

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Amending Moraga Municipal Code)
(MMC) Section 8.48.040 to add a)
10-PD-RP Zoning District Classification,)
and Amend MMC Section 8.48.060 to)
Modify Planned Development (PD))
Standards; Rezone a 1.95-acre property)
located at 489 Moraga Road to Planned)
Development 10-Dwelling Units per)
Acre (10-PD-RP), and Correspondingly)
Amend the Zoning Map.)

Ordinance No. 250

WHEREAS, various policies of the Town of Moraga General Plan and General Plan Land Use Diagram designate an area around the intersection of Moraga Road and Rheem Boulevard as the Rheem Park Specific Plan Area, and identify various land uses for this area, including residential development at 10 Dwelling Units per Acre (DUA); and

WHEREAS, the General Plan further states that until a Specific Plan is developed for this area, zoning designations identified in the 1990 General Plan shall apply; and

WHEREAS, on December 21, 2012 Signature Homes (applicant) and First Management Company (owners) filed a revised application to develop an eighteen (18) unit single family residential subdivision on a 1.95-acre parcel (APN: 256-070-002) located off Moraga Road, zoned LC- Limited Commercial and located within the Rheem Park Specific Plan (RPSP) Area; and

WHEREAS, the application includes a request to re-zone the property from Limited Commercial to Planned Development-10 DUA (10-PD-RP) to accommodate the proposed project density, uses and development standards, and to amend the Zoning Ordinance to reflect the proposed designation, consistent with the General Plan; and

WHEREAS, MMC Section 8.48.040 specifies development standards for single family planned developments at various densities, but does not include a PD-10 Land Use classification or minimum lot size; and

WHEREAS, State Law requires the General Plan to be internally consistent, and for the Zoning Ordinance to be consistent with the General Plan; and

WHEREAS, the proposed amendments would serve to clarify and make consistent various regulations of the Town with regard to permitted residential uses and densities in the Planned Development District; and

WHEREAS, on May 27, 2014, the Design Review Board, at a duly noticed public meeting, considered the proposed project and recommended that it be forwarded to the Planning Commission for consideration for approval; and

WHEREAS, on June 26, 2014, the Applicant submitted project revisions to the Town of Moraga including modifications to on-street parking and increased setbacks from Moraga Road; and

WHEREAS, public hearing notices were published and mailed to all property owners within 500 feet of the subject property on July 3, 2014; and

WHEREAS, on July 21, 2014 the Planning Commission held a public hearing to consider the applications, including the revised proposal submitted on June 26, 2014; and

WHEREAS, prior to approving the project, the Planning Commission considered the Via Moraga Initial Study / Mitigated Negative Declaration (IS/MND) dated May 2014 together with comments received during the public review process pursuant to Section 15074 of the CEQA Guidelines. The Planning Commission made findings and determinations to adopt the modified IS/MND as documented in Planning Commission Resolution 11-14; and

WHEREAS, the Planning Commission adopted Resolution 12-14 recommending the Town Council adopt the proposed amendments to MMC Chapter 8.48; and

WHEREAS, on September 10, 2014, the Town Council held a duly noticed public hearing to consider the proposed amendments, including testimony from the applicant and the public; and

WHEREAS, at the September 10, 2014 hearing, the Town Council adopted Resolution 69-2014, making finding pursuant to CEQA and readopting the Via Moraga Initial Study and Mitigated Negative Declaration, which addresses the proposed zoning amendment.

NOW, THEREFORE, the Town Council of the Town of Moraga hereby ordains as follows:

SECTION 1. The Town Council hereby finds that:

A. Town Council considered the proposed ordinance, took testimony from members of the public, and hereby finds that the ordinance is in compliance with the Moraga General Plan and that the ordinance is needed to conform with the Moraga General Plan, public convenience, general welfare, and good zoning practice because

the project introduces medium density residential into a commercial area, allowing convenient walking access to shopping and services. The project incorporates proposes direct pedestrian connections to the surrounding commercial area, including construction of a new pedestrian crossing.

