



Planning Commission

Staff Report

FOR COMMISSION ACTION
MARCH 5, 2012

384 Park Street

Use Permit #01-2012 to install a frozen yogurt store in a 1,625 square foot vacant retail commercial space at the Rheem Shopping Center.
(CC – Community Commercial, RHC)

I. Application Basics

A. Zoning Permits Required:

- Use Permit, under MMC Section 8.36.030-J. (Serving Food)
- Design Review, under MMC Section 8.88.110-B. (Lighted Signs) and MMC Section 8.132.040-A.4.

B. CEQA Determination: Categorically exempt pursuant to Section 15301 (a) & (g) of the CEQA Guidelines (Minor alterations of existing facilities and new copy on signs).

C. Parties Involved:

- Applicant May Lo, 50 Warfield Drive, Moraga, CA 94556
- Property Owner Kimco Realty Corp., 3333 New Hyde Park Road, Suite 100, New Hyde Park, NY, 11042

Figure 1: Vicinity Map

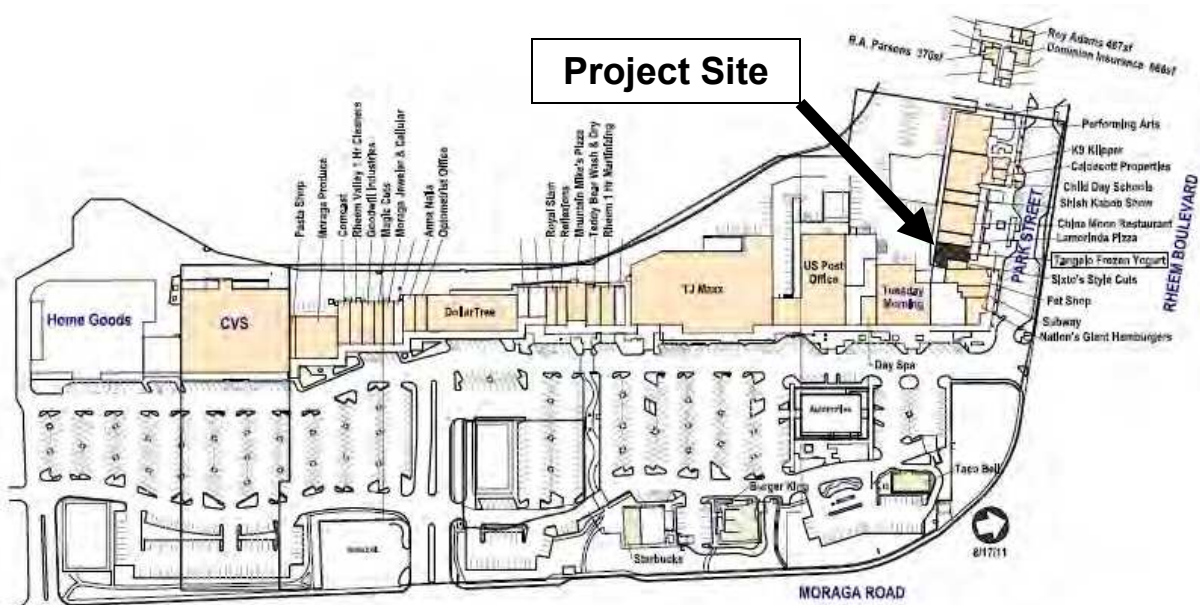


Figure 2: Floor Plan

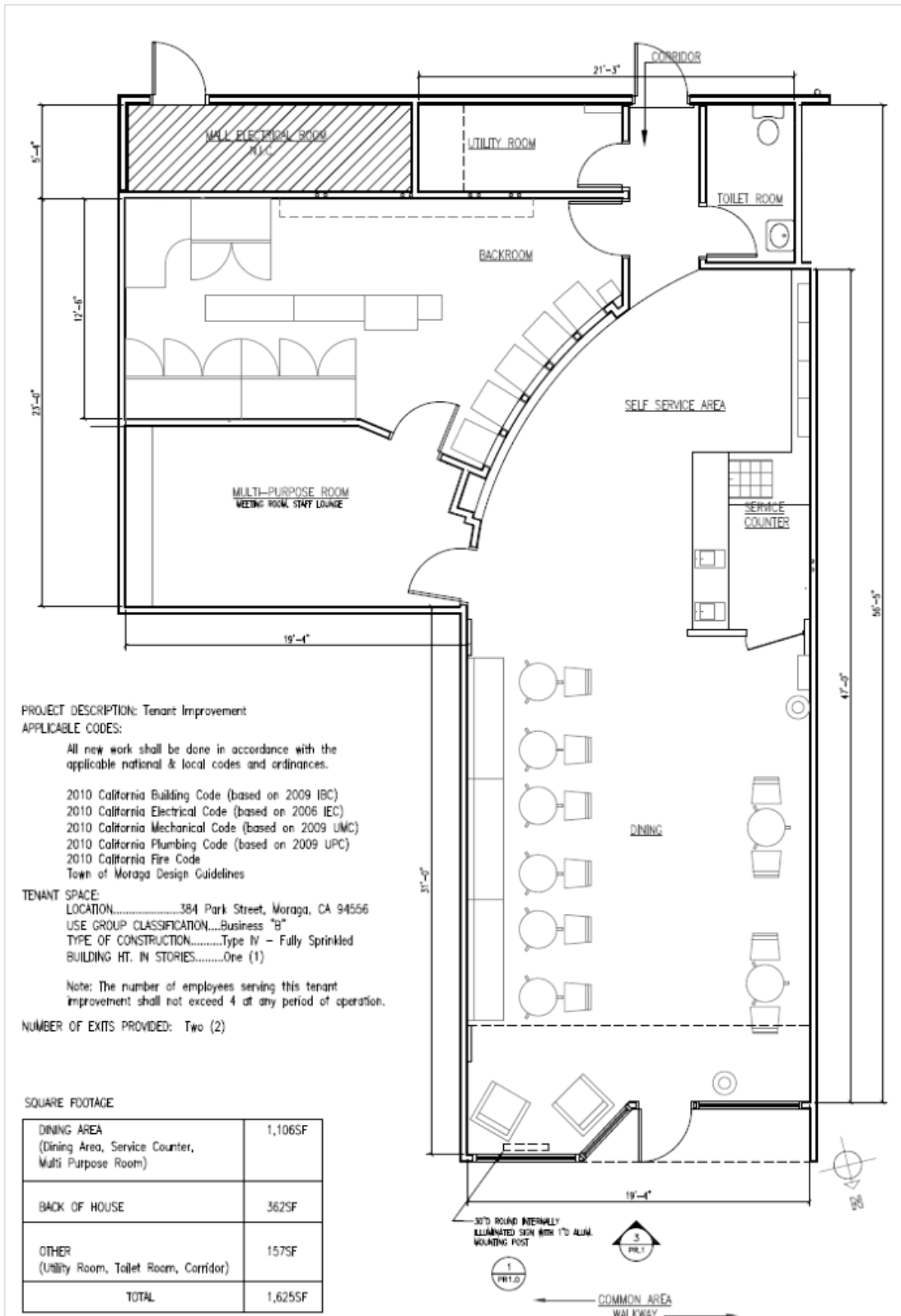


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant Retail Store (Previously "Curves")	CC – Community Commercial	Rheem Park Specific Plan Area
Surrounding Properties	North	24-Hour Fitness, Round Table Pizza, SMC Rheem Campus (Carroll Ranch Townhouses further north)	CC – Community Commercial (6-DUA further north)	Rheem Park Specific Plan Area (Residential 6 du/ac further north)
	South	Rear parking area and fenced play area for pre-school (hillside open space and multiple housing further south)	CC – Community Commercial (OS-M – Open Space-MOSO & 6-DUA further south)	Rheem Park Specific Plan Area (MOSO Open Space and Residential 6 du/ac further south)
	East	Sixto's Barber Shop, Pet supply Store, Subway and Nations Restaurants (Gas Stations further east)	CC – Community Commercial (LC – Limited Commercial further east)	Rheem Park Specific Plan Area including the east side of Moraga Road (Residential 6 du/ac further east)
	West	Lamorinda Pizza, China Moon and Shish Kabob Show Restaurants, Child Day Schools (Rheem Theater further west)	CC – Community Commercial (SO – Suburban Office further west)	Rheem Park Specific Plan Area (Residential 2 du/ac west of the specific plan area)

Figure 3: Zoning Map in Vicinity of Rheem Shopping Center

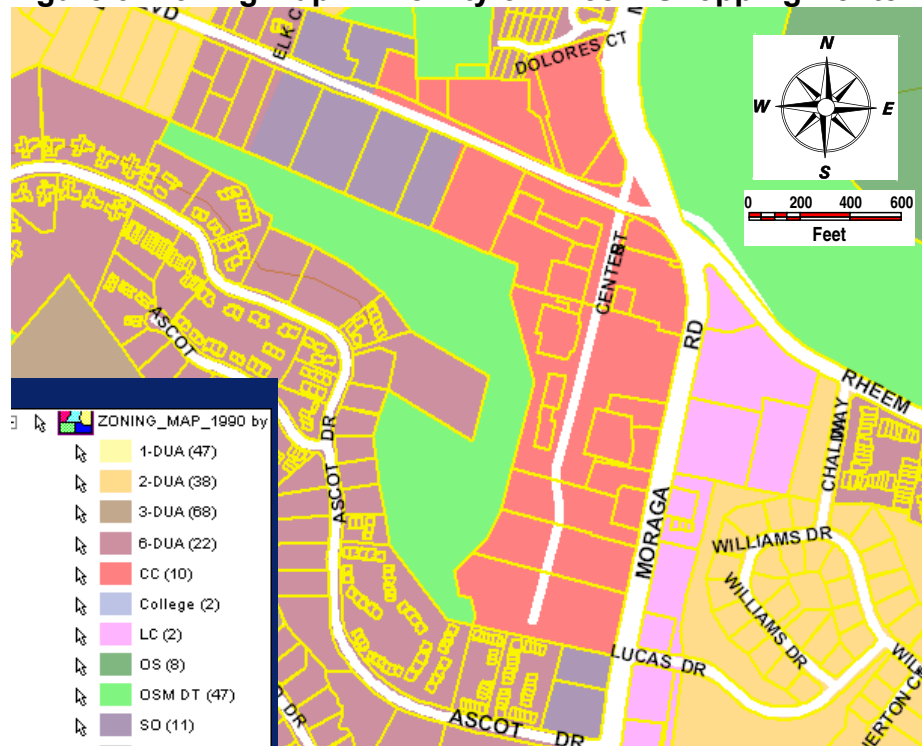


Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
