifically for areas within 500 feet of scenic corrridors. Careful MCSP design that integrates the Town of Moraga Design Guidelines and Scenic Corridor Ordinance will reduce adverse impacts associated with new development and will help the Town meet goals of visual enhancement. The Design Review Board shall approve the final MCSP Design Guidelines prior to MCSP adoption and implementation.

The final MCSP Design Guidelines shall:

- Encourage the use of "semi-rural details" within streetscape and public space design;
- Require that second stories integrate softened architecture and landscaping to decrease their prominence;
- Encourage varying setbacks and rooflines to discourage repetitive, unarticulated building forms;

- Incorporate General Plan Guidelines (Municipal Code 8.132.050 – Scenic Corridors) - including requirements for structural size, setback, positioning, screening, lighting, and overall architectural compatibility;
- Require the retention and integration of existing topography, vegetation, and scenic features, thereby deferring the appearance of manmade structures and promoting the importance of these natural features.
- Include measures requiring structures visible from surrounding areas to have low profiles, and shall include measures regarding contoured grading, dense native landscaping, and blended rooflines to reduce visibility of the structure in favor of the existing natural features.
- Integrate greenbelts between the roadways and developments in scenic corridors, with sizing of these greenebelts both in compliance with the General Plan Design Guidelines and in correlation with proposed structural sizing by use type.
- Establish adequate setbacks for residential and commercial/office areas near the riparian corridor to protect habitat and drainage patterns.

Action:

1) The Town of Moraga shall prepare final Design Guidelines for the MCSP Appendix B and submit to the Design Review Board for review and approval.
2) Prior to adoption of the MCSP, the Town shall incorporate the final Design Guidelines into the MCSP.

4.E-2b. Require Internal View Corridors.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga

Timing: Prior to adoption/ implementation of the Specific Plan

Description:

To protect scenic corridors and maintain views of surrounding ridgelines, the MCSP shall require view corridors through the existing and proposed structures that would retain views of the hills and ridgelines beyond the site. The use of setbacks, alleyways, and other open or landscape areas between structures can accomplish this goal. At key locations near the Moraga Road/St. Mary's Road intersection and along Moraga Way, building design, size, and location shall be limited to ensure that some ridgeline views are retained and structural spacing shall be employed to create viewsheds of scenic vistas within the MCSP area. One-story buildings shall be set back from the two scenic roadways enough to maintain ridgeline views and structural spacing requirements should include at least one minimum 50-foot-wide view corridor between two-story buildings in each block of development to maintain ridgeline visibility. Due to the amount of MCSP land in relation to the volume of structures, there is adequate land available to include these internal view corridors.

Action:

1) The Town of Moraga shall prepare final Design Guidelines for the MCSP Appendix B that require the retention of internal view corridors and submit to the Design Review Board for review and approval.

2) Prior to adoption of the MCSP, the Town shall incorporate internal view corridors into the final Design Guidelines of the MCSP.

4.E-4. Light and Glare Minimization.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga

Timing: Prior to adoption/ implementation of the Specific Plan

Description:

The MCSP Design Guidelines include a Lighting Plan. The plan outlines the extent of illumination projected from outdoor lighting and includes guidelines to increase lighting efficiency while preventing light spillage.

To further minimize light and glare disturbance, the MCSP shall incorporate the following into the Design Guidelines Lighting Plan:

- Utilize lighting that relates to the scale and design of the structure, with intensities just high enough to maintain security.
- Intermix large canopy trees with surface parking areas and lighting to reduce glare.
- Ensure all exterior structural coatings and materials are low reflectance, including roofing materials and commercial coatings.
- Ensure structural façade colors are low reflectance, subtle, neutral or earth tone colors.

Action:

1) The Town of Moraga shall revise the Lighting Plan and submit to the Design Review Board for review and approval for inclusion in the MCSP final Design Guidelines (Appendix B).

2) Prior to adoption of the MCSP, the Town shall incorporate a revised Lighting Plan into the final Design Guidelines of the MCSP.

4.F-3: Install a Traffic Signal with the Current Lane Configuration at the Corliss Drive/Moraga Way Intersection.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicant

Timing: Prior to issuance of building permit

Description:

A traffic signal shall be installed with the current lane configuration at the Corliss Drive/Moraga Way intersection. The full complement of signal warrants shall be investigated prior to signal installation.

This mitigation measure is currently in Moraga's fee program. The Project Applicant is responsible for the fair share contribution to this measure as determined by the fee program in effect at the time permits are issued.

Action:

1) Prior to issuing a building permit, the Town shall require Project Applicant's to investigate the full complement of signal warrants;

2) Prior to issuing a building permit, the Town shall require Project Applicants to pay their proportional fair share of traffic mitigation fees to install a traffic signal at the Corliss Drive/Moraga Way intersection with the following components

   a) Actuated controls;

   b) Signal design shall determine signal phasing and coordination;

   c) Installation shall include the traffic signal equipment with optimized signal phasing/timing plans, coordination with adjacent traffic signals, and ADA compliant features;

   d) The intersection shall be reconstructed as necessary to accommodate the traffic signal installation including consideration for pedestrians and bicyclists;

   e) Signal installation shall meet Contra Costa County design standards and be subject to the review and approval of the Town and County.

3) If the proportional fair share fee is not sufficient to fund construction of the traffic signal when it is needed to mitigate impacts, then the Project Applicant shall fully fund the design and construction of the signal, and shall be reimbursed for the portion that is beyond their fair share contribution, from future available funding sources.

4.F-4. Enhance Transit Service in the Lamorinda Area South of SR 24 and Reduce the Community Center Program.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga, Project Applicants

Timing: Prior to the issuance of building permits

Description:

Moraga's General Plan Adoption Resolution 21-2002 made findings that buildout would cause significant and unavoidable intersection impacts in Lafayette. While no feasible mitigation for intersections in Lafayette is identified, measures could lessen project impacts on the road system to traffic levels at or below the travel levels predicted under General Plan buildout.

Transit Service: Enhanced transit service in the Lamorinda area south of SR 24 is needed to reduce traffic effects of the Proposed Project and Alternative 3 (560 units). County Connection operates buses with 20-minute headways during peak school and commute times, but service is reduced to one hour (or less) during non-peak times. The transit component of the CCTA model was used to estimate bus ridership increases with an enhanced transit service. Bus headways for Route 106 and Route 206 in the CCTA model were reduced to 10 minutes and 20 minutes during the on- and off-peak periods, respectively. With these changes, the CCTA model indicates that daily bus ridership would increase by about 1,130 riders. At an average occupancy of 1.2 people per car, increased ridership would reduce daily automobile traffic by about 950 cars.

Enhanced transit service requires capital and operating costs, beyond what a single land development project could provide. A successful system would require financial support from residents, businesses, and governmental agencies.

Community Center: Programs at the proposed Community Center could be reduced to decrease AM and PM peak hour traffic volumes. The Proposed MCSP and Alternatives 3 and 4 propose a 30,000 square foot Community Center that would attract users from outside the Town of Moraga. This is expected to result in 7 and 30 vehicle trips on Moraga Road through Lafayette during the AM and PM peak hours, respectively. Reducing the Community Center program to a local-focus and the size to about 16,000 square feet would eliminate these peak hour trips, thereby reducing impacts on roads and intersections in Lafayette. With these reductions alone (e.g., without the proposed transit improvements), Alternatives 3 and 4 would be less impacting than Alternative 2 during the critical AM peak hour.

Enhanced transit service or Community Center size and program reductions could limit traffic volumes of Alternatives 3 and 4 to at or below Alternative 2 (General Plan) levels. The Proposed MCSP requires the enhanced transit service to reduce traffic levels to at or below Alternative 2 levels, but could reduce the Community Center program to reduce the new transit required.

Action:

1) Moraga shall establish a transit fee program to support an enhanced CCTA transit service that may include, but is not limited to, the following:
   a) Reduced bus headways to 10 and 20 minutes to peak and off-peak hours, respectively;
   b) Stylized buses that are 30 feet or less in length;
   c) Transit stop amenities;
   d) Real-time bus information;
   e) Reduced headways;
   f) Up to 16 hours of weekday and weekend service;
   g) Reduced fares such as the Eco-Pass Program provided by AC Transit; and
   h) Patron parking at select transit stops.
2) Prior to the issuance of building permits, the Town shall require Project Applicants to:
   a) Pay their proportional fair share of transit enhancement;
   b) If the Proposed MCSP or Alternatives 3 or 4 is adopted, the Town shall limit the Community Center to 16,000 square feet and operate a reduced program during peak traffic hours.
   c) If Alternative 3 (400 units) is adopted, a park and ride lot at the Town-owned portion of the Sign Board Community Center site shall be implemented.
   d) If Alternative 4 (560 units) is adopted, the park and ride lot, and TDM appropriate for the buildout of commercial and office uses in the alternative shall be implemented.
   e) If the proposed MCSP (720 units) is adopted, the park and ride lot, TDM, and provision of expanded shuttle/bus service and necessary facilities within the development to encourage shuttle use shall be implemented.

4.F-5: Install Traffic Signals at Six Lafayette Intersections.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga, Project Applicants

Timing: Prior to issuance of building permits

Description:

This mitigation measure provides for the signalization of six unsignalized intersections in Lafayette. The Lamorinda fee program shall be updated to incorporate this mitigation measure.

Action:

1) Prior to issuance of a building permit, Moraga shall establish a Lamorinda traffic impact fee program to support the six new traffic signals in Lafayette:
   a) Deer Hill Drive/Oak Hill Road (with the current lane configuration);
   b) Glenside Drive/Reliez Station Road (widen Glenside Drive for a left turn pocket);
   c) Glenside Drive/Burton Drive (widen Glenside Drive for a left turn pocket);
   d) Pleasant Hill Road/Olympic Boulevard (with the current lane configuration);
   e) Glenside Drive/Los Palos Drive (except Alternative 3, if adopted, and with the current lane configuration); and
   f) Reliez Station Road/Olympic Boulevard (with the current lane configuration).
2) Prior to issuance of a building permit, the Town shall require Project Applicant's to investigate the full complement of signal warrants;
3) Prior to issuance of a building permit, the Town shall require Project Applicants to pay their proportional fair share of traffic mitigation fees to install traffic signals at impacted unsignalized intersections in Lafayette with the following components
   a) Actuated controls;
   b) Signal design shall determine signal phasing and coordination;
   c) Installation shall include the traffic signal equipment with optimized signal phasing/timing plans, coordination with adjacent traffic signals, and ADA compliant features;
   d) The intersection shall be reconstructed as necessary to accommodate the traffic signal installation including consideration for pedestrians and bicyclists;
   e) Signal installation shall meet Contra Costa County design standards and be subject to the review and approval of the Town and County.
4) If the proportional fair share fee is not sufficient to fund construction of the traffic signal when it is needed to mitigate impacts, then the Project Applicant shall fully fund the design and construction of the signal, and shall be reimbursed for the portion that is beyond their fair share contribution from future available funding sources from the Lamorinda fee program.

4.F-9: Ensure Adequate Internal Circulation in the MCSP.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Develop and internal circulation plan to enure adequate internal circulation in the MCSP.

Action:

1) Project Applicants shall design and submit for review and approval by the Town, MOFD, and MPD an internal circulation plan that meets the following criteria:
   a) Minimize the cul-de-sac streets in both commercial and residential areas;
   b) Where cul-de-sac streets are constructed, provide a pedestrian connection through the street to maximize pedestrian circulation;
   c) Maintain streets for two-way traffic flow;
   d) Allow on-street parking to the greatest extent possible;
   e) Design streets to meet local fire district Codes;
   f) Provide the Laguna Creek crossing, connecting the Village area to the Town Center, when areas west of the creek are developed in order to minimize internal traffic from using Moraga Way;
   g) Provide a second road connection to the Village area from Moraga Way between Laguna Creek and Camino Ricardo to maintain effective emergency circulation;
   h) Provide a connection between the Town Center area and the St. Mary's/Moraga Road intersection when either the Laguna Creek crossing is constructed or the Town Center area east of the creek is developed to maintain safe and efficient traffic flow to and from Moraga Road;
   i) Provide a School Street extension from the St. Mary's/Moraga Road intersection to Moraga Way and maintain this corridor as a through street to minimize cumulative and site-generated traffic impacts on the Moraga Way/Moraga Road intersection.
2) The Town shall review and approve the Project Applicant's internal circulation plan prior to issuing a building permit.

<u>4.F-10a: Reduce Potential Vehicular Conflicts with Bicycles and Pedestrian Travel Ways.</u>

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Reduce potential vehicular conflicts wth bicycles and pedstrians travel ways.

Action:

1) Project Applicants shall design and submit for review and approval by the Town, MOFD, MPD, and EBRPD a bicycle and pedestrian travel way plan that meets the following criteria:
   a) Limit the number of driveways (to the extent possible) between intersections, thereby reducing the number of intersecting conflict points for vehicles, bicycles, and pedestrians;
   b) Parallel rather than angle parking on roadways with Class II bike lanes or Class III bike routes;
   c) Bicycle detection and pedestrian countdown signal heads at signalized intersections;

d) Bicycle parking near commercial entrances, transit stops, and/or on sidewalks (in street furniture zone);

e) 12-foot width for designated multi-use trails, i.e., shared bicycle and pedestrian use;

f) Continuous pedestrian walkways on all streets;

g) Minimize corner radii at intersections to the greatest extent possible;

h) ADA-compliant ramps at all intersections with sidewalks and/or paths to maintain continuous accessible paths;

i) 6-foot pedestrian zones along commercial and residential streets;

j) Minimum 4-foot wide ADA compliant pedestrian zone across driveways on streets with sidewalks;

k) Minimize lane width on streets without bike designations to the greatest extent possible while still complying with MOFD requirements;

l) Pedestrian-scale lighting on pedestrian facilities in commercial and residential areas; and

m) The design and locations of portions of, and connections to, the Lafayette-Moraga Trail shall maintain and enhance the safety, usability, and function of the EBRPD trail system.

2) The Town shall review and approve the Project Applicant's bicycle and pedestrian travel way plan prior to issuing a building permit.

4.F-10b: Provide Enhanced Pedestrian Crossing on Moraga Road Between Community Center Site "B" and Moraga Commons.

Applicability: Community Center Site "B"

Responsibility: Town of Moraga

Timing: Prior to certificate of occupancy

Description:

The crossing shall be designed for the prevailing traffic speed on Moraga Road, and incorporated into a pedestrian path system at a logical location for crossing that maximizes pedestrian route directness. The enhanced crossing may include advanced warning signs and flashing beacons, advanced limit lines, high visibility markings, and in-pavement flashers.

Action:

1) The Town of Moraga shall design, review, and approve an enhanced pedestrian crossing between Community Center Site B and the Moraga Commons.

2) The enhanced pedestrian crossing shall be constructed and functioning prior to the certificate of occupancy for the Community Center at Site B.

4.F-11: Provide Adequate Parking Supplies.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Provide a parking management plan that shows the expected parking demands and the required parking supply to meet the expected demands. Consideration should be given to meeting the Town Code unless parking studies approved by the Town support parking supply adjustments.

Action:

1) Prior to the issuance of a building permit, Project Applicants shall submit to the Town a parking management plan that:
   a) Demonstrates that parking supply would meet demand;
   b) Demonstrates compliance with Town Code or evidence to support parking supply adjustments; and
   c) Considers information, analysis, and recommendations in the MTC study: *Parking Best Practices and Strategies for Supporting Transit Oriented Development in the Bay Area.*
2) The Town shall review and approve the Project Applicant's parking management plan prior to issuing a building permit.

4.F-C2: School Street Shall Remain Open to General Vehicle Circulation Between Moraga Way and Moraga Road at St. Mary's Road.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

School Street shall remain open to general vehicle circulation between Moraga Way and Moraga Road at St. Mary's Road.

Action:

1) Prior to issuing building permits, the Town shall verify that School Street remains open to general vehicle circulation between Moraga Way and Moraga Road at St. Mary's Road.

4.F-C5: Implement Mitigation Measure 4.F-5 (above), Install a Traffic Signal at the Glenside Drive/St. Mary's Road South Intersection in Lafayette, and Widen St. Mary's Road for a Left Turn Pocket.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Implement Mitigation Measure 4.F-5 (above), install, a traffic signal at the Glenside Drive/St. Mary's Road South intersection in Lafayette, and widen St. Mary's Road for a left turn pocket.

Action:

1) Prior to issuing a building permit resulting in a cumulative impact to unsignalized intersections in the City of Lafayette, the Town shall require the following:

   a) Implement Mitigation Measure 4.F-5 (above);

   b) Install, or pay the proportional fair share fee to install, a traffic signal at the Glenside Drive/St. Mary's Road South unsignalized intersection in Lafayette; and

   c) Widen, or pay the proportional fair share fee to widen, St. Mary's Road for a left turn pocket.

4.G-1: Implement Measures to Reduce Dust Generation and Diesel Exhaust During Construction Periods.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permits

Description:

Project Applicants are responsible for ensuring that contractors reduce PM^{10}, $PM^{2.5}$, ROG, NO_x, and CO emissions by complying with the air pollution control strategies developed by the BAAQMD. Project Applicants and contractors shall develop emission control strategies that implement control measures consistent with BAAQMD guidelines. Potential air quality impacts from toxic air containment emissions from construction equipment and operations will be reduced with compliance with the BAAQMD air pollution control strategies.

Action:

1) Prior to issuance of a grading permit, Project Applicants must submit an emission control strategy the meets BAAQMD guidelines, including, but not limited to, the following criteria:

   a) Dust Control Measures for Construction Sites:

      i) Cover all trucks hauling construction and demolition debris from the Site;

      ii) Water on a continuous as-needed basis all earth surfaces during clearing, grading, earthmoving, and other Site preparation activities;

      iii) Use watering to control dust generation during demolition of structures or break-up of pavement;

      iv) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas;

      v) Sweep daily (with water sweepers) all paved areas and staging areas; and

      vi) Provide daily clean up of mud and dirt carried onto paved streets from the Site;

   b) Renovation, demolition activities, removal or disturbance of any materials that contain asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations;

   c) Properly maintain all construction equipment;

   d) For construction sites near sensitive receptors (or if residential development occurs prior to commercial development):

i) Install wheel washers for all existing trucks, or wash off the tires or tracks of trucks and equipment leaving the Site;

ii) Suspend dust-producing activities during periods when instantaneous gusts exceed 25 mph when dust control measures are unable to avoid visible dust plumes;

iii) Limit the area subject to excavation, grading and other construction or demolition activity at any one time;

e) For sites greater than four acres:

i) Apply soil stabilizers to previously graded portions of the site inactive for more than ten days or cover or seed these areas;

ii) Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind;

iii) Limit traffic speeds on unpaved roads to 15 mph; and

iv) Replant vegetation in disturbed areas as quickly as possible.

f) Construction Exhaust Mitigation Measures:

i) Construction shall comply with BAAQMD air pollution control strategies;

ii) Construction firms shall be required to post signs of possible health risk during construction;

iii) Project Applicants shall comply with the BAAQMD rule regarding cutback and emulsified asphalt paving materials;

iv) Contractors shall be required to use newer construction equipment, manufactured during or after 1996, that meet the NO_x emissions standard of 6.9 grams per brake-horsepower hour for work conducted within 200 feet of residences.

2) Prior to issuing a grading permit, the Town shall review and approve the project's construction-related emission control strategices.

4.G-4: Implement Measures to Reduce Energy Consumption from Mobile, Stationary and Area Sources.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of building permits

Description:

Development in the MCSP area shall incorporate measures to reduce energy consumption and air pollutant emissions from travel, heating and cooling, appliances, and lighting. These measures encourage alternative fuel sources, on-site energy production, and reuse of resources, and are in addition to Transportation Control Measures (TCMs) in the General Plan.

Action:

1) Project Applicants shall design measures to reduce energy consumption and air pollution emissions from mobile, stationary, and area sources, including the following:

a) Design measures to reduce vehicle trips and encourage other modes of travel, such as:

i) High density residential, mixed, or retail/commercial uses shall be within ¼-mile of activity centers;

ii) Class I or Class II bike lanes or a comparable bikeway connection to that existing facility (residential, commercial, mixed areas) shall be provided;

iii) Provide pedestrian facilities and improvements such as sidewalks and trails (e.g., 5-foot) (residential, commercial, mixed areas); and

iv) Provide parking lot designs with clearly marked and shaded pedestrian pathways towards building entrances (commercial areas);

b) Include electric vehicle charging facilities within all new homes;

c) Provide the minimal amount of car parking required and increase the amount of bike storage and parking areas at both residential and non-residential projects;

d) Include transportation impact fees to fund public transit service;

e) Orient project locations towards supporting existing regional centers where various types of public transportation needs can be meet; and

f) Only wood-burning devices that comply with US EPA regulations shall be allowed within the project area.

g) Install solar or wind power sources in the MCSP area.

2) Prior to the issuance of building permits, the Town shall review and approve all designs to reduce energy consumption and air pollutant emissions from travel, heating and cooling, appliances, and lighting;

3) Prior to the issuance of certificate of occupancy, the Town shall verify that all required measures to reduce energy consumption and air pollutant emissions from travel, heating and cooling, appliances, and lighting have been installed and are operational.

4.G-5: Implement Transportation Mitigation Measures 4.F-3, 4.F-4, 4.F-5, and 4.F-11 to Reduce Traffic Volumes and Vehicle Delay.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of certificate of occupancy

Description:

Implementation of Mitigation Measures 4.F-3, 4.F-4, 4.F-5, 4.F-11 to reduce traffic volumes and vehicle delay will reduce local air quality impacts by improving traffic flows at intersections and along roadways.

Action:

1) Project Applicants shall demonstrate compliance with the following mitigation measures prior to the Town issuance of a certificate of occupancy:

a) 4.F-3: Install a traffic signal with the current lane configuration at the Corliss Drive/Moraga Way intersection.

b) 4.F-4: Enhance transit service in the Lamorinda Area south of SR 24 and reduce the Community Center program.

c) 4.F-5: Install traffic signals at the following Lafayette intersections:
   i) Deer Hill Drive/Oak Hill Road (with the current lane configuration);
   ii) Glenside Drive/Reliez Station Road (widen Glenside Drive for a left turn pocket);
   iii) Glenside Drive/Burton Drive (widen Glenside Drive for a left turn pocket);
   iv) Pleasant Hill Road/Olympic Boulevard (with the current lane configuration);
   v) Glenside Drive/Los Palos Drive (except Alternative 3, if adopted, and with the current lane configuration); and
   vi) Reliez Station Road/Olympic Boulevard (with the current lane configuration).

d) 4.F-11: Provide adequate parking supplies.

4.G-7: Implement Air Pollution Reduction Measures Identified in Table 4.G-7 and Mitigation Measure 4.G-4.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of a certificate of occupancy

Description:

Implement the Clean Air Plan Transportation Control Measures (TCMs) in the General Plan to reduce vehicle emissions and local air pollution.

Action:

1) Project Applicants shall demonstrate compliance with General Plan Clean Air Plan TCMs identified below in Table 4.G-7 prior to the Town issuance of a certificate of occupancy.

Table 4.G-7

Implementation of Clean Air Plan
Transportation Control Measures in General Plan

TCM	Description	Relevant General Plan Policy
1. Expand Employee Assistance Program	Provide assistance to regional and local ridesharing organizations.	OS4.7: Encourage employers to foster employer-based transportation control measures such as ride-sharing, use of public transportation, bicycling and walking to work. OS4.9: Encourage public education programs that demonstrate the benefits of reduced air pollution.
9. Improve Bicycle Access and Facilities	Establish and maintain bicycle advisory committees in all none Bay Area Counties Develop comprehensive bicycle plans. Encourage	C1.1: Apply standard engineering principles in the design, construction, and maintenance of all roadways to make them safer for all users, including bicyclists, pedestrians, and equestrians. C4.1: Provide a safe, continuous and connected system of

TCM	Description	Relevant General Plan Policy
	employers and developers to provide bicycle access and facilities. Improve and expand bicycle lane system.	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. C4.2: Develop a complete bicycle system with direct linkages between residential and commercial areas, community facilities, commuter corridors, and transit hubs.
15. Local Clean Air Plans, Policies and Programs	Incorporate air quality beneficial policies and programs into local planning and development activities, with a particular focus on subdivision, zoning and site design measures that reduce the number and length of single-occupant automobile trips.	OS4.1: Conserve air quality and 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. OS4.2: 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 BAAQMD, the Town Council explicitly finds that the project incorporates feasible mitigation measures or that there are overriding reasons for approving the project. OS4.5: 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. C4.3: Encourage the use of transit to and from the Lamorinda BART stations by providing efficient, comfortable, frequent, and reliable bus service roadways that are properly designed to accommodate bus maneuvering, stopping and parking; adequate, free, convenient all-day parking facilities at major transit stops in the Town (one at Moraga Center and one at Rheem Park); comfortable, safe and attractive amenities at bus stops. C4.4: Encourage development patterns and other strategies that may help reduce traffic trips, especially during the morning and afternoon peak hours. For example: • Encourage home-based occupations and telecommuting; • Encourage mixed use, small office, and live-work developments in centrally located areas of the Town (i.e., in the Specific Plan areas); • Encourage higher density housing near the Town's

TCM	Description	Relevant General Plan Policy
		major bus stops; • Encourage young people to bike or walk to school by providing a safe Town-wide system of pedestrian and bicycle pathways; • Encourage carpooling.
17. Conduct Demonstration Projects	Promote demonstration projects to develop new strategies to reduce motor vehicle emissions. Projects include low emission vehicle fleets and LEV refueling infrastructure.	OS4.6: 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.
19. Pedestrian Travel	Review/revise general/specific plan policies to promote development patterns that encourage walking and circulation policies that emphasize pedestrian travel and modify zoning ordinances to include pedestrian-friendly design standards. Include pedestrian improvements in capital improvements programs. Designate a staff person as a Pedestrian Program Manager.	C4.1: 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. C4.4: Encourage development patterns and other strategies that may help reduce traffic trips, especially during the morning and afternoon peak hours. For example: • Encourage mixed use, small office, and live-work developments in centrally located areas of the Town (i.e., in the Specific Plan areas); • Encourage young people to bike or walk to school by providing a safe Town-wide system of pedestrian and bicycle pathways.
20. Promote Traffic Calming Measures	Include traffic calming strategies in the transportation and land use elements of general and specific plans. Include traffic calming strategies in capital improvement programs.	C1.1: Apply standard engineering principles in the design, construction, and maintenance of all roadways to make them safer for all users, including bicyclists, pedestrians, and equestrians. C1.5: Design new areas of development so that residential areas are properly buffered from collector streets, with adequate distance, landscaping, or other buffer to protect residences from adverse impacts. Also, direct traffic from major new residential developments so that it does not adversely impact existing neighborhoods.

4.H-2: Implement Noise Control Measures During Construction Phase

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Construction in the MCSP area shall utilize the following noise control measures to minimize noise disturbances at sensitive receptors during construction activities:

- Maintain consistency with the Health and Safety Code Section 7.12.090 - Construction of buildings and projects: It is unlawful except in case of emergency work for a person within a residential zone or within a radius of five hundred (500) feet of one to operate equipment or perform outside construction or repair work on a building, structure or project, or to operate a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction type device (between the hours of five p.m. of one day and eight a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

- Newer construction equipment with improved noise muffling shall be used and all construction equipment items shall have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational.

- All construction equipment shall be inspected weekly to ensure proper maintenance and presence of noise control devices (e.g., mufflers and shrouding, etc.).

- Wherever possible, hydraulic tools shall be used instead of pneumatic impact tools.

- Heavy construction truck trips shall be routed over streets that will cause the least noise disturbance to residences or businesses in the vicinity of the Project site.

- Construction staging areas, maintenance yards, and other construction-oriented operations shall not be located as far as reasonably possible from sensitive receptors.

Action:

1. Project Applicants shall make the above noise impact reduction measures required conditions in grading and construction contracts prior to the Town issuing a grading or construction permit.

4.H-4: Implement Noise Control Measures when Reviewing New Residential Projects.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Project implementation will utilize one or more of the following noise control measures for new residential development in the MCSP area:

1) When tentative maps are available for new residential development adjacent to Canyon Way (south of Moraga Way), Moraga Way (between St. Andrews Drive and School Street), and Moraga Road (between St. Mary's Road and Corliss Drive and Moraga Way to St. Mary's Road) a detailed analysis of noise impacts shall be conducted. A preliminary barrier analysis indicates that barriers ranging between 5- and 6-feet in height are required if outdoor activity areas (patios) are located adjacent to the roadways.

2) Mitigation can also be provided through site design. For instance, having housing fronting toward the major roadways, and shielding back yards or patios with the building façades can be an effective mitigation.

3) Setbacks can also be used as mitigation. The setbacks to the 60 dB Ldn contour range from 128 feet along Moraga Way (from St. Andrews Drive to School Street), to 168 feet along Moraga Road (from Moraga Way to St. Mary's Road).

Action:

1) Project Applicants shall demonstrate to the Town that implementation of one or more of the above noise control measures have been incorporated into the design of new residential developments such that potential noise impacts would be reduced to a less than significant level prior to the Town issuing a grading permit.

4.H-5: Implement Noise Control Measures when Reviewing New Commercial or Office Projects.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Project implementation will utilize one or more of the following noise control measures for new commercial or office development in the MCSP area:

1) Consistent with Municipal Code Sections 8.40 and 8.36, stationary noise sources associated with commercial uses shall not generate noise levels in excess of 55 dBA during daytime hours, or 50 dBA during nighttime hours. These criteria are similar to those contained in the Office of Noise Control Model Noise Control Ordinance, and it is assumed that the criteria are based upon an hourly average or median (Leq/L50) descriptor.

2) During project review, the Town Planning Director shall make a determination as to whether or not the proposed use would likely generate noise levels that could adversely affect the adjacent residential areas. If this review determines that proposed uses could generate excessive noise levels at noise-sensitive uses, Project Applicants shall be required to prepare an acoustical analysis to ensure that all appropriate noise control measures are incorporated into the project design to mitigate any noise impacts. Such noise control measures include, but are not limited to,

   a) Use of noise barriers,

   b) Site-redesign,

c) Silencers, and

d) Partial or complete enclosures of critical equipment.

3) The primary noise sources in commercial uses are parking lot noise, HVAC equipment, and light truck deliveries. In this case, 8-foot tall sound walls typically provide adequate isolation of parking lot and delivery truck activities. HVAC equipment should be located either at ground level or when located on roof-tops, building facades should include parapets for shielding.

4) Where commercial uses abut residential property lines, and loading docks or large truck circulation routes face residential areas, the following mitigation measures shall be included in the project design:

   a) Loading docks shall maintain a minimum distance of 100 feet from residential property lines;

   b) Property line barriers shall be constructed to separate residential and commercial uses and should be 8 feet in height;

   c) Circulation routes for large trucks shall be located a minimum of 50-feet from the residential property lines;

   d) All large heating, cooling, and ventilation equipment shall be located within mechanical rooms where possible;

   e) All heating, cooling and ventilation equipment shall be shielded from view with solid barriers;

   f) Emergency generators shall comply with the local noise criteria

5) Where commercial land uses are separated from residential areas by local streets, all loading activities shall be limited to the opposite sides of the buildings from residential uses.

Action:

1) Project Applicants shall demonstrate to the Town that implementation of one or more of the above noise control measures have been incorporated into the design of new commercial or office developments to effectively reduce potential noise impacts to a less than significant level prior to the Town issuing a grading permit.

4.I-1: Implement General Plan EIR Mitigation 4.H-1: Site specific Surveys and Consultation with CDFG and USFWS.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Site-specific surveys shall be conducted prior to development within the project area to determine the presence or absence of individuals and/or occupied or designated critical habitat of endangered, threatened, or rare wildlife and plant species. Prior to conducting these surveys a current listing of rare, threatened, and endangered species that may occur in the project area will be obtained. This will insure that the sensitive species list is kept current and that the proper species are searched for.

The Town will work in conjunction with CDFG and USFWS to develop measures to prevent the loss of individuals and occupied or designated critical habitat. Mitigation measures may also be developed with these agencies when complete avoidance is not feasible. Examples of potential mitigation measures include protection of habitat by means of restoration, conservation, and permanent protection, and transplantation of plants from development sites to protected areas. All projects that may impact a rare, threatened, or endangered species will be subject to CESA, FESA, and applicable Fish and Game Code.

Action:

1) Project Applicants shall retain qualified biologists to conduct pre-construction surveys for special-status species and consult with the USFWS and CDFG to develop detailed, project specific impact avoidance, minimization, and mitigation measures to be implemented during construction and operation of the project prior to the Town issuing a grading permit.

4.I-3: Implement General Plan Mitigation: 4.H-3: Conduct Pre-Construction Surveys for Breeding Raptors and Migratory Birds.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Conduct pre-construction surveys for breeding raptors and migratory birds within development areas to determine if active nest sites exist on the site. If active nest sites are located, the project proponent shall consult with the CDFG to determine appropriate construction setbacks from the nest sites. No construction activities shall occur within the construction setback during the nesting season of the affected species.

Action:

1) Project Applicants shall initate construction activities and conduct vegetation removal outside of the nesting period of raptors and migratory birds;
2) If construction and vegetation removal is initiated during the nesting season, then Project Applicants shall conduct the following:
    a) Retain qualified biologists to conduct pre-construction surveys to determine if raptors or migratory birds are nesting in the Project Area or vicinity;
        i) If no active nests occur, then no additional mitigation is required;
        ii) If active nests occur, then Project Applicants shall consult with the USFWS and CDFG to develop detailed impact avoidance, minimization, and mitigation measures to be implemented during construction prior to the Town issuing a grading permit.

4.I-10: Implement General Plan EIR Mitigation Measure 4.H-9: Protect Wetlands and Other Waters of the United States.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

The Town shall require surveys to determine if the project will impact a jurisdictional wetland or other water of the U.S. Where impacts are found to occur, Project Applicants will work in conjunction with the USACE under Sec. 404 to establish a means of protecting, restoring, or replacing the wetland or waterway, such that a no net loss of wetland functions or values is achieved.

If required, the Project Applicant will also apply for a Sec. 401 permit with the SFRWQCB and a Sec. 1601 LSAA with CDFG, and work in conjunction with these agencies to establish a means of protecting, restoring, or replacing the wetland or waterway, such that a no net loss of wetland functions or values is achieved.

Action:

1) Project Applicants shall retained qualified scientists to determine if jurisdictional wetlands or other waters of the U.S. would be affected by the project;
   a) If no if jurisdictional wetlands or other waters of the U.S. would be affected by the project, no additional mitigation is required;
   b) If jurisdictional wetlands or other waters occur, then Project Applicants shall demonstrate compliance with Sec. 404, sec. 401, and Sec. 1601 prior to the Town issuing a grading permit.

4.K-1a: Implement General Plan EIR Mitigation 4.L-1: Development Impact Fees.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga; Project Applicants

Timing: Prior to issuance of a certificate of occupancy.

Description:

The Town shall prepare a Development Impact Fee Study to determine the fair share that developers within the MCSP area shall contribute for the operation and expansion of police, fire, and parks in Moraga. At a minimum, the study shall identify funding necessary to maintain services at 2000 levels.

Action:

1) The Town of Moraga shall conduct a Development Impact Fee Study to determine the appropriate proportional fair share fees for new developments to pay for additional police services, fire protection services, and parks in Moraga.
2) Project Applicants shall be required to pay their proportional fair share Development Impact Fee prior to the Town issuing a certificate of occupancy.

4.K-1b: Pay School Impact Fee at Issuance of Building Permit and Schedule Residential Development.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga, Project Applicants

Timing: Prior to issuance of building permit

Description:

Impacts to schools are considered fully mitigated under state law by the payment of state mandated school impact fees (SB 50), and no additional mitigation is required. Table 4.K-5 provides an estimate of school impact fees for the Proposed MCSP and All Action Alternatives at existing rates of $2.05/sf for new residential construction and $0.33/sf for commercial/retail construction. The AUHSD does not collect school impact fees, but currently assesses an annual parcel tax of $189 throughout the district. This assessment is scheduled to expire on June 25, 2011 (Acalanes Union High School District 2007).

The Town has an interest in maintaining the quality of public schools while avoiding potential environmental impacts associated with new school construction. Consequently, prior to the issuance of building permits, the Town shall consult with the MSD to obtain the most recent enrollment projection figures. When necessary to avoid a potential exceedence of existing school capacity, the Town shall request the Project Applicant to voluntarily develop a modified residential construction schedule to avoid or minimize potential overcrowding in the school system.

Action:

1) Prior to issuing building permits, the Town shall consult with the MSD and AUHSD to obtain the most recent enrollment figures to determine if schools are expected to have sufficient residual capacity to accommodate new students generated by the proposed project.

    a) If students generated from proposed developments may exceed school capacity, then the Town shall request that Project Applicants voluntarily modify the proposed development schedule to avoid exceeding residual school capacity.

2) The Town shall require Project Applicants to pay the applicable school impact fees for new residential, commercial and retail construction to the MSD prior to issuing building permits.

Table 4.K-5

Estimated Moraga School District Impact Fees – All Action Alternatives

	Residential Housing Units				Commercial/Retail		
MCSP Alternative	**Detached single-family[1]**	**Other housing[2]**	**Total new sf**	**School Impact Fee ($2.02/sf)**	**Total new sf[3]**	**School Impact Fee ($0.33/sf)**	**Total School Impact Fee ($)**
Proposed Project (720 units)	20	700	1,130,000	$2,282,600	300,000	$99,000	**$2,381,600**
Alternative 2 (339 units)	339	0	1,356,000	$2,739,120	180,000	$17,280	**$2,756,940**
Alternative 3 (400 units)	50	350	725,000	$1,464,500	195,000	$59,400	**$1,523,900**
Alternative 4 (560 units)	65	495	1,002,500	$2,025,050	180,000	$64,350	**$2,089,400**

Notes:
[1]Low density, detached single-family housing with an average of 4,000 sf/home.
[2]All higher density and multi-family housing, including Saint Mary's College housing, and active senior housing, with an average of 1,500 sf/housing unit.
[3]Includes Project Description for commercial/retail, a total developed area of 1,000 sf/hotel and bed & breakfast accommodation, and 500 sf/unit for assisted living/congregate care unit

4.L-1a: Fee Payment to the Town of Moraga for Increased Police Protection Services and Review of Design Guidelines and Project Plans.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga and Project Applicants

Timing: Prior to MCSP adoption; prior to issuance of certificate of occupancy

Description:

As stated in the MCSP, Project applicants shall be required to provide payment to the Town of Moraga General Fund for increased police protection services. Payment shall be required upon completion of approved projects that will result in an increase in population within the MCSP area. The amount of payment shall be equal to the degree of increased population that would be necessary to maintain the one Police Officer per 1,000 residents ratio for the new development population levels. Fees shall be paid prior occupation of new structures, and shall include the development's proportional fair share to support the full cost of additional police services, including new sworn officers, administration, equipment, vehicles, and facilities.

The MCSP includes provisions requiring the Design Guidelines (Appendix B) to be reviewed by the MPD to ensure building setbacks, access, and visibility, especially in higher density housing and commercial areas, are consistent with public safety goals and the needs of first responders. The Town shall take into consideration MPD comments on the MCSP Design Guidelines and

make final revisions prior to adoption of the MCSP. The MPD shall also be provided proposed project-level plans to review for consistency with design elements related to public safety, emergency access, and evacuation plans.

Action:

1) The Town of Moraga shall incorporate comments from the MPD into final Design Guidelines for the MCSP Appendix B and submit to the Design Review Board for review and approval.
2) Prior to adoption of the MCSP, the Town shall incorporate the final Design Guidelines into the MCSP.
3) Prior to the issuance of a certificate of occupancy, the Town shall require Project Applicants to pay their proportional fair share of impact fees to fund increased police protection services.

4.L-1b: Development Impact Fees, a Fire Protection Plan, and Review of Design Guidelines and Project Plans.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Town of Moraga and Project Applicants

Timing: Prior to MCSP adoption; prior to issuance of grading permit

Description:

Potentially significant impacts to fire protection and emergency services would be reduced to a less than significant level by new developments paying their proporational fair share fees for new staff, equipment, and facilities to maintain the existing level of service in Moraga. The Town would develop an impact fee schedule in coordination with the MOFD.

The MCSP includes provisions requiring the Design Guidelines (Appendix B) to be reviewed by the MOFD to ensure building setbacks, access, visibility, and building heights, especially in higher density housing and commercial areas, are consistent with public safety goals and objectives for fire protection and emergency services. The Town shall take into consideration MOFD comments on the MCSP Design Guidelines and make final revisions prior to adoption of the MCSP. The MOFD shall also be provided proposed project plans to review for consistency with design elements related to public safety, emergency access, and evacuation plans.

