

PLANNING COMMISSION STAFF REPORT

MEETING DATE: December 5, 2011 **REPORT REVISED:** November 28, 2011
ITEM NUMBER: V.B. – PUBLIC HEARING
FILE NUMBER: **DRB-08-11 / Branagh Development, Inc. (Applicant), Kimberly LLC (Owners) 10 Kimberly Drive:** Consideration of a design review application for a new two-story 2,880 square foot home with an attached 766 square foot 3-car garage on 65,340 square foot lot at 10 Kimberly Drive. (APN 255-120-011).
ZONING: Zone OS-M (Open Space-MOSO)
CEQA STATUS: On June 7, 1999, the Planning Commission issued a Mitigated Negative Declaration of Environmental Impact under CEQA Guidelines Section 15074. The mitigation measures contained in this Mitigated Negative Declaration are still applicable to the project.

PUBLIC NOTICE:

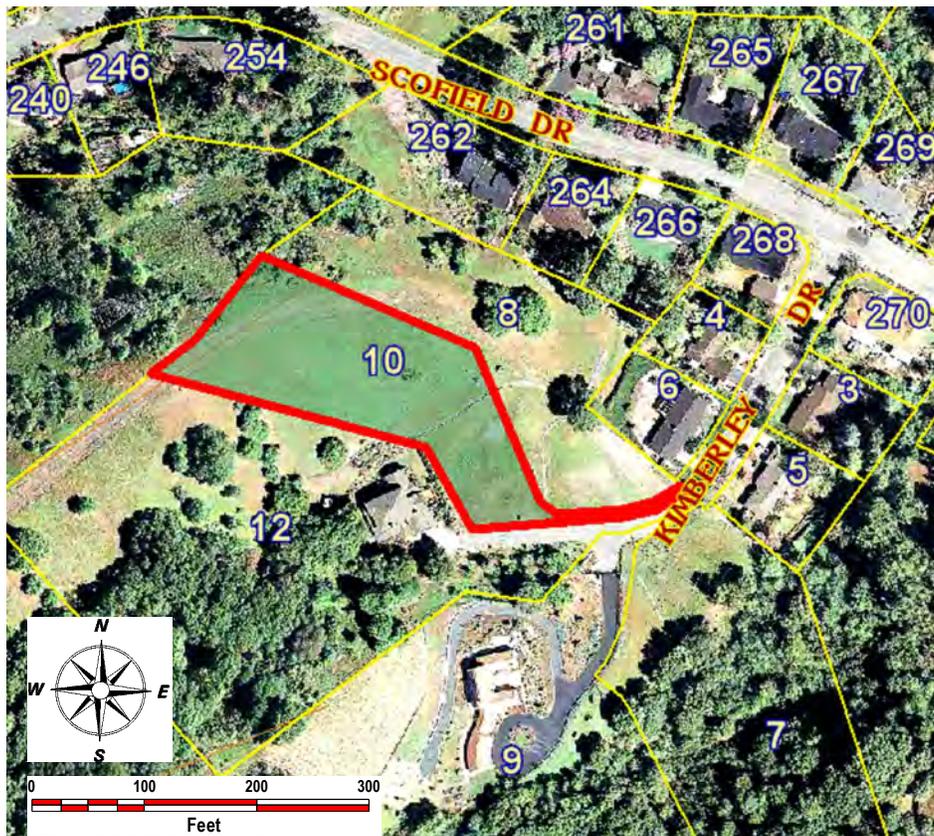
Since there was not a quorum of the Planning Commission for the previously noticed hearing on October 17, 2011, this project was re-noticed to all property owners and residents within three hundred (300) feet of the subject property on November 22, 2011. A copy of the notice area map, mailing list and public hearing is attached as **EXHIBIT A**.

CORRESPONDENCE:

Public correspondence for 10 Kimberly Drive is the same as the correspondence received for the new home at 8 Kimberly Drive. In order to save paper, please see **EXHIBIT B** for item VI.A. on the agenda for reference to the four letters from Beverly and Frank Sowa and the letter from Charles Cooper. Most of the issues presented in the Sowa's letters deal with the drainage improvements and development at 8 Kimberly Drive; however, the Sowa's also questioned the difference in pad elevations between the original grading plans and the current plans for 10 Kimberly Drive. This issue has been reviewed by the Town's engineering staff and is discussed later in this report. As noted in the 8 Kimberly Drive staff report, Mr. Cooper requested that story poles be erected for the two new homes. The proposed home at 10 Kimberly Drive is 1,312 square feet smaller than the home that was approved on the lot in 2007 and the new design for the home conforms to the height limits in the Town's Design Guidelines. On August 5, 2011, staff emailed the Planning Commission with a request that any Commissioner could advise staff if they wanted the applicant to erect story poles. None of the Planning Commissioners requested story poles in response to our email. On October 11, 2011 the Town received a fourth letter from Frank and Beverly Sowa, in which the Sowa's request that the project geotechnical engineers provide an updated geotechnical evaluation of the revised home design and that the updated report be submitted for geotechnical peer review. The applicant submitted a supplemental geotechnical study to the Town on October 24th and the peer review was completed on November 16th. The project geotechnical engineer also submitted a response to the peer review, with specific recommendations for the swimming pool on November 21, 2011. The recommendations in these geotechnical reports are discussed later in this report. Any additional correspondence that is received prior to the meeting will either be sent to the Commission in a separate packet or brought to the meeting.

DESIGN DESCRIPTION:

The proposed two-story home will have 1,700 square feet on the first floor and 1,180 square feet on the second floor. The 2007 approved plans were for a Spanish style home with stucco walls and tiled roof. The proposed new home would have board and batten siding on the lower floor and “Hardie” horizontal siding on the second floor, with Craftsman style doors and windows. The site plan shows a 2-foot high curved dry-stack garden wall at the southeast front corner of the lot, a 2 to 3-foot high retaining wall behind a spa and patio at the rear yard and a 1 to 2 foot high retaining wall along the west side of the home. Low garden retaining walls that are less than 3-feet in height do not require a building permit unless they have a “surcharge” with a slope over 50% above the wall. The proposed home will be built on the existing pad with the first floor at an elevation of 722-feet 8-inches. The ridgeline of the roof is 26 feet and 10 inches at the highest point. The location of the property is shown on the GIS aerial photograph at right.



The photograph below shows the north side of Kimberly Drive with lot 1 (8 Kimberly Drive) at the right side of the picture, lot 2 (10 Kimberly Drive) left of center and lot 3 (12 Kimberly Drive) at the far left.



BACKGROUND:

The Planning Commission adopted Resolution No. 13-99 on June 7, 1999, which approved a Mitigated Negative Declaration, Use Permit and Hillside Development Permit to allow grading and improvements for the future construction of five custom homes at the south end of

Kimberly Drive. Please refer to **EXHIBIT C** in the report for 8 Kimberly Drive to review Resolution No. 13-99. The property at 10 Kimberly Drive is identified as “Lot Number 2” in the Resolution. Homes have been completed on three of the five lots and only 8 and 10 Kimberly Drive remain vacant.

On March 7, 2005, the Planning Commission adopted Resolution 05-2005, which approved the development standards for 10 Kimberly Drive. In 2007, the Design Review Board and Planning Commission approved a 3,920 square foot two-story home with a 1,038 square foot garage (DRB-09-07). The previously approved plans also required a Hillside Development Permit for grading associated with three retaining walls that were over 3-feet high along the west side, where the home was built into the hillside and the finished floor level stepped up a couple of feet at the back.

On July 25, 2011, the Design Review Board reviewed the new plans and received testimony from adjacent residents at the meeting. Please see **EXHIBIT D** with the staff report for 8 Kimberly Drive for a copy of the July 25, 2011 DRB meeting minutes. The Design Review Board’s recommendation for conditional approval of the new home at 10 Kimberly Drive is attached as **EXHIBIT E**, with staff notations added in red print to identify recommendations that have already been addressed by the applicant with the revisions to the plans.

DESIGN ASPECTS TO BE CONSIDERED:

The design aspects for projects in zoning districts other than single-family residential districts are listed under MMC Section 8.72.080-A. A discussion of each of the design aspects is attached as **EXHIBIT F**. The building setbacks for the new home must be measured to the eave line in accordance with the Town Council’s November 14, 2001 interpretation of MMC Sections 8.04.020 and 8.68.070. The proposed home conforms to the setback requirements except that the labeled distance between the eave line at the southwest front corner of the garage and the front property line does not match the measured distance. The 3rd car garage would need to be shifted about 7-inches further to the northwest to achieve the 32-foot 3-inch required setback. The height of the garden walls has been adjusted from the July 25th plans and none of the walls are over 3-feet in height. The landscaping plans have also been modified to show the routing of drainage pipes from the roof leaders and paved areas to landscaped areas for bio-filtration. Sheet C1 of the plans shows a detail for the bioretention filter, with a plastic liner below the engineered fill to prevent saturation of the native soil under the building site.

APPLICABLE TOWN DESIGN GUIDELINES:

A complete discussion of the design guidelines applicable to this new home is attached as **EXHIBIT G**. The project does not require any design guideline exceptions. The Planning Commission may choose to discuss the following design guidelines further at the meeting:

L2.2 New irrigation systems shall include automatic rain shut-off controller devices.

***Comment:** The irrigation legend on sheet L-4 calls for a “Hunter” wall-mount controller with “Solar Sync” technology, which includes an automatic rain shut-off feature.*

L2.4 Drought tolerant plant species are encouraged as they use less water.

***Comment:** There is a small turf area at the front of the home, which would not be considered drought tolerant. This area represents a very small percentage of the total lot area, but the grass could be changed to a ground cover that is more drought tolerant.*

- SRC2 The impact and presence of vehicles resulting from the development should be minimized through proper siting and screening in order to buffer parking areas from locations both interior and exterior to the site.
Comment: *The 3-car garage at the front of the home has a wide driveway and a curb cut of 28-feet. The use of the decorative pavers as shown on the site plan should be a condition of project approval to mitigate the appearance of the extra wide driveway.*
- ID6 The level of lighting should not exceed the needs for security and safety or detract from the aesthetics of the development.
a. Outdoor lighting should be related to the design of the structure.
b. Outdoor light fixtures should be designed and mounted so that the source of light has minimal impact off site.
c. Outdoor lighting should be directed inward toward the property and may require additional screening to avoid spillage onto adjacent residential properties.
Comment: *The design of the light fixtures is shown on sheet A-3 of the plan set. The proposed fixtures have a hood surrounding the source of the light to prevent spillage onto adjacent properties.*
- ID7 Design shall be consistent with the Moraga Municipal Code section 13.04.090.
Comment: *This MMC Section lists the "Best Management Practices" (BMPs) required for storm water management and discharge control. The final drainage plans will be reviewed by the Town Engineer for compliance with the BMPs. The applicant has modified the landscaping and drainage plans since the July 25th DRB review so that the new roof leaders and drainage from paved areas is now directed to a bio-retention basin prior to discharge to the storm drain.*
- ID11.3 A retaining wall exceeding 3 feet requires professional engineering, a building permit, and may require a grading permit. Design Review Board approval is required if the retaining wall is visible from off-site.
Comment: *The retaining wall plans have been corrected from the July 25th plans to show that all the walls are 3-feet or less in height. Most of the low dry-stack garden walls are between 1 and 2 feet in height.*
- ID12.2 Regulations set forth by the San Francisco Bay Regional Water Quality Control Board (RWQCB) shall apply to all new or redeveloped residential and commercial projects. Please see RWQCB Order No. 99-058 and Order No. R2-2003-0022.
a. If the project creates or replaces more than 10,000 square feet of impervious surface;
Comment: *The total impervious surface area for 10 Kimberly Drive is 4,208 square feet. In combination with the 6,325 square feet of impervious surface area for 8 Kimberly Drive, the total will be 10,533 square feet; therefore, the two homes will need to comply with the C.3 provisions of the Town's Stormwater Permit.*
- ID13.2 The color schemes of homes on adjacent lots within 200 feet of one another should be compatible with and not duplicate one another.
Comment: *The applicant brought a color palette to the DRB meeting on July 25, 2011. The color pallet is attached as **EXHIBIT H** to the staff report.*
- ID13.13 New subdivision development should meet Build-It-Green requirements for new residences or equivalent.
Comment: *The five new lots at the end of Kimberly Drive were created as a result of a lot line adjustment and are not part of a new subdivision. Nevertheless, the developer should be encouraged to meet Build-It-Green requirements.*
- SFR1.10 On padded lots there should be a minimum of 10' near level clearance area from any top or toe of a slope to any structure for access. On padded lots there should be a minimum of 6' near level clearance area on any 3 sides of any building or structure.

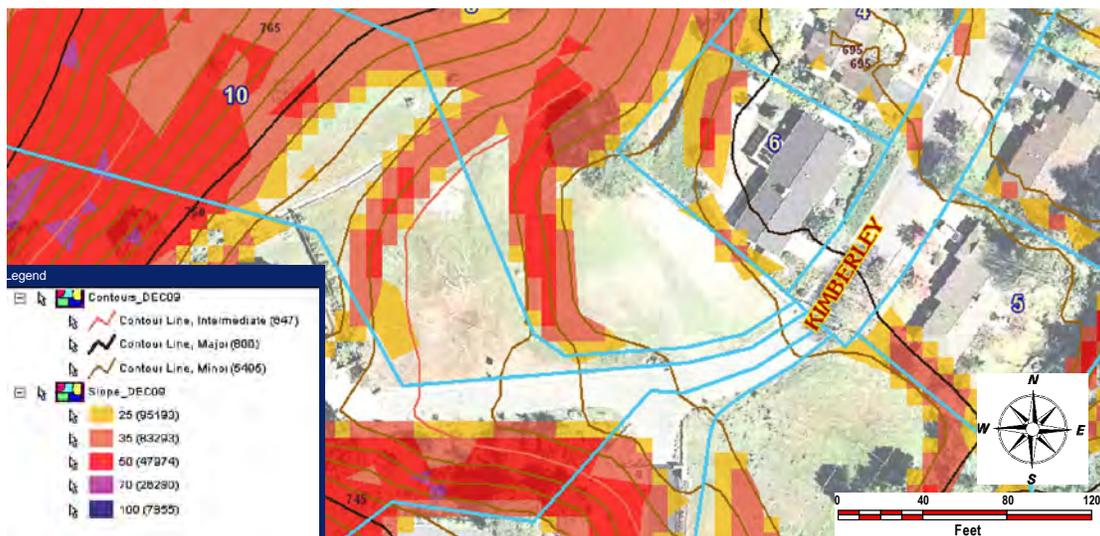
Comment: The reduced footprint of the proposed home on this lot will comply with this design guideline. The plan has 10-feet of near level clearance along the northeast side and 6-feet of near level clearance between the low garden wall and the home on the southwest side.

SFR2.14 Roof leader drains shall be routed through a biofilter, sand filter, or plant box.

Comment: The landscape plan has been revised to show how the water from the roof leader drains will be directed to the landscaped areas for bio-filtration.

HILLSIDE DEVELOPMENT PERMIT:

A hillside development permit (HDP) was approved on June 7, 1999, with the adoption of Resolution No. 13-99 for the development of the five lots on Kimberly Drive. The house plan approved in 2007 also required an HDP because there was a significant amount of grading where the foundation of the home was cut into the slope above the pad. The plans under consideration would not require any excavation at the edges of the pad in order to construct the home. Under item 6 in Frank and Beverly Sowa's October 11, 2011 letter, they request that a third HDP should be considered for the proposed low garden retaining walls at the toe of the slope at the side and rear of the building pad. Although the Town's Slope Density Ordinance requires an HDP for "any grading, clearing, construction upon or alteration of land" with a slope of 20% or more, the strict interpretation of this language would require an HDP for every landscaping job where a hillside slope is altered. As noted in the report for 8 Kimberly Drive, several years ago a resident complained to the Town that his neighbor should obtain an HDP to build a fence along a property line on a hillside. The Town Attorney ruled that an HDP is not required to construct a fence upon a 20% or greater slope because a building permit was not required for the fence. This issue is a question of where to draw the line in requiring an HDP. Since the Town generally doesn't review and approve landscaping projects for single family homes, the most practical trigger for an HDP is the requirement for a grading or building permit for the work. A building permit will not be required for the proposed low retaining walls at the edges of the pad provided that they remain 3-feet or less in height. A grading permit is not required unless the total earth movement exceeds 50 cubic yards or the cut into the slope exceeds 3-feet in depth. There will be some soil and gravel added under the post tensioned foundation slab to reduce the effects of the expansive soils, but this will be on the existing level pad area which has a slope less than 20% as shown on the slope map below.



Areas with no color shading are less than average 20% slope

ISSUES RAISED BY BEVERLY AND FRANK SOWA:

Beverly and Frank Sowa questioned whether the building pad elevation for 10 Kimberly Drive was correct on page 8 of their August 4, 2011 letter (see **EXHIBIT B** attached to the 8 Kimberly Drive report). The grading plans dated September 1999 showed a split pad elevation of 718 and 721 feet. An “as-built” grading plan dated February 6, 2003 shows numerous point elevations that vary from 717.92 to 721.01 feet across the pads on the lot. The plans submitted for DRB review on July 25, 2011 showed a pad elevation of 721.67 feet and a finished floor elevation of 722.67 feet. The Sowa’s questions regarding the pad elevation were referred to the Town’s engineering department. John Sherbert, our staff engineer, met with the applicant’s design team on August 25, 2011 to discuss the issue. A new survey (**EXHIBIT K** attached to the report for 8 Kimberly Drive) was completed on September 2, 2011 to validate the elevations on the lot. The new survey shows a split pad on the lot, with the lower pad at about 718.24 feet and the upper pad at about 721 feet. The pad elevation shown on sheet C1 for the home is 721.67 feet, which is mostly located over the upper pad. The finished floor for the home remains unchanged at 722.67 feet. There will be a depressed catch basin for a bioretention filter in the vicinity of the lower pad on the lot with a surface elevation of 718.36 feet. The engineering department’s comments on this issue are attached as **EXHIBIT I**.

The primary issue in the Sowa’s October 11, 2011 letter, covered in items 1, 2, 3, 4, and 5, is their request to have the project geotechnical engineer provide an updated report of the current project and then have that report reviewed by the Town’s Geotechnical peer review consultant. Jensen-Van Lienden Associates, Inc. (JVLA) prepared a supplemental Geotechnical Study on September 20, 2011. The updated JVLA report is attached as **EXHIBIT J**. On November 18, 2011 the Town received the peer review letter from Cal Engineering and Geology (CE&G), which is included as **EXHIBIT L**. CE&G also reviewed their previous recommendations from their August 31, 2007 peer review letter. Comments 1, 2, and 3 from the August 31, 2007 peer review letter were deemed no longer applicable to the revised project; however, CE&G recommended verification from JVLA that the proposed 2 foot high landscaping wall behind the home will not adversely impact the stability of the existing cut slope and buried subdrain system. Comment 4 in the peer review letter recommends that the geotechnical aspects of the development plans be reviewed by the project geotechnical engineer for conformance with the intentions of their reports and documented in writing. Comment 5 requests clarification that the 2010 California Building Code was used for the design methodology for the “post tensioned slab foundation”. Comment 6 recommends that the project geotechnical engineer review the proposed treatment of the buttress fill slope and provide recommendations as needed for the cuts into the slope and design of the retaining walls. Comment 7 requests correction of Grading Note 2 on Sheet C1 of the plans to include reference to the September 20, 2011 JVLA supplemental report. Comment 8 recommends that consideration should be given to incorporating a perforated drain pipe into the perimeter drain system.

Although the peer review letter does not recommend a concrete drainage ditch above the new retaining walls, a drainage channel to intercept the “clean” water from the hillside and direct it to a storm drain would be consistent with the C.3 drainage guidelines and could potentially reduce the volume of water that would have to be “filtered” in a bio-swale after crossing the impervious surface of the patio behind the home.

Item 7 in the Sowa's October 11, 2011 letter, states that a grading permit is required by condition 3.m in Resolution 13-99. A new grading ordinance was adopted by the Town in 2006. The grading ordinance specifies when a grading permit is required and also lists the exemptions for grading permits. The Town's engineering staff will review the plans for the project in accordance with the grading ordinance, including considering if a grading permit is required.

REQUIRED FINDINGS FOR DESIGN REVIEW APPROVAL:

MMC Section 8.72.080-B lists standards to be used by the Design Review Board for review of projects in zoning districts other than single-family residential. These standards are used as the basis for findings to support any decision to approve a project. The findings listed below are also included in the draft recommendations to the Planning Commission for approval of the project.

