BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the matter of:

Adding Chapter 8.122 to the Town of Moraga) Municipal Code to provide design guidelines) for ministerial review and approval of owner) occupied and rental multifamily development) within the 20 DUA district.)	**ORDINANCE NO. DRAFT**

THE TOWN COUNCIL OF THE TOWN OF MORAGA DOES HEREBY ORDAIN:

SECTION 1. Title 8, Chapter 8.122, entitled "MINISTERIAL REVIEW OF MULTIFAMILY DEVELOPMENT" is hereby added to Title 8 (Planning and Zoning) of the Town of Moraga Municipal Code to read as follows:

Chapter 8.122

MINISTERIAL REVIEW OF MULTIFAMILY DEVELOPMENT

Sections:

Article 1. General Provisions

8.122.010 Purpose.
8.122.020 Definitions.
8.122.030 Subdivisions

Article 2. Procedures and Design Guidelines for Multifamily Residential Development

8.122.040 Procedures.
8.122.050 Development Standards
8.122.060 Design Guidelines for Multifamily Housing.

Article 1: General Provisions

8.122.010 Purpose.

This chapter provides design guidelines for ministerial approval of owner-occupied and rental multifamily residential development within the 20-DUA district in Moraga in compliance with AB 2348, Chapter 724 amendments to California State housing element law. The default density for lower-income households in Moraga was set at 20 dwelling units per acre in Appendix 1 of Government Code Section 65583.2. In order to accommodate Moraga's regional share for lower-income households, Chapter 724 requires local government to adopt procedures for approval of higher density multifamily housing use by-right.

8.122.020 Definitions.

"Adjacent to a lot" means sharing a property line or access easement with another lot. Lots that are separated by a common area or road right of way are not adjacent.

"Common area" means an area of project site that is intended for use by all tenants or owners of living units in the project and is maintained either by a homeowners association or by the owner(s) of an apartment complex.

"Interior living area" means the gross interior horizontal area of a dwelling unit including but not limited to all rooms, hallways, closets and storage areas and specifically including the thickness of all walls that divide any interior spaces but excluding the thickness of all exterior walls and excluding an enclosed garage.

"Low Income" households with incomes below 80 percent of the median income in Contra Costa County.

"Outdoor living areas" means an area on the exterior of a living unit that is intended for the exclusive use of the tenant or owner of the unit including but not limited to a patio, a deck or an atrium.

"Project" for the purposed of this chapter is defined in Section 21100 of the Public Resources Code.

"Skirt Height" is the distance between the ground and the lowest floor elevation of a structure.

"Use by-right" means that local government cannot require a conditional use permit, planned unit development permit or other discretionary review or approval of a project; however, this provision does not prohibit local planning agencies from imposing design review standards provided that the approval process is ministerial.

"Very Low Income" households with incomes below 50 percent of the median income in Contra Costa County.

8.122.030 Subdivisions.

Under Section 65583.2(i) of the Government Code, any subdivision of a project site shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. If a 20-DUA project is approved under the provisions in this chapter and is then proposed for condominium or townhouse subdivision, the project will be subject to filing a tentative subdivision map in accordance with the Town of Moraga's Subdivision Ordinance.

Article 2. Procedures and Design Guidelines for
Multifamily Residential Development

8.122.040 Procedures.

A. This article shall govern the review of applications for new owner-occupied and rental multifamily residential development to be built at a minimum

density of 20 dwelling units per acre that qualify as “low” and “very low” income housing.

B. Preliminary Review by Planning Director. The Planning Director shall review each application for a new multifamily residential building or group of such buildings to verify compliance with MMC Sections 8.34.020, 8.34.040, 8.34.060, 8.34.070, 8.34.080 and 8.34.090.

C. Referral to the Design Review Board. After the Planning Director finds that the new multifamily residential project complies with the site development standards, parking requirements, and specifications for open space and building relationships in the 20-DUA residential district, the application shall be referred to the Design Review Board for consideration of the architectural design merits of the project.

D. Public Notice. Written notice of the application for the multifamily residential project shall be mailed to all property owners and residents within three hundred (300) feet of the project site not less than ten (10) days before the date the application is scheduled for review by the Design Review Board.

E. Procedure for Design Review. The Design Review Board shall limit their review to the architectural design of the project. The Board can call for a project proponent to make design-related modifications, but cannot exercise judgment to reject or deny the residential use or the proposed residential density. The Design Review Board shall recommend approval of the project to the Planning Director when they are satisfied that the design complies with the design guidelines listed under Sections 8.122.060 of this Chapter.

F. Planning Director Final Review. After receiving the recommendation from the Design Review Board, the Planning Director shall approve the application if all of the requirements under Sections 8.122.050 and 8.122.060 have been satisfied. The Planning Director shall deny an application for a new multifamily residential project if the requirements of Sections 8.122.050 and 8.122.060 have not been satisfied.

G. Right to Appeal. Any interested person may appeal the decision of the Planning Director in accordance with the provisions of Moraga Municipal Code Chapter 8.12 Article 4. The appeal shall be limited to a consideration of whether the objective criteria in Sections 8.122.050 and 8.122.060 have been met.

H. Grading Permit Requirements. If grading is required for the proposed multifamily residential development, then a grading permit may be required in accordance with the Chapter 14 of the Moraga Municipal Code. Although approval of the building is ministerial, the grading may be discretionary if the average pre-development slope of the area of disturbance is greater than 20% and the amount of earth movement exceeds 50 cubic yards.

8.122.050 Development standards.

A. The development standards listed under Sections 8.34.060 through 8.34.090 in Chapter 34 of the Moraga Municipal Code shall apply to all multifamily residential projects in the 20-DUA district. These standards include: minimum lot areas, frontage and depth; minimum front, side and rear setbacks; maximum lot coverage; maximum building heights; specifications for accessory structures; parking allocation requirements for both exclusive use and guest parking; open space requirements and requirements pertaining to the separation between buildings and structures.

B. Pursuant to MMC Section 8.34.120 applicants may request a variance to modify the provisions contained in Sections 8.34.060 through 8.34.090 in accordance with the procedures listed in MMC Chapter 8.13 and the findings under subsection 8.12.130.

C. The interior living area of each unit in a multifamily residential structure that has a minimum density of 20 units per acre shall be at least three hundred fifty (350) square feet and not more than one thousand fifty (1050) square feet, exclusive of a four hundred (400) square foot garage or carport allowance.