Action:

1) The Town of Moraga shall incorporate comments from the MOFD into final Design Guidelines for the MCSP Appendix B and submit to the Design Review Board for review and approval.
2) Prior to adoption of the MCSP, the Town shall incorporate the final Design Guidelines into the MCSP.
3) Prior to the issuance of a grading permit, Project Applicants shall provide to the Town of Moraga and the MOFD for review and approval a Fire Protection Plan that shall include, but is not limited to, the following:
    a) The proposed structures shall be serviced by adequate water supplies to provide adequate flow and pressure for fire suppression;
    b) Fire hydrants shall be installed at the required distances from all commercial and residential structures;

c) The proposed project shall be consistent with the Town of Moraga's emergency evacuation plan and all streets shall be sized to allow for adequate access of emergency vehicles;

d) Demonstrated compliance with relevant General Plan Public Safety Goals and Policies;

e) Fire sprinklers shall be installed in commercial buildings and single family dwellings as required by the MOFD in accordance with Ordinance #02-02; and

f) Emergency vehicle access and evacuation plans, circulation plans, including street designs and building setbacks.

4) Prior to the issuance of a certificate of occupancy, the Town shall require Project Applicants to pay their proportional fair share of impact fees to fund increased fire protection and emergency services that may include, but is not limited to, the following (Meyer 2008):

a) Buildings and/or property to expand staff, equipment, and administration at Station 41 or other identified facility or property to maintain current levels of service and response times as new developments occur in the MCSP area;

b) Ambulance and other equipment; and

c) Aerial ladder fire engine.

4.M-1: Protect Potential Historic Resources.

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Less than five percent of the MCSP has been subjected to intensive pedestrian archaeological survey, and very limited historic architectural survey. It is recommended that a cultural resources survey of the entire MCSP be completed. A cultural resources survey of the MCSP area shall be completed to identify and evaluate any previously recorded and newly recorded historic architectural and archaeological resources for inclusion in the National Register of Historic Places and the California Register of Historic Resources.

Prior to remodeling or demolishing any structure that is 50 or more years old, Project Applicants shall submit an assessment of the structure regarding its eligibility for listing to Town planning staff. If Town staff determine that the structure is potentially eligible for listing, or is a potential historic resource, then a site-specific analysis of the impact and feasible mitigation measures, including avoidance of the resource, shall be prepared as part of project review. The analysis will utilize significance criteria provided in Draft EIR Section 4.M-2, Regulatory Setting, including:

- National Historic Preservation Act of 1966, as amended (36 CFR 60.4);
- National Register Bulletin 15 (1984), How to Apply the National Register Criteria for Evaluation;
- CEQA Guidelines Section 15064.5;
- PRC Sections 5024.1 and 21083.2; and
- Applicable goals and policies in the Town of Moraga General Plan

Action:

1) Prior to the issuance of a grading permit for new development, the Town shall require Project Applicants to retain a qualified cultural resource specialist to conduct a pedestrian archaelogical survey and submit a report of finding to Town planning staff.

   a) Previously recorded and newly recorded historic architectural and archaeological resources identified during the survey shall be evaluated for inclusion in the National Register of Historic Places and the California Register of Historic Resources.

2) If Town planning staff determines that a structure is potentially eligible for listing, or is a potential historic resource, then Project Applicants shall retain a qualified cultural resource specialist to complete a site-specific analysis of the impact and develop feasible mitigation measures in consultation with SHPO, including avoidance of the resource.

   a) Impacts and proposed mitigation measures shall be submitted to the Town as part of project review.

4.M-2. Protect Potential Archaeological Resources

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Prior to site development within previously undisturbed areas of the MCSP (e.g., areas that are not currently covered by pavement or existing structures), the developer shall retain a qualified cultural resource specialist to prepare a site survey to look for potential archaeological resources and to evaluate potential archaeological resources uncovered during excavation.

Action:

1) Prior to the Town issuing a grading permit for development in previously undisturbed portions of the MCSP area, Project Applicants shall retain a qualified cultural resource specialist to conduct a site survey to identify potential archaeological resources.

   a) If potential archaeological resources are found in a proposed construction area, then further site-specific analysis shall be required to determine whether a significant impact would occur.

   b) If a potentially significant impact would occur, then the cultural resource specialist shall prepare site-specific mitigation in accordance with PRC Section 21083.2.

2) Project Applicants shall retain a qualified cultural resource to monitor construction activities as needed.

   a) Construction monitoring shall be conducted at any time ground-disturbing activities (greater than 12 inches in depth) are taking place in the immediate vicinity of potentially significant archaeological resource. This includes building foundation demolition and construction, roadway construction, and work within the immediate vicinity of the Laguna Creek riparian habitat.

   b) Should previously unidentified historic or prehistoric archaeological resources be discovered during construction, the construction contractor shall immediately cease work

in the vicinity of the find and the Project Applicant's qualified cultural resource specialist and the Town shall be contacted.

i) The cultural resource specialist shall assess the significance of the find and make mitigation recommendations (e.g., manual excavation of the immediate area), if warranted.

ii) In the event that human skeletal remains are encountered, the construction contractors shall immediately cease work in the vicinity of the find and notify the County Coroner, the cultural resource specialist, and Town planning staff.

iii) If the County Coroner determines that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except in compliance with all applicable federal, state, and local laws regarding Native American burials and artifacts. No further disturbance of the artifacts may be made except in compliance with all applicable federal, state, and local laws regarding Native American burials and artifacts.

4.M-3. Protect Undiscovered Paleontological Materials

Applicability: Proposed MCSP and All Action Alternatives

Responsibility: Project Applicants

Timing: Prior to issuance of grading permit

Description:

Unknown paleontological materials uncovered during construction in the MCSP area shall be protected until a qualified professional (paleontologist) can assess the find and develop appropriate mitigation measures.

Action:

1) Project Applicants shall retain a qualified paleontologist to be available to assess fossilized or unfossilized shell or bone discovered during construction.

   a) If fossilized or unfossilized shell or bone is discovered during construction, construction contractors shall immediately cease work in the vicinity of the find and contact the paleontologist and the Town Building Inspector assigned to the project.

   b) The Project Applicant's paleontologist shall visit the site and make recommendations for treatment of the find (including excavation, if warranted), which would be sent to the Town Building Inspection Office and the Town Planning Office.

      i) If a fossil find is confirmed, it will be recorded with the USGS and curated in an appropriate repository.

APPENDIX G DRAFT EIR COMMENT LETTERS

Robert W. Pickett
2703 Ridgeview Lane
Walnut Creek, CA. 94598
(925) 938-3000 (925) 937-5735 fax
bobpickett@pickettdevelopment.com

June 16, 2008

To: Lori Salamack,
From: Bob Pickett

I am writing to you on behalf of C and C Equity Company regarding the 14.26 acre property it owns within the Moraga Center Specific Plan (APN 255-310-029-4). It is referred to a parcel seven in the Specific Plan.

1-a As I am sure you are aware, this property is very long and narrow. Due to its configuration, development of this property will pose challenges to meeting the fire safety requirements if it only has a single entrance at its westerly end where it abuts Camino Ricardo. It is therefore very important that through the Specific Plan process, there are provisions made for emergency vehicle access through the Town's property that separates the C and C property from Moraga Road. This would allow development of the C and C property in a fashion compatible with it's zoning and confirm the ability to comply with any requirements of the Fire District. We would envision this access to provide an additional benefit to the Town by allowing a pedestrian and bike connection from the Moraga Commons, through the C and C property to Camino Ricardo and its surrounding neighborhood. There are hundreds of families in the Camino Ricardo neighborhood that would realize the significant advantage of this shortcut to the Moraga Commons without having to travel along Moraga Way or traverse the busy shopping center. This proposed connection would not be a vehicular thoroughfare; therefore it should not require any modifications to the Environmental Impact Report.

1-b In addition, the easterly portion of the C and C property is an ideal location for senior housing. The area appropriate for this is the approximately two-acre portion between the two creeks. Senior housing in this area would be within easy walking distance to the Moraga Commons as well as the shopping center. Set among the trees and creeks, this would be an ideal, quiet setting for this type of housing. As the residents of Moraga mature, more and more people are going to be seeking opportunities to "downsize" while remaining in Moraga.

Please include this input in the deliberations forthcoming on the Moraga Center Specific Plan.

Thank you.

Sincerely,

Robert W. Pickett
For C and C Equity Company

cc: Mr. Richard Chi

LAFAYETTE
SETTLED 1848 — INCORPORATED 1968

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JUN 25 2008
MORAGA PLANNING DEPT.

CITY COUNCIL
Mike Anderson, Mayor
Don Tatzin, Vice Mayor
Brandt Andersson, Council Member
Carl Anduri, Council Member
Carol Federighi, Council Member

June 24, 2008

Lori Salamack
Planning Director
350 Rheem Blvd.
Moraga, CA 94556

Dear Lori:

2-a

Thank you for arranging last week's meeting in which you presented the highlights of the traffic analysis in the Moraga Center Specific Plan's DEIR and outlined the tentative schedule for the review of the DEIR. Given the scope of the Specific Plan, its potentially significant impacts on the roads and intersections in Lafayette, and the fact that many Lamorinda residents who would be very interested in commenting on the DEIR are away on summer vacation, I request that you extend the public review period beyond August 1, 2008.

Thank you.

Sincerely,

Niroop K. Srivatsa
Planning and Building Services Manager

3675 MT. DIABLO BLVD., SUITE 210, LAFAYETTE, CA 94549
TELEPHONE: (925) 284-1968 FAX: (925) 284-3169
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The County Connection

CUSTOMER SERVICE
TRANSPORTATION CENTER
At Walnut Creek BART
220 Ygnacio Valley Rd
Walnut Creek, CA 94596-3739
(925) 676-7500
Fax (925) 932-1478

Town of Moraga Planning Department
329 Rheem Blvd, Suite 2
Moraga, CA 94556

RECEIVED
JUL 7 2008
MORAGA PLANNING DEPT.

Re: Draft EIR on Moraga Center Specific Plan

July 1, 2008

To Whom it May Concern,

The County Connection (CCCTA) has the following comments on the Draft EIR on Moraga Center Specific Plan.

3a The transportation element of the plan has accurately reflected bus transit services to the project area. Routes #106 and #206 are planned to continue running as they do now. Route #250, the Gail Rail will continue to run between Saint Mary's College and the Lafayette BART station during the school year.

3b [Plans to revitalize the Moraga Center area in particular should include a bus cut out and shelter in front of the planned community center to increase the pedestrian access to public transportation.]

3c [Existing stops along Moraga Way and Moraga Road should be preserved.]

3-d Improvements to pedestrian circulation and transit access should be identified as a mitigation measures for the growth planned in the redevelopment area. They are important components of a vital and diverse community and should be identified in the Draft EIR for the project.

Thank you for the opportunity to comment.
Sincerely,

Anne Muzzini
Director of Planning
CCCTA

Cc:
Al Dessayer
Rick Ramacier

ORINDA

p.o. box 2000 • 22 orinda way • orinda • california • 94563

July 2, 2008

RECEIVED

JUL 7 2008

MORAGA PLANNING DEPT.

Via fax to (925) 376-2034 and U.S. Mail

Moraga Town Council
329 Rheem Blvd.
Moraga, CA 94556

Re: Request for an Extension of the Comment Deadline for the Moraga Center Specific Plan Draft Environmental Impact Report

Honorable Mayor and Councilmembers:

On behalf of the Orinda City Council, I hereby request an extension of the deadline for public comments on the Moraga Center Specific Plan Draft Environmental Impact Report (hereinafter "DEIR"). Public comments on the DEIR are currently due at the end of this month. The City of Orinda requests that the due date be extended by 45 days. This would give the public a total of 90 days in which to prepare comments on this important DEIR.

4-a This extension is warranted due to the voluminous nature of the Moraga Center Specific Plan and DEIR, as well as the technical complexity of the environmental analysis. Although Orinda staff and consultants began reviewing the DEIR as soon as it was released, the 45-day comment period will not be adequate. Additionally, the DEIR was released for public comment during the height of vacation season thereby hampering staff's ability to dedicate the necessary time to prepare a response. Specifically, key Moraga staff members are on vacation and are therefore unable to respond to Orinda staff inquiries and requests for certain information.

Orinda's regular July Council meetings fall on July 1 and 15, unless the Town of Moraga grants the requested extension, our Council will not have time to review comments before they must be submitted. In August, our Council will be meeting only once, on August 19, 2008. Additionally, the City of Orinda is requesting additional time to comment as the result of staff and Councilmember summer vacation schedules.

In the spirit of providing a reasonable period of time for public responses to Moraga's DEIR, I respectfully request your consideration and approval of a 45-day extension. I would appreciate receiving a response at your earliest convenience.

Very truly yours,

Victoria Smith
Mayor, City of Orinda

cc: Jay Tashiro, Interim Town Manager
Lori Salamack, Town of Moraga Planning Director

Lori Salamack
Town of Moraga
Planning Director
329 Rheem Boulevard, Suite 2
Moraga, CA 94556
(925) 888-7043
FAX (925) 376-5203
lsalamack@moraga.ca.us
www.moraga.ca.us

From: Kalvass, George M [mailto:George.M.Kalvass@kcc.com]
Sent: Wednesday, July 09, 2008 12:36 PM
To: Lori Salamack
Subject: Moraga Center Plans

From: Kalvass, George M
Sent: Wednesday, July 09, 2008 12:14 PM
To: 'lsalamack@ci.moraga.ca.us'
Subject: Moraga Center Plans

Ms. Salamack,

I wish to make several points that have been missing in the recent news articles regarding the proposed biggest impact on Moraga in 3 decades.

5-a 1) Traffic is the MAIN concern. Specifically, Moraga Rd which is the main artery out of Moraga. This road is at maximum capacity now for most of 12 hours per day (excluding 8 wks when schools are out). If each new HH comprises 2 to 3 vehicles which average 2 to 3 car trips each per day out to Hwy 24 how can Moraga Rd handle 2,000 to 3,000 additional car trips per day? The plans proposed will bring gridlock to Moraga Rd and downtown Lafayette and there are no plans to widen either Moraga Rd, St. Mary's Rd or Moraga Way. This road comes to a stop with the slightest of delays backing up traffic for a mile. How will emergency vehicles access ?

5-b 2) Moraga is a " Cul-de-Sac" community completely unique to the Bay Area and all considerations impacting traffic must acknowledge this fact. The Bruzzone's were well aware of this fact when they purchased the large tracts of land they own but "envisioned a town of 60,000 people with a bypass to either 680 or 24". I feel the Bruzzone's are using threats and deception to gain their desires. This is not a political issue of Green party or Blue or Red and Moraga is not their fiefdom.
I hear the phrase " we need a community we can be proud of" to justify all this construction. I am very proud of the qualities Moraga has to offer. It is an island of beauty,tranquility, top schools, and safety in the heart of the megalopolis. Controlled, sustainable growth is key. We must leave no doubt our infrastructure can handle each new development before adding the next round of increases.

5-c 3) I would like to know how some other Bay Area communities comply with ABAG guidelines even acknowledging they are not arterially land-locked as Moraga is?
Ie Woodside, Los Gatos, Los Altos, Saratoga, Hillsboro

5-d 4) Additional retail at the Center might be frequented enough to provide some increased sales tax revenues but based on the high number of vacancies and turnover at Rheem I seriously doubt whether even a major development of this size will keep many Moragan's from shopping Walnut Creek or downtown Lafayette.

Thank you for your consideration
George Kalvass a concerned Moragan

This e-mail is intended for the use of the addressee(s) only and may contain privileged, confidential, or proprietary information that is exempt from disclosure under law. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy. Thank you.

1844 Joseph Drive
Moraga, CA 94556
July 10, 2008

Moraga Planning Commissioners
Moraga Town Council Members
Moraga, CA 94556

Ladies and Gentlemen,

Comments Regarding the Traffic Element
Draft Environmental Impact Report
Moraga Center Specific Plan

Please let us understand right from the start that I am not a traffic engineer and that I had a lot of difficulty understanding the traffic element in the Specific Plan. As a matter of fact, my attempt to find a simple summary, written in plain English, failed completely. Therefore, since I was unable to determine if the DEIR considered the issues of importance to me and my neighbors, please allow me to state those issues clearly and request that they be delivered to the traffic consultant to be carefully considered and addressed when preparing the final EIR for the Specific Plan.

The minimal understanding that I was able to glean from the DEIR is that if any of the optional housing plans for the Specific Plan area is implemented, along with the already-approved and the planned housing in Moraga (Tables 4.F-4 and 4.F-5), the current road infrastructure in Moraga would be able to safely handle the significant increase in traffic with the following exceptions (taken directly from the DEIR):

1. the Moraga Way/Moraga Road intersection would operate at an unacceptable Level of Service (LOS) D in the PM peak hour
2. the Rheem Boulevard / St. Mary's Road intersection would meet the peak hour signal warrant during the AM peak hour; however, intersection LOS is acceptable
3. the St. Mary's Parkway / St. Mary's Road intersection would meets the peak hour signal warrant during the PM peak hour; however, intersection LOS is acceptable, and
4. the Moraga Road/Corliss Drive intersection would operate at an unacceptable LOS E in the AM peak hour for the overall intersection, and the intersection would meet the peak hour traffic signal warrant during both peak hours.

Personally, I find it hard to believe that these conclusions are reasonable, given the probable significant increase in traffic from the 209 dwelling units already approved (Table 4.F-4) in Moraga and the 590 planned dwelling units (Table 4.F-5) included in the study. That is 799 dwelling units - approximately 14% of the most-recent number (5760 as of the 2000 census) of dwelling units. And please keep in mind that the 590 dwelling units is only an estimate; the number finally proposed by developers and approved by the Town may be considerably higher.

But the particular concern that demands specific attention in the DEIR is the traffic safety at one specific intersection - the intersection of Bollinger Canyon Road and St. Mary's Road. It is interesting to note that the DEIR identifies two intersections, which are located within a few hundred yards of the intersection of Bollinger Canyon Road and St. Mary's Road, as being impacted (see #2 & #3 above).

6-a

The basis for this omission is not evident, especially in light of the following facts:

1. The Bollinger Canyon Road-St. Mary's Road intersection is essentially a single chokepoint through which the traffic from 153 existing homes must currently pass to access anywhere or anything in Moraga – shopping, banks, schools, parks, libraries, etc. – or other communities. There is no other choice – it is not a matter of preference. The intersection is in essence the end of the driveway for 153 existing homes.

2. While the DEIR appears to take into account the contribution of the planned 126 dwelling units in Bollinger Valley to the overall traffic distribution in Moraga, it appears that the DEIR fails to take into account that the traffic from each of the planned 126 dwelling units must also pass through the chokepoint of the Bollinger Canyon Road-St. Mary's Road intersection before contributing to the overall Moraga traffic distribution.

6-b

3. In Appendix D of the DEIR, there is a report titled <u>Effects of Planned Development at Moraga Town Center on Community-Wide Travel Patterns, June 2007</u>. In Table 4 and Figure 6 of that report, recent traffic counts are presented for a location on St. Mary's Road, just north of the Bollinger Canyon Road-St. Mary's Road intersection. In essence, the data show that the total number of vehicles (both directions), passing the Bollinger-St. Mary's intersection during the 12-hour period from 7AM to 7PM, averages more than 600 vehicles per hour, with peaks to 945 per hour around 7-8AM and 894 per hour around 5-6PM. 10703 vehicles passed the intersection during the course of a day.

6-c

This is recent data and does not include any of the 799 dwelling units which are approved and/or planned, as discussed above. Although I was unable to identify any such data in the report, I believe that competent traffic engineers should be able to adjust these vehicle counts for the full-build-out scenario in 2030.

4. The resultant 279 (153 actual, 126 planned) homes in Bollinger Valley represent 2957 auto trips trying to leave Bollinger Canyon every day through the chokepoint. If one assumes that the bulk of those egress trips occur between 7am and 7pm, an average of more than **4 cars** will be attempting to egress Bollinger Canyon safely during **every minute** of those 12 hours. Naturally, that number will increase dramatically above the average during the "peak" hours (departures to work, school, etc.) and relax somewhat during off-peak hours.

6-d

5. The vast majority of the 4 cars per minute will be attempting to turn left, the only direction that will permit access to anywhere and anything in Moraga and to the Orinda gateway to Oakland, Berkeley and San Francisco. There is no other choice. The left turn requires a <u>simultaneous safe interval in two lanes of opposing traffic</u> . Based on the traffic counts for current traffic volumes stated above in #3, an average of 10 vehicles per minute will be passing that intersection, peaking as high as 15 vehicles per minute during the morning rush hour. That's one vehicle every 6 seconds <u>on average</u>, with a peak of one every 4 seconds. The bottom line is that one of the two lanes of traffic passing the intersection is practically always heavy, thereby frequently making the left turn from Bollinger Canyon Road onto St. Mary's Road a risky proposition at best and inherently unsafe at peak hours.

6-e

For the purists among us, I am aware that the traffic counts just north of the intersection do include some contribution from traffic exiting Bollinger Canyon and heading to Lafayette, Walnut Creek, San Ramon, etc. But let us also keep in mind that the current number of dwelling units in Bollinger Valley (153) is less than 3% (153/5760) of the dwelling units in Moraga. Any adjustment in traffic count should be minimal.

6. I would be remiss if I did not mention another significant traffic safety concern at the intersection – the high potential for a rear-end collision while waiting for a safe opportunity to turn left from St. Mary's onto Bollinger Canyon Road. While stopped waiting to turn left safely, autos are in a blind spot around a curve for autos travelling in the Lafayette-to-Moraga direction. This is particularly true when excessive speed is involved, which is the case more often than not.

6-f

7. And of course, the 500-pound gorilla in the room –the Bollinger Canyon Road–St. Mary's Road intersection cannot be considered independently of the Rheem Blvd.-St. Mary's Road intersection. In the very short distance of 100 yards or so between the intersections (in the Lafayette-to-Moraga direction), there is a dramatic, blind s-curve with a concomitant drop in grade, followed by an uphill grade to the Rheem Blvd. intersection. The safe functioning and traffic flow of the two intersections are fully intertwined. Changes in the status of one will affect the other and not necessarily for the better.

6-g

I believe it is important that the EIR take another, focused look at the impact of increased traffic flows at these two intersections.

As a final comment, I must express a concern about the focus of the traffic study. I understand that level-of-service definitions generally describe traffic conditions in terms of speed and travel time, volume and capacity, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. All of these parameters are lumped together into a single LOS designation. And that works nicely in a computer program that projects traffic flows and distributions based upon parametric relationships.

6-h

But that doesn't take into account unique conditions that may exist at a particular stretch of road or intersection that do not fit within the parameters of the computer's well-designed code. While the traffic volume, capacity, etc. may be consistent with one LOS designation, the safety of the intersection may be impacted in an entirely different way and merit a lower LOS rating. I propose to you that the intersection of Bollinger Canyon Road and St. Mary's Road, along with the nearby intersection of Rheem Blvd. and St. Mary's Road, is just such an intersection. The traffic engineer needs to put "boots on the ground" to fully comprehend the complexity of this intersection duo.

As an example, I would recommend that the traffic engineer experience the following while evaluating the subject intersections:

6i

1. When attempting to turn left from Rheem Blvd. onto St. Mary's, traffic on the incline is momentarily obscured. In addition, if an SUV, truck, etc. pulls into the right-turn lane, the driver's vision of the traffic emanating from the Moraga direction is totally obscured.
2. When attempting to turn right from Rheem Blvd. onto St. Mary's, if an SUV, truck, etc. pulls into the left-turn lane, the driver's vision of the traffic coming up the incline from the Lafayette direction, which is at least momentarily obscured, is now totally obscured.

It doesn't take much imagination to visualize these two vehicles, each edging out farther into the intersection to gain some visual access of the oncoming traffic. It is a daily miracle that a severe accident hasn't occurred there or at the Bollinger Canyon Road-St. Mary's Road intersection, at least recently. And I am at a loss to understand how the addition of hundreds of homes in Moraga and thousands of car-trips past these intersections is not going to push the currently-nebulous level of safety to a condition beyond unacceptable.

Frank Comprelli
On behalf of the Moraga Bluffs Residents Committee

EAST BAY
MUNICIPAL UTILITY DISTRICT

RECEIVED

JUL 28 2008

MORAGA PLANNING DEPT.

July 21, 2008

Ms. Lori Salamack, Planning Director
Town of Moraga Planning Department
329 Rheem Boulevard
Moraga, CA 94556

Re: Draft Moraga Center Specific Plan and Draft Environmental Impact Report

Dear Ms. Salamack:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Moraga Center Specific Plan (MCSP) and the Draft Environmental Impact Report (EIR) for the MCSP located in the Town of Moraga. EBMUD understands that the Draft EIR and proposed MCSP does not approve specific development application, but only proposes change in land use and zoning for the MCSP area. As such, EBMUD has the following comments:

WATER SERVICE

Pursuant to Section 15083.5 of the California Environmental Quality Act Guidelines, and Section 10910-10915 of the California Water Code, a Water Supply Assessment (WSA) will be required for any development under the MCSP that would demand an amount of water equivalent to or greater than the amount of water required by a 500-dwelling unit project. Please submit a written request to EBMUD to prepare a WSA for specific housing development(s) when known. Preparation of the WSA will require that EBMUD contact the project sponsor to gather data and estimates of future water demands for the project area. Please be aware that the WSA can take up to 90 days to complete from the day the request was received.

7-a

EBMUD's Bryant Pressure Zone, with a service elevation between 450 and 650 feet, will serve development proposed under the MCSP. Main extensions, at the project sponsor's expense, may be required to serve developments proposed under the MCSP. Depending on EBMUD's metering requirements and fire flow requirements set by the local fire department, off-site pipeline improvements, also at the project sponsor's expense, may be required. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to serve developments under the MCSP. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

7-b

EBMUD owns and operates water transmission and distribution mains that traverse the MCSP area in EBMUD right-of-ways and a 48-inch Moraga Aqueduct (Aqueduct) in an EBMUD right-of-way (owned in fee). These water mains and Aqueduct provide continuous service to EBMUD customers in the area and the integrity of these pipelines need to be maintained at all times. [Any proposed construction activity in EBMUD right-of-ways would be subject to the terms and conditions determined by EBMUD including relocation of water mains and/or right-of-ways, at the project sponsor's expense.]

7-c

WATER RECYCLING

As stated in EBMUD's response to the Notice of Preparation of the Draft EIR, EBMUD's Policy 8.01 requires that customers use non-potable water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife to offset demand on EBMUD's limited potable water supply. Developments proposed under the MCSP could be a potential candidate for recycled water through a satellite treatment system. EBMUD requests that the project sponsor include an estimate of potential recycled water demand in the EIR so that EBMUD can determine whether it would be feasible to provide recycled water to developments proposed under the MCSP. This estimate should include the water demand for irrigation of any non-artificial turf playfields and any common area landscaping to be maintained by a homeowners' association or the Town of Moraga. Also, please provide a detailed map showing these areas and the locations of the sanitary sewers that will serve the development. The demand estimate should not include irrigation of front and back yards of residences that will not be maintained by a homeowners' association.

7-d

NATURAL RESOURCES

As stated in EBMUD's response to the Notice of Preparation of the Draft EIR, EBMUD is very interested in working with the Town of Moraga to provide input on the design and implementation of Best Management Practices to protect the quality of water runoff from the project area into Upper San Leandro Reservoir. Nutrients, sediment, pathogens and chemicals that leave the project area either during construction activities or subsequently, once new places of business are operational, can have a significant effect on water quality. In addition the increased hardscape that is expected from development may change the hydrograph and cause local creeks to rise more rapidly during storm events.

7-e

WATER CONSERVATION

7-F

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the Town of Moraga include in its conditions of approval a requirement that the project sponsor comply with the Town of Moraga's Landscape Water Conservation Guidelines. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the integrated projects. A key objective of this discussion will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

If you have any questions, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:LAT:djr
sb08_196.doc

cc Mr. Philip Vince, Town Manager
2100 Donald Drive
Moraga, CA 94556

From: Dave & Dee Humm [mailto:dmh2@silcon.com]
Sent: Monday, July 21, 2008 3:25 PM
To: Philip Vince
Subject: a citizen's thoughts

The Planning Commission has asked Moragans for their input on the new Town Plan as laid out by the Planning Committee. I am under the impression that Moraga was incorporated as a semi-rural Town. I am dismayed by the "vision" laid out at your meeting, i.e.,more and more housing crowded into our small central area, and a "village" that is supposed to bring in people from all over, or better still, to keep Moragans shopping here and not go out of the Town. There is a good chance that we may not be able to get out, what with additional cars from the 500-700 new families that are projected. Apartments above businesses! This doesn't sound semi-rural to me. Save the orchards? They are already almost non-existent. At the end of Camino Ricardo, those orchards on the left are gone and the ones on the right are destined for disposal according to your own plans. Why must you re-invent Moraga into something it was not supposed to be? What do you think attracts people here? Good schools and OPEN SPACES - such as there are left.

8-a

Some time ago there was a community meeting at the Soda Center where we were supposed to talk about what we citizens wanted. Representatives from each table spoke on what their table had decided might be a good addition to Moraga. We also filled in surveys. Nothing much came of these because the Planning committee went ahead with the plans that appealed to them. Do we truly need a new Civic Center with gym. We now have at least three (3) businesses which offer exercize plans and options. These businesses bring in money to Moraga which a community center would not. Take a walk for yourselves and see how many people are running, biking, walking as part of their health regimen. We don't need a gym! Our one bright light, the Commons, will need to expand to accommodate those newcomers who want to attend the concerts. Where will it expand to? Do we truly need a hotel? Most of us have large homes and can easily accommodate visitors. $150,000. income for Osh doesn't sound like a big part of the pot, yet we were side-ended and it became a reality. Never mind that the roads may be impacted by those big box trucks.

8-b

8-c

You all talk about "going green". I realize that you all want to utilize your education in "City Planning" and "Architecture" and Moraga is the prime target. Let's pull back a bit and keep Moraga the way it is - a semi-rural community slowly sliding into brown. Go for the Green.

Dee Humm, Moraga Citizen

Subject: FW: feedback from web form
Date: Friday, August 1, 2008 2:17 PM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>
Conversation: feedback from web form

Lori Salamack
Town of Moraga
Planning Director
329 Rheem Boulevard, Suite 2
Moraga, CA 94556
(925) 888-7043
FAX (925) 376-5203
lsalamack@moraga.ca.us
www.moraga.ca.us

-----Original Message-----
From: Darlene Colaso
Sent: Monday, July 21, 2008 8:01 AM
To: Jay Tashiro
Cc: Lori Salamack
Subject: FW: feedback from web form

From: www.moraga.ca.us[SMTP:MORAGA-WEB@WWW.MORAGA.CA.US]
Sent: Saturday, July 19, 2008 1:38:40 PM
To: Lilinoe Kekoa
Subject: feedback from web form

First_Name	:Verna
Last_Name	:Osborn
Street_Address	:1937 Ascot Drive
Zip_code	:94556
City	:Moraga
Contacts_email	:vernaosborn@earthlink.net
Phone	:925-631-0751

Remarks:

9-a In the Moraga Center Specific Plan, I hope you will include a permanent park and ride lot for those of us who take the bus. Also, more parking is needed at the Library on days when a program draws a crowd.

My name is David Ramazetti and I live at 899 Camino Ricardo in Moraga. I attended the public hearing on July 7th and made some comments there regarding the recently released Draft Environmental Impact Report (DEIR). I will repeat some of those comments here and raise other points.
The report was inadequate on a number of fronts, as follows:

10-a
- The DEIR is heavily biased in its positioning that seems to unjustly favor the environmentally inferior plan by calling it the "Proposed Project". Why is this project, which was found to be the worst, marketed to be called the "Proposed Project", as if that project is a good thing that the Council feels is the best available? The DEIR cites several areas in which the "Proposed Project" is deemed to cause a significant impact to the area even after mitigation efforts are taken. On the other hand, the "NO PROJECT" alternative is specifically cited as being environmentally SUPERIOR to the "Proposed Project". It also cites that of all the alternatives beside the "no project" alternative, that ALTERNATIVE 3, which is for 400 units versus the 720 units under the "Proposed Project", is the "ENVIRONMENTALLY SUPERIOR" Alternative. However, this is not summarized up front. Nor is there any executive summary of the document for residents to read independent of this 446 page document so they can easily see that the "Proposed Project" has been found to be inferior. Instead one has to read through to the last two pages of this 446 page report to find this made clear! This is unacceptable. It should be published and the public should be broadly notified that the "Proposed Project" has been found ENVIRONMENTALLY INFERIOR compared to "No Project" and "Alternative 3".

10-b
- The DEIR is heavily biased in the scope of work. The cover of the DEIR shows only the planned layout for the environmentally inferior Proposed Project. Throughout the document the DEIR only shows a detailed color graphic of the environmentally inferior "Proposed Project". I would note that every other public document I've ever seen also only shows this. This leads residents to believe this is the best proposed plan, when it definitely isn't. By comparison, there are only rough sketches of the layouts of the other alternatives that are buried in and appendix. Further, there are multiple artist renditions of the environmentally inferior "proposed project" showing happy people at the restored Moraga Ranch, etc. There are absolutely none of any of the other alternatives. The DEIR needs to give equal thought to the graphics and details of the other alternatives, particularly since the Proposed Project is cited as inferior to the others.

10-c
- Given that "No Project" and "Alternative 3" are deemed "environmentally superior", the DEIR is inadequate by not drilling down further on these. For instance, what would the impact be in alternative 3 if the single family homes and senior housing were increased and the compact residential and St. Mary's faculty/student housing were reduced accordingly? Given that Alternative 3 is superior, the report is inadequate in further exploring variations on this alternative. Instead it gives top billing to the "Proposed Project". I believe for the plan to be adequate it should dismiss the inferior plans and focus on potential variations of the environmentally feasible plans for the council to decide on.

10-d
- The DEIR does not address the potential increase in crime at all. Wholly inadequate. In the appendix to the report, residents noted crime as an area of desired study for the impact report multiple times. However, in 3.3 of the DEIR, crime is never mentioned as a concern for the report. The DEIR looks at dozens of items, focusing particularly on traffic. It notes that 1-2 more police officers would be needed. But it doesn't directly study at all the impact each of these alternatives would potentially have on increased crime. For instance, in a population of 300 high density, affordable condos, as put forth in the inferior "Proposed Project", what is the probability of introducing a Megan's Law offender into the community, which is close to multiple schools? What is the probability of increasing accessibility to drugs from adding these units or 100 St. Mary's student housing units, as proposed under the inferior proposed project? As a resident, I feel that the Council would be deficient in fulfilling its responsibilities unless these issues are studied directly.

10-e
- The DEIR points out questionable areas. For instance, on Page 2-9 it shows that the minimum development to meet objectives is 360 units with the maximum being 760 units. Why on earth would the Town ever want to go with anything above the bare minimum? Never explained.

10-f
- There are indications that some of the affordable housing requirements could be handled in other areas of Moraga, like by Rheem, in one of the other half dozen or so proposed Moraga housing developments, or that the build out of affordable housing could be deferred to some future period. Do we need to meet all ABAG requirements for Moraga in this one project? Why can't other developments carry their fair share? What is the actual monetary impact of not meeting ABAG requirements - not just that we won't get state funding by how much is really at stake in dollars? Not addressed.

10-g
- The report is inadequate in explaining the impact on traffic. In looking at specific intersections, it is really unclear as to what the specific proposed impact is. Lots of data, but most of it is unclear. There needs to be better clarity as this is what the bulk of the report focuses on. The only thing that was clear about this was made in the Town Council meeting, as said by the person who did the report "ALL the other alternatives would have less impact than the Proposed Project on traffic". The infrastructure of Moraga does not seem to be capable of handling such a dramatic increase in residents.

10-h
- Inadequate in making it crystal clear as to the impact on the environment. Only in the Town Planning meeting was it really stated clearly that Air Quality was a "significant and unavoidable impact - The project will increase ozone and 2 greenhouse emissions". Doesn't seem to be a responsible thing to do.

10-i
- The report was inadequate in that it did not review the impact that adding a substantial number of people to the downtown area of Moraga would have in the event of required evacuation in a catastrophe. Since there are only 2 main thoroughfares in and out of Moraga, that are already heavily congested at normal peak times, this should be addressed.

10-j
- The need for doing any project is unclear. It would seem doing a project is driven by a need for more tax revenues and the theory goes like this: if we build 720 new units then it will dramatically increase the population of Moraga which then should increase the number of retail stores in the Shopping Center which then should mean that Moraga residents stop making so many purchases out of the area and will buy locally which then should mean Moraga can start collecting more sales tax locally. That is a ridiculously long chain of variables with multiple points for failure. If one of these assumptions is wrong, then the Town Council will have created an infrastructure burden without the "projected" tax revenue, which will compound issues.

10-k
- The DEIR is unclear on how the proposal impacts costs and taxes indirectly. For instance, what happens if the fire department has to move from its current location because of the development and we have to foot the bill for a new fire station? It notes that the schools can physically accommodate any new students moving in. But what about the cost of paying for new teachers, supplies, etc.?!

10-L
- Potential Effect 4. A-2 questions " 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)? Somehow the report deems that there is not a significant level of conflict and no mitigation measures are necessary. That is absolutely an incorrect statement. I believe there is certainly a conflict in every manner with building high density housing in Area 4 on Camino Ricardo in particular. Having condos across the street from the Sonsara development and $1M+ houses going up Camino Ricardo is a definite conflict. I, for one, would move out the area and back to Orinda (as much as I would hate to do so).

10-m
- At the town council it was noted that a study had been done using Map Info that identified the specific types of retail stores that may move into the center. However, as far as I know, this report hasn't been posted to the public. The primary example I heard given at the town hall meeting was that an independent book store could do fine in the shopping center. An independent book store! That is why we are putting this tremendous strain on the community is so we can get an independent book store! I heard some people that lived here longer than I have note that Moraga used to have an independent book store and a Starbuck's. Both pulled out apparently. I think that is likely to happen again unless this entire thing goes off absolutely perfectly, which in reality will not happen. What specific retail stores we would get in the Shopping Center needs to be addressed. Weighted probabilities need to be assigned to different scenarios so that we as residents understand the risk associated with a failure of this plan. What if we build a bunch of housing units, and no retail comes? We are in a recession after all. Starbuck's is closing 1,200 stores nationwide and only opening up 600. Further, just because Moragans make most of their purchases out of town doesn't mean they will switch to shopping in Moraga when new retail comes. If the retail isn't something we want, then we won't shop here. That is already the problem.

10-n
- There is nothing that shows how this huge development will get implemented successfully in detail. This is a big bet on economic redevelopment and many pieces of that plan seem to be missing that would provide town residents with the comfort that this high risk plan has an associated reward commensurate with the risk.

10-o
- Inadequate in looking at alternatives uses for some of the biggest proposals. For instance, the Hacienda already exists. Why can't that function as a community center instead of spending tax dollars to create a new community center? Are there any conflicts of interest at the Town Council level - i.e., someone favors a community center and is willing to go through all this development as the trade off to get that center? These should be disclosed. Lots of risk and negative impact to the community just to get a Community Center built.

10-p
- What is the overall tax shortfall we're trying to cover? What are alternatives to a building project for the necessary tax revenue? How much would a parcel tax have to be, for instance? Not addressed.

10-q
The DEIR was only released June 16th. You are only having two Public Hearings giving the opportunity for public comments (7/7 and 7/22) and only through July 2008 for any written comments. Then the Town Council, after meeting on 10/6 is going to certify the EIR and the adoption of the Specific Plan on 10/22. This is an inadequate amount of time and number of opportunities for citizens to be able to provide feedback. It is no where near adequate time for the Planning Commission or the Town Council to make a decision that will affect the town of Moraga this substantially over a long period of time. Particularly since there are so many holes in the DEIR, as noted already.

10-r
Then after due deliberation and substantially more input from citizens, the Town Council would be in a position to make a decision. The current schedule seems to be accelerating the path to getting something passed without adequate deliberation. What is the reason for that? What about getting a 2nd opinion report?

10-s
So far this email has focused on the inadequacies of the DEIR that need to be addressed. Separately, I would like to voice my opinion on the development. If anything is developed at all, I feel Area 4 MUST be restricted to low density units, like the Sonsara development. I think there should be no access via Camino Ricardo. There are already far too many cars traveling far too fast on this residential street. If there is going to be anything other than low density units in the MCSP, they should be for senior housing on the Safeway side of the Orchard. Seniors may very well find it convenient to be that close to retail and not create the traffic, crime or school problems that other types of housing may. It makes no sense for student/faculty housing to be in this development. Too far from St. Mary's.

