TOWN OF MORAGA
PLANNING COMMISSION STAFF REPORT

DATE: January 27, 2009 for the February 2, 2009 MEETING

ITEM: VII.A.

SUBJECT: **PRECISE DEVELOPMENT PLAN FOR THE PALOS COLORADOS PROJECT SUBDIVISION 8378 Richfield Investment Corporation (Applicant), Bigbury Company (Owner). Consideration and approval of the Precise Development Plan for the 123-lot Palos Colorados residential development project. The project is located on a 460-acre site with access from the east side of Moraga Road and 600-feet feet south of Sky-Hi Drive adjacent to the City of Lafayette. The Precise Development Plan is the third step in the three step process for approval of a planned development in the Town of Moraga. On May 7, 2007, the Planning Commission approved the Vesting Tentative Subdivision Map and Hillside Development Permit for the Palos Colorados project. The property is zoned 1-DUA (One Dwelling Unit per Acre) and OS-M (Open Space- MOSO). APNs: 256-370-004, 005, 006, 007 and 008.**

REQUESTED ACTION:

Consider the attached draft resolution conditionally approving the Precise Development Plan.

BACKGROUND:

Moraga Municipal Code Section 8.48.030 establishes the requirement for planned developments in Moraga. The required processing for these projects is outlined in Moraga Municipal Code Section 8.48.080. The final step in the planned development process is the precise development plan. The requirements for approval of a precise development plan are specified in Moraga Municipal Code Section 8.48.120.

On February 5, 2007, the Planning Commission approved the general development plan for the Palos Colorados project. Shortly thereafter, the Planning Commission approved a Vesting Tentative Subdivision Map and the Hillside Development Permit for the project. Included in the Vesting Tentative Subdivision Map (VTM) approval were numerous conditions of approval. These conditions are to be satisfied at various times throughout the completion of the project including the precise development plan stage.

This following section of this report addresses the conditions of approval from the VTM (including the earlier settlement agreements) that are required to be addressed at the precise development plan stage and on-going conditions that are currently proposed to be satisfied.

CONDITIONS OF APPROVAL (to be address at the PDP stage of development):

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.

See EXHIBIT A.

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. 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. 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. 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.

See EXHIBIT A.

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

An excel spreadsheet has been provided. A copy is attached as EXHIBIT B.

C.X.2. Prior to approval of the Precise Development Plan, the Applicant shall 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.

The applicant has identified the 100-foot setback. See PDP sheets 3,4, and 5.

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))

The required statement has been submitted to the Town. See EXHIBIT C.

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.

The deed notification has been submitted to the Town. The Town Attorney has requested a revision to the deed notification. Town Attorney approval of the revised notification is required prior to approval of the PDP. It is expected that this matter will be resolved prior to the public hearing.

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.

If it is determined in the future that revisions are required adjustments shall be undertaken.

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.

The Design Review Board approved the design of the fencing on June 23, 2008. See EXHIBIT D.

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.

The applicant has provided evidence of opportunities for passive heating and cooling. See EXHIBIT E.

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.

The Fire District reviewed the preliminary hydrant locations on January 22, 2008 and will review the final locations as part of the final map approval process. (See EXHIBIT F)

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)

The proposed setbacks have been reviewed by the Town's consultant. Additional information regarding ascending slopes is required to fully comply with this condition. It is expected that this issue will be resolved prior to the public hearing. (See EXHIBIT G)

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 District approval received. See EXHBIT H.

C.VTM.42 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.

The report has been approved by the Town Engineer

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.

The plans have been reviewed and recommended for approval. See EXHIBIT I.

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.

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))

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))

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)*

The consulting Town Engineer has confirmed compliance with this condition of approval.

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. 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. Landscape concepts for semi-custom residences shall be included in the design guidelines for the Precise Development Plan. The design guidelines shall also include design concepts for semi-custom residences including conceptual floor plans and exterior elevation. Finally, the Precise Development Plan submittals shall include the building pad for each lot as an indication

of the functional use area of the lot but driveway and walkway locations are not required for purposes of the Precise Development Plan.

The required plans have been submitted.