D. A multifamily residential structure shall comply with all applicable building, fire, and health and safety codes, which apply to multi-family dwellings.

E. No multifamily residential structure shall be located within the drip line of any native, orchard or historic tree as defined by Moraga Municipal Code Section 12.12.020.

F. Any multifamily residential structure wall located within fifty (50) feet of a property line shared with a lot on which an existing single family residence is located, shall have all windows set at a sill height of not less than five (5) feet six (6) inches above the interior floor level.

G. All new multifamily residential structures shall have the lowest floor, including basement, located at an elevation that is at least two (2) feet above the 100-year base flood elevation in accordance with MMC Section 8.108.120-C-1a.

H. No multifamily residential structure shall be located within any easement.

I. Provisions shall be made for irrigation and maintenance of landscaped and common areas for all multifamily residential projects by either the property owner for rental apartment units or by a homeowners association for condominium and townhouse units.

J. The multifamily residential structure must qualify for a categorical exemption in accordance with the requirements of the California Environmental Quality Act (CEQA).

8.122.060 Design Guidelines for Multifamily Housing.

The below listed guidelines in purple print have been taken or modified from the second living unit ordinance standards as they may apply to multifamily residential structures:

A. All exterior lighting shall be directed downward or inward toward the property.

B. All exterior retaining walls associated with the construction of a multifamily residential structure shall be no higher than three (3) feet. If a fence is located within two (2) feet of a retaining wall the combined retaining wall and fence height shall not exceed six (6) feet. There shall be no more than two new retaining walls located within six (6) feet of one another in conjunction with the construction of a new multifamily residential structure.

C. Any blank wall that is without windows and is more than 15 feet long or 180 square feet in area, whichever is less, shall have landscaping installed and maintained along the wall which reaches a minimum height of six (6) feet within three (3) years.

D. A porch or above grade landing on a multifamily residential structure shall not exceed 120 square feet. The maximum depth a porch or above grade landing shall not exceed 10 feet.

E. The skirt height of a multifamily residential structure shall not exceed four (4) feet.

F. For multifamily residential structures that are proposed on padded hillside areas, there shall be a minimum of six (6) feet near level clearance area between the foundations of the building and the top or bottom of a slope. The post development slope of the near level clearance area shall not exceed 5%.

G. Permanent trash and recycling enclosures for use by the multifamily residential structure occupants shall be located on the project site. The colors, materials and design of the trash and recycling enclosures shall match the multifamily residential structure.

H. The design of the mailboxes for the multifamily residential structure shall be shown on the project plans and shall be compatible with the architectural style of the buildings. Each separate building shall include the mailboxes for the units in that building unless the USPS dictates otherwise.

I. The utilities associated with the construction of a new multifamily residential structure shall be underground.

The below listed guidelines in red print were taken or modified from the Town's Condominium Conversion Ordinance, MMC Chapter 96

A. Building Regulations. The project shall conform to the applicable standards of the housing code and the building code in effect on the date the building permit is issued.

B. Fire Prevention.

   1. Detectors. Each living unit shall be provided with approved detectors of products of combustion, other than heat, conforming to the latest UBC standards, and approved by the Moraga-Orinda Fire District, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

   2. Maintenance of Fire Protection Systems. Each fire hydrant, fire alarm system, portable fire extinguisher and other fire protective appliance shall be retained in an operable condition at all times.

C. Sound Transmission.

   1. Shock Mounting of Mechanical Equipment. Permanent mechanical equipment such as motor, compressor, pump and compactor which is determined by the chief of code enforcement to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases or vibration isolators, or both, in a manner approved by the chief of code enforcement.

   2. Noise Standards. The structure shall conform to interior and exterior sound transmission standards of Chapter 35 (Appendix) of the Uniform Building Code.

D. Utility Metering. Each dwelling unit proposed for separate ownership, such as condominium or townhouse units, shall be separately metered for gas, electricity and water.

E. Private Storage Space. Each unit shall have at least two hundred (200) cubic feet of enclosed weather-proof and lockable private storage space in addition to guest, linen, pantry and clothes closets customarily provided. The space should not be divided into two or more locations.

F. Laundry Facilities. A laundry area shall be provided in each unit; or if common laundry areas are provided, each laundry area shall consist of not less than one automatic washer and dryer for each five units.

G. Landscape--Installation and Maintenance. All landscaping shall be installed and maintained to achieve a high degree of appearance and quality.

H. Condition of Equipment and Appliances. For each dwelling unit proposed for separate ownership, such as condominium or townhouse units, the developer shall provide a one-year warranty to the buyer at the close of escrow on a dishwasher, garbage disposal, stove, refrigerator, hot water tank, and air conditioner that is provided.

I. Parking.

1. Spaces Required. Off-street parking shall be provided in accordance with the municipal code except that the number of spaces shall be as follows:

Studio unit	1.5 space per unit
One-bedroom unit	1.5 space per unit
Two or more bedroom unit	2.0 spaces per unit

2. Assignment and Use of Required Off-Street Parking Spaces. Required off-street parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project on the basis of the parking spaces required per unit.

   To the maximum practical extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one unit overhang or take its access from the required off-street parking space of another unit. All parking spaces shall be for the use of unit owners. All studio and one bedroom units shall be assigned one parking space and may rent additional spaces from the association as available. An occupant of a unit with two or more bedrooms may rent one parking space back to the association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the Vehicle Code of the state of California and shall not be used for trailers, unmounted campers, boats, or other recreational vehicles.

J. Provision of private open space for each unit.

   Each unit within the project shall have an appurtenant private patio, deck, balcony, atrium or solarium with a minimum area of one hundred fifty (150) square feet, except that a studio or one bedroom unit shall have a minimum area of one hundred thirty (130) square feet. The space shall be designed for the sole enjoyment of the unit owner, shall have at least two weatherproofed electrical convenience outlets, and shall have a minimum depth of a least 10 feet. The space shall be at the same floor level and immediately accessible from a room within the unit.

K. The following criteria shall be considered in reviewing the overall design and site layout of the project.

   1. The project should have its own open space, off-street parking, and amenities for contemporary living. Open space, walkways and other areas for people should be separated from parking areas, driveways and areas for automobiles.

   2. The layout of structures and other facilities should effect a conservation in street, driveway, curb cut, utility, and other public or quasi-public improvements.

The below listed guidelines in green print have been taken from the Moraga Center Specific Plan Design Guidelines:

1.2.1 Maintain the Town's Semi-Rural Character (SRC)

The following guidelines should be applied throughout the MCSP area to ensure that the Village remains appropriately semi-rural in character.

A. Care should be taken to "soften" the effect of upper floors. Examples include using pitched roofs with dormer windows for top floors, increased setbacks applied to upper floors to create a "step-back" effect, upper-floor open spaces such as balconies or porches, and landscape treatments such as rooftop vegetation and adequate use of street trees.

B. Streetscape and public space design should include the use of "semi-rural details," with examples such as rolled curbs, curbless streets with bioswales, split rail fences, and the use of soft materials such as crushed gravel and irregular paving, where appropriate.

C. The Moraga Ranch and the Laguna Creek Riparian Corridor run through the middle of the MCSP area. They should both be preserved and enhanced to provide semi-rural core landmark character defining elements visible from points throughout the plan area.

1.2.2 Protect Ridgelines and Hillside Areas (RH)

Care should be taken to maintain low visual profiles for lower density buildings on hill sites, reserving the flattest areas within the MCSP for higher densities. Cluster zoning techniques will allow a certain average density across a large plan area. Within this area, individual projects can be allowed to build densities higher than the allowable average in exchange for areas that remain free from development. When applied, the remaining undeveloped open space areas should be designed to remain publicly accessible and be clearly marked to provide recreational opportunities in the form of trails, greenways, and pocket parks to serve the entire community.

1.2.3 Complement Existing Landscaping (L)

The existing landscape in the MCSP is dominated by the Laguna Creek Riparian Zone and orchard trees planted throughout, both of which help to frame the semi-rural context of the MCSP zone. To complement the existing landscape within the MCSP, drainageways should be designed as open channel bioswales that reflect natural topographic profiles, creating an opportunity for native species plantings to run throughout the community and connect to the Laguna Creek corridor, as well as employing visible green strategies for treating storm water. To reflect the historical context of orchard use, the use of both organic fruiting and non-fruiting orchard species planted in linear arrangements is encouraged for buffer areas and within public parks.

1.2.4 Enhance the Town's Scenic Corridors (SC)

Moraga Road and Moraga Way, two of the town's major scenic corridors, play pivotal roles in the circulation concept through the MCSP. In addition to guidelines presented in the Town Design Guidelines for scenic corridor enhancements, the Town's 2006 Transportation Corridor Streetscape Plan

presents specific design approaches. However, the Village character and development intensity being proposed in parts of the MCSP will result in buildings oriented toward the street, not just located adjacent to it. In these areas, planting and paving treatments that respect setback requirements but create a pedestrian streetscape rather than greenbelt, may be appropriate.

1.2.5 Minimize the Impacts of Development (ID)

The most significant impacts in the MCSP such as traffic, parking, noise, debris, light and glare, and visual impact should be given special consideration due to the close proximity of residential and non-residential uses within the MCSP.

In all areas of the MCSP, the use of green building techniques and sustainable development is encouraged, building on the success of sustainable reconstruction of the historic Moraga Barn. Strategies to employ sustainable site design, water efficiency, energy reduction, and the use of sustainable materials and resources should be used when possible.

1.2.7 Thoughtfully Design Multi-Family Residential Developments (MFR)

Multi-family residential developments in the MCSP should be designed with high-quality pedestrian environments with sidewalks and pathways to adjacent neighborhoods and the Moraga Center to encourage walking as a primary mode of transportation for local shopping trips.

1.3 Design Consistency with General Plan EIR mitigation measures

The following general design strategies should be employed where appropriate to mitigate the impacts of development within the MCSP area and on adjacent neighborhoods.

1.3.1 Traffic and Parking

A. On-site parking should be designed to handle maximum demand.

B. Access points to parking areas and areas of heavier traffic should be located to direct traffic away from all residential areas.

1.3.2 Noise

A. Use of berms, sounds walls, and additional setbacks along residential property lines is encouraged.

B. Delivery and service areas should be enclosed and located away from all residential areas and pedestrian paths, plazas, and sidewalks.

C. External vents and mechanical equipment should be enclosed and fully screened from view and should be directed away from residential uses and pedestrian paths, plazas, and sidewalks.

D. Active recreational areas and their related service areas should be located away from lower density residential areas.

E. Primary parking areas and building entrances should be located away from lower density residential areas.

1.3.3 Debris and Odor

A. Service entrances and waste disposal facilities (trash, recycling, dumpsters) should be enclosed and fully screened from view and oriented away from all residential areas.

B. Six foot “good neighbor” fencing should be provided along side and rear residential property lines.

1.3.4 Light and Glare

A. Light sources should be shielded and directed away from interior living spaces of all residential areas.

B. Illuminated signs should be oriented away from interior living spaces of all residential uses. Ground signs should be used rather than pole signs.

1.3.5 Visual Impacts

A. Full landscape plantings should be provided to “line-of-sight” levels to screen views from residential properties into other use areas.

B. Building scale and massing should be compatible with surrounding uses. Higher intensity uses and larger building scale and mass are appropriate in the Moraga Center, and should transition down to be compatible with the existing building scale and mass in adjacent areas.

C. Unobstructed view corridors from adjacent areas with views of significant topographic features such as ridgelines should be maintained.

2.0 RESIDENTIAL

The primary aim of design guidelines for residential areas within the MCSP is to create pedestrian friendly, coherent, and attractive neighborhoods that fit into the context of surrounding character of Moraga. Residential areas should support a variety of residential types and densities that all achieve the same high quality design standard, regardless of the specific building type or density.

2.1 SITE DESIGN

2.1.1 Circulation Patterns

Circulation patterns should define community character, provide links to recreational amenities, and encourage interaction between neighbors.

A. Neighborhood patterns should allow residents to easily walk or bike through the neighborhood.

B. Neighborhood patterns should be designed to work with and preserve topographic and natural features.

2.1.2 Streets

Streets should provide attractive designs where the composition of street, landscaping, sidewalks, and private front yards define a common space in which residents and visitors can walk, meet, play, and socialize. Street patterns should interconnect and encourage easy access from one neighborhood to another while discouraging high speed travel.

A. Cul-de-sacs should be open ended and adjacent to open space or other recreational amenities such as parks where possible.

B. Closed cul-de-sacs of homes should not back onto open space or parks.

C. Long stretches of homes should not back onto neighborhood collectors or open space amenities such as parks or paseos.

D. Inappropriate street termination points should be avoided. Examples include bedroom windows vulnerable to headlights, alleys, or other parking areas.

2.2 ARCHITECTURE

2.2.1 Cohesive Neighborhood Design

Open relationships between neighborhoods should be maintained while still allowing for market differentiation.

A. Signature detailing should establish the community's architectural character in form, color, and materials.

B. Abruptly disharmonious and monolithic architectural style, color, and material should not be used.

2.2.2 Streetscapes

Building relationships and groupings should be designed to create streetscapes that demonstrate variety and individuality to contribute to a positive sense of place.

A. Building heights should vary along streets.

B. Setbacks should vary along streets.

C. Uniform and repetitive facades that present a monolithic form of development should be avoided.

D. Window placement and building siting should not violate the privacy of an adjacent private yard.

2.2.4 Garages and Driveways

Important in the creation of pedestrian oriented neighborhoods is lessening the impact of garage doors.

A. Plans should provide garages pushed to the rear of the lot or accessed from alleys.

B. Driveway pavement should be reduced to the minimum functional width. The use of permeable materials for driveways is encouraged.

C. Planting pockets should be used between adjacent garage doors.

D. Living space should be forward of the garage setback.

E. Unadorned street-facing garages should not be forward of living areas.

2.2.5 Building Articulation

Visual interest in the streetscape should be created through building articulation and variation of building forms.

A. Strong vertical accents and varied wall plane lines are encouraged.

B. Building forms should be appropriate to their style.

C. Use of balconies, verandas, porches, and arcades visible from the street is encouraged.

D. Front porches should be sufficiently sized to allow for functional use.

E. Where topography allows, porches should be elevated above the street level.

F. Use of repetitive, unarticulated building forms should not be allowed.

G. Inappropriate mixing of styles should be avoided. (e.g., English half-timbering on 4:12 pitch roof should not be applied to a ranch style home.)

H. Unarticulated roof forms should not be set on a constant wall plate height.

I. Equal concern should be given to side elevations on corner lots and rear elevations where visible from public areas and neighboring areas. All "public" faces should be articulated.

J. Articulation, materials, and architectural details should wrap around corners to sides and rears of homes where visible.

K. Unadorned flat side and rear elevations should not face onto open space areas and streets.

L. Wrapping porch elements around the corners of buildings is encouraged on corner lots.

M. Side elevations that face a public street should be enhanced with additional windows, pop-outs or bays, chimneys, stepped rooflines, or balconies, as appropriate.

2.2.6 Entries

Entries should be given special attention as a whole system including the door, side windows, porch, and entry wall.

A. Entries should be inviting from the street.

B. Adequate protection from wind, rain, and sun should be provided at building entries.

C. Where homes occur on corners, wrapping of entry elements around the side is encouraged.

D. Sectional garage doors should have appropriate articulation, such as panel detailing or window panels, and be recessed into the building plane.

2.2.7 Details and Materials

Details and materials should be appropriate to the architectural style of the building and well thought out detailing should enhance the perception of a project's quality.

A. Gutters, downspouts, and rainwater leader heads should be integral to the roof and wall detailing and should be designed as part of the trim.

B. Roofing materials should be appropriate to their related style and pitch.

C. Homes should have a color palette that at a minimum includes a body color, trim color, and accent color.

6.0 SITE FEATURES

Site features used in the MCSP area should be of a similar character to contribute to a cohesive community aesthetic that preserves the semi-rural context and character of the Town.

6.1 Lighting

The goal for the lighting guidelines is to provide a comfortable level of illumination that meets the community's needs for orientation and safety in a way that complements the aesthetic qualities of the architecture and the semi-rural character of Moraga.

6.1.1 General Considerations

Lighting design should be energy efficient, to create an improved aesthetic and preserve energy resources.

A. High efficiency fixtures and sophisticated optics are encouraged to direct light where it is needed without creating excessive glare.

B. Long lasting high pressure sodium lamps are suggested to minimize energy use and lamp replacement.

C. Lights should be placed where they are needed for specific uses, rather than to a continuous foot-candle requirement, allowing for the appreciation of the dark sky in the residential neighborhoods and reducing the total number of fixtures and energy consumption.

Lighting should be shielded to avoid excessive and unnecessary glare.

A. The use of uplights for buildings, trees, or signs is discouraged.

B. High intensity light fixtures should include a shielded light source that reduces the view to the light source.

C. High pressure sodium and incandescent lamps shall be used exclusively to provide a narrow light spectrum to preserve viewing opportunities and increase efficiency.

D. Mercury vapor, metal halide, and fluorescent lamps will not be permitted for use in the specific plan area.

E. Other light sources may be considered if it can be demonstrated that the narrow light spectrum is maintained.

6.1.2 Village Lighting

Centers of community activity should have street and plaza lighting consistent with the Community Commercial and Mixed Commercial/Residential/Office guidelines in order to maintain the continuity of design through these spaces.

A. Light fixtures should be designed as an integral part of the streetscape with a spacing and pattern that complements tree plantings and other site furniture.

B. Use of wall mounted fixtures where appropriate on the building elevations are encouraged to supplement other forms of lighting and to complement the building architecture.

C. Parking areas should be lighted with high efficiency pole fixtures that provide an even distribution of light while minimizing glare. Lamps should be combined with sophisticated optics and sharp cut off features to direct all of the light to the ground.

6.1.3 Residential Lighting

Lighting in residential areas should be provided at specific points of need in keeping with a semi-rural standard to reflect a quieter and more intimate setting in residential areas.

A. Use of pole lights with a shielded light source and/or optics to direct the light down to the ground is encouraged so that the light source is not visible outside of the light distribution area.

B. Light poles should be provided at street intersections and along pedestrian pathways to provide orientation and way finding within the community.

C. Street identification signs and traffic control signs should be mounted on light poles to integrate these elements into the design and minimize the visual impact of poles and signs on the community.

6.1.4 Open Space Lighting

Lighting for parks should help characterize parks as an extension of pedestrian zones throughout the rest of the community and should provide the minimum ample lighting for safety, orientation, and way finding along the trails.

A. The same pole lights used along streets should be placed in parks.

B. Use of decorative pole lights along adjacent streets is encouraged to provide an amenity enhanced edge and increased illumination around park perimeters.

C. Lighting should not be provided for active nighttime use of parks to discourage excessive light and noise to neighbors.

D. Light sources should minimize glare through the use of side shields and cut off optics.

E. No direct view to light sources should be visible from off site.

F. Pedestrian pole light fixtures should complement the pattern of tree planting along paths, roads, and parking areas.

G. Use of building mounted fixtures that match the pole lights is encouraged, as long as the fixtures are scaled appropriately for their location on the building.

6.2 Signage

Signage in the MCSP area should be functional and attractive and incorporate artistic elements when possible, using a high level of design, graphics and efficient maintenance.

6.2.1 General Considerations

A. All signs should be related to their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design and not in competition with other signs in the area.

B. Signs should be subtle and unobtrusive, conveying their message in a clear and legible fashion, and should be vandal- and weather-resistant.

C. Wayfinding or directory signs may be placed at key locations to provide information and orientation for customers.

D. Struts, braces, kickbacks, or guy wires to support signs should be avoided unless they are a feature of the design.

E. Use of internally illuminated signs and exposed neon tubing should be avoided.

F. Illuminated signs should be halo-type reverse channel letters or screened, low level spot lights. External lighting sources should be screened from view and light should be directed against the sign so that it does not shine onto adjacent property nor into the eyes of motorists or pedestrians.

G. All lighted accessory signs (primary business identification signs) shall be submitted for Design Review approval and shall be in conformity with any approved sign and design policy for the center, building complex, or area.

6.2.2 Building Signs

All building plans should provide a signage program so that they are an integral part of the building design.

A. Use of reverse channel halo lit signs, pedestrian oriented blade signs, sculptured cantilevered signs, non-internally lit signs backed by building face or storefront are encouraged.

B. Individual letter characters are encouraged.

C. Metal signs may be made of aluminum, brass, bronze, copper, or stainless or welded steel.

D. Signs are to be free of all labels and fabricator's advertising, except for those required by code.

E. Logos or trademark displays may be used on signs.

F. Building signs may be halo lit or use shielded gooseneck spot lights directed away from the sidewalk to reduce glare.

6.2.3 Freestanding Monument Signs

A. Pole signs are not allowed.

B. Freestanding signs should be of a low profile and integrated with the site plan.

C. Accessory low level floodlights are allowed if properly screened from view.

D. Color, materials, and fonts shall be integrated with the surrounding buildings, walls, or other construction and landscaping.

6.2.4 Live/Work and Home Occupation Signs

Accessory signs for home occupations should be unobtrusive and in character with residential neighborhoods rather than retail storefronts. Home occupations are encouraged in certain areas as opportunities for St. Mary's faculty housing and as an opportunity to provide sustainable practice for small businesses.

A. Use of pedestrian oriented blade signs, sculptured cantilevered signs, and individually crafted plaque signs is encouraged.

B. Signage is intended to be unique and original for each establishment and executed with a high degree of craftsmanship.

C. Accessory signs in residential areas shall not exceed 2 square feet.

6.3 Walls and Fencing

Walls and fences should be minimized to the greatest extent possible. For information about reducing the impact of site grading and retaining walls, please refer to the Town of Moraga Design Guidelines

6.3.1 Walls

A. Site walls should be made of materials complementary to the building architecture palette.

B. Walls located in visually prominent areas should be decorative and faced with materials that are compatible with the surrounding natural environment and from local sources, whenever possible.

C. Keystone and other interlocking masonry wall systems are encouraged in place of concrete retaining walls.

D. Concrete retaining walls shall be allowed only where necessary for structural and spatial requirements and shall be heavily screened from view with plantings to minimize their visual impact.

E. Plantings should be utilized to minimize the visual impact of all retaining walls.

6.3.2 Fencing

A. Fencing materials and colors should complement adjacent architecture.

B. Use of decorative fencing styles such as grape stake, picket, and split rail fences are encouraged in areas of high visual sensitivity.

C. Use of a variety of traditional wood "good neighbor" style fences is allowed.

6.4 Site Furniture

6.4.1 Street Furniture and Paving Treatment

Streets and public spaces should be designed to be comfortable for pedestrians and emphasize pedestrian movement among and between various uses in MCSP area.

A. Benches and seat walls should be incorporated into the streetscape to provide seating areas along pedestrian promenades.

B. Ample bicycle parking areas and bicycle racks should be provided throughout the MCSP area.

C. Seating areas should present both shady and sunny opportunities.

D. Tree grates, bollards, and other site furniture should be used to help articulate the street edges and provide a pleasant separation between the automobile realm and the pedestrian realm.

E. Where the automobile realm and the pedestrian realm overlap, clear priority should be given to the pedestrian in the form of accentuated paving, bollards, special crosswalk lighting, and other pedestrian features.

F. The use of permeable concrete or permeable asphalt paving with score lines to reduce the scale of the pavement, or permeable interlocking pavers, is encouraged.

G. Passageways between stores that lead to parking areas are particularly important and should be accentuated by architectural gateway elements, decorative paving and plantings, bollards, and seating courts with ample shade and weather protection.

7.0 LANDSCAPE

Landscaped areas should be drought-tolerant, deer resistant, and appropriate for Moraga's chaparral landscape context.

7.1 Street Landscaping

Street trees provide a significant landscape presence that enhances the experience of walking, riding, or driving through the MCSP neighborhoods. Street trees should be evergreen varieties which are well suited to the local environment and should be used to create a sense of continuous street enclosure and protection for pedestrian areas.

For landscape strategies specific to Scenic Corridors, please refer to the Town of Moraga Design Guidelines Appendix A for a list of recommended trees and shrubs for scenic corridors. Street trees for community streets and bioswale areas should also be taken from this list. In addition, please refer to the Moraga Transportation Corridor Streetscape Plan for additional landscape design principles appropriate to street landscaping.

7.2 Residential Landscaping

Planting designs should be appropriate for the local site and environmental conditions present in Moraga.

A. Neighborhood plantings should have indicidual expressions of landscape design consistent with the architectural character of the homes.

B. Street trees should be placed in landscape strips that separate the roadway from the sidewalk, which should also include drought tolerant shrub and groundcover plantings to encourage sidewalk use.

C. Residential alleys should be planted with evergreen trees and shrubs to soften and complement the architectural design.

D. At a minimum, planting pockets should occur at each property line along alleys.

E. Pedestrian walkways that provide garden entries to homes along common paseos should be treated with ornamental trees and flowering shrubs to accentuate their pedestrian significance.

Landscape treatments for parking areas should present a coherent planting theme that minimizes the impact of asphalt and automobile traffic.

A. Pedestrian routes through parking areas should be clearly marked by features such as enhanced paving, pedestrian scaled light fixtures, bollards and enhanced tree canopies, and should lead directly to passageways between stores.

B. Evergreen trees should be used to provide year-round parking lot tree coverage and to help reduce the impact of storm water runoff.

C. Bioswales should be integrated into parking areas to improve the quality of storm water runoff and to allow infiltration of storm water into the subgrade. Curbs should have notched openings set flush or below the asphalt elevation to allow water flow into the bioswales.

7.4 Open Space Landscaping

Planting design in parks should have distinct variations in theme based upon the site context, use, and visual concept.

A. Smaller parks and those in higher intensity use areas should be designed in a formal style.

B. Larger parks and those in lower intensity of use areas and residential neighborhoods should include native plantings and landforms that have an informal character.

C. Formal gardens that make use of bold plantings in sweeping masses of layered color and texture, and that create visual interest and ease of maintenance, are encouraged.

The below listed guidelines in blue print were taken from the Town of Danville Development Standards:

32-45.22 Architectural Development Standards.

This section sets forth specific architectural design guidelines for the rehabilitation of existing structures and the development of new structures in the designated Downtown Business District.

The following construction materials and detailing apply to the twelve land use areas set forth in Division 2. Strict compliance with the Development Standards may be reviewed on a case-by-case basis for the District 11: Special Opportunity District.

a. *Windows*.

1. Windows above the first floor shall be placed in a regular pattern or patterns.

2. Victorian or other carpenter style windows with two by four (2 x 4) bracketing framing, built out lintels and trim are encouraged.

3. Storefront windows shall emphasize vertical composition in a manner consistent with a historic design theme. Vast plate glass panels should be avoided. True divided light windows are encouraged.

4. Nail-on windows may be permitted if architecturally compatible with the structure and authentically detailed and trimmed.

b. *Materials and Colors.*

1. All exterior materials shall be authentic and used in an historical manner.

2. Wood siding. Horizontal butt and lap siding as well as vertical board and batt siding or decorative wood shakes.

3. Masonry. Sandblasted or used brick or stone, consistent with the historic theme.

4. Stucco, if combined with masonry. Exclusive use of stucco and the combination of wood siding and stucco are discouraged.

5. Materials not considered consistent with the historic theme include masonry such as lava rock, permastone, "antiqued" brick and slumpstone; wood including plywood siding, hardboard or pressboard; fiberglass wood panels, corrugated siding; or plastic.

6. Building colors shall be consistent with the historic theme. Subdued background colors and colorful trim are encouraged.

c. *Building Projections and Sidewalk Coverings.* Overhead projection including arbors and awnings are encouraged but may not overhang the public right-of-way unless approved as a part of a development plan permit and requires an encroachment permit and building permit.

d. *Roofs*. Roofs shall be an integral part of the building design that complements the structure in scale, height and mass.

1. Roof elements shall be similarly treated and architecturally integrated on all building elevations. The combination of incompatible roof elements (i.e., hip and mansard) is not permitted.

2. Roof lines shall provide interest in shape and color and shall be architecturally compatible with the main structure.

3. All roof-mounted mechanical and electrical equipment shall be fully integrated into the overall roof design so as to be totally screened from off-site view.

4. Decorative parapets, shakes and cornices are encouraged to terminate building facades.

5. Materials. The following roof materials are appropriate when designed as a Class A or B occupancy rating under the Uniform Building Code:

(a) Wood shingles or shakes;

(b) Concrete tile;

(c) Synthetic roof materials consistent with the historical architectural theme; and

(d) Slate.

6. Pitch. The following roof designs and pitches are considered appropriate.

(a) Hip and/or gable roofs with a minimum roof pitch of 6:12 on dominant roof structures visible from off-site.

(b) Flat/minimum pitch roofs are permitted when combined with false front architectural styles provided that no portion of the roof is visible from off-site.

7. The following roof styles and designs are not permitted:

(a) Mansard;

(b) Shed;

(c) Built up or flat/minimum pitch roofs such that they may be viewed from off-site.

e. *Fascia and Soffit.*

1. A fascia shall be continuous and deep, creating a unifying element that ties existing and new developments together visually.

2. Soffits shall be utilized wherever possible, shall incorporate lighting and may be used to hang business identification signs.

f. *Storefront Entries.*

1. Recessed entries are encouraged to create added window display area and allow for increased outdoor entry space.

2. Rear and side entries shall be compatible with front entries unless such entries are visually inaccessible.

3. Where appropriate in design, storefront windows may project or be recessed for added relief on building facades.

4. Window coverings, including permanent and temporary signage, shall not block pedestrian views to the interior.

g. *Project Design.*

1. Outdoor spaces defined or partially enclosed by buildings shall be designed to function as nodes.

2. Where appropriate, building edge treatment shall create areas for sitting and walking. Long, straight building elevations shall be avoided.

3. False detailing is appropriate where applied in a historically authentic manner consistent with the architectural integrity of the structure.

4. Detailing shall be an integral part of the building design and used appropriately throughout.

5. Exterior lighting shall be addressed as an integral part of building landscaping and design.

h. *Storage and Refuse Collection Areas.*

1. All outdoor storage and refuse collection areas shall be enclosed and screened so that they are not visible from access streets and adjacent properties.

2. Outdoor storage of all company owned and operated motor vehicles, except for passenger vehicles, shall be reasonably screened from view from access streets, freeways and adjacent properties.

3. Storage or refuse collection is not permitted within front yard setback areas.

(Ord. 2005-07, §2)

32-45.23 Landscaping Development Standards.

The following landscaping development standards apply in the Downtown Business District:

a. *General*. Each building site shall have a minimum landscaped coverage of twenty percent (20%). All landscaping shall be provided with an automatic irrigation system. All trees shall be minimum fifteen (15) gallon size. Shrubs shall be minimum five (5) gallon size. Shrubs used as ground cover shall be minimum one (1) gallon size. All unpaved, non-work areas (excluding vacant lots) shall be landscaped.

b. *Hardscape*. All sidewalks, decks and patios shall be constructed using concrete, exposed aggregate, stamped concrete, bricks, brick pavers, wood decking, tile or terrazzo. The use of asphalt pavement is only permitted in driveway and parking areas. A maximum of twenty-five percent (25%) of the total landscape requirement may be allowed for hardscape.

c. *Perimeter Areas.* Perimeter landscaping is required along all property lines where buildings are set back from the lot line. One (1) tree per thirty (30) lineal feet of property line shall be planted in the perimeter area in addition to required ground cover and shrubs. Trees may be clustered or uniformly spaced.

d. *Frontage Landscaping.* Frontage landscaping shall conform to the adopted Streetscape Beautification Guidelines.

e. *Parking Areas.*

1. A planter or landscaped strip at least five (5) feet in width shall be provided adjacent to street rights-of-way. Automobiles should be screened from off-site views with a combination of planting, berming and walls.

2. Driveway and parking areas shall be separated from adjacent landscaping by a wall or curb at least four (4) inches high, but no more than three (3) feet six (6) inches in height.

3. One (1) tree for each five (5) parking stalls shall be installed within fingers or medians that project into the paved area.

f. *Undeveloped Areas.* Interim landscaping, including erosion control measures, shall be provided on all graded sites that will remain vacant prior to building construction. Undeveloped areas shall be maintained in a weed-free condition.

g. *Landscaping Maintenance.* Prior to building occupancy, the owner shall provide the Town with an executed maintenance agreement that assures maintenance of all landscaped areas. The Town may enforce such agreement at the cost of property owner of record. The maintenance agreement shall include:

1. Lawn and groundcover to be trimmed or mowed regularly; all planting areas to be kept free of weeds and debris.

2. All plantings to be kept in a healthy and growing condition with fertilizing, cultivation and tree pruning as a part of regular maintenance.

3. Automatic irrigation systems to be kept in working condition with adjustments, replacements, repair and cleaning as a part of regular maintenance.

4. Stakes, guys and ties on trees to be checked regularly for correct function. Ties are to be adjusted to avoid creating abrasions or girdling on trunks or branches.

5. All landscaping including sidewalks, patios and decks to be repaired and cleaned as a part of regular maintenance.

(Ord. 2005-07, §2)

32-45.24 Lot Area and Width.

The minimum lot area shall be thirty-five hundred (3,500) square feet, with a minimum average lot width of thirty-five (35) feet except where a smaller lot existed prior to the adoption of this chapter.

(Ord. 2005-07, § 2)

32-45.25 Building Height.

All buildings and structures are limited to the height shown below for the area in which the structure is located. The height limitation applies to roofs, roof projections, mechanical equipment, microwave sending and receiving devices and all other projections. Height is measured from the highest point on the natural ground to the highest point on the structure.

Business District Area	Maximum
1, 2, 2A, 3, 4, 7, 9	Two stories or 35 feet, whichever is less.
5	Three stories or 50 feet, whichever is less.

6 Two stories or 35 feet, whichever is less; for Town and Country Drive, as previously established through General Plan amend- ment and Development Plan entitlement.

8 As established in the P-1 standards for the Livery and Mercantile (Development Plan No. 84-9).

10 35 feet.

11 37 feet.

(Ord. 2005-07, §2)

32-45.26 Setbacks.

The setbacks shown below shall apply for the area in which the building or structure is located.

Business District Area Setbacks

1, 2, 2A Front yard: 10' minimum from a public right-of-way. Side and rear yards: no minimum, except on corner lots where there shall be a minimum 10' street side, side yard setback.

3, 4 Front yard: 10' minimum from a public right-of-way. Side yard: 10' total, minimum of 5'. Rear yard: 20' minimum.

5, 6, 7 Front yard: 20' minimum from a public right-of-way. Side yard: 15' total, minimum of 5'. Rear yard: 20' feet minimum.

8 As previously approved under DP 84-9.

9 Front yard: 25' minimum from a public right-of-way. Side yard: 40' total, minimum of 20'. Rear yard: 20' minimum.

32-45.28 General Requirements.

a. Grading within the Downtown Business District is subject to the approval of the Chief of Planning and the Chief Building Official and is allowed by permit only if a Development Plan has first been approved by the Town.

b. No excavation or grading shall be done except in connection with the construction of an improvement. Upon completion thereof, exposed openings shall be backfilled and disturbed ground shall be finished and graded. Where not built upon, all sites shall be landscaped consistent with the intent of this chapter.

c. All access plans, necessary right-of-way dedications and improvements shall comply with the requirements and approval of the City Engineer.

d. If regulations contained in this chapter are inconsistent with the regulations of County Ordinance Code Chapters 82-16, 84-52 and 84-66 (adopted by the Town)* the regulations of this chapter prevail.

e. Before a change in business or use, the new business or use is required to obtain a certificate of zoning compliance from the Chief of Planning.

f. Before accepting a Development Plan application, the Chief of Planning or the Heritage Resource Commission shall determine the historical significance of the site.

PARKING STANDARDS

32-45.30 General Requirements for On-site Parking.

a. *Applicability to Existing Land Uses.* A land use existing in the Downtown Business District as of November 21, 1988, or for which a building permit has been issued, is not subject to the requirements of this chapter until there is a change of use/ business or expansion of the structure, provided that on-site parking facilities now required or serving such land uses are not reduced below these requirements in the future. A project already approved as of November 21, 1988 shall comply with the original conditions of approval until a new project is submitted and approved for the site. Parking required by the original conditions of approval may be removed with approval of the Planning Commission provided the owner demonstrates that removal is consistent with the intent and purpose of this chapter.

b. *Fractional Parking Space.* Where the computation of required on-site parking spaces results in a fractional number, only the fraction of one-half (1/2) or more shall be counted as one (1).

c. *Mixed Uses.* Where property is occupied or intended to be occupied by two (2) or more uses which fall into different use classifications, the on-site parking requirement shall be the sum of the requirements for the various individual uses, computed separately. On-site parking provided for one (1) use shall not be considered as being provided for any other use unless a joint-use parking agreement is first approved by the Town.

d. *Joint Use Parking Agreements.* A joint-use parking agreement may be used when the Town determines that all of the required parking cannot be met on-site or in the Town's municipal parking lots. A joint-use parking agreement may be considered when the joint-use parking is to be provided on an adjacent lot but in no instance shall the distance from the adjacent parking to the proposed facility be greater than one hundred fifty (150) feet. Such parking shall be specifically designated for the uses to which it is assigned. The same parking spaces may not be counted toward the required parking for more than one (1) use at a time.

The applicant shall provide evidence to the satisfaction of the Chief of Planning that the joint-use parking agreement provides for a specified number of parking stalls, is recorded to run with the property and is enforceable for a specified term.

g. *Tandem Parking.* Tandem parking is permitted only when the parking is used to meet the needs of employees or valet service is being provided. The property for which tandem parking is permitted must be posted or designated as such and the owner must record a deed restriction.

h. *Compact Parking.* Up to thirty percent (30%) of the required parking may be provided in compact stalls. The compact stall dimension shall measure a minimum of eight (8) feet by sixteen (16) feet.

i. *Historic Preservation Parking Relief.* A reduction in the total number of parking spaces required under this chapter for a property designated a Heritage Resource shall be permitted according to the determination made by the Heritage Resource Commission.

j. *Assessment District 73/74. Contra Costa County.* Any parcel of land located within the existing Municipal Lot Assessment District (AD 73/74) shall receive credit for participation in that district by one (1) of the following:

1. If the parcel is within the one hundred percent (100%) area of benefit: (located adjacent to the Municipal Parking Lot) then that parcel shall receive full credit for the number of parking spaces for the existing use on the site.

2. If the parcel is located outside of the one hundred percent (100%) area of benefit (noncontiguous to the Municipal Parking Lot) then it shall receive full credit for the actual on-site spaces plus full credit for the actual dollar amount paid into AD 73/74 against payment of any in lieu fees.

k. *Loading and Deliveries.* Deliveries are encouraged in the Downtown Business District between the hours of 6:00 a.m. and 11:00 a.m. due to the commercial density of the area and the disruptive nature of loading activities at later times. Each Development Plan shall be required to include provisions for off-site loading such as a designated area, parking management plan or provisions for the use of a required parking stall to be used for loading during off-business hours. Handicapped parking stalls may be used for deliveries during hours in which the business being served is not open to the public.

l. Parking areas may not be used for merchandise sales, storage, repair work, dismantling or servicing of any kind.

32-45.32 Design and Layout.

a. Dimensions of the required on-site parking spaces and driveways shall have the following dimensions:

Parking Angle (Degrees)	Stall Width	Curb Length	Stall Depth	Driveway Width
0	8'0"	22'0"	8'0"	12'0"
30	9'0"	18'0"	17'4"	11'0"
45	9'0"	12'9"	19'10"	13'0"

60	9'0"	10'5"	21'0"	18'0"
90	9'0"	9'0"	19'0"	24'0"

b. All on-site parking facilities shall be designated with appropriate maneuvering areas and means of vehicular access to the main and auxiliary streets. If the parking area does not abut a street, there shall be an access driveway not less than twelve (12) feet in width for one-way traffic and not less than twenty (20) feet for two-way traffic leading to the parking area in such a manner as to secure the most appropriate development of the property in question.

c. Pavement markings shall indicate the direction of traffic flow, stall width and length and any other directional signage and marking required.

d. Lighting shall be directed downward and all rays confined to the site. Lighting intensity shall be no greater than that required to reasonably light the parking areas.

e. Access to public parking areas and curb cuts shall be so located as to insure an efficient and safe traffic flow into the parking area and the public street.

f. Parking stall depth may be decreased two (2) feet in length when a bumper overhang is used. However, the two (2) feet that is subtracted from the parking stall must be replaced by landscaping which the vehicle can overhang.

g. A minimum of six (6) foot high solid fence or masonry wall of a design acceptable to the Chief of Planning shall be provided along the edge of any public parking area adjacent to residentially zoned property.

h. A barrier curb or wheel stop at least four (4) inches in height shall be provided adjacent to landscaping, near buildings or other non-parking areas.

i. Required on-site parking areas shall be surfaced with an asphaltic or Portland cement pavement or similar material so as to provide a durable and dustless surface. Areas shall be graded and drained to prevent the ponding of water.

j. If a driveway provides access to a parking area with a garage or carport having access from either or both sides, the driveway shall be a minimum of twenty-four (24) feet in width. The garage and carport spaces shall be at an angle of sixty (60) degrees or greater and shall be set back a minimum of four (4) feet on one (1) side only, thus providing a twenty-eight (28) foot separation between structures or obstructions to facilitate vehicular turning movements.

(Ord. 2005-07, §2)

32-45.33 Maintenance and Operation.

All required parking facilities shall be provided and maintained so long as the structure exists which the parking areas were designed to serve. On-site parking facilities may not be reduced in area, except when the reduction conforms to this chapter.

(Ord. 2005-07, §2)

32-45.34 Parking Requirements.

q. *Multi-family Residential:* Each apartment and dwelling unit shall have on-site automobile parking space on the same lot or parcel as follows:

1. Studio dwelling unit: one (1) space;

2. One (1) bedroom dwelling unit: one and one-half (1-1/2) spaces;

3. Two (2) or more bedroom units: two (2) spaces, plus one-quarter (1/4) space per each dwelling unit for guest parking, which may include available curb parking along the property's street frontage.

4. Spaces shall not be located within the side yard or setback areas of the principal structure.

5. Fractional amounts shall be rounded out to the next higher whole number of spaces.

6. In no event may there be less than one (1) covered space per dwelling unit.

SECTION 3. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance. To this end, the provisions of this Ordinance are severable. This Town Council hereby declares that it would have adopted the Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. Publication.

The Town Council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the Town Clerk at least five days prior to the Town Council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the Town Council shall publish a summary of the ordinance or amendment with the names of those Town Council members voting for and against the ordinance or amendment and the Town Clerk shall post in the office of the Town Clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those Town Council members voting for and against the ordinance or amendment in accordance with Section 36933 of the California Government Code.

SECTION 5. Effective Date.

This ordinance becomes effective thirty (30) days after its final passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the Town Council held on xxxx, 2009 and was adopted and ordered published at a regular meeting of the Town Council on xxxx, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Dave Trotter, Mayor

ATTEST:

_____
xxxx, Town Clerk