

BEFORE THE PLANNING COMMISSION OF THE TOWN OF MORAGA

In the Matter of:

Recommending the Town Council Adopt an Ordinance to:

1) Adopt a new Zoning Map within the MCSP Area; and

2) Update Title 8 of the Moraga Municipal Code Including Chapters 8.04 – General Provisions and Definitions, 8.24 – One, Two, and Three Dwelling Units per Acre Residential Districts; 8.32 – Six Dwellings per Acre Multifamily Residential District (R-6); 8.34 – Twenty Dwelling Units per Acre Residential District (R-20); 8.36 – Community Commercial District; 8.40 – Limited Commercial District; 8.44 – Suburban Office District; 8.48 – Planned Development District; 8.50 – Planned Development-Commercial (PD-C); 8.52 – MOSO and Non-MOSO Open Space Districts; 8.56 – Institutional District; 8.60 – Study District; 8.76 – Off-Street Parking and Loading; 8.124 - Accessory Dwelling Units; and

3) Establish the Following New Chapters within Title 8 of the Moraga Municipal Code, Chapter 8.33 – Twelve Dwelling Units per Acre Multifamily Residential District (R-12); Chapter 8.37 – MCSP Commercial District (MCSP-C); Chapter 8.41 – MCSP Mixed Retail/Residential; (12-20 Dwelling Units per Acre) (MCSP MU-RR); Chapter 8.42 – MCSP Mixed Office/Residential (12-20 Dwelling Units per Acre) (MCSP MU-OR); Chapter 8.65 – Moraga Ranch Overlay District; Chapter 8.200 – Moraga Center Specific Plan Area Regulations.

Resolution No. 15-2020

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

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

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

**WHEREAS**, after issuing a Notice of Preparation on July 30, 2007 to prepare a California Environmental Quality Act (CEQA) Initial Study, on June 17, 2008 the Town published the MCSP DEIR with a public comment period from June 17, 2008 to August 1, 2008, and held public hearing on July 7, 2008 (Planning Commission), July 8, 2008 (Parks and Recreation Commission), July 9, 2008 (Town Council), and July 22, 2008 (Town Council) to solicit oral comments on the MCSP DEIR; and

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

**WHEREAS**, on January 27, 2010, the Moraga Town Council adopted Resolution 14-2010 certifying the EIR; and

**WHEREAS**, on January 27, 2010, the Town Council also adopted the Moraga Center Specific Plan (MCSP) to establish a focused mixed commercial and residential neighborhood in the area in and around the existing Moraga Center Shopping Center. The MCSP allows for higher density infill and mixed use (residential, commercial and office) development that is well connected by transit, pedestrian and bicycle facilities. The Moraga Center area has been designated as a Priority Development Area (PDA) by the Association of Bay Area Governments and Metropolitan Transportation Commission, making it eligible for priority grant funding; and

**WHEREAS**, in 2014 the Town of Moraga was awarded a \$150,000 grant by the Contra Costa Transportation Authority (CCTA) for the “Moraga Center Specific Plan Implementation Project.” The goal of the project was to develop zoning code amendments and design standards that will effectively implement the policies and vision set forth in the Specific Plan; and

**WHEREAS**, the Town of Moraga selected consultant team Opticos Design for the completion of the project. In late 2015 Opticos Design team produced a “Vision

Concept” for the creation of detailed zoning standards to guide implementation of the Specific Plan. Work on the project was suspended in October 2017 due to lack of funds; and

**WHEREAS**, in March 2018 the Town of Moraga was awarded a grant of \$140,000 through Metropolitan Transportation Commission (MTC) as part of its Priority Development Area (PDA) funding grant program; and

**WHEREAS**, on June 12, 2019 the Town of Moraga hired a consultant team, PlaceWorks, for the preparation of the draft zoning, development standards and design guidelines as part of the MCSP Implementation Project; and