10-t
Sincerely,
David Ramazetti

Subject: FW: feedback from web form
Date: Friday, August 1, 2008 2:01 PM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>
Conversation: feedback from web form

Lori Salamack
Town of Moraga
Planning Director
329 Rheem Boulevard, Suite 2
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FAX (925) 376-5203
lsalamack@moraga.ca.us
www.moraga.ca.us

-----Original Message-----
From: Darlene Colaso
Sent: Friday, July 25, 2008 3:35 PM
To: Jay Tashiro
Cc: Lori Salamack
Subject: FW: feedback from web form

From: www.moraga.ca.us[SMTP:MORAGA-WEB@WWW.MORAGA.CA.US]
Sent: Friday, July 25, 2008 3:02:19 PM
Subject: feedback from web form
Auto forwarded by a Rule

First_Name :Lindsay
Last_Name :Delaney
Street_Address :905 Camino Ricardo
Zip_code :94556
City :Moraga
Contacts_email :linz_delaney@yahoo.com
Phone :925-377-0858
Remarks:
I am probably one of the few people writing that is not completely opposed to the planned Town Center. I do have a few major concerns that I would like to voice.

10-a I moved into my home a year ago with my husband and daughter. We were drawn here because of the community feeling and great schools. I am extremely concerned about the number of homes/units proposed. I live on
10-b Camino Ricardo and the speeding is already horrendous. I am not even comfortable walking on the sidewalk with my daughter because most people are driving 40 mph. Additionally I am concerned about whether our schools can absorb the number of children that will move into these
11-c homes. It is my understanding that you are already not guaranteed to attend the school in your neighborhood because of overcrowding.

I hope that the shopping center is able to bring in some new stores and
11-d more importantly, restaurants. I just hope that those of us living nearby are not miserable when this happens.

Regards,

Lindsay

East Bay Regional Park District

2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

July 25, 2008

RECEIVED
JUL 28 2008
MORAGA PLANNING DEPT.

Lori Salamack
Town of Moraga Planning Department
329 Rheem Boulevard, Suite 2
Moraga, CA 94556

RE: Lafayette Moraga Regional Trail
Moraga Center Specific Plan, Draft Environmental Impact Report

Dear Ms. Salamack:

Thank you for the opportunity to comment on the draft Environmental Impact Report for the Moraga Center Specific Plan. The East Bay Regional Park District operates the Lafayette Moraga Regional Trail, a 7.75 mile "linear park" extending from the Olympic Blvd. Staging Area in Lafayette to East Bay Municipal Utility District's Valle Vista Staging Area in Moraga. The route bisects the specific plan area. The Park District's comments are limited to issues pertaining to the trail.

12-a On page 4E-24 of the draft EIR, in the paragraph headed "Trails," the report states,"There are no trail markers in the MCSP area, nor any other trail improvements of a recreational nature." That statement is incorrect. There is a formal entry structure and signage for the trail located within the project area near the intersection of Moraga Road and St. Mary's Road. There are mile markers for the trail painted on the 8' sidewalk that serves as the existing trail along School Street. There is a trail post with signage and directional arrows at the intersection of School Street and Moraga Way, and another similar trail post at the intersection of School Street and Country Club Drive. There is another formal entry structure and signage on the south side of Country Club Drive, where the trail turns south to follow Laguna Creek. Also, the trail at this location forms a portion of the Lamorinda Loop Trail, which is also signed within the project area.

12-b [The proposed integration of the trail within the extension of School Street (Page 2-7, "Project Description") should be considered a potentially significant impact under Section 4.F-10 of Table 3-1 (Page 3-9, "Summary of Findings"). The expected increases in vehicular traffic, an increase in the number and usage of driveways crossing the trail within the Area 2 (New Village Retail) will certainly impact bicycle and pedestrian travel at that location.]

12-c [The proposed routing of the trail through the roundabout at the intersection of School Street and Village Route 3 will also increase the possibility of accidents involving vehicles and trail-using bicycles and pedestrians. Since the proposed Specific Plan will inform the design of future development of this area, these impacts should be analyzed in the DEIR so we can better understand and evaluate how the proposed Specific Plan will impact our trail.]

12-d The Park District believes these impacts can be mitigated by rerouting the trail adjacent to the east bank of Laguna Creek between Moraga Road and Moraga Way. This alignment would significantly reduce bicycle and pedestrian conflicts with motor vehicles. It would route through-users of the trail away from the hustle and bustle of the revitalized Moraga Center while also allowing for convenient non-motorized access to the site. Routing the

Board of Directors

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12-e

trail along the creek would provide a significant recreational amenity to the residents of Moraga and provide a logical riparian buffer between future development and the creek. Short connectors from the trail to the new retail and residential developments will also reduce auto trips, traffic congestion and greenhouse gasses.

The Park District looks forward to working cooperatively with the Town and the project proponents to enhance the Lafayette Moraga Trail corridor through the specific plan area and reduce the impacts of the proposed development on trail users.

Please feel free to call if you have any questions.

Yours truly,

Jim Townsend
Trails Development Program Manager
510-544-2602

Subject: FW: Moraga Specific Plan Comments
Date: Monday, July 28, 2008 10:00 AM
From: Rhonda Basore <rbasore@moraga.ca.us>
To: Rob Brueck <rbrueck@haugebrueck.com>
Cc: Lori Salamack <lsalamack@moraga.ca.us>
Conversation: Moraga Specific Plan Comments

Rhonda Basore
Town Clerk/Assistant to Planning Director
329 Rheem Blvd, Ste 2
Moraga, Ca 94556
(925) 888-7040
FAX - (925) 376-5203
rbasore@moraga.ca.us

From: Lynda D [mailto:lynda_d@sbcglobal.net]
Sent: Sunday, July 27, 2008 9:13 PM
To: Rhonda Basore; Lori Salamack
Subject: FW: Moraga Specific Plan Comments

public comments for the records

Yours,
Lynda

Lynda Deschambault
Mayor, Moraga, CA
(925) 708-9686

From: Johnson, James P [mailto:james.johnson@bankofamerica.com]
Sent: Friday, July 25, 2008 7:14 AM
To: lynda_d@sbcglobal.net; rbird@moraga.ca.us; kchew4moraga@sbcglobal.net; mmetcalf@moraga.ca.us; lsalamack@moraga.ca.us; dtrotter@bowlesverna.com
Cc: jimpjohnson@comcast.net
Subject: RE: Moraga Specific Plan Comments

The purpose of this message is to clarify the views expressed in my earlier e-mail message are my personal views only as a resident of Moraga. The signature line inadvertently listed my office contact information. My personal views should not be connected to my employer in any way.

Regards,

From: Johnson, James P
Sent: Monday, July 07, 2008 12:49 PM
To: 'jimpjohnson@comcast.net'
Cc: 'lynda_d@sbcglobal.net'; 'dtrotter@bowlesverna.com'; 'rbird@moraga.ca.us'; 'kchew4moraga@sbcglobal.net'; 'mmetcalf@moraga.ca.us'; 'lsalamack@moraga.ca.us'
Subject: Moraga Specific Plan Comments

Dear Council Members and Town Staff:

I have reviewed the Moraga Specific Plan (MSP) and the Environmental Impact Report (EIR). As a result of this review, I have the following comments for the public record.

13-a While not in agreement with all of the findings of the EIR, particularly in the burden the MSP will place on the Moraga School System with increased long term cost of operations and reduced quality of education, I do agree with the general summary of the report's final assessment. Specifically, "the environmentally superior alternative is
13-b considered to be Alternative 3 (400 Units) with appropriate mitigation measures " as cited on page 5-21.

Given the significant impact the Moraga Specific Plan will have on the residents of Moraga, I request a public referendum on any Plan you approve. The referendum will
13-c require at least two-thirds majority affirmative vote for the Plan to be approved by voters of Moraga. Before this referendum occurs, I request at least three public review meetings on Saturdays starting at Noon. These public review meetings will ensure that all residents of Moraga have an opportunity to understand the Moraga Specific Plan and the impact it will have on their tax supported community. The referendum can be scheduled for the next scheduled general election date.

The Moraga Specific Plan does not conform to the spirit and intent of the General Plan.
13-d Therefore, to approve such a material change from this controlling document, the will of the residents of Moraga should be confirmed by a referendum.

James P. Johnson
258 Claudia Court
Moraga, CA 94556

Phone: 925-631-1541
Fax: 925-376-5591
Email: jimpjohnson@comcast.net

Any information contained in or attached to this e-mail is intended solely for the use of the intended recipient(s), is confidential and may contain information that is legally privileged. If you are not an intended recipient of this e-mail, please notify the sender of the delivery error and then please delete and destroy all copies and attachments, and be advised that any review or dissemination of, or the taking of any action in reliance on, the information contained in or attached to this e-mail is expressly prohibited. See http://www.bankofamerica.com/emaildisclaimer (if this link is not clickable, please copy and paste the link into your browser address bar) for further important information on confidentiality, the risks inherent in electronic communication (including the possibility that e-mail messages cannot be guaranteed to be secure or free of errors or viruses), some of our policies regarding transactions and pricing and certain other matters.

Ms. Lori Salamak
Planning Department
329 Rheem Boulevard
Moraga, CA 94556

re CEQA and the Specific Plan EIR

14-a As per my comments during the town council meeting, I have reviewed the Draft EIR for the specific plan and I do not believe it adequately mitigates the elements required under CEQA, nor does it seem to fully address Federal, State, and Local laws and guidelines. I ask you to specifically review and provide mitigation and monitoring measures for each of the following concerns:

14-b 1) Section 4I Biological and The Federal Endangered Species Act (ESA)- Moraga has designated critical habitat for the endangered Alameda Whipsnake and the Red Legged frog and other species. There is both a riparian area and grassland area in the project area. What type of mitigations has been included for providing alternative habitat? Since this is a commercial/urban design and there is no room for mitigations on site, then I recommend offsite mitigation in an area such as Mulholland ridge.

14-c 2) Section 4D and the Federal Clean Water Act- There is a riparian creek running thru the project area, yet I see no mitigations to ensure set backs are required as a condition of approval. I also do not see mitigations regarding the permeable surfaces for all the new asphalt parking, and structures. Please include mandatory permacrete as a mitigation to allow water to infiltrate. In addition, please add conditions that mandate bay friendly landscaping and the use of native plants. In addition, it is appropriate to add mitigations restricting the use of pesticides and require that the specific plan area comply with Moraga's Integrated pesticide Management Program (IPM)

14-d 3) Section 4E and 4I - California State Protection of California Live Oak- Our state tree is present within the specific plan area, the riparian area etc. Please provide mitigation for these trees and other trees. I recommend a mitigation for 4 to 1 replacement. This is common in other cities. For every tree removed. Four others must be planted.

14-e 4) Section 4A and the Moraga General Plan- The current proposal ignores some of the elements of the Town of Moraga's own General Plan. Please also provide an explanation of whether or not this requires a general plan amendment.

14-f The retail space and office space, exceed the general plan build out. Please provide mitigations for the additional square footage. Include a mitigation that puts an upper square footage restriction on the retail space. i.e. to prevent big box stores, the upper limit should be at or below the square footage of our Orchard Supply. This will mitigate for traffic as well. Neighboring communities are not as likely to travel to Moraga to visit smaller boutique or local shops.

14-g The number of car trips per resident at 10.4 for single family or 5.6 per empty nester do not add up. Please provide mitigations to keep the car trips down. i.e. require that the HOA collect fees and provide a public transit card for every resident.

14-h Section 4L2--Evacuation plans have not been addressed. The town of Moraga is still working on an EVA and evacuation plan for the existing population. Once that is complete, please provide evacuation plans for an additional 720 homes.

14-i Section 4K-- Please provide mitigations to ensure the Level of Service (LOS) for schools are maintained

14-j Section 4La&b--Please provide mitigations to ensure the LOS and response times for our fire and police are maintained.

14-k Please provide clear trail easements to ensure that the current trail system links to both the new and the existing areas. And also provides flow to Moraga road.

14-L Section 4E-- Please provide mitigation for the pear trees. Moraga's heritage and historical mementos.

14-m Section 4E--Moraga Scenic Corridors- Please provide mitigations such as tree planting, bay friendly landscaping and setback requirements to preserve scenic vistas and avoid substantially degrading the visual quality

14-n 5) Please provide mitigations for parking and limit the aesthetic impact of such parking, by requiring that all residential parking be underground or partially underground.

6) Section 4G and Federal Clean Air Plan and CEQA and climate change

Per AB32, The governor's OPR office and the state attorney general's office, the specific plan addresses air quality but it does not adequately address GHG mitigations especially in relationship to mitigations for traffic and reducing VMT (vehicle miles traveled) as well as building efficiency. The governor's office and the state attorney general's office have provided a list of recommended mitigations. Please review and consider all of them, in particular I would request that we add the following mitigations:

14-o

- Install solar and/or wind power for the specific plan area, consider off grid opportunities and special attention to require solar panels on carports and covered areas.
- Install an infrastructure to deliver and use reclaimed water
- Implement low development impact practices to manage and maintain the existing hydrologic character of the site. i.e. permacrete
- Section 4F- Promote alternatives to individual vehicle travel. Incorporate and require installation of a transportation authority district to fund public transportation (a shuttle to BART) as part of the project design. Chart on page 3-7 says unavoidable. I disagree. We need to add mitigation to cut down on the traffic.
- Create local neighborhood electric vehicle systems network
- Provide HOA requirements incentives such as free or low cost monthly transit passes.

7) The aesthetic impacts of this project have not been adequately reviewed for purposes of conduction an EIR. Showing visuals only from a few vantage points and only up to a build line is insufficient. The number one priority is to also include revitalization and integration into the existing retail space. Seeking opportunities for infill stores that add an aesthetic quality and

14-p provides for on overall downtown village area. To call the back residential area the new "village" is inappropriate and the project has not been adequately scoped. Although I preferred the contractor szfm who has designed Lafayette's Fiesta Square and Mercantile...the town council opted to go with the dahlin group because a "fly thru" computer animated simulation would be included. This is not included and a full review can not be conducted.

14-q Page 21.1 "revitalize existing by building new". This is insufficient. Revitalization must be included for the existing area or it will undergo blight and destroy the aesthetic quality of our downtown area.

14-r 8) Rather than default to a 20DU, I believe we should "demonstrate" affordability. 24 DUA is not appropriate for this semi rural community. In addition, the condition of the grant should specify homes only to be available for "seniors".

Please consider each of these items carefully and include these mitigations in the next draft of the EIR for Moraga's specific Plan .

Lynda

Lynda Deschambault

Environmental Chemist

Subject: FW: feedback from web form
Date: Friday, August 1, 2008 12:54 PM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>
Conversation: feedback from web form

Lori Salamack
Town of Moraga
Planning Director
329 Rheem Boulevard, Suite 2
Moraga, CA 94556
(925) 888-7043
FAX (925) 376-5203
lsalamack@moraga.ca.us
www.moraga.ca.us

-----Original Message-----
From: Jay Tashiro
Sent: Tuesday, July 29, 2008 8:28 AM
To: Lori Salamack
Subject: FW: feedback from web form

-----Original Message-----
From: Darlene Colaso
Sent: Monday, July 28, 2008 9:10 AM
To: Jay Tashiro
Subject: FW: feedback from web form

From: www.moraga.ca.us[SMTP:MORAGA-WEB@WWW.MORAGA.CA.US]
Sent: Saturday, July 26, 2008 1:32:03 PM
To: Lilinoe Kekoa
Subject: feedback from web form
Auto forwarded by a Rule

First_Name :Ceil
Last_Name :Murtagh
Street_Address :62 Corte del Caballo
Zip_code :94556
City :--- Choose One ---
Contacts_email :ceilmurtagh@ispwest.com
Phone :925 283 1841
Remarks:
15-a In reading about the proposed development of the Wilder Project with its multi-unit housing I have concerns about the impact on traffic in and out of town. Unless you can figure a way to widen Moraga Road and
15-b Moraga Way I don't see how you can propose adding more cars in our town.

To Whom It May Concern:

16-a As a Moraga resident who moved here from San Francisco in July of 2006 for the small town feel and open space, I am concerned about the impact the proposed development on the hillside adjacent to Camino Ricardo will have on my neighborhood and the greater Town of Moraga.

16-b In interest of full disclosure, our home is directly across Camino Ricardo from the development. My primary concern is traffic. From a personal standpoint it will impact my life by no doubt extending my daily commute. That will mean less time for work or less time with my family. But most importantly I'm concerned about the safety of my small children and all those in our neighborhood who play in our streets. There are over 20 children below the age of 11 on our two streets; I believe 12 of those children are ages 7 and below. And every afternoon kids are playing in the streets. With a through street and the additional traffic I don't think that would be the case. I am really hoping the town will reconsider and not create a new street that will cross Camino Ricardo directly across from Whiting Court and instead direct vehicular traffic out toward the main streets or Moraga Way and Moraga Road. There should be no vehicular traffic access to or from Camino Ricardo to the proposed development area.

16-c I understand the housing element is state mandated, but also understand that almost as many Bay Area towns are out of compliance as are the number that are in compliance. Density and mandated affordable housing is inconsistent with the Moraga lifestyle and culture that brought many Moraga residents to this town in the first place.

Questions for Clarification:

16-d 1) On page 26 of the MCSP Area 7 is noted for 3 units per acre as a transition to existing neighborhoods. However, in other diagrams I've seen displayed at meetings and in the EIR I've seen 12 du/acre. We homeowners in Sonsara would like to see housing on the hillside visible from our homes that is consistent in density with our housing development, not higher density. The higher density housing should be concentrated on the hillside closest to the retail shopping center.

16-e 2) The current retail is struggling, what makes town council believe that new retail won't struggle too? Moraga is off the beaten path. It doesn't have the drive by traffic that Orinda and Lafayette have and will likely never have the same sort of retail presence. What am I missing here?

16-f 3) Why not develop the streets and infrastructure that are at the top of the Moraga Country Club first?

16-g 4) Where can the public access the Power Point presentation of the traffic report that was referenced at the 7/22/08 Town Council meeting?

16-h 5) What is the estimated time frame for development amd construction from breaking ground to finished liveable product?

16-i 6) Are there penalties if developer exceeds construction timeframe and negatively impacts day to day life for neighbors to development for a longer duration?

Sincerely,

John Giordani
9 Avila Pl
Moraga, CA 94556

John Giordani
(415) 577-9311
johngiordani@yahoo.com

To whom it may concern:

17-a As a Moraga resident I have not had enough time to review the specifics and consequences of the public hearings for the Moraga Center plans. Obviously I am not alone considering the number of people that were at the last meeting on a project of this magnitude. This project effects the town as a whole and should be well publicized, communicated and reviewed by its residents. It would be prudent to extend the deadline.

Rebecca Maher

Subject: FW: Draft EIR for Proposed New Development for Moraga Center Project
Date: Monday, July 28, 2008 3:38 PM
From: Rhonda Basore <rbasore@moraga.ca.us>
To: Rob Brueck <rbrueck@haugebrueck.com>
Cc: Lori Salamack <lsalamack@moraga.ca.us>
Conversation: Draft EIR for Proposed New Development for Moraga Center Project

Rhonda Basore
Town Clerk/Assistant to Planning Director
329 Rheem Blvd, Ste 2
Moraga, Ca 94556
(925) 888-7040
FAX - (925) 376-5203
rbasore@moraga.ca.us

From: Sanderson, Garrett [mailto:GSanderson@cbmlaw.com]
Sent: Monday, July 28, 2008 12:51 PM
To: Rhonda Basore
Subject: Draft EIR for Proposed New Development for Moraga Center Project

Dear Town Council and Planning Department,

Word is getting around that comments on the draft EIR for the proposed project, which was only released in mid-June 2008, must be received by July 31, 2008. Let me tell you that I am not keen on such a compressed period, particularly for
18-a a layman such as myself.

18-b [Accordingly, you leave me absolutely no choice but to express my opposition to the project and the draft EIR based on shortcomings in addressing the impact on traffic, schools, crime, low-income housing and pollution.] [For example, traffic in Moraga is already heavy enough during the work-week - both during the morning
18-c and evening commutes and during the morning and afternoon school hours.]

18-d What additional roads out of Moraga would be constructed to alleviate existing traffic congestion, let alone additional traffic problems that would be created by the proposed new development project? 18-e What impact would any such new roads have on our neighboring towns of Orinda and Lafayette? 18-f I have scant understanding of the proposed low-income housing, but it seems to me everyone always wants to throw it to the areas near Rheem Elementary School.

18-g It is also my understanding that the Towns of Orinda and Lafayette asked for, and have been denied by our town council, a meaningful opportunity to review and comment on the draft EIR for this project. That type of request seems reasonable to me, and should have been granted, as a project such as the one proposed will undeniably have substantial impacts on both of those towns.

I urge the town council and planning department to reject the draft EIR.

Under these circumstances, any town council member who votes for this project will not receive my vote in the election and, moreover, I will vociferously urge his/her defeat.

Sincerely,

Garrett Sanderson

41 Corte de Rosas

Moraga, CA 94556

Subject: FW: Moraga Center Specific Plan
Date: Friday, August 1, 2008 12:54 PM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>
Conversation: Moraga Center Specific Plan

Lori Salamack
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www.moraga.ca.us <http://www.moraga.ca.us>

From: Lynda D [mailto:lynda_d@sbcglobal.net]
Sent: Monday, July 28, 2008 9:13 PM
To: Lori Salamack; Philip Vince
Subject: FW: Moraga Center Specific Plan

Please add to public comments.

Yours,
Lynda

Lynda Deschambault
Mayor, Moraga, CA
(925) 708-9686

From: Crwaters@aol.com [mailto:Crwaters@aol.com]

Sent: Monday, July 28, 2008 9:09 PM
To: lynda_d@sbcglobal.net
Subject: Moraga Center Specific Plan

Dear Mayor Deschambault;

I am vehemently opposed to the Moraga Center Specific Plan (MCSP) as it is currently proposed. While I understand the need to bring new housing and retail to
19-a Moraga to do so in the current manner changes the topography of Moraga from a small town to a city.

Areas of Greatest Concern:

Proposed Housing Density – the MCSP calls for 720 housing units with only 20 housing units designated at the 3-5 per acre level. As noted in the MCSP the 3-5 homes per acre is set forth to provide a transition to existing neighborhoods. This is
19-b currently not achieved. As it stands only Area 6 provides for the 3-5 homes per acre level of residential development. Area 4 which borders Camino Ricardo and the Sonsara housing development has planned residential development of 12 units per acre. This represents a stark contrast to the Sonsara housing development which has 2 - 3 homes per acre. Therefore at a minimum Area 4 should be downsized to the level of a minimum of 3-5 homes per acre to provide for a meaningful transition between the new and existing neighborhoods.

Traffic Congestion – The addition of 720 housing units will cause a substantial increase in traffic congestion (as set forth in the environmental impact report). This increased traffic will cause increased exhaust fumes from motor vehicle traffic along
19-c with, increased wear and tear on the roadways of Moraga, Orinda and Lafayette. The rear of my home currently abuts Moraga Way. While it can be noisy at times, due to traffic, it is manageable and it was a known factor when purchasing the home. The anticipated additional traffic and related exhaust fumes from a MCSP will create a situation where my family will not be able to enjoy our backyard as well as exposing us to increased unhealthy exhaust fumes.

While I concur that there needs to be some growth in Moraga, the current proposed MCSP is too far reaching in terms of housing density and retail growth. The
19-d MCSP should follow either Alternative 2 which includes 339 residential units or Alternative 4 which includes 400 residential units. While neither of these plans is as favorable as no development, they are significantly more palatable and will assist in maintaining Moraga's small town atmosphere.

Sincerely,

Corey R. Waters

5 Whiting Court

Moraga, CA 94556

Get fantasy football with free live scoring. Sign up for FanHouse Fantasy Football today <http://www.fanhouse.com/fantasyaffair?ncid=aolspr00050000000020> .

Subject: FW: Request Extension for public comment on draft Moraga Center Specific Plan
Date: Monday, July 28, 2008 4:24 PM
From: Rhonda Basore <rbasore@moraga.ca.us>
To: Rob Brueck <rbrueck@haugebrueck.com>
Cc: Lori Salamack <lsalamack@moraga.ca.us>
Conversation: Request Extension for public comment on draft Moraga Center Specific Plan

Rhonda Basore
Town Clerk/Assistant to Planning Director
329 Rheem Blvd, Ste 2
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(925) 888-7040
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rbasore@moraga.ca.us

-----Original Message-----
From: mark wechser [mailto:wechser@yahoo.com]
Sent: Monday, July 28, 2008 1:48 PM
To: Rhonda Basore
Subject: Request Extension for public comment on draft Moraga Center Specific Plan

Dear Ms Salamak,

My name is Mark Wechser. I, my wife, and two children are residents of Corliss Drive in Moraga. We request that the deadline for public comment on the draft Moraga Specific Plan and Environmental Impact Report be extended into the Fall when residents who are engaged in summer travel and activities that do not permit them to participate fully in the process at this time of the year can have an opportunity to comment.

20-a As a largely family oriented residential community, many of Moraga's residents are unable to participate fully in the review process at this time of the year as they are out of the area. As a result, it would be more appropriate to have the deadline for public comment to be after people have returned to the area for school and are able to participate fully. A number of residents have voiced this concern to me.

I fear that the timing of the deadline for the review of this project, which has far reaching implications for the community, will "short-change" many residents who cannot participate in the process during the summer.

Thank you for your consideration in this matter.

Best Regards,
Mark Wechser

Subject: FW: Comment on the Moraga Specific Plan
Date: Monday, July 28, 2008 12:03 PM
From: Rhonda Basore <rbasore@moraga.ca.us>
To: Rob Brueck <rbrueck@haugebrueck.com>
Cc: Lori Salamack <lsalamack@moraga.ca.us>
Conversation: Comment on the Moraga Specific Plan

Rhonda Basore
Town Clerk/Assistant to Planning Director
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rbasore@moraga.ca.us

From: wessnjoe@netscape.net [mailto:wessnjoe@netscape.net]
Sent: Monday, July 28, 2008 9:40 AM
To: Rhonda Basore
Subject: Comment on the Moraga Specific Plan

Hi.
I am Joseph Weinstein, Moraga resident at 5 Avila Lane.

Moraga must respond officially and publicly to Orinda's and Lafayette's environmental impact comments regarding the Moraga Specific Plan.

For the record, I am extremely concerned that the environmental impact report for the Moraga Specific Plan should include the official comments from the towns of Orinda and Lafayette. Regardless of deadlines, their concerns and cooperation are crucial. Practically everything and everyone that enters or leaves Moraga, goes through Orinda or Lafayette, and it would be unconscionable to go forward without their comments having the first-class must-respond status.
Thank you,
Joe Weinstein

21-a

The Famous, the Infamous, the Lame - in your browser. Get the TMZ Toolbar Now <http://toolbar.aol.com/tmz/download.html?

NCID=aolcmp00050000000014> !

Lori Salamack
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www.moraga.ca.us

From: Wendy Buchman [mailto:wlbuchman@yahoo.com]
Sent: Tuesday, July 29, 2008 4:50 PM
To: Lori Salamack
Subject: Opposed to Moraga's Specific Plan

Dear Ms. Salamack,

I am a Moraga resident and am very concerned with portions of the proposed plan. My primary concern is with the proposed senior housing in the area bordered by Moraga Way, Camino Ricardo, and School Street.

22-a

When the Sonsara development was built, I understood that the original development included a portion of that parcel of land. However, the development was downsized and that wonderful orchard property remains undeveloped. When I learned that the area was slated for development, I was disappointed. However, I could live with homes of the same type as were built in the Sonsara development. The higher density housing of 12 du/ac and 24 du/ac seems inappropriate for the area. I worry about the impact on the surrounding property values.

22-b

Additionally, I am concerned about the town's ability to absorb additional residents. As you no doubt know, Moraga only has a few routes in and out of town. The road work this summer should, alone, raise a question about substantially increasing the number of Moraga residents. I understand that one rebuttal to that concern is the assumption that the senior housing will be occupied by people who will not be driving as much as the "soccer moms" and commuters. However, one cannot make that assumption. There are many active seniors who drive. Further, isn't it likely that these seniors will have visitors who live outside of Moraga?

22-c

One of the reasons that I love living in Moraga is that it is a respite from the rest of the Bay Area - fewer people, less crime, great schools, and beautiful surroundings. More residents would mean more strain on Moraga's services - fire, police, schools - making it a less desirable place to live. Also, if Moraga no longer has any open space in its "downtown" it will have lost part of its semi-rural feel.

I understand that Moraga has a serious financial crisis on its hands. However, I'm not convinced that this Specific Plan is the answer.

Dear Council Members:

Ass a ten year resident of Moraga, and father of three boys in our public schools, I'm writing to express my disappointment in your stewardship of our town. I'm not sure how you can possibly feel good about the proposed development you are rushing through the approval process. You were elected to ensure the very things we all love about Moraga are protected and this plan is a wholesale failure of this mandate. If you had any sense for the reasons why
23-a people choose to live in Moraga you would know that quality of schools, sense of security, and lack of congestion are at the top of the list. Completely changing the face of Moraga is probably not what people had in mind when you were elected. Over the past several days I have spoken with many residents of Moraga and here's what I have learned - 1, Most people are completely in the dark about what is coming - so you have failed in your responsibility to communicate this properly to your constituents, and 2
- Each and every one is totally mystified as to how this plan could possibly be approved as it is so obviously contrary to the essence of Moraga! If this is true, then what are you all doing?? I have to ask:

23-b 1 - Is there any council member with a current - or potential future - conflct of interest with this plan? Anyone who might one day benefit from future legal, construction, environmental, etc contracts involved with the proposed plan?

23-c 2 - How will this not negatively impact the already stretched elementary schools?

23-d 3 - How will this not bring down the home values of all Moraga residents?

23-e 4 - How will crime not increase given the number of new dwellings - including the large number of low-income units?

23-f 5- How can Moraga Way - already congested - possibly handle the increase in residents/ traffic?

23-g 6 - How will years of land preparation and development not totally disrupt all of Moraga?

23-h 7 - How will you sleep at night knowing you have ruined what has made Moraga the town we all decided to live in?

I hope I'm wrong about your vision (or lack thereof) for our town. It is totally within your power to make the decisions that will impact us, our children, and our grandchildren. Please do the right thing.

Sincerely,

Rich Windatt
Whiting Ct

Richard D. Windatt
Managing Director
UBS Prime Brokerage Services
555 California ST.
Suite 4650
San Francisco, CA 94104
415-352-5550 -office
415-352-5558 -fax
415-265-9582 -mobile

John and Kristina Botsford
794 Crossbrook Dr.
Moraga, CA 94556

July 30, 2008

Moraga Town Council and
Ms. Lori Salamack, Planning Director
Town of Moraga
329 Rheem Blvd, Suite 2
Moraga, CA 94556

Re: Draft Environmental Impact Report for the Moraga Center Specific Plan

Dear Moraga Town Council and Ms. Salamack,

We would like to voice our opinion on the Draft Environmental Impact Report (DEIR), and specifically, our opinions on the entire process for approving the Moraga Center Specific Plan (the Plan).

24-a This Plan will change Moraga forever. We will lose our rural appeal if we infill all open space with multi-unit housing and retail. The demographic will change. We will have increased traffic and I suspect crime will increase.

24-b The people of Moraga do not want a development of this proportion. Building single family homes on over ½ acre lots would be fine. Maybe some senior housing if it is warranted. St. Mary's has land to build its own student housing. We have empty retail space now that we can work on filling and revitalizing.

24-c The depiction of Moraga after the proposed development was horrifying. It looked like Emeryville. We are a small, rural town. I don't want to lose that feel.

24-d This entire process has been unclear to the citizens of Moraga. Yes, we have seen dates for meetings and dates for finalizing reports, but we have yet to see what this all means for the town. If the DEIR is approved and the Council approves the Plan, is that it? Are we going ahead and developing even if the citizens are against it? Who has the final say in this? When did you get the town's opinion on all this? Last September, on Back to School night, about 50+ parents had to skip meeting their child's teacher to come to a meeting regarding this plan. Everyone there was against this massive development. Yet, here we are, still

24-d talking about the same plan. Once again, there is a meeting set for Back to School night in September.

24-e We understand the agreement with ABAG, however, this in not a law as I understand it. In fact, I have yet to see specific penalties for not meeting ABAG's requirements. Moraga does not want, nor needs, low-income housing. Here are several reasons why:
Multi-family units pay one parcel tax. This is not enough money for the schools to support multiple children from these units.
Families living in multi-unit housing generally do not have the finances to support our schools' PTAs, nor donate to the Moraga Educational Foundation.
Multi-unit housing on Camino Ricardo would bring down the value of the houses in the neighborhood. This is grossly unfair to the residents, especially those who purchased homes in the last few years.

24-f Low-income housing next to affluent homes makes no sense. I witnessed first hand what happens over time (20+ years) to the neighborhood. Stockton tried to integrate low-income housing with many "nice" neighborhoods. It was fine at first. Now they are run-down and overrun with people living in poverty. Some of these neighborhoods look like slums and around the corner you have nice homes, or what used to be very nice homes. Of course these nice homes are no longer worth what they used to be because who wants to live around the corner from run-down triplexes.

24-g Moraga already has several multi-unit developments. Why do we need more?

24-h I would also like to point out the amount of construction you are asking our neighborhood to deal with for the next several years. The noise, dust, and inconvenience would be intolerable to deal with for years.

When you are going to listen to what Moraga's citizens want? We aren't saying No Development but rather limited development that is in keeping with the current feel of Moraga. Please don't allow us to lose our small town feel.

Sincerely,

Kristina and John Botsford

Dear Ms. Salamack:

I have been following the MCSP coverage in the "Lamorinda Weekly", and at the Town of Moraga website. I am not persuaded that further development is needed, nor am I convinced that it is in the best interests of the vast majority of residents in Moraga. The issues of developing our precious Moraga land for commercial purposes, and the issue of inducing further local population growth by developing more housing units are issues that the entire community should be allowed to vote on. There is a larger context for what is being proposed locally which is very much on the minds of myself and many of my neighbors here in Moraga. While my close friends and I often feel impotent to affect politics at the State and National level, I feel that I can have some impact locally, and I feel strongly that when municipalities set a strong example of responsible urban planning that those higher up take notice. For example, simply because our State's current leaders are projecting millions of more residents in our State over the next few decades, and simply because ABAG expects communities such as Moraga to create their "fair share" of affordable regional housing units does not mean that population growth and further ubanization of Moraga are inevitable. In a world where we have not yet even figured out how to feed, house, clothe, educate, and provide medical care to billions of humans who are currently on our planet, finding peaceful and consensual ways to reduce human population growth, maintain a large agriculture surplus, and eliminate environmentally harmful land use practices are essential. In a world where our human practices directly cause the collapse of ecosystems - such as fisheries - which sustain our own human lives, local planning efforts can and must redress the negative impact our past practices have had on our fragile environment. On the local level we can make creative decisions to use land responsibly and in response to the crises of our times. Nowhere in your planning documents have I seen any consideration of utilizing MCSP space for the generation of much needed, clean energy. For example, former Moraga orchards and other unused agricultural land such as that which is to be incorporated in the MCSP must be evaluated for its use as a site for community solar panels and/or for energy generating wind turbines. Also, given the advantages of producing produce locally, returning existing open space such as the areas north and south of the shopping center to agricultural use might be great for the community. I strongly urge you to consult with organizations such as the Nature Conservancy in San Francisco and the American Farmland Trust regarding the many creative options other communities are pursuing regarding the development of both privately and publicly held lands, and public/private partnerships. These options should also be on the table and, whenever possible, should be voted on by the community.

25-a

25-b

I definitely do not agree with statements regarding the MCSP that because so many Moraga residents spend their dollars outside of Moraga somehow more commercial development is needed locally. What attracted me to move to Moraga eight years ago was precisely the semi-rural character of the Town - a true rarity in the inner Bay Area. Moraga is fortunately not located next to a freeway, so Moraga will hopefully never become a destination for shoppers. I find all of the goods and services I "need" locally, as well as many which are nice to have but which are hardly "needed". I object to the casual use of "need" in many of the articles and statements regarding the MCSP. Clean air, clean water, healthy soils, food, clothing, shelter, education, and medical care are needs - human survival depends upon them. Most of the proposed developments in the MCSP discussion are "wants" - not needs, and much of the motivation behind these wants is the quest for financial gain. In reality, most of the development as now proposed stands not to benefit the community but to benefit someone's pocketbook. I would very much like to see the Bruzzone family fairly compensated for any land they wish to sell or to develop; however, I also hope that their land will be used for something other than traditional commercial and real estate development. Whatever course the people of Moraga choose regarding the MCSP, the decision making must be done in a transparent, prudent, and carefully considered fashion. I trust Moraga's leaders will not be rushed into making decisions regarding the MCSP which if carried out in their present form will permanently alter Moraga's low density, low traffic, unique semi-rural qualities. If those who stand to profit financially from the proposed new commercial and real estate development prevail, at the very least they should be required to install solar paneling on any new housing and commercial buildings, to install state of the art water conservation and recycling technologies, to landscape using xeric principles, and to plant native species which will support declining bee populations as well as beautify, and enhance the environment.

25-c

25-d

25-e

25-f

25-f

I trust there will be a broader, "big picture" discussion by your Planning Department and by our elected leaders regarding the MCSP than there has been to date. We have an opportunity, by our community's example, to demonstrate that we not only understand the crisis that we have brought upon ourselves and our planet, but that locally where we can more easily make a difference, we are determined that our community's development reflects our sense of responsilibity to ourselves, to our children, and to the other species with which we share our environment not to repeat the mistakes of the past.

Sincerely,

John Grossberg

July 30, 2008

Ms. Lori Salamack, Planning Director
Town of Moraga Planning Department
329 Rheem Blvd, Suite 2
Moraga, CA 94556

Re: Moraga Center Specific Plan

Dear Ms. Salamack:
I am writing to express my concerns regarding the Moraga Center Specific Plan.

26-a I disagree with the Town Council's decision last week not to extend the deadline for comments on this project. This is a lengthy report that cannot be reviewed hastily. Given that it has been available to Moraga residents only for a short period of time during the summer when children are home from school and families are gone for vacations, I believe that the deadline should have been extended. I also understand that our neighboring towns, Lafayette and Orinda asked for an extension. I feel like it is important to be a good neighbor to them since we are all part of the Lamorinda community.

26-b I attended the July 9 meeting at which the Dahlin Group presented the draft EIR along with the drawing of the proposed plan. I was so upset to see these drawings. Nothing about this project is in keeping with the look and feel of Moraga. All the things that I love about Moraga are missing from this project. There are no hills in sight. Every square inch of space appears to be covered with a building of some sort. However, since the representative fromDahlin said that the trees would be grown in "15 years", I guess at that time, we will see something other than buildings. I think that this project will be an eyesore at the entrance to our town.
After reviewing the draft EIR report, I have some initial questions. I am sure that I will have more in the future once I have read the report in full and I hope that you will accept more questions at a later date.

26-c I live on Corliss Drive and am concerned about additional traffic on Corliss and Camino Ricardo. I understand that there will possibly be a light installed on Corliss and Moraga Rd. I do not think that this will stop cut through traffic or speeding. What traffic calming devices will you install to reduce speeding and cut through traffic? Stop signs? No right turn out of the development on to Camino Ricardo?

26-d I was told that all elementary school students from this development will go to C.P. and Rheem. Neither school is in walking distance from the development. All students will have to take the bus or be driven. Very few students in Moraga currently ride the bus, which I believe is $400 a year. How will this affect the morning and afternoon traffic and what is the pollution impact?

26-e The elementary schools in Moraga do a significant amount of fundraising. MEF requests $500 per student each year and all schools have annual auctions that raise several hundred dollars per student each year. Do you believe that the per student donations or MEF donationsto the schools,from the low income housing units would remain the same?

26-f There is also a school parcel tax in Moraga. Would the multi family units proposed pay a parcel tax per individual unit? If not,the funding to the schools would be significantly reduced.

26-g Why is the town trying to meet all of its ABAG requirements with this one development? There are numerous other developments in Moraga either approved or under consideration. Why aren't the ABAG housing requirements being divided proportionally between these other developments and some included in future pending developments?

