VTM Conditions of Approval

Palos Colorados

Approval of the Vesting Tentative Map and Hillside Development Permit are subject to the conditions contained herein. New Vesting Tentative Subdivision Map conditions are indicated by the letters VTM. General Development Plan conditions are indicated by the letters GDP and a number such as GDP.1. – Conceptual Development Plan conditions are indicated by a Roman numeral and a number – Settlement Agreement General Development Plan Conditions are identified by the letters GDPSA and a number. Revisions to pre-VTM conditions are indicated by an R. Conditions of approval are organized by section in relation to time of

Condition	Description	Completion Date	Town Confirmation
Section C.	**Conditions to be confirmed in conjunction with the Precise Development Plan**		
C.VTM.37.	The Precise Development Plan Submittals shall demonstrate that the rooflines of homes on Lots 22 through 27, E, F, G and 29 do not protrude above the elevations of the existing skyline behind them as viewed from the platform of the Lafayette BART Station. The detailed Precise Development Plan and guidelines provide the means by which to eliminate potential visual impacts of the proposed residential structures as viewed from the platform of the Lafayette BART Station. In order to meet this requirement, each lot shall have a home elevation limit of one story and each home shall not exceed 19 feet or 25 feet in height from the approved subdivision lot grade to the highest point of the roofline, excepting chimneys in accordance with the Conditional Use Permit.	Corresponding PDP lot numbers are 16-25 and all lots are single story with height less than 25 feet. Photo composite, dated 7/30/08, submitted on 8/1/08	
C.GDP.2-R-VTM.	Prior to approval of the Precise Development Plan (PDP) and subsequent design review applications, the Applicant shall demonstrate compliance with the limitations on building height set forth in this condition. The maximum building height for General Development Plan Lots 13, 14, 15 and 16 shall be 19 feet provided that the elevation of the lots is between 706 and 712 feet. If the elevation of the lots is lowered, then the building height can increase equal to the lowering of the lots.	Submitted on 4/22/2008 Shown on PDP and Plan Prototypes Fit Matrix	
	The maximum building height for General Development Plan lot 83 shall be 19 feet provided that the elevation of the lot is 780 feet. If the elevation of the lot is lowered, then the building height can increase equal to the lowering of the lot.	Submitted on 4/22/2008 Shown on PDP and Plan Prototypes Fit Matrix	
	The maximum building height for General Development Plan lot 106 shall be 19 feet provided that the elevation of the lot is 748 feet. If the elevation of the lot is lowered, then the building height can increase equal to the lowering of the lot. At the design review stage, story poles shall be installed by the Applicant on lot 106 to evaluate visual impact from the Lafayette BART station. If the proposed residence is visible from the Lafayette BART station, modifications to the design shall be required to fully mitigate the visual impact or screening landscaping shall be installed to eliminate the impact.	Lot 106 story pole certification submitted on 8/1/08	
	The maximum building height for lots 22, 23, F and G shall be 19 feet (one story) unless it can be demonstrated that a higher building (up to a maximum of 25 feet) is not visible from the Lafayette BART Station Platform.	Submitted on 4/22/2008 Shown on PDP and Plan Prototypes Fit Matrix	
C.VTM.38.	Prior to approval of the PDP, The Applicant or its successors shall provide a plan for the implementation of and verification of implementation of the Conditions of Approval	Submitted on 8/8/08	
C.X.2.	Prior to approval of the Precise Development Plan, the Applicant identify a 100-foot setback from the edge of the PG&E power line easement to residential structures on all lots adjacent to the easement, unless a smaller setback is approved by the Planning Commission following review of the Precise Development Plan lot configuration and suggested building footprints for the affected lots. The Planning Commission shall review scientific information relating to EMF's in the future as it becomes available.	4/22/2008 Shown on the architectural site plan	

