Ms. Salamack reiterated that anything in Section 3 that was undesirable or unacceptable to the DRB should be revised to be acceptable to the Town.

Commissioner Hays verified that the building cells would still be governed by setbacks.

Commissioner Whitley referred to the fit matrix and the maximum allowable floor area and range of house size to appropriateness of the lot. He verified with Ms. Salamack that the maximum allowable floor area was not being applied for anything over 20,000 square feet because the Town's FAR guidelines did not apply in that case. He also verified with Ms. Salamack that there was nothing to prohibit the Town from applying the FAR for lots over 20,000 square feet in this case. To address the concern for houses that may be too big for a lot or too big in proportion to other houses, he sought an appropriate FAR for lot sizes over 20,000 square feet.

Ms. Salamack urged caution in that where the lot ended was not always identifiable. She noted that many of the lots backed up to open space and could have been larger. As a result, she stated it could become arbitrary.

Chairperson Goglia suggested that with lots that had been established there should be a fair and reasonable way to place proportional bounds on the houses. She suggested that should be explored.

Ms. Salamack reported that in the FAR Guidelines lots of 20,000 square feet would have a factor of .230 and the maximum residence size would be 4,600 square feet. For each 200 square foot increase in lot area the factor would decrease by .002 of a percent. She clarified that staff had the technical ability to calculate the FAR if the table were to be extended to 20,000 square foot lots.

Ms. Guerra advised that the applicant was willing to limit the size of the residences to 4,500 square feet for all the lots if that made the plan more acceptable to the joint body, provided that the $500,000 was not included. She stated that the $500,000 had been requested by the Town Council as part of the 2007 Settlement Agreement negotiations and conditions.

Commissioner Whitley requested that the information on an extended FAR table be provided.

There were comments with respect to the inclusion of the garage space in the home sizes for the purposes of the extended FAR table.

With respect to the secondary living units, Chairperson Goglia suggested that those units appeared to be given a density bonus.

Ms. Salamack explained that at 30 secondary dwelling units, the applicant had proposed what the number of units would be if considered a density bonus. Under State law, if providing a certain percentage of a project with affordable dwelling units, the density of the project could be increased by 25 percent, which would result in the 30 units. If providing affordable units, the density of the project for the dwelling units that were not limited by affordability. She stated that while that did not apply directly it was thought that 25 percent of the total number of units was a reasonable number.

Ms. Salamack explained that had come from the fact that the Town had to make a finding as part of the VTM that the project was consistent with the Town General Plan. There were requirements in the General Plan for a range of housing options and housing affordability. The Town had identified that it would be consistent if secondary units were provided.

In further response to the Chair, Ms. Salamack explained that the secondary units were on lots greater than 20,000 square feet in area. As to how the affordability of those units would be tracked, she stated that the Town did not have a mechanism to do that. In some communities, there might be a residential license to do that which would allow tracking. She stated that the Town did not have that or any other reporting requirement.

With respect to the certification of the Town's Housing Element and the Town's compliance with State Housing Law, Ms. Salamack reported that the Town would be required to plan for the housing, to not have constraints on the development of the housing, but was not required to see that housing constructed. She stated that the State Department of Housing and Community Development (HCD) had allowed surveys in the past of market rate units in the community so that if there were other units of the same size and quality the rental of those units could be considered to be comparable. While the Town could argue for a Moderate Income Household category in that case, she suggested it was doubtful those units could be accepted as Very Low Income Household Units by HCD.

It was because of the Housing Element that the secondary living units were being encouraged. Ms. Salamack added that the Town could not require that secondary living units be rented out. Thirty lots had been identified in the sample plotting where secondary dwelling units would fit. On the lots of more than 20,000 square feet in area the proposed prototypes would not be limited by FAR and could accommodate secondary dwelling units. She stated that the Town was required under State law to allow secondary dwelling units. When asked, she clarified that maximum allowable lot coverage represented the 33 percent coverage included in the Town's Design Guidelines.

Given the lateness of the hour, Commissioner Hays recommended guidance to the applicant to move forward to approval in the next one or two meetings.