It is still unclear to me what the real penalties associated with not meeting the ABAG requirements immediately are. Certainly we cannot be the only small town in the State of California dealing with this issue. What are other small towns doing in CA and can we see that data/plans for comparison? What other ways are there to meet the requirements?

26-h At the July 9 meeting I attended, a representative of the Bruzzone family handed the town council what looked like a letter and magazine about this topic. What other ideas did they have that our town could use for meeting ABAG requirements?

I feel like there are so many unanswered questions about this project and that the town is moving forward to quickly with this. Please slow down and listen to what people are saying. Please don't make a mistake that takes away so many of the things that make Moraga so special.

Thank you.

Sincerely,

Connie Hayes
184 Corliss Drive
Moraga, CA 94556

Hello,

I am writing to express concern about the lack of emphasis that has been placed on studying the proposed development's potential impact on Moraga elementary schools.

My children attend Los Perales Elementary and I live at 244 Corliss Drive. This year there were so many extra children signed up at kindergarten registration that the principal told us there would be a lottery to see which children could stay at Los Perales and which would get diverted to Rheem or Camino Pablo. Parents were encouraged to attend other schools if they had friends at them. I know of a family that did this to open up a spot. Families moved away or opted to hold children back so the school did not have to implement the lottery -- but it was a very real concern that many parents feared.

27-9

I would guess that the majority of new homeowners moving into Moraga are coming for the schools. As California's budget crisis worsens (a reality we must face as the housing foreclosure in the state mounts) education will likely face even more cuts and parents will look to communities like these to bridge the gap between public and private schooling.

The assertion that the new development of anywhere from 300-700 units will not impact our schools is incredibly hard to believe. Did the group compiling the report consult the principlas of our schools?

Los Perales is the school that would absorb the children in the development and there is simply not room. The campus does not have room to expand -- playground space was taken from the children this year to make room for a library. They have no grass to run around on except for a small strip. The school simply cannot bear the load of more students. If they are forced to take more students then we risk classroom sizes exceeding the 20 student limit and the school could loose federal funding.

I strongly urge you to reconsider the impact on the schools that this development plan will have. I hope you'll agree the education we provide our town's children is important to all of us

Sincerely,

Amy Reid

28-9

I strongly object to the lack of public comment and review of the proposed development in Moraga near Sonsara. The inclusion of any for rent apartments is ridiculous and I will do whatever I can to resist this plan. I am seeking to retain legal counsel and will mobilize public and legal support to insure that this project receives to level of scrutiny and due diligence our town deserves.

Mark Taylor
McMorgan & Company LLC
425 Market Street, Suite 1600
San Francisco, CA 94105
Direct: (415) 616-9343
Fax: (415) 616-9161
email: mtaylor@mcmorgan.com

Subject: FW: feedback from web form
Date: Friday, August 1, 2008 12:13 PM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>
Conversation: feedback from web form

Lori Salamack
Town of Moraga
Planning Director
329 Rheem Boulevard, Suite 2
Moraga, CA 94556
(925) 888-7043
FAX (925) 376-5203
lsalamack@moraga.ca.us
www.moraga.ca.us

-----Original Message-----
From: Darlene Colaso
Sent: Thursday, July 31, 2008 4:36 PM
To: Jay Tashiro; Lori Salamack
Subject: FW: feedback from web form

Comments from an ORINDA resident ...

From: www.moraga.ca.us[SMTP:MORAGA-WEB@WWW.MORAGA.CA.US]
Sent: Thursday, July 31, 2008 4:22:20 PM
To: Lilinoe Kekoa
Subject: feedback from web form
Auto forwarded by a Rule

First_Name	:Damon
Last_Name	:Becker
Street_Address	:11 Aspinwall Ct.
Zip_code	:94563
City	:Orinda
Contacts_email	:damon.becker@lpl.com
Phone	:925-377-0675

Remarks:
29-a I would like to make a comment on the Moraga Center Specific Plan. My family and myself are apposed to the plan, since we are concerned about increased traffic being unsafe to children. Also, we are concerned
29-b about the additional burden on the schools with a larger student population on the existing system. Lastly, we moved to the area 3 years ago from Oakland for the rural atmosphere and quality of life, and want
29-c to have our children grow up here.
Please let me know if you have any questions or comments.
Thank you,
Damon Becker

ORINDA

p.o. box 2000 • 22 orinda way • orinda • california • 94563

July 31, 2008

Lori Salamack, Planning Director
Town of Moraga Planning Department
329 Rheem Blvd, Suite 2
Moraga, CA 94556

Subject: Comments on the Draft EIR for the Moraga Center Specific Plan

Dear Ms. Salamack:

30-a The City of has reviewed the June 2008 Draft Environmental Impact Report (DEIR) for the Moraga Center Specific Plan (MCSP) and has grave concerns with the impacts associated with the proposed specific plan. Of greatest concern to the City are increased traffic impacts and deterioration of pavement conditions on the key roads between Highway 24 and Moraga caused by the more than doubling of residential density over the density established in the 2002 Moraga General Plan for the Moraga Center.

30-b When the 2002 Moraga General Plan was drafted, the Town of Moraga undertook a cooperative planning process with surrounding jurisdictions resulting in a carefully crafted plan with the engagement of both Lafayette and Orinda. Six short years later, the Town is considering a major amendment to their General Plan that will have significant impacts on Orinda. Unfortunately, during the process of drafting this plan, the Town of Moraga has not discussed their plan with Orinda as required by Measure C. The Town of Moraga must participate in cooperative planning with surrounding jurisdictions in order to qualify for the benefits of the Measure. The City of Orinda invites the Town of Moraga to engage in a cooperative planning process with Orinda *prior* to certifying the EIR and adopting the MCSP.

30-c We retained TJKM Transportation Consultants to assist us with our analysis of the Draft EIR and incorporate their letter into our comments on the Draft EIR (attached). The attached TJKM letter dated June 24, 2008 outlines several deficiencies including the following:

30-d
- Failure to fully analyze the MCSP's impact on the roadways and intersections in Orinda and Lafayette and identify appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations especially where delay increases at intersections.

30-e
- Failure to analyze the impacts of construction traffic at primary gateways in Orinda to/from State Route (SR) 24:
    - Camino Pablo/Moraga Way

General Information (925) 253-4200 (ph) (925) 254-9158 (fax)
Administration (925) 253-4220 (ph) (925) 254-2068 (fax)
Planning (925) 253-4210 (ph) (925) 253-7719 (fax)
Parks & Recreation (925) 254-2445 (ph) (925) 253-7716 (fax)
Police (925) 254-6820 (ph) (925) 254-9158 (fax)
Public Works (925) 253-4231 (ph) (925) 253-7699 (fax)

- Glorietta Boulevard
- Rheem Boulevard

30-f

- Failure to conduct level-of-service analysis during the afternoon peak periods at intersections adjacent to Lamorinda schools.

30-g

- Project trip internalization rates are assumed to be significantly high in comparison to travel by Moraga residents outside the town. The application of peak hour project trip generation should be re-evaluated in light of the future land use assumptions in the Contra Costa Transportation Authority model for the Specific Plan area that show virtually no change in the internalization rates between 2000 and 2030. For example, the DEIR traffic analysis assumes project trip internalization rates that are too high. The Existing Conditions assumption that 38 percent of trips stay within the Town of Moraga is too high considering that 86 percent of service / office commuters travel outside the town and 76 percent of retail purchases made by Moraga residents are located outside Moraga. Similarly, the 60 percent project trip internalization rate under General Plan build out is too high based on the commute and retail purchase assumptions.

30-h

- The analysis results for the intersection of Moraga Way/Ivy Drive show a significant impact under Existing Plus Project Conditions; however, this is not identified in the DEIR.

30-i

- The study fails to analyze the impact of the project on key Orinda intersections that would be impacted by traffic increases including:
  - Moraga Way and Brookside Road
  - Moraga Way and Orchard Road (southeast of Glorietta Boulevard)
  - Moraga Way and Valley View Drive / Ardor Drive
  - Moraga Way and Woodland Road / Hall Drive
  - Moraga Way and Ivy Drive (T-intersection north of Moraga town line)

30-j

- The Draft EIR fails to include traffic studies regarding expected commercial truck routes on the Orinda Gateway roadways, the impact of which is a very significant concern to Orinda.

30-k

- The study does not consult other mitigation measures that are consistent with the Lamorinda Action Plan, including existing improvement plans such as the Capital Improvement Program (CIP) utilized by the city of Orinda.

In addition to the comments in the attached letter, we have the following comments to which we also respectfully request a complete response:

30l

I. The MCSP Represents a Significant Departure From Moraga's 2002 General Plan and Therefore, Tiering From That Plan's Environmental Impact Analyses is Inappropriate.

30-m

Development of the Proposed Project would result in construction in the Moraga Center area of more than twice the number of new residential units called for in Moraga's 2002 General Plan. The 2002 General Plan, and its associated environmental impact analyses, anticipated that a maximum of 323 residential units would be distributed between the Moraga Center Specific Plan ("MCSP") area and the Rheem Park Specific Plan Area, implying that less than this number would likely be associated with the MCSP area. DEIR for Moraga 2000 General Plan Update, August 2000 at 2-7. In contrast, development of the Proposed Project would result in 720 new residential units in the MCSP area alone, comprised of approximately 400 "high" density units (12-24 dwelling units per acre [du/ac]), 300 "compact" density units (10-12 du/ac), and 20 low density units (3-5 du/ac). DEIR at 2-8. Not only is the total number of residential units proposed significantly greater than that anticipated in the General Plan, but the MCSP's new density designation of 12-24 du/ac is also inconsistent with the General Plan's maximum allowable density of 16 du/ac. Moraga 2002 General Plan at 3-1; 3-12.

These inconsistencies are problematic given that the Moraga Center Specific Plan should represent the implementation of the General Plan's vision of development for the area. The inconsistencies also limit the degree to which the DEIR for the MCSP may tier from, or rely upon, environmental analyses associated with the General Plan EIR.

30-n

A. Amendment of Moraga's General Plan is Not an Appropriate Mitigation Measure for Reducing Impacts Associated with the MCSP's Proposed Increase in Residential Units.

The MCSP is not consistent with the Moraga 2002 General Plan, and the proposed mitigation measure of amending the General Plan to eliminate this inconsistency satisfies neither CEQA nor the goal of rational land use planning. The DEIR includes Mitigation Measure "4.A-1: Eliminate Inconsistency with the Moraga General Plan" indicating that the Town of Moraga will amend the 2002 General Plan to make residential land use densities in the General Plan consistent with the MCSP. DEIR at 4.A-21. While this mitigation measure might eliminate the inconsistency on paper, it does nothing to reduce the environmental impacts associated with the overall increase in residential units beyond that analyzed in the General Plan EIR.

The inconsistency in this case is significant and goes beyond a mere mismatch in terms. The drastic increase in the number of new residential units and associated population growth is incompatible with the 2002 General Plan's restrictions on residential development in the MCSP area. Moraga 2002 General Plan at 3-1 (LU1.2), 3-12 (LU3.3). While general plans are typically considered to be flexible, living documents, they are also intended to serve as touchstones for future development. One of the key goals of land use planning is to ensure that subsequent specific development plans are consistent with the overall, general plan-level vision for a community. The proposed mitigation measure contravenes this purpose.

If the 2002 General Plan is amended to reflect the increased residential densities associated with the Proposed Project, the City must also conduct the requisite CEQA analysis associated with this amendment. This change to the General Plan will result in enhanced environmental impacts including, most notably in the areas of traffic, population and housing, public utilities, and growth-inducing effects, beyond those originally analyzed in the 2002 General Plan EIR. These potentially significant adverse impacts must necessarily be analyzed and mitigated prior to amending the General Plan and prior to approving the MCSP.

30-O

B. The DEIR's Discussion of Growth Inducing Effects Fails to Consider the Potential That the Project Will Spur Additional Growth Beyond the Project Boundaries.

The DEIR must consider the growth-inducing potential of the MCSP which includes ways in which the Proposed Project could "foster economic or population growth, or the construction of additional housing, either directly *or indirectly*, in the surrounding environment." CEQA Guidelines § 15126.2(d). While the DEIR does contain a section entitled "Growth Inducing Impacts of the Proposed Project," it does not contain any analysis independent of the analyses associated with individual resource sections of the DEIR. DEIR at 5-2. Thus, while it is apparent that the Proposed Project *itself* will result in increased housing and population growth, the DEIR must also assess the potential for the Project to spur *additional* development and population growth, which is the essence of the growth-inducing effects analysis. The DEIR must be revised to include this discussion.

30-P

II. Under Estimation of Additional Vehicle Trips by Families that move into Existing Residences Vacated by Seniors that relocate to Moraga Center.

According to *Town of Moraga Market Assessment* (Economic Planning Systems, 2/28/06, p. 48) "*There is also a considerable number of long-time resident 'empty-nesters' who have retired or are going to retire soon and have expressed an interest in remaining in the community.*" Sensibly, the MCSP designates 450 units for seniors (75-congregate care, 75-assisted living and 300-active senior). Unfortunately, the DEIR does not account for the increase in vehicle trips by families that move into the units vacated by seniors.

Daily trip generation rates for congregate care, assisted living and active senior units are 2, 2.7, and 3.7, respectively. By comparison, non-age restricted single-family homes generate 10.6 daily trips. (DEIR p. 2-9) While not all 450 senior units will be occupied by existing Moragans that relocated to the Town Center, the DEIR assumes that either 1) no seniors from Moraga will relocate to the senior units or that 2) all of the vacated single-family homes will be occupied by other seniors. The Draft EIR should be revised to account for an increase in the number of vehicle trips to and from existing single-family homes vacated by seniors that will be occupied by families which on average generate 10.6 vehicle trips per day.

30-q

III. Lack of Mechanism to Ensure that Seniors and St Mary's College Students Occupy Units Designated for these Populations.

The traffic analysis in the DEIR relies in great part on the reduced number of vehicle trips that it is assumed will be made by seniors and St Mary's College students. However, the DEIR provides no mechanism to ensure that units designated for seniors and students are actually occupied by these populations. As such these units must be analyzed with the assumption that they will be occupied by residents that generate the same number of vehicle trips and have similar travel patterns as units not restricted to seniors and students.

30-r

IV. Lack of Analysis of Emergency Vehicle Response Times in Orinda

There is no analysis in the DEIR of the impact on emergency vehicle response times as a result of additional traffic delays along Moraga Way and other roads in Orinda.

30-s

V. Inadequate Mitigation Measures.

The DEIR provides an anemic response to the significant traffic impacts the project will create. First, a comprehensive transportation demand management program with a menu of vehicle trip reduction measures should be included as a mitigation measure. In addition, land should be allocated for park-and-ride lots and a private or public shuttle service between the project site and the Orinda and Lafayette BART stations should be considered, along with additional mitigation measures to be developed through the cooperative planning process that Orinda invites by this letter.

Thank you for providing the City of Orinda with an opportunity to comment on the Draft EIR. We look forward to a meaningful response to our concerns.

Sincerely,

Victoria Smith

Victoria Smith, Mayor
City of Orinda

Copy: Town of Moraga Council
Orinda City Council
Janet Keeter, City Manager
Osa Wolff, City Attorney
Lafayette City Council
CCTA

TJKM

Transportation Consultants

Vision That Moves Your Community

July 24, 2008

Janice Carey, P.E.
City Engineer
City of Orinda
P.O. Box 2000
22 Orinda Way
Orinda, CA 94563

Via E-mail Only: JCarey@cityoforinda.org

Subject: Peer Review of "Moraga Center Specific Plan Draft Environmental Impact Report"

Dear Janice:

TJKM is pleased to provide you with this peer review of the Transportation section of the Moraga Center Specific Plan (MSP) Draft Environmental Impact Report (DEIR) dated June 16, 2008, prepared by Fehr and Peers. In general, the report is a comprehensive traffic analysis of the proposed project in accordance with the guidelines established by the Contra Costa County Transportation Authority (CCTA), Town of Moraga, City of Lafayette and the City of Orinda. The peer review findings are meant to be part of the study responses by the Cities of Orinda and Lafayette during the DEIR public review comment period.

Listed below are the specific comments on the report:

Trip Generation

- MSP trip generation rates are based on a June 2007 Fehr and Peers document, *Effects of Planned Development at Moraga Town Center on Community-Wide Travel Patterns.* The rates in this document are based on a wide variety of sources, including the Contra Costa Transportation Authority (CCTA) model, the Bay Area Travel Survey (BATS) and the 2000 Census. However, the text and tables do not clearly outline the steps performed to generate the trip rates or how each data source was used specifically. 30-t
- Retail trip generation for the proposed MSP was based on Fehr and Peers' analysis for the Town of Moraga General Plan contained in the above June 2007 study. The trip rates in this study were based on the existing Moraga Shopping Center, which at the time of the analysis was not fully occupied. Using the same rates for future General Plan buildout conditions is problematic, given that residential unit totals in Moraga are expected to increase from existing conditions to buildout. When considering this issue, it would be reasonable to expect that retail rates under buildout would be higher than those used for buildout in the Specific Plan analysis. 30-u
- TJKM used the seventh edition of *Trip Generation* from the Institute of Transportation Engineers (ITE) to estimate expected trip generation for the proposed MSP. ITE has compiled the results of trip generation research from over 4,250 individual land use studies throughout the United States and Canada. The proposed project's estimated trips based on ITE rates are shown in Table 1. It is expected that the proposed project will generate approximately 495 trips during the a.m. peak hour and 824 trips during the p.m. peak hour. As shown in Table 1, based on standard ITE trip generation rates for the proposed MSP land uses, p.m. peak hour trip generation is significantly higher than the trip generation estimated in Table 12B of the June 2007 study used in the DEIR analysis. 30-v

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Table I: Project Trip Generation

Proposed Project	Land Use (ITE Code)	Size	Daily Rate	Daily Trips	A.M.					P.M.				
					Trip Rate	In: Out Ratio	In	Out	Total	Trip Rate	In: Out Ratio	In	Out	Total
Single Family	Single-Family Detached (210)	30 du	9.57	287	0.75	25:75	6	17	23	1.01	63:37	19	11	30
Multi-Family Residences	Residential Condo/ Townhouse (230)	300 du	5.86	1758	0.44	17:83	22	110	132	0.52	67:33	105	51	156
Workforce Housing	Residential Condo/ Townhouse (230)	50 du	5.86	293	0.44	17:83	4	18	22	0.52	67:33	17	9	26
St. Mary's Residences	Apartment (220)	50 du	T=6.01 (x)+ 150.46	451		20:80	6	23	28		65:35	29	16	45
Active Senior Residences	Senior Adult Housing-Detached (251)	300 du	3.71	1113	0.20	38:62	23	37	60	0.26	61:39	48	30	78
Assisted Residences	Assisted Living (254)	75 beds	2.66	200	0.14	65:35	7	4	11	0.22	44:56	7	9	17
Congregate Residences	Congregate Care Facility (253)	75 du	2.02	152	0.06	59:41	3	2	5	0.17	55:45	7	6	13
Retail	Shopping Center (820)	90.000 ksf	42.94	3865	1.03	61:39	57	36	93	3.75	48:52	162	176	338
Office	General Office Building (710)	50.000 ksf	11.01	551	1.55	88:12	68	9	78	1.49	17:83	13	62	75
Hotel	Hotel (310)	80 rooms	8.17	654	0.56	61:39	27	17	45	0.59	53:47	25	22	47
Total							**222**	**273**	**495**			**432**	**392**	**824**

Source: *Trip Generation* (7th Edition), Institute of Transportation Engineers

Internalization Assumptions

30-W

- The DEIR traffic analysis assumes project trip internalization rates that are too high. The Existing Conditions assumption that 38 percent of trips stay within the Town of Moraga is too high considering that 86 percent of service / office commuters travel outside the town and 76 percent of retail purchases made by Moraga residents are located outside Moraga. Similarly, the 60 percent project trip internalization rate under General Plan buildout is too high based on the commute and retail purchase assumptions.

30-X

- The daily internalization rates in the DEIR analysis are generally much higher than peak hour internalization rates, yet they were applied to both a.m. and p.m. peak hour project trip generation in the traffic study. Peak hour internalization rates should be calculated for both a.m. and p.m. peak hours and applied to the traffic study accordingly.

30-Y

- TJKM executed the CCTA model for 2000 and 2030 to verify internalization rates within the Town of Moraga. TJKM found that in 2000, a.m. and p.m. peak hour rates are 28 and 35 percent, respectively. Internalization rates are expected to be very similar in 2030, with a.m. and p.m. peak hour rates of 26 and 35 percent, respectively. However, as mentioned above the Fehr and Peers cumulative assumptions assume up to 60 percent internalization in future conditions.

30-z

- To further verify internalization and trip rates assumed in the MSP traffic study, TJKM examined the existing and future land use assumptions in the CCTA model for the Specific Plan area. Table 2 illustrates the growth assumptions in the CCTA model for the traffic analysis zones (TAZs) that comprise the Specific Plan area. Within this area, the CCTA model estimates an increase of 300 residential units and increased commercial development with 235 additional employees. It should be noted that even though the model assumes increased development in the Specific Plan area, there is virtually no change in the internalization rates between 2000 and 2030.

Table 2: CCTA Land Use Information for the Specific Plan Area

Year	Residential		Commercial					
	Single Family	Multi Family	Retail	Service	Other	Agriculture	Manufacturing	Trade
	(du)	(du)	(emp)	(emp)	(emp)	(emp)	(emp)	(emp)
2000	24	1	258	231	138	18	23	7
2030	312	13	357	321	175	10	43	4
Increase	288	12	99	90	37	-8	20	-3

Notes: du – dwelling units; emp - Employee

Traffic Analysis

30-aa

- One of the key data requirements for any level of service (LOS) analysis is the signal timing information. The DEIR should specify whether this information was gathered from the City, collected in the field, or optimized using Synchro. The timing information should be included along with other data requirements mentioned in this section.

30-bb

- The delay index for all study corridors is calculated for the entire length, rather than at any specific corridor locations. This method does not assist in identifying the worst congestion points within each corridor.

30-cc

- LOS analysis was not conducted for the afternoon school peak period at intersections that are adjacent to Lamorinda schools.

30-dd

- The intersection of Glorietta Boulevard/Rheem Boulevard has been incorrectly coded as a One-Way Stop controlled intersection instead of an All-Way Stop controlled intersection. LOS analysis of this intersection should be updated accordingly.

30-ee

- Level of service and delay shown in Table 4.F-12 of the DEIR does not match the HCM results (Synchro output) submitted to the Town of Moraga for the intersection of Bollinger Canyon Road and St. Mary's Road.

30-ff

- Truck traffic routes and impacts during construction of Moraga Center are not identified for any of the project alternatives. Traffic indices (TIs) and other factors relative to construction truck traffic are not analyzed for the following primary gateways in Orinda to/from State Route (SR) 24:
  - Camino Pablo / Moraga Way
  - Glorietta Boulevard
  - Rheem Boulevard

30-gg

- Expected commercial truck routes via the primary gateways to/from SR 24 serving Moraga Center after construction and expected impacts are not identified for any of the project alternatives. Traffic indices (TIs) that would provide information on expected truck loading on the Orinda gateway roadways are not analyzed.

30-hh

- The DEIR traffic analysis output shows that for each study intersection, an average peak hour factor (PHF) was applied to the overall intersection, rather than different PHFs being applied to individual movements based on peaking characteristics. A PHF for an individual vehicular approach or movement should be applied when that approach or movement has sharp peaking characteristics or low volume in comparison to the intersection as a whole. This is especially relevant for all one-way stop and two-way stop controlled intersections. It should be noted that the neighboring cities of Orinda and Lafayette have numerous unsignalized intersections on arterial streets that do not meet traffic signal warrants. If a PHF different from the overall average was used for the side street movements at these intersections, higher side street delays may result. This could in turn trigger a significant impact at these intersections or possibly cause them to meet the delay warrant for signal installation.

Project Impacts and Mitigation Measures

30-ii

- DEIR analysis results for the intersection of Moraga Way / Ivy Drive show a significant impact under Existing Plus Project Conditions. However, this is not identified in the DEIR.

30-jj

- Increased transit service as a mitigation measure does not sufficiently reduce trips to mitigate the operating conditions at all impacted signalized intersections. This is because the analysis assumes fewer than 10 transit trips (given expected increases in area transit service), whereas the project itself adds much higher vehicle trips at the impacted intersections.

30-kk

- Similarly, limited use of the Community Center as a mitigation would result in a minimal reduction of trips at the impacted intersections. This is because expected trip generation for the Community Center is high only during the p.m. peak period, whereas these intersections are impacted during the a.m. peak period.

30-ll

- The study does not consider other mitigation measures that are consistent with the Lamorinda Action Plan, such as:
  - Corridor-wide Traffic Signal Coordination
  - Fair share contribution to the implementation actions identified under the Pleasant Hill Road Action Plan
  - Existing improvement plans, such as capital improvement program (CIP) lists in the City of Orinda. These could identify other potential improvements for the intersections being considered for mitigation in the study.

30-mm

- The entire length of the Glenside Drive, Reliez Station Road and Olympic Boulevard corridors should be evaluated as part of the mitigation measures. For instance, adding signals at N. Glenside Drive and Burton Drive, S. Glenside Drive and Reliez Station Road, and St Mary's Road and S. Glenside Drive under cumulative conditions would not be effective, since the All-Way Stop would remain at the intersection of Glenside Drive and Los Palos Drive and no upgrades are proposed at the intersection of Glenside Drive and Michael Lane.

30-nn

- The traffic analysis has not considered or commented on the impact of the project on the flashing signals at the intersection of Reliez Station Road and Diane Court and the trail crossing on S. Glenside Drive, west of Burton Drive.

30-00

- Qualitative discussion or comments on the impact of the project on the following Orinda intersections should be included as part of the DEIR:
  - Moraga Way and Brookside Road
  - Moraga Way and Orchard Road (southeast of Glorietta Boulevard)
  - Moraga Way and Valley View Drive / Ardor Drive
  - Moraga Way and Woodland Road / Hall Drive
  - Moraga Way and Ivy Drive (T-intersection north of Moraga town line)

Other Issues

30-PP

- The study does not include a collision analysis, which would help evaluate potential project safety impacts by identifying existing collision patterns and qualitatively discussing the impact of the project on collision rates.

30-QQ

- The traffic impact analysis does not include the construction of the 4th bore to the Caldecott Tunnel. This would affect the traffic analysis for the Cumulative Conditions.

TJKM appreciates the opportunity to provide preliminary review findings on the Moraga Specific Plan DEIR traffic analysis. Please call (925) 463-0611 if you have any questions.

Thank you.

Joy Bhattacharya

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R I C H A R D T. L O E W K E, A I C P
U R B A N & E N V I R O N M E N T A L P L A N N I N G

July 31, 2008

Lori Salamack
Planning Director
Town of Moraga
329 Rheem Blvd., Suite 2
Moraga, CA 94556

Sent via E-mail and FAX (925.376.5203)

SUBJECT: Supplemental Comments on Draft Moraga Center Specific Plan & DEIR

Dear Lori:

This letter has been prepared to provide supplemental comments on behalf of the Bruzzone Family, with respect to the Draft Moraga Center Specific Plan (MCSP) and accompanying Draft Environmental Impact Report (DEIR). The Bruzzone Family owns or controls the entire Moraga Shopping Center and approximately 90% of the under-developed property within the area affected by the MCSP. This letter is intended to call the Town's attention to a number of critical feasibility problems, deficiencies, and inaccuracies that we have identified with respect the MCSP and the DEIR.

31-a

1. By way of background, the MCSP and DEIR should be corrected to noted that in addition to owning the vast majority of property within the specific plan area, the Bruzzone Family also owns 100% of all available property targeted in the MCSP for affordable senior, workforce and student housing, and 100% of all property planned for retail and office revitalization and expansion. The DEIR should be modified to inform readers that the responsibility for determining market feasibility and possible implementation of the MCSP therefore rests solely with the Bruzzone Family.

31-b

31-c

2. The Bruzzone Family and their consultants have worked diligently over the past 6 years to provide background documentation and input to the planning process for this specific plan. We are disappointed to see that the Implementation Element of the MCSP fails to provide any policies, tools or incentives whatsoever to address the feasibility and implementation issues which burden this plan. In addition, Summary Section 3.4, Required Assessments 5.E and 5.F, and the entire subject area analysis contained in Section 4, collectively fail to correlate land use policy with existing physical conditions, and market needs and constraints. The DEIR must be revised to consider the effects of this relationship. As further detailed below, the lack of analysis and stated policy as to how and when the plan is to be implemented leads the public and decision makers to the false perception that affordable housing units can be constructed, and that existing commercial businesses can expand or even survive under the new burdens imposed by the plan, and in the absence of adequate economic stimulus.

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3. In particular, the naïve assumption has been made for all DEIR Alternatives that Moraga's entire current, unmet past and likely future Regional Housing Needs Determination (RHND) affordable housing will magically appear by simply zoning a portion of the Bruzzone Family's land to a high density. No economic analysis, analytical study or other evidence has been presented anywhere in the DEIR to support this unrealistic assumption. To the contrary, the undocumented but nevertheless hopeful assumptions contained in the DEIR are contradicted by substantial and undisputed evidence submitted during previous public hearings before the Planning Commission, Parks & Recreation Commission and Town Council showing that the accommodation of very-low, low and moderate-income housing is infeasible under all of the Alternatives considered, due to the following:

31-d

(a) Unusually high roadway, intersection reconfiguration, signalization, required utility capacity enhancement and expansion, and related infrastructure costs, all of which the DEIR fails to quantify.

(b) Newly enacted impact fees which have not been quantified or otherwise analyzed in the DEIR, but which are nevertheless applicable to all housing, including affordable housing, within the MCSP area.

(c) Vague and potentially restrictive prohibitions on use, reuse and redevelopment of portions of the Moraga Ranch property for housing and other purposes, based on the innuendo of potential historic significance. No analysis of cultural or historical significance has been prepared or presented in the DEIR, for this central portion of the plan area. Failure to have evaluated and dismissed this issue as a less-than-significant impact of the MCSP Project Alternative is critical to the feasibility of the entire specific plan.

(d) The proposed lengthy and costly new discretionary entitlement requirements mandated by Section 7 of the MCSP which literally require every new housing or commercial development to prepare its own environmental impact report and subsequently be subjected to months or even years of sequential public hearings before the Town's Planning Commission and Council.

(e) New restrictions on permissible housing and commercial development within building envelopes as prescribed by Section 10 of the MOSO-2008 initiative which the Town Council directed to be placed on the November 2008 ballot.

(f) New prescriptive floor area ratio limitations affecting both high-density housing of the kind sought to meet the RHND allocation, as well as the retail expansion needed to facilitate that housing, required under Section 11 of the MOSO-2008 initiative which the Town Council directed to be placed on the November 2008 ballot.

(g) A new prohibition on subdivision of land and development of both housing and commercial facilities where the planned building would even partially block visibility of a ridgeline otherwise visible from any public road or park, as prescribed by Section 12 of the MOSO-2008 initiative which the Town Council directed to be placed on the November 2008 ballot.

(h) New riparian corridor setback requirements mandated for implementation throughout the entire community by Section 23 of the MOSO-2008 initiative which the Council directed be placed on the November 2008 ballot, and which conflict with both the retail and housing components of the Draft MCSP.

(i) New city-wide restrictions prohibiting development of housing and other uses on all slopes of over 20%, including those within the MCSP area targeted for accommodation of the RHND, as mandated by Section 23 of the MOSO-2008 initiative.

(j) New prohibitions mandated on a city-wide basis by Section 23 of the MOSO-2008 ballot initiative, precluding use of undeveloped residentially zoned land classified under the initiative as "open space and natural resource areas", affecting all of the identified housing sites within the MCSP area.

(k) Elimination of over 300 executive homes, currently authorized under the Moraga 2002 General Plan, which are precluded by the MOSO-2008 ballot initiative, and which MCSP Appendix A (the Market Assessment) identifies as critical to the continued viable operation of existing businesses and ability to pay for needed infrastructure to support both commercial and residential development.

(l) The Town's inclusion of a public gymnasium use on property located in the heart of the retail core area identified in the Project Alternative. The incompatible land use, excessive and conflicting traffic patterns, excessive parking demands and related economic damage to the viability of the MSCP are not addressed in the DEIR. This impact of the Project Alternative and Alternatives #3 and #4 must be considered in the context of the viability of the plan as a while and the ability to accommodate the current and anticipated future RHND housing for Moraga.

(m)As referenced above, passage of MOSO-2008 in November would result in the MCSP becoming the only site in the entire city available for accommodation of RHND housing. Therefore the foregoing unresolved DEIR feasibility issues must be analyzed in a revised document which considers both the direct and indirect effects of enacting a specific plan which has no potential to be implemented.

31-e

4. Prescriptive and burdensome as the currently adopted Zoning standards and Moraga 2002 General Plan policies may be, they nevertheless provide a platform for incremental advancement of individual housing projects and new businesses, through a long and difficult review process. In contrast, the proposed MCSP program would strip away the inherent retail and housing potential embodied in these current regulations, replacing them a confusing regulatory scheme that artificially limits market-responsive economic development. The DEIR must be revised to consider how the limitations proposed in the Draft MCSP would block the production of both needed housing and retail development.

31-f

5. The Moraga Center has experienced several business closures and vacancies in recent years, and currently operates under a rent structure that is substantially below that of the surrounding market. This fact and its relevance to the feasibility of the MCSP are not disclosed in the DEIR. Absent the current owner-subsidized rents, many more businesses would close. The DEIR must be expanded to discuss how this weak business environment hinders efforts to revitalize and expand the retail base in Moraga, and has led to reduced sales and property tax revenues for the Town.

31-g

6. Background studies prepared for the Town emphasize that more than 3 of every 4 taxable dollars spent by Moraga residents now occur outside of the Town. This exodus of shoppers is largely due to a weak business environment, punctuated by under-representation of businesses in several key market categories, including restaurants, entertainment and specialty retail, such as clothing and books. The resulting sales tax "leakage" continues to weaken the Town's ability to sustain quality services over time (losses in 2005 are estimated at $220 million). In recent years, the secondary effects of lost business revenues have manifested through weakened assessed valuations and corresponding losses of property tax revenues to the Town. This problem is further compounded by marginal local demand. None of the foregoing feasibility-relevant information is currently disclosed in the DEIR, the relationship of these issues to Alternatives #3 and #4 has not been considered.

31-h

7. The Moraga 2002 General Plan calls for development of a specific plan as a vehicle to advance a range of market incentives to stimulate revitalization and expansion of the Moraga Center. These incentives include opportunities to generate additional retail demand by placing sufficient housing, with a critical mass of discretionary purchasing power, in close proximity to the retail core area. Other potential incentives which should also be considered in the DEIR include the elimination of roadblocks to attracting new retail development, use of future revenues to fund marketing efforts and public transportation, and application of alternative funding sources to offset capital costs thereby further stimulating private investment. The DIER fails to consider any of these critical issues.

31-i

8. The Town's conditionally-certified Housing Element currently identifies a need for specialized housing (including affordable housing), and looks to the MCSP area as a desirable place to accommodate a portion of that need. The DEIR should address the feasible potential to accommodate a small portion of the Town's RHND housing within the specific plan area, as part of a balanced program that focuses on use of second units elsewhere in the community. The DEIR fails to consider the effects of concentrating all of the Town's required lower income housing on the community's traditional family character.

31-j

9. Moraga has unfortunately failed to accommodate its own local demand for new housing over the past two decades, shifting this burden to its neighbors and outlying suburbs. Young families, seniors and members of the local workforce (including teachers and fire fighters) have been forced to travel great distances to find available housing. In addition to segregating the community, this failure to meet basic local housing needs has resulted in the wasteful consumption of energy resources and production of unnecessary CO_2 emissions. The Draft MCSP's effect on worsening this significant environmental effect is not disclosed in the document.

31-k

10. The State Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG) have advised the Town of its legal responsibilities to satisfy both its unmet 2000-2006 local need as well as the current 2007-2014 need. The DEIR must consider the full range of consequences on Moraga from failure to adopt a feasible specific plan for the Moraga Center, and the resulting accumulation of unmet housing demand in Moraga.

31-L

11. The DEIR must also disclose the inconsistency of an infeasible specific plan with regional transportation policy, and the effect this will have on the Town's ability to collect return to source funds in years to come.

31-m

12. The DEIR should consider various mitigation measures and additional alternatives to improve the economic vitality of the Moraga Center, attract new businesses to meet existing community needs, and provide a source for long-term enhancement of general fund revenues. To accomplish these requirements, the DEIR should consider establishment of a competitive economic development strategy. As discussed below, accommodating a portion of the community's housing needs can play a positive and supportive role in this process. Specifically, the DEIR should evaluate the following mitigation measures to improve feasibility of the MCSP:

(a) ***The Right Mix of Housing:*** Specifically identify the location and mix of housing sites to satisfy a portion of Moraga's housing needs while maximizing localized demand for retail sales growth. A program which focuses disproportionately on student housing or subsidized housing for those with modest discretionary incomes, for example, will generate traffic and consume valuable land resources without generating sufficient retail sales. Such a program, as embodied in DEIR Alternatives #3 and #4, would create an unrealistic economic burden, without any expectation of meaningful expansion in retail demand. Conversely, the DEIR should consider accommodation of a healthy mix of housing for active seniors, smaller families, young professionals and the local workforce within a downtown environment, including the following:

(1) Create the opportunity for a high sales capture rate, combined with expanded retail demand, leading to more business and greater sales tax revenues.

(2) Reduce external vehicle traffic during peak hours, by creating an attractive and successful downtown environment that keeps more business in town.

(3) Substantially enhance assessed valuations leading to additional property tax revenues.

(4) Respond to existing local demand, thereby creating a market opportunity to front-end a portion of the critical capital improvements needed to eventually support retail expansion.

(5) Create the opportunity to concurrently accommodate a portion of the community's affordable housing needs. Note that this would not be a substitute for accommodating many of the very-low, low and moderate income units through a second unit program integrated with traditional single-family housing outside of the downtown area. The Bruzzone Family is interested in working with the Town to address its affordable housing needs, feels strongly that concentrating a majority of the affordable housing in the downtown (as called for in Alternatives 3 and 4) would place an unrealistic and fatal burden on the viability of the MCSP, and would also alter the character of the community.

(b) ***Specific Incentives to Encourage Revitalization and Expansion of Retail Business:*** The DEIR should evaluate alternatives to the proposed MCSP which avoid artificial and unnecessary regulatory controls. The current draft MCSP provides a set of regulations and controls, as a substitute for those currently in effect. As discussed in the Market Assessment funded by the Town, the success of this specific plan program hinges on Moraga's ability to stimulate the local capture of market share in a very competitive business environment. The Cities of Pleasant Hill, Walnut Creek and Lafayette have each implemented proactive policies focused on making their downtown retail areas more accessible, convenient, attractive and

financially competitive. The current draft MCSP fails to incorporate any market-based incentives whatsoever; rather, it further limits potential retail and housing opportunities (especially in the case of Alternatives 3 and 4), and establishes a crippling entitlement process that forces each individual new project to undergo separate environmental review, as well as Planning Commission and Council discretionary entitlements.

(c) ***Waive all impact fees associated with retail, housing and office uses located in the downtown MCSP area.*** The DEIR should consider how the current fees structure acts as an economic disincentive, inflating the cost of critically needed downtown housing, and further diminishing the economic feasibility for expanding the retail base. Conversely, a waiver of fees would help to stimulate implementation of the overall specific plan program, thereby accelerating the process of expanding sales and property tax revenues. This is not unlike the investments made by redevelopment agencies (in competing retail areas here in Contra Costa County) to freeze property taxes in an effort to stimulate expansion, in hopes of subsequently recapturing and reinvesting the increment.

(d) ***Revise the draft development standards to provide flexibility to be responsive to market opportunities over time***. The prescriptive standards presented in Tables 4-9 through 4-11 of the MCSP create unnecessary and artificial limitations on use of property in a downtown setting. The minimum lot dimensions and required building separation requirements for commercial and office development would force a cookie-cutter pattern of separated buildings. The corresponding dimensional standards for residential lots directly conflicts with both the density allocations and Design Guidelines embodied elsewhere in the plan. In addition, the use of a floor area ratio to control the coverage of buildings on a residential lot in this downtown village environment would preclude efficient utilization of land resources and result in larger lots, rather than the objective of clustered smaller lots with more common open space. Finally, continued application of the Town's rigid Chapter 8 Zoning Ordinance standards (including parking, signage, etc.) precludes creativity and flexibility for development of mixed use and higher density projects in a downtown setting. This section of the document should be revised to rely on the Design Guidelines, and to utilize a planned-development approach which eliminates prescriptive setbacks and floor area ratios, in favor of flexible standards consistent with plan densities.