MOSO	No	Property is not zoned Open Space
Slope/Geotechnical	No	Property has less than 10% slope
Scenic Corridor	Yes	Project site is within 500-feet of Rheem Boulevard and can be seen from the scenic corridor roadway
Alcohol Sales/Service	No	No alcoholic beverages will be sold
Lighted Signs	Yes	Application includes 'halo' indirect lighted sign on canopy beam and internally lighted sign in window

Table 3: Project Chronology

Date	Action
Feb. 7, 2012	Application submitted
Feb. 14, 2012	Application deemed complete
To be scheduled	DRB hearing
Feb. 21, 2012	Public hearing notices mailed/posted
March 5, 2012	PC hearing
April 14, 2012	PSA

Table 4: Development Standards

Standard MMC Section 8.36.040 and Chapter 8.76		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		17,859	None	No Change	10,000 sq.ft.
Gross Floor Area (sq. ft.)		1,625	None	No Change	Existing Building
Building Height	Maximum (ft.)	12-ft. 2-in.	No Change	No Change	35-ft.
	Stories	One	No Change	One	Two stories maximum
Building Setbacks (ft.)	Front	113-ft.	No Change	No Change	50-ft.
	Rear	94.5-ft.	No Change	No Change	Zero
	Left Side	0-ft.	No Change	No Change	Zero
	Right Side	0-ft.	No Change	No Change	Zero
Parking	Automobile	1,065	No Change	No Change	1,017 required unshared spaces 1,130 if all vacancies filled
	Bicycle	---	None	No Change	Not Specified in MMC

II. Project Setting

A. Neighborhood/Area Description:

The store location is not immediately adjacent to any residential areas. The closest residential structure is at 5 Dolores Court, which is approximately 607-feet northwest of the front of the store. The townhouses on the hillside above the Rheem Shopping Center at 1997 Ascot Drive are approximately 780-feet southwest of the rear of the store. The Child Care Center at 370-C and 372 Park Street has a fenced outdoor play area for the children. The play yard is about 90-feet from the proposed rear door at the frozen yogurt shop.

B. Site Conditions:

The proposed frozen yogurt shop would occupy an existing vacant retail commercial building previously occupied by "Curves for Women", which relocated to 594 Moraga Road. The front door of the store will be replaced with a new door, since the existing door is in need of repair. A new rear door will also be installed for access to the rear parking area.