On the Chair's request to clarify what constituted a two-story home given the applicant's presentation of partial two-story home designs, Ms. Salamack advised of the Town's Design Guideline SFR1.1 that "Not more than two, two-story units should be placed side by side unless topographic and/or architectural conditions justify exceptions or unless the two-story portion of the house is not visible from off-site. Architectural considerations may include partial second stories and setback from second stories."

Ms. Salamack explained that she had considered the applicant's plan for a partial two story as a two-story unit, although there was support for the partial two-story. As determined by the Town, three partial two-stories in a row would require an exception.

Ms. Salamack clarified the information requested by the Commission in terms of additional plans either in terms of additional plans from the applicant or an indication where the material had already been submitted to the Town, as follows:

- Public right-of-way and common area landscaping including a detailed landscape plan to include size, species and spacing of proposed landscaping material, water usage calculations, hardscape materials and color;
- Descriptions of driveways, proximity of driveways to one another, plans for retaining walls, location and height, information related to bio-filters and swales, potential to retain water and streetlight details;
- Trails to be constructed on the site, the width of the trails, the construction details, the trail locations, status of the Palos Colorados Design Guidelines relative to the Town's approvals (approving the document or including portions of the document in the conditions of approval);
- Calculate a hypothetical FAR for lots over 20,000 square feet in area;
- Feasibility of pedestrian access to Campolindo;
- Review standard conditions of approval for all home approvals; and
- Review traffic signal.

Commissioner Driver did not want to violate the intent of the condition related to the third installment that could result in the loss of $500,000 to the Town.

On the discussion of that aspect and the applicant's offer to limit all homes to 4,500 square feet, it was suggested that with the custom homes it was likely there would be a home in excess of 5,000 square feet in area. There was a suggestion to address the lots and not limit the palette of the homes on the lots.

Chairperson Goglia verified that the information to be returned also included the concerns expressed by the public.

Ms. Salamack recommended that the application be continued to the Commission meeting of March 16, 2009.

After discussion, the Commission recommended that the DRB meet jointly with the Commission on March 16, charging the DRB with a review of the following areas:

- Chapter 3 of the Palos Colorados Design Guidelines;
- Plan prototypes;
- Landscaping;
- Fit matrix; and
- Massing, color and architectural features.

Planning Commission

On motion by Commissioner Whitley, seconded by Commissioner Hays to continue Subdivision 8376, Palos Colorados to a Joint Meeting with the Design Review Board on March 16, 2009. The motion carried by the following vote:

Ayes:	Commissioners Daniels, Driver, Hays, Whitley, Goglia
Noes:	None
Abstain:	None
Absent:	Commissioners Levenfeld, Sayles

Design Review Board

On motion by Chair Kuckuk, seconded by Boardmember Glover to continue Subdivision 8376, Palos Colorados to a Joint Meeting with the Planning Commission on March 16, 2009. The motion carried by the following vote:

Ayes:	Boardmembers Glover, Kline, Murray, Socolich, Kuckuk
Noes:	None
Abstain:	None
Absent:	None

VII. NEW PUBLIC HEARINGS

A. None

VIII. PUBLIC MEETING

A. None

IX. ROUTINE & OTHER MATTERS

A. None

X. COMMUNICATIONS

A. None

XI. REPORTS

A. Commission

Chairperson Goglia advised that she might not be able to be present at the meeting scheduled for March 16.

B. Design Review Board

Boardmember Kline advised that he would not be able to make the DRB meeting scheduled for March 23.

C. Staff

Ms. Salamack had not report.

XII. ADJOURNMENT

On motion by Commissioner Hays, seconded by Commissioner Whitley to adjourn the Planning Commission meeting at approximately 11:30 P.M. to a regular meeting of the Planning Commission on Monday, March 2, 2009 at 7:30 P.M. in the La Sala Building at the Hacienda de las Flores, 2100 Donald Drive, Moraga, California.

Chair Kuckuk adjourned the meeting of the Design Review Board at approximately 11:30 P.M. to a regular meeting of the Design Review Board on Monday, March 9, 2009 at 7:30 P.M. in the La Sala Building at the Hacienda de las Flores, 2100 Donald Drive, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission