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Commercial Planned Development zoning now available in Moraga

By Sophie Braccini

It just took a few months for staff, advisory groups, and the town council to agree on a new commercial set of rules that should make upgrading and redeveloping Moraga's shopping areas an easier and more predictable process. A few disagreements on permitted uses split the council members opinions on Oct. 15, but it did not stop the approval of the new zoning tool.

For years commercial property owners and business owners have complained of Moraga's very lengthy, costly and intricate process to make any change to a retail space in Moraga. It finally took Jay Kerner of U.S. Partners Realty, and his desire to improve his newly acquired portion of the Rheem Shopping Center to galvanize the energies that led to the approval of the creation of a new category in the municipal code: the planned development commercial - PD-C.

A PD-C is like creating a blue print for what an area of commercial property will look like. The property owner typically will make such an application. Once approved, the new PD-C will allow for changes within its boundaries with a simple administrative process to make sure that the change matches the blueprint.

Up until now, any change to a retail space would require a complete process with the necessity to meet a series of regulatory standards, or findings. The process was subjected to review by the Design Review Board, which meets once a month. Many business owners have found this process long and costly, with unpredictable results, the worst deterrent for anyone wanting to start a business in Moraga.

Now the process to get a PD-C approved may be a bit of a steep climb: the findings will have to be met at that level and it will have to be approved by the town council. But once approved, new businesses will have a list of criteria to follow to get an easy approval.

The new regulation lists what commercial use can be included in a PD-C and which ones should be excluded. Tobacco was first taken out, but the planning commission had agreed that a cigar lounge would be acceptable, a use that Kerner was said to be interested in considering for the Rheem Center. The council members debated the issue, some wanting to protect public health, while others said that it was not their prerogative to dictate what people should or should not do. The final decision was to ban all tobacco-related use.

Firearms commerce was similarly discussed by the council members. They decided that the topic would be better addressed when the town studies firearms ordinances later this year. A PD-C has to abide by all the town's rules, including those on firearms, if any is approved.

The PD-C regulation allows for space to be added - up to 15 percent of the total area - or demolished to accommodate a new business. The council members agreed to include regulations to protect the inside and outside of buildings with historic significance.

The minimum size of a PD-C is two acres, but smaller contiguous areas can be included in an existing PD-C at a later time. The mechanism applies only to commercial zones of the town, not the residential areas.

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