C. Background:

A Baskin-Robbins Ice Cream Parlor was located at 560 Center Street in the Rheem Shopping Center for about 10 years. Loard's Ice Cream Parlor opened for business at 560 Center Street when Baskin-Robbins closed. In 2010, Loard's Ice Cream moved to the Moraga Shopping Center. At the present time there are no ice cream or frozen yogurt shops at the center.

III. Project Description

The total area of the store is 1,625 square feet. The dining area, service counter area and multi-purpose room will occupy 1,106 square feet of the total area, with the back of counter work area, utility room and public bathroom filling the remaining space. There will be 18 seats for customers. The application indicates that there will be 2 full time employees and 6 part-time employees, with a maximum of 4 employees working at the same time. The business hours on Sunday-Thursday will be from 10 A.M. to 9 P.M. and on Friday and Saturday from 9:30 A.M. to 10 P.M. The business will receive deliveries twice a week in the mornings. Proposed signage would include two lighted signs, a back-lighted "halo" type sign on the front canopy beam and an internally lighted sign behind the window.

IV. Community Discussion

A. Neighbor/Community Concerns:

The public hearing notice was mailed on February , and the Planning Department has not received any written correspondence regarding the application.

B. Committee Review:

Design Review Board approval will be required for approval of the lighted signs in accordance with the Sign Ordinance (MMC Section 8.88.110-B) and the Scenic Corridor Ordinance (MMC Section 8.132.040-A.4). A meeting date for the Design Review Board will be set after the use permit is approved.

V. Issues and Analysis

A. Key Issues:

1. Required Parking: Under MMC Section 8.76.090-I, restaurants are required to provide one off-street parking space for each three seats. The project plans for Tangelo show a total of 18 seats; therefore, 6 parking spaces are required. The parking at the Rheem Shopping Center is shared on a non-exclusive basis throughout the center. Staff has updated the parking allocation study for the Rheem Shopping Center and it is enclosed as **Attachment C**. The total available parking at the shopping center is 1,065 parking spaces and only 1,017 are currently required, including the 6 spaces for Tangelo. Due to existing vacancies, 15,148 square feet of commercial floor area is currently unoccupied. If the shopping center was fully rented to tenants, then an additional 61 parking spaces would be necessary based on one space for each 250 square feet.
2. Take Out Food: Customers would typically select a disposable container for the size of serving they want and then select a flavor of frozen yogurt and various toppings for the yogurt, if desired. The business is essentially a self-service type. While some of the patrons will enjoy their frozen yogurt inside the store at the available seats, others may take their containers of yogurt outside. The shopping center has trash receptacles at various places along the sidewalks in front of the stores. Some policing of the area may be necessary by the employees of the frozen yogurt shop to make sure that discarded containers do not accumulate and that the trash receptacle near the front of the store is emptied at sufficient intervals to prevent an over-flow of trash.
3. Multi-Purpose Room: The project plans show a multi-purpose room, which is also labeled as a meeting room and staff lounge. This room is about 190 square feet. If the room is to be used for private parties and available to customers of Tangelo's, then the number of seats available in the room should be added to the total number of seats for determination of the parking allocation.
4. Canopy Beam Sign: The proposed indirectly lighted 'halo' sign on the canopy beam conforms to the approved sign program for the Rheem Shopping Center. The sign would be similar to the sign for "Nations" at 400 Park Street. There is an alternative to the 'halo' illuminated sign. The sign program for the Rheem Shopping Center also allows 8-inch high non-illuminated gold letters on the canopy beam for the name of the business with 4-inch high white block letters below the business name for additional copy, such as "Frozen Yogurt".

5. Internally Illuminated Window Sign: The 2 ½ -foot diameter round sign proposed in the window does not conform to any of the standard signs approved for the Rheem shopping center. In the past, some lighted signs have been approved inside stores to help show customers that the store is open at night. In particular, such lighted signs have been considered when the store is set-back significantly from other stores and is less visible from the street. Generally, these lighted interior signs have been much smaller and they usually show the word "Open". The pictures below show the front of 384 Park Street from two different angles. The store front is setback 113 feet from Rheem Boulevard and about 40-feet back from the front of the Pet Shoppe that is adjacent to Park Street.



As the photo above shows, there is a raised planting area in front of the store which partially obscures the view of the store. Also note the bicycle rack at the right side of raised planter.

6. Covered Trash Dumpsters: The Rheem Shopping Center provides large covered dumpsters behind the stores. The C.3 stormwater guidelines that require trash dumpsters to be covered by roofs don't apply unless there is a building addition or new impervious surface coverage exceeding 10,000 square feet. However, if the owners of the Shopping Center or a tenant are cited for violations of the clean water regulations more than three times, the Regional Water Quality Control Board (RWQCB) can require the installation of roofs over the dumpsters. The RWQCB is primarily concerned with grease and fat from restaurants being washed by rain into the storm drains.
7. Exterior Colors: The applicant intends to paint the front of the store in colors similar to the Shish Kabob Show store at 376 Park Street. A color palette has been submitted and is enclosed as **Attachment D**. The front would be changed from a light beige tone to a "stone brown" color and the front entry door would be a burnt orange or terra cotta color.

B. General and Area Plan Consistency:

General Plan Policy Analysis: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU2.2–New Commercial Uses: Encourage new business and office uses that enhance existing uses, respond to local resident and business needs, employ local residents, and strengthen the character and attractiveness of the Town's commercial centers.

Staff Analysis: There are no other frozen dessert stores in the Rheem Shopping Center; therefore the new business will enhance the existing uses and offer some employment opportunities to local residents.

2. Policy LU2.3–Location of New Commercial Development: Locate new commercial developments in the vicinity of existing commercial areas (as designated on the General Plan Diagram and in the Moraga Center Area and Rheem Park Area Specific Plans), with appropriate review and evaluation of potential traffic impacts to ensure adequate street capacity.

Staff Analysis: The proposed use is within the existing Rheem Valley Shopping Center. Although the overall parking at the center is sufficient, the available parking along Park Street is more limited. Most patrons of the new frozen yogurt shop would probably be at the shopping center to visit other stores, restaurants or the movie theater. Tangelo's would not be expected to contribute to any significant increase in traffic to the shopping center.

3. Policy CD2.3–Commercial Centers as Community Places: Encourage design improvements at the Moraga Center and Rheem Park centers to create a stronger pedestrian orientation and support their role as community gathering spots and activity centers. Incorporate amenities such as plaza spaces, outdoor seating, shade, and landscaping to promote their use as social spaces.