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C.X.1-R.VTM.	The Applicant shall create a resident/tenant disclosure statement acceptable to the Town that shall be distributed to all prospective buyers/leasers for the lots located adjacent to the transmission line easement within the proposed development. The statement shall present information on the potential health risks associated with Electro Magnetic Fields EMF emanating from high voltage power lines. The Applicant shall submit the proposed resident/tenant disclosure statement to the Town in conjunction with the Precise Development Plan application. Prior to issuance of the certificate of occupancy for each lot adjacent to the transmission line easement, the Project Applicant shall provide the Town of Moraga with a copy of this disclosure statement. Prior to occupancy, the Applicant shall provide evidence to the Town that the disclosure statement was provided to the buyers/leasers. (Mitigation Measure for IMPACT 4.11-1, part (b))	Submitted on 4/22/2008	
C.X.3.	The Applicant shall submit, in conjunction with the Precise Development Plan application, a deed notification regarding the potential effects of Electro-Magnetic Fields (EMFs) for all lots adjacent to the PG&E power line easement. The Town shall approve the language of the notifications listed in the deeds.	Submitted on 4/22/2008	
C.VTM.39.	Minor adjustments in the grading plan, lot lines, design of the rear yard improvements and design of the landscaping for Lots 37-47 and H shall be undertaken during consideration of the Precise Development Plan Submittals, in order to address the visibility, if any, of the rear portions of those lots from off-site locations. The submittal of the Vesting Tentative Map has demonstrated that the lot arrangement has effectively blocked view of the rear yards from off-site locations by intervening high ground, lot relocation and lot pad elevation lowering. Should it be determined in the future that revisions to grading or rearrangement of lot placement brings the lot rear yards into view from off-site, adjustment in the grading plan or lot lines shall be undertaken.	4/22/2008 Shown on the grading plans	
C.XI.4.	The Applicant shall submit plans for fencing between the Park and Ride lot and Moraga Road for review and approval by the Design Review Board.	Originally submitted on 4/22/2008 and updated drawing submitted on 6/10/2008	
C.VTM.40.	Upon submittal of an application for the Precise Development Plan, the Applicant shall provide evidence in accordance with Government Code Section 66426 of opportunities within the subdivision for passive or natural heating or cooling to the extent feasible. Examples of passive or natural heating opportunities in the subdivision, include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure. Examples of passive or natural cooling opportunities in the subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes. In providing for future passive or natural heating or cooling opportunities in the design of the subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and that provision shall not result in reducing allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map is filed. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.	Design Guidelines submitted on 8/8/08 Memo on "Passive or Natural Cooling & Heating Opportunities" submitted on 1/6/2009.	
C.VTM.41.	Prior to the approval of the Precise Development Plan, the Applicant shall obtain approval from the Fire District of the hydrant location proposed at that time.	See letter from MOFD dated Jan 22, 2008	
C.VTM.42.	The Precise Development Plan Submittals shall include a report from the Project G.E. with recommendations for structural setbacks from tops and toes of large cut slopes and fill. The report shall include recommendations for structural setbacks from the top of creek bank or drainage swales adjacent to building sites. The report will be subject to peer review and approval by the T.G.C. and Town Engineer. The minimum structural setback shall be no less than the requirement of the UBC and Town Grading Ordinance. (Conceptual Development Plan Condition of Approval #VI.17)	Project geotechnical report dated 4/21/08,submitted on 4/22/08. Letter report dated 5/30/08, submitted on 8/8/08	