**WHEREAS**, the Town of Moraga held four meetings of the MCSP-IP Citizens Advisory Committee to gather public input on the draft zoning, development standards, and design guidelines on July 8, 2019, September 4, 2019, September 19, 2019 and October 1, 2019; and

**WHEREAS**, on June 3, 2020 the Town of Moraga held a Technical Advisory Committee meeting with representatives from MTC, the Contra Costa Transportation Commission, Fehr & Peers transportation consultant, PlaceWorks and Town staff to obtain input on the Design Scenarios, Streetscape, Parking, and Roadway Specifications and the draft Zoning Provisions and Development Standards; and

**WHEREAS**, on July 20, 2020 and August 17, 2020, at a duly noticed public hearing, the Planning Commission considered the proposed amendments, received public testimony, and declared its intent to recommend to the Town Council the adoption of the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Moraga that:

**SECTION 1.** Pursuant to California Environmental Quality Act (CEQA), the Town prepared an Environmental Impact Report (EIR) (SCH 200707212) to address the potentially significant adverse environmental impacts associated with the planning, construction, or operation of the Moraga Center Specific Plan (MCSP) and to identify appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid the impacts identified in the EIR. The City certified the Final EIR for Moraga Center Specific Plan project on January 27, 2010. The proposed zoning ordinance will not result in additional environmental effects not previously evaluated in the EIR. The proposed zoning ordinance implements provisions of the MCSP, such as including development standards and zoning districts consistent with the MCSP and already analyzed in the EIR. Further, the proposed zoning ordinance allows for development consistent with the MCSP and analyzed in the EIR. Therefore, there are no new significant environmental effects. In addition, any development project proposed in the MCSP will be required to comply with the Mitigation Monitoring and Reporting Plan

adopted in connection with the EIR, as well as go through site-specific environmental review.

Additionally, CEQA Guidelines section 15162 provides that “no subsequent EIR shall be prepared” for a project unless the lead agency determines that (1) “substantial changes are proposed in the project which will require major revisions of the previous EIR”; (2) “substantial changes occur with respect to the circumstances under which the project is undertaken”; or (3) “new information of substantial importance ... shows” one or more significant effects not discussed in the original EIR, greater severity to previously-identified substantial effects, or newly-found feasible mitigation measures that would substantially reduce significant effects. As there will not be any changes to the proposed project or to the previously-identified effects and mitigation measures, and there is no new information of substantial importance, no additional environmental review is necessary.

Further, it can be seen with certainty under CEQA Guidelines section 15061(b)(3) that there is no possibility the proposed zoning ordinance may have a significant effect on the environment. As noted above, the proposed zoning ordinance implements the existing MCSP and allows for development consistent with and allowed under the MCSP. The ordinance does not create any new standards or regulations that could impact the environment.

**SECTION 2.** Pursuant to Moraga Municipal Code Section 8.12.100, the Commission hereby finds as follows with respect to the proposed zoning map and ordinance:

- a. **The change proposed is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;** in that one of the Town of Moraga General Plan’s Guiding Principles 4: Create a community “focal point” in the vicinity of the Moraga Center shopping area and Moraga Commons. The proposed MCSP zoning ordinance advances the community goals with an environmentally sensitive approach to development that calls for the creation of a mixed-use village with local serving commercial development and a range of residential opportunities. The General Plan sets forth Policy LU3.1 Moraga Center Area Specific Plan (MCSP), which requires the Town to “Undertake a specific planning process for the area designated on the General Plan Diagram as the “Moraga Center Area Specific Plan”. The MCSP ordinance implements an already adopted Moraga Center Specific Plan on January 27, 2010 through purpose, applicability, density and development standards. The General Plan sets forth Policy CD6.5 Moraga Center Area, which requires that the Town “Use the Moraga Center Area Specific Plan to create a community focal point and mixed-use activity center of businesses and higher density residences with a unified ‘village’ character. The MCSP ordinance implements the General Plan policy through zoning districts and a zoning map that establishes distinct districts for mixed retail/residential, mixed office/residential, MCSP Commercial, Planned Development Areas, Residential R020A, Residential R-20B, Residential R-3,

Residential R-6, Residential R-12, Open Space, Moraga Ranch Overlay District which allow for more community focal points, mixed use activity center for businesses and higher density residences to allow for a variety of housing choices.