Staff Analysis: Tangelo's will probably increase pedestrian activity at the Rheem Shopping Center as patrons walk to the store from other parts of the center. During the summer, some outdoor tables in the existing plaza area in front of the store could enhance this area as a community gathering spot.

4. Policy CD6.6–Rheem Park Area: Use the Rheem Park Area Specific Plan to create a community focal point and mixed-use activity center in the vicinity of the Rheem Park shopping center. Provide a land use and zoning plan, design theme and circulation system (traffic, pedestrian and bicycle) for the entire Rheem Park area, including the shopping center;

Staff Analysis: The second photo on page 7 shows an existing bicycle rack along one side of the raised planter in front of the store. There is also a bicycle rack at the Nation's Restaurant at 400 Park Street.

5. Policy PS3.8 and PS3.10–Fire Safety Devices in Buildings and Fire Protection Systems: 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. 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.

Staff Analysis: Prior to obtaining the building permit for the remodeling, the plans will need to be reviewed by the Moraga-Orinda Fire District.

6. Policy C3.3–Commercial Area Parking: Maintain sufficient, convenient, free parking within all commercial areas to accommodate actual and anticipated parking needs.

Staff Analysis: The study of available parking at the Rheem Shopping Center was updated to include all existing uses and is enclosed as **Attachment C**. The parking along Park Street on the north side of the shopping center is more limited than the parking on the east side along Center Street. The applicant will be installing a new door at the rear and employees will be encouraged to park at the rear parking area.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Planning Commission ADOPT Resolution No. #-2011 to APPROVE the use permit for Tangelo's Frozen Yogurt store at 384 Park Street in accordance with the required findings from MMC Section 8.12.120 and the conditions of approval listed in **Attachment A**.

Attachments:

- A. Draft Resolution for approval of the conditional use permit
- B. Project Plans, received February 7, 2012
- C. Rheem Valley Shopping Center Parking Allocation Study updated February 22, 2012
- D. Color Pallet for Tangelo's Frozen Yogurt Shop
- E. Area of Notice, Mailing List and Public Hearing
- F. Correspondence

Staff Planner: Richard Chamberlain, chamberlain@moraga.ca.us, (925) 888-7040

ATTACHMENT A

**DRAFT RESOLUTION FOR
APPROVAL OF THE
CONDITIONAL USE PERMIT**

5. The proposed use is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan *as listed below*:
6. The proposed use will not create a nuisance or enforcement problem within the neighborhood *because the location of the store is more than 600 feet from the nearest residence and the store employees will be required to keep the area outside the store clean of debris from the store.*
7. The proposed use will not encourage marginal development within the neighborhood *because the exterior of the existing building will not be changed except for the signage and the use is complimentary to the other existing uses at the shopping center.*
8. The proposed use will not create a demand for public services within the town beyond that of the ability of the town to meet in light of taxation and spending restraints imposed by law *because the opening of a new business in a vacant retail store will not create any demand for public services.*
9. The proposed use is consistent with the town's approved funding priorities *because the frozen yogurt store will have no impact on the town's budget.*

PART 2: FINDINGS NECESSARY FOR APPROVAL OF USES IN THE COMMUNITY COMMERCIAL DISTRICT UNDER MMC SECTION 8.36.020-B:

1. The use will not generate significant amounts of pedestrian and vehicular traffic that will foster the flow of traffic between the proposed use and uses across abutting streets *because the use is located within an existing shopping center, where the majority of patrons will be shopping within the center. Some customers may come from across Rheem Boulevard from 24-hour fitness, the Saint Mary's College Rheem Campus or the Chef Chao or Round Table Pizza restaurants; however, there is a signalized cross walk in close proximity to the location and the use would not be expected to cause any measurable increase in jay-walking across Rheem Boulevard.*
2. The use is compatible in land use and traffic characteristics and design with other uses directly affected by the proposed use *because the frozen yogurt shop will be complementary to the other businesses in the Rheem Shopping Center and it may attract customers to other businesses within the center.*
3. Any adverse characteristics of the use can be mitigated to the extent necessary to make the use compatible with neighboring uses *because employees of the frozen yogurt shop will periodically check the area near the store to make sure there is no accumulation of trash from take-out containers that may be improperly disposed of by customers of Tangelo's.*
4. The use will be within a building or space enclosed by approved fencing, landscaping, or other buildings *and there is an existing landscape planter in front of the store. If the applicant requests some outdoor tables during the summer months, such a request would conform to General Plan Policy CD2.3 and enhance the existing plaza adjacent to Park Street as a community meeting place.*
5. The use will not generate noise levels in excess of fifty-five (55) dba during the daytime hours or fifty (50) dba during the nighttime hours *because the use will be located within the existing building and all refrigeration equipment will be maintained at noise levels below the 50 dba standard.*

6. The use will not create an excessive public economic problem *because the Tangelo frozen yogurt store will add to the local sales tax revenue and will help contribute to the economic viability of the Rheem Valley Shopping Center by reducing the number of existing vacant spaces. The use will also contribute to the local economy by providing a source of full time employment for 2 employees and 6 part-time employees.*
7. The use will not generate glare, electrical interference, odor, vibration, brilliant light, dust, smoke, fumes, or have other characteristics that are otherwise offensive to the sense to the extent that there is interference with the development or enjoyment of other properties in the vicinity *because all equipment associated with the production and sale of the frozen yogurt will be contained within the inner recesses of the store. Depending upon the level of interior illumination, the proposed circular Tangelo sign in the window could generate brilliant light. The sign is subject to Design Review approval.*
8. The hours of operation will not foster conditions detrimental to the neighborhood or Town *because the proposed hours of operation, Friday and Saturday 9:30 A.M. to 10 P.M. and Sunday through Thursday 10 A.M. to 9 P.M., are similar to the hours of operation for other businesses in the shopping center and would not be detrimental to the neighborhood or town.*

PART 2: CONDITIONS OF APPROVAL:

1. Prior to the issuance of the building permit, the applicant shall obtain the approval of the Contra Costa Health Services Environmental Health Division.
2. Prior to the issuance of the building permit, the applicant shall obtain the approval of the Moraga-Orinda Fire District.
3. Prior to the issuance of the building permit, the plans shall be stamped by the Moraga Planning Department following confirmation that the required reviews under conditions 1 and 2 have been completed.
4. The tenant improvements shall comply with all relevant code requirements. Prior to the issuance of a permit, the Building Department and any other necessary agency shall review the proposed plans to confirm compliance with all relevant codes including but not limited to the California Building Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code and regulations regarding handicapped access.
5. Any building material used in connection with tenant improvements on the interior of the building that may be visible from the exterior of the building shall be coordinated with the overall color and architectural style of the building so that they complement one another and provide a coherent visual character.
6. Employees of Tangelo's shall periodically check the area in the vicinity of the store to clean up any frozen yogurt containers, napkins and other debris discarded by take-out customers in the plaza in front of the store and empty the trash container near the front of the store if it becomes too full. All storage of materials and sales displays shall be entirely within the building structure.