- 1. The proposed structure conforms with good taste, good design and in general contributes to the character and image of the Town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality** *because the proposed two-story 3,646 square foot single-family residence complies with all of the Town's design guidelines and the size of the home is in scale with the other new homes on Kimberly Drive.*
- 2. The structure be protected against exterior and interior noise, vibrations and other factors, which may tend to make the environment less desirable** *because the proposed home will be constructed in accordance with the California Building Code. The noise levels for the air conditioner or heat pump shown at the southwest side of the garage shall be maintained below 55 dba measured at the property line between 10 and 12 Kimberly Drive or the equipment will be screened by a sound wall designed to attenuate the noise levels to minimize any adverse impacts to the neighbors at 12 Kimberly Drive, as specified in the recommended conditions of approval for the project.*
- 3. The exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value** *because the proposed home is a high quality custom designed residence that would be expected to increase the value of homes in the neighborhood.*
- 4. The structure is in harmony with proposed developments on land in the general area** *because the proposed development conforms to the allowable density for the property and is within the developable MOSO cell boundaries on the lot. The size of the home is not excessive for a 65,340 square foot lot and is 1,518 square feet less than the combined floor area and carport area specified in the use permit for lot 2 (10 Kimberly Drive). The proposed craftsman style home with board and batten siding and shutters at the sides of the front window is compatible with the ranch style homes throughout the neighborhood.*

PERMIT STREAMLING ACT:

The application was submitted on June 16, 2011. The Permit Streamlining Act (Section 65950) requires a decision on the project within **60 calendar days** after a project has been found to be exempt from CEQA or a negative declaration is adopted for the project. The project was determined to be exempt from any further CEQA review on July 20, 2011, when the DRB staff report was written. In accordance with Government Code Section 65957, an

agreement was signed between the applicant and the Town on August 23, 2011 for a 90-day extension of the deadline to December 17, 2007 (**EXHIBIT M**). Action must be taken at the December 5, 2011 meeting because no further extension is allowed.

RECOMMENDATION:

The Design Review Board recommended approval of the plans for the new home at 10 Kimberly Drive on July 25, 2011. A Draft Resolution has been enclosed as **EXHIBIT N**, which includes the findings required under Moraga Municipal Code Section 8.72.080-B. Some of the conditions of approval recommended by the Design Review Board were modified or deleted to reflect the changes to the plans that have already been made by the applicant. The draft resolution included with the October 17th report to the Planning Commission has been modified to include recommended conditions from the geotechnical engineers.

Report prepared by: Richard Chamberlain, Senior Planner
Report reviewed by: Shawna Brekke-Read, Planning Director

EXHIBITS:

NOTE: Exhibits in red typeface below are identical to the exhibits for 8 Kimberly Drive. In order to conserve paper, these exhibits can be reviewed under the staff report for item V.A. on the Agenda for December 5, 2011.

- A – Area of Notice Map, Mailing List and Public Hearing Noticet
- B – Correspondence (Letters from Beverly and Frank Sowa and Charles Cooper)
- C – Planning Commission Resolution No. 13-99
- D – Design Review Board meeting minutes from July 25, 2011
- E – Design Review Board Recommendations for 10 Kimberly Drive
- F – Design Aspects to be considered under MMC Section 8.72.080-A
- G – Applicable Design Guidelines for 10 Kimberly Drive
- H – Color pallet for 10 Kimberly Drive
- I – Town Engineering staff response to Sowa’s pad elevation questions
- J – Supplemental Geotechnical Study dated Sept. 20, 2011 by JVLA
- K – New survey of 8 and 10 Kimberly Drive completed August 26, 2011
- L – Geotechnical Peer Review letter dated Nov. 18, 2011 by CE&G
- M – Agreement to extend time limits required by the Permit Streamlining Act
- N – Draft Resolution for approval of DRB 08-11 with findings and conditions
- O – Project Plan Set

EXHIBIT A

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

**DRB 07-11 and
DRB 08-11
Mailing List**

**8 and 10
Kimberly Drive
Public Hearing**

**Planning
Commission
Oct. 17, 2011**

APN	Name	Address	City & Zip
255120014	Sabine Antonios	7 Kimberly Drive	Moraga , CA 94556 1507
255120013	Resident	9 KIMBERLY DR	MORAGA, CA 94556 1507
255103001	Lu Chen	5 KIMBERLEY DR	MORAGA, CA 94556 1507
255120012	Resident	12 KIMBERLY DR	MORAGA, CA 94556 1508
255103002	Daniel H & Pamela Dahlen Trust	3 KIMBERLEY DR	MORAGA, CA 94556 1507
255102005	Frank L & Beverly K Sowa	6 KIMBERLEY DR	MORAGA, CA 94556 1508
255103004	Riley D & Dorothy Morse Trust	280 SCOFIELD DR	MORAGA, CA 94556 1563
255120021	Mohammadali Jaber Ansari	1 KENNETH DR	MORAGA, CA 94556 1600
255102004	Charles A & Dianne Cooper Trust	4 KIMBERLEY DR	MORAGA, CA 94556 1508
255103003	Joseph Budge Trust	270 SCOFIELD DR	MORAGA, CA 94556 1563
255120011	Branagh Development Inc	100 SCHOOL ST	DANVILLE , CA 94526 3824
255102003	Timothy J & Sara C Cecchin	268 SCOFIELD DR	MORAGA, CA 94556 1543
255120010	Kimberly Drive Associates Llc	100 SCHOOL ST	DANVILLE, CA 94526 3824
255102002	Kenneth C & Rebecca A Wiseman	266 SCOFIELD DR	MORAGA, CA 94556 1543
255102001	David J & Nancy J Bergesen Trust	264 SCOFIELD DR	MORAGA, CA 94556 1543
255120023	Moraga Town Of	2100 DONALD DR	MORAGA, CA 94556 1404
255101003	Kenichi Amaki	269 SCOFIELD DR	MORAGA, CA 94556 1544
255092004	Marvin W H & Camille Young Trust	262 SCOFIELD DR	MORAGA, CA 94556 1543
255092001	Mark S & Lisa K Hillhouse	240 SCOFIELD DR	MORAGA, CA 94556 1543
255092002	Peter & Joy Dewey	246 SCOFIELD DR	MORAGA, CA 94556 1543
255101002	Ted G & Elizabeth K Streeter	267 SCOFIELD DR	MORAGA, CA 94556 1544
255092005	Bruce A & May E Parsons	254 SCOFIELD DR	MORAGA, CA 94556 1543
255101001	Mark Richard Pastore Trust	265 SCOFIELD DR	MORAGA, CA 94556 1544
255091011	Anne W Droese Trust	261 SCOFIELD DR	MORAGA, CA 94556 1544
255091010	Lambrini & Michael S Kouvaris	253 SCOFIELD DR	MORAGA, CA 94556 1544
255091009	Joseph A & Josephine Mele Trust	249 SCOFIELD DR	MORAGA, CA 94556 1544
255062004	Jonah P Jiminez	262 RHEEM BLVD	MORAGA, CA 94556 1539
255062003	Joseph F & Cavan S Mccarthy	256 RHEEM BLVD	MORAGA, CA 94556 1539
	Branagh Development Inc	100 School Street	DANVILLE, CA 94526 3824
	Jensen - Van Lienden Associ., Inc.	1840C Alcatraz Ave	Berkeley, CA 94703
	Alan Page, Talon Architects	222 Railroad Ave.	Danville, CA 94526
	Baak & Associates, LLP	1620 North Main St.	Walnut Creek, CA 94596
	Alexander & Associates	147 Old Bernal Ave.	Pleasanton, CA 94566



PLANNING COMMISSION

Notice of Public Hearing

10 Kimberly Drive

Design Review for File Number DRB 08-11 to consider a Design Review Board recommendation for conditional approval of plans for a new home and attached garage. The plans also include 2-foot high dry stack garden walls at the east front corner of the lot and along the southwest side and a portion of the rear yard. A spa is also included in the rear yard. (APN 255-120-011)

The Planning Commission of the Town of Moraga will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 8.08.020, on **Monday, Monday, December 5, 2011** at the Moraga Library Community Meeting Room, 1500 St. Mary's Road (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT DATA:

- 1 dwelling unit
- 3,646 square feet of residential floor area including 3-car garage
- 2 stories, with a maximum height of 26 feet 10-inches
- 65,340 square feet of lot area

PERMITS REQUIRED:

- Design Review required by condition of use permit

APPLICANT: Branagh Development, Inc., 100 School Street, Danville, CA 94526

PROPERTY OWNER: Kimberly LLC, 100 School Street, Danville, CA 94526

ZONING DISTRICT: OS-M (Open Space - MOSO)

ENVIRONMENTAL REVIEW STATUS: On June 7, 1999, the Planning Commission issued a Mitigated Negative Declaration of Environmental Impact under CEQA Guidelines Section 15074. The mitigation measures contained in this Mitigated Negative Declaration are still applicable to the project. A 3,920 square foot two-story home with a 1,038 square foot garage was previously approved on this lot in 2007. The proposed new home would be 1,040 square feet smaller in floor area and the garage would be reduced by 272 square feet.

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 number of speakers and the time granted to each speaker. Written comments to the Commission are encouraged and should be directed to:

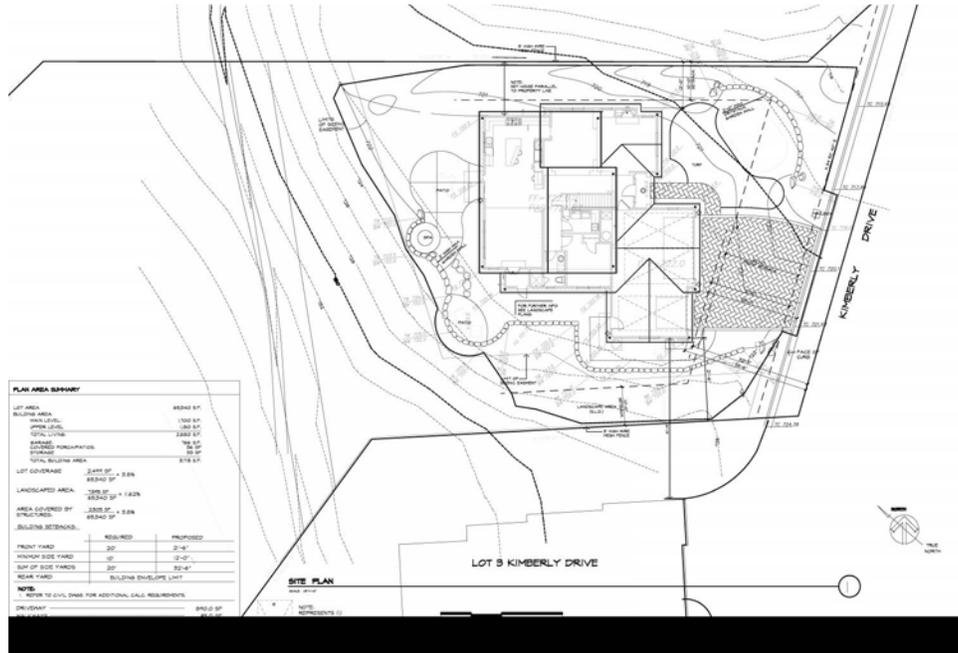
Planning Department
 329 Rheem Boulevard
 Moraga, CA 94556

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

To assure distribution to Commission members prior to the meeting, **correspondence must be received 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.



EAST ELEVATION (FRONT)



COLORS/MATERIALS	
1	INDUSTRIAL BRICK COMPOSITION ROOF
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EXHIBIT B

CORRESPONDENCE LETTERS FROM BEVERLY AND FRANK SOWA AND CHARLES COOPER

NOTE: *This exhibit is the same as EXHIBIT B for 8 Kimberly Drive and can be seen under the staff report for item V.A. on the December 5, 2011 Planning Commission agenda.*

EXHIBIT C

PLANNING COMMISSION RESOLUTION NO. 13-99

NOTE: *This exhibit is the same as EXHIBIT C for 8 Kimberly Drive and can be seen under the staff report for item V.A. on the December 5, 2011 Planning Commission agenda.*

EXHIBIT D

DESIGN REVIEW BOARD MEETING MINUTES FROM JULY 25, 2011

NOTE: *This exhibit is the same as EXHIBIT D for 8 Kimberly Drive and can be seen under the staff report for item V.A. on the December 5, 2011 Planning Commission agenda.*

EXHIBIT E

**DESIGN REVIEW BOARD
RECOMMENDATIONS
FOR 10 KIMBERLY DRIVE**



Town of Moraga

PLANNING DEPARTMENT
329 RHEEM BOULEVARD
MORAGA, CA 94556
(925) 888-7040

DESIGN REVIEW BOARD RECOMMENDATION

On July 25, 2011, the Town of Moraga Design Review Board considered the application described below:

DRB 08-11 / Branagh Development, Inc. (Applicant), Kimberly LLC (Owners)
10 Kimberly Drive: Design review application for a new two-story 2,880 square foot home with an attached 766 square foot 3-car garage on 65,340 square foot lot at 10 Kimberly Drive. (APN 255-120-011)

DESIGN REVIEW BOARD ACTION:

The DESIGN REVIEW BOARD recommends approval of the project with the following findings and conditions of approval:

PART I: DESIGN REVIEW FINDINGS REQUIRED BY MMC SECTION 8.72.080-B:

In accordance with Moraga Municipal Code Section 8.72.080-B, the following findings must be made in order to approve an application for design review in land use districts other than single-family residential:

- 1. The proposed structure conforms with good taste, good design and in general contributes to the character and image of the Town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality** because the proposed residence complies with the Town's Design Guidelines and is in scale with the other new homes on Kimberly Drive. The proposed colors, materials, and landscaping will help the new home to fit into its natural environment.
- 2. The structure will be protected against exterior and interior noise, vibrations and other factors, which may tend to make the environment less desirable** because the proposed home will be constructed in accordance with the California Building Code. A condition of approval is recommended for installation of a low sound wall around the AC unit at the southwest side of the garage if the noise level exceeds 55 dBa at the property line between 10 and 12 Kimberly Drive.

3. **The exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value** because the proposed home is a high quality custom designed residence that is expected to increase the value of homes in the neighborhood.
4. **The structure is in harmony with proposed developments on land in the general area** because the proposed development conforms to the allowable density for the property and is within the developable MOSO cell boundaries on the lot. In addition, the size of the home is not excessive for a 65,340 square foot lot. The Craftsman architectural style proposed for the home will be compatible with existing residential development in the neighborhood.

PART II: RECOMMENDED CONDITIONS OF APPROVAL:

1. All applicable conditions and mitigation included in Planning Commission Resolution 13-99 are adopted by reference as conditions of approval for this project, DRB 09-07, and shall be addressed to the satisfaction of the Town of Moraga, including payment of the fees listed below.
 - a. Prior to the issuance of a building permit, the applicant shall pay the park land dedication in-lieu fee in accordance with Section 8.140.060 of the Zoning Ordinance.
 - b. Prior to the issuance of a building permit, the applicant shall pay the Transportation Impact Fee set by the Lamorinda Fee and Financing Authority (LFFA) for the year in which the fee is paid.
 - c. The applicant shall submit a design review fee to the Fire District prior to release of the building permit. **(NOTE: A set of the revised plans was given to the MOFD Fire Marshal, Michael Mentink, on September 5, 2011 for review. The Fire Marshal called to say he had reviewed the previous plans in June and that there were no other issues as a result of the revisions to the plans.)**
 - d. The applicant shall pay the Development Impact Fees for the new home.
 - e. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
2. Resolution 13-99 addresses hours of construction operation, development mitigation measures, construction standards, and maintenance of the property during pre and post development conditions, among other relevant topics. All Conditions of Approval from Resolution 13-99 that pertain to specifications for construction work, such as hours permitted for construction work, shall be included in the "Notes" section of the Building Plans so that contractors bidding on the project will know these conditions.
3. Any significant changes to the site plans or building plans shall be subject to further review and approval by the Design Review Board.
4. Finishing materials, such as the "Hardie" board and batten siding, composite roof, trim, and paint color shall be consistent with the colors and materials board approved by the Design Review Board. Roofing materials and assembly shall be a minimum of Class B as required by the Fire District.

5. The low garden retaining wall at the west rear corner of the building pad behind the home shall not exceed 3-feet in height and shall be shifted further east to reduce the height shown on sheets A2 and C1 of the project plans. (NOTE: The plans have been revised and none of the dry stack garden walls exceed 3-feet in height. Most of the walls are now only 1 to 2 feet in height.)
6. The landscaping and irrigation plans shall be revised to include the following:
 - a. As required by design guideline L2.2, the irrigation controller shall include an automatic rain shut-off feature. (NOTE: The proposed controller includes an automatic rain sensor, which is also a new building code requirement under CalGreen)
 - b. Provision shall be made for bio-filtration swales within the landscaping for the drainpipes on the home and for drainage of paved patio and driveway areas in accordance with design guidelines ID7 and SFR2.14. (NOTE: The landscape plans have been revised to show that the drainage lines now connect to bioretention basins consistent with the C.3 guidelines for storm water treatment)
 - c. In compliance with design guideline L2.4, the applicant should consider changing the turf area at the front of the home to a ground cover that is more drought tolerant.
7. In accordance with design guideline ID6, the level of lighting shall comply with the following requirements:
 - a. Outdoor lighting shall be related to the design of the home.
 - b. Outdoor light fixtures shall be designed and mounted so that the source of light has minimal impact off site.
 - c. Outdoor lighting shall be directed inward toward the property and may require additional screening to avoid spillage onto adjacent residential properties. (NOTE: The revised plans include the exterior lighting fixture on sheet A-3 of the plan set. The fixture has a hood around the light source which should prevent spillage of light off-site.)
8. All proposed fencing is approved at a height of no more than 6 feet with no diagonal bracing. The fencing material and any proposed staining or painting shall be subject to Planning Department review and approval prior to receipt of building permits. Solid fencing on the hillside slopes within the scenic easement area behind the home would be contrary to Design Guideline RH8 and prohibited in a disclosure to buyers of the property. (NOTE: The fence plans are shown on sheets L-1 and L-2. Open wire mesh fencing is proposed for the hillside slopes in the scenic easement area.)
9. In accordance with design guideline SRC2, the decorative pavers shown on the site plan shall be installed on the driveway to mitigate the appearance of the 27-foot wide driveway. (NOTE: The revised plans show the driveway width as 28-feet.)
10. In accordance with condition 43 in Resolution 13-99, parking of grading equipment, tractor tread vehicles, and all construction vehicles and equipment on Kimberly Drive

and Scofield Drive is prohibited. These vehicles shall be delivered to the property by trailer and kept on site during grading and construction operations. The Applicant shall adopt a reasonable parking plan to be used by construction employees, including the use of an off-site staging area, subject to review and approval by the Planning Director prior to the issuance of grading or building permits. Due to the parking restrictions on Kimberly Drive, the builder is encouraged to pave the driveway to the new home at the time the foundation is poured to provide at least two on-site parking spaces for the construction workers.

11. The builder of the home is encouraged to meet the Build-It-Green requirements even though the new home at 10 Kimberly Drive is technically not part of a “new” subdivision in accord with design guideline ID13.13.
12. Temporary drainage control measures shall be in place on the construction site during the months of October through April.
13. When the plans for the building permit are stamped by the Planning Department, the applicant shall complete the first part of the recycling plan form and obtain a copy of the Contra Costa Builder’s Guide, which lists all the recycling services. The recycling plan form and recycling receipts for demolition and construction materials generated from the project shall be submitted to the Planning Department prior to final inspection by the building department. The applicant shall strive to recycle 50% of the demolition materials.
14. The mailbox shall match the materials used on the residence.
15. The address number for the residence shall be visible from the main roadway as required by the Moraga-Orinda Fire District.
16. Any work within a dedicated road right of way requires an encroachment permit from the Town of Moraga prior to start of work. The encroachment permit shall be applied and paid for separately from this entitlement. Any work within the private access easement will require review by the Town Engineer prior to the start of work.
17. The Applicant shall submit drainage and erosion control plans for review and approval to the Town Engineer prior to the issuance of the building permit. (NOTE: Drainage and erosion control plans have been included on sheets C-2 and C-3 of the plan set.)
18. Prior to the issuance of the building permit, the applicant shall furnish the Town with security for completion of the erosion control work as follows:
 - a. The performance of the work described and delineated on the approved SWPPP in an amount approved by the Town Engineer but not less than 100% of the approved estimated cost of performing said work. The form of the security may be corporate security bond, letter of credit or cash.
 - b. The performance of the work described and delineated in the Erosion Control Plan, in an amount to be determined by the Town Engineer but not less than 100% of the approved estimated cost of performing said work. The form of the security may be

a combination of corporate surety bond, letter of credit or cash except that cash deposits will be required for all amounts up to \$10,000.

c. The security whether corporate surety bond or an instrument or instruments of credit, at applicant's option, shall be in a form approved by the Town Attorney.

19. Prior to the issuance of the building permit, a drainage plan shall be submitted for review and approval by the Town Engineer. The drainage plan shall include a plan for the new roof drains where the storm water will be routed through a biofilter, sand filter or plant box for ten feet prior to discharge into the site drainage system. (NOTE: The Town Engineer has reviewed the revised drainage plans, which now include a bioretention basin for the roof leaders and paved areas)

20. The subdrains shall be tested at the end of construction, with a report sent by the project geotechnical engineer confirming that the subdrains under Lot 2 (10 Kimberly Drive) are functional.

21. No dumping or stockpiling of soil or debris is permitted within the Open Space / Scenic Easement. Contractors on the project shall be advised of this condition. Any dumping of soil or debris into the Open Space / Scenic Easement may be cause for a stop work order until the easement area is fully restored and any damage done to native vegetation mitigated with replacement native vegetation.

22. This approval and each condition contained herein shall be binding upon the applicant and any transferor, or successor in interest.