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C.V.8.	The Applicant shall at the time of the submittal of the Precise Development Plan, submit an Open Space Management Plan which will include plans that demonstrates how fire risk will be kept at reasonable levels in open space areas. The plan shall be subject to approval by the Moraga Fire Protection District (or successor district thereto). The plan shall identify weed abatement and control, maintenance intervals and responsibility, restrictions on vehicle access, and long-term risk management. The plan may include the designation of areas to be cultivated regularly and establishment of irrigated landscaping using fire resistant species. The fire protection plan must also comply with mitigation measures regarding erosion control, biotechnical slope stabilization and preservation of woodland and riparian vegetation. (Mitigation measure for IMPACT 4.7-3, parts (d and e))	Fire Protection Plan, titled "Wildfire Hazard Assessment & Plan", submitted on 5/19/08 and updated plan submitted on 7/15/08	
C.VTM.42. Hydrology	The design of the detention basin and other drainage facilities shall be provided with a Precise Development Plan Hydrology Report, prepared by a Registered Professional Engineer and filed with the Precise Development Plan Submittals. The Precise Development Plan Hydrology Report shall confirm that the storm water detention facilities as designed meet the standards and requirements of these Conditions of Approval and the General Development Plan Hydrology Report. The Lafayette City Engineer shall be provided with copies of the Precise Development Plan Hydrology Report, including the design of the detention basin and other detention facilities and improvements, for concurrent review and comment. The Precise Development Plan Hydrology Report shall be based on the same study point for the Las Trampas Creek drainage basin as the General Development Plan Hydrology Report. It shall also use the same hydrological program for determining runoff rates as the earlier report. The Precise Development Plan Hydrology Report shall confirm that the design of on-site detention and other drainage facilities is such that the existing (historic) end of Woodford Drive during the 100-year-return storm event is not exceeded. Alternatively, any increase at these two locations may be offset with corresponding increased detention of peak flows into Las Trampas Creek from Coyote Gulch. The Precise Development Plan Hydrology Report shall be reviewed and approved by the Town Engineer.	Hydrology Report, titled "Stormwater Flow Modeling Report", dated June 2008, submitted on 6/9/08. Submitted to Lafayette City Engineer on 11/18/2008	
C.VTM.43.	The site plan and planting plan for the pocket park shall be reviewed by the Design Review Board and Park and Recreation Commission who shall make recommendations to the Planning Commission as part of the Precise Development Plan review and approval process.	Park and Recreation Commission approved on 6/17/08. Design Review Board approved on 6/23/08	
C.VIII.9-R-VTM.	This condition is modified to consolidate all Stormwater Management Plan GDP Conditions into one conditions to eliminate duplication and contradiction of requirements and includes the provisions of GDP COA's B.VII.15, C.VII.10, C.VII.9, C.VII.14. The Applicant shall submit a Stormwater Management Plan in compliance with the Town Stormwater Management and Discharge Control Ordinance, and the Plan and design of detention facilities and other treatment devices shall be subject to review and approval of the Town Engineer.	Stormwater Control Plan, dated June 2008, submitted on 6/9/08	
	The Stormwater Management Plan to reduce long-term surface water quality impacts will include yearly cleaning of sediment basins and or detention ponds, or other treatment devices as necessary with off-site disposal of sediments. The Applicant shall also develop an operation and maintenance plan and supporting financial mechanism to be approved by the Town of Moraga that ensures the long-terms implementation of the program. (Mitigation Measure for IMPACT 4.3-4, part (c))	Preliminary Stormwater Control Operation & Maintenance Plan (OMP), dated July 2008, submitted on 7/15/08	
	The Applicant shall at the time of the submittal of the Precise Development Plan, develop a Best Management Practices (BMP) program including a surface water pollution control, plan (i.e. street sweeping, storm drain cleaning) and shall to monitor baseline water quality and the effectiveness of the detention basin facilities and other storm water control facilities and improvements. The program shall be reviewed and approved by the Town of Moraga. At a minimum, two water quality sampling locations will be designated: one at the top of Coyote Creek, and one at the outlet of Laguna Creek. The list of constituents to be monitored will be reviewed and approved by the Town of Moraga. The program shall also provide for the long-term funding of the water quality sampling. (Mitigation Measure for IMPACT 4.3-4, part (g))	BMP program dated September 2008 submitted on 11/19/2008	

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	The Final Drainage Calculations shall demonstrate how the Project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding facilities, will allow building pads to be safe from inundation from storm water runoff which may be expected from all storms up to and including the 100-year storm event. The Drainage Plan shall be prepared by a Registered Professional Engineer and shall use HEC-1 methodology. Storm drain improvements shall be designed to comply with the more restrictive of the applicable requirements of the Contra Costa City/County Joint NPDES Permit or the Settlement Agreement. *(Mitigation Measure for IMPACT 4.3-1, part (a)) (also see Conceptual Development Plan Condition of Approval #VII.1)* *Compliance with this condition will be confirmed prior to approval of the Precise Development Plan .*	Stormwater Flow Modeling Report dated June 2008 submitted on 6/9/08	
C.VTM.44.	Prior to approval of the Precise Development Plan, the Applicant shall submit engineering plan at the same level of detail required for the final map.	The engineering plans are shown on the grading and improvement plans and submitted on 4/28/08	
	Prior to approval of the Precise Development Plan, the Applicant shall submit a plan for semi-custom residential and common area landscaping. Landscaping for custom residences shall be reviewed and approved by the Design Review Board upon consideration of the Design Review application for the custom residence.	Common area landscaping plans and semi-custom residential landscaping plans submitted on 4/22/08.	