B. The change proposed is consistent with the objectives, policies, general land uses and programs specific in the general plan and applicable specific plan because the Moraga General Plan designates the project site Rheem Park Specific Plan, which calls for a mixture of land uses that includes residential at ten units per acre (10 DUA). Residential land use will reinforce the area as a community focal point and activity center by bringing more people to the area. Rezoning for the project will be consistent with the intent of Policy LU3.2 that there should be a mix of residential and commercial uses in the Rheem Park area.

C. In the case of a general land use regulation, the change proposed is compatible with the uses authorized in, and regulations prescribed for, the land use district for which it is proposed because the proposed change of the zoning district map to PD allows for residential uses and permits flexible development standards. The proposed municipal code amendments will allow for development to occur that is compatible with the PD district and consistent with the General Plan 10 DUA land use designation. The character of the small infill site and desire for single family houses in Moraga requires creative site planning and flexible zoning regulations.

D. A community need is demonstrated for the change proposed because by constructing housing for which there is a demand in Moraga, the zoning would fill an unmet need. In addition, the residential land use would be located across from a retail commercial area, implementing the Moraga General Plan policies that call for a walkable community.

E. The environmental impacts of the proposed amendments were analyzed in the Via Moraga Initial Study and Mitigated Negative Declaration, adopted by the Town Council on September 10, 2010, and for which the Town Council adopted findings pursuant to CEQA in Resolution 69-2014.

SECTION 2. Subsections (A) and (B) of section 8.48.040 of Chapter 8.48, Planned Development of Title 8, Planning and Zoning of the Moraga Municipal Code are hereby amended in their entirety as follows:

“8.48.040 Development standards for single-family residential uses in planned development district.

- A. When the planned development district consists of single-family residential use, it shall be designated (depending upon the density applicable to it) either:
1. N-OS-PD;
1-PD;

3. 2-PD;
4. 3-PD;
5. 6-PD;
6. 10-PD-RP, as to the Rheem Park Specific Plan Area as defined in the General Plan.

B. Except as provided in subsection D of this section the minimum lot sizes shall be as designated on the following table:

Land Use Classification	Minimum Lot Size
N-OS-PD	40,000 sq. ft.
X-PD*	5, 10, 20 or more acres depending upon the development standards imposed under Section 8-3606
1-PD	30,000 sq. ft.
2-PD	20,000 sq. ft.
3-PD	10,000 sq. ft.
6-PD	10,000 sq. ft.**
10-PD-RP***	2,500 sq. ft.****

* Any Planned Development District

** Except for condominium development as provided in Section 8.32.060(C)

*** Applies to properties in the Rheem Park Specific Plan area only

**** For detached single-family residences

SECTION 3. Section 8.48.060 of Chapter 8.48, Planned Development of Title 8, Planning and Zoning of the Moraga Municipal Code is hereby amended in its entirety as follows:

“8.48.060 Development standards.

- A. The Planning Commission shall adopt development standards for the project including but not limited to area, coverage, density, building design and arrangement, setbacks, parking, circulation, access, lighting, fencing, landscaping and screening which the planning commission finds are most appropriate for the use or uses proposed and which are consistent with the General Plan and Town of Moraga Design Guidelines These standards shall be prescribed as a part of the development plan approval process.
- B. In adopting the development standards as provided in subsection A of this section, the authority to do so shall be used only so as to be consistent with the intent of the general plan to permit remaining land holdings to be

developed primarily as conventional detached single-family subdivisions.”

SECTION 4. The following rezoning and Zoning Map Amendments are enacted:

- Rezoning of a 1.95 acre parcel identified by Assessor Parcel Number 256-070-002 from the Limited Commercial (LC) to the Planned Development (PD) District; and
- Amendment of the zoning map described in Section 8.044.030 of the Municipal Code to reflect the above rezoning.

SECTION 5. The Town Council hereby declares that it would have passed this Ordinance, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 6. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Passed and adopted as an Ordinance of the Town of Moraga at a regular meeting thereof held on October 8, 2014 by the following vote:

AYES: Mayor Chew, Councilmembers Arth, Metcalf and Trotter
NOES: Vice Mayor Wykle
ABSENT: None
ABSTAIN: None

Ken Chew, Mayor

ATTEST:

Marty C. McInturf, Town Clerk