EXHIBIT F

**DESIGN ASPECTS TO BE
CONSIDERED UNDER
MMC SECTION 8.72.080-A**

EXHIBIT F

DESIGN ASPECTS TO BE CONSIDERED IN ACCORDANCE WITH MORAGA MUNICIPAL CODE SECTION 8.72.080-A FOR 10 KIMBERLY DRIVE

1. Maximum height, lot coverage and setbacks:

On March 7, 2005, the Planning Commission adopted Resolution 05-2005 that approved development standards for 10 Kimberly Drive, which are listed below:

	Approved Development Standards	Proposed	Conforms
Lot Area	1.5 acres (65,340 sq.ft)	1.5 acres (65,340 sq.ft)	Yes
Frontage	109 feet	113 feet	Yes
Minimum Front Yard Setback	20 feet to MOSO Cell 25 feet to curb; 32' 3" from property line	21 feet to MOSO Cell 25' - 4" to curb; 32' 3" to PL (labeled) 31' 10" to PL (measured)	Yes Yes Yes No
Minimum Side Yard Setbacks	10 feet (NE side), 20 feet (SW side)	11 feet to eave (NE side), 20.5 feet to eave (SW side)	Yes Yes
Minimum Rear Yard Setback	>300 feet	300+ feet	Yes
Maximum Main Bldg. Height	28 feet high	26 feet 10 inches high	Yes

The lot area and frontage were established at the time the lot line adjustment was approved by the Town Council. The setbacks in the table above were measured to the eave line of the new home in accordance with the Town Council's November 14, 2001 interpretation of MMC Sections 8.04.020 and 8.68.070. The setbacks labeled on the site plan (Sheet A2) conform to the setback requirements, but the measured distance between the south front corner eave line and the front property line is about 31 feet 10 inches. The offset of the 3rd car garage will need to be adjusted by 7-inches to achieve the required setback.

The area outside the MOSO cell boundary is a recorded scenic easement. The scenic easement area prohibits construction of structures or improvements except for landscaping and fencing as required by condition number 13 in Resolution 13-99. In addition to the site development standards, the design guidelines limit a second story home to 28-feet maximum and the maximum lot coverage by buildings and structures to 33%. The proposed home conforms to both of these requirements.

2. Overall mass and bulk of structures:

Condition 22 of Resolution No. 13-99 states in part "In considering the home designs on Lots 1 through 5, the Planning Commission and Design Review Board shall attempt to

minimize the visual impact of the homes on the existing adjacent residences, including the incorporation of architectural features and the configuration of the footprint to reduce massiveness, as well as appropriate landscape screening. The Planning Commission and Design Review Board may increase minimum and decrease maximum site development standards in order to address massiveness and provide an appropriate transition from existing residences to the project homes.”

The Town’s Floor Area Ratio (FAR) guidelines do not apply to parcels that are over 20,000 square feet in area; however, the Planning Commission did specify a maximum floor area of 4,681 square feet with a 483 square foot carport for this lot when the Use Permit was approved (Resolution 05-2005). The proposed floor area has been reduced from the 2007 approved plans and is now 2,880 square feet, with a 766 square foot garage. The total floor area the proposed home and garage would be 1,518 square feet less than the combined floor area and carport area specified in the use permit.

The following table shows a comparison of the proposed floor area with the existing older homes in the Kimberly Drive and Scofield Drive neighborhood.

Address	Floor Area of existing Home and Garage	Maximum Floor Area Allowed	Lot Area
3 Kimberly Drive	2,261 sq.ft.	4,146 sq.ft.	14,706 sq.ft.
4 Kimberly Drive	2,041 sq.ft.	3,720 sq.ft.	12,000 sq.ft.
5 Kimberly Drive	2,034 sq.ft.	4,274 sq.ft.	16,165 sq.ft.
6 Kimberly Drive	2,264 sq.ft.	4,060 sq.ft.	13,861 sq.ft.
262 Scofield Drive	2,355 sq.ft.	N/A	31,378 sq.ft.
264 Scofield Drive	2,386 sq.ft.	4,320 sq.ft.	15,098 sq.ft.
265 Scofield Drive	3,196 sq.ft.	4,420 sq.ft.	17,906 sq.ft.
266 Scofield Drive	2,033 sq.ft.	4,470 sq.ft.	17,327 sq.ft.
267 Scofield Drive	2,384 sq.ft.	N/A	21,542 sq.ft.
268 Scofield Drive	2,440 sq.ft.	3,720 sq.ft.	12,064 sq.ft.
269 Scofield Drive	1,965 sq.ft.	3,933 sq.ft.	13,398 sq.ft.
270 Scofield Drive	3,593 sq.ft.	4,362 sq.ft.	16,607 sq.ft.
271 Scofield Drive	3,381 sq.ft.	3,933 sq.ft.	13,200 sq.ft.
Averages for existing homes in the Vicinity	2,487 sq.ft.	4,123 sq.ft.	16,557 sq.ft.
10 Kimberly Drive (Proposed New Home)	3,646 sq.ft.	5,164sq.ft. in use Permit	64,302 sq.ft.

The existing residences on Kimberly Drive and Scofield Drive are mostly single-story ranch style homes with floor areas that average 2,487 square feet. The proposed home has a total floor area, including the garage, that is 1,159 square feet larger than the average floor area of the older homes in the neighborhood. However, the proposed home is 477 square feet smaller than the average maximum floor area permissible if the

existing homes were expanded to the FAR limit. The massing of the proposed home is not out of scale with the other new homes at the end of Kimberly Drive.

3. Special features of the development, such as walls, screens, towers and signs:

A 2-foot high curved dry stack garden wall is proposed at the northeast front corner of the lot. Another 2-3 foot high retaining wall is proposed at the back of the home to increase the rear yard area behind the spa and a small patio. The retaining wall continues around the southwest side and varies in height between 1 and 2-feet. A hillside development permit would not be required for these low garden walls unless a building or grading permit was required. A building permit would not be required provided that the walls do not exceed 3-feet in height or have a surcharge with a slope greater than 50% above the wall. Most of the grading on the lot is confined to the pad area, which has a slope less than 20%.

4. Effective concealment and sound attenuation of exposed mechanical and electrical equipment:

The site plan (Sheet A2) shows one air conditioning unit at the west rear corner of the garage. The proposed location is 40-feet from the adjacent home at 12 Kimberly Drive. There is a 5-foot high wire mesh fence shown along the property line between 10 and 12 Kimberly Drive, which would not be an effective sound barrier if the AC unit emits more than 55 dBa of noise. A low sound wall might be required if the AC unit exceeds the 55 dBa limit at the property line.

5. Colors and materials on the exterior face of the building or structures, striving for a limited number of colors and materials for each project:

The design style of the proposed residence has been changed from a Spanish style home to a "Craftsman" style home. Some of the exterior features are similar to the home proposed at 8 Kimberly Drive, such as the windows, doors and garage doors; however the two-story home at 10 Kimberly Drive will have "Hardie" board and batten siding on the lower floor, with the "Hardie" horizontal siding on the upper floor. The materials are called out on sheet A6 of the plans (**EXHIBIT M**). The roof will be a composition roof with the color shown as "Elk Prestique" weathered sage. The board and batten lower siding will be "Kelly Moore" KM-HL4259-3 Hanover Pewter. The horizontal siding on the upper floor and the garage door, front door, wood shutters and other exterior doors will be "Kelly Moore" KM-HL4264-2 Melmac Silver. The windows will be "Milgard" White.

6. Avoidance of repetition of identical entities whenever possible:

As noted above, some details will match the proposed home at 8 Kimberly Drive, but the two homes are completely different in floor plan and massing. The board and batten siding will also give this home a different look than the 8 Kimberly Drive home, which has the stone wainscot below the "Hardie" horizontal siding on the first floor. The colors of the walls and doors will also be different on the two homes.

7. Harmonious relationship with existing adjoining developments avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted:

The board and batten siding and shutters on the front windows is similar in design to some of the ranch style homes on Kimberly and Scofield Drives.

8. Pleasing landscaping which incorporates existing landscaping and terrain as a complement to the structure, using plants which thrive in the Moraga climate and which are large enough in size to be effective:

Conditions 3 e and 3 f from Planning Commission Resolution 13-99 require submittal of landscape plans for the Kimberly lots to mitigate views of the new homes as follows:

- e. Landscape plans shall be submitted for review and approval by the Design Review Board of the Town of Moraga for each of the five lots, with an emphasis on mitigation of the visual impact to the surrounding neighborhood. **(Mitigation Measure XIII.b. Pages 3-35 Initial Study)**
- f. Landscaping approved by the Town's Design Review Board to mitigate the view of a home, shall be maintained and replaced and continue the intent of the DRB approval, if necessary, by the respective lot owner.

The applicant has submitted landscaping plans, with irrigation plans (sheets L-1 to L-4). The landscaping includes the front yard area and four Strawberry trees for the northwest side yard between 10 and 12 Kimberly Drive. The proposed landscaping uses plants from the "Oak Palette" from Appendix B of the design guidelines. The proposed trees will be 15-gallon size. The shrubs will be 5 and 1 gallon size. The landscape plans have been modified from the plans submitted to the Design Review Board on July 25, 2011. The drainage pipes from the roof leaders and paved areas are now routed to landscaped areas for bio-filtration and treatment of the drainage water.

9. Compliance with Chapter 8.132 (scenic corridors):

The project site is not located within a distance of 500 feet from a designated scenic corridor.

EXHIBIT G

APPLICABLE DESIGN GUIDELINES FOR 10 KIMBERLY DRIVE

EXHIBIT G

DESIGN GUIDELINES APPLICABLE TO 10 KIMBERLY DRIVE (Updated October 4, 2011 for revisions to plans)

1 DESIGN PHILOSOPHY

Maintain the Town's semi-rural character (SRC)

- 1.) Protect important elements of the natural setting to maintain the Town's semi-rural character. Give particular attention to viewsheds along the Town's scenic corridors, protecting ridgelines, hillside areas, mature native tree groupings, and other significant natural features. (GP CD1.3) See Guidelines SRC1, SRC5, and RH4.

Comment: *The subject property is cannot be seen from a designated scenic corridor and is not on a major or minor ridgeline above 800-feet. There are no mature native trees or other significant natural features in the area of the site that will be developed with the new home. Most of the grading was completed with the street and storm drain improvements for the five Kimberly Drive Lots. A hillside development permit will not be required for the low landscape garden walls provided that the height of the walls is below three feet. Most of the lot is restricted from development with a wildlife easement and scenic easement. The proposed residence and garage cover only 3.8% of the lot area.*

- 2.) Protect the scenic and environmental qualities of canyon and valley areas to retain the Town's semi-rural character. Preserve both close-up and distant views of the natural hillside landscape from valley areas, and preserve significant linear open spaces in major canyons and grassland valleys with floodplain zones as the visual focus. (GP CD1.4) See Guideline SRC8.

Comment: *The project building site is in the bottom of a valley or canyon area, where the view of the natural hillside above the home will be preserved. The project site is not within a designated floodplain zone.*

Protect ridgelines and hillside areas (RH)

- 1.) Ridgelines and Hillside Areas. Protect ridgelines from development. In hillside areas, require new developments to conform to the site's natural setting, retaining the character of existing landforms preserving significant native vegetation and with respect to ridgelines, encourage location of building sites so that visual impacts are minimized. When grading land with an average slope 20% or more, require "natural contour" grading to minimize soil displacement and use of retaining walls. Design buildings and other improvements in accordance with the natural setting, maintaining a low profile and providing dense native landscaping to blend hillside structures with the natural setting.(GP CD1.5) See Guideline RH1 through RH10 and ID10.3, ID10.4, ID10.6, ID11.1, ID13.3, SFR2.12, SFR2.13, SFR2.14, SRC7, L1, L2, and L3.

Comment: *The project site is not on a ridgeline. The site was previously graded so that the area proposed for the new home is not the original "natural setting". The very minor additional grading for the low garden walls will not significantly alter the character of the "existing landforms" or eliminate any "native vegetation". A small 2-foot high landscape wall is proposed in a sweeping curve at the southeast front corner of the site. The low garden walls in the back yard behind the spa and patio will be hidden behind the new home.*

Complement existing landscaping (L)

- 1.) Complement existing mature tree groupings by planting additional trees of similar species at Town entries, along major street corridors, in and around commercial centers, in areas of new development, and along drainageways. (GP CD1.6) See Guidelines SC9, L3.8, and CC1.7e.

Comment: *The project site in the area proposed for the new home contains no mature trees or any native plants other than grass. The proposed landscaping plans for the project include three coast live oaks in the front yard.*

- 2.) Encourage the use of native, fire-resistive, and drought-tolerant species. (GP CD1.6) See Guidelines L1, L2.2, and L2.4.

Comment: *The proposed plants on the landscape plans are drought tolerant species for the most part, except for the small turf area at the front of the home. Some of the plants are also on the fire resistant list on pages 12 and 13 of the new guidelines under item L2.5. All of the proposed trees are located at least 8-feet from the home to prevent any fire ladder impact.*

Minimize the impacts of development (ID)

- 1.) Concentrate new development in areas that are least sensitive in terms of environmental and visual resources, including areas of flat or gently sloping topography outside of flood plain or natural drainage areas. (GP CD1.1) See Guidelines ID1 and ID11.1.

Comment: *The project site is not in a flood plain. Existing drainage on the hillside above the building site is collected in a concrete "V"-ditch that conveys the water across the back of the adjacent lot at 8 Kimberly Drive and down the northeast side property line to a catch basin between 6 and 8 Kimberly Drive.*

- 2.) Retain natural topographic features and scenic qualities through sensitive site planning, architectural design, and landscaping. Design buildings and other improvements to retain a low visual profile and provide dense landscaping to blend structures with the natural setting. (GP CD1.2) See Guidelines ID7, L2, and L3.

Comment: *The natural topography was changed when the mass grading was completed for the road and storm drainage improvements for the 5 new lots at the end of Kimberly Drive and the minor grading for the low garden retaining walls at the front, back and side of the home will not alter the scenic qualities of the project site significantly. The project includes a landscape plan for the front and southwest side of the home.*

- 3.) Whenever and wherever possible, convert overhead utility lines to underground and require underground utilities in areas of new development. (GP CD1.8) See Guidelines SC11 and ID13.8.

Comment: *The utilities are all underground for the five lots at the end of Kimberly Drive.*

Thoughtfully design single-family residential neighborhoods (SFR)

- 1.) Review by Design Review Board to ensure that new residential development in existing neighborhoods reflect the size, scale, height, setbacks, and character of existing development. While new homes, home additions, and remodels should be allowed, they should not create adverse impacts on adjacent properties or detract from overall neighborhood character. (GP CD4.3) See Guidelines SFR1.1-1.6 and SFR2.1-2.6.

Comment: *The Town's Floor Area Ratio (FAR) guidelines do not apply to parcels that are over 20,000 square feet in area. The Planning Commission did specify a maximum floor area of 4,681 square feet with a 483 square foot carport for this lot when the Use Permit was approved. The proposed total floor area is 2,880 square feet, with a 766 square foot 3-car garage. The total combined floor area of the home and garage would be 1,518 square feet less than the maximum floor area and carport area specified in the use permit. The existing residences on Kimberly Drive and Scofield Drive are mostly single-story ranch style homes with floor areas that average 2,487 square feet. The proposed home would have a total floor area including the garage that would be 1,159 square feet larger than the average existing floor area of the older homes in the neighborhood. Since the second floor is setback from the lower floor at the front of the home, the massiveness of the proposed front elevation is not out of scale with the front elevations of other houses in the neighborhood. 10 Kimberly Drive is not located immediately adjacent to the older*

existing homes on Kimberly Drive and it is comparable in size to the other new homes that have been built at 7, 9 and 12 Kimberly Drive.

- 2.) Design new single-family developments to create high quality pedestrian environments with pathways to adjacent neighborhoods and, where feasible, commercial areas. Ensure that the layout of new residential lots respects the site topography and natural features. Where feasible, avoid standard repetitive lot sizes and shapes in hillside areas. (GP CD4.4) See Guidelines SFR1.6.

Comment: *Not Applicable, this lot was created by a lot line adjustment in 1998.*

3 MAINTAIN THE TOWN'S SEMI-RURAL CHARACTER (SRC)

- SRC1 Retain, protect, and utilize existing natural features, such as trees and other vegetation, interesting ground forms, rocks, water, and significant views in the design.
Comment: *There are no significant natural features existing in the area proposed for development on the lot.*
- SRC2 The impact and presence of vehicles resulting from the development should be minimized through proper siting and screening in order to buffer parking areas from locations both interior and exterior to the site.
Comment: *The 3-car garage at the front of the home has a wide driveway and a curb cut of 28-feet. The site plan shows decorative pavers for the driveway. The use of the decorative pavers should be a condition of project approval to mitigate the appearance of the extra wide driveway.*
- SRC3 Circulation systems should avoid conflict between vehicular, bicycle and pedestrian traffic. Emergency and service vehicle access shall be accommodated within the circulation system.
Comment: *Not applicable, this project is not a subdivision.*
- SRC4 Accessory structures should not encroach upon front yard and exterior side yard setbacks.
Comment: *There are no accessory structures shown on the plans. The plans do include a spa in the back yard.*
- SRC5 Preserve natural site amenities.
- a. Development should be planned in relation to natural features.
 - b. Natural features must be protected both during and after construction of the project.
 - c. Retain trees and other native vegetation, consistent with tree preservation ordinance, to maintain current stability of steep hillsides, retain moisture, prevent erosion, and enhance the natural scenic beauty. Grading under tree drip lines should be avoided to protect the root system during development.
 - d. Treat significant natural features, such as creeks, rock out-croppings, and prominent knolls, as assets.
Comment: *There are no natural features that will be disturbed on the site and there are no trees or other native vegetation within the area of development on the lot.*
- SRC7 New trees should be planted to compliment the natural pattern of tree placement.
Comment: *A landscape plan has been prepared for the front yard and the side yard on the southwest side. The plan includes three new coast live oak trees and 4 Arbutus trees.*
- SRC8 Mature native tree groupings should be protected.
Comment: *No mature native tree groupings will be disturbed.*
- SRC9 Improvements should be sited away from creeks to enhance safety and to protect existing drainage patterns, riparian habitat, and wildlife.

Comment: *The project site is not adjacent to a creek or riparian habitat area.*

4 PROTECT RIDGELINES AND HILLSIDE AREAS (RH)

- RH1 Protect ridgelines from development.
Comment: *The project is not located on a ridgeline or above the 800-foot elevation.*
- RH2 New development should be sited in areas that are least sensitive in terms of environmental and visual resources, including areas of flat or gently sloping topography.
Comment: *The area for the new home has a split level pad that was graded at the time the street and drainage improvements were installed. There is about 3-feet of elevation difference between the front pad and the rear pad. The proposed home will be built on the upper pad and the proposed bioretention basin will be located on the lower front pad. Some additional minor grading is proposed at the southwest and northwest sides of the pad with low dry stack garden walls and some adjustments will be made to the upper pad to accommodate the proposed slab foundation for the home.*
- RH3 In hillside and ridgeline areas, building sites should be sited so that visual impacts are minimized.
Comment: *The location of the home on the lot is near the lowest elevation of the lot, where the visual impacts are minimized.*
- RH4 The roofline of all hillside buildings should blend with or follow the ridgeline's contour.
Comment: *The roof form for the proposed home is complex, but the main ridge of the second story roof is parallel with the slope behind the house.*
- RH5 Hillside buildings and other improvements should have a low visual profile. Dense native landscaping should be provided to blend structures with the natural setting.
Comment: *The propose home has a low profile for a two story home. The overall height is 26-feet 10-inches and there are no skirt walls or other architectural features that add height to the home. The new design is 1-foot 2-inches lower than the previously approved home in 2007.*
- RH6 Hillside grading shall blend with natural slopes and be contoured to achieve a natural appearance. The use of retaining walls and other man-made grading features to mitigate geologic hazards should be avoided.
Comment: *The site grading was done with the mass grading of all five lots on Kimberly Drive. The proposed grading for the low garden walls at the front yard, side yard and rear yard will be very minor and does not required a grading permit or building permit for the walls as long as they do not exceed 3-feet in height. The proposed garden retaining walls are not required for mitigation of any geologic hazard.*
- RH7 On hillside lots fire safe landscaping should be used. Landscaping should be distributed around structures to provide screening from off-site views. Adequate water supplies and fire-fighting access shall be provided.
Comment: *This is a padded lot with a hillside at the back of the home. The fire safe landscaping would apply to any new planting on the hillside behind the home.*
- RH8 In hillside areas, solid board privacy fences should only be used when located close to the residence. Site perimeter and other distant fencing should remain visually open (i.e., split rail or deer fencing) in order to minimize the visual effect of fencing on the hillsides.
Comment: *There is no solid board fencing proposed on the hillside area behind the home. However, a buyer of the home could install a solid wood fence without a building permit after the home is built, unless a deed restriction is put on the property.*

- RH9 Larger lots should be created on steeper slopes. Density should be minimized in areas prone to seismic and other geologic hazards.
Comment: *The lot size was determined by the Town Council when the lot line adjustment was approved in 1998. The lot is 1.5 acres in size.*
- RH10 Preserve both close-up and distant views of the natural hillside and ridgeline landscape as seen from valley areas.
Comment: *The project building site is in the bottom of a side canyon, where the view of the natural hillside above the home will be preserved.*
- RH11 All new structures located in hazardous fire areas (such as hillsides) should be constructed with fire resistant exterior materials consistent with applicable building codes and standards.
Comment: *The proposed home will have “Hardie” board and batten siding and a composite shingle roof. The composite roof will probably have a class “A” fire rating. The wood walls are not as fire resistant as the stucco walls on the previously approved Spanish style home, but the hillside behind the home is not a heavily wooded area.*