ON-GOING CONDITIONS OF APPROVAL that are addressed in the PDP submittals:

A.VTM.11 Design Review approval for each custom residence shall be obtained prior to issuance of a building permit for the proposed residence. Plans for semi-custom residences may be submitted for a building permit without Design Review Board approval following a determination by the Planning Director that the proposed design is consistent with the Precise Development Plan approval for the Project. A custom residence is a residence of unique design that may be located on any lot. A semi-custom residence is a residence on a single family residential lot that is not subject to a view, scenic or conservation easement. A semi-custom residence is one that follows architectural guidelines as approved as part of the Precise Development Plan including a range of architectural styles, elevations, floor plans, landscaping, colors, and building materials.

The semi-custom residential designs have been included in the PDP submittals.

A.VTM.12 In accordance with the 1999 Settlement Agreement, house sizes for primary residences shall generally range from 2,800 square feet to 4,500 square feet. In addition to these primary residences, the Applicant may submit plans for secondary living units in accordance with Moraga Municipal Code Section 8.124. Secondary living units may provide a maximum by 750 square feet of living area in addition to the area of the primary residence.

Using the state law regarding density bonuses as a guideline, the applicant has proposed 30 secondary living units as part of the precise development plan. This proposal is consistent with prior approvals and state law.

A.VTM.16 To conserve natural resources, increase energy efficiency, and improve indoor air quality, the Applicant or its successor shall use reasonable efforts as determined by the Town to employ "Green Building" practices in the design and construction of the Project.

As proposed the project design is eligible for "Build-it-Green" points as follows:

Category	Description	Comments	Points
Develop Infill Sites	Infill development reduces pressure to develop greenfields such as open space and farmland by reclaiming abandoned and underutilized sites and buildings	The Palos Colorados project is not an infill site.	0
Cluster Homes and Keep Size in Check	Cluster Homes for Land Preservation	Homes are clustered on the site	2
	Conserve resources by Increasing Density	Second Units help to increase density without consuming land	2
	Design Homes for Reasonable Size	Some of the homes are large in size	0
Subdivision Layout and Orientation	Keeping streets narrow will make them easier to shade by trees and will contribute to traffic calming and improve safety	The street designs are narrow	2
Design for Walking and Bicycling	Provide Pedestrian Access to Neighborhood Service	The project does not provide pedestrian access to commercial areas	0
	Include Pedestrian Pathways that connect to recreation	Pathways provide access to trails and the project pocket park	2
	Design Traffic-Calming Elements to Encourage Walking and Bicycling	Travel lanes are 10 feet wide and a bicycle / pedestrian trail is incorporated in the project design	2
Design for Safety and Social Gathering	Creating a sense of community in residential areas results in safer and more inviting living.	The clustered mailbox design creates an opportunity for people to get to know one another, socialize and watch out for one another.	2
Design for Diverse Households	Consider providing a full-function, independent unit that would allow extended family members to reside at home yet maintain independence.	Secondary Living Units provide full-functioning independent living units.	2
			14 points total

RECOMMENDATION:

As of the date of this report, it is expected that all conditions of approval will be satisfied prior to the Planning Commission hearing. However, at this time staff is awaiting refined language on the EMF disclosure statement and identification of setbacks for ascending slopes. The draft resolution assumes that these issues will be resolved prior to the hearing.

RECOMMENDED PROCEDURES FOR THE MEETING:

Staff recommends that the Planning Commission:

1. Hear the introduction from staff;
2. Receive a presentation from the applicant;
3. Ask questions of the applicant;
4. Receive public testimony;
5. Close the public portion of the meeting;
6. Consider the attached draft resolution.

ATTACHMENTS:

EXHIBIT A - Correspondence regarding visual impacts
EXHIBIT B - Condition of Approval Spreadsheet
EXHIBIT C - EMF disclosure
EXHIBIT D - Design Review Board meeting minutes
EXHIBIT E - Solar opportunities information
EXHIBIT F - Hydrant location approval
EXHIBIT G - Structural setback information
EXHIBIT H - Wildfire Hazard Plan approval
EXHIBIT I - Park and Recreation Commission meeting minutes
EXHIBIT J - Draft resolution
EXHIBIT K - Plans
EXHIBIT L - Design Guidelines

Prepared by: Lori Salamack, Planning Director