

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT relative to a Clarification of Q Condition appeal for the properties located at 862-870 Moraga Drive.

Recommendations for Council action:

1. FIND that the project is categorically exempt pursuant to Article III, Section 1, Class 32 and Class 4, Category 1 of the California Environmental Quality Act (CEQA) Guidelines.
2. ADOPT the FINDINGS of the Director of Planning as the Findings of the Council.
3. RESOLVE TO DENY THE APPEAL filed by Bruce D. Kuyper, David Daigle, Sheldon Berger, Andrea and Michael Mohr from the determination of the Director of Planning, and THEREBY APPROVE the Clarification of Q Condition No. 1 of Ordinance No. 165,958 allowing a multiple-family development to exceed the 32-foot height limitation by five feet for a total building height of 37 feet, for the properties located at 862-870 Moraga Drive.

Applicant: Pamela Day, Moraga Housing CO, LLC

Case No. DIR-2014-4936-CLQ

CEQA No. ENV-2014-4937-CE

Fiscal Impact Statement: None submitted by the Department of City Planning (DCP). Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

At a regular meeting held on December 13, 2016, the PLUM Committee considered an appeal for the properties located at 862-870 Moraga Drive. Staff from the DCP provided the Committee with background information. The Appellants (Mr. Kuyper, Mr. Daigle and Ms. Mohr) and the Applicant provided additional information to the Committee. A Representative from Council District Five expressed that in addition to the clarification of the Q Condition, the applicant agreed to certain voluntary conditions to address issues raised by the immediate neighbors, and that those conditions are only voluntary, not required. After an opportunity for public comment, the Committee recommended to deny the appeal and approve the clarification of the Q Condition. This matter is now submitted to the Council for consideration.

Respectfully Submitted,



PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
HUIZAR	YES
HARRIS-DAWSON	YES
CEDILLO	ABSENT
ENGLANDER	YES
PRICE	ABSENT

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-NOT OFFICIAL UNTIL COUNCIL ACTS-