7. The hours of operation shall not exceed 9:30 A.M. to 10 P.M. on Friday and Saturday and 10 A.M. to 9 P.M. Sunday through Thursday. No deliveries shall be permitted between the hours of 7 P.M. to 7 A.M. daily. All deliveries of merchandise for the store shall be made at the rear of the building so as to not impede the flow of traffic within the shopping center.
8. All trash and recycling shall be accommodated at the rear of the building in the covered dumpsters provided by the Rheem Shopping Center management.
9. Prior to installation of any new signage, the applicant shall submit plans for the signs to the Town's Design Review Board for approval. Any additional signs shall conform to the Town's regulations as follows:
 - a. Window signs shall not exceed 20% of the area of the window on which they are placed in accordance with Moraga Municipal Code (MMC) Section 8.88.090.
 - b. In accordance with Town of Moraga Design Guideline CC3.5, decorative product type signs, such as neon signs, shall be located no closer to an exterior window or open doorway than 6 feet.
 - c. Exposed neon tubing, whether for signing or decoration, is not considered appropriate for Moraga and is discouraged under Design Guideline CC3.7.
10. The following types of signs are prohibited under MMC Sections 8.88.240-A.8 and 8.88.360:
 - a. Signs consisting of moving or rotating parts, flashing lights such as, but not limited to, search or flood lights;
 - b. Signs which are inflatable;
 - c. A sign which is dilapidated, in disrepair or unsightly;
 - d. A sign which is: (1) portable, such as an 'A-frame' sign; (2) attached to a fence; (3) painted on or attached to a vehicle which is parked for the purpose of advertising to the passing public; or (4) supported by exposed wires or cables.
 - e. A sign because of brilliant lighting, interferes with the comfortable or peaceful enjoyment of adjoining or surrounding property, or because of shape, design, intensity, color or reflected light, conflicts or interferes with traffic or public safety;
 - f. A sign that is flashing and/or animated.
11. In the event that any of the conditions of this approval are not satisfied, the Planning Department shall cause a noticed hearing to be set before the authorized agency to determine whether the Town of Moraga should revoke the approval.
12. Nothing in this approval shall authorize the applicant to intensify the authorized activity beyond that specifically described in the application or included in this approval.

PASSED AND ADOPTED by the Planning Commission of the Town of Moraga on March 5, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Stacia Levenfeld, Chair

ATTEST:

Shawna Brekke-Read, Planning Director

DRAFT

ATTACHMENT B

**PROJECT PLANS
RECEIVED FEBRUARY 7, 2012**

ATTACHMENT C

**RHEEM VALLEY SHOPPING
CENTER PARKING ALLOCATION
STUDY UPDATED
FEBRUARY 22, 2012**

RHEEM VALLEY SHOPPING CENTER PARKING ALLOCATION STUDY

Updated: February 22, 2012

STREET ADDRESS	NAME OF TENANT (FORMER TENANT)	FLOOR AREA (Square Feet)	SEATING CAPACITY	PARKING REQUIRED
MORAGA ROAD				
420	Taco Bell	1,680	40	14
430	Bank of America ATM Kiosk	48		0
470	Burger King (1 Parking Space Eliminated)	2,235	75	25
490	Vacant (Huntington Learning Center)			0
500	Starbucks	1,600	38	13
530	Moraga Motors (Not part of Center)			
580	CVS / Pharmacy	25,844		104
590	Home Goods Store (Bulky merchandise)	26,000		52
594	Curves and Luna Gymnastics	6,000		24
CENTER STREET				
432/436	Vacant (IKF Karate and Fitness)	3,132		0
440/444	Tuesday Morning (Antlett Cruises/US Bank)	8,411		34
450	Wonderful Spa	932		4
452	Vacant (Pacific Bagel)	2,083		0
452-C	Vacant (Dahn Yoga)	3,597		0
455	Rheem Valley Automotive (1.7 Spaces per 1000 sq.ft.)	7,000		12
454/460	United States Post Office	14,380		29
472	T.J. Maxx - Clothing Store (Including Expansion)	31,750		127
484	Indian Restaurant	1,280	18	6
492	Rheem One Hour Martinizing	1,528		4
496	Teddy Bear Coin Laundry	1,573		7
504	Mountain Mike's Pizza	3,630	124	42
508	Reflexion Skin Care and Hair Salon	1,036		5
512	Royal Siam (Thai Cuisine)	1,036	32	11
518	L Silhouettes Gift Shop	1,330		6
522/528	Moraga Art Gallery	3,120		13
542	Dollar Tree Store	8,868		36
535	Mycra Pac Women's Apparel	7,400		30
556	Moraga Optometry	1,200		5
558	Anna's Nails	1,200		5
560	Vacant	1,070		0
562	Moraga Jewelers	1,267		6
564	Magic Cuts	1,069		5
566	Goodwill industries	1,427		6
568	Rheem Valley Dry Cleaners	1,427		3
570	Private Office (Moraga Art Gallery)	1,480		6
572/576	Moraga Produce	4,900		20
578	Little Hearty Noodle Vietnamese Cuisine	700	9	3
584	All in the Cut - Haircuts	1,200		5
586	King Florist	1,200		5
588	Kumon Math - Reading Skills	1,200		5