5 COMPLEMENT EXISTING LANDSCAPING (L)

L1 FIRE SAFE LANDSCAPING

- L1.1 On residential lots located adjacent to open space or heavily wooded areas, trees should be planted no closer than 15 feet from the exterior wall of a residence.
Comment: *Although this lot is adjacent to the Mulholland Open Space Preserve, the hillside behind the home is not heavily wooded. There are no existing trees located closer than 15-feet to the home. One small Redbud Tree is only 8-feet from the home at the closest point, but this small tree should not pose a significant fire hazard.*
- L1.2 Consideration should be given to avoiding flammable trees and shrubs where possible. Consult the Moraga Fire Protection District for highly flammable plant species to be avoided such as certain pine, juniper, and eucalyptus species.
Comment: *The largest proposed trees on the landscape plan are the three coast live oak trees, which are listed on the Fire District’s fire-safe tree list.*
- L1.3 Landscaping should be properly irrigated to assure that plants retain their fire retardant capability, but shall not be over watered so as to create runoff from the site.
Comment: *Sheet L-3 shows the landscape irrigation system.*
- L1.4 On residential lots located adjacent to open space or heavily wooded areas, landscaped areas should be maintained with a “wet band” (spray irrigation) that is a minimum of 30-100 feet in width, where setbacks allow. For fire safety consideration contact the Fire District for distance guidelines.
Comment: *The hillside behind the home is not heavily wooded but the property owner will need to comply with any Fire District’s requirements for a “wet band” or other fire break between the open space area and the home.*
- L1.5 The use of shredded bark should be avoided; bark chips are recommended. Suggested minimum depth of chips is 3 inches.
Comment: *The plan does not call for shredded bark.*
- L1.6 The Town will weigh the merits of water conserving landscapes in conjunction with fire safety and stormwater management.
Comment: *All of the plants on the landscape plans for the front and left side yard areas are drought tolerant species, except for the small turf area in the front yard.*

L2 SINGLE-FAMILY RESIDENTIAL LANDSCAPING AND IRRIGATION

- L2.1 Residential properties should be landscaped and irrigated in accordance with the natural environment.
Comment: *The proposed landscaping is shown on sheet L-1 of the plan set. Three Coast Live Oak trees are proposed at the front which would be consistent with the natural environment in the area.*
- L2.2 New irrigation systems shall include automatic rain shut-off controller devices.
Comment: *Sheet L-4 shows a “hunter” controller with “Solar Sync”. This controller includes an automatic rain shut-off controller, which is also required by the new CalGreen building code.*
- L2.3 Irrigation runoff shall not be discharged into the storm drain system. Therefore, over watering of the landscape shall be avoided. Opportunities shall be provided for biofiltration that routes stormwater through landscaping and then to an appropriate drainage facility.
Comment: *The revised landscaping plans have been integrated with the drainage plans to show the areas where drainage will be discharged through swales or other landscaped areas for bio-filtration prior to entering any catch basins connected to the storm drainage system.*
- L2.4 Drought tolerant plant species are encouraged as they use less water.
Comment: *All of the species shown on the landscaping plan are drought tolerant species, except for the small area of turf at the right side of the front yard. This turf area represents a relatively small percentage of the total lot area. Nevertheless, the turf area could be changed to a ground cover that is drought tolerant.*
- L2.5 Plant selections from the list of drought tolerant, fire resistant, native tree and shrub species in the design guidelines are encouraged:
Comment: *The landscape plans uses plants in the “Oak” palette in the Town’s design guidelines.*

7 MINIMIZE THE IMPACTS OF DEVELOPMENTS (ID)

To the extent possible, development should be concentrated in areas that are least sensitive in terms of environmental and visual resources, including: a) areas of flat or gently sloping topography outside of flood plain or natural drainage areas; b) the Moraga Center and Rheem park area; c) Infill parcels in areas of existing developments.

Comment: *The lot was padded with the mass grading of the five lots. The revised and smaller home fits on the existing pad and does not require any grading into the hillside to accommodate the foundation of the home. The project site is not in a flood plain or within a natural drainage swale or riparian area. The existing drainage is conveyed around the building pad by a concrete “V”-ditch. New drainage lines along the southwest and northeast sides of the home are shown on sheet C-1 of the Plans. The project is not within the Moraga Center or Rheem Park area. The five lots at the end of Kimberly Drive were created in 1997 by a lot line adjustment on a 300+ acre parcel, known as Mulholland Hill. Homes have been built on 3 of the 5 lots. 8 and 10 Kimberly Drive are the last of the five lots and as such could be considered “in-fill” development.*

ID1-7 APPLICABLE TO ALL DEVELOPMENT

- ID1 Downhill or uphill portions of any project shall provide landscaped treatment to address potential erosion, to be in harmony with adjacent developments, and to provide a complimenting view from distant horizons. Dense native landscaping should be used to blend hillside structures with the natural setting.

Comment: The uphill slope between 10 and 12 Kimberly Drive is shown with landscaping on sheet L-1 of the plans. The downhill slope between 8 and 10 Kimberly Drive is located on 8 Kimberly Drive and is part of the landscape plan for the adjacent property. The large slope behind the home has pasture grass. There are no native trees or shrubs on the lot anywhere near the proposed new structure.

- ID2 Roofing materials shall be benign and non-corrosive, such as slate, steel, stone, terra cotta tiles, fiberglass composition shingles, etc. Copper materials shall not be used for any component of the roofing system (roofing material, gutters, downspouts, splash pads, screens, etc.). Solar systems on roofs are encouraged and not subject to Design Review.
Comment: The roofing material is identified as Architectural Grade Composition Roof “Elk Prestique” weathered sage on sheet A-6 of the project plans. No copper materials are shown on the plans. The plans do not include a solar system.
- ID3 Wind barriers, shade, sound absorption, dust abatement, glare reduction, and proper drainage should be provided on site.
Comment: Standard conditions pertaining to dust abatement during construction of the home have been included in the conditions of approval for the project. The Craftsman style home has multi-pane windows that are relatively small in comparison to the total wall area. Glare from the windows is not anticipated to be a problem with the design of this home. Drainage is shown on Sheet C-1 of the plans.
- ID4 Buildings should be placed on the site so as to permit passive solar design, ample room for usable yard areas, adequate landscaping, and proper drainage between and around buildings.
Comment: The proposed home site is located on a pad at the base of a southeast facing slope. The orientation of the lot is about 45-degrees from a true north and south alignment. The front and southwest side of the home would have the best opportunity for passive solar design; however, the proposed design has relatively short eave projections and relatively small window areas that would not take full advantage of passive solar energy. Ample room has been provided for a useable yard area with a spa at the back of the home.
- ID5 Geologic hazards shall be addressed:
- a. Construction should not take place in geologic hazard areas identified as landslides, springs, or earthquake fault zones.
 - b. Risk of off-site geologic property damage should be minimized by locating development away from areas which are vulnerable to slope failure.
 - c. Professional evaluation of soil conditions and potential geologic hazards should be completed for all new homes.
- Comment:** The geologic hazards areas for this lot were repaired and stabilized with the mass grading of the five Kimberly lots. A supplemental Geotechnical Engineering Study prepared by Jensen-Van Lienden Associates, Inc. was submitted on June 26, 2007 for the previously approved home on this lot. The previous home required additional grading where the home was cut into the slope at the side and rear of the existing pad. The revised design does not require any significant changes to the existing pad and the risk of off-site damage is minimal for the installation of the low dry stack garden walls. The previous Geotechnical Engineering Study prepared by Jensen-Van Lienden Associates, Inc. was sent to the Town’s Geotechnical Peer Review consultant, Cal Engineering and Geology (CE&G) for review because a hillside development permit was required for the proposed alterations to the side and rear slopes. Since the amount of additional grading on the lot for the current proposed project is very minor, additional geotechnical peer review was not deemed necessary.

ID6 The level of lighting should not exceed the needs for security and safety or detract from the aesthetics of the development.

- a. Outdoor lighting should be related to the design of the structure.
- b. Outdoor light fixtures should be designed and mounted so that the source of light has minimal impact off site.
- c. Outdoor lighting should be directed inward toward the property and may require additional screening to avoid spillage onto adjacent residential properties.

Comment: *The design of the proposed lighting fixtures is shown on sheet A-3 of the plans. The source of the light will be blocked by the hood around the light, which should prevent the light from being seen directly from any adjacent property.*

ID7 Design shall be consistent with the Moraga Municipal Code section 13.04.090.

Comment: *MMC Section 13.04.090 lists the “Best Management Practices and Standards” (BMPs) dealing with STORM WATER MANAGEMENT AND DISCHARGE CONTROL. There are 10 BMPs listed under this section. The drainage plans will be reviewed by the Town Engineer for compliance with the BMPs. A detention basin was installed to reduce peak storm water discharges from the five Kimberly lots at the time the mass grading and street and drainage improvements were installed. The development of this lot combined with the development of 8 Kimberly Drive would involve a total impervious surface greater than 10,000 square feet; therefore, the project will be required to meet the C.3 stormwater treatment requirements. The new roof leaders and other site drainage must be routed through vegetated areas for bio-filtration prior to discharge into any storm drain to reduce storm water pollutant discharges. The landscape plans have been revised to include a bio-retention basin at the front of the home.*

ID8 SWIMMING POOLS

ID8.1 The draining of all swimming pools shall be directed to the sanitary sewer system whenever feasible and be conducted in compliance with the permitting and standards established by Central Contra Costa Sanitary District. Overflow drains from swimming pools shall be directed to a landscape area or manufactured treatment system prior to connecting to the storm drain system. Best Management Practices (BMPs) shall be used to manage overflows.

Comment: *The revised plans for the home at 10 Kimberly Drive do not include a swimming pool, but the project does have a spa in the rear yard and the draining of the spa would also have to be done in accordance with the CCCSD requirements.*

ID8.2 Design shall be consistent with the Moraga Municipal Code section 13.04.060d.

Comment: *MMC Section 13.04.060d lists discharges that are exempt from the prohibition against the release of non-storm water discharges to the town’s storm water system if the Regional Water Quality Control Board (RWCCB) approves the exempted category under Section C.11. of the town’s NPDES permit. These exempt discharges include: uncontaminated pumped groundwater, foundation drains, water from crawl space pumps, footing drains, air conditioning condensate, irrigation water, landscape irrigation, turf or garden watering, planned and unplanned discharges from potable water sources, water line and hydrant flushing, individual residential car washing, discharges or flows from emergency firefighting activities, and dechlorinated swimming pool discharges. At the present time the Planning Staff has no knowledge that the RWCCB has exempted the discharges listed above. The drainage plans will be reviewed by the Town Engineer for compliance with this requirement.*

ID9 PAVING

- ID9.1 Impervious surfaces shall be minimized through site design and building methods. Directly connected impervious surfaces shall be minimized to avoid excessive concentrated stormwater runoff. Any runoff from impervious surfaces shall be directed to pervious areas or landscaped depressions.
Comment: *Sheet C-1 shows that the driveway is sloped towards a “grass lined swale 38-foot long and 3-feet wide across the front of the property. The drainage plans will be reviewed by the Town Engineer to minimize excessive concentrated storm runoff.*
- ID9.2 Impervious paving may be reduced by using permeable materials for pedestrian walkways, parking facilities, and areas with light traffic. Examples include:
- a. Unit pavers-on-sand: turf block, brick, natural stone, or concrete unit pavers
 - b. Poured pervious surfaces: pervious concrete or pervious asphalt
 - c. Granular materials: crushed shells, gravel, aggregate base, cobbles, or wood mulch.
- Comment:** *The site plan on Sheet A-2 appears to show pavers on the driveway. The permeability of pavers is under study by the C.3 Implementation Committee to determine whether they can be used to reduce run-off. A problem typical in Moraga is that the underlying clay-like soil is not very absorbent, thereby cancelling the effectiveness of permeable paving to a large extent. The use of gravel or other granular materials for the proposed driveway or for the deck area around the pool would not be advisable because the gravel would be tracked onto the paving of the street.*

ID10 GRADING

- ID10.1 Grading for any purpose may be permitted only in accordance with an approved development plan that is found to be geologically safe and aesthetically pleasing.
Comment: *The low garden walls are not anticipated to cause any geotechnical difficulties.*
- ID10.2 Where the pre-development slope is less than 20% a grading permit may be required. See the Moraga Municipal Code 14.08.010 for details.
Comment: *The proposed minor grading for the two low dry stack garden walls would not require a grading permit, building permit or hillside development permit provided that the walls remain below 3-feet in height and the total amount of earth movement for the walls is less than 50-cubic yards.*
- ID10.3 When the pre-development slope is greater than or equal to 20%, development shall be avoided, but may be permitted if supported by site-specific analysis. When grading land with a slope of 20% or more, soil displacement and retaining wall use shall be minimized by using contour grading techniques. In MOSO areas, development shall be prohibited on slopes with an average gradient of 20% or greater. Design shall be consistent with Moraga Municipal Code Title 14.
Comment: *Section 14.12.010 of the Grading Ordinance requires DRB approval of grading operations where the pre-development average slope is greater than 20% but less than 25%. “Pre-development average slope” is defined as the average slope within the proposed area of disturbance and where illegal grading has not occurred. The “area of disturbance” at 10 Kimberly Drive is confined to the MOSO building cell on the lot, which has an average slope of less than 20%.*
- ID10.4 Land with a pre-development average slope of 25% or greater within the development area shall not be graded except as authorized by the Town Council and only where it can be shown that a minimum amount of grading is proposed in the spirit of, and not incompatible with, the intention and purpose of the Moraga General Plan. No new residential structures may be placed on after-graded average slopes of 25% or steeper within the development area except that this provision shall not apply to new residential structures on existing lots

that were either legally created after March 1, 1951 or specifically approved by the Town Council after April 15, 2002.

Comment: *The pre-development average slope in the area of disturbance is less than 20%.*

ID10.5 Cut slopes should be placed behind buildings or other structures where they will be screened.
Comment: *Two of the low garden walls are located behind the home where they will be screened from view. The curved 2-foot high wall at the east front corner of the lot is a landscape design feature to provide the level area for the bio-retention basin at the front.*

ID10.6 Preserve the natural topography of the land, especially at the horizon:

- a. Round off graded slopes, in a manner that conforms to the natural contours of the land and to the surrounding terrain. Sharp angles produced by earth moving, specifically at the top and toe of graded slopes shall be avoided.
- b. Slopes shall be contour graded to achieve a natural appearance.
- c. Slopes shall be blended with the contours of contiguous properties and create a smooth transition.
- d. Grading shall minimize scars due to cuts, fills, and drainage benches on natural slopes.

Neither cuts nor fills shall result in slopes steeper than 3:1 (horizontal to vertical), except where natural slopes are steeper. Where steeper slopes are unavoidable, special mitigation measures shall be incorporated into the design construction and maintenance of the slopes.

Comment: *The existing topography of the previously graded pad on the lot is not being changed significantly except for the low dry stack garden retaining walls. If the Planning Commission has a strong preference for "natural contour grading" then perhaps the low landscaping wall at the front of the home should be replaced with a sloped front yard down to the street curb.*

ID11 RETAINING WALLS

ID11.1 Retaining walls (excluding foundation retaining walls) and other man-made grading features may only be used to mitigate geologic hazards when:

- a. required to decrease the possibility of personal injury or property damage
- b. appropriately screened by landscaping
- c. designed to avoid creating a tunnel effect along roadways and to ensure unrestricted views for vehicular and pedestrian safety
- d. designed to ensure minimal public and/or private maintenance costs

Comment: *The low dry-stack garden walls are not needed to decrease the possibility of personal injury or property damage. The 2-foot high curved retaining wall at the front is screened by "Rockrose" shrubs. The low garden walls do not create a tunnel effect along Kimberly Drive or restrict views that would jeopardize vehicular or pedestrian safety. The proposed dry stack masonry walls are very low maintenance.*

ID11.2 Exterior retaining walls shall be limited to five feet in height, unless it is visible from off site, in which case it shall be no higher than three feet. The total height of a retaining wall and fencing on top of the wall shall not exceed eight feet without Design Review Board approval. A guardrail or handrail (provided a solid fence does not support it) may be located on top of the retaining wall.

Comment: *None of the proposed retaining walls exceeds 5-feet in height and the retaining wall at the front, which is visible from the street, is less than 3-feet in height and will be screened by shrubs. No fencing is proposed on top of the retaining walls.*

- ID11.3 A retaining wall exceeding 3 feet requires professional engineering, a building permit, and may require a grading permit. Design Review Board approval is required if the retaining wall is visible from off-site.
Comment: *The retaining wall plans have been corrected from the July 25th plans to show that all the walls are 3-feet or less in height. Most of the low dry-stack garden walls are between 1 and 2 feet in height.*
- ID11.4 The horizontal depth of the terraces between stacked retaining walls should be a minimum of twice the height of the larger adjacent wall.
Comment: *The project does not include any stacked retaining walls.*
- ID11.5 Retaining walls should be built a minimum of three feet from a property line.
Comment: *The proposed low garden walls are not located within 3-feet of the property lines and comply with this guideline.*

ID12 STORMWATER GUIDELINES

- ID12.1 All residential buildings, in aggregate, may cover no more than 33% of the lot area. Exceptions may be considered for cluster and multi-family residential projects. For project designs that cluster the new structures on only a small portion of a large site, the percentage may be calculated using the entire site, rather than the lot size.
Comment: *The footprint of the proposed home, including the garage, will be 2,499 square feet. The total lot coverage for the property is 3.8%.*
- ID12.2 Regulations set forth by the San Francisco Bay Regional Water Quality Control Board (RWQCB) shall apply to all new or redeveloped residential and commercial projects. Please see RWQCB Order No. 99-058 and Order No. R2-2003-0022.
- a. If the project creates or replaces more than 10,000 square feet of impervious surface;
 - b. Relative to the 10,000 square foot threshold, if 50% or more of the existing impervious surface is replaced then 100% of the site must comply with Provision C.3 of the Town's Stormwater Permit; or
 - c. Relative to the 10,000 square foot threshold, if less than 50% of the existing impervious surface is replaced, then Provision C.3 of the Town's Stormwater Permit only applies to said portion.
- Comment:** *The total impervious surface area for 10 Kimberly Drive is 4,208 square feet. In combination with the 6,325 square feet of impervious surface area for 8 Kimberly Drive, the total will be 10,533 square feet; therefore, the two homes will need to comply with the C.3 provisions of the Town's Stormwater Permit.*
- ID12.3 For developments whose site constraints prohibit the use of landscape infiltration, manufactured treatment systems can be inserted into the conventional storm drain system. A detailed Operation and Maintenance Plan must be submitted with the design application (see www.cccleanwater.org/construction for the C.3 Stormwater Guidebook). Options include:
- a. Catch basin or inlet inserts
 - b. Separators (oil-grit or oil-water)
 - c. Media filters (sand, gravel, peat, compost, activated carbon, fabric, or resin)
 - d. Various filtration treatment devices
- Comment:** *During review of the drainage for the project, the applicant and the Town Engineer may consider the treatment systems listed above if landscape infiltration is deemed insufficient for treatment of the storm water discharges.*
- ID12.4 Drainage should follow natural flow patterns and, where appropriate, plans should develop wide area flow patterns, rather than concentrating flow at one point.

Comment: Sheet C-1 has been revised since the July 25, 2011 DRB meeting. The collection of the water from the rear patio area is now routed to the landscaped areas and into bio-retention basins prior to discharge into a piped drainage system which ultimately discharges into the curb gutter.

ID12.5 In new development only BMP-treated stormwater shall be discharged into the Town's storm drain system.

Comment: The Town Engineer shall review the drainage plans to ensure compliance with this guideline.

ID12.6 A sufficient number of drains should be provided for retaining wall backdrains and in the crawl space under the foundation to provide an outlet for water that may accumulate behind retaining walls and beneath the house and to drain any areas that may be divided by internal grade beams. Such drainage facilities shall be directed to a landscape area or manufactured treatment system prior to connecting to the storm drain system. Design shall be consistent with the Moraga Municipal Code section 13.04.060d.

Comment: The proposed home will have a post tensioned slab foundation, so there will be no crawl space under the home. Subdrains were installed with the mass grading of the project. One of the subdrains follows the edge of the Scenic Easement line fairly closely along the southwest side of the low garden wall at the back of the spa and rear patio area. The approximate depth of these subdrains will need to be shown on the plans and the excavation for the retaining walls should take precautions to avoid any damage to the subdrains.

ID13 NEW DEVELOPMENTS AND SUBDIVISIONS

ID13.1 Subdivision layout should retain natural topographic features and maintain the Town's semi-rural character.

Comment: The project was not approved as a "Subdivision". The lots on an old 1927 subdivision map were re-configured with a lot line adjustment. In general, the five lots at the end of Kimberly Drive were graded in accordance with the natural topography of the property, but some changes were required to install the detention basin at 12 Kimberly Drive and the concrete drainage ditches. The overall density of the project is consistent with the Town's semi-rural character. Only 15 new building sites were established and most of the 300+ acres on Mulholland Hill became permanent open space and was dedicated to the Town of Moraga as the Mulholland Open Space Preserve.

ID13.2 The color schemes of homes on adjacent lots within 200 feet of one another should be compatible with and not duplicate one another.

Comment: The applicant brought a color palette to the DRB meeting on July 25, 2011. The color palette is attached as **EXHIBIT H** to the staff report. The names of the colors (Melmac Silver and Hanover Pewter) are not very descriptive of the actual color samples, which are various shades light green or grayish-green. The composite shingle roof called "Weathered Wood" also has a green tone.

ID13.3 New road construction should adapt to topography and natural features.

Comment: There is no new road construction for this project. The new driveway follows the topography and slope of the property.

ID13.4 The impact of increased impervious surface of new roads should be mitigated by paving only the minimum width (20 feet), as required by the local Fire Department for roads that will not accommodate on-street parking. For streets with parking available on both sides the width shall be 36 feet.

Comment: The lower section of Kimberly Drive was constructed prior to the Town of Moraga's incorporation and the street was extended at the same width for the five new

lots. The existing width of Kimberly Drive does not meet the current standards of the Moraga-Orinda Fire District, which require 20-feet of unobstructed access. The street would have to be 36-feet curb to curb to allow 8-foot wide parking on both sides and two 10-foot wide travel lanes. When residents or guests park cars along the curb on both sides of Kimberly Drive, then there is less than 20-feet of access for emergency vehicles. The only practical solution will be to paint the curb red and prohibit parking along one side of the street. Ultimately, it may come down to a vote by the residents on Kimberly Drive to choose which side of the road they want to restrict the parking.

During the construction of the project, the contractors cannot park their vehicles on Kimberly Drive or Scofield Drive, in accordance with condition 43 of Planning Commission Resolution 13-99. In order to accommodate the parking of some of the construction workers on the site, the owner is encouraged to consider paving the driveway at the same time the foundation is poured for the home.

- ID13.5 Stormwater should be treated before it enters the stormdrain drain system.
Comment: *The drainage and landscaping plans have been revised so that stormwater from the driveway, patio area and new roof leaders is now routed through vegetated areas to bio-retention basins prior to discharge into storm drain pipes. The Town Engineer will review the drainage plans to ensure compliance with the Town's Stormwater Permit.*
- ID13.6 When appropriate, shared driveways should be used for neighboring clusters of houses and pervious parking areas shall be used.
Comment: *Due to the topography of the land and the slopes between the lots, shared driveway for adjacent homes is not feasible.*
- ID13.7 Sidewalks, crosswalks, and landscaped multi-use trails shall be incorporated into new developments to encourage alternatives to automobile use. Connections shall be made to adjacent neighborhoods and, where feasible, commercial areas.
Comment: *When the five new building sites were established by the lot line adjustment in 1997, a subdivision map was not required and the Town could not require the recordation of trail easements for access to the open space areas. Conditions cannot be imposed on lot line adjustment applications.*
- ID13.8 Utility lines for new subdivisions shall be installed underground to maintain natural vistas.
Comment: *All new utility lines for the five new building sites on Kimberly Drive have the utility lines underground.*
- ID13.9 Whenever possible, roads and driveways should be constructed parallel to existing topographic contours, and, if necessary, split in order to reduce the area of cut on hillsides or to preserve trees or other significant features.
Comment: *This guideline is not applicable to the project.*
- ID13.10 Street lighting in hillside and ridgeline areas should be unobtrusive and designed to reflect the natural surroundings.
Comment: *Since a subdivision was not required when the lots were re-configured, the Town could not require the installation of street lights or the formation of a street light assessment district for this project. In any case, the new lots are generally at the bottom of a small valley or side canyon and not on a hillside or ridgeline area.*
- ID13.11 Hillside lots should be larger than lots on naturally level terrain.
Comment: *All five of the new building sites on Kimberly Drive are on lots that exceed 1 acre in size.*

- ID13.12 The same or similar elevations should not be placed within 300 feet of each other along the street without altering the direction of the roof.
Comment: *The proposed home does have similar windows, garage doors and other Craftsman style details to the home proposed for 8 Kimberly Drive; however, the proposed board and batten siding on the lower floor at 10 Kimberly Drive will be different than the horizontal siding with masonry stone wainscot at 8 Kimberly Drive.*
- ID13.13 New subdivision development should meet Build It Green requirements for new residences or equivalent.
Comment: *The developer should be encouraged to meet Build It Green requirements; however, we cannot compel the builder to meet specific requirements since this lot was not created by a new subdivision.*

8 THOUGHTFULLY DESIGN SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS (SFR)

SFR1 SINGLE-FAMILY RESIDENTIAL SITE PLANNING

- SFR1.1 Not more than two (2) two-story units should be placed side-by-side unless topographic and/or architectural considerations 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 of second stories.)
Comment: *The homes at 6 and 8 Kimberly Drive are both single story. The home at 12 Kimberly Drive is a two-story home. The home at 9 Kimberly Drive is located on a long private driveway on a knoll above Kimberly Drive and is not “side-by-side” with the proposed two-story home at 10 Kimberly Drive. No exception to this guideline is necessary.*
- SFR1.2 Front setbacks should be varied, with no more than two adjacent units having the same setback. Setback variation shall be a minimum of three feet.
Comment: *The front setback for this home is varied, with a minimum 25-foot setback between the garage eave line and the street curb. The home is set at an angle to the front property line, which provides a further variation to the front setbacks.*
- SFR1.3 Accessory structures should complement the main structure unless the accessory structure cannot be seen from neighboring properties. Landscaping may be required to screen the accessory structures from view from off site.
Comment: *No accessory structures are proposed.*
- SFR1.4 On padded lots total building heights greater than 28 feet for two-story homes and 19 feet for single-story homes shall require special siting or design treatment to mitigate height.
Comment: *The height of the home to the highest ridge of the roof is 26-feet 10-inches.*
- SFR1.5 The architectural design motif should continue on all sides of a building. This motif should be compatible with but distinct from adjacent homes.
Comment: *The Craftsman style architecture design motif is consistent on all four sides of the proposed home. The style is compatible with the other new homes on Kimberly Drive. The closest match is the design for the new home at 8 Kimberly Drive.*
- SFR1.6 Development of residential lots should take advantage of natural features and unique topography of the site through split level pads or natural contour grading.
Comment: *The topography of the site is primarily a level padded lot, which was established with the mass grading for the 5 lots. There is a small split in the pad, where the front pad is about 3-feet lower than the large rear pad area. The front bio-retention basin will be located on the lower front pad and the home will be built on the larger rear pad.*

- SFR1.7 Pervious surfacing is encouraged for all driveways. Driveways longer than 50' or wider than 16' should be constructed of pervious materials. See Guideline ID9.2. Multiple-car garages are encouraged to use flared driveways to minimize impervious surface coverage.
Comment: *The site plan on Sheet A2 shows pavers for the surface of the driveway. It is unknown whether these pavers are permeable. The driveway is not longer than 50-feet, but it is 28-feet wide at the front curb cut.*
- SFR1.8 Where topography allows, driveways should slope toward a depressed turf or other vegetated landscape feature to allow for biofiltration.
Comment: *Sheet C-1 shows a slot drain across the driveway that drains to a catch basin, which drains to the bio-retention basin at the southeast front corner of the lot. The drainage plans have been reviewed by the Town Engineering staff (see **EXHIBIT I** attached to the staff report).*
- SFR1.9 Circular or hammerhead driveways may be considered for homes that front on busy streets.
Comment: *This guideline is not applicable to the project.*
- SFR1.10 On padded lots there should be a minimum of 10' near level clearance area from any top or toe of a slope to any structure for access. Clearance is measured from the exterior of the structure or any protruding portion (i.e., chimney, bay window, etc.) to the nearest point on the property line or change in slope, whichever is closer. On padded lots there should be a minimum of 6' near level clearance area on any 3 sides of any building or structure.
Comment: *The proposed home has 10-feet of near level clearance on the east side and at the front and rear of the home. There is 6-feet of near level clearance between the low garden wall and the home along the west side. The proposed home complies with this guideline.*
- SFR1.11 There should be a near level area of at least 25' x 40', other than the front yard, for usable yard area.
Comment: *The rear yard area has a 25-foot by 40-foot near level yard area and complies with this requirement.*
- SFR1.12 On non-padded lots the house shall be designed to reflect the natural contours of the site, keeping grading to a minimum.
Comment: *This is a padded lot and the revised smaller footprint of the home does not have to be cut into the slopes at the edge of the pad as was the case with the previously approved plans.*
- SFR1.13 On padded lots walkways should be set back a minimum of one foot from the top of slope.
Comment: *There are no walkways near the tops of slopes.*

SFR2 SINGLE-FAMILY RESIDENTIAL BUILDING DESIGN

- SFR2.1 A harmonious relationship with the surrounding neighborhood should be created through the use of compatible design schemes and scale.
Comment: *The Craftsman style design is compatible with other homes in the neighborhood. The second floor is setback from the first floor at the front of the home which provides a partial single story profile at the front to make the home more harmonious with the predominantly single story homes in the neighborhood.*
- SFR2.2 The color schemes of homes on adjacent lots should be compatible and not duplicate one another.
Comment: *The applicant brought a color palette to the DRB meeting on July 25, 2011. The color pallet is attached as **EXHIBIT H** to the staff report. The grayish-green color scheme would be compatible with other homes in the neighborhood.*

- SFR2.3 Exterior building design on all elevations should be coordinated with regard to color, texture, materials, finishes and architectural form and detailing to achieve design harmony and continuity.
Comment: *The exterior design of all four elevations achieves design harmony and continuity with the Craftsman style.*
- SFR2.4 The number of different materials on the exterior face of the building should be limited. Generally, a variety of masonry materials should be avoided. All chimneys on the same home should be similar in architectural style and materials.
Comment: *The proposed home will have board and batten siding on the lower floor and horizontal siding on the upper floor. The home has a side vented fireplace and no masonry.*
- SFR2.5 Roof shape, color, and texture should harmonize with the color and architectural treatment of exterior walls.
Comment: *The roof has two gables at the front of the home and one gable at the side of the garage on the lower floor and two gables at either side on the upper floor.*
- SFR2.6 The side yard setback shall be no less than the minimum permitted by the Zoning Ordinance and shall be increased by one additional foot for each foot of end wall height greater than 20 feet. End wall height is the maximum vertical height from finished grade to outer roof surface at the side yard. Chimneys, dormers, and other architectural elements are excepted from this limitation. The skirt wall is counted as part of the height measurement. In any individual case, the Planning Commission or the Design Review Board may require a larger side yard, provided they can make appropriate findings relating to the following types of conditions:
- a. Major ridgeline (as defined by the General Plan);
 - b. Scenic corridor;
 - c. General Plan land use or zoning designation;
 - d. Proposed use of structure, in relation to surrounding uses;
 - e. Visibility of structure(s) from off site, due to placement (or absence) of permanent screening;
 - f. Elevation of the lot, compared with the elevation(s) of abutting street(s) and/or other properties;
 - g. In fill lot or a lot adjacent to an established subdivision;
 - h. Slope or grade of lot, in relation to abutting streets.
- Comment:** *The proposed home has an end-wall height of 26-feet on the northeast side and the wall is located 14 feet from the northeast property line. To be compliant with this guideline, the second floor should be set back 2 more feet to the southwest so that the setback to the northeast wall is 16-feet. However, in consideration of the conditions listed above, the long slope between 8 Kimberly Drive and 10 Kimberly Drive provides ample separation of the homes to mitigate the end-wall height issue.*
- SFR2.7 Although the maximum height for any structure is set by the Zoning Ordinance at thirty-five feet, a lower height may be required, based on the special circumstances of an individual lot.
Comment: *The overall height is 26-feet 10-inches and complies with the height limitations for two-story homes.*
- SFR2.8 Conscious efforts should be made to recognize building security as a design element in new construction.
Comment: *The design of the exterior light fixtures is shown on sheet A-3 of the plans.*
- SFR2.9 Any blank wall that is without windows and is more than 15 feet long or 180 square feet in area, whichever is less, should have special design treatment.

Comment: *The fenestration and other architectural embellishments in the walls of the home comply with this guideline. There are no blank wall areas exceeding 15 feet or 180 square feet.*

SFR2.10 The overall height of the deck skirt should not exceed six feet, except for cantilevered decks from the second story. Skirt height is defined as the distance between the finished floor and the ground. The maximum height for exposed posts supporting a ground level deck should be four feet where visible from off site.

Comment: *There are no deck skirts on the proposed home.*

SFR2.11 The following requirements specifically address skirt height treatment, when any portion of the skirt is visible off-site:

- a. Skirt heights of four feet or less need no special treatments;
- b. Skirt heights between four and six feet shall receive special treatment, such as water table trim, other patterns or different surface treatment which could include other building materials, all consistent with the overall architectural concept;
- c. The visible portion of a concrete footing or grade beam shall not exceed twelve inches above the lowest adjacent ground surface;
- d. No skirt height that is greater than six feet shall be visible off-site.

Comment: *This guideline is not applicable because there are no skirt walls exceeding four feet in height.*

SFR2.12 Decks that require special consideration due to the topography and hillside design of the home, which includes decks from the first and second floor of the residences. Such decks should comply with the following standards:

- a. Decks that exceed 6 feet in height shall be substantially screened by landscaping. The Design Review Board may require the property owner to enter into a landscape installation and maintenance agreement with the Town.
- b. Landscaping shall mitigate the visual impact of a deck as viewed from adjacent neighbors.
- c. Support posts should be setback from the face of the deck to minimize the height of posts and provide visual relief.
- d. Diagonal or cross bracing of support posts shall not be permitted.
- e. Decks shall be consistent with the scale and design of the home.

Comment: *There are no second floor balcony style decks or other decks higher than 6-feet above the ground for this home.*

SFR2.13 The design of the mailbox should complement the style and materials of the principal building on the site.

Comment: *The design of the mailbox was not submitted.*

SFR2.14 Roof leader drains shall be routed through a biofilter, sand filter, or plant box.

Comment: *The drainage and landscaping plans were revised after the July 25th DRB meeting. The roof leader drains are now directed to landscaped areas and to the bio-retention basins.*

EXHIBIT H

**COLOR PALLET FOR
10 KIMBERLY DRIVE**



DESIGN GROUP, INC.

New Residence for:
Kimberley, LLC
10 Kimberley Drive

1) Roof: GAF/EIik
Weathered Wood



**2) Horizontal Siding/
Trim/Fascia/Soffits:**

KM-HL4264-2
Melmac Silver



3) Board & Batten:
KM-HL4259-3
Hanover Pewter



4) Windows:
Milgard - White



**5) Garage Doors/
Front Door/Shutters:**
KM-HL4264-2
Melmac Silver

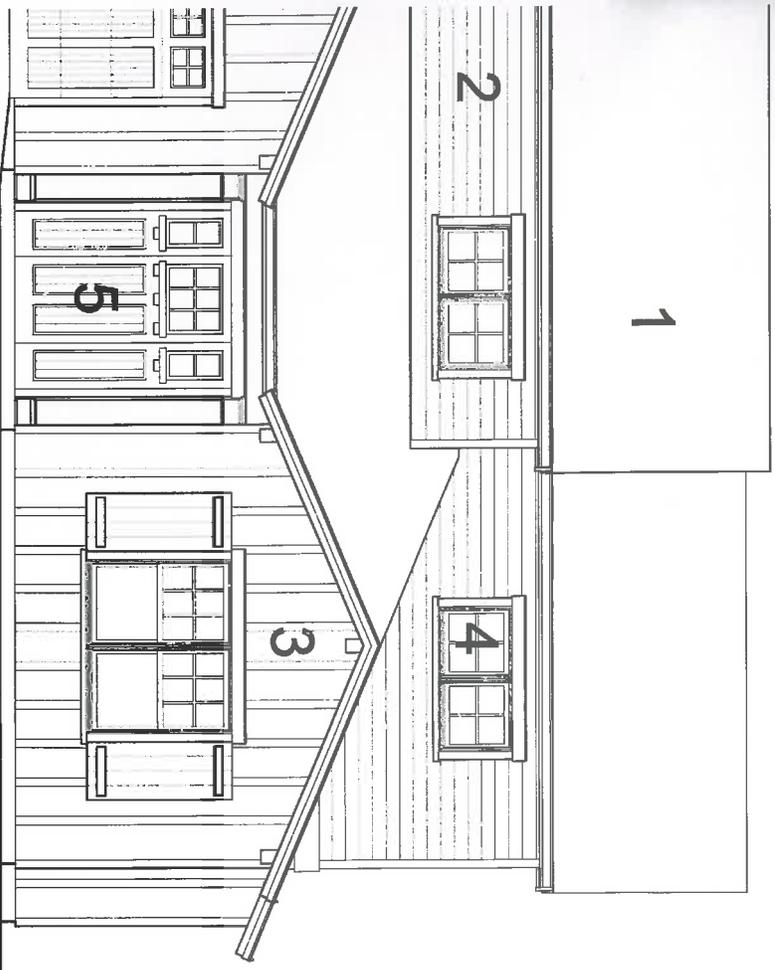


EXHIBIT I

TOWN ENGINEERING STAFF RESPONSE TO SOWA'S PAD ELEVATION QUESTIONS

Analysis and Comments on the proposed development of 10 Kimberly Dr.

Prepared by: John Sherbert, staff engineer

Date: October 4, 2011

Introduction: Residents Frank and Beverly Sowa (6 Kimberly Dr.) have raised several questions about the proposed development of the vacant lots at 8 and 10 Kimberly Dr. Responding to their concerns, the Town staff has reviewed the proposed plans, met with the developer's design staff and reviewed revised plans submitted as a result of the meetings. The comments herein respond to the Sowa's concerns

CONCERN:

(1) The building pad elevation on the proposed plans differs from the "as-built" plans from the original grading and the building and the elevation topographical lines are incorrect (8/4/2011 letter):

The original grading plans for the lots, the "as-built" grading plan provided by RMR, and more recent survey by Moran Engineering indicated the building pad height for 10 Kimberly was split at 718' and 721' elevation. The plans dated 6/14/2011 submitted by Branagh reflected a pad elevation of 721.67' and a finished floor elevation of 722.67'. After meeting with the Branagh design team to discuss the discrepancies on 8/25/2011, the Branagh team agreed to re-survey the two properties and adjust the building pad accordingly. On 9/2/2011 the engineering staff received a revised topographical map of the building site at 10 Kimberly confirming the split 718/721' elevation of the rough grade. The building plans reflect the house located primarily on the 721' portion of the lot with a 722.67' elevation of the finished floor consistent with the 6/2011 plans.

(2) The topographical data may be incorrect based on errors noted at 8 Kimberly. (8/4/2011 letter page 9):

As noted above, the revised set of plans submitted by the Branagh design team in September are based on the topographical data from a survey completed in late August 2011. The current plan is consistent with the survey data from the original 2005 "as-built" drawings and confirms the survey lines reflected in the earlier set of plans (6/2011).

The elevation of the building pad as noted in the 6/2011 plans and confirmed in the 9/2011 set of plans did not change. With the topographic information remaining the same and the building pad remaining the same, there should be no further concern that the building pad area should be reduced.

(3) The drainage plans for both lots should be reviewed and approved by the Town's engineering department:

The 6/2011 set of plans reflected connections between the area drains and the roof leaders around 10 Kimberly through the curb to drain stormwater directly into the gutter. Although this design met the geotech concern that stormwater not be allowed to saturate the property and slopes, it did not reflect the current requirements for stormwater

treatment. After meeting with the Branagh design team in August 2011, the revised plans submitted in September reflect routing roof and hard-surface runoff into a stormwater detention/treatment basin which is consistent with the current requirements. Staff has reviewed the routing and sizing of the proposed drainage system and is satisfied that sufficient capacity has been provided to handle the normal design requirements.

EXHIBIT J

**SUPPLEMENTAL GEOTECHNICAL
STUDY DATED
SEPT. 20, 2011 BY JENSEN-VAN
LIENDEN ASSOCIATES, INC.**

P169CC
September 20, 2011

Branagh Development
100 School Street
Danville, CA 94526

RECEIVED
SEP 23 2011
BRANAGH

Curtis N. Jensen
Geoffrey Van Lienden

Attention: Peter Branagh

Re: Supplemental Geotechnical Study.
PT Slab Design Criteria
10 Kimberly Drive (Lot 2)
Moraga, California

As requested we have conducted a supplemental geotechnical study to develop design criteria for the proposed post-tensioned slab for the new residence planned for Lot 1 in the Kimberly Drive subdivision. Geotechnical recommendations for this project were originally issued in our report dated August 25, 2004. We have reviewed the recommendations contained in that report. In our opinion, our original recommendations are still valid. The recommendations contained in this letter supplement the recommendations in our August 10, 2004 (Revised August 20, 2004) report.

The building area has already been graded. We drilled 3 shallow test borings on the pad in the area of the proposed new house. Our project engineer in the field classified the soil conditions encountered in the borings. The locations of the new borings (borings 4 through 6) are shown on the attached site plan, Figure 1. Logs of all of the borings are presented on Figures 2 through 7.

We retrieved reasonably undisturbed samples of the underlying soil and the samples were brought to the laboratory for testing. Tests included grain size distribution analyses, plasticity index testing, and strength/moisture/density evaluations. All of these tests are used to develop the geotechnical design parameters for PT slabs-on-grade. The test results are presented on the boring logs and on the plasticity chart, Figure 8.