- b. In case of a general land use regulation, the change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district which it is proposed. The proposed Zoning amendments implement and are consistent with the General Plan Map Figure 4-2 MCSP Illustrative Land Use and Circulation Plan.** The amendments would apply to proposed Town MCSP area for residential and commercial zoning districts that are intended to accommodate a broad range of businesses offering consumer goods and services that meet the everyday and specialized needs of Moraga and the surrounding communities. The proposed amendments are intended to provide an economically viable, environmentally sensitive approach to development with mixed-uses village with local serving commercial development and a range of residential opportunities uses consistent with the overall vision of creating a Village.
- c. A community need is demonstrated for the changes proposed** as directed by the Town of Moraga's General Plan of 2002 which included Land Use policy LU3.1 as well as Community Design policy CD6.5 which call for development of a 'specific plan' for the area around one of the Town's major shopping and activity centers- the Moraga Center. The MCSP was adopted in 2010, consistent with the aims of the General Plan, to provide a vehicle for ensuring that this area of Town is "planned" in order to address the important community needs such as new growth, housing needs and environmental protection. The MSCP also accommodates future demand for services such as sewer, water, roads etc. and implements goals and policies for directing and managing growth. The proposed zoning map and ordinance implements the MCSP and adopts and incorporates consistent zoning as required by state law.
- d. Its adoption of the ordinance will be in conformity with public convenience, general welfare and good zoning practice** in that the MCSP provides for the economic and physical revitalization of the existing shopping center through reinvestment and increased residential and commercial developments. It implements the needs of residents by providing increasing shopping and dining opportunities and a range of housing options especially senior housing for an aging population. The proposed zoning map and ordinance implements the MCSP and adopts and incorporates consistent zoning as required by state law. The zoning code amendments allow for districts, purpose, applicability, standards and densities.

**SECTION 3.** The Planning Commission hereby recommends that the Town Council adopt a Revised Zoning Map, and Update and add New Chapters to Title 8 of the Moraga Municipal Code, consistent with the Moraga Center Specific Plan adopted January 27, 2010, as shown in Exhibit 1, attached hereto and incorporated herein by this reference, as follows:

1. **Adopt a new Zoning Map within the MCSP Area, as shown in Exhibit 1, attached hereto and incorporated herein by this reference.**
2. **Update Title 8 of the MORAGA MUNICIPAL CODE including the chapters and sections described below, as shown in Exhibit 1, attached hereto and incorporated herein by this reference:**

**Chapter 8.04– GENERAL PROVISIONS and DEFINITIONS** - New definitions added throughout Chapter 8.04 and deletion of some definitions.

**Chapter 8.24– ONE, TWO, and THREE DWELLING UNITS per ACRE RESIDENTIAL** - Updates to 8.24.055 Density, 8.24.060 Minimum Lot Area and Yard Setback Requirements

**Chapter 8.32– SIX DWELLING UNITS per ACRE MULTIFAMILY RESIDENTIAL DISTRICT (R-6)** - Updates to 8.32.020 Permitted Uses, Conditional Uses, 8.32.040 Density, 8.32.060 Site Standards Outside the MCSP, 8.32.065 Site Standards Within the MCSP, 8.32.070 Development Standards

**Chapter 8.34– TWENTY DWELLING UNITS per ACRE RESIDENTIAL DISTRICT (R-20)** - Updates to 8.34.020 Definitions, 8.34.040 Density, 8.34.060 Development Standards, 8.34.070 Design Requirements