STREET ADDRESS	NAME OF TENANT (FORMER TENANT)	FLOOR AREA (Square Feet)	SEATING CAPACITY	PARKING REQUIRED
PARK STREET				
348	Lisa Colhoun Hair Designs	261		2
350/352	Rheem Theater / Theater Offices	19,350	665	166
354	Tick Tock Store - Clock and Watch Repair	250		1
356	Kirin Sushi Japanese Restaurant	1,200	42	14
358	Alimentari Amoroma	880	9	3
360	Ristorante Amoroma	2,000	75	25
370 PARK GALLERY -- Ground Floor				
370-A	K-9 - Pet Grooming	486		2
370-B	Caldecott Properties Realtor	278		2
370-D	California Academy of Performing Arts - Sstudio C	1,472		6
370-E	California Academy of Performing Arts - Studios A & B	2,958		12
370-F & G	California Academy of Performing Arts - Studio D	1,300		5
370 PARK OFFICES -- Second Floor				
370 #1	Vacant Office	732		0
370 #3	Vacant Office	516		0
370 #4	Heather Schlachter	374		2
370 #5	Galliani	400		2
370 #6	RX America	328		2
370 #7A	Canspec Research	394		2
370 #7B	Patrick Rice	230		1
370 #8	Vacant Office	838		0
370 #9A	Yvonne Dix	239		1
370 #9B	Pat Cusick	370		2
370 #10	T.T.K. Associates	560		3
370 #11-12A	Dianna Treter Interiors	518		2
370 #12B	Western Consortium for Public Health	244		1
370 #14 & 15	Vacant Office (Center Trust Management Offices)	895		0
PARK STREET (Continued)				
370-C & 372	Child Care Center	3,939		8
376	Shish Kabob Show Restaurant	1,200	24	8
380	China Moon Chinese Restaurant	2,410	84	28
382	Lamorinda Pizza	1,117		5
384	Tangelo Frozen Yogurt	1,625	18	6
386	Sixto's Hair Designs	814		4
386-A	Vacant (The Leather Shop)	685		0
388	Rheem Valley Pet Shoppe	1,500		6
396	Subway Sandwiches	960	22	8
400	Nation's Hamburgers	1,272	47	16
EXISTING TOTALS		237,428	1,322	1,017
Total Parking Available				1,065
Total Required Parking (unshared spaces)				1,017
Difference				48
Total spaces required if all vacancies filled				1,130

ATTACHMENT D

**COLOR PALLET FOR TANGELO'S
FROZEN YOGURT SHOP**



Rheem Shopping Center
384 Park Street, Moraga



Exterior Storefront Color



Exterior Entry Door Color



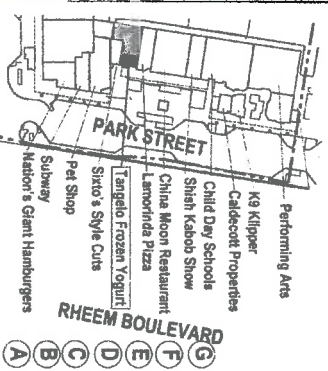
A



B



C



D



E



F



G

ATTACHMENT E

**AREA OF NOTICE,
MAILING LIST AND
PUBLIC HEARING**

**Mailed Public
Notice
February 21, 2012**

**384 Park Street
Tangelo Frozen
Yogurt Mailing List**

**Planning
Commission
Public Hearing**

APN	Name	Address	City & Zip
256450010	Richard C Johnson	521 MORAGA RD	MORAGA, CA 94556 2210
255160006	Allan A & Linda S Richardi	530 MORAGA RD	MORAGA, CA 94556 2211
256450009	Moraga Office Partners	101 HILLSIDE AVE	PIEDMONT, CA 94611 3904
255160036	Childrens Trust li Hover Trust	101 CHURCH ST, Apt.#12	LOS GATOS , CA 95030 6927
255471001	Roberto & Anna Fuenzalida Trust	2269 BROMFIELD CT	WALNUT CREEK , CA 94596 3222
256070030	Aaaaa Rent-a-space/moraga Ltd	4545 CROW CANYON PL	CASTRO VALLEY , CA 94552 4803
256070002	First Mgmt Co Inc	2533 N CARSON ST, Apt.#2607	CARSON CITY , NV 89706 0147
255471002	Yi Long & Cathy Chang	875A ISLAND DR, Apt.#128	ALAMEDA , CA 94502 6751
255472014	Mario A & Kozue Wong	2016 ASCOT DR, Apt.B-1	MORAGA, CA 94556 2277
256070032	Kn Productions Inc	4545 CROW CANYON PL	CASTRO VALLEY , CA 94552 4803
255472019	Barcelona Hoa	2016 ASCOT DR A-1	MORAGA , CA 94556 2278
255690008	Ricardo & Karla P Barajas	1996 ASCOT DR, Apt.A	MORAGA, CA 94556 1435
255690005	Shirley Gloria Solares Trust	2600 TICE CREEK DR	WALNUT CREEK, CA 94595 5279
255471003	M Taher & Parwin W Sarwary	PO BOX 1514	UNION CITY, CA 94587 6514
255690004	Sidney Roberts	1992 ASCOT DR, Apt.A	MORAGA, CA 94556 1434
255690001	Dolores Marie Labasco	1992 ASCOT DR, Apt.D	MORAGA, CA 94556 1434
255750001	Ronald David Howard Trust	1692 MATHESON RD	CONCORD , CA 94521
255471004	Allene E Mossman Trust	1817 YALE DR	ALAMEDA , CA 94501 1607
255750004	David M Oneill	1997 ASCOT DR, Apt.4	MORAGA, CA 94556 1416
255690009	Janice M Norberg	1996 ASCOT DR, Apt.#C	MORAGA , CA 94556 1435
255750002	James P Konkler	1997 ASCOT DR, Apt.2	MORAGA, CA 94556 1416
255750005	Roger W & Christine G Worsley	1997 ASCOT DR, Apt.5	MORAGA, CA 94556 1416
255750003	Diana Young Trust	1997 ASCOT DR, Apt.C	MORAGA, CA 94556 1416
255750006	Jeri Cohen Trust	PO BOX 6733	MORAGA , CA 94570 6733
255750007	Marilyn Kay Sardonis	1997 ASCOT DR, Apt.G	MORAGA, CA 94556 1416
255750008	Shun & Herching Ku Trust	10420 CASTINE AVE	CUPERTINO , CA 95014 1309
255750009	Madrid Ho Assn	PO BOX 6304	MORAGA , CA 94570 6304
255150020	Thomas F & Sally R Schubb	PO BOX 643	FORESTHILL , CA 95631 0643
255820047	Common Interest Mgmt	315 DIABLO RD, Apt.#221	DANVILLE, CA 94526
256070001	San Francisco /moraga Property	PO BOX 5728	CONCORD, CA 94524
255150009	Real Estate Services	PO BOX 24055	OAKLAND , CA 94623 1055
255471006	George Gage Trust	1441 BUSH ST	SAN FRANCISCO, CA 94109 5520
255471007	George Gage Trust	19 SPRING RD	ORINDA, CA 94563 3331
255150018	Haleh Amiri	61 CHILPANCINGO PKWY, Apt.#201	PLEASANT HILL, CA 94523 1300
255140053	Mahesh K & Minoo Puri	510 SOUTH RD	BELMONT , CA 94002 2227
255030022	Jeffrey O Hooper Trust	383 RHEEM BLVD	MORAGA, CA 94556 1541
255140052	Mahesh K & Minoo Puri	510 SOUTH RD	BELMONT , CA 94002 2227
255140046	Apte Robert & Evelyn Fam Prt	906 INDIAN ROCK AVE	BERKELEY , CA 94707 2010
255140017	Gertrud E Niederer Trust	270 GLORIETTA BLVD	ORINDA , CA 94563
255030016	Properties Kin Trust	185 NW SPANISH RIVER BLVD	BOCA RATON , FL 33431 4230
255030018	George S & Diana T Wu	6408 HORSEMANS CANYON DR	WALNUT CREEK , CA 94595 4309
255140048	Mons Cedercreutz	110 MESA AVE	PIEDMONT , CA 94611 3715
255030026	Real Estate Services	PO BOX 24055	OAKLAND , CA 94623 1055
255030019	Abbas Mashhadialireza	18 DEER OAKS DR	PLEASANTON , CA 94588 8235
255800001	Laurel Ann Waters	5 DOLORES CT	MORAGA, CA 94556 1574