(e) ***Replace vague and redundant plan approval requirements with substantive implementation policies.*** The "Implementation" section of the specific plan (two pages in length) fails to address how the MCSP is actually to be implemented. This section of the document serves exclusively to impose a series of prescriptive controls and subsequent entitlement requirements, rather than detailing a strategy for encouraging economic development. Section 7.C would impose a new "Moraga Center Specific Plan" Zoning District, and require that any new development go

through a multi-phase review and entitlement process, which includes separate environmental review on a site-by-site basis. This process requires the submittal and Town Council-approval of a "Specific Plan Application", followed by a "Development Area Plan Application". No standards or content guidelines for these applications are outlined in the document, and the applications must be sequentially processed through a public hearing process for each and every house, shop and office proposed. This approach is not conducive to stimulating investment and retail expansion, and leaves considerable subjective discretion in the process to revise or deny projects otherwise entirely consistent with the specific plan. The opening paragraph of this "Implementation Element" claims to outline how infrastructure improvements are to be financed; however that portion of the document was never written. In summary, a new "Implementation Element" should be written to replace Section 7 in its entirety, providing a substantive approach to itemizing those specific policies and programs the Town will employ to provide stability and feasibility for business decisions, thereby encouraging investment and development in this downtown specific plan area.

(f) ***Avoidance of conflicting land uses in retail core area.*** Section 3.C articulates the objectives of revitalizing and expanding the Moraga Center to provide new retail opportunities for the entire community. However, the Land Use Plan and discussion on page 38 call for inclusion of a gymnasium use within the prime retail site shown in "Subarea 8". Subarea 8 consists of approximately 6 acres of downtown retail space fronting on the extension of School Street (the specific plan's "Main Street"), Moraga Road and Shopping Center Drive. The current Park & Recreation Master Plan recommends that this facility include 30,000 square feet of basketball courts and related gymnasium uses. Gymnasium and sports club uses generate high levels of exclusive parking demand, and do not draw customers to make concurrent shopping visits. A gymnasium use at this location would consume a large portion of the available prime retail property, while degrading the shopping environment in this portion of the downtown, and eliminating potential shared trips for multiple retail purchases. This would result in the following combined effects: (1) high quality retailers would not want to locate within Subarea 8; (2) shoppers would be less likely to walk past the gymnasium to visit retail stores in adjoining locations; (3) a large portion of the very best retail land within the downtown area would be lost to non-retail parking and gymnasium uses which do not generate sales or property tax revenues; (4) the goal of maximizing multiple shopping experiences would be compromised; (5) additional traffic would be generated within the specific plan area, as shoppers and sports enthusiasts would both be more likely to drive to their respective destinations; and (6) additional external traffic would be generated outside of Moraga, as people from adjoining communities would travel to this large facility, thereby reducing the available number of homes and retail businesses that could be accommodated by virtue of the traffic model. In summary, a gymnasium use is not

compatible with prime retail uses in any venue, and would be especially damaging to the viability of this downtown specific plan project. The DEIR should be revised to consider these effects, as well as those summarized in the attached table entitled: "Summary of Community Center / Gymnasium Alternatives", as presented to the Parks & Recreation Commission. In particular, the issue of inducing blight through imposition of new regulations and failed policies which will cause additional business to close and remain unoccupied over extended periods of time must be addressed in a revised DEIR.

(g) ***Utilize available funding sources to build infrastructure and stimulate retail expansion.*** Pursue use of CCTA return-to-source funds and other grants to help underwrite the cost of needed utility components, complete intersection improvements, pay for public landscaping, street furniture, street lighting and other infrastructure. Use of public funds to allow completion of prioritized infrastructure would create an incentive to attract high quality retailers, by: (1) reducing the timeframe for delivery of finished sites for new retail development; (2) reducing front-end capital costs associated with delivery of leasable retail space, thereby making rents more competitive; (3) allowing timely completion of key infrastructure needed to provide access to new retail areas along School Street and elsewhere; and (4) improving the overall aesthetic appearance of the downtown. This is an example of the kind of substantive program that the "Implementation Element" should focus on.

(h) ***Consider use of future revenues to enhance downtown opportunities and a pay for a shuttle service.*** The Draft MCSP currently calls upon future downtown retail and housing to help fund community-wide programs such as street beautification, community parks improvements and other facilities. As previously noted, rather than imposing extraneous fees on these future revenue generating downtown uses, the Town should consider use of funds collected from other projects to help pay for landscape improvements along Moraga Way and Moraga Road, improved pedestrian access between the Moraga Commons and the downtown, and other public enhancement efforts. Additionally, as additional revenues (think of this as a "tax increment") are collected through enhanced property and sales taxes within the MCSP area, consider use of a portion of these funds for both: (1) further landscape, street furniture and public facility improvements within the downtown; (2) launching a coordinated marketing program with the shopping center management; and (3) underwriting the cost of a reduced-headway public shuttle service, connecting Saint Mary's College, the downtown and BART facilities in Orinda and Lafayette. This latter component would have the dual benefit of: (1) delivering traffic mitigation on a metered basis as additional retail traffic is actually generated from a thriving downtown; and (2) enhancing the shopping and cultural experience for residents throughout the community and at Saint Mary's College.

(i) ***Streamline the entitlement process.*** As suggested in paragraph C) above, the currently drafted entitlement process for new uses and buildings (referred to as the "Implementation Element") presents a significant impediment to attracting investment in the downtown area. The multi-layered review and approval process ("Specific Plan Application", followed by "Development Area Plan Application") should be replaced with a true "project-level" approval of a specific plan that relies more fully on the Design Guidelines, Specific Plan Land Use Element, and Conceptual Plan Densities, in order to avoid lengthy and costly public hearings. The public hearing process should be reserved for amendments to the MCSP itself; whereas an administrative review process should be used to confirm compliance with specific plan policies and the Design Guidelines. An essential part of this process is the preparation of a complete "project-level" CEQA document to accompany the modified specific plan, which addresses site-specific issues to the extent possible. Absent these efforts to more fully define and entitle the Moraga Center Specific Plan, the development program simply will not be competitive with other downtown economic development efforts in neighboring jurisdictions. Establishing the feasibility of this specific plan program is essential to initiating improvements. As currently written, the MCSP and its programmatic DEIR lead to a program that cannot not be implemented. Absent a feasible specific plan project, property values will continue to stagnate and sales tax revenues will continue to decline; in addition, none of the affordable housing sought through this project will be constructed.

(j) ***Avoid further prescriptive regulatory intervention in the Moraga Ranch Subarea.*** Avoid consideration of an "historic" designation and other burdensome prescriptive controls on property located in the Moraga Ranch (MSCP Area 1). The policies encouraging design compatibility prepared by the Dahlin Group (Design Guidelines Appendix C) provide a reasonable framework to enhance, expand and replace certain building and site improvements within the Ranch, in a manner that promotes character and compatibility both within the Ranch as in relationship to the adjoining downtown sites. Conflicting suggestive language in the DEIR calling for use of an "historic" designation and/or other prescriptive controls on buildings and improvements within the Ranch subarea should be avoided. In addition, the geographic identification of the boundaries of the Moraga Ranch subarea, as reflected in DEIR Alternatives 2, 3 and 4 factually conflict with the boundaries of the Ranch improvements and the boundaries correctly identified in the MCSP Land Use Plan. It is unclear why these conflicting assumptions where chosen to be superimposed over the Moraga Ranch in Figures 2-3, 2-4 and 2-5 of the DEIR. Regardless, this mistake should be corrected in order to avoid application of conflicting land use policies, parking regulations and suggested demolition of buildings currently called for in the alternatives.

13. In addition to revising the DEIR to address the forgoing issues, the Town should also expand the DEIR analysis to consider the effects of the following related actions which are essential to the sustainability of any program for the MCSP:

    (a) Encourage concurrent buildout of low-density family housing on remaining sites currently identified in the General Plan Land Use and Housing Elements. These sites provide the remaining critically needed source of retail demand to support a healthy business environment in Moraga. In addition, these family housing sites also provide the key to accommodation of Moraga's RHND allocations for 2000-2006 and 2007-2014 through incorporation of second units.

31-n

    (b) Consider the opportunity for a healthy mix of infill development and economic revitalization of the MCSP area as a matter of financial responsibility, in order to protect the Town's ability to pay for police, maintenance, park and other municipal services over time.

    (c) Consider the energy waste and unnecessary production of greenhouse gases resulting from continued export of local retail sales and housing demand to outlying communities, associated with an infeasible specific plan. Consider revising the Land Use Matrix (Table 4-2) and related specific plan policies, consistent with demonstration of adherence to the traffic "budget", in order to maximize both: (1) infill of low traffic generating housing (with high potential purchasing power); and (2) incremental expansion of retail beyond the artificial limitations currently identified. The more efficiently development can take place within the downtown area, the greater the energy savings and CO_2 emission reductions.

14. The MCSP references General Plan policies calling for a program to: *"facilitate new construction to revitalize and expand the downtown area, including regulations, programs, public works projects, and financing measures necessary to provide for economic viability and sustainability."* Yet the specific plan programs needed to carry out these General plan directives are absent. The DEIR should therefore be revised to consider alternatives which include such mandatory programs. Specific deficiencies in the MCSP that lead to a conflict with the General Plan, and therefore must be addressed in the DEIR include:

31-o

    (a) The draft Specific Plan itself includes the primary objective of: *"Revitalization of the existing Moraga Center <u>through increased residential development in and around the Center</u>."* The Introduction Chapter of the Specific plan states that the Implementation Element: *"provides information on the actions needed to implement the Plans, including General Plan and zoning changes, as needed and appropriate, <u>and phasing</u>."* Problem is that the Implementation Element simply does not speak to phasing or any form of real implementation policy.

(b) The "Implementation Chapter of the Specific Plan contains no reference to phasing whatsoever, but states that: *"responsibility for the development of the facilities and services within the project area will be the responsibility of the private sector"* (the Bruzzones). It goes on to suggest that: *"Owners of property within the MCSP area may submit for review and approval by the Town Council an application for a development agreement in accordance with Government Code Section 65864 et. seq. The agreement may address certain additional incentives and/or mutually beneficial considerations useful in enhancing the long-term viability of beneficial development."* This suggestive development agreement language fails to articulate any real policy.

(c) The Project Description contained in Chapter 2 of the DEIR calls for renovation of the existing center as an integral part of the specific plan, in stating that: *"the MCSP includes revitalization and renovation of the aging Moraga Shopping Center and Moraga Ranch."* The Project Description goes on to disclose that: *"To revitalize the existing shopping center, it is anticipated that within the Specific Plan area up to 90,000 square feet (sf) of new retail and entertainment space may be constructed along with up to 50,000 sf of new office space. The addition of new retail or office space will be combined with a program to revitalize and renovate the existing Moraga Shopping Center to ensure the specific plan area incorporates a cohesive downtown "village" area.* No mention is made of the importance of housing to stimulate supplemental demand, and the "program to revitalize and renovate" is never spelled out. Furthermore, there appears to be an expectation that by allowing more office and retail space, renovation of the existing underutilized retail space will magically appear. The DEIR should be expanded to discuss the critical linkage between market rate housing and the ability to accomplish these program goals.

(d) The Alternatives Analysis in Chapter 2 of the Specific Plan concludes that under the existing General Plan Alternative, *"renovation and revitalization of the existing Moraga Shopping Center may still occur, but may not be as economically feasible as under the Proposed Project."* However, no mention of feasibility for renovation is discussed under Alternatives 3 and 4 (the reduced-scale alternatives). Hence Alternatives #3 and #4 should be omitted from the DEIR and from consideration.

(e) DEIR Land Use Chapter 4.A contains a table (Table 4.A-3) which states that: *"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 Town Center."* However, the development program only states that it includes the goal of achieving revitalization, and contains no program elements. The DEIR must address this inconsistency.

(f) Table 4.A-3 contains a list of other policies and land use impacts and mitigation measures. Page 14 of this table contains a comment asking about implementation of transfer of development rights into the MCSP area from other areas: *"Lori, is there a formal process to make the MCSP a receiving area for TDR's. Has this already been done?"* Was this language intended to provide policy-level support for the MOSO-2008 Initiative requirements? The DEIR must analyze how the suggested TDR policy would further undermine the feasibility of any Specific Plan alternative, and kill any hopes for renovation of the existing center.

(g) The Notice of Preparation for the Draft EIR includes the statement that: *"the MCSP is expected to stimulate local serving commercial activity, thereby facilitating a market-supported effort to revitalize and renovate the aging Moraga Center Shopping Center and Moraga Ranch."* While this may be partially correct, the Project Description portion of the NOP later states that: *"Consistent with the needs of the community, the MCSP includes as an integral component the revitalization and renovation of the aging Moraga Shopping Center and Moraga Ranch."* No such integral component is presented in the specific plan or discussed in the DEIR.

(h) During public testimony in August of 2007 (see highlighted DEIR App. B), one Moraga resident asked: *"How will the center be revitalized?* No specific answer was given in the DEIR.

15. The DEIR contains background information making it clear that renovation of the existing center will only be made possible through stimulation of market demand brought about with new housing. In contrast, the MCSP contains repeated statements about the inclusion of detailed programs for renovation of the existing center, which simply do not exist. In particular, the DEIR suggests that: (a) a development agreement will be used as the basis to determine phasing and renovation requirements, where no such program has been described or analyzed in the body of the DEIR; and (2) imposition of renovation requirements may be necessary as conditions of approval of all future remodeling and alteration of existing buildings in order to mitigate aesthetic impacts (Land Use and Open Space Chapters of the DEIR) – no aesthetic impact has yet been ascribed to the existing center, and the suggestion that imposition of design enhancements to the existing center by the Town Council is necessary as a mitigation measure is inconsistent with the principal of cause and effect as established under CEQA.

31-P

16. Moraga has imposed regulatory constraints to block delivery of housing needed to meet its own local needs in each and every review period since monitoring was established by ABAG. According to the Market Study prepared for the Town, the resulting lack of economic investment in the community correlates directly with Moraga's position as having the lowest median home values in Lamorinda (20% lower than Lafayette, 33% lower than Orinda, and coincidentally, 18% lower than Danville). ABAG's Projections 2007 confirms that Moraga added half the number of new households of Orinda between 2000-2005, one-third the number added by Lafayette, and one-tenth the number added by Danville. These factors and the Town's track record in complying with housing law should be clearly stated in the DEIR.

31-q

17. According to the Town's official Budget Reports, annual sales tax revenues collected in Moraga totaled $826,000 in 2003-4 (24% of total GF revenues). Sales tax revenues fell by 11% in 2004-5 (to less than 14% of General Fund revenues). The current 2007-08 Budget estimate optimistically projects sales taxes will reach $794,000 this year - 4% less than that collected 4 years earlier. These economic factors critical to the ability of Moraga to function in the absence of a successful specific plan must be articulated in the DEIR.

31-r

18. The cost of Moraga's general government services (police, admin. etc.) was $3.7M in 2004, and these services have escalated by 43% over the past 4 years to $5.4M. Over the past year alone, Moraga's general government services have inflated by 12%, while investment in capital facility maintenance and environmental protection have fallen (water quality/NPDES expenditures are down 15%, while Hacienda maintenance is down 5%, and Library maintenance expenditures are also down 22%). Therefore, the DEIR should provide a complete analysis of the relationship of the MCSP to the Town's current and projected future budget.

31-s

Thank you for your consideration of these issues. We look forward to receipt of a copy of a revised DEIR which is expanded and corrected to address the forgoing issues.

Sincerely,

Richard T. Loewke, AICP

Cc: Bruzzone Family
Kristina Lawson, Miller Starr Regalia
California Department of Housing & Community Development
ABAG
CCTA

Summary of Community Center / Gymnasium Alternatives

● Significant & Unavoidable ⦿ Less-Than-Significant with Mitigation ○ Less-Than-Significant

Issue	Discussion	Impact Significance		
		SP Site "A"	SP Site "B"	Outside SP[1]
Zoning Consistency	Gymnasium use is consistent with "Commercial Rec." overlay zoning proposed for Site "A", and introduces incompatible non-retail use in prime retail core area zoned "Community Commercial". It may be consistent with "OS", "Parks" and other zoning and General Plan classifications on sites outside the MCSP downtown area.	●	○	⦿
External Traffic Draw	Facility of over 16,000 SF will bring non-residents into the community based on number of courts and scale of operation to host regional events; as a result, the proposed 30,000 SF facility will generate additional AM and PM peak-hour trips on arterial roadways through Orinda and Lafayette. This effect would reduce the number of residential units and square footage of retail otherwise possible within the MCSP downtown area. Mitigation involves down-scaling of facility.	⦿	⦿	⦿
Detract High Quality Retailers	Gymnasium use is incompatible with up-scale restaurant & specialty shopping uses sought for prime retail downtown MCSP sites. Gyms, batting cages, fitness centers, and other commercial rec. uses draw people for sports activities; national studies show that these people are unlikely to conduct shopping at time of visit to such uses.	●	○	○
Discourage Pedestrian Foot Traffic	Shoppers in the MCSP downtown area are encouraged to park and visit many different stores on a single visit. High turn-over of cars and lack of shopping opportunity make gym use a deterrent for pedestrian shoppers to walk past. Site B and off-site alternatives do not pose potential for impact.	●	○	○
Loss of Sales Tax Revenues	Gym use will not contribute to retail sales or generate pass-by shopping trips. If located in prime retail site on visible corridors, gym use would displace potential anchor tenants. Site B and off-site alternatives do not pose potential for impact.	●	○	⦿
Conflicting Internal Traffic Movement	Gym use will generate separate non-shopping vehicle trips, creating conflicts with retail shopping traffic, thereby limiting capacity on School Street and Shopping Center Drive; gym use could interfere with extension of School Street thereby causing LOS decline from "C" to "D" at Moraga Road/Moraga Way.	●	○	○
Consumption of Land for Non-Retail Parking	Gym use and required stand-alone parking could consume up to 5 acres of finished site area. If located within prime retail core area, this would displace equivalent of specialty grocery store and major sit-down restaurant.	●	○	○
Cumulative Effect on MCSP Viability	Loss of high-quality retail uses, generation of external/internal traffic, detraction of retail core for pedestrians & shoppers, loss of shared parking opportunities, and loss of retail demand would harm viability of the MCSP, and potentially lead to long-term closure of retail facilities, contributing to onset of physical blight in Moraga Center.	●	○	○

[1] See MCSP Land Use Map for Sites "A" and "B". Alternative sites outside of the MCSP "downtown" area recommended by members of the public include: (a) reuse and/or expansion of Hacienda Facility buildings; (b) vacant property in the Rheem Center; (c) Moraga Town park property at the Commons or Rancho Laguna; (d) School District property located adjoining Joaquin Moraga Intermediate School, and elsewhere.

Subject: FW: New Resident with Experience: Moraga Specific Plan Comment
Date: Friday, August 1, 2008 12:28 PM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>
Conversation: New Resident with Experience: Moraga Specific Plan Comment

Lori Salamack
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From: Brian Myers [mailto:bmyers@prophet.com]
Sent: Thursday, July 31, 2008 10:46 AM
To: Lori Salamack; Rhonda Basore; lynda_d@sbcglobal.net
Subject: New Resident with Experience: Moraga Specific Plan Comment

Hello:

My wife Heather and I have recently bought a home in Moraga – we are located at 1306 Rimer Drive and we moved in over the past few weeks and we have a 15-month old, William. We specifically chose Moraga over SF, the peninsula, and Lafayette and Orinda because of Moraga's small size, its location off the beaten path, and the school system. We most recently moved from owning a condominium in Evanston, Illinois as I attended business school at Northwestern University several years ago.

I have not had time to read all 200 pages of the specific plan, but I would like to offer some concerns based on some recent experience with high density housing and the long-term issues that must be dealt with upfront.

32-a 1. We are huge supporters of the goal of pedestrian space, walkable shopping, and the

like – we frequently have been walking to Safeway as well as the Farmers Market from
32-a our home and we love the goal you have – it was one of the best features we had in Evanston. Great work!

1. However, we are absolutely against high density housing in Moraga without some specific planning and restrictions – again this drove our choice specifically over
32-b Lafayette – here are a few thoughts:
    1. If you want to dedicate housing to Seniors that is fine as long as you can enforce Seniors actually living there. If you want to do the same for Fire or Police personnel that is fine as long as these people actually live there – Seniors or city personnel purchasing or renting units, only to sub-lease them, should be prohibited. This MUST be enforced for all later transfers of the property.

32-c
    1. These restrictions I speak of must be for the long-term – it's not the first buyers you should be worried about for the long-term health of the area. When we bought our condo in Evanston it was an 11-unit building with 100% owner occupancy. When we left, in the housing downturn, several neighbors had rented their units because they could not sell. Unfortunately not all of our neighbors were responsible in their selection of tenants. This immediately led to degradation of the grounds (renters didn't "pick-up") and we had one renter's son who was domestically abusive to his brother and his girlfriend (we had to call the police a few times) – it also reduced the value of our condo. After we sold we know of two more neighbors who are renting their units – in other words our building is down to 60% owner occupancy. With the popularity of Moraga and the schools what will stop this from happening? What if 60% of units are owned by investors who want to rent the units and take a tax break and then all of a sudden we have crowded schools or renters in the town center who do not have a stake in taking care of the area? We therefore recommend a minimum owner occupancy of 90% should you choose to build high-density housing. Anyone who rents must be approved by an appropriate board. Another benefit of owner occupancy is ensuring units do not go vacant for long periods of time – vacant units are a security problem as neighbors are not present in case of issues and it's easy for people to know of vacant units and vandalize them – it's just an issue you don't want to have in Moraga.

    1. For resale of units, you should consider a New York City style approval process where boards for each building are actively involved in selection and approval of buyers – this has the explicitly-stated goal of keeping the nice areas nice in the
32-d city and it works. We had friends in another condo building in Evanston recently disallow a trust from buying one unit then letting three college age girls (one was a daughter of the trustee) live there – in a residence with several small children. This board control specifically has maintained the quality of life in their building as opposed to having late night parties thrown.

1. Please ensure you plan accordingly with the school system and publish this assessment

32-e

1. As somewhat stated above you must absolutely work to avoid people purchasing these units as investments and renting them out – this will absolutely devastate the plans you have to make this a nice area

I am available to discuss should you be interested – please confirm that you received this and that it is being logged accordingly in the public comment. Is it also possible for us to come to a meeting and discuss?

Thanks
Brian and Heather Myers

Brian A. Myers

Engagement Manager
Prophet Brand Strategy
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Email: bmyers@prophet.com

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

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Ms. Lori Salamack
Planning Department
Town of Moraga
329 Rheem Boulevard, Suite 2
Moraga, CA 94556

Dear Ms. Salamack:

MORAGA CENTER SPECIFIC PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Moraga Center Specific Plan (SP) and its Draft Environmental Impact Report (DEIR). The following comments are based on the SP and the DEIR. As the lead agency, the Town of Moraga of is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy.

33-a

Community Planning

The DEIR, page 4.F-26, makes reference to the multi-jurisdictional regulatory agencies and their guidelines that pertain to transportation considerations for the project; the Contra Costa Transportation Authority's (CCTA) Congestion Management Program (CMP) and the Draft Lamorinda Action Plan (DLAP). However, missing from these plans as well as the SP and DEIR was a detailed Transportation Demand Management Program (TDM). Though a TDM is not required, the Department suggests the development and implementation of a TDM to further reduce the project's impact on the state highway system (SHS). TDM strategies could include:

33-b

1. Shuttles to/from Lafayette BART station,
2. Encouraging the use of vanpools and carpools,
3. Emergency Ride Home Program – employers provide a free taxi ride or a 24-hour car rental in the case of a bona fide emergency for employees who carpool, vanpool, bike, walk, or take transit,
4. Transit Incentives – employer subsidized transit passes,

5. Try Transit Programs – provide transit information to all employees, customers, and new residents. Many of the local public transit agencies including BART provide tickets to encourage people who have not taken public transit, to try transit as a one-time incentive.

6. Bicycle Parking Incentive and Safety Program – Employers can provide accommodation for employees interested in bicycling to and from work by installing bicycle racks or lockers at their businesses. Quality bicycle parking encourages bicycle commuting and reduces the demand for costly automobile parking spaces.

33-c Please see the Department funded study by the Metropolitan Transportation Commission, "Parking Best Practices and Strategies for Supporting Transit Oriented Development in the San Francisco Bay Area," with topics such as parking pricing, parking management, and shared parking between land uses to avoid oversupply. The study can be viewed at http://www.mtc.ca.gov/planning/smart_growth/parking_study.htm.

Highway and Traffic Operations

33-d All the alternatives that were presented in the DEIR have substantial and significant impacts to the operation of State Route (SR) 24. Please provide details of mitigations that would reduce the impacts to less than significant levels.

Should you have any questions regarding this letter, please contact Christian Bushong of my staff at (510) 286-5606 or christian_bushong@dot.ca.gov.

Sincerely,

LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

Lori Salamack
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From: John Grossberg [mailto:jbgphdmft@yahoo.com]
Sent: Friday, August 01, 2008 7:33 AM
To: Lori Salamack
Cc: Rhonda Basore
Subject: MCSP

Dear Planning Department:
I would like to follow up to an email I sent two days ago regarding my point of view that any new development in Moraga reflect cutting-edge environmental awareness and not compromise Moraga's unique semi-rural feel. I mentioned that creative public/private partnerships would be a good way to proceed, but I did not provide any specific ideas. I would like to propose the following: Area 5 in the large proposed development area bordered by Camino Ricardo, Moraga Way, and the Moraga Ranch could be used as the site for a small, luxury bed and breakfast of no more than ten units, with two attached tennis courts, a pool, and a restaurant. Arrangements would also be made for golfing privileges at the country club. The surrounding Areas 3,4,and 6 would be developed as organic fruit orchards and vegetable growing areas, and with an organic vineyard. The B&B would be built with the highest standards of energy and water use efficiency, with its own solar power sources, and would be developed, managed and run in partnership with St. Mary's College's School of Business and used as a training ground for a new state of the art degree program in Hotel and Restaurant Management of the kind currently offered by Cornell University. Berea College in Kentucky has for many years run a highly successful program on this model: Berea College students run their hotel and restaurant and use the revenues to allow the program to be self-supporting. In addition, just as high school students in Petaluma successully restored their local creek's fish populations and are now running a successful fish hatchery, Campolindo High School students led by two new faculty hirees with graduate level degrees in agronomy and oenology would earn academic credit running all aspects of the organic vegetable plots, fruit orchard, and vineyard. The food raised would be served at the bed and breakfast restaurant, and any surplus would be sold at the local farmer's market. In addition, the organic vineyard would be used to teach the Campolindo students how to make organic wines, and organic grape juice which would also be served at the B&B and sold locally. As the Areas 3-6's mixed use B&B and organic farming complex matures, and as the students master the skills to run the complex, additional open space such as Area 7 could be converted to organic vineyards. This development approach ensures that the community benefits from the development, that the development reflects environmental awareness and preserves open space, and that the young people of Moraga will have a unique opportunity to learn subject areas and skills of great relevance and value.

34-a

Sincerely,

John Grossberg

Subject: FW: eir
Date: Friday, August 1, 2008 7:01 PM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>
Conversation: eir

Third time's a charm.

L.

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From: Ruth McGough [mailto:Ruthrlm@comcast.net]
Sent: Friday, August 01, 2008 4:58 PM
To: Lori Salamack
Subject: eir

Ruth McGough
Donald Dr. #3
Moraga, CA 94556

August 1, 2008

Lori Salamack
Planning Department
Town of Moraga
329 Rheem Blvd
Moraga, CA 94556

Re: MCSP Draft EIR

Dear Ms Salamack:

The Moraga Center Specific Plan (MCSP) as designed to help revitalize and renovate the Moraga Shopping Center. The draft EIR points to seventy-one (71) significant environmental impacts on our community. Thirty-eight (38) result in problems that cannot be mitigated. The significant impact would be across the environmental scope. We would have an impact on air quality, transportation, noise, carbon admission, ozone, just to name a few. The consultants at the July 9, 2008 Council meeting explained that they did not have enough information to address the full impact of any given project. As I result, I am requesting that you address the following concerns:

35-a

1. What happens if Moraga does not comply with the ABAG regional housing element (ARNA)

2. When is the last time that Moraga was in compliance? From that time to this, what consequences have we suffered?

35-b

3. ABAG allows and encourages compliance with low-cost housing. Please calculate the number of units that would be necessary if we met our allotment by providing low income housing versus opting for higher density? Exactly what would qualify for low income in Moraga.? As citizens, we are entitled to know why the Town is choosing high density versus low income regardless of how complicated the formula is. This plan has been six years in the making which is plenty of time to make the calculations.

35-c

4. If we do not have a housing element in a general plan that meets the necessary

requirements, what will happen? Have we ever had a housing element that meets the requirements?

35-d 5. ABAG allows towns to apply for High Conservation Area. Why did we apply to be a Priority Development Area.? We do not have the public transit or highway access to meet the requirements. In a letter dated August 14, 2007, the Department Transportation informed the Town that 35-e as the lead agency, we would be responsible for any required road improvements including highway improvements. Why would we burden our citizens with this expense?

6. The plan states that 75% of the retail purchases are made out of town. When survived, many residents stated that they often leave Moraga to shop at big box 35-f stores. Big box stores will not and should not be included in the development. The assumption that the new retail will dramatically reduce the transportation out of town is erroneous.

7. The traffic engineers used a regional model to estimate the reason for which traffic was leaving Moraga in the morning. They decided that privately one-third of the morning traffic was leaving for work and another third for running errands and shopping. Moraga does not fit the regional Bay Area norms for size, location, 35-g income, or density. Therefore, using a regional formula does not provide accurate results. A survey of local residents would provide more accurate result. During the morning rush hour most of the traffic Moraga is going to work. Please survey the local population in order to determine an accurate estimate of the traffic patterns and changes as a result of the MCSP. Until a traffic survey is done the environmental impacts of the plan cannot be accurately determined.

8. The draft EIR states that the new retail and office space will reduce traffic by providing jobs and office locations in Moraga. The average household income in 35-h Moraga makes it apparent that the residents do not work in retail sales jobs. Furthermore, if we look at the employees at Safeway, Orchard Hardware, and the Home Goods Store, they are not Moraga residents. The new retail is likely to increase the traffic into town by bringing the employees from out of town

With regards to the office space, while individual proprietors may rent small 35-i offices, large corporations and businesses are not likely to relocate here due to the

distance from the highway combined with the limited access to the town. Most of the professional leaving Moraga to go to work in the mornings work for large companies. A survey of local residents and the likelihood of them taking office space in Moraga would help provide an accurate estimate of the amount of traffic reduction do to office relocation.

The traffic engineers based there figures on models that do not fit Moraga's demographics. To have an accurate estimate and a valid EIR, a survey must be done. In addition, the traffic calculations need to include the influx of employees into the area.

9. Most of the seniors in Moraga have cars. Senior housing would not necessarily reduce the traffic impact. Seniors still shop at the big box stores. Seniors have to make more medical visits that require leaving the area. Is this calculated into the figures? 35-j

10. The Moraga General Plan requires traffic not to exceed level B, but the MCSP would result in D level traffic. Why would we want to endure level D traffic in violation of the General Plan? 35-k

11. Noise levels - The draft EIR indicates that there will not be a noticeable noise increase after the initial build. With a dramatic increase in population and automobiles the noise level would have to increase. The trucks supplying 90,000 of retail would increase the noise, the traffic, and air pollution. The added supply delivery trucks need to be added into the EIR estimates for noise, traffic and air pollution. 35-l

12. The increased in population with such high density will add to the use of the park and the rentals. The noise levels will be increased by the increased band shell rentals with amplified music. The high density will increase recreational use of the Moraga Commons because the new residents will not have adequate backyard space at home. 35-m

13 The MCSP includes plans for a possible hotel stating this as a need of St. Mary's. Many universities house their guests on campus. If St. Mary's needs accommodations for guests perhaps they could build a facility on campus to reduce the traffic flow. Most of the residents of Moraga have adequate space in their 35-n

homes to accommodate their visitors.

14. The draft EIR does not address emergency evacuations. With a large increase
35-O in population and level D traffic at the main intersection, safety evacuation plans are necessary for the residents that are presently here. We should not build additional housing without concerning the impact to existing residents.

15. Council asked if this draft EIR could be used for a designed design build out
35-P when said plans are ready. Since this draft does not state specifically what will be built, a new EIR would have to be produced.

16. The regional recreation center offers a problem with parking. If the center were smaller less parking would be needed and more green could stay. A regional creation center will drastically increase traffic and therefore increase air pollution.
35-Q There are no calculations in the EIR for increased use of the center if the Hacienda were to be sold. The Hacienda Foundation made the recommendation that some of the funding be used to refurbish the Hacienda. This would allow for a reduction in size of the recreation center to a local center instead of a regional center. This would reduce the carbon footprint.

17. A major intent of the Plan was to revitalize the shopping center. The draft EIR
35-R only has information on new buildings. Revitalizing the existing structures is not included in the draft EIR. These figures need to be calculated. This adds to the reasons for a new EIR when an actual plan is formulated.

35-S 18. When visuals of the design were presented they did not reflect the full density and added trees that do not exist.

35-T 19. The green building requirements recommend by the government are not included in the plan or in the EIR evaluation.

35-U 20. The significant negative environmental impact needs to be more carefully evaluated in all areas.

Respectfully submitted,

Subject: FW: Comments regarding The Moraga Specific Plan and DEIR
Date: Monday, August 4, 2008 11:22 AM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>
Conversation: Comments regarding The Moraga Specific Plan and DEIR

Received before the deadline.

L.

Lori Salamack
Town of Moraga
Planning Director
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Moraga, CA 94556
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-----Original Message-----
From: Kelly Suronen
Sent: Monday, August 04, 2008 9:17 AM
To: Lori Salamack
Subject: FW: Comments regarding The Moraga Specific Plan and DEIR

-----Original Message-----
From: ckktc@aol.com [mailto:ckktc@aol.com]
Sent: Friday, August 01, 2008 4:58 PM
To: Kelly Suronen
Subject: Fwd: Comments regarding The Moraga Specific Plan and DEIR

-----Original Message-----

From: ckktc@aol.com

To: planning@moraga.ca.us

Sent: Fri, 1 Aug 2008 4:53 pm

Subject: Comments regarding The Moraga Specific Plan and DEIR

To the Town Council and Planning Board

36-9 We can't rush such a huge change to Moraga. The impact on crime to Moraga was not studied in the DEIR. We live in Moraga because it is safe for our children and families.

1) Have the state mandated low income housing requirements been spread out to other areas of Moraga?

36-10 2) Are all the low income housing being included in the specific planned site?

36-c 3) How can Moraga try to mitigate crime issues that arise in high density low income areas?

36-d 4) Is it possible to require that the low income housing be available to only seniors or teachers and civil servants with priority going to current residents of Moraga?

36-e Moraga needs to exclude student housing or greatly limit the number of student housing. The town recently found it necessary to pass town ordinance #222 due to problems with St. Mary's University students disrupting the peace with loud and unruly parties. What are the plans to mitigate this issue?

36f Before planning approval we need to better understand how the type of housing will change the community of families who moved to Moraga to get away from loud and unruly neighbors and wanted a low crime environment for their families. The DEIR did not address the issue of how Moraga schools can accommodate the projected number of new students when the schools are already impacted and Los Porales Elementary School which is closest to the development site is not even accepting all the students who live in the neighborhood now. Those students will have to be driven to different elementary schools causing more congestion on the already congested rush hour traffic on Moraga Way. The state is cutting funding for the schools and even if the schools have physical space for the additional students they do not have teachers and staff to accommodate such a huge influx of students, please respond to these issues.

36-g 5) Has the CO2 impact of this specific plan been mitigated as required by the California Environmental Quality Act?

36-h 6) Shouldn't we have public referendums on the specific plan since it changes the community so drastically?

36-i 7) Has the California Fish and Game Commission been notified to review the impact of the specific plan with regard to the sanctuary located on Camino Ricardo?

36-j 8) Does anyone on the Moraga Town Council have any prior or current or plans for future financial connections to the owners or entities associated with the owners of the specific plan area?

36-k 9) Did any members of the Town Council receive campaign contributions from the owners of the property in the specific plan area?

36-l 10) Why have plans two and three not be prioritized in the same way as plan one, the plan with the largest impact on Moraga and neighboring towns of Orinda and Lafayette?

Please respond to these questions and comments regarding the DEIR and the Moraga Specific Plan

Regards,

Kevin J. McGuire
3 Whiting Ct.
Moraga Ca.

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FAX TRANSMITTAL

DATE: July 31, 2008
CLIENT NO: 1025-002

TO: Lori Salamack
Town of Moraga
Tel: 925-376-5200
Fax: 925-376-5203

FROM: Steven R. Meyers

RE: Comments on Moraga Center Specific Plan and Environmental Impact Report

NO. OF PAGES SENT (Including This Sheet): 6

HARD COPY TO FOLLOW? No

ADDITIONAL COMMENTS:

1131082.1

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JUL 31 2008
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professional law corporation

Steven R. Meyers
Attorney at Law
510.808.2000

July 31, 2008

Lori Salamack
Director, Planning Department
Town of Moraga
329 Rheem Blvd
Moraga, CA 94556

Re: Comments on Moraga Center Specific Plan and Environmental Impact Report

Dear Ms. Salamack:

37-a We represent the Moraga-Orinda Fire District (MOFD or District). We submit these comments on the Moraga Center Specific Plan (MCSP) and its environmental impact report (EIR) on behalf of MOFD. The provision of "a high level of fire and life safety services" is a main goal of the Town General Plan (Public Safety Element Goal PS2). MOFD is committed to providing this high level of service. It must have adequate staffing, equipment and facilities to meet this high standard. The MCSP and other proposed development in the District's service area will, without question, have a significant impact on fire and emergency services. However, without any analysis, the EIR simply dismisses the impact as less than significant and does not include any mitigation measures for impacts on fire and emergency services. This is in direct contradiction to General Plan and CEQA principles which require new development to pay the costs of its impacts on public services.

37-b This flaw in the EIR will have grave consequences to existing and future Town and District residents. It is literally a life and death issue. The MCSP cannot be served by Fire Station 41's[1] current facilities, equipment and staff. The demands from the MCSP will reduce existing service levels and endanger people and property. This result contravenes core Town policies and will be unacceptable to Town residents. Therefore, the EIR must be revised to identify a significant impact on the District and require a mitigation plan to address these impacts.

37-c MOFD also is concerned about the effect of the MCSP on the Station 41 property which is located within the Plan area. The proposed new land use regulations affect the status of the existing use and appear to constrain the ability of the District to expand its Station 41 facilities. MOFD's primary concern is that, under the proposed land use plan and regulations, the District's use is not a permitted use. The MCSP also must be consistent with the Town General Plan policies on maintaining MOFD service levels and addressing District needs.

[1] Station 41 is located at 1280 Moraga Way within the MCSP area. Therefore, it will be the station responding to fire and emergency services calls from the MCSP development.

MCSP EIR Must Identify Significant Impact on Fire and Emergency Services and Require Mitigation

37-d [The MCSP will have a significant impact on the District's provision of fire and emergency services. The EIR incorrectly determines that the MCSP will have a less than significant impact on fire and emergency medical services because the existing service capacity is adequate to meet new demand. MOFD personnel did not provide any statements or information to support that the existing staffing level, facilities and equipment would be adequate to meet new demand from the MCSP.] [The EIR also does not adequately analyze the significant impacts of the Plan in conjunction with proposed future development in the District service area. Since the MCSP will have significant impacts on fire and emergency services, the EIR must include mitigations to address the impacts.]

37-e

The MCSP itself, and in conjunction with other proposed future development, will have significant impacts on the District. The following facts show the impact will be substantial:

- There will be a significant increase in the number of residents within the District's service area during the life of the Specific Plan. The large increase in residents will substantially increase the number of service calls. According to the Specific Plan, the project will result in 1,614 new residents, 720 new dwelling units, 100,000-140,000 square feet of commercial office space, and a new recreation facility. Other proposed development in the Town (including the MCSP) will result in a total of 2,563 new residents and about 1,000 new homes. This new growth does not even include potential growth in the District service area outside the Town and additional population from new employment-generating uses.

37-f

- The large number of new buildings also will increase demand for services. 720 homes, 100,000-140,000 square feet of commercial office space, and a new recreation facility will be built under the MCSP. Overall, new development in the Town will add about 1,000 new homes, which is about a 15% increase to the number of existing homes (estimated in the EIR to be about 5,800).

- The MCSP's large number of senior and assisted living facilities (450 units) will cause a large increase in medical response calls. Over 70% of the District's service calls are for medical response, and the vast majority of these calls are from seniors (approximately 60%). Existing senior housing/care facilities in the District average about 1 call per unit/bed per year. Therefore, the MCSP senior units alone will result in 450 new medical calls per year, almost a 25% increase to existing call levels. Paramedic staff and equipment (including ambulances) at Station 41 are not adequate to meet this increased demand from senior housing.

37-g

- The MCSP impacts will disproportionately affect Station 41. Station 41 is physically incapable of handling the additional staff and equipment necessary to meet the increased demands imposed by the MCSP. The site lacks the space for the expansion and remodeling of the Station 41 facilities that would be required. This Station also will be particularly impacted by other proposed

37-h

development in the Town, such as the Indian Valley project (regardless of the number of homes actually built there), since it is the closest station to that proposed development.

37-i • Building heights of up to 45 feet are permitted by the MCSP. The District has only one aerial ladder. In the event of a serious fire in the MCSP area, or simultaneous fires at St. Mary's College and the Plan area (in the aftermath of an earthquake or other disaster), a single aerial ladder will likely be insufficient to protect people and property. This lack of adequate equipment will create life threatening situations for people on upper floors and firefighters called upon to rescue them.

37-j • The MCSP will result in significant traffic impacts on certain intersections. These traffic impacts will adversely affect the District's response times. The reduced level of service for intersections in Lafayette also may slow the response times for mutual aid assistance coming into the Town.

The significant impacts on MOFD must be addressed by mitigation measures. These measures should be included in the Final EIR. The following mitigation measures would support a finding of a less than significant impact on MOFD and the provision of fire and emergency services:

37-k

(1) new building(s) and property to accommodate expansion and replacement of Station 41 and its administration building;

(2) provision of a new ambulance and other equipment;

(3) provision of a new aerial ladder fire engine; and

(4) a fee for fire and emergency services impacts imposed on all MCSP development.

Other Issues of Concern with MCSP EIR

37-l The MCSP includes a new traffic signal located adjacent to Station 41 on Moraga Way. The Town needs to coordinate with the District on the location and design of this new signal.

37-m The EIR should analyze the compatibility of the proposed high density residential use surrounding the Station 41 property. The Station's operation and noise may not be compatible with the proposed residential use. The District is concerned that residents in these new developments will object to Station uses. General Plan Land Use Element Policy LU4.6 requires that "uses and buildings located in the vicinity of public safety facilities and training operations are compatible". The EIR Land Use chapter should address the Project's consistency with this compatibility standard.

37-n The proposed street design and building setbacks should be reviewed by the District to assure they meet fire service standards.

37-O The EIR inaccurately describes the fire flow tax. The revenue from this existing tax is not exclusively for use within the Town, but can be applied throughout the District for ongoing capital costs for facilities and equipment. The tax is imposed on all properties and does not address the impacts of new development.

37-P The EIR also inaccurately describes the District's fire flow requirements. The minimum required flow is 2,250 GPM (not 1,000 and 2,000 GPM) and the requirement may be higher if large wood frame buildings are constructed (which appear likely under the MCSP).

MCSP is Inconsistent with Town General Plan Policies on District and Fire Services

The MCSP is not consistent with the Town General Plan policies on fire and emergency services. The Public Safety Element of the Town General Plan requires a "high level of fire and safety services" (Public Safety Element Goal PS2). The General Plan also has numerous policies to address the impact of new development on fire and emergency medical services, including the following:

- Public Safety Element Policy PS3.1 Cooperation with 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.

- Public Safety Element Policy PS3.3 Response Times.

37-Q Provide maximum emergency driving times of 3 minutes and/or a travel distance of not more than 1.5 miles for response vehicles from the closest fire station to arrive and effectively control fires and respond to medical and other emergencies in the community.

- Public Safety Element Policy PS3.5 Development Review for Emergency Response Needs.

Evaluate new development proposals to ascertain and mitigate problems associated with emergency response needs.

The MCSP is not consistent with these policies. There is no evaluation of the Plan's impact on fire and emergency services. The EIR states, in conclusory fashion, that the MCSP is consistent with the General Plan policy because "In order to maintain services at existing levels, new development will be required to pay appropriate development impact fees". However, no development fee is imposed on the Project for fire and emergency services. Therefore, in order to be consistent with the General Plan, the MCSP must include the measures described above to address the development impacts on District services. The Public Service Element of the MCSP should be revised to address the impacts on fire and emergency services and describe the required mitigation plan. The Finance Plan should be revised to address funding for the mitigation plan.

37-Y

The MCSP's land use plan and regulations that apply to the Station 41 property also are inconsistent with these General Plan policies. Station 41 is located within the Mixed Commercial Residential land use area. Public Services (fire & police) are not a permitted use under this land use category. This raises significant concerns about whether the existing Station will become a non-conforming use and whether expansion or renovation of the Station will be permitted. Also, the Specific Plan does not address the compatibility of the land uses allowed under the Mixed Commercial Residential area surrounding the District property with the Station 41 use. These issues should be addressed in the Specific Plan. The land use designation of the Station 41 property and surrounding area should be consistent with the current District use and its need for future expansion.

Conclusion

The District has significant concerns about the MCSP and its EIR. The EIR should be revised to describe the significant impact the MCSP and other new development will have on the District. The EIR should include a mitigation plan acceptable to the District to address impacts of the MCSP. The MCSP should be revised to make it clear that public services is a permitted use under the land use category applicable to the Station 41 property and the adjacent surrounding property.

Very truly yours,

Steven R. Meyers

cc: Chief Pete Nowicki
Moraga Orinda Fire District Board of Directors

1122003.5

Richard J. Olsen

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August 1, 2008

Ms. Lori Salamack, Director
Town of Moraga Planning Department
329 Rheem Boulevard
Moraga, CA 94556

Moraga Town Council
c/o Mr. Jay Tashiro, Acting Town Manager
329 Rheem Boulevard
Moraga, CA 94556

Re: Proposed Moraga Center Specific Plan & Draft EIR for that Plan

Dear Ms. Salamack and Members of the Moraga Town Council:

I am sending this letter to both the Town Planning Director and the Town Council, since my comments extend to both the Draft EIR and the overall concept of the Moraga Center Specific Plan in its current form.

Rationale for the Moraga Center Specific Plan - No one can deny that the current shopping experience in Moraga is, at best, dismal. It is also quite clear that, as a direct result, there is a significant economic "leakage" as Moragans are forced to shop elsewhere. (How much of that leakage could potentially be remedied is a debatable question, given that, in my judgment, Moragans would not approve the types of commercial enterprises – like car dealerships and "Big Box" stores -- that would make a significant dent in that leakage.) In the process, the Town of Moraga receives less in both Sales Tax and Property Tax revenues than it otherwise might were there additional retail shopping facilities that better served our local needs. It is also the case that the Town of Moraga's financial outlook is cloudy– although I would suggest that, like Mark Twain's falsely reported death, recent reports of the Town's impending financial demise "are greatly exaggerated." (One need only look at the "Bank of Palos Colorados" established by former Moraga Town Manager Phil Vince to realize that the Town is hardly on the verge of bankruptcy – as some would falsely claim.) One should also acknowledge that the Town of Moraga does need to make a reasonable attempt to comply with State of California law and ABAG recommendations relative to the provision of additional Affordable Housing within our community. Finally, providing additional shopping opportunities within our Town would obviously reduce the trips we Moragans now take to Lafayette, Orinda and beyond. Those trips contribute to the current congestion on local Lamorinda Roads, negatively impact regional air quality and increase carbon consumption.

38-a **All that having been said, I must say that there is no doubt in my mind but that the proposed Moraga Center Specific Plan, in its present form, would permanently and irrevocably destroy the semi-rural character of the Town of Moraga that so many of us have labored so many years to preserve.**

The Town of Moraga Planning Process Relative to the Moraga Center Specific Plan from an Historical Perspective – The following comments and observations are from the perspective of someone who, prior to the Town's incorporation, served as Chair of the Moraga Community Association's(MCA) Civic Affairs Committee. Following incorporation I was appointed by the original Town Council to Chair the committee that screened the applicants for the Town's first Planning Commission. I simultaneously served on the Town's first Planning body -- the Interim Design Review Board -- prior to the completion of our first General Plan and helped to draft that General Plan.

38-b

By agreement with the County, the MCA's Civic Affairs Committee reviewed development proposals within then-unincorporated Moraga prior to any action being taken on those proposals by the County Planning Commission. The Moraga Community Association would then present its findings and recommendations to the County. Unfortunately, the County's Planning Department, the County's Planning Commission and the County Board of Supervisors (to whom we would appeal the Planning Commission's decisions), would often ignore our community's input and would rush through the approval of projects to accommodate the developers. As a consequence, literally hundreds of multi-unit apartments, townhouses and condominiums were approved and built. One of the more compelling – and effective -- slogans that those of us on the Steering Committee of the Citizens Incorporating Moraga employed during the election campaign prior to Moraga's incorporation was that the County was turning semi-rural Moraga into the, "Condo, Cluster Capital of Contra Costa County."

It would be fair to say that the County's haughty "We know what's best for you" treatment of Moragans and the condo-ization (I'm making up that word) of Moraga were major factors in our successful dive to incorporate Moraga.

Let's "fast forward" to the present. Thanks to Moraga's incorporation and the subsequent efforts of many members of our Town, until now, the semi-rural character of Moraga has been successfully preserved.

Suddenly, after several years of languishing, the Moraga Center Specific Plan has been put on a fast track. The Town Council hurriedly established a 700-plus housing units target for the Moraga Center. In establishing that target, the Town Council ignored citizen input from such experts as a Vice President of Pulte Homes who opined that: "700 units on that site would make Moraga look like Emeryville!" Others objected that adding the traffic from 700 units onto Lamorinda's already saturated main roadways would be foolish in the extreme. Their concerns were also ignored. There then ensued two charrettes. (I participated in both.) The first was little more than a "beauty contest" to help the Town Council determine which design firm it would employ to assist in developing a look and feel for both the housing and shopping center elements of the Specific Plan. The second charrette was, in my opinion, so <u>completely biased</u> that it was a <u>total and complete farce</u>. The attendees were shown a series of photos and were then asked their preferences among several, <u>high-density</u> development options. The Dahlin Group presenters even had the temerity to suggest that 5-story tall apartment/condominium structures should be among the alternatives considered. As I heard more than one attendee observe: "Most of these photos show mature 50 or even 100-year-old trees, which in several cases actually block the view of the building types we're being asked to approve." Another participant, former KTVU-TV News Anchorwoman Barbara Simpson complained: "All you're showing are high-density images. Shouldn't we, the citizens of Moraga, also have the option of considering and selecting something less dense?" Clearly, what Barbara and others (myself included) were hoping for – but didn't get and still haven't gotten – is a presentation of what a less-dense, <u>more Moraga-like</u> housing component within the Moraga Center might actually look like.

Now the Town Council has put the Moraga Center Specific Plan on a schedule by which the EIR will be certified and the Specific Plan adopted on October 22nd, which date was quite obviously set to be just prior to the Town Council election. The Moraga Town Council has insisted on adhering to that accelerated schedule despite pleas from our neighboring cities of Lafayette and Orinda to extend the period for them to comment upon the Draft EIR. That fast-track, pre-election schedule immediately reminded me of the County Planning Commission's hurried schedule for adopting the Moraga Country Club's final phases, which approval was accomplished one week before the Moraga Incorporation election. It is also reminiscent of a previous Moraga Town Council's decision to approve the Palos Colorados project just prior to a Town Council election. (That latter decision then led to several years of political turmoil and some very costly litigation.)

The fact that our Town Council and the Town's Planning Director have been single-mindedly focused on an extremely high-density housing development, the "hell-bent-for-election" (a particularly apt phrase) manner in which the Town's Planner and the Town Council are attempting to rush through approval of the Moraga Center Specific Plan prior to the upcoming Town Council election, and the rejection of requests for delay from our neighboring municipalities, are totally reminiscent of the County's arrogant treatment of Moraga and Moragans prior to our incorporation 30-plus years ago.

Specific Concerns with the Moraga Center Plan and the Draft EIR –

38-c

- The Draft EIR first describes the Town of Moraga as a "**semi-rural** community." Further on, it describes the project as "...a mixed use **urban** village" (emphases added). Quite obviously, the two descriptors are inherently incompatible. Since Moraga's description as "semi-rural' is also embraced by the General Plan, an "urban village" is clearly incompatible with that General Plan;

38-d

- "Alternative 2" in the Draft EIR is a transparent "Straw Man" that was inserted to produce a 339-unit alternative that would have the maximum negative traffic and related impacts in order to make the 720-housing-unit model seem more palatable. A more appropriate, 339-unit, 2002 Moraga General Plan-based development would have consisted of a mix of housing elements, rather than being comprised entirely of detached single family homes;

38-e

- The Draft EIR's assertion that the proposed development will not exceed the Lafayette and Orinda gateway levels of traffic identified in the 2002 Moraga General Plan is ludicrous on its face. One does not need an advanced degree in traffic engineering to understand that 720 new housing units – not to mention the effects of the increased Retail, Office, B&B, Hotel, Congregate Care and Assisting Living facilities -- will have profound negative effects on traffic levels, not just at the gateways, but also on a multitude of roadways and intersections throughout Lamorinda. That's just common sense;

38-f

- I am unaware of, and was also unable to find in my perusal of the Draft EIR or elsewhere, any discussions of the timing or phasing of the housing component of the Moraga Center Specific Plan vis-à-vis the commercial shopping center component. Recently, a public relations consultant employed by the Bruzzone family stated in a local newspaper that, in order for the proposed shopping center improvements to go forward, the Bruzzone family's contemplated Bollinger Canyon and Indian Valley subdivisions would also have to have been approved and completed, so that the upscale residents of those proposed single family, detached houses would also be potential patrons of the revitalized shopping center. Quite obviously then, in the Bruzzones' view, the anticipated positive economic impacts of the residents of the 720 housing-units proposed within the Moraga Center are insufficient to provide the store traffic and buying power that the Bruzzones believe must exist before they will undertake the shopping center improvements. The logical conclusion one draws from all the preceding is that the shopping center improvements are not going to be built anytime soon – if ever. (One only needs to look at the 68 long-ago-completed housing sites at the Northwest end of Augusta Drive, to recognize that the Bruzzones take a very long-term view when developing their properties -- which is certainly their prerogative.)

  The preceding then leads me to ask: "What would be the consequences for Moraga and our neighboring communities, if the Moraga Center Specific Plan is approved by the Town Council and, absent any specific requirements that the Shopping Center improvements must be completed either prior to or contemporaneous with construction of the housing units, those 720 housing units are then completed before the shopping center improvements are constructed?" One obvious partial answer is that the residents of the 300 "Active Senior" housing units will need to make a lot more than the 3.7 trips per day from their residences that the Draft EIR

contemplates, in order to secure the goods and services that they would otherwise have acquired at the expanded shopping center. That question should have been addressed in the Draft EIR and needs to be addressed before the EIR can be certified as complete.

- The proposed juxtaposition of housing for St. Mary's College students and Active Seniors is troublesome, as the two populations seem to me to be basically incompatible. Certainly the Town Council is well aware of the burdens already imposed upon our populace and on our Police Department as a result of college student partying and other disturbances in the Ascot Drive area and in other areas of our Town where St. Mary's students are renters. The Town's recent promulgation of Town Ordinance 220 establishing a "Liability for Police Response to Loud and Unruly Parties" was in direct response to that problem. To contemplate mixing Seniors and St. Mary's students, given the Town's already existing problems and on the heels of the adoption of Ordinance 220, is almost laughable. The Draft EIR fails to address the additional police service, noise and other burdens that would be visited upon our Town as a result of that proposed housing.

38-g

- While, as I previously suggested, the Town should make a reasonable effort to comply with the State Government Code Section 65583 requirements and also ABAG recommendations relative to "Affordable Housing," I believe that both that need and the requirements are possibly being overstated in the Draft EIR. I am not an attorney. However, my layman's reading of California State Attorney General's Opinion 03-104, dated May 18, 2005, suggests to me that the tests and standards that the Town of Moraga must meet are not nearly as severe as would be inferred from reading the Draft EIR.

38-h

One wonders, "Since the State Law and ABAG recommendations should apply equally to our neighboring cities of Lafayette and Orinda, and since one of the major tenets of ABAG's affordable housing policy is to promote Transit Villages in the immediate vicinity of BART stations, why is it that Orinda and Lafayette have not also proposed similar, high-density housing developments – particularly in the vicinity of their BART stations?" I would submit that high-density housing from which one could walk to a nearby BART station makes infinitely more sense than high-density housing located 5 miles from the nearest BART station and which can only be reached over either badly congested roadways (which makes owning an automobile a necessity) or via a minimal public bus service. All the more puzzling to me is the contrast between the in-process Pine Grove/Pulte Homes development in Orinda of <u>73 homes on 11 acres</u>, which development is within easy walking distance of the Orinda BART station and the much-more-intensive housing development proposed for the Moraga Center. No doubt, the planners in Orinda and Lafayette – and the City Councils in those cities – are fully cognizant of their affordable housing responsibilities. Given that, as a result of the County's pre-incorporation "condo-ization" of Moraga, our Town has proportionately many more multi-unit developments than either of our two immediate neighbors, how is that we are not fulfilling our obligations but they are?

38-i

- Finally, I would like to observe upon the <u>Visual Impact</u> of the proposed Moraga Center upon our community. The Dahlin-prepared "Viewpoint Locations" that are a part of the Draft EIR are of a piece with the kind of renderings that developers typically used to display in pre-incorporation presentations to the County's planners. They show tree and vegetation growth 25 to 30-years out into the future. (As a 25-year resident of the Moraga Country Club, where the vegetation has only now grown up to a point where it mostly masks the impact of the MCC's houses on Moraga, I most certainly know whereof I speak.) The Dahlin "Viewpoint Locations" that are part of the Draft EIR intentionally mask what the Moraga Center will look like for the remainder of most of our lifetimes. They therefore fail to display the eyesore that this development will actually be for many years to come.

38-j

38-K

The Moraga Way Scenic Corridor representations (View-02 and View-04) utterly fail to display how the views from the scenic corridor will actually appear for many years to come. "View-01," from the top of Alta Mesa shows a 30-year growth of trees surrounding the Moraga Center housing development. That particular View also utilizes a long-distance perspective that effectively minimizes the projected visual impact of the Moraga Center on those whose homes will look down upon that development. Entirely missing is any View of how the development will look from the hillside homes of those of us who reside on the Moraga Country Club's hillsides.

I would urge you to take this process off the "fast track" on which you currently have it. Listen to the concerns of our neighbors in Lafayette and Orinda. And don't rush into approving a radical Specific Plan, General Plan Amendments and Zoning Ordinance changes that could forever destroy the Moraga that I, along with many others, have nurtured for the last 36 years and have grown to love.

Thank you for your attention to the above.

Sincerely,

/s/ Richard J. Olsen

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August 1, 2008

VIA E-MAIL: lsalamack@moraga.ca.us

Ms. Lori Salamack
Planning Director
Town of Moraga
329 Rheem Boulevard, Suite 2
Moraga, CA 94556

Re: Comments on Moraga Center Specific Plan DEIR

Dear Ms. Salamack:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Moraga Center Specific Plan ("DEIR"). We submit these comments on behalf of the Sonsara Homeowners Association's Board of Directors, and Moraga residents Eric Clarke, John Giordani, Randy LeBlanc, Kevin and Cindy McGuire, David Ramazetti, and Corey and Oralia Waters.

39-a As a general and overarching concern, we believe the DEIR is plagued with errors and inconsistencies, and that it is a highly user-unfriendly document. For example, Table 3-1 wrongly states that the No Project alternative will create significant and unavoidable impacts.

39-b Additionally, as explained herein, the DEIR fails to comply with the California Environmental Quality Act ("CEQA") in numerous other ways. While creating much-needed housing (including affordable housing) is indeed a laudable goal, the proposed project exceeds by a huge measure the Town of Moraga's General Plan update approved only six years ago. In a misguided attempt to rectify this glaring General Plan inconsistency, the project puts the proverbial "cart before the horse" - in terms of land use planning - by proposing to amend the General Plan concurrently with the approval of this project. But, since this DEIR is for a *Specific Plan*, not a *General Plan Amendment*, the overall scheme and process is misleading, leaving citizens to wonder how it came to be the tail is apparently wagging the dog.

39-c The DEIR is also misleading in its handling of the project's dramatic impacts upon transportation and traffic. The traffic analysis is so fundamentally flawed that it should be completely redone and the DEIR re-circulated.

Finally, as to the timing and comment period, given the magnitude of the Project, its dramatic and inadequately studied impacts upon existing neighborhoods, and its admitted inconsistency with the existing Town General Plan, we believe this effort is being unduly hurried to the detriment of good planning principles. We understand that both the City of Lafayette and City of Orinda submitted letters to Moraga requesting an extension of the public review period 39-d which ends August 1st. On July 22nd, the Moraga Town Council considered but denied these requests. However, according to Moraga's acting/interim Town Manager, the Town Council indicated that Moraga would be willing to receive comments after the deadline and would make their best efforts to respond to those comments. In light of the apparent willingness to accept comments after August 1st, we request that the comment period be officially extended, in light of the concerns and problems with the DEIR, raised herein.

In the meantime, we respectfully request a response to each of our comments regarding the DEIR, which follow and generally coincide with the order in which the DEIR addresses these topics.

1. Land Use

Despite the admittedly large scope of this Project, the DEIR identifies only one significant impact regarding land use. As noted in Impact 4.A-1, the DEIR concludes that the Project is inconsistent with the 2002 Town of Moraga General Plan ("GP"), and that the impact is potentially significant, because the Project's proposed densities exceed the designations identified in the GP. The DEIR then states that the GP will be amended "at the time of adoption of the Moraga Center Specific Plan." However, a fundamental requirement in California land use planning is that a specific plan may not be adopted unless the proposed plan is consistent with the GP. (Gov't Code § 65454.) In other words, the Specific Plan should implement the GP's vision for the Project Area (not the reverse).

39-e

The GP vision, incidentally, was approved only six years ago, and it by no means contemplates the extremely high number of units proposed in the Project (nor, as explained further below, does the GP EIR that analyzed the impacts of the GP, contemplate the impacts created by this project).

As the City of Orinda aptly noted in its comment letter on the DEIR: "When the 2002 Moraga General Plan was drafted, the Town of Moraga undertook a cooperative planning process with surrounding jurisdictions resulting in a carefully crafted plan with the engagement of both Lafayette and Orinda. Six short years later, the Town is considering a major amendment to their General Plan that will have significant impacts on Orinda. Unfortunately, during the process of drafting this plan, the Town of Moraga has not discussed their plan with Orinda as required by Measure C. The Town of Moraga must participate in cooperative planning with surrounding jurisdictions in order to qualify for the benefits of the Measure. The City of Orinda

invites the Town of Moraga to engage in a cooperative planning process with Orinda *prior* to certifying the EIR and adopting the MCSP."

"Development of the Proposed Project would result in construction in the Moraga Center area of more than twice the number of new residential units called for in Moraga's 2002 General Plan. The 2002 General Plan, and its associated environmental impact analyses, anticipated that a maximum of 323 residential units *would be distributed between the Moraga Center Specific Plan ("MCSP") area and the Rheem Park Specific Plan Area*, implying that *less than this number would likely be associated with the MCSP area.* DEIR for Moraga 2000 General Plan Update, August 2000 at 2-7. In contrast, development of the Proposed Project would result in 720 new residential units in the MCSP area alone, comprised of approximately 400 "high" density units (12-24 dwelling units per acre [du/ac]), 300 "compact" density units (10-12 du/ac), and 20 low density units (3-5 du/ac). DEIR at 2-8. Not only is the total number of residential units proposed significantly greater than that anticipated in the General Plan, but the MCSP's new density designation of 12-24 du/ac is also inconsistent with the General Plan's maximum allowable density of 16 du/ac. Moraga 2002 General Plan at 3-1; 3-12. These inconsistencies are problematic given that the Moraga Center Specific Plan should represent the implementation of the General Plan's vision of development for the area." (Emphasis added.)

In sum, amending the GP is not a valid mitigation measure for reducing impacts associated with the Specific Plan's proposed increase in residential units.

As Orinda also notes, because of the GP inconsistency, the extent to which the DEIR may legitimately "tier" from, or rely upon, the environmental analyses prepared for the GP EIR is severely limited. In addition, with the exception of the DEIR's cursory statement that the GP will be amended, we see nothing to indicate when this will actually occur, or even notifying citizens that such necessary GP amendment is in process so that the Specific Plan will not be inconsistent with the existing GP.

Moreover, as Orinda notes: "The inconsistency in this case is significant and goes beyond a mere mismatch in terms. The drastic increase in the number of new residential units and associated population growth is incompatible with the 2002 General Plan's restrictions on residential development in the MCSP area. Moraga 2002 General Plan at 3-1 (LU1.2), 3-12 (LU3.3). While general plans are typically considered to be flexible, living documents, they are also intended to serve as touchstones for future development. One of the key goals of land use planning is to ensure that subsequent specific development plans are consistent with the overall, general plan-level vision for a community. The proposed mitigation measure contravenes this purpose. [¶] If the 2002 General Plan is amended to reflect the increased residential densities associated with the Proposed Project, the City <u>must also</u> conduct the requisite CEQA analysis associated with this amendment. This change to the General Plan will result in enhanced environmental impacts including, most notably in the areas of traffic, population and housing, public utilities, and growth-inducing effects, beyond those originally analyzed in the 2002 General Plan EIR. These potentially significant adverse impacts must necessarily be analyzed and mitigated prior to amending the General Plan and prior to approving the MCSP."

The DEIR also minimizes the significance of potential land use impacts by addressing them briefly in a table rather than in the main text of the document. Using this technique, the DEIR fails to identify numerous potentially significant impacts and does not craft appropriate mitigation measures for them, in violation of CEQA, which requires potentially significant impacts to be clearly identified, discussed, and mitigated. If such impacts cannot be mitigated to a less than significant level, the Town must adopt a statement of overriding considerations before approving the Project. The DEIR's failure to identify impacts, and propose mitigation measures the decision maker must consider, violates CEQA and will lead to a failure to make the required findings.

39-f

For example, GP policy CD1.3 (View Protection) requires the Town to maintain its semi-rural character by protecting important natural features and views. The DEIR provides a cursory discussion of architectural design elements that will blend with the Town's existing character but completely omits any discussion of how the proposed Project and the development that will occur within the Planning Area will protect views. Failure to comply with this GP policy amounts to a potentially significant impact that the DEIR neglects to identify.

39-g

In addition, GP policy C3.3 (Commercial Area Parking) requires the Town to provide adequate parking in commercial areas to accommodate actual and anticipated parking needs. The DEIR discusses parking for residential and office uses but fails to address parking for commercial uses.

39-h

The DEIR states that the point of significance for Impact 4.A-2 is greater than zero incompatible lineal feet or zero incompatible housing units. Despite purportedly relying on that level of significance, the DEIR misleadingly concludes that Impact 4.A-2 is a less than significant impact. Contrary to that conclusion, the text of the DEIR identifies several potential conflicts between existing and proposed land uses. The DEIR should, at a minimum, indicate that Impact 4.A-2 is significant and should require techniques "to address potential conflicts between" residential densities be imposed as mitigation measures to reduce those impacts below the level of significance.

39-i

As noted above, while Impact 4.A-1 of the DEIR first concludes that the Project's proposed densities exceed the designations identified in the GP and are therefore significant, Impact 4.A-3 of the DEIR later erroneously concludes that the Project's proposed density increases are less than significant. The DEIR is internally inconsistent and incorrect. The proposed density increases are in conflict with the GP and cannot be approved until the GP is amended, which process does not appear to be underway or deliberately contemplated, but treated as an afterthought. A DEIR cannot be approved for a Project that is inconsistent with the Town's approved GP.

39-j

2. Population, Employment, and Housing

39-k

The DEIR's impact discussion on pages 4.B-9 and 10 regarding Impact 4.B-2, and its conclusion that the project would not create any impact by creating a demand for housing or inducing population growth in excess of that anticipated by the Moraga 2002 GP directly or

indirectly is insufficient. As noted above, the DEIR states that the project would provide more total housing units than were analyzed under the MCSP scenario in the 2002 GP EIR and is expected to result in more population growth than anticipated in the GP. The DEIR's analysis then goes on to claim, to the contrary and without explanation, that "full buildout under the General Plan would add more residents and at a higher growth rate than the project." The analysis fails to explain this discrepancy nor why the planned project growth, focused more on multifamily than single family homes, would avoid a significant impact. Further, the DEIR does not adequately address whether the new businesses that will be contained in the commercial and
39-l residential portion of the project, along with the renovation of the Town Center, will generate additional housing need, and if so, at what level of affordability, and the impacts associated thereto.

3. Hydrology, Surface Water Quality and Groundwater

The DEIR does not indicate whether the Town of Moraga has sought a water supply assessment from EBMUD regarding the project or alternatives, pursuant to the requirements of
39-m Senate Bill 610 adopted in 2001, and current Water Code sections 10910 et seq. Even though the project clearly contemplates the addition of over 500 residential units, in addition to over 100,000 square feet of commercial space (which are thresholds for such statutory analyses regarding water supply), the DEIR, at page 4.J-9, sidesteps the requirement, claiming that the MCSP does not approve specific development applications. However, since the project clearly envisions residential development that triggers the requirement of a water supply assessment, and keeping in mind the current water crisis and rationing required by EBMUD, a water supply assessment should be obtained and the availability of water analyzed before the site is effectively rezoned or cleared for residential uses in densities triggering a water supply assessment. Further, if individual residential projects do not meet the 500-unit threshold, then it is possible that, if a water supply assessment is not done now, it may not be done in the future.

Without seeking and obtaining such an assessment, Impact 4.J-1 cannot be less than significant and mitigation would be required to reduce impacts to a less than significant standard.

4. Open Space, Visual Resources, and Recreation

With regard to impacts upon "Designated Scenic Corridors", Page 4.E-23 of the DEIR
39-n notes that three of the designated scenic corridors in Moraga are within the MSCP area, and that the MSCP area can be seen from another, fourth, scenic corridor. The DEIR notes that "Two vacant hillside areas are located east of the orchard area and east of Moraga Road. The northern area contains steeper slopes and disturbed grassland. Although it has little habitat value, the hillside is highly visible from the scenic corridor of Moraga Road."

The DEIR notes that land within 500 feet of these scenic corridors is subject to the regulations of Chapter 8.132 of the Municipal Code and developments and structural changes are subject to approval by the Design Review Board. The DEIR then claims that "in general, new developments **should** retain existing topography and vegetation, include adequate setbacks, enhance scenic views, create gateways with landscaping and signage, and be compatible with

surrounding landscapes and developments through the use of street trees, orchard tree preservation, and pedestrian lighting." (Emphasis added.)

However, the DEIR's characterization of the nature of these restrictions is materially misleading. Virtually all the requirements in Chapter 8.132 are mandatory, and the distinction between the words "shall" and "must" on the one hand, and "should" or "may" on the other hand, demonstrates the Town knows the difference between mandatory requirements and laudatory goals:

> **"8.132.050 Development guidelines.**
>
> A. The objective of this chapter is to develop corridor aesthetics in keeping with those of a residential community.
> B. Development or improvements within a major scenic corridor and subject to regulation under Section 8.132.040 **shall comply with the following guidelines**:
> 1. The design and location of each building and landscaping **shall** create a compatible visual relationship with surrounding development and with the natural terrain and vegetation. Road widths and road configurations **should** be considered as part of the design element.
> 2. Buildings and landscaping **shall** be so located that each does not create a walled effect along the scenic corridor. Setbacks and building heights *may* be made more restrictive than otherwise permitted by the applicable zoning regulations. In general, the greater the mass or bulk, the greater the setback *should* be. The positioning of buildings **shall** be varied in order to create a complimentary relationship between mass and void.
> 3. Existing topography, vegetation and scenic features of the site **shall** be retained and incorporated into the proposed development wherever possible. Manmade structures, as a visual element in the scenic corridor, *should* be secondary in importance to natural growth.
> 4. Each structure or feature reviewable under this chapter **shall** be limited to scale and siting to reduce visual dominance or obstruction of existing landforms, vegetation, water bodies and adjoining structures.
> 5. Each structure **shall** be constructed, painted and maintained and all planted material **shall** be planted and maintained to complement and enhance scenic views and the natural landscape.
> 6. Unnatural and conflicting aesthetic elements **shall** be eliminated to the extent feasible consistent with safety requirements (for example, retain street lighting, but place wiring underground). Where it is not possible to locate such a feature out of view, it **must** be located in an area so as to minimize visibility from a scenic corridor or screened from view by planting, fence wall or berm. Where the screen consists of a fence, wall or berm, it **may not** be higher than six feet. Screening **shall** consist of primarily natural materials rather than solid fencing. Preference **shall** be given vegetation in conjunction with a low earth berm.
> 7. Lighting **shall** be compatible in type, style and intensity to the surrounding elements and not cause undue or aggravating disruption, glare a brightness.
> 8. Grading or earth-moving **shall** be planned and executed in such manner that final contours appear consistent with a natural appearing terrain. Finished contours **shall** be planted with plant materials native to the area so that minimum care is required and the material is visually compatible with the existing ground cover.
> 9. The number of access points to and from the scenic corridor **shall** be minimized consistent with safety and circulation needs.

10. Parking on the scenic corridor roadways *should* be minimized.
11. Each specimen tree and each grove of trees *may* be approved for removal **only if** the tree or grove of trees is unsafe or diseased or to provide the smallest cleared area necessary to locate an approved road or structure on the site under guidelines of the tree preservation ordinance. Selective clearing of vegetation *may* be permitted upon review and approval by the design review board.
12. In applying these guidelines, consideration **shall** be given to protecting the privacy and security requirements of individual property owners who seek approval for improvements under this chapter. (Prior code § 8-5805)

Such mischaracterizations of applicable regulations render the DEIR wholly inconsistent with CEQA.

5. Transportation, Circulation, and Parking

39-O We have reviewed the analysis regarding the DEIR's transportation section prepared for the cities of Lafayette and Orinda (collectively, "Cities") by consulting firm TJKM Transportation Consultants. TJKM's analysis and comments for the Cities, as well as the Cities' own comments on all aspects of the DEIR and the process leading to Moraga's consideration of the DEIR, are hereby incorporated by this reference as if fully set forth herein. Our understanding is that TJKM's analysis was further reviewed by Lafayette's transportation consultant Chuck DeLeuw.

39-P We echo the Cities' grave concerns and comments, based on TJKM's analysis, that overall the DEIR fundamentally fails to comport with the CEQA requirement to fairly and adequately analyze transportation impacts, and also fails to comport with CEQA in terms of mitigation. As to the former, the DEIR's impact analysis contains flawed trip generation calculations, internalization assumptions, and traffic analyses. As to the latter, mitigation measures are non-existent in some cases, and where offered many are ineffective and/or unrealistic. These impact identification and mitigation flaws are discussed in further detail below.

A. Inadequate Analysis/Characterization of Transportation Impacts

i. Trip Generation

39-Q The DEIR's trip generation rates are based on a June 2007 Fehr and Peers document, *Effects of Planned Development at Moraga Town Center on Community-Wide Travel Patterns.* The rates in this document are based on a wide variety of sources, including the Contra Costa Transportation Authority (CCTA) model, the Bay Area Travel Survey (BATS) and the 2000 Census. However, the text and tables do not clearly outline the steps performed to generate the trip rates or how each data source was used specifically. These flaws undermine a central purpose of CEQA - e.g., to afford the public, prior to project approval, a clear understanding of where the information in the DEIR came from, and how such sources were used.

39-R Retail trip generation for the proposed MCSP was based on Fehr and Peers' analysis for the Town of Moraga General Plan contained in the above-referenced June 2007 study. The trip

rates in this study were based on the existing Moraga Shopping Center, which at the time of the analysis was not fully occupied. Using those rates as reflecting future General Plan buildout conditions is problematic, given that residential unit totals in Moraga are expected to increase from existing conditions to buildout. One must expect that retail rates under buildout would be higher than those used for buildout in the Specific Plan analysis.

39-S In contrast to the flawed approach used in the DEIR, TJKM used the Seventh Edition of Trip Generation from the Institute of Transportation Engineers (ITE) to estimate the MCSP's expected trip generation. ITE has compiled the results of trip generation research from over 4,250 individual land use studies throughout the United States and Canada. The proposed project's estimated trips, based on ITE rates, are shown in Table I. It is expected that the proposed project will generate approximately 495 trips during the a.m. peak hour and 824 trips during the p.m. peak hour. As shown in Table I, based on standard ITE trip generation rates for the proposed MCSP land uses, p.m. peak hour trip generation is significantly higher than the trip generation estimated in Table 12B of the June 2007 study used in the DEIR analysis.

Table I: Project Trip Generation

Proposed Project	Land Use (ITE Code)	Size	Daily Rate	Daily Trips	A.M.					P.M.				
					Trip Rate	In: Out Ratio	In	Out	Total	Trip Rate	In: Out Ratio	In	Out	Total
Single Family	Single-Family Detached (210)	30 du	9.57	287	0.75	25.75	6	17	23	1.01	63:37	19	11	30
Multi-Family Residences	Residential Condo/ Townhouse (230)	300 du	5.86	1758	0.44	17:83	22	110	132	0.52	67:33	105	51	156
Workforce Housing	Residential Condo/ Townhouse (230)	50 du	5.86	293	0.44	17:83	4	18	22	0.52	67:33	17	9	26
St. Mary's Residences	Apartment (220)	50 du	T=6.01 (x)+ 150.46	451		20.80	6	23	28		65:35	29	16	45
Active Senior Residences	Senior Adult Housing-Detached (251)	300 du	3.71	1113	0.20	38.62	23	37	60	0.26	61:39	48	30	78
Assisted Residences	Assisted Living (254)	75 beds	2.66	200	0.14	65:35	7	4	11	0.22	44:56	7	9	17
Congregate Residences	Congregate Care Facility (253)	75 du	2.02	152	0.06	59:41	3	2	5	0.17	55:45	7	6	13
Retail	Shopping Center (820)	90.000 ksf	42.94	3865	1.03	61:39	57	36	93	3.75	48:52	162	176	338
Office	General Office Building (710)	50.000 ksf	11.01	551	1.55	88:12	68	9	78	1.49	17:83	13	62	75
Hotel	Hotel (310)	80 rooms	8.17	654	0.56	61:39	27	17	45	0.59	53:47	25	22	47
Total							222	273	495			432	392	824

Source: *Trip Generation* (7th Edition), Institute of Transportation Engineers

39-t Also, the traffic analysis in the DEIR relies in great part on the reduced number of vehicle trips that it assumes will be made by seniors and St Mary's College students. However,

the DEIR provides no mechanism to ensure that units designated for seniors and students are actually occupied by these populations. As such these units must be analyzed with the assumption that they will be occupied by residents that generate the same number of vehicle trips and have similar travel patterns as units not restricted to seniors and students.

ii. Internalization Assumptions

39-11

The DEIR traffic analysis assumes project trip internalization rates that are too high. The Existing Conditions assumption that 38 percent of trips stay within the Town of Moraga is too high, considering that 86 percent of service/office commuters travel outside the town and 76 percent of retail purchases made by Moraga residents occur outside Moraga. Similarly, the 60 percent project trip internalization rate under General Plan buildout is too high based on the commute and retail purchase assumptions.

The *daily* internalization rates in the DEIR analysis are generally much higher than *peak hour* internalization rates, yet they were applied to both a.m. and p.m. peak hour project trip generation in the traffic study. Peak hour internalization rates should be calculated for both a.m. and p.m. peak hours and applied to the traffic study accordingly.

TJKM executed the CCTA model for 2000 and 2030 to verify internalization rates within the Town of Moraga. TJKM found that in 2000, a.m. and p.m. peak hour rates are 28 and 35 percent, respectively. Internalization rates are expected to be very similar in 2030, with a.m. and p.m. peak hour rates of 26 and 35 percent, respectively. However, as mentioned above, the Fehr and Peers cumulative assumptions mistakenly assume up to 60 percent internalization in future conditions.

To further verify internalization and trip rates assumed in the MCSP traffic study, TJKM examined the existing and future land use assumptions in the CCTA model for the Specific Plan area. Table 2 illustrates the growth assumptions in the CCTA model for the traffic analysis zones (TAZs) that comprise the Specific Plan area. Within this area, the CCTA model estimates an increase of 300 residential units and increased commercial development with 235 additional employees. It should be noted that *even though the model assumes increased development in the Specific Plan area, there is virtually no change in the internalization rates between 2000 and 2030.*

Table 2: CCTA Land Use Information for the Specific Plan Area

Year	Residential		Commercial					
	Single Family	Multi Family	Retail	Service	Other	Agriculture	Manufacturing	Trade
	(du)	(du)	(emp)	(emp)	(emp)	(emp)	(emp)	(emp)
2000	24	1	258	231	138	18	23	7
2030	312	13	357	321	175	10	43	4
Increase	288	12	99	90	37	-8	20	-3

Notes: du – dwelling units; emp - Employee

iii. Traffic Analysis

39-V The DEIR's analysis for the intersection of Moraga Wy / Ivy Dr shows a Significant impact under Existing Plus Project Conditions. However, this is not identified in the DEIR.

39-W One of the key data requirements for any level of service (LOS) analysis is the signal timing information. The DEIR should specify whether this information was gathered from Lafayette or Town of Moraga, collected in the field, or optimized using Synchro. The timing information should be included along with other data requirements mentioned in this section. Again, this failure divests the public of necessary information, to properly assess - before consideration for approval - the impacts of this proposed project.

39-X The delay index for all study corridors is calculated for the entire length, rather than at any specific corridor locations. This method improperly dilutes the impacts, and thus fails to identify the worst congestion points within each corridor.

39-Y No LOS analysis was conducted for the afternoon school peak period at intersections that are adjacent to Lamorinda schools.

39-Z The intersection of Glorietta Blvd / Rheem Blvd has been incorrectly coded as a One-Way Stop controlled intersection instead of an All-Way Stop controlled intersection. LOS analysis of this intersection should be updated accordingly.

39-aa LOS and delay shown in Table 4.F-12 of the DEIR does not match the HCM results (Synchro output) submitted to the Town of Moraga for the intersection of Bollinger Canyon Rd and St. Mary's Rd.

39-bb Truck traffic routes and impacts during project construction are not identified for any of the project alternatives. Traffic indices (TIs) and other factors relative to construction truck traffic are not analyzed for the following primary gateways in Lafayette to/from State Route (SR) 24:

- Acalanes Rd
- Moraga Rd
- St. Mary's Rd
- Pleasant Hill Rd / Olympic Blvd / Reliez Station Rd / Glenside Dr

39-cc Expected commercial truck routes via the primary gateways to/from SR 24 serving Moraga Center after construction and expected impacts are not identified for any of the project alternatives. Traffic indices (TIs) that would provide information on expected truck loading on the gateway roadways are not analyzed.

39-dd The DEIR traffic analysis output shows that for each study intersection, an average peak hour factor (PHF) was applied to the overall intersection, rather than different PHFs being applied to individual movements based on peaking characteristics. A PHF for an individual vehicular approach or movement should be applied when that approach or movement has sharp

peaking characteristics or low volume in comparison to the intersection as a whole. This is especially relevant for all one-way stop and two-way stop controlled intersections. It should be noted that the neighboring cities of Orinda and Lafayette have numerous unsignalized intersections on arterial streets that do not meet traffic signal warrants. If a PHF different from the overall average was used for the side street movements at these intersections, higher side street delays may result. This could in turn trigger a significant impact at these intersections or possibly cause them to meet the delay warrant for signal installation.

39-ee The DEIR fails to fully analyze the MCSP's impact on the roadways and intersections in Orinda and Lafayette and identify appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations especially where delay increases at intersections.

39-ff The DEIR fails to analyze the impacts of construction traffic at primary gateways in Orinda to/from State Route (SR) 24: Camino Pablo/Moraga Wy, Glorietta Blvd, Rheem Boulevard.

The DEIR fails to analyze the impact of the project on key Orinda intersections that would be impacted by traffic increases including:

39-gg
- Moraga Way and Brookside Road
- Moraga Way and Orchard Road (southeast of Glorietta Boulevard)
- Moraga Way and Valley View Drive / Ardor Drive
- Moraga Way and Woodland Road / Hall Drive
- Moraga Way and Ivy Drive (T-intersection north of Moraga town line)

39-hh The DEIR fails to include traffic studies regarding expected commercial truck routes on the Orinda Gateway roadways, the impact of which is a very significant concern to Orinda.

B. Non-Existent and Inadequate/Ineffective Traffic Mitigation Measures

In light of the DEIR's finding that the project will have significant impacts on downtown Lafayette intersections (Page 4.F-52), the DEIR proposes as mitigation the following: "enhance transit service in Lamorinda south of Highway 24", and "reduce the scope of the proposed Community Center program".

39-ii

While enhanced transit service is a commendable goal, it is unrealistic given the CCCTA's budgetary constraints. Moreover, even if such transit enhancements were achievable, they admittedly do not produce adequate or effective mitigation. Increased transit service does not sufficiently reduce trips to mitigate the operating conditions at all impacted signalized intersections, because the analysis assumes fewer than 10 transit trips (given expected increases in area transit service), whereas the project itself adds much higher vehicle trips at the impacted intersections. A more realistic mitigation measure would be to significantly scale back the proposed project *in toto* (perhaps to the General Plan intensities that this project improperly

seeks to change), while also requiring the Specific Plan proponents to pay for increased, enhanced transit service from Moraga to Highway 24.

39-jj Similarly, limiting the use of the Community Center as a mitigation would result in a minimal reduction of trips at the impacted intersections, because expected trip generation for the Community Center is high only during the p.m. peak period, whereas these intersections are impacted during the a.m. peak period.

39-kk The DEIR finds that despite these two mitigation measures, the proposed Plan and the alternatives would continue to have a significant and unavoidable impact on downtown Lafayette intersections. The reason cited in the DEIR is that the local jurisdiction (Lafayette) rejected several measures over the years to improve traffic flow on Moraga Road. The DEIR also states that when the Moraga General Plan was adopted, it was determined that the General Plan-level development would cause significant and unavoidable intersection impacts in Lafayette. Based on these reasons, additional mitigation is not proposed. Such reliance on the Moraga GP is inappropriate, given that this project substantially exceeds the intensity of development anticipated and approved in the Moraga GP. (See the other comments herein, regarding how this project is inherently inconsistent and incompatible with the Moraga GP, and cannot seek to mitigate around that result by calling for a GP Amendment to create the necessary "vertical" GP consistency.)

39-ll The DEIR also finds that the project will have a significant impact on unsignalized Lafayette intersections (Page 4.F-55). To mitigate these impacts, the DEIR recommends installing traffic signals at the following intersections in Lafayette:

Deer Hill Rd / Oak Hill Rd
Glenside Dr / Reliez Station Rd
Glenside Dr / Burton Dr
Pleasant Hill Rd / Olympic Blvd

The Lafayette GP calls for the signalization of only two of the intersections listed above - Deer Hill Rd / Oak Hill Rd and Pleasant Hill Rd / Olympic Blvd. The other two intersections are located in residential Burton Valley and requiring them to be signalized is incompatible with the character of the area and inconsistent with goals and policies of the Lafayette GP.

39-mm The DEIR finds that the proposed project will create adverse vehicular impacts on Pleasant Hill Rd, a Route of Regional Significance (Page 4.F-66). No mitigation is proposed.

The DEIR fails to consider other mitigation measures that are consistent with the Lamorinda Action Plan, such as:

39-nn

- Corridor-wide Traffic Signal Coordination
- Fair share contribution to the implementation actions identified under the Pleasant Hill Road Action Plan

- Existing improvement plans, such as capital improvement program (CIP) lists in Orinda and Lafayette. These could identify other potential improvements for the intersections being considered for mitigation in the study.

The entire length of the Glenside Dr, Reliez Station Rd, and Olympic Blvd corridors should be evaluated as part of the mitigation measures. For instance, adding signals at N. Glenside Dr and Burton Dr, S. Glenside Dr and Reliez Station Rd, and St. Mary's Rd and S. Glenside Dr under cumulative conditions would not be effective, since the All-Way Stop would remain at the intersection of Glenside Dr and Los Palos Dr, and no upgrades are proposed at the intersection of Glenside Dr and Michael Ln.

39-OO

The traffic analysis has not considered or commented on the impact of the project on the flashing Signals at the intersection of Reliez Station Rd and Diane Ct and the trail crossing on S. Glenside Dr, west of Burton Dr.

39-PP

The DEIR also provides an anemic response to the significant traffic impacts the project will create in other aspects. For example, a comprehensive transportation demand management program with a menu of vehicle trip reduction measures should be included as a mitigation measure. In addition, land should be allocated for park-and-ride lots and a private or public shuttle service between the project site and the Orinda and Lafayette BART stations should be considered, along with additional mitigation measures to be developed through the cooperative planning process that Orinda and Lafayette have invited by their comment letters.

39-QQ

Qualitative discussion or comments on the impact of the project on the following three Lafayette intersections should be included as part of the DEIR:

39-RR

1. Moraga Rd and Old Jonas Hill Rd
2. Moraga Rd and Silver Springs Rd
3. Moraga Rd and Hamlin Rd

C. Other Traffic-Related Issues

In Lafayette's DEIR scoping comments, sent to the Town of Moraga on September 4, 2007, several Lafayette intersections were recommended for analysis. However, three (3) Lafayette intersections located along expected routes to Moraga Center were not included in the traffic analysis:

39-SS

1. St. Mary's Rd at Rohrer Dr
2. Reliez Station Rd at Olympic Blvd
3. Reliez Station Rd at Glenside Dr South (at Michael Ln intersection)

The study does not include a collision analysis, which would help evaluate potential project safety impacts by identifying existing collision patterns and qualitatively discussing the impact of the project on collision rates.

39-TT

39-UU The traffic impact analysis does not include the construction of the 4th bore to the Caldecott Tunnel. This would affect the traffic analysis for the Cumulative Conditions.

Under Mitigation 4F-5 (page 4.F-58), the DEIR states that "... the Project applicant shall fully fund and construct the mitigation measure and shall be reimbursed for the portion beyond
39-VV their fair share contribution from future available funding sources." The mitigation measure includes the installation of four Signals in the City of Lafayette. Since these signal installations would be subject to the City of Lafayette's approval (including for inclusion in the Lamorinda fee program), it may be better to state that the Project Applicant shall be required to set aside fair share funds for Lafayette's use as corridor improvements are approved and implemented.

In summary, we reiterate the Cities' conclusions that the transportation section of the DEIR fails to fully analyze impacts on the streets and intersections affected and offers insufficient and improper mitigation measures.

6. Air Quality

The DEIR also violates CEQA by failing to properly evaluate global climate change impacts from the proposed Project and to provide adequate mitigation measures. To combat the
39-WW threats from those impacts, Governor Schwarzenegger signed Assembly Bill 32, the Global Warming Solutions Act of 2006, codified at Health & Safety Code sections 38500 et seq., into law. AB 32 requires reduction of the State's greenhouse gas emissions to 1990 levels by 2020, a time well within the planning horizon of this Project. This emissions cap is equal to a 25% reduction from current levels.

CEQA and its implementing Guidelines provide that in any of the following situations, a finding must be made that the project may have a significant effect on the environment:

(1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.

(2) The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(3) The environmental effects of a project will cause substantial adverse effects on human beings either directly or indirectly.

Public Res. Code § 21083(b); see also Cal. Code Regs., tit. 14 § 15065.

As part of the analysis carried out in an EIR, the lead agency must formulate mitigation measures and examine alternatives to the proposed project. CEQA requires public agencies to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. Public

Res. Code § 21081; *see also Mountain Lion Foundation v. Fish and Game Commission*, 16 Cal. 4th 105, 134 (1997).

As the court concluded in *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 720 (1990) [internal quotation omitted]:

> "[O]ne of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant assuming threatening dimensions only when considered in light of the other sources with which they interact. Perhaps the best example is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem. CEQA has responded to this problem of incremental environmental degradation by requiring analysis of cumulative impacts."

Under the foregoing authority, to achieve the greenhouse gas emission reductions required by Assembly Bill 32, the DEIR must address the significance of the Project's contribution to cumulative global climate change impacts and discuss feasible alternatives and mitigation measures to avoid or reduce those impacts. Although the DEIR does not determine appropriate levels of significance, it quantifies the extent to which daily emissions from the proposed Project will exceed Bay Area Air Quality Management District thresholds and concludes that the Project "will create a cumulatively considerable incremental contribution to the significant cumulative impact of global climate change." However, the DEIR does not discuss or analyze General Plan Policy OS4.1, which prohibits development projects that separately or cumulatively would cause air quality standards to be exceeded or have significant adverse air quality effects unless, after consulting with BAAQMD, the Town Council finds that the Project incorporates feasible mitigation measures or that there are overriding reasons for approving the Project.

39-XX

In addition, the DEIR fails to analyze and require an adequate suite of feasible mitigation for the projected greenhouse gas emissions. The DEIR contains several pages of proposed policies and programs to reduce emissions that essentially amount to unenforceable preferences and goals, rather than definite commitments to adopt enforceable policies or specific standards. For example, the DEIR provides that the air pollution measures in Table 4.G-7 will serve as mitigation measures to reduce air pollution, even though that table largely contains a range of policies to "encourage" various means of reducing emissions. Contrary to the requirements of CEQA, these are bare policy statements, not true mitigation measures that will be implemented (e.g, through ordinances, programs, development standards, or land use designations) to reduce or avoid environmental impacts. *See* CEQA Guidelines, § 15126.4(a)(2). Each statement of policy should be paired with an enforceable, achievable standard.

39-YY

7. Cultural Resources

39-ZZ

Regarding Impact 4.M-1, the DEIR mistakenly states that structures not at least 50 years old are not generally considered by the State to be a historical resource. The setting section

(pages 4.M-6-7) does not support such a limitation, nor should such an arbitrary limitation be part of the mitigation measure for this impact. The potential historical resources within the specific plan area should be surveyed in a mandated study, not simply one "recommended", and analyzed to determine whether they constitute historical resources for the purpose of CEQA. The project's effect on such resources should be analyzed in the DEIR, rather than left for later development applications as the proposed rezoning and plan amendments could lead to changes that would cause a substantial adverse change in the significance of identified historical resources. In addition, the required mitigation measures for protection of such resources should be more explicitly set out in the DEIR.

8. Alternatives

We concur with Lafayette's comments regarding the inadequacy of the DEIR's alternatives analysis. CEQA requires an analysis of a reasonable range of alternatives to a proposed project that will meet most of the project's goals, while avoiding or substantially lessening the project's significant environmental effects. The DEIR fails to satisfy this
39-ab fundamental requirement in several ways. First, the alternatives are too similar to the proposed project. Little attempt was made to explore any option or proposal other than the preferred project. Most importantly, there was no attempt to explore alternatives that reduce the proposed project's impacts as required by CEQA. An alternative with less than significant traffic impacts should have been explored - e.g., a reduced project size, for example. Alternatives involving housing only, commercial only, or different locations for parts of the desired project components should also be explored to actually determine, under CEQA, whether there are options that further the project's stated goals, while reducing impacts to the environment.

39-ac Second, no reasons are given for rejecting the alternatives that were analyzed, which had less significant impacts than the preferred or proposed project.

Very truly yours,

MORGAN MILLER BLAIR

TODD A. WILLIAMS

Lori Salamack
Town of Moraga
Planning Director
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lsalamack@moraga.ca.us
www.moraga.ca.us

From: Lynda D [mailto:lynda_d@sbcglobal.net]
Sent: Friday, August 01, 2008 2:39 PM
To: Lori Salamack
Cc: Philip Vince
Subject: FW: Proposed Development in Moraga Center

Lori, Please include under public comments. thanks.

Yours,
Lynda

Lynda Deschambault
Mayor, Moraga, CA
(925) 708-9686

From: Brigid Wonder [mailto:wonderventures@yahoo.com]
Sent: Friday, August 01, 2008 12:16 AM
To: lynda_d@sbcglobal.net; dtrotter@bowlesverna.com; planning@moraga.ca.us; mmetcalf@moraga.ca.us; kchew4moraga@sbcglobal.net; rbird@moraga.ca.us
Subject: Proposed Development in Moraga Center

Thank you for the time you have spent researching this proposed project.

40-a I believe the proposed amount of units and retail space exceeds that which would be in the best interests of the Moraga (as well as Lafayette and Orinda) community. With the anticipated Gateway development as well as Rancho Colorados development, there will be additional stress on Moraga Way and Moraga Road. The bottleneck at Campolindo High School each morning and afternoon is not only out of control, it is also extremely dangerous. Rush hour in either direction is a virtual parking lot now; with this additional development on top of the 2 already coming, we will be creating an even greater bottleneck.

Having over 100 units in the Camino Ricardo area is absurd and much too dense. This is a small community with limited access both in and out. Why would we also want an additional 90,000 sq. ft. of retail here? Our infrastructure does not support the large number of housing units and retail growth proposed.

Trying to satisfy low income housing in this manner is wrong-headed. Using Aegis-type of development for this purpose creates less impact on the community.

40-b Let's not try to solve budget issues and state/federal guidelines or make an obscene amount of profit by building at this extreme level. It does not serve the community or our children's children.

Please give the experts more time to analyze this and plan development that will be in the best interests of Lamorinda today and into the future.

Thank you for working so hard for everyone's interests and not just the interests of developers and short-term thinkers.

Brigid Wonder

RECEIVED

JUL 31 2008

MORAGA PLANNING DEPT.

COMMENTS ON THE DRAFT ENVIORNMENTAL IMPACT REPORT
MORAGA CENTER SPECIFIC PLAN

41-a 1) The project will **not be consistent with the existing residential uses** on Camino Ricardo and adjacent streets. It will change the character of this residential area and will have a negative impact on these residential properties value.

41-b 2) The project will require a **significant increase in the Police Force for the resulting crime** that will occur with the introduction of "Low-Low Income Housing" based on other communities experience with this type of housing. Each of the units may have families with children. This will further **impact the** local **School District's ability to provide the top level of education** now enjoyed by our Children. The project will change the character of Moraga and it will have a **negative impact** on Moraga's image as a desirable place to live and raise a Family. Schools are the main attraction for high income families. High income families do spend more money in Moraga. They contribute substantially to the Education Fund, give donations to fire and police departments and are actively involved with the schools, both physically and mentally.

41-c 3) The project will have a **very significant impact on the traffic** in and out of Moraga. The town currently has a substantial number of new housing units that will be built. This project will bring a substantial increase in the total traffic on these roads. Traffic is currently a problem on Moraga Way and Moraga Road and this project will further discourage families from wanting to live in Moraga.

41-d 4) **Parking** in this project **will be a major problem**. Most of the people living in the proposed units will have a car.

41-e 5) Project **will add** significantly **to the demands on utilities and services**. This will impact the utilities and services now enjoyed by the residences of Moraga.

41-f 6) Project will **degrade the quality of the environment** enjoyed by the people living in Moraga.

41-g 7) The project will have **impacts that are** individually limited, but **cumulatively considerable.**

Keith Argabright
777 Camino Ricardo
Moraga, CA 94556

July 31, 2008

3902 Paseo Grande
Moraga CA 94556
August 1, 2008

RECEIVED
AUG 1 2008
MORAGA PLANNING DEPT.

Town of Moraga Planning Department
329 Rheem Blvd, Suite 2
Moraga CA 94556

Re: Moraga Center Specific Plan Draft EIR

42-a I wish to raise concern that the highest housing density range in the MCSP contains too low a minimum number of dwelling units per acre to meet the housing needs of Saint Mary's College students and other lower-income people. The units would be too expensive at market rate for college students, and it would be difficult to meet our Regional Housing Needs Allocation for lower income housing if the landowner built at 12 units per acre. I question the assessment in the draft EIR's Table 2-4 of how well the proposed MCSP meets the town's fair share of affordable housing goals.

42-b

42-c I believe the density level of half the land in the MCSP currently at 12-24 du/acre should be raised to 20-30 units per acre, not including a density bonus. It is especially important to raise the MINIMUM density to 20 or more, even if not raising the maximum density. (A density bonus could be applied on top of the maximum units per acre to meet requirements for lower-income affordable housing). This density minimum also may be appropriate for the workforce and active senior units.

Sincerely,

Ashley Coates

Ashley Coates

LAFAYETTE
SETTLED 1848 — INCORPORATED 1968

CITY COUNCIL
Mike Anderson, Mayor
Don Tatzin, Vice Mayor
Brandt Andersson, Council Member
Carl Anduri, Council Member
Carol Federighi, Council Member

Received 8/1/08

August 1, 2008

Town of Moraga Planning Department
Attn: Lori Salamack, Planning Director
329 Rheem Boulevard, Suite 2
Moraga, CA 94556

Re: Comments to Draft Environmental Impact Report for the Moraga Center Specific Plan

Dear Ms. Salamack:

Thank you for providing the City of Lafayette ("Lafayette" or "the City") with the opportunity to comment on the Draft Environmental Impact Report ("EIR") for the Moraga Center Specific Plan ("the Project"). Unfortunately, after careful review of the document, the City has no choice but to convey its serious concerns regarding the EIR's methodology, assumptions, conclusions, and mitigation measures.

Summary

43-a

Lafayette is particularly alarmed by the detrimental impacts that the Project will have on area traffic and the EIR's failure to address or mitigate those impacts. Indeed, the reasonably foreseeable environmental impacts of the Project have not been meaningfully reviewed, and the EIR's analysis and conclusions are not supported by substantial evidence as required by CEQA. As such and for these reasons, Lafayette finds that the EIR fails to comply with the California Environmental Quality Act ("CEQA")[1].

43-b

Given these deficiencies, the EIR must, at a minimum, be substantially revised to include the necessary analysis to properly determine Project-related regional traffic impacts and propose enforceable mitigation measures. Once completed, the revised EIR must be recirculated for public review in order to comply with CEQA's requirements.

A primary purpose of CEQA is to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities."[2] An EIR achieves this objective by "identify[ying] possible ways to minimize the significant effects, and describe[ing] reasonable alternatives to the project" for consideration by the public and the lead agency approving the project.[3] "In assessing the impact of a proposed project on the environment, the lead agency normally examines the 'changes' in existing

[1] (Public Resources Code section 21000 et seq. and California Code of Regulations, title 14, section 15000 et seq. ["State CEQA Guidelines"]).
[2] (State CEQA Guidelines, § 15002, subd. (a)(1).)
[3] (State CEQA Guidelines, § 15121, subd. (a).)

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environmental conditions in the affected area that would occur if the proposed activity is implemented."[1] "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."[2]

Thus, in addition to its failure to properly analyze and mitigate the Project's environmental impacts, the EIR also fails to conform to CEQA's information requirements.

Lafayette's concerns are discussed in more detail below and in the attached letter from the City's consultants, TJKM Transportation Consultants.

PROJECT DESCRIPTION

43-C

The EIR's Project Description is not sufficiently comprehensive to fully describe the whole of the action that this Project entails.[3] Instead, the Project Description is overly general and thereby gives short shrift to many elements of the Project. Excluded, for example, are parking areas for both the commercial areas and the hundreds of dwelling units being proposed, supporting infrastructure, and any needed ancillary facilities. Of primary concern to Lafayette is the fact that the EIR requires traffic signals be installed and road improvements be made in Lafayette, as well as in Moraga and Orinda, but there is no evidence of this in the Project description. The Project description furthermore does not explain that several roads and right-of-ways are under the jurisdiction of public agencies other than the Town of Moraga, nor what approvals will be required from those other agencies. CEQA specifically requires that a project description provide and explain the approvals needed from other agencies to implement the Project.[4] Furthermore, while the density of the proposed Project violates the Town of Moraga General Plan, the need for a General Plan amendment is not disclosed in the Project Description. Because the Project Description fails to include these important aspects of the Project, it is per se insufficient[5], and this deficiency taints the entire analysis of the EIR.

TRAFFIC/CIRCULATION

43-d

Attached to this letter is a review of the Traffic/Circulation section of the EIR from TJKM, consultants specializing in transportation analysis and recognized as experts on this topic under CEQA.[6] The TJKM letter demonstrates that the assumptions underlying

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[1] (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 660; see also State CEQA Guidelines, § 15126.2, subd. (a).)

[2] (State CEQA Guidelines, § 15126.2, subd. (a).)

[3] (See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 ["An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR"].)

[4] (State CEQA Guidelines, § 15124.)

[5] (See *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829.)

[6] (See State CEQA Guidelines, § 15384 subd. (b).)

parts of the transportation analysis (e.g., how trip rates were generated) are often not disclosed. This lack of disclosure violates the informational purposes of CEQA. This is particularly disconcerting because elsewhere in the EIR, when assumptions are disclosed regarding Project trip internalization rates, for example, they lack a factual basis. This results in the erroneous conclusion that the Project will not significantly impact unsignalized intersections in Lafayette. This is but one example of this bad methodology.

All of the comments in the TJKM letter should be considered to be incorporated into this letter. In total, they constitute substantial evidence demonstrating that the Project will have significant environmental impacts and that these impacts are either not analyzed or sufficiently mitigated in the EIR. For this reason, all of these concerns must be addressed and the problematic areas rectified in a revised EIR.

MITIGATION MEASURES

43-e

One of Lafayette's primary concerns with the Traffic / Circulation section of the EIR involves the complete lack of mitigation measures for some Project impacts that have been found to be environmentally significant, and the inadequacy of other mitigation measures. While the Moraga General Plan EIR prepared in 2002 recognized that build-out of the Town of Moraga would have significant unavoidable impacts, including on traffic in Lafayette, a general discussion in a programmatic-level document does not excuse the lack of discussion, analysis, and mitigation when a specific project is proposed that will have significant environmental impacts. CEQA clearly requires that an EIR propose and analyze mitigation measures designed to minimize a project's significant impacts and that all feasible mitigation measures must be adopted.[1] The EIR blatantly violates this requirement by failing to consider <u>any</u> mitigation measures for several significant impacts to traffic in Lafayette and by failing to analyze and approve adequate, enforceable mitigation measures for other impacts. This wholesale failure to identify possible ways to minimize the Project's significant effects is in violation of State CEQA Guidelines[2], and must be rectified.[3]

43-f

Even where mitigation measures are identified in the EIR, they are insufficient for several reasons. First, the EIR requires the Project proponent to contribute a "fair share" fee for the installation of traffic signals at four intersections in the City of Lafayette, but it does not specify how much must be contributed. Thus, it cannot be said that the mitigation

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[1] (Pub. Res. Code, §§ 21002, 21002.1 subd. (a), 21100 subd. (b)(3), 21151.)

[2] (§ 15121, subd. (a), among other provisions of CEQA.)

[3] (See *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41 [agencies must "deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects"].)

measure is likely to be successful in mitigating the traffic impacts.[1] The same is true for the mitigation measure to enhance transit service in the Lamorinda area.

Second, there is no analysis in the EIR of impacts due to implementation of such mitigation measures as the construction of additional traffic signals. These mitigation measures will have their own traffic, air quality, and noise impacts, among others, and each must be analyzed. When a mitigation measure is added that has the possibility of significant impacts of its own, the impacts of that measure must be analyzed.[2] The impacts of the mitigation measures here would be both short-term, construction-related impacts and long term and CEQA requires analysis of a project's temporary as well as long-term impacts.[3]

43-g

Third, the EIR does not support its conclusions that all of the Project's required mitigation measures will be sufficient. For example, the EIR states that the Project will impact the intersection of Moraga Road and Corliss Drive by reducing the Level of Service ("LOS") from LOS C to LOS E, and this will be mitigated by installation of a traffic signal. While the EIR states that the intersection will subsequently operate at LOS B, this conclusion is unsupported by data or analysis. In addition, construction of senior and student housing would only reduce vehicle trips if there are measures to ensure that these units are used by these populations, but the EIR contains no such measures. There are several examples throughout the traffic section of conclusions based on questionable assumptions or lacking analytical support.

43-h

43-i

Fourth, the mitigation measures require construction of four traffic signals in Lafayette, but two of these signals are not anticipated in any of the City's planning documents, and implementation of these mitigation measures would thus cause an inconsistency with Lafayette's General Plan. This is not disclosed anywhere in the EIR. This oversight is possibly due to the fact that the EIR uses CEQA thresholds of significance that differ from the standard thresholds set forth in the CEQA Appendix G Environmental Checklist Form, which require analysis of whether the project would "[c]onflict with <u>any</u> applicable land use plan, policy, or regulation of an agency with jurisdiction over the project . . . ." (Appx. G, threshold IX(b) [emphasis added].)

43-j

By contrast, the threshold the Town of Moraga uses only addresses whether the Project is consistent with the Town of Moraga's 2002 General Plan. (See EIR, at p. 4.A-6.) Consequently, the impacts to Lafayette's General Plan consistency have been ignored. While a jurisdiction may adopt its own CEQA thresholds of significance, they cannot be lesser standards that those in Appendix G. Because insufficient thresholds are used throughout the EIR, significant portions of the document must be revised to ensure that

43-k

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[1] (See *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189 [to be sufficient under CEQA, fair share mitigation must specify amount or percentage to be contributed].)

[2] (State CEQA Guidelines, § 15126.4 subd. (a)(1)(D).)

[3] (See State CEQA Guidelines, § 15126.2 subd. (a).)

the correct thresholds are used in order to sufficiently evaluate the Project's environmental impacts.

43-l

Finally, some of the mitigation measures are legally insufficient insofar as they must be carried out by Lafayette, not the project developer or the Town of Moraga. When imposing measures to mitigate a project's significant environmental impacts, a public agency may exercise only those powers provided by legal authority independent of CEQA[1] and the Town of Moraga has no such power over the actions of Lafayette. Consequently, the Town of Moraga cannot impose or suggest mitigation measures in another jurisdiction without that jurisdiction's permission, particularly when those measures are inconsistent with an applicable general plan. There is no existing agreement requiring Lafayette to carry out such mitigation and therefore these measures are unenforceable. For these reasons, the insufficient mitigation renders the EIR legally deficient.

43-m

Instead, the EIR should explore a range of mitigation measures or design elements for all traffic impacts identified in the EIR and in this and other comment letters and should adopt measures for every impact that are both enforceable and able to reduce the Project's significant impacts. For example, the EIR should explore and adopt such measures as installing new and coordinating existing traffic signals to improve traffic flow, contributing specified sums to existing traffic improvement programs covering affected roadways, and providing a predetermined sum for improvements to transit services that will be used to improve transit in the most impacted areas.

If these measures are insufficient to fully mitigate traffic impacts, another possibility that should be included in the EIR is the option of installing traffic metering devices.

RESPONSIBLE AGENCY

43-n

The City of Lafayette should have been but was not identified as a responsible agency. Under CEQA, all public agencies other than the lead agency with discretionary approval over a project are responsible agencies.[2] Because Lafayette is the approving authority for a portion of the Project in the form of four traffic signals that the EIR states are required to be constructed for the Project, it has the requisite discretionary approval and must be named a responsible agency.

ALTERNATIVES

43-o

CEQA requires that a draft EIR contain an analysis of a reasonable range of alternatives to a proposed project that will meet most of the project's goals while avoiding or

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[1] (Pub. Res. Code, § 21004)

[2] (State CEQA Guidelines, § 15381.)

substantially lessening the project's significant environmental impacts.[1] The Moraga Specific Plan EIR fails to satisfy this fundamental requirement. The alternatives are all very similar to the proposed Project. Little attempt was made to explore any option or proposal other than the Project. Most problematically, there was no attempt to explore alternatives that lessen the Project impacts as required by CEQA. An alternative with less than significant traffic impacts outside Moraga's jurisdiction should be explored -- a reduced Project size, for example. Alternatives involving housing only, commercial only, or a different location for parts or all of the Project could also be explored to determine if these options could improve the significant environmental impacts.

Furthermore, Alternative 3 was found to be the environmentally superior alternative (other than the No Project Alternative), with reduced impacts on ground disturbance, population growth, and traffic generation[2] In addition, page 2-14 shows that Alternatives 1, 2 and 3 would all better control maximum peak hour traffic volumes, but no reasons are given for rejecting any of these alternatives. Merely stating, for example, that Alternative 2 "may not be as economically feasible as under the Proposed Project" is not sufficient.[3]

MISCELLANEOUS ENVIRONMENTAL ISSUES

43-P

The insufficiency of the Project Description, Alternatives, and Traffic/Circulation sections impact the entire EIR and render several other sections deficient as well. For example, the Air Quality section does not appropriately account for the construction and implementation phases of the complete Project, and the Noise section is deficient for similar reasons. The increased traffic problems and delays caused by the Project will also further strain public services. The EIR's conclusion that the Project will have no growth-inducing impacts because it adds no infrastructure is unpersuasive since it is adding several hundred housing units, and therefore directly induces population growth in the area pursuant to Appendix G threshold XII(a). In addition, the EIR fails to include sufficient feasible mitigation measures for global warming/greenhouse gas impacts[4] All of these issues must be addressed and remedied.

CONCLUSION

43-Q

Lafayette has grave concerns about this Project and its many unmitigated significant environmental impacts, particularly those that impact Lafayette. CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment unless the measures necessary to mitigate those effects are

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[1] (State CEQA Guidelines, § 15126.6.)

[2] (see EIR at p. 5-22).

[3] (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1034.)

[4] (see, e.g., http://www.arb.ca.gov/cc/scopingplan/document/draftscopingplan.pdf.)

truly infeasible.[1] Therefore, all of the significant impacts for which no mitigation was adopted in the Project must be re-evaluated. Furthermore, any mitigation measures in the EIR that are called out by this letter, the TJKM letter, and letters from other parties and found to be inadequate, incomplete, or illusory must also be re-evaluated.

Lafayette urges the Town of Moraga to consider and address all of the Project's potential environmental impacts discussed above, as well as any others raised during this comment period, and to correct the EIR accordingly.

In light of the many problems, the Town of Moraga may wish to consider whether it should approve this Project at this level of intensity knowing that the Project will have a detrimental and immitigable impact on traffic in Lamorinda.

On behalf of the City of Lafayette, I would again like to thank you for this opportunity to comment on the Moraga Center Specific Plan Project and its EIR. If you have any questions, please do not hesitate to call me or my staff to discuss ways in which the cities can work together in the planning process. Thank you for your attention to these comments. The City of Lafayette looks forward to reviewing your revised EIR.

Sincerely,

Mike Anderson
Mayor, City of Lafayette

Cc: Moraga Town Council
Orinda City Council

[1] (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 368-369; see also Pub. Res. Code, § 21081, subd. (a) and State CEQA Guidelines, § 15091, subd. (a).)

TJKM

Transportation Consultants

Vision That Moves Your Community

July 31, 2008

Ms. Niroop Srivatsa
City of Lafayette
3675 Mt. Diablo Boulevard, #210
Lafayette, CA 94549
Via E-mail Only: nsrivatsa@ci.lafayette.ca.us

Subject: Peer Review of "Moraga Center Specific Plan Draft Environmental Impact Report"

Dear Niroop:

TJKM is pleased to provide you with this peer review of the Transportation section of the Moraga Center Specific Plan (MSP) Draft Environmental Impact Report (DEIR) dated June 16, 2008, prepared by Fehr and Peers. In general, the report is a comprehensive traffic analysis of the proposed project in accordance with the guidelines established by the Contra Costa County Transportation Authority (CCTA), Town of Moraga, City of Lafayette and the City of Orinda. However, TJKM in many cases finds the DEIR lacking in its assumptions, traffic analysis, and recommended mitigation measures on the streets and intersections in Lafayette and Orinda. The peer review findings are meant to be part of the study responses by the Cities of Orinda and Lafayette during the DEIR public review comment period. The issues raised in this letter should be addressed and rectified prior to the final issuance of the EIR.

Listed below are the specific comments on the report:

Trip Generation

- 44-a MSP trip generation rates are based on a June 2007 Fehr and Peers document, *Effects of Planned Development at Moraga Town Center on Community-Wide Travel Patterns.* The rates in this document are based on a wide variety of sources, including the Contra Costa Transportation Authority (CCTA) model, the Bay Area Travel Survey (BATS) and the 2000 Census. However, the text and tables do not clearly outline the steps performed to generate the trip rates or how each data source was used specifically.
- 44-b Retail trip generation for the proposed MSP was based on Fehr and Peers' analysis for the Town of Moraga General Plan contained in the above June 2007 study. The trip rates in this study were based on the existing Moraga Shopping Center, which at the time of the analysis was not fully occupied. Using the same rates for future General Plan buildout conditions is problematic, given that residential unit totals in Moraga are expected to increase from existing conditions to buildout. When considering this issue, it would be reasonable to expect that retail rates under buildout would be higher than those used for buildout in the Specific Plan analysis.
- 44-c TJKM used the seventh edition of *Trip Generation* from the Institute of Transportation Engineers (ITE) to estimate expected trip generation for the proposed MSP. ITE has compiled the results of trip generation research from over 4,250 individual land use studies throughout the United States and Canada. The proposed project's estimated trips based on ITE rates are shown in Table 1. It is expected that the proposed project will generate approximately 495 trips during the a.m. peak hour and 824 trips during the p.m. peak hour. As shown in Table 1, based on standard ITE trip generation rates for the

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proposed MSP land uses, p.m. peak hour trip generation is significantly higher than the trip generation estimated in Table 12B of the June 2007 study used in the DEIR analysis.

Table I: Project Trip Generation

Proposed Project	Land Use (ITE Code)	Size	Daily Rate	Daily Trips	A.M.					P.M.				
					Trip Rate	In: Out Ratio	In	Out	Total	Trip Rate	In: Out Ratio	In	Out	Total
Single Family	Single-Family Detached (210)	30 du	9.57	287	0.75	25:75	6	17	23	1.01	63:37	19	11	30
Multi-Family Residences	Residential Condo/ Townhouse (230)	300 du	5.86	1758	0.44	17:83	22	110	132	0.52	67:33	105	51	156
Workforce Housing	Residential Condo/ Townhouse (230)	50 du	5.86	293	0.44	17:83	4	18	22	0.52	67:33	17	9	26
St. Mary's Residences	Apartment (220)	50 du	T=6.01 (x)+ 150.46	451		20:80	6	23	28		65:35	29	16	45
Active Senior Residences	Senior Adult Housing-Detached (251)	300 du	3.71	1113	0.20	38:62	23	37	60	0.26	61:39	48	30	78
Assisted Residences	Assisted Living (254)	75 beds	2.66	200	0.14	65:35	7	4	11	0.22	44:56	7	9	17
Congregate Residences	Congregate Care Facility (253)	75 du	2.02	152	0.06	59:41	3	2	5	0.17	55:45	7	6	13
Retail	Shopping Center (820)	90.000 ksf	42.94	3865	1.03	61:39	57	36	93	3.75	48:52	162	176	338
Office	General Office Building (710)	50.000 ksf	11.01	551	1.55	88:12	68	9	78	1.49	17:83	13	62	75
Hotel	Hotel (310)	80 rooms	8.17	654	0.56	61:39	27	17	45	0.59	53:47	25	22	47
Total							222	273	495			432	392	824

Source: *Trip Generation* (7th Edition), Institute of Transportation Engineers

Internalization Assumptions

44-d

- The DEIR traffic analysis assumes project trip internalization rates that are too high. The Existing Conditions assumption that 38 percent of trips stay within the Town of Moraga is too high considering that 86 percent of service / office commuters travel outside the town and 76 percent of retail purchases made by Moraga residents are located outside Moraga. Similarly, the 60 percent project trip internalization rate under General Plan buildout is too high based on the commute and retail purchase assumptions.

44-e

- The daily internalization rates in the DEIR analysis are generally much higher than peak hour internalization rates, yet they were applied to both a.m. and p.m. peak hour project trip generation in the traffic study. Peak hour internalization rates should be calculated for both a.m. and p.m. peak hours and applied to the traffic study accordingly.

44-f

- TJKM executed the CCTA model for 2000 and 2030 to verify internalization rates within the Town of Moraga. TJKM found that in 2000, a.m. and p.m. peak hour rates are 28 and 35 percent, respectively. Internalization rates are expected to be very similar in 2030, with a.m. and p.m. peak hour rates of 26 and 35 percent, respectively. However, as

mentioned above the Fehr and Peers cumulative assumptions assume up to 60 percent internalization in future conditions.

44-g

- To further verify internalization and trip rates assumed in the MSP traffic study, TJKM examined the existing and future land use assumptions in the CCTA model for the Specific Plan area. Table 2 illustrates the growth assumptions in the CCTA model for the traffic analysis zones (TAZs) that comprise the Specific Plan area. Within this area, the CCTA model estimates an increase of 300 residential units and increased commercial development with 235 additional employees. It should be noted that even though the model assumes increased development in the Specific Plan area, there is virtually no change in the internalization rates between 2000 and 2030.