**Chapter 8.36– COMMUNITY COMMERCIAL DISTRICT** - Updates to 8.36.015 Definitions, 8.36.040 Site Standards

**Chapter 8.40– LIMITED COMMERCIAL DISTRICT** - Updates to 8.40.020 Permitted Uses, Conditional Uses

**Chapter 8.44– SUBURBAN OFFICE DISTRICT** - Updates to 8.44.020 Permitted Uses, 8.44.030 Conditional Uses

**Chapter 8.48– PLANNED DEVELOPMENT DISTRICT** - Updates to 8.48.100

**Chapter 8.50– PLANNED DEVELOPMENT COMMERCIAL** - Updates to 8.50.020 Definitions, 8.52.0030 Permitted Uses, 8.52.040 Conditional Uses

**Chapter 8.52– MOSO and NON-MOSO OPEN SPACE DISTRICTS** - Updates to 8.52.030 Permitted Uses, 8.52.040 Conditional Uses

**Chapter 8.56– INSTITUTIONAL DISTRICT** - Updates to 8.56.020 Permitted Uses, 8.56.030 Conditional Uses

**Chapter 8.60– STUDY DISTRICT** - Updates to 8.60.020 Permitted Uses, 8.40.030 Conditional Uses

**Chapter 8.76– OFF-STREET PARKING and LOADING** - Updates to 8.76.080 Shared Parking

**Chapter 8.124– ACCESSORY DWELLING UNITS** - Updates to 8.124.020 Definitions

**Chapter 8.148– MISCELLANEOUS USE RESTRICTIONS** - Updates to 8.148.050 Temporary Uses

3. **Establish and add the following New Chapters to Title 8 of the MORAGA MUNICIPAL CODE, as shown in Exhibit 1, attached hereto and incorporated herein by this reference.**

**Chapter 8.33 TWELVE DWELLING UNITS per Acre MULTI-FAMILY RESIDENTIAL DISTRICT (R-12)**

New 8.33.010 Purpose

New 8.33.020 Permitted Uses

New 8.33.030 Conditional Uses

New 8.33.040 Density

New 8.33.050 Development Standards

**Chapter 8.37 – MCSP COMMERCIAL DISTRICT (MCSP\_C)**

New 8.37.010 Purposes

New 8.37.020 Permitted Uses

New 8.37.030 Conditional Uses

New 8.37.040 Development Standards

**Chapter 8.41 MCSP Mixed Retail/Residential (12-20 Dwelling Units per Acre)**

New 8.41.010 Purpose

New 8.41.020 Permitted Uses

New 8.41.030 Conditional Uses

New 8.41.040 Residential Density

New 8.41.050 Development Standards

**Chapter 8.42 – MCSP Mixed Office/Residential (12-20 Dwelling Unit per Acre)**

New 8.42.010 Purpose

New 8.42.020 Permitted Uses

New 8.42.030 Conditional Uses

New 8.42.040 Residential Density

New 8.42.050 Development Standards

**Chapter 8.65 – Moraga Ranch Overlay District**

- New 8.65.010 Purpose
- New 8.65.020 Applicability
- New 8.65.030 Design Requirements

**Chapter 8.200 – Moraga Center Specific Plan Area Regulations**

- New 8.200.010 Purpose
- New 8.200.020 Applicability
- New 8.200.030 MCSP Zoning Districts
- New 8.200.040 Moraga Center Development Potential
- New 8.200.050 Moraga Center Design Requirements
- New 8.200.060 Town Square
- New 8.200.070 Required Streets, Trails, and Bridges
- New 8.200.080 Standards Near Creek and Channel Setbacks

**PASSED AND ADOPTED** by the Planning Commission of the Town of Moraga at a regular meeting held on August 17, 2020 by the following vote:

**AYES:** Chair Stromberg, Vice Chair Luster, Helber, Hillis, Lueder, Thiel

**NOES:** D'Arcy

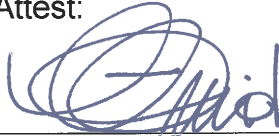
**ABSTAIN:**

**ABSENT:**



\_\_\_\_\_  
David Stromberg, Chairman

Attest:



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Afshan Hamid, Planning Director