255800003	Xiaoyuan Liu	1 SIERRA CT	MORAGA, CA 94556 2823
255800002	Robert F Giomi	7 DOLORES CT	MORAGA, CA 94556 1574
255020003	Moraga Town Of	2100 DONALD DR	MORAGA, CA 94556 1404
255800004	Lori J Krepismann	11 DOLORES CT	MORAGA, CA 94556 1574
255030013	Kristine L Chase	PO BOX 3554	MORAGA, CA 94575 3554
255020018	Scot K & Juli M Cunningham	657 AUGUSTA DR	MORAGA, CA 94556 1035
255800010	David A & Sylvia J Omoto	2 DOLORES CT	MORAGA, CA 94556 1573
255800008	Ardell E Childress Trust	6 DOLORES CT	MORAGA, CA 94556 1573
255800009	Carl W & Pamela A Walker Trust	2545 NW WESTOVER RD	PORTLAND, OR 97210 3146
255800007	Julissa Ochoa-kumar	8 DOLORES CT	MORAGA, CA 94556 1573
255800006	Robert D & Donna M Covert Trust	10 DOLORES CT	MORAGA, CA 94556 1573
255800005	Charles Pak Ok & Joyce Tse Trust	3948 CAMPOLINDO DR	MORAGA, CA 94556
255020017	Finance Department	2100 DONALD DR	MORAGA, CA 94556
255800088	Diane C Fuller Trust	31 FRANCISCA DR	MORAGA, CA 94556 1583
255800087	Robert G Jr Schwiars Trust	240 GREENWICH DR	PLEASANT HILL, CA 94523 3547
255800011	Laurine E Jones Trust	3 BENEDITA PL	MORAGA, CA 94556 1576
255800012	Jackson C H & Chin-yu Tsai Trust	72 SANDERS RANCH RD	MORAGA , CA 94556 2806
255800013	Saswata Mukherjee	7 BENEDITA PL	MORAGA, CA 94556 1576
255800086	Abdul & Sabrina Majzoub	27 FRANCISCA DR	MORAGA, CA 94556 1583
255800014	Harriett Ross Kantor	9 BENEDITA PL	MORAGA, CA 94556 1576
255800015	Jamshid & Umida Avloni	11 BENEDITA PL	MORAGA, CA 94556 1576
255800016	William C Curphey Trust	13 BENEDITA PL	MORAGA, CA 94556 1576
255800085	Haleh Amiri	PO BOX 5728	CONCORD, CA 94524 0728
255800084	Philip R Singer Trust	23 FRANCISCA DR	MORAGA, CA 94556 1583
255800083	Leon J Poupeney Trust	21 FRANCISCA DR	MORAGA, CA 94556 1583
255800024	Barry R & Theresa L Sims	2 BENEDITA PL	MORAGA, CA 94556 1575
255800023	Michael S & Lelia K Tokuyama	4 BENEDITA PL	MORAGA, CA 94556 1575
255800082	Harlan G Miller	215 FIELDCREST CT	DANVILLE , CA 94506 1413
255800022	Charles E & Barbara G Foge Trust	6 BENEDITA PL	MORAGA, CA 94556 1575
255800021	Shirley S Cellen	1714 COMSTOCK DR	WALNUT CREEK, CA 94595 2469
255800020	Eva Mourad	10 BENEDITA PL	MORAGA, CA 94556 1575
255800019	Matthew Dreyer	12 BENEDITA PL	MORAGA, CA 94556 1575
255800081	Peggy S Black	17 FRANCISCA DR	MORAGA, CA 94556 1583
255800018	Marc T & Janet W Thiry	14 BENEDITA PL	MORAGA, CA 94556 1575
255800017	Gene Louise Freeman Trust	16 BENEDITA PL	MORAGA, CA 94556 1575
255800025	Rick G Miller	1200 CLIFF DR	NEWPORT BEACH, CA 92663 5204
255800026	Helen Si-ng Leung	3 JOSEFA PL	MORAGA, CA 94556 1578
255800027	Mary Louise Frazier Trust	5 JOSEFA PL	MORAGA, CA 94556 1578
255800089	Homeowners Management Co	3478 BUSKIRK AVE, Apt.#342	PLEASANT HILL , CA 94523 4366
256030002	Rheem Valley Properties Llc	190 N WIGET LN, Apt.#101	WALNUT CREEK, CA 94598 2440
255030027	Anthony Murphy	518 TREMONT AVE	RICHMOND , CA 94801
255020019	Andrea C Wood Trust	40 HILLDALE CT	ORINDA, CA 94563 3927
255150015	Kimco Realty Corporation	3333 NEW HYDE PARK RD STE 100	NEW HYDE PARK, NY 11042
	May Lo	50 Warfield Drive	Moraga, CA 94556
	Kenneth Hughes	3620 Mt. Diablo Blvd. #320	Lafayette, CA 94549



PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

384 Park Street

Use Permit # 01-2012 to install a frozen yogurt store in a 1,625 square foot vacant retail commercial space at the Rheem Shopping Center.

The Planning Commission of the Town of Moraga will hold a public hearing on the above matter, pursuant to Moraga Municipal Code Sections 8.12.060-070, on **Monday, March 5, 2012** at the Moraga Library Community Meeting Room, 1500 St. Mary's Road (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT INFORMATION:

- 1,106 square feet of dining, service counter area and multi-purpose room
- 18 seats for customers
- Business hours Sun.-Thurs. 10 am to 9 pm / Fri. and Sat. 9:30 to 10 pm
- Tenant improvements include a new door at the back for the rear parking area
- Signage includes two lighted signs, a back-lighted 'halo' type sign on the front canopy beam and an internally lighted sign behind the window.

PERMITS REQUIRED:

- Use Permit for a conditional use under the Community Commercial zoning
- Design Review Approval of lighted signs

APPLICANT: May Lo, 50 Warfield Drive, Moraga, CA 94556

PROPERTY OWNER: Kimco Realty Corp., 3333 New Hyde Park Road, Suite 100, New Hyde Park, NY, 11042

ZONING DISTRICT: CC (Community Commercial)

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under Section 15301(a) and (g) of the California Environmental Quality Act (CEQA) Guidelines - Minor alterations of existing facilities and new copy on signs.

ATTACHMENTS: Vicinity map, project plans (some drawings not included to facilitate mailing; all drawings are available for public review; see 'Further Information' below).

PUBLIC COMMENT

Comments may be made verbally at the public hearing and in writing before the hearing. Those wishing to speak at the hearing must submit a speaker card by 7:15 p.m. The Commission may limit the time granted to each speaker. Written comments to the Commission are encouraged and should be directed to:

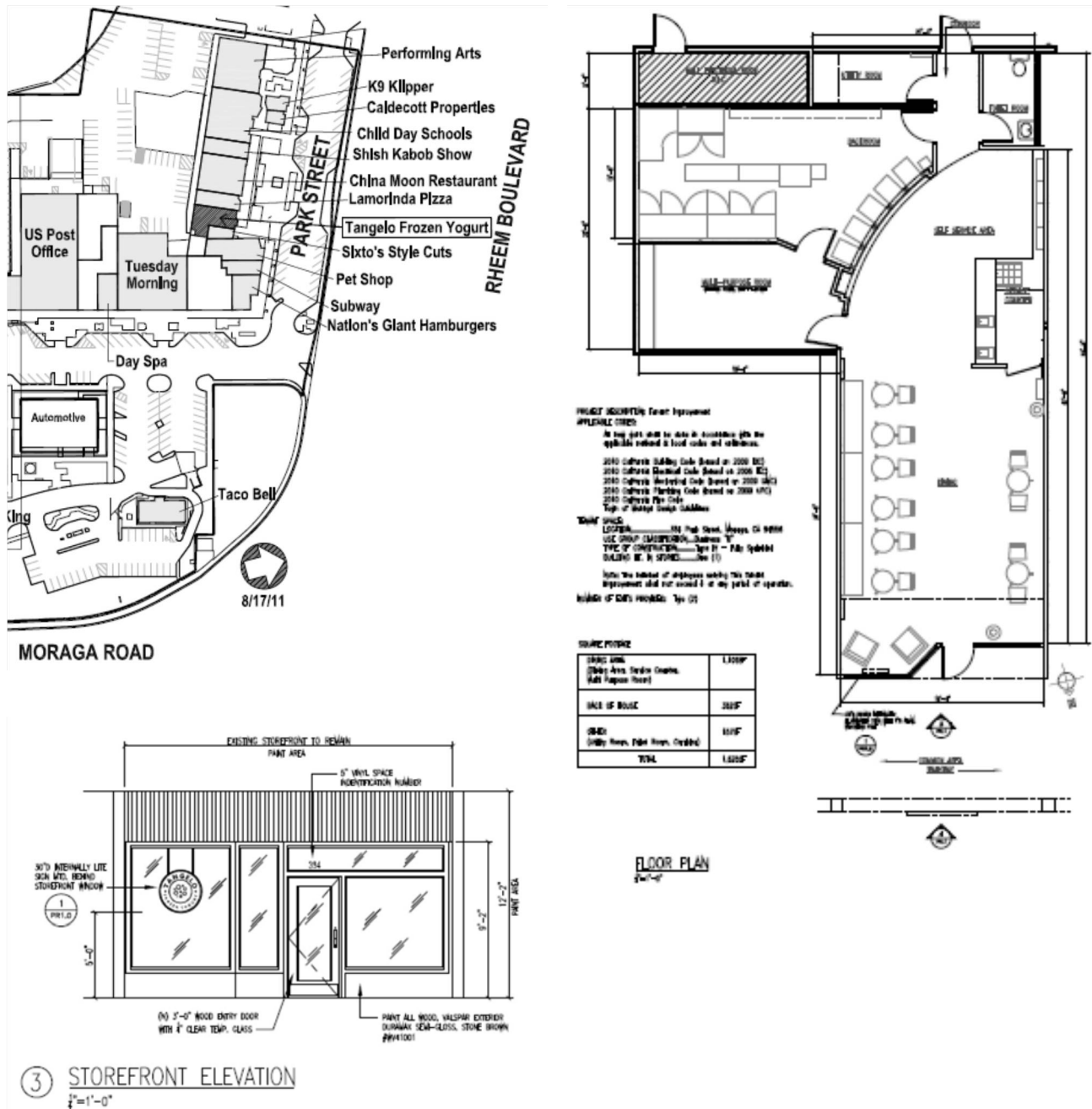
Planning Department
329 Rheem Boulevard
Moraga, CA 94556

Fax: (925) 376-5203
E-mail: planning@moraga.ca.us

To assure distribution to Commission members prior to the meeting, it is recommended to submit **correspondence by 12:00 noon, seven (7) days before the meeting**. 15 copies must be submitted of any correspondence with more than ten (10) pages or any item submitted less than seven days before the meeting.

FURTHER INFORMATION

Questions about the project should be directed to the project planner, Richard Chamberlain, at (925) 888-7040 or planning@moraga.ca.us. All project application materials, including full-size plans, may be viewed at the Planning Department, 329 Rheem Boulevard, during normal office hours.



ATTACHMENT F

CORRESPONDENCE

**NO WRITTEN CORRESPONDENCE
HAS BEEN RECEIVED AS OF
FEBRUARY 29, 2012.**

**ANY CORRESPONDENCE SUBMITTED
AFTER THE PACKET IS DELIVERED
WILL BE BROUGHT TO THE MEETING.**