1. Post-tensioned Slab Foundations

The building could be supported on post-tensioned slab foundations. The post-tensioned slab should be designed to account for the highly expansive nature of the soil in the subgrade. Using the design methodology recommended in the California Building Code, we have developed parameters that can be used by the structural engineer for post-tensioned slab design. The parameters given below are based on the assumption that the Thornthwaite Index is equal to -20. We have assumed a soil plasticity index of 34% and a liquid limit of 57%. We have assumed that 78% of the soil will pass through the #200 sieve and that 33% of the soil has a diameter of less than 2 microns. These design values are based on the test

data obtained from our study of Lot 2 and the test results from our concurrent study of Lot 1. Based on our analyses, the following parameters should be used.

$$e_m (\text{center lift}) = 6.5 \text{ feet}$$

$$e_m (\text{edge lift}) = 3.7 \text{ feet}$$

$$y_m (\text{center lift}) = 3.2 \text{ inches}$$

$$y_m (\text{edge lift}) = 2.1 \text{ inches}$$

The post-tensioned slabs can be designed using a bearing pressure of 1000 psf. This value can be increased by 33% for all loads including wind or seismic. While the final design of the slab thickness is the responsibility of the structural engineer, we recommend that a minimum slab thickness of 10 inches be used to limit the potential for deflection. Slabs thicker than this would produce even less risk of deformation.

2. Moisture Migration Beneath Slabs

Moisture migration through slabs is a common problem. If slabs are to be constructed in areas where moisture migration and the resulting dampness in the slab would be an issue, it is suggested that a moisture vapor retarder system be used beneath the bottom of the slab. A variety of systems are available on the market today varying considerably in effectiveness and expense. A commonly used treatment consists of a few inches of open graded gravel (capillary rock), a vapor proof membrane, and 1 or 2 inches of sand placed over the surface of the membrane. The use of the sand is a matter of debate among structural engineers. The final decision regarding the treatment to use should be made by the owner or architect.

3. CBC Geotechnical Seismic Design Parameters – Mapped Values

The site longitude and latitude are 37.8623 degrees west and -122.1370 degrees north, respectively.

The site class is D.

The estimated site short period spectral acceleration S_s is 1.50.

The estimated site 1-second spectral acceleration S_1 is 0.60.

$$F_a = 1.0$$

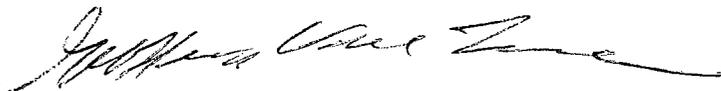
$$F_v = 1.5$$

Branagh Development
September 20, 2011
Page 3

Please advise us if we can be of further assistance.

Very truly yours,

JENSEN-VAN LIENDEN ASSOCIATES, INC.

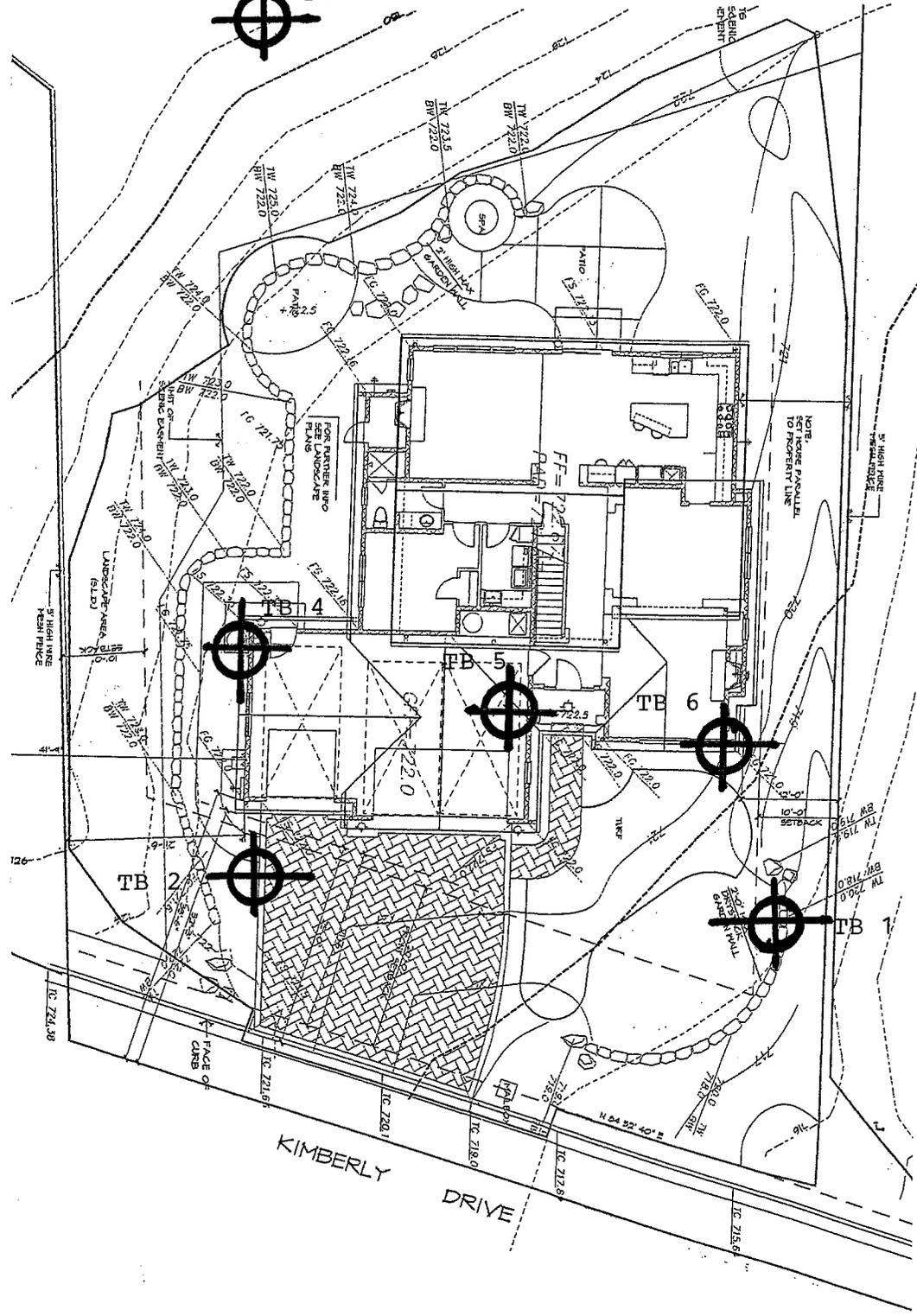
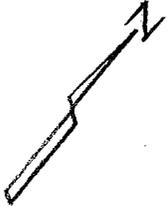


Geoffrey Van Lienden
G. E. # 853

cc: Talon Design Group



Reference



KIMBERLY DRIVE

Jensen - Van Lienden Associates, Inc.

Test Boring Locations
10 Kimberly Drive (Lot 2)

Date	Figure	Job No.
9/11	1	P169CC

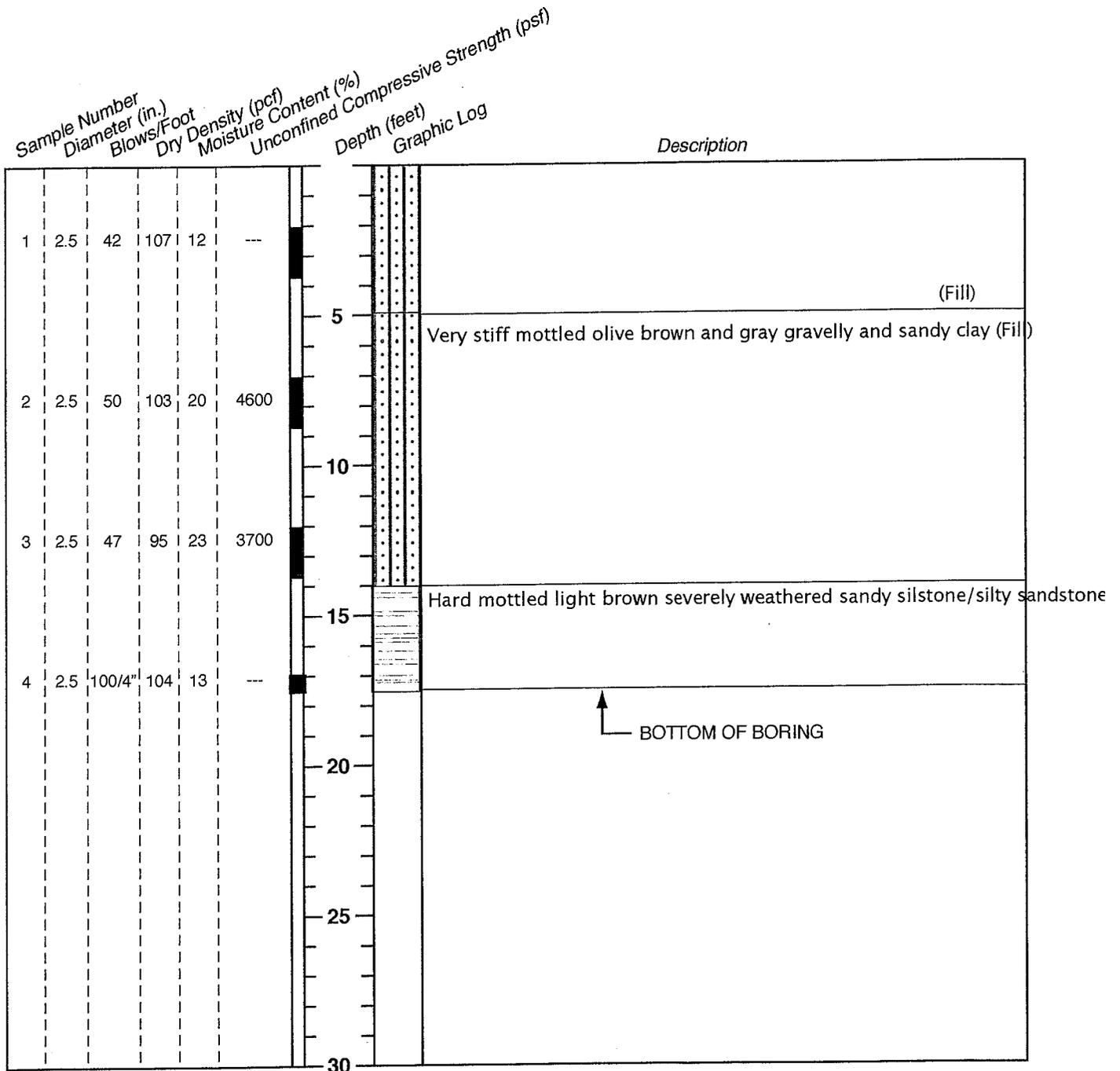
Base map by Talon Design Group
Approximate Scale 1" = 20'

**Jensen – Van Lienden
Associates, Inc.**
GEOTECHNICAL CONSULTANTS

Log of Boring Number 1

Lot 2, Kimberly Drive
Moraga, CA

SUPERVISOR: _____ SKM	SAMPLING METHOD: _____ 140# hammer/30" drop
DATE DRILLED: _____ 7/8/04	SURFACE ELEVATION: _____ Not measured
DRILLING METHOD: _____ 4" diameter solid stem augers	GROUNDWATER DEPTH: _____ Dry on 7/8/04



Job Number P169AA

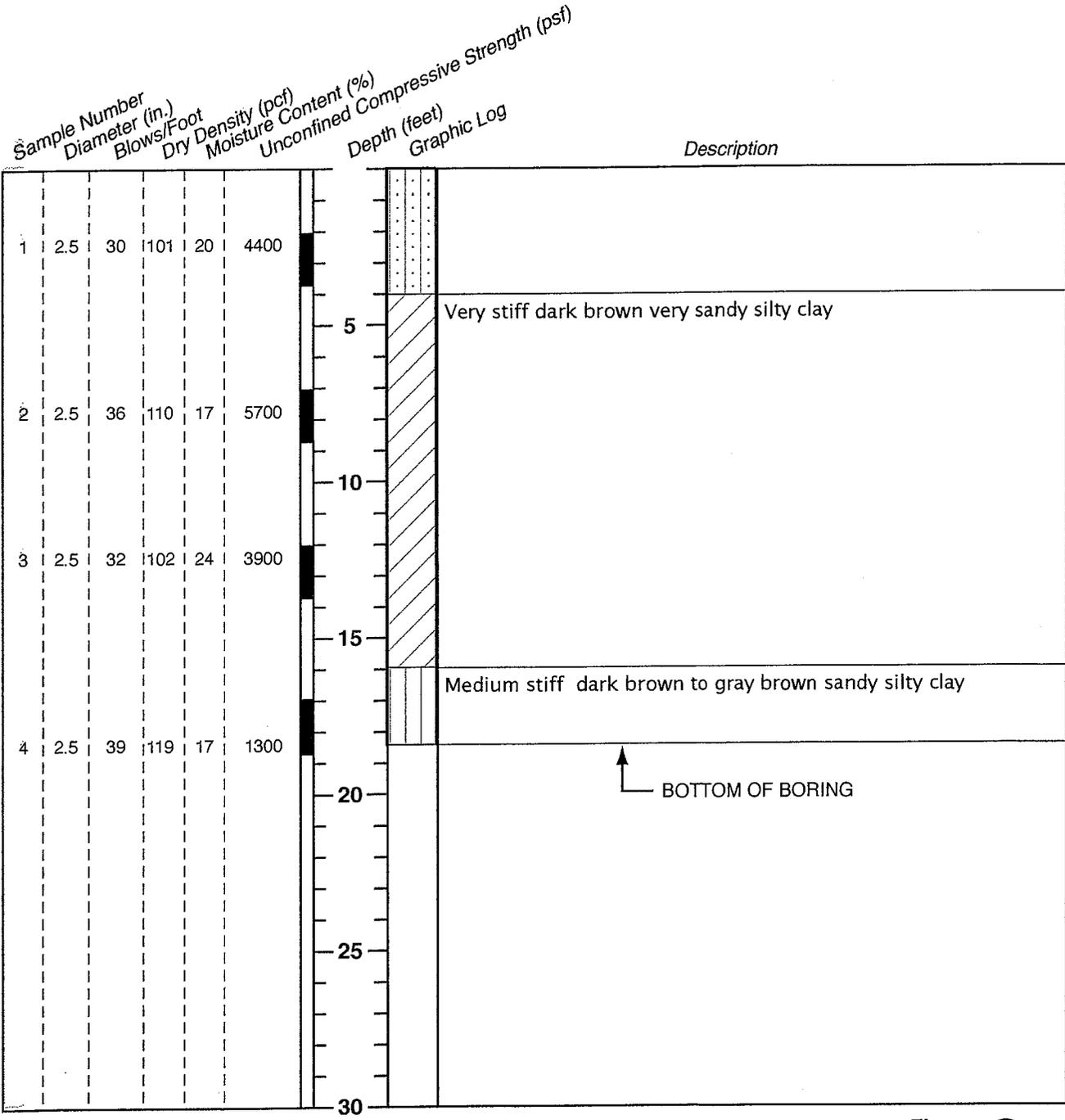
Figure **2**

**Jensen – Van Lienden
Associates, Inc.
GEOTECHNICAL CONSULTANTS**

Log of Boring Number 2

**Lot 2, Kimberly Drive
Moraga, CA**

SUPERVISOR: SKM	SAMPLING METHOD: 140# hammer/30" drop
DATE DRILLED: 7/8/04	SURFACE ELEVATION: Not measured
DRILLING METHOD: 4" diameter solid stem augers	GROUNDWATER DEPTH: 16' during the drilling



Job Number P169AA

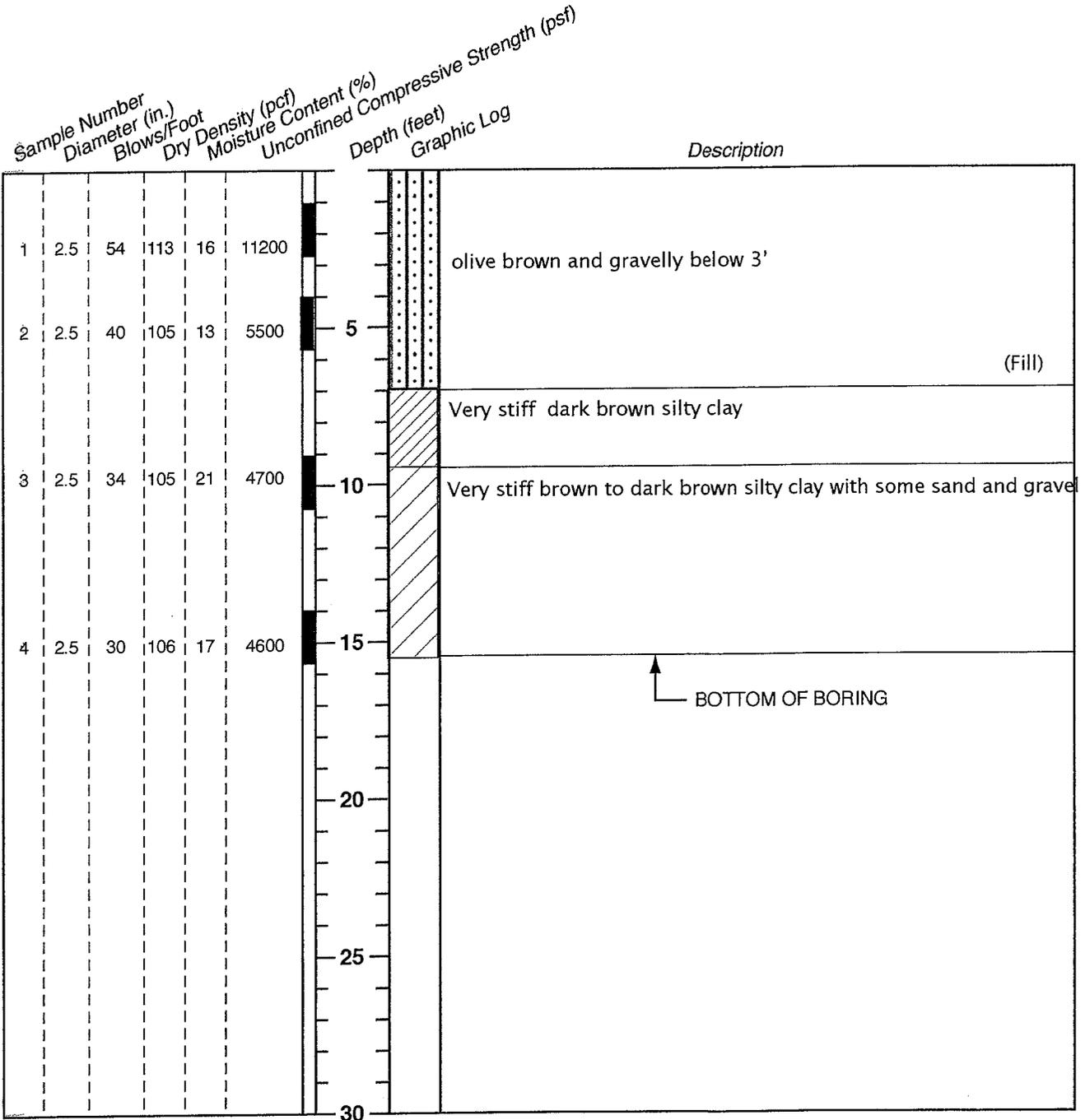
Figure **3**

**Jensen – Van Lienden
Associates, Inc.**
GEOTECHNICAL CONSULTANTS

Log of Boring Number 3

Lot 2, Kimberly Drive
Moraga, CA

SUPERVISOR: SKM	SAMPLING METHOD: 140# hammer/30" drop
DATE DRILLED: 7/25/04	SURFACE ELEVATION: Not measured
DRILLING METHOD: 4" diameter solid stem augers	GROUNDWATER DEPTH: Dry on 7/25/04



Job Number P169AA

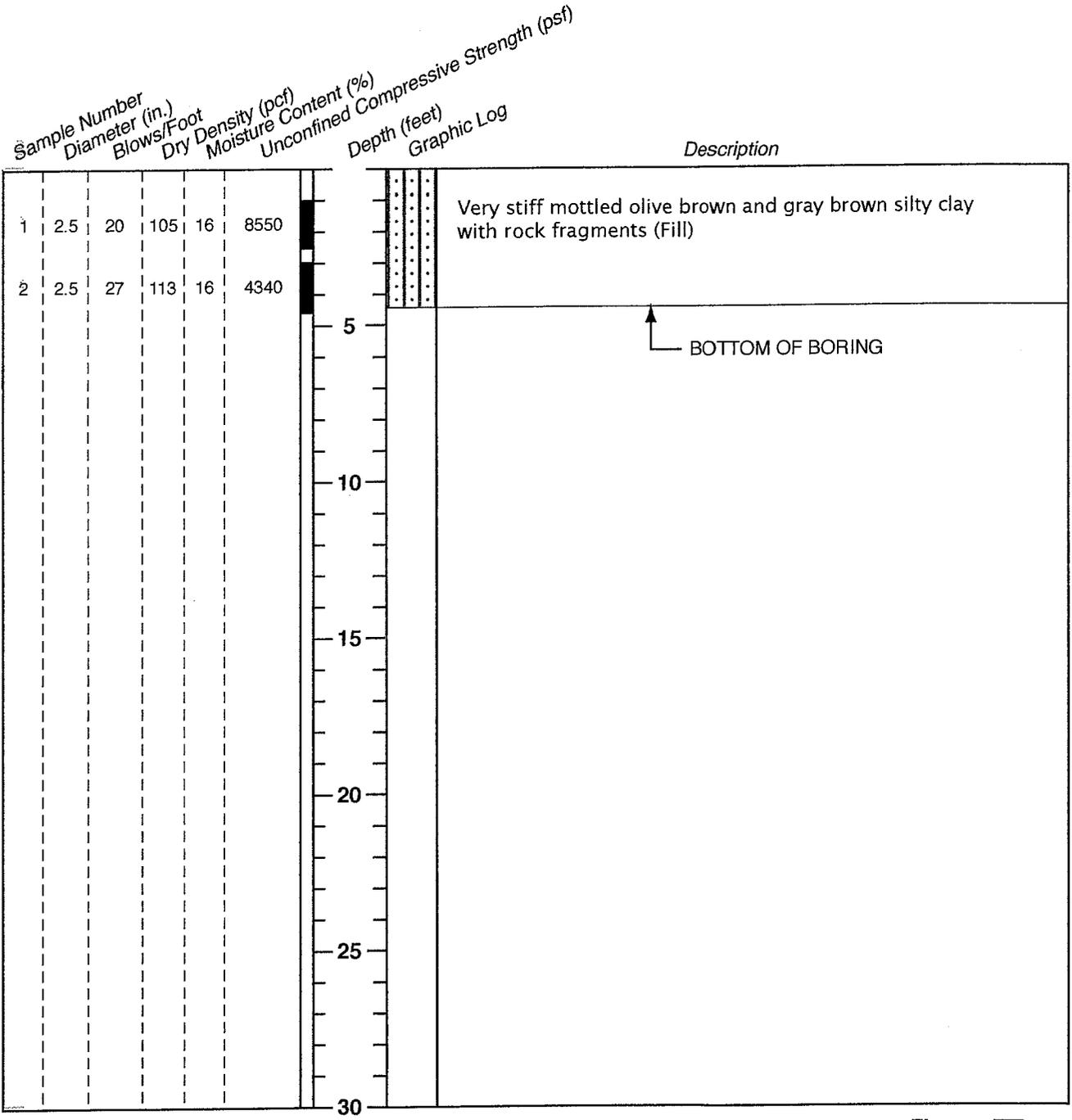
Figure **4**

**Jensen – Van Lienden
Associates, Inc.**
GEOTECHNICAL CONSULTANTS

Log of Boring Number 4

Lot 2, Kimberly Drive
Moraga, CA

SUPERVISOR: _____	GVL	SAMPLING METHOD: _____	140# hammer/30" drop
DATE DRILLED: _____	9/8/11	SURFACE ELEVATION: _____	Not measured
DRILLING METHOD: _____	4" diameter solid stem augers	GROUNDWATER DEPTH: _____	Dry on 9/8/11

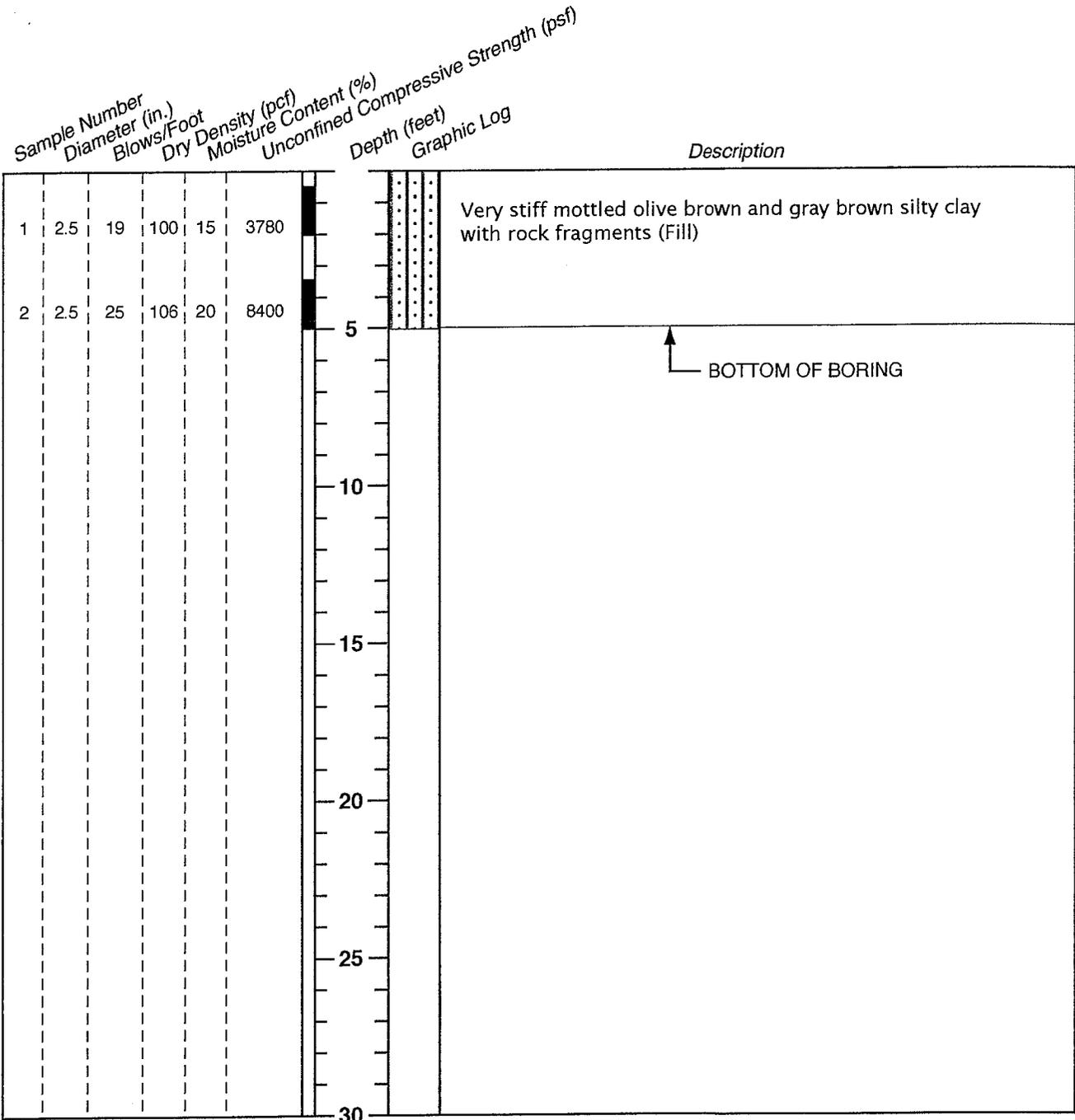


**Jensen – Van Lienden
Associates, Inc.**
GEOTECHNICAL CONSULTANTS

Log of Boring Number 5

Lot 2, Kimberly Drive
Moraga, CA

SUPERVISOR: _____ GVL _____	SAMPLING METHOD: _____ 140# hammer/30" drop _____
DATE DRILLED: _____ 9/8/11 _____	SURFACE ELEVATION: _____ Not measured _____
DRILLING METHOD: _____ 4" diameter solid stem augers _____	GROUNDWATER DEPTH: _____ Dry on 9/8/11 _____

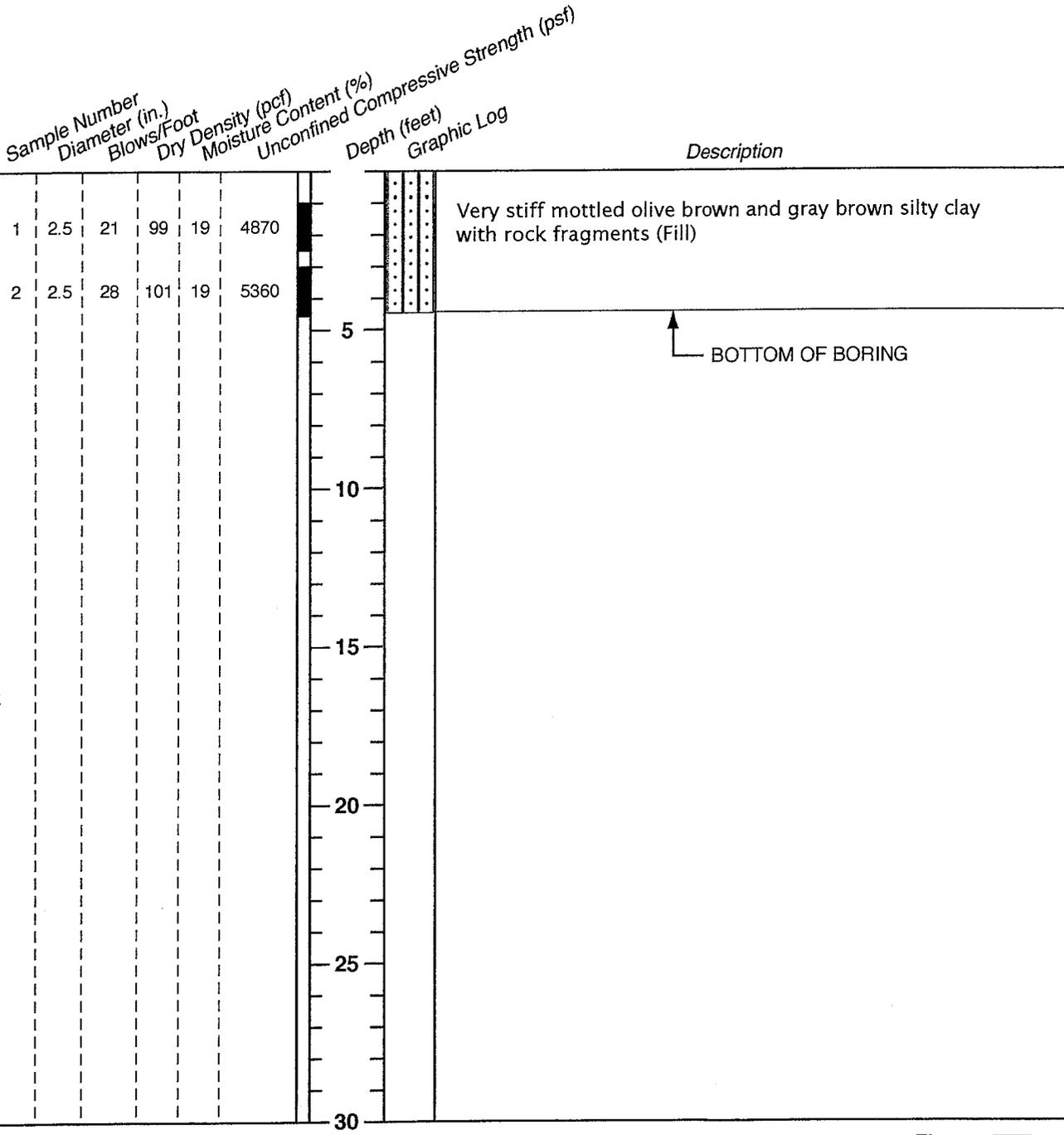


**Jensen – Van Lienden
Associates, Inc.**
GEOTECHNICAL CONSULTANTS

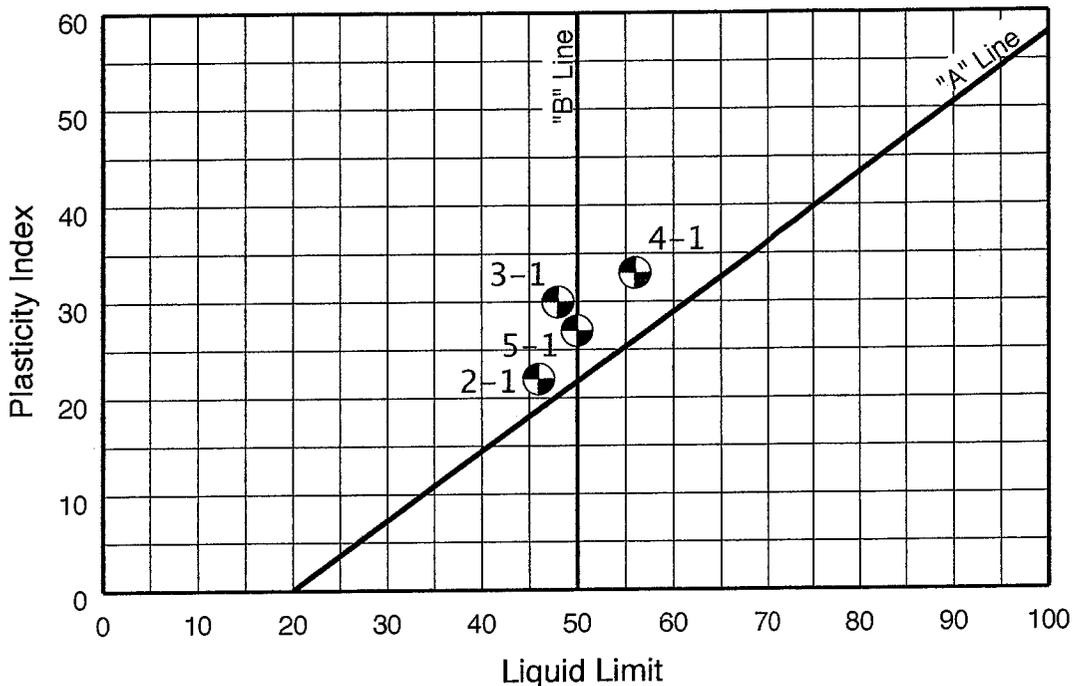
Log of Boring Number 6

Lot 2, Kimberly Drive
Moraga, CA

SUPERVISOR: _____ GVL	SAMPLING METHOD: _____ 140# hammer/30" drop
DATE DRILLED: _____ 9/8/11	SURFACE ELEVATION: _____ Not measured
DRILLING METHOD: _____ 4" diameter solid stem augers	GROUNDWATER DEPTH: _____ Dry on 9/8/11



PLASTICITY CHART



INDEX TEST RESULTS

Sample Identification		Atterberg Limits (%)		Grain Sizes (% Dry Weight)		
Sample No.	Description	Liquid Limit	Plasticity Index	Sand	Silt	Clay
2-1	Very dark brown silty clay	46	22	---	---	---
3-1	Dark gray brown sandy and silty clay	48	30	29	38	33
4-1	Dark gray brown silty clay	56	33	35	44	21
5-1	Dark gray brown silty clay	50	27	32	44	24

Jensen - Van Lienden
Associates, Inc.

Lot 2, Kimberly Drive
Moraga, CA

Date
9/11

Figure
8

Job No.
P169CC

EXHIBIT K

NEW SURVEY OF 8 AND 10 KIMBERLY DRIVE COMPLETED SEPTEMBER 2, 2011

NOTE: This exhibit is the same as ***EXHIBIT K*** for 8 Kimberly Drive and can be seen under the staff report for item V.A. on the December 5, 2011 Planning Commission agenda.

EXHIBIT L

**GEOTECHNICAL PEER REVIEW
LETTER DATED
NOVEMBER 18, 2011 BY
CAL ENGINEERING & GEOLOGY**



1870 Olympic Blvd.
Suite 100
Walnut Creek
California 94596

Tel: 925.935.9771
Fax: 925.935.9773
www.caleng.com

18 November 2011

Town of Moraga
Planning Department
329 Rheem Boulevard
Moraga, California 94556
Attention: Richard Chamberlain

RECEIVED

NOV 18 2011

MORAGA PLANNING DEPT.

RE: Proposed New Residence
10 Kimberly Drive (Lot 2)
Moraga, California

Dear Mr. Chamberlain:

At your request, we have completed our geologic and geotechnical peer review of the supplement geotechnical report by Jensen-Van Lienden Associates, Inc. (JVLA) and the provided development plans for the proposed new residence to be constructed at 10 Kimberly Drive in Moraga, California. The supplemental report by JVLA is an update of their 20 August 2004 geotechnical report that was prepared for previously proposed development at the property.

DOCUMENTS REVIEWED

We previously reviewed the 20 August 2004 geotechnical report and development plans and our review comments are contained in our letter of 31 August 2007. Our 31 August 2007 letter contained four review comments for which we recommended additional information be provided. A formal response to those comments was never provided, however, some of the comments have been addressed by the supplemental report by JVLA and some have not been adequately addressed. The status of these comments will be discussed in subsequent sections of this letter .

The following documents were reviewed:

1. Report titled *Geotechnical Engineering Study, Lot 2-Kimberly Drive, Moraga, California* prepared by JVLA, revised date 20 August 2004.
2. Report titled *Supplemental Geotechnical Study, PT Slab Design Criteria, 10 Kimberly Drive (Lot 2), Moraga, California* prepared by JVLA, dated 20 September 20, 2011.
3. Letter titled *8 Kimberley Dr/DRB 07-11, Applicant/Owner: Branagh Development/Kimberly LLC, 10 Kimberley Dr/DRB 08-11 Applicant/Owner: Branagh Development/Kimberly LLC*, prepared by Frank and Beverly Sowa, dated 11 October 2011.
4. Architectural plans titled "New Residence for: Kimberly LLC, 10 Kimberly Drive, Moraga, Sheets A1-A7" prepared by Talon Design Group, Inc.
5. Civil engineering plans titled "Grading and Drainage Plan 10 Kimberly Drive, City of Moraga, Contra Costa County, Sheets C1-C3," dated 9-12-11, prepared by Alexander & Associates Inc.

Our geologic and geotechnical review of the reports and plans for the proposed new residential development has included the examination of the above referenced materials for pertinent information regarding the technical feasibility of the project. We have also performed reconnaissance level observations of the site.

PROPOSED PROJECT

The proposed project will consist of constructing a two-story single-family residence with an attached garage on the existing graded building pad. The residence will be accessed by a private driveway off Kimberly Court. The development will include a spa and patio area along the west side of the residence. A 2 foot tall (maximum height) garden retaining wall will be constructed along perimeter of the spa-patio area. This will require a short cut into the graded slope along the west side of the building plan. The grading plans indicate that minor cuts and fills will be required to attain the desired grades for the project.

According to JVLA, portions of the building pad were previously graded in order to construct a buttress fill to stabilize an unstable ascending natural slope above this and the building pads to the west and east (Lots 3 and 1). The buttress fill extends along the entire north side of the building pad.

A slide debris catchment area was constructed at the top of the buttress fill. The catchment area was intended to contain shallow slide debris from the upslope area. A concrete lined drainage ditch extends across the upslope side of the catchment area.

Subdrains were constructed beneath the buttress fills constructed along the west and north sides of the building pad. Figure 8 of the 2004 JVLA report shows the approximate locations of the existing the surface and subsurface drainage facilities on the property.

REVIEW OF GEOTECHNICAL REPORT AND DEVELOPMENT PLANS

PREVIOUS REVIEW COMMENTS FROM OUR 31 AUGUST 2007 LETTER

Comment 1

Section 2. Geotechnical Conditions of the JVLA report indicates that the locations of Borings 8, 9, and 10 are shown on Figure 1. Our review of Figure 1 indicates that only borings 1, 2, and 3 are shown on the map. It is recommended that JVLA provide an explanation of the apparent conflict between the text of the report and the information shown on Figure 1.

Status

Based on the information in the 2010 report, this was a typographical error in the number of the borings and additional information is not required.

Comment 2

Sheet C-2 of RMR Plans - This sheet shows the location of the existing subdrain where it originates on the west side of the building pad and zig-zags across the northern side of the building pad to the existing main subdrain. It appears that the subdrain may be impacted by the proposed residence and associated facilities. Depending on their depths, it is possible that the foundation elements and perhaps the pool excavation could extend through the existing subdrain. This condition conflicts with the recommendations on page 1 of the JVLA report. It is, therefore, recommended that the depth and location of the subdrains be determined to more fully evaluate the potential impacts of the proposed improvements to the long-term performance of the subdrain system. This information should then be provided to the project architect, structural engineer, civil engineer, and geotechnical engineer etc. to determine if modifications to the plans are required.

Status

The swimming pool has been eliminated and the foundation system has been changed to a post-tensioned slab on grade, therefore this comment does not apply to the currently

proposed project. However, the proposed 2 foot high landscaping wall may encroach over the subdrain beneath the buttress fill along the west side of the building pad. It is therefore recommended that JVLA verify that the new wall will not adversely impact the stability of the existing cut slope and the buried subdrain system.

Comment 3

Sheet C-2 RMR Plans - The plans indicate a swimming pool will be constructed in the northeastern portion of the building pad; however, design parameters for the pool are not contained in the geotechnical report. Because the pool excavation will be located near the base of the buttress fill, we recommended that the project geotechnical engineer review the soil conditions in the vicinity of the proposed pool and provide site specific design parameters.

Status

The swimming pool has been eliminated, therefore this comment does not apply to the currently proposed project.

Comment 4

The plan review letter by JVLA dated 21 June 2007 indicates that they have not reviewed the structural engineering drawings for the project including the foundation plans. It is recommended that the project geotechnical engineer review the structural drawings for the project, including the foundation plans, for conformance with the recommendations of their report. This review should be documented in writing.

Status

It remains our opinion that the geotechnical aspects of the development plans be reviewed by the project geotechnical engineer for conformance with the intentions of their reports. This review should be documented in writing.

COMMENTS PERTAINING TO THE UPDATED REPORT AND CURRENT PLANS

Comment 5

The "Post-tensioned Slab Foundations" section of the supplement report indicates that the provided geotechnical design parameters were developed using the design methodology of the California Building Code. It is recommended that JVLA verify that the methodology employed was from the 2010 California Building Code.

Comment 6

The development plans call for making cuts up to 2 feet tall into the existing fill slopes along the west and north sides of the building pad. These cuts will be supported by short retaining walls. It is recommended that JVLA review the proposed treatment of these fill slopes and provide recommendations as needed for the cuts and the design of the retaining walls.

Comment 7

It is recommended that Grading Note 2 on Sheet C1 of the grading and drainage plan be updated to include a reference to the 20 September 2011 JVLA supplemental report.

Comment 8

A perimeter drain is proposed to be constructed around the exterior of the residence. The perimeter drain detail on Sheet C1 of the grading and drainage plan does not contain a perforated collector pipe at the bottom of the subdrain trench. It is recommended that consideration be given to incorporating a perforated drain pipe into the perimeter drain system.

CLOSURE

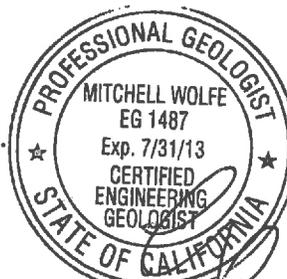
This review has been performed by request of the Town of Moraga. Our role has been to provide technical advice to assist the Town in its discretionary permit decisions, and we are afforded the same protection under state law. Our services have been limited to the review of the documents listed above, and a visual review of the property. We have no control over the future construction on this property and make no representations regarding its future conditions.

We have employed accepted geotechnical engineering procedures, and our professional opinions and conclusions are made in accordance with generally accepted geotechnical engineering principles and practices. This standard is in lieu of all other warranties, either expressed or implied.

Yours truly,

CAL ENGINEERING & GEOLOGY, INC.


Mitchell Wolfe, P.G., C.E.G.
Principal Geologist



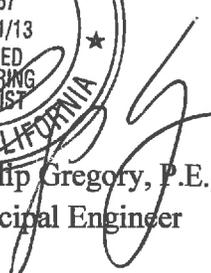

Phillip Gregory, P.E., G.E.
Principal Engineer



EXHIBIT M

AGREEMENT TO EXTEND TIME LIMITS REQUIRED BY THE PERMIT STREAMLINING ACT



Town of Moraga

PLANNING DEPARTMENT
329 RHEEM BOULEVARD
MORAGA, CA 94556
(925) 888-7040

Agreement to extend the time limits required by the Permit Streamlining Act.

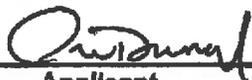
RECITALS

THIS AGREEMENT is based upon the following facts:

- A. On June 16, 2011, an application was filed for approval of a new two-story 2,880 square foot home with an attached 766 square foot 3-car garage on 65,340 square foot lot at 10 Kimberly Drive. (APN 255-120-011).
- B. The Permit Streamlining Act (Section 65950) requires a decision on the project within 60 calendar days after a project has been found to be exempt from CEQA or a negative declaration is adopted for the project.
- C. The application was determined to be exempt from further CEQA review when the Design Review Board staff report was written on July 20, 2011; therefore, the deadline for action on the application is September 18, 2011.
- D. The application was reviewed by the Design Review Board on July 25, 2011, where recommendations were made for consideration of final plan review by the Planning Commission in accordance with condition 22 of Planning Commission Resolution 13-99.
- E. The neighbor living at 6 Kimberley Drive, Beverly Sowa, submitted a 7-page letter with attached exhibits at the Design Review Board meeting on July 25, 2011, which raised many drainage issues, primarily with regard to the drainage at the 8 Kimberley Drive project. The Design Review Board directed staff that the drainage issues should be resolved prior to the final review of the plans by the Planning Commission.
- F. The applicant also submitted revised drawings at the July 25, 2011 meeting to correct the alignment of a concrete V-ditch along the northeast property line between 6 and 8 Kimberley Drive. On July 26, 2011, Beverly Sowa visited the Moraga Planning Department office to review the revised plans and on July 29, 2011 she returned to the planning office with grading plans for both 8 and 10 Kimberley Drive that showed different pad elevations for the lots than depicted on the current plans. Mrs. Sowa was directed to show the plans to the Town's Engineering Department, since the discrepancies between the plans appeared to be a surveying issue.
- G. On July 30, 2011, the Town received a letter from Charles Cooper, resident at 4 Kimberley Drive requesting that the two new homes at 8 and 10 Kimberley Drive should have story poles erected on the site prior to Planning Commission consideration of the applications.
- H. On August 3, 2011 the assistant Town Engineer completed a draft response to the drainage issues listed in Beverly Sowa's July 25th letter to the Design Review Board.

- I. All the drainage issues and pad elevation discrepancies were not resolved prior to the public hearing mailing deadline on August 5, 2011; therefore, final approval could not be scheduled on the August 15, 2011 Planning Commission meeting agenda.
- J. The earliest available date for a continuance will be September 19, 2011, since the planning staff will be unavailable for the September 6, 2011 meeting of the Planning Commission.
- K. Government Code Section 65957 authorizes a one-time 90-day extension of the time limits required for action on a development project, with mutual written agreement of the project applicant and the public agency.

By signing below, the project applicant and the public agency agree to a 90 day extension until December 12, 2011.



Applicant

8/23/11
Date

On behalf of the Town of Moraga I hereby agree to the 90-day extension requested above.



Richard Chamberlain
Senior Planner
Town of Moraga

August 5, 2011
Date

EXHIBIT N

**DRAFT RESOLUTION FOR
APPROVAL OF DRB 08-11 WITH
FINDINGS AND CONDITIONS**

BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

In the Matter of:

Approval of plans for a new, two-story 2,880)
square foot single-family residence and)
attached 766 square foot garage at 10)
Kimberly Drive. (APN 255-120-011))

Resolution No. xx-2011 PC

File No. DRB 08-11

Planning Commission Adoption
Date: December 5, 2011

Effective Date:
December 15, 2011 (If not appealed)

WHEREAS, an application for design review was submitted on June 16, 2011 by Branagh Development, Inc. (Applicant) for approval of a new, 2,880 square foot home with an attached 766 square foot 3-car garage on 65,340 square foot lot at 10 Kimberly Drive; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact was issued by the Planning Commission for development of the Kimberly Drive lots on June 7, 1999;

WHEREAS, the development standards for 10 Kimberly Drive were established by the Planning Commission on March 7, 2005 with the approval of Resolution 05-2005; and

WHEREAS, condition 22 from Planning Commission Resolution 13-99 requires approval by both the Planning Commission and Design Review Board prior to granting final design review approval; and

WHEREAS, on July 25, 2011 the Design Review Board conducted a public meeting to review the application and make a recommendation to the Planning Commission; and

WHEREAS, following testimony at the meeting, the Design Review Board recommended conditional approval of the new home, with the required findings under MMC Section 8.72.080-B; and

WHEREAS, Frank and Beverly Sowa submitted a letter dated August 5, 2011 questioning the difference in the pad elevations between the original grading and proposed plans for 10 Kimberly Drive; and

WHEREAS, on August 25, 2011, the engineering staff met with the Branagh design team to discuss the alleged discrepancies in the pad elevations and the applicant agreed to have the property re-surveyed; and

WHEREAS, the new survey was completed on September 2, 2011 and validated the previous topography on the lot with split pads at 118-feet and 121-feet; and

WHEREAS, the applicant submitted revised plans on September 16, 2011 to address many of the issues raised at the July 25, 2011 Design Review Board meeting, including revised landscaping and drainage plans to address the engineering department's recommendations; and

WHEREAS, a Public Hearing Notice for the Planning Commission hearing on the project was mailed to the property owners within 300 feet of the project site on October 4, 2011; and

WHEREAS, another letter was received from Frank and Beverly Sowa on October 11, 2011 requesting updated geotechnical reports and geotechnical peer review for the project; and

WHEREAS, a quorum of the Planning Commission was not available for the noticed public hearing on October 17, 2011, and

WHEREAS, a Supplemental Geotechnical Study was prepared by Jensen-Van Lienden Associates, Inc. for 10 Kimberly Drive on September 20, 2011 and submitted to the Town on October 24, 2011; and

WHEREAS, on November 18, 2011, the Town received the geotechnical peer review letter from Cal Engineering and Geology, Inc. for 10 Kimberly Drive; and

WHEREAS, another Public Hearing Notice was mailed to the property owners within 300 feet of the project site on November 22, 2011 for the Planning Commission hearing on the project; and

WHEREAS, the Planning Commission held a public hearing on December 5, 2011 to consider the plans for the new home at 8 Kimberly Drive and heard testimony from interested parties and the applicant.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Moraga hereby approves the plans for the new two-story 2,880 square foot home with an attached 766 square foot 3-car garage at 10 Kimberly, with the following findings and subject to the conditions listed herein:

PART 1: DESIGN REVIEW FINDINGS REQUIRED BY MMC SECTION 8.72.080-B:

- 1. The proposed structure conforms with good taste, good design and in general contributes to the character and image of the Town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality** *because the proposed two-story 3,646 square foot single-family residence complies with all of the Town's design guidelines and the size of the home is in scale with the other new homes on Kimberly Drive.*

2. **The structure be protected against exterior and interior noise, vibrations and other factors, which may tend to make the environment less desirable because the proposed home will be constructed in accordance with the California Building Code. The noise levels for the air conditioner shown at the southwest side of the garage shall be maintained below 55 dba measured at the property line between 10 and 12 Kimberly Drive or a sound wall designed to attenuate the noise levels below 55 dba shall be installed, as specified in the recommended conditions of approval for the project.**
3. **The exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value because the proposed home is a high quality custom designed residence that would be expected to increase the value of homes in the neighborhood.**
4. **The structure is in harmony with proposed developments on land in the general area because the proposed development conforms to the allowable density for the property and is within the developable MOSO cell boundaries on the lot. The size of the home is not excessive for a 65,340 square foot lot and is 1,518 square feet less than the combined floor area and carport area specified in the use permit for lot 2 (10 Kimberly Drive). The proposed craftsman style home with board and batten siding and shutters at the sides of the front window is compatible with the ranch style homes throughout the neighborhood.**

PART 2: CONDITIONS OF APPROVAL:

1. All applicable conditions and mitigation measures in Planning Commission Resolution 13-99 (attached hereto as **Exhibit 1**) are adopted by reference as conditions of approval for this project, DRB 08-11, and shall be addressed to the satisfaction of the Town of Moraga.
2. Prior to issuance of the building permit for the new home, the applicant shall pay the fees listed below.
 - a. In accordance with the Lamorinda Fee and Finance Authority's (LFFA) Fee Adjustment schedule adopted January 1, 2011, the fee for a single family dwelling unit is **\$5,968.00** (\$4,719 - Regional and \$1,249 - Local). Note: if this fee is not paid prior to January 1, 2012, the amount of the fee may be increased by the LFFA.
 - b. The Town's development impact fees include: General Government Fee, Public Safety Fee, Storm Drainage Fee, Local Traffic Impact Fee and Park Development Impact Fee. These fees were established under Moraga Municipal Code (MMC) Section 17.04.030. The effective date of the fees listed below is July 28, 2010.

Land Use	General Gov't	Public Safety	Storm Drainage	Traffic Mitigation	Park Development	TOTAL
Single Family Detached	\$4,402	\$742	\$7,915	\$518	\$3,282	\$16,859.00

- c. The fee in lieu of parkland dedication in accordance with Moraga Municipal Code (MMC) Section 8.140.090 for each new single family home is **\$10,200.00**. This fee was based on the fair market value of .01 acres times \$850,000.00 per acre parkland value as determined by Town Council Resolution Number 14-2008 (\$8,500.00) plus 20% toward costs of off-site improvements.
 - d. The total cost of geotechnical peer review for the Supplemental Geotechnical Study and any subsequent reviews required by the Town's consultant, Cal Engineering and Geology, Inc.
3. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
4. Resolution 13-99 addresses hours of construction operation, development mitigation measures, construction standards, and maintenance of the property during pre and post development conditions, among other relevant topics. All Conditions of Approval from Resolution 13-99 that pertain to specifications for construction work, such as hours permitted for construction work, shall be included in the "Notes" section of the Building Plans so that contractors bidding on the project will be informed of these conditions.
5. Any significant changes to the site development plans identified as the "Official Exhibit December 5, 2011" shall be subject to further review and approval by the Design Review Board and Planning Commission; however, the location of the home and size of the rooms may be adjusted if necessary to avoid any encroachments into the required setbacks by the building or eaves.
6. Finishing materials, such as the "Hardie" board and batten siding, composite roof, trim, and paint color shall be consistent with the colors and materials board submitted to the Design Review Board on July 25, 2011.
7. Roofing materials and assembly shall be a minimum of Class B as required by the Moraga-Orinda Fire District (MOFD). The proposed roof is Class A, which meets the MOFD standards. The MOFD also requires a residential fire sprinkler system complying with NFPA 13D. The requirements from the Fire Marshal, Michael Mentick, are attached as **Exhibit 2**.
8. If a mailbox pedestal or pillar is constructed, then the materials shall match the materials used on the residence.
9. The address number for the residence shall be visible from the main roadway as required by the Moraga-Orinda Fire District (MOFD).
10. Retaining walls shall not exceed 3-feet in height as shown on the project plans. If for any reason, it becomes necessary to install a retaining wall, sound wall or any other wall higher than 3-feet, then the plans for the wall will require approval of a hillside development permit, building permit and grading permit.

11. The geotechnical aspects of the development plans shall be reviewed by the project geotechnical engineer, Jensen-Van Lienden Associates, Inc. for conformance with the intentions of their reports and documented in writing.
12. Jensen-Van Lienden Associates, Inc. shall confirm that the 2010 California Building Code was used for the design methodology for the “post tensioned slab foundation”.
13. Jensen-Van Lienden Associates, Inc. shall verify that the proposed 2 foot high landscaping wall will not adversely impact the stability of the existing buttress fill slope and buried subdrain system and provide recommendations as needed for the cuts into the slope and design of the retaining walls.
14. Grading Note 2 on Sheet C1 of the plans shall be amended to include reference to the September 20, 2011 Jensen-Van Lienden Associates, Inc. supplemental geotechnical report.
15. The Applicant shall submit final drainage plans for review and approval to the Town Engineer prior to the issuance of grading or building permits as appropriate. The final plans shall meet the C.3 clean water requirements as determined by the Town Engineer. The drainage plans shall include the following, unless the Town Engineer directs otherwise:
 - a. Show that roof leaders and surface run-off will be discharged by means of overland flow. Storm water from new roof drains shall be routed through a biofilter, sand filter or planter box for ten feet prior to discharge into the site drainage system.
 - b. Show that the depth of any drainage ditches and swales will be a minimum depth of 6 inches as measured from lowest side of ditch or swale.
 - c. Show a “trench drain” to be constructed across the full width of the driveway and connected into the adjacent existing drainage inlet.
 - d. Straw wattles shall be placed at intervals not to exceed five (5) feet in horizontal distance on all disturbed or created slopes until vegetation is established to control erosion on the slopes.
 - e. Show the locations of all existing and proposed keyways, subdrains, drain rock, and subdrain cleanouts on the plans. It is not anticipated that the proposed post tensioned slab foundation would impact the existing subdrains. If the type of foundation is changed to a pier and grade beam, then the foundation plans must be submitted to the Planning Department showing the location of all piers and the existing subdrains.
 - f. Consideration should be given to installation of a concrete drainage ditch above the new retaining walls to intercept the “clean” water from the hillside before it reaches the new patio areas behind the home. This would be consistent with the with the C.3 drainage guidelines and could potentially

- reduce the volume of water that would have to be “filtered” in a bio-swale after crossing the impervious surface of the patio behind the home.
- g. Consideration should be given to incorporating a perforated drain pipe into the perimeter drain system.
16. Prior to the issuance of the building permit, the applicant shall furnish the Town with security for completion of the erosion control work as follows:
- a. The performance of the work described and delineated on the approved Grading Plan and SWPPP in an amount approved by the Town Engineer but not less than 100% of the approved estimated cost of performing said work. The form of the security may be corporate security bond, letter of credit or cash.
 - b. The performance of the work described and delineated in the Erosion Control Plan, in an amount to be determined by the Town Engineer but not less than 100% of the approved estimated cost of performing said work. The form of the security may be a combination of corporate surety bond, letter of credit or cash except that cash deposits will be required for all amounts up to \$10,000.
 - c. The security whether corporate surety bond or an instrument or instruments of credit, at applicant’s option, shall be in a form approved by the Town Attorney.
17. The builder of the home is encouraged to meet the Build-It-Green requirements even though the new home at 10 Kimberley Drive is technically not part of a “new” subdivision in accord with design guideline ID13.13.
18. When the plans for the building permit are stamped by the Planning Department, the applicant shall complete the first part of the recycling plan form and pay the recycling deposit and fee. The recycling plan form and recycling receipts for demolition and construction materials generated from the project shall be submitted to the Planning Department prior to final inspection by the building department. The applicant shall strive to recycle 50% of demolition and waste materials.
19. In compliance with design guideline L2.4, the applicant shall consider changing the turf area at the front of the home to a ground cover that is more drought tolerant.
20. Prior to the final inspection of the home and the issuance of the certificate of occupancy, the new landscaping in the front and side yard shall be installed and inspected by the planning staff.
21. The proposed exterior lighting fixture on sheet A3 of the plans complies with design guideline ID6. Any additional lighting shall be designed and mounted so that the source of light has minimal impact off site and the source of light shall be

directed inward toward the property or require additional screening to avoid spillage onto adjacent residential properties.

22. All proposed fencing is approved at a height of no more than 6 feet with no diagonal bracing. The color of any proposed staining or painting for the fences shall be subject to Planning Department review prior to approval of the building permit.
23. A low sound wall shall be installed if the air conditioning unit at the west rear corner of the garage exceeds a noise level of 55 dBA limit at the property line between 10 and 12 Kimberly Drive, subject to Planning Department review and approval. If a sound wall is deemed necessary, it shall be subject to all necessary permits.
24. In accordance with design guideline SRC2, the decorative pavers shown on the site plan shall be installed on the driveway to mitigate the appearance of the 28-foot wide driveway.
25. Any work within a dedicated road right of way requires an encroachment permit from the Town of Moraga prior to start of work. The encroachment permit shall be applied and paid for separately from this entitlement. Any work within the private access easement will require review by the Town Engineer prior to the start of work.
26. In accordance with condition 43 in Resolution 13-99, parking of grading equipment, tractor tread vehicles, and all construction vehicles and equipment on Kimberly Drive and Scofield Drive is prohibited. These vehicles shall be delivered to the property by trailer and kept on site during grading and construction operations. The Applicant shall adopt a reasonable parking plan to be used by construction employees, including the use of an off-site staging area, subject to review and approval by the Planning Director prior to the issuance of grading or building permits.
27. Temporary drainage control measures shall be in place on the construction site during the months of October through April.
28. In accordance with design guideline ID8.1, the draining of the spa shall be conducted in compliance with the permitting and standards established by Central Contra Costa Sanitary District. Overflow drains from swimming pools shall be directed to a landscape area or manufactured treatment system prior to connecting to the storm drain system, unless an automatic pool cover is installed to prevent overflow of the pool during rain storms. Best Management Practices (BMPs) shall be used to manage overflows.
29. The subdrains shall be tested at the end of construction, with a report sent by the project geotechnical engineer confirming that any subdrains under Lot 2 (10 Kimberly Drive) are functional.

30. No dumping or stockpiling of soil or debris is permitted within the Open Space / Scenic Easement. Contractors on the project shall be advised of this condition. Any dumping of soil or debris into the Open Space / Scenic Easement may be cause for a stop work order until the easement area is fully restored and any damage done to native vegetation mitigated with replacement native vegetation.
31. If there is no appeal, Planning Commission approval will be valid for one year from the effective date of this resolution of approval. You must obtain a building permit for construction of your project within one year or you may request an extension of the approval for one additional year. The request must be in writing to the Planning Director and should show good cause as to why the design approval should be extended.
32. This approval and each condition contained herein shall be binding upon the applicant and any transferor, or successor in interest.
33. The conditions of approval shall be included in, and made part of, all plans submitted for plan check and permits, including but not limited to, all grading and building permits.

PASSED AND ADOPTED by the Planning Commission of the Town of Moraga on December 5, 2011, the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Stacia Levenfeld, Chair

Attest: _____
Shawna Brekke-Read, Planning Director



Moraga-Orinda Fire District
33 Orinda Way
Orinda, CA 94563
Telephone: (925) 258-4525
Fax: (925) 258-4527

9/30/2011

Talon Design Group, Inc
ATTN: Alan Page
222 Railroad Ave, Suite A
Danville, CA 94526

Exhibit 2
to Draft Resolution for
10 Kimberly Drive

Permit No: PMPA20110627
Type of Review: Misc. Planning Applications
Business Name and Address: Kimberly Associates, LLC
10 Kimberly Dr
Moraga
Applicant Name and Address: Kimberly Associates, LLC
Kimberly Associates, LLC
10 Kimberly Dr
Moraga, CA 94556

The District has reviewed the subject planning application and based upon the information provided we would like to offer the following comments and recommendations for conditions of approval.

Conditions

- 1 A residential fire sprinkler system complying with NFPA 13D shall be provided throughout.

Submittal Requirements

- 1 Submit (2) full sets of building architectural plans to the Moraga-Orinda Fire District for review and approval.
- 2 Submit plans, specifications, equipment lists and calculations for the required fire sprinkler system to the Moraga-Orinda Fire District for review and approval prior to installation.

If during the course of the entitlement process the project changes additional requirements may apply. Thank you for the opportunity to comment on this proposed project. If you have any questions please contact the undersigned at (925) 258-4520.

A handwritten signature in black ink, appearing to read "Michael Mentink", written over a horizontal line.

Michael Mentink
Fire Marshal

EXHIBIT O

PROJECT PLAN SET