Table 2: CCTA Land Use Information for the Specific Plan Area

Year	Residential		Commercial					
	Single Family	Multi Family	Retail	Service	Other	Agriculture	Manufacturing	Trade
	(du)	(du)	(emp)	(emp)	(emp)	(emp)	(emp)	(emp)
2000	24	1	258	231	138	18	23	7
2030	312	13	357	321	175	10	43	4
Increase	288	12	99	90	37	-8	20	-3

Notes: du – dwelling units; emp - Employee

Traffic Analysis

44-h

- One of the key data requirements for any level of service (LOS) analysis is the signal timing information. The DEIR should specify whether this information was gathered from the City, collected in the field, or optimized using Synchro. The timing information should be included along with other data requirements mentioned in this section.

44-i

- The delay index for all study corridors is calculated for the entire length, rather than at any specific corridor locations. This method does not assist in identifying the worst congestion points within each corridor.

44-j

- LOS analysis was not conducted for the afternoon school peak period at intersections that are adjacent to Lamorinda schools.

44-k

- The intersection of Glorietta Boulevard/Rheem Boulevard has been incorrectly coded as a One-Way Stop controlled intersection instead of an All-Way Stop controlled intersection. LOS analysis of this intersection should be updated accordingly.

44-l

- Level of service and delay shown in Table 4.F-12 of the DEIR does not match the HCM results (Synchro output) submitted to the Town of Moraga for the intersection of Bollinger Canyon Road and St. Mary's Road.

44-m

- Truck traffic routes and impacts during construction of Moraga Center are not identified for any of the project alternatives. Traffic indices (TIs) and other factors relative to construction truck traffic are not analyzed for the following primary gateways in Lafayette to/from State Route (SR) 24:
  - Acalanes Road
  - Moraga Road
  - St. Mary's Road
  - Pleasant Hill Road / Olympic Boulevard / Reliez Station Road / Glenside Drive

44-n

- Expected commercial truck routes via the primary gateways to/from SR 24 serving Moraga Center after construction and expected impacts are not identified for any of the project alternatives. Traffic indices (TIs) that would provide information on expected truck loading on the gateway roadways are not analyzed.

44-o

- The DEIR traffic analysis output shows that for each study intersection, an average peak hour factor (PHF) was applied to the overall intersection, rather than different PHFs being applied to individual movements based on peaking characteristics. A PHF for an individual vehicular approach or movement should be applied when that approach or movement has sharp peaking characteristics or low volume in comparison to the intersection as a whole. This is especially relevant for all one-way stop and two-way stop controlled intersections. It should be noted that the neighboring cities of Orinda and Lafayette have numerous unsignalized intersections on arterial streets that do not meet traffic signal warrants. If a PHF different from the overall average was used for the side street movements at these intersections, higher side street delays may result. This could in turn trigger a significant impact at these intersections or possibly cause them to meet the delay warrant for signal installation.

Project Impacts and Mitigation Measures

44-p

- DEIR analysis results for the intersection of Moraga Way / Ivy Drive show a significant impact under Existing Plus Project Conditions. However, this is not identified in the DEIR.

44-q

- Increased transit service as a mitigation measure does not sufficiently reduce trips to mitigate the operating conditions at all impacted signalized intersections. This is because the analysis assumes fewer than 10 transit trips (given expected increases in area transit service), whereas the project itself adds much higher vehicle trips at the impacted intersections.

44-r

- Similarly, limited use of the Community Center as a mitigation would result in a minimal reduction of trips at the impacted intersections. This is because expected trip generation for the Community Center is high only during the p.m. peak period, whereas these intersections are impacted during the a.m. peak period.

44-s

- The study does not consider other mitigation measures that are consistent with the Lamorinda Action Plan, such as:
  - Corridor-wide Traffic Signal Coordination
  - Fair share contribution to the implementation actions identified under the Pleasant Hill Road Action Plan
  - Existing improvement plans, such as capital improvement program (CIP) lists in the City of Lafayette. These could identify other potential improvements for the intersections being considered for mitigation in the study.

44-t

- The entire length of the Glenside Drive, Reliez Station Road and Olympic Boulevard corridors should be evaluated as part of the mitigation measures. For instance, adding signals at N. Glenside Drive and Burton Drive, S. Glenside Drive and Reliez Station Road, and St Mary's Road and S. Glenside Drive under cumulative conditions would not be effective, since the All-Way Stop would remain at the intersection of Glenside Drive and Los Palos Drive and no upgrades are proposed at the intersection of Glenside Drive and Michael Lane.

44-u

- The traffic analysis has not considered or commented on the impact of the project on the flashing signals at the intersection of Reliez Station Road and Diane Court and the trail crossing on S. Glenside Drive, west of Burton Drive.

44-v

- Qualitative discussion or comments on the impact of the project on the following three Lafayette intersections should be included as part of the DEIR:

1. Moraga Road and Old Jonas Hill Road
2. Moraga Road and Silver Springs Road
3. Moraga Road and Hamlin Road

44-W

- The DEIR finds that the Plan will have a significant impact on downtown Lafayette intersections (Page 4.F-52). One of the proposed mitigations is to enhance transit service in Lamorinda area south of Highway 24. While enhanced transit service is a commendable goal, the DEIR fails to provide an estimate of fair share contribution of the Plan to help in paying for the enhancement of the transit service particularly between Moraga and Highway 24.

44-X

- The DEIR finds that the Plan will have a significant impact on unsignalized Lafayette intersections (Page 4.F-55). To mitigate these impacts, the DEIR recommends the installation of traffic signals at the following intersections in Lafayette:
  a. Deer Hill Road/Oak Hill Road
  b. Glenside Drive/Reliez Station Road
  c. Glenside Drive/Burton Drive
  d. Pleasant Hill Road/Olympic Boulevard

  The Lafayette General Plan calls for the signalization of only Deer Hill Road/Oak Hill Road and Pleasant Hill Road/Olympic Boulevard intersections. The other two intersections are located in residential Burton Valley area and signalizing those intersections are not compatible with the characteristics of the area and more importantly not consistent with goals and policies of the Lafayette General Plan.

44-Y

- The DEIR finds that the Plan will create adverse vehicular impacts on Pleasant Hill Road, a Route of Regional Significance (Page 4.F-66). However, no mitigation is proposed. Mitigations measure should be proposed that are consistent with the Pleasant Hill Road Action Plan, including corridor-wide signal coordination.

44-Z

- If the mitigation measures identified in the DEIR or in this letter do not mitigate impacts to less than significant levels, then the DEIR should additionally evaluate innovative strategies like traffic metering, traffic responsive signal system or adaptive traffic signal systems. The effects of these mitigation measures should take into account their effects on Lafayette and Orinda.

Other Issues

44-aa

- In the City of Lafayette's DEIR scoping comments sent to the Town of Moraga on September 4, 2007, several Lafayette intersections were recommended for analysis. However, three (3) Lafayette intersections located along expected routes to Moraga Center were not included in the traffic analysis:
  1. St. Mary's Road at Rohrer Drive
  2. Reliez Station Road at Olympic Boulevard
  3. Reliez Station Road at Glenside Drive South (at Michael Lane intersection)

44-bb

- The study does not include a collision analysis, which would help evaluate potential project safety impacts by identifying existing collision patterns and qualitatively discussing the impact of the project on collision rates.

44-CC

- The traffic impact analysis does not include the construction of the 4th bore to the Caldecott Tunnel. This would affect the traffic analysis for the Cumulative Conditions.

44-dd

- Under Mitigation 4F-5 (page 4.F-58), the DEIR states that "... the Project applicant shall fully fund and construct the mitigation measure and shall be reimbursed for the portion

beyond their fair share contribution from future available funding sources." The mitigation measure includes the installation of four signals in the City of Lafayette. Since these signal installations would be subject to the City of Lafayette's approval for inclusion in the Lamorinda fee program, it may be better to state that the Project Applicant shall be required to set aside fair share funds for City of Lafayette use as corridor improvements are approved and implemented.

The inadequacies listed in this letter should be addressed and rectified prior to finalizing the EIR. In addition, all mitigations proposed in Lafayette and Orinda should be checked for consistency with their respective General Plans.

TJKM appreciates the opportunity to provide preliminary review findings on the Moraga Specific Plan DEIR traffic analysis. Please call (925) 463-0611 if you have any questions.

Thank you.

Joy Bhattacharya

Joy Bhattacharya, P.E., P.T.O.E.
Senior Associate

Andrew R. Kluter

Andrew Kluter, P.E.
Senior Engineer

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Received 7/31/08

July 28, 2008

Ms. Lori Salamack, Planning Director
Town Of Moraga
329 Rheem Boulevard, #2
Moraga, CA 94556

Subject: Comments On Moraga Center Specific Plan Draft Environmental Impact Report

Dear Ms. Salamack:

This letter contains my comments on the Biological Resources section (Section 4.1) of the Moraga Center Specific Plan Draft Environmental Impact Report (DEIR). They are organized to follow the text of the Biological Resources section by page number. My comments are as follows:

45-a

Page 4.1-1, paragraph 2. This paragraph contains an opinion that unfortunately finds its way into much of the following discussion and is not accurate. It reads: "… the vegetation and wildlife in the MCSP area is limited and habitats are mostly disjunct from natural areas outside of Moraga." This statement is true if limited to the fallow orchards but does not correctly characterize the riparian woodlands which cross the specific plan area. These riparian woodlands support a diversity of plant species associated with this habitat type, virtually all wildlife species found in Moraga with the exception of a few large predators (bobcat, mountain lion, golden eagle) found primarily in the more rural areas of the Town (Indian Valley, Bollinger Canyon), and provide links to movement corridors upstream to Mulholland Ridge and downstream to Moraga Creek, Upper San Leandro reservoir, and EBMUD watershed lands. This statement should be deleted here and where repeated in the text (page 4.1-6, paragraph 3; page 4.1-32, paragraph 2).

45-b

Page 4.1-5, paragraph 3. This paragraph makes no mention of the aquatic species found in Laguna Creek and its tributaries. In addition to the more common species such as treefrogs, rainbow trout spawn in the Moraga Creek system (of which Laguna Creek and its tributaries are a part) and have been observed as far upstream in Laguna Creek as the plunge pool on the downstream side of Corliss Drive, indicating at a minimum that they migrate through the specific plan area. Information on aquatic species needs to be added to the EIR and used in the evaluation of impacts.

45-c

Page 4.1-5, paragraph 4. The reach of stream this paragraph is referring to is not apparent. Figure 4.1-1 depicts a channel at the location described and it is of the appropriate length but the physical description in no way resembles this channel. The mapped channel on Figure 4.1-1 is the downstream reach of the Black Forest drainage, the main stream of the Town's Mulholland Ridge Open Space Preserve. This stream is not ephemeral. It has an intermittent to perennial flow depending on rainfall. The riparian woodland has a continuous canopy with a diversity of trees (live oak, bay, willow, buckeye, elderberry) and shrubs (California blackberry, snowberry, poison oak), and an understory similar to Laguna Creek. It does not have an annual grassland understory. If the text is referring to a

second channel in this area, it should also be mapped. If the text is referring to the Black Forest drainage, it should be revised to accurately describe this channel.

45-d

Page 4.1-12, paragraph 2. This paragraph makes general reference to the presence of California red-legged frogs in Laguna Creek but provides no specific information. The nearest recorded sighting is a 2007 observation from a pool on the grounds of the Hacienda de las Flores (0.6 mile upstream), with the second closest from a plunge pool approximately 1.5 miles upstream, which have been observed here as recently as 2008. They have also been observed regularly at several locations on the Palos Colorados project site further upstream. This information should be included in the DEIR.

45-e

Page 4.1-16, paragraph 2. This paragraph describes California Department of Fish and Game (CDFG) requirements for buffers from streams and riparian habitats. It states that depending on the resources present, buffer widths vary from 10 to 300 feet. The DEIR should provide more information on this range. Ten feet is only applied where existing urban development (paved roads and buildings in active use) already exist immediately adjacent to the top-of-bank and woody riparian habitat is not present. Three-hundred-foot buffers have been required by the U.S. Fish and Wildlife Service (USFWS) in natural landscapes which provide endangered species habitat. Typically, CDFG calls for 100-foot setbacks from the edge of the riparian canopy.

45-f

Pages 4.1-19 through 4.1-21, Table 4.1-3. Several of the conclusions reached in this table (4.1-1, 4.1-3, 4.1-6, 4.1-7, and 4.1-8) are not supported by the described mitigation as discussed below.

45-g

Pages 4.1-22 and 4.1-23, Impact 4.1-1. This section discusses potential impacts to listed species. The discussion limits itself to the direct impacts of bridge and culvert construction which Figure 2-2, the Specific Plan Illustrative Land Use and Circulation Plan, shows only a single crossing of Laguna Creek (Village Route 3). What this discussion completely neglects are the indirect impacts of residential and commercial development on the riparian habitat and its associated wildlife. As noted previously in the DEIR Setting section, and as further described in this letter, Laguna Creek and its two tributaries provide suitable habitat for California red-legged frog, a federally listed threatened species. Specific Plan development will introduce greatly increased levels of human and pet activity to the riparian zone. There will also be an increase in numbers of urban adapted predators and degradation of water quality. These impacts on California red-legged frogs need to be identified and mitigated.

The proposed mitigation measures (4.1-1) are inadequate. Future surveys and future permits defer mitigation which is not allowed by CEQA, resulting in a serious inadequacy in this document. This problem is repeated throughout the Impact and Mitigation Measures section. The Specific Plan process is the opportunity for the Town to incorporate planning level mitigation measures which can guide future development proposals. In the Specific Plan area this should include establishing buffer setbacks from the edge of the riparian canopy of Laguna Creek and its two tributaries. Current language on buffers in the Project Description is vague. Figure 2-6, Community Center Conceptual Site Plan B, provides a proposed development footprint for one development area and buffers are virtually non-existent or, in fact, development reduces the size of the riparian zone. Along most of the development perimeter, development extends into the riparian crown canopy. This is a significant impact which is not mitigated under this plan. Once a footprint of development is approved it will be very difficult to modify. Riparian buffers need to be established before plan adoption. This is very

important if Laguna Creek and its two tributaries are to remain as suitable habitat for red-legged frogs and other wildlife species.

Subject to resource agency (USFWS, CDFG, RWQCB, Corps) review, a three-tier buffer system should be established. These are:

Tier 1 – Existing development which will remain.	Maintain existing setbacks.
Tier 2 – Existing development which will be redeveloped.	50-foot minimum setback from edge of canopy.
Tier 3 – Riparian areas bordered by non-native grassland and fallow orchards.	100-foot minimum setback from edge of canopy.

The mitigation measure requiring site-specific surveys is not adequate as written. The inference is that if the species is not present there is no impact. Red-legged frogs and other special status wildlife are mobile and are present in specific areas for days, a season or a year and may or may not be present at another time, depending on a variety of factors. This is why site-specific surveys are appropriate as a pre-construction mitigation measure to avoid direct take during construction but do not address the habitat value of these riparian areas. This DEIR has already established that Laguna Creek and its two tributaries are suitable red-legged frog habitat and that the species is present in Laguna Creek. This is sufficient information to determine if the project will impact red-legged frog habitat and the long-term ability of red-legged frogs to inhabit this area. These impacts can be identified today and incorporating buffer requirements as mitigation into the EIR addresses this impact.

45-h

Pages 4.1-23 and 4.1-24, Impact 4.I-3. The analysis on pages 23 and 24 focuses solely on potential impacts on active raptor nests and bat roosts. This approach is more appropriate in a project specific EIR. This discussion needs to be expanded to discuss potential impacts of Specific Plan development on these species' use of their habitat. How will it be impacted (direct and indirect)? Will they continue to use these areas after Specific Plan development? What would be the significance of the loss of these species from the Specific Plan area? These are the kinds of impacts a planning-level EIR can analyze and provide suitable mitigation if they are judged to be significant.

45-i

Page 4.1-24, Mitigation 4.I-3. The proposed mitigation suffers from the same problem as Impact 4.1-3, it is written for a specific project impact rather than a planning-level document. The mitigation that needs to be provided are measures that will maintain the presence of nesting raptors and roosting bats in the Specific Plan area after it is built out. These should be added to the EIR.

45-j

Page 4.1-26, Impact 4.I-6. The analysis presented for this impact takes the same approach as the analysis for all previously identified impacts, focusing solely on direct, project-level impacts which are not the appropriate focus for a planning-level EIR. While identifying that there will be some unspecified direct loss of riparian habitat, it provides no analysis of the indirect impacts on the riparian habitat and the plant and wildlife populations associated with it by the introduction of new development in the Specific Plan area. This needs to be provided and appropriate mitigation developed.

Page 4.1-27, Impact 4.1-7. The discussion of this impact includes a sentence which reads: "The existing wildlife movement corridor through the MCSP area is considered relatively disturbed and poor quality due to adjacent development." This statement is incorrect and should be deleted. Laguna Creek and its two tributaries are important wildlife corridors and are in good condition. The DEIR text supports this in its description of the resources present on pages 4.1-4 and 4.1-5. Additional information on wildlife use of these corridors is presented in this letter. They are centrally located important links to other portions of the Town.

45-k

There are also large portions of these corridors which are not bordered by development. This includes all of the northwest bank of Laguna Creek between Moraga Way and its confluence with the Black Forest drainage and both banks of Laguna Creek, the Black Forest drainage, and the St. Mary's fork of Laguna Creek from the Laguna Creek/St. Mary's fork confluence upstream to the plan area boundaries. There is abundant evidence of wildlife use along the margins of these areas and along the banks of these creeks. This area is not largely isolated as stated in the EIR text (see comment on page 4.1-1, paragraph 2). The potential impacts on wildlife movement need to be fully described. Suitable mitigation would be the provision of adequate buffers to allow for continued wildlife movement through this area.

Page 4.1-28, Table 4.1-5, Policy OS2-1. The consistency determination states that adequate buffers from Laguna Creek will be provided. There is no way to evaluate the accuracy of this statement. Figure 2-6 contradicts it, instead showing the removal of riparian habitat. Comparing Figures 2-2 (Illustrative Land Use and Circulation Plan) and 4.1-1 (Natural Vegetation and Habitat Types), there appears to be minimal setbacks from the edge of the riparian canopy upstream of Moraga Way. As depicted, the Specific Plan is not consistent with this policy. Proposed buffer widths from the edge of the riparian canopy along all branches of Laguna Creek should be provided, if available.

45-l

Page 4.1-28, Table 4.1-5, Policy OS2-5. Delete the statement: "Although the MCSP area is largely isolated from surrounding natural areas, ..." As described previously this is not correct. Due to its location, the creeks within the Specific Plan boundaries are very important movement corridors linking with areas of regional importance.

45-m

Page 4.1-30, Impact 4.1-10. The last paragraph on this page states that a 700-foot-long stream segment "may" be removed. The text should describe under what circumstances it would be removed. It is also unclear where this stream segment is located and what resources are associated with it (see Comment page 4.1-5, paragraph 4). If it is the lower reaches of the Black Forest drainage it is neither ephemeral. or degraded and these characterizations should be deleted. The fill of this drainage would be a significant adverse impact for which adequate mitigation has not been provided. Requiring future delineations and obtaining other permits is not adequate mitigation.

45-n

Obtaining the permits to fill a jurisdictional stream from the resource agencies (Corps, CDFG, RWQCB) is unlikely and requesting authorization to fill 700 feet of a stream for residential development is even more unlikely. These agencies in almost all instances require avoidance of such a feature, and where some amount of fill is allowed, they require in-kind mitigation. The impact analysis should describe the difficulty of obtaining permits from the resource agencies for this proposal. This proposal is also not consistent with General Plan policies OS2.1, OS2.2, AND OS2.5.

45-O ***Page 4.1-31, Mitigation 4.I-10.*** The proposed mitigation measure is inadequate as it also defers to the future determining proposed mitigation for the fill of this stream. The language is so vague that it is possible the Town could require no mitigation for its loss. The measure as written appears to state that the stream must be "jurisdictional" in order for mitigation to be provided. This sets up a situation where a significant impact is identified in the EIR but where mitigation may not be provided because of an action of a separate agency at some time in the future. This approach does not allow for full public disclosure, contrary to CEQA.

45-P ***Page 4.1-32, Paragraph 1.*** The last sentence of this paragraph states that the Rancho Laguna project is contiguous with extensive publicly-owned open space and natural habitat areas to the south. This statement is not correct. The Rancho Laguna property is essentially surrounded by private lands. Publicly-owned open space is located approximately 1.5 miles to the south. They are not contiguous.

45-Q ***Page 4.1-32, Paragraph 3.*** As explained previously, there is no way to determine the accuracy of the last sentence of this paragraph. If the mitigation is not known today there is no way to determine if there will be no net loss of riparian habitat and functions as stated in this paragraph.

45-R ***General Comment.*** The DEIR should include in one or more of the Alternatives the removal of all development from Area 7, the 3.2-acre parcel bordered by riparian habitat on three sides. Its preservation as undeveloped open space would provide important buffers for the confluence area of the three branches of Laguna Creek. Any development of this small parcel would unavoidably impact wildlife use of the creeks. The proposed development of this area shown on Figure 2-6 would be especially damaging as it requires the removal of riparian habitat on all sides bordered by the creeks. The application of Department of Fish and Game recommended buffers of 100 feet from the edge of the riparian vegetation results in only a minimal amount of potentially developable area. For these reasons the area should be shown as open space on one or more of the project alternatives, and the results of this approach from an environmental and land use perspective described.

Thank you for the opportunity to comment on this document. Please place my name on the public notice list for this project.

Sincerely,

Malcolm J. Sproul

Malcolm J. Sproul
45 Williams Drive
Moraga, CA 94556

FAX TRANSMITTAL

Pickett Development Company, Inc.
2703 Ridgeview Lane
Walnut Creek, CA. 94598
(925) 938-3000 - (925) 937-5735 fax

RECEIVED
AUG 1 2008
MORAGA PLANNING DEPT.

To: Lori Salamack
Company: Town of Moraga
Fax #: FAX - (925) 376-5203
From: Bob Pickett
Date: July 31, 2008
Subject: Moraga Center Specific Plan
# of pages: (including cover page) 2

A few last minute comments on the Specific Plan.

46-a The trail that is shown along School Street in front of Area 1 (Moraga Ranch) and Area 2 (New Village Retail), would be much better placed if it were located along the top of the creek bank to the west side of these two areas. Also, it should be required that new development in these areas
46-b include orientation toward the creek. Outdoor café's and store fronts with walks along the creek would serve as very attractive draws to these retail businesses. By making this a place that people want to linger, Moraga will see improvements in sales tax revenues.

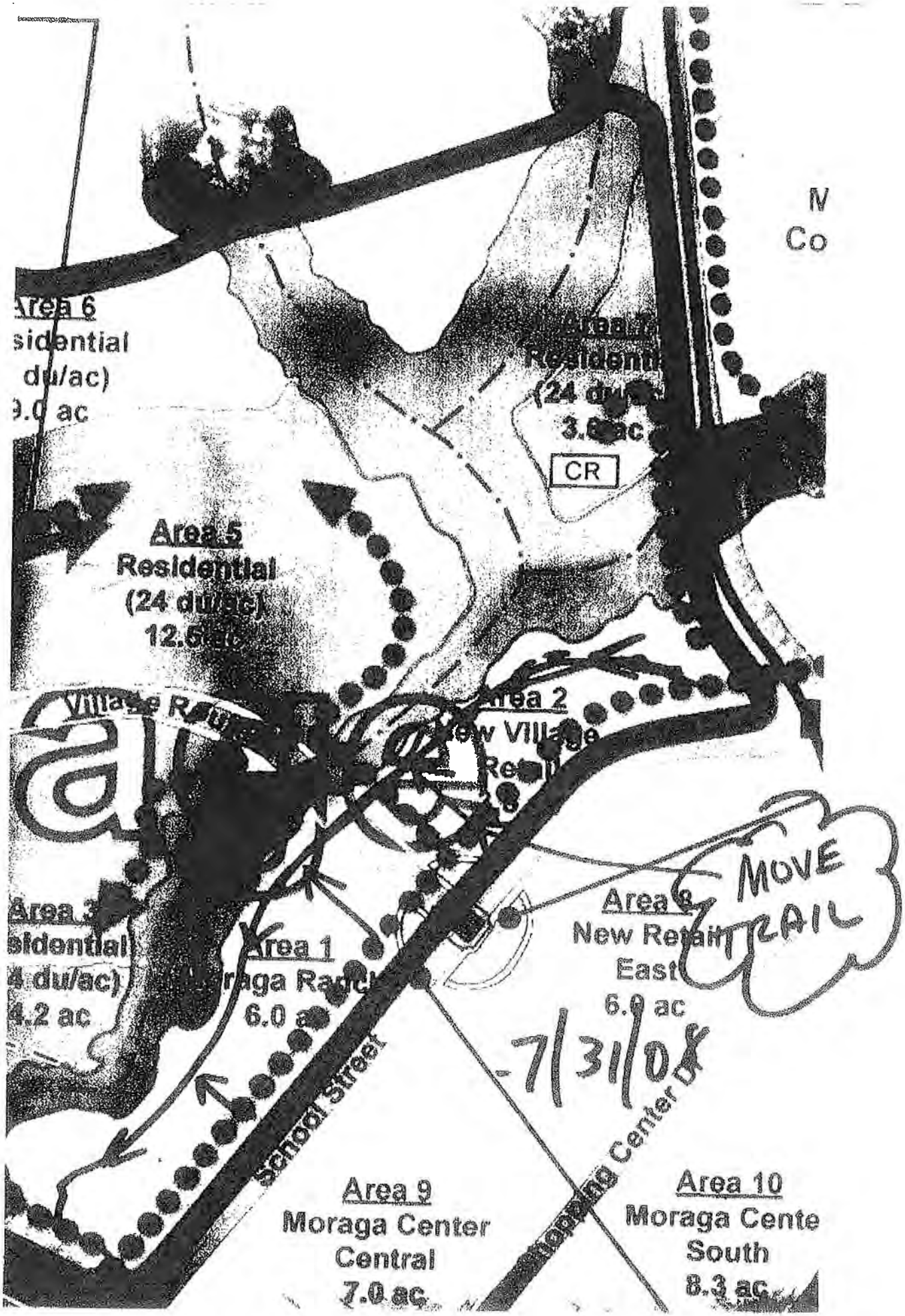
In Walnut Creek, where I served for eight years on the Planning Commission and almost two years as the Chairman of the General Plan Steering Committee, it was consistently noted how regretful is was that so many retail areas put their back to the creeks. The creek side orientations are garbage dumpsters, loading docks and paved driveways. Walnut Creek will miss the beauty of these natural elements until such time as re-development occurs. We did include this requirement in the new General Plan. I hope this comment helps Moraga avoid the mistake made decades ago by Walnut Creek.

46-c I've attached a very rough sketch of this proposed concept.

Thank you,

Bob Pickett

CONFIDENTIALITY NOTE: The information contained in this facsimile transmission is confidential and is intended only for the use of the addressee named above. Additional restrictions and/or limitations may apply to the use and/or content of this facsimile. Such restriction and/or limitations, if applicable, are described in the attached document. If the recipient of this facsimile is no the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and destroy the original transmission.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Area 8
New Retail
East
6.0 ac
MOVE
TRAIL
7/31/08
School Street
Area 9
Moraga Center
Central
7.0 ac
Area 10
Moraga Cente
South
8.3 ac

TOBIN & TOBIN
A PROFESSIONAL CORPORATION
500 SANSOME STREET
EIGHTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3211
(415) 433-1400
FACSIMILE (415) 433-3883

W. Stephen Wilson
wswhome@aol.com
direct. 415.772.9646

SESQUICENTENNIAL 1852-2002
Richard Tobin (1852-1887)
Robert Tobin (1875-1889)
Cyril R. Tobin (1905-1977)

August 1, 2008

RECEIVED
AUG 1 2008
MORAGA PLANNING DEPT.

Ms. Lori Salamack
Planning Director
Town of Moraga
359 Rheem Blvd.
Moraga, CA 94556

Via Facsimile (925) 376-5203 and Regular Mail

Re: Moraga Center Specific Plan (Our Client C & C Equity Company)

Dear Ms. Salamack:

We write to amplify the concerns expressed by Robert W. Pickett, our client's real estate consultant, in his July 7, 2008 letter to the Planning Commission. Mr. Pickett's letter addresses certain circulation and land use concerns raised by the Specific Plan which directly and materially affect our client's property, APN # 255-310-029-4. This parcel is depicted as part of "Parcel # 7", as contained in Figure 4-1, Exhibit B of the Plan. Although our client's acreage is far smaller than the Bruzzone piece, it is a vital part of the Plan because of its location relative to the Plan area as a whole, its shape and adjacency to the creek. Our concern is that the Plan in its current form fails to utilize the C & C piece as a core component of the project, but rather uses it primarily as a "service parcel" and for transitional purposes (see explanatory note on 4-1 designating 3 DU/acre as maximum density). This not only fails to optimize the value of the C & C parcel for benefit of the community, but it unfairly weights the economic value of the entire parcel toward the Bruzzone component. For those reasons, we ask that staff, the Planning Commission and Town Council reconsider certain of the Plan's current components and modify them accordingly. The simple fact that the C & C parcel will be deprived of most of its potential economic value for benefit of a neighboring owner should be a "red flag" from the standpoint of fundamental fairness, and implementation of Mr. Pickett's suggestions will not only serve the community but be fairer to my client. The issue of fairness is underscored by the fact that Mr. Richard Chi, managing partner of C & C, has been a resident of Moraga and an active participant in the community's life for over 20 years.

47-a

Mr. Pickett's correspondence (p. 2) identifies senior housing as one representative usage which would be site-appropriate. This usage could easily be accommodated in the Plan with minimal circulation adjustments. The materials accompanying the Plan aptly identify the lack of senior housing in Moraga as a matter of concern. Senior accommodations cover a range of possibilities from active living to full care, and most of these do not conflict with the general "transitional" objectives assigned to this parcel. The term "transitional" does not exclusively connote extensive buffers or low-density single family usages. It can equally encompass

47-b

selected, higher-density concentrations of low-traffic, low-noise residences surrounded by buffer. Mr. Pickett's proposal should be examined thoughtfully and thoroughly to consider all of its possible iterations. Because of the lack of other suitable sites, this offers Moraga a one-time opportunity to better address the needs of a rapidly-aging population of "boomers" whose needs in the five-to twenty-five year time frame have generally been overlooked. The objectives of the Bruzzone piece, as we see them, are more oriented to typical commercial and residential uses, requiring convenience to transportation and, for commercial uses, visibility. The orientation and adjacencies of that land better fit those land use categories than they fit senior housing.

47-C Access for emergency vehicles as proposed by Mr. Pickett must certainly be implemented via conforming changes made to Village Route A, in order to accommodate these proposed usages.

47-d The realignment of village routes A and B as proposed by Mr. Pickett would logically yield a positive result in terms of the Circulation Element because some improvement or the service levels of nearby intersections could be expected. For the same reason, the pedestrian/bicycle trail would not only be an amenity for residents, but would support community health objectives and tend to reduce the number of short vehicular trips. It appears to us that further input from stakeholders on this specific proposal is highly appropriate. We think Mr. Pickett should be particularly commended for this suggestion.

In summary, Mr. Pickett's letter contains constructive and imaginative proposals for amendment of the Plan which conform to the overall Plan objectives, respond to community concerns and respect the development expectations of the other owners. All stakeholders in this process should view these suggestions positively. We would be pleased to discuss these matters further with you at any time, and we thank you and the remainder of staff for your thoughtful consideration and the comprehensiveness of your work to date. We have separately transmitted twelve copies of this letter for distribution to the Planning Commission and Town Council.

Very truly yours,

TOBIN & TOBIN

W. Stephen Wilson

cc: C & C Equity Company
Mr. Pickett

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A PROFESSIONAL CORPORATION
500 SANSOME STREET
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direct: 415.772.9646

SESQUICENTENNIAL 1852-2002
Richard Tobin (1852-1887)
Robert Tobin (1875-1889)
Cyril R. Tobin (1905-1977)

August 1, 2008

Ms. Lori Salamack
Planning Director
Town of Moraga
359 Rheem Blvd.
Moraga, CA 94556

Via Facsimile (925) 376-5203 and Regular Mail

Re: Moraga Center Specific Plan (Our Client C & C Equity Company)
(Addendum to Our August 1, 2008 Correspondence)

Dear Ms. Salamack:

48-9

Further to my August 1, 2008 correspondence to you, and referring to the potential location of senior housing and/or care facilities on the C & C parcel, I call your attention to the fact that the City of Belmont has had a successful experience with location of a series of senior housing and care facilities under very similar circumstances. I would encourage your staff to review this example. The land in question lies on the South side of Ralston Ave., proceeding Westerly from the edge of Belmont's municipal facilities and crossing Alameda de las Pulgas. While the facilities in the City of Belmont are "infill" rather than "planned development", the adjacencies to commercial, schools, and single family residential, together with the fact that careful planning has allowed these facilities to be secluded and private, should be interesting for staff to consider.

We believe that solutions and ideas similar to this can best be realized by looking to members of the community such as Mr. Chi rather than by reference to outside consultants. Thank you for your time and attention. Please call if you have any questions.

Very truly yours,

TOBIN & TOBIN

W. Stephen Wilson

cc: C & C Equity Company
Mr. Pickett

RECEIVED
AUG 1 2008
MORAGA PLANNING DEPT.

Subject: FW: feedback from web form
Date: Tuesday, August 5, 2008 11:12 AM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>, <r.rees@fehrandpeers.com>
Conversation: feedback from web form

Hi everyone

The comment below was submitted to Darlene prior to the deadline.

L.

Lori Salamack
Town of Moraga
Planning Director
329 Rheem Boulevard, Suite 2
Moraga, CA 94556
(925) 888-7043
FAX (925) 376-5203
lsalamack@moraga.ca.us
www.moraga.ca.us

-----Original Message-----
From: Darlene Colaso
Sent: Tuesday, August 05, 2008 8:40 AM
To: Jay Tashiro; Lori Salamack
Subject: FW: feedback from web form

From: www.moraga.ca.us[SMTP:MORAGA-WEB@WWW.MORAGA.CA.US]
Sent: Friday, August 01, 2008 12:08:56 PM
To: Lilinoe Kekoa
Subject: feedback from web form
Auto forwarded by a Rule

First_Name :William
Last_Name :Dick
Street_Address :84 Greenfield Drive
Zip_code :94556
City :Moraga
Contacts_email :wjdick61@comcast.net
Phone :925-376-3462
Remarks:
Moraga Center Plan comments:In general I don't think the plan should go forward. The citizens of Moraga (read: taxpayers/owners of the town) will have an opportunity in November to voice their sentiments regarding growth. Having said that I see according the online plan that when the commercial and office space parking is combined there will be over 4000 spaces - seems like Sun Valley Mall to me. Additionally p27 under Parket Parameters there are some estimates made of the "household income" increases in the next few years. Given the addition of the type of housing you are suggesting, combined with the numbers of retirees living in Moraga, I frankly do not believe the estimates. The open store fronts in the Moraga Shopping center and especially in the Rheem Shopping center certainly do not bode well for some magical increase in the business climate even with the addition of the housing you suggest. And finally, there is mention of the number of fire stations in Moraga (2)

49-9

an!

49-b d that statement seems enough for this plan. However, you fail you mention the costs of addtional equipment and in particular the additional manning required to support the additional population.

49-c From the opinion side of things I would rather see the results of the November election and the attendant "faith" the town has in the Bruzzone's before another step is taken. We already have enough traffic - try to get to BART in the morning!!

Subject: FW: feedback from web form
Date: Tuesday, August 5, 2008 11:13 AM
From: Lori Salamack <lsalamack@moraga.ca.us>
To: Rhonda Basore <rbasore@moraga.ca.us>, Rob Brueck <rbrueck@haugebrueck.com>, <r.rees@fehrandpeers.com>
Conversation: feedback from web form

Another comment submitted on time to Darlene.

L.

Lori Salamack
Town of Moraga
Planning Director
329 Rheem Boulevard, Suite 2
Moraga, CA 94556
(925) 888-7043
FAX (925) 376-5203
lsalamack@moraga.ca.us
www.moraga.ca.us

-----Original Message-----
From: Darlene Colaso
Sent: Tuesday, August 05, 2008 8:43 AM
To: Jay Tashiro; 'Lori Salamack (lsalamack@moraga.ca.us)'
Subject: FW: feedback from web form

From: www.moraga.ca.us[SMTP:MORAGA-WEB@WWW.MORAGA.CA.US]
Sent: Friday, August 01, 2008 2:13:23 PM
To: Lilinoe Kekoa
Subject: feedback from web form
Auto forwarded by a Rule

First_Name :Stephen
Last_Name :Ludwig
Street_Address :147 Corliss Drive
Zip_code :94556
City :Moraga
Contacts_email :L266667@comcast.net
Phone :
Remarks:
Comments Regarding the Specific Plan:
We have resided in Moraga for the last nine years. While we are not opposed to limited growth and development, we do have objections to building any housing off of Camino Ricardo. As residents living on Corliss Drive, we have the unfortunate distinction of having our street used as a cutoff for a large segment of the population in Moraga.
50-9 Residents wishing to go from the Moraga Road part of town to Los Perales Elementary, the west part of town via Moraga Way, and Orinda use Corliss Drive. Likewise, those residing on the Moraga Way side of town use Corliss to cross to Moraga Road to get to locations such as the Commons, St. Mary's College, Campolindo High School, The Rheem Shopping Center, Lafayette, and the freeway. The result is a heavy and fairly steady flow of traffic throughout the day, with increased activity in the morning and afternoons coinciding with commuter and school traffic. In addition to the volume of traffic, of greater concern is the excessive speed!

ing on Corliss. It makes backing out of our driveway a challenge and poses a danger to children playing in the neighborhood and residents walking in the neighborhood. We have observed that adults are just as guilty of this behavior as teenagers. Even with the installation of a stop sign at Corliss and Crossbrook, the speeding continues to be a problem.

Our concern with the construction of additional housing on Camino Ricardo is that it will make a traffic issue even more problematic. Since the Sonsara homes were built, we have noticed an increase in traffic on Corliss. Additional housing on Camino Ricardo will only add to the number of commuters, students, and other drivers heading towards the east side of town via Corliss.

Please don't compound an existing problem by permitting increased growth in this part of the neighborhood, which will further add to the traffic and safety issues on Corliss Drive.

Sincerely,
Stephen and Dana Ludwig

APPENDIX H DRAFT AND FINAL EIR DISTRIBUTION LIST

Moraga Center Specific Plan
Draft and Final EIR Distribution List

City of Orinda
Planning Department
26 Orinda Way
Orinda, CA 94563

City of Lafayette
Planning Department
3675 Mt. Diablo Blvd. #210
Lafayette, CA 94549

SWAT
c/o Andy Dillard
Transportation Division
Town of Danville
510 La Gonda Way
Danville, CA 94526

Moraga - Orinda Fire District
Attn: Fire Marshal
33 Orinda Way
Orinda, CA 94563

Contra Costa County
Community Development Dept.
651 Pine Street, 4th Floor – N. Wing
Martinez, CA 94553

Central Contra Costa
Sanitary District
5019 Imhoff Place
Martinez, CA 94553

East Bay Municipal Utility District
Attn: William Kirkpatrick, Manager
P.O. Box 24055, M/S 701
Oakland, CA 94623-1055

Acalanes High School District
1212 Pleasant Hill Road
Lafayette, CA 94549

Contra Costa County Flood Control and
Water Conservation District
255 Glacier Drive
Martinez, CA 94553-4825

Contra Costa County
Public Works Dept.
Flood Control Division
255 Glacier Dr.
Martinez, CA 94553-4825

Bay Area Air Quality
Management District
939 Ellis Street
San Francisco, CA 94109

Central Contra Costa Transit Authority
220 Ygnacio Valley Road
Walnut Creek, CA 94596-3739

U.S. Army Corps of Engineers
Attn: Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

Contra Costa Resource
Conservation District
5552 Clayton Road
Concord, CA 94521

East Bay Regional Park District
Attn: Advance Planning
P.O. Box 5381
Oakland, CA 94605-0381

California State Clearinghouse
(15 copies of the Draft EIR)
P.O. Box 3044
Sacramento, CA 95812-3044

Moraga School District
P.O. Box 158
Moraga, CA 94556

Moraga Public Library
1500 St. Mary's Road
Moraga, CA 94556