



D e s i g n R e v i e w
B o a r d

S t a f f R e p o r t

FOR BOARD DISCUSSION
January 23, 2012

1800 Donald Drive

Design Review Board Study Session to review a new 3,001-square foot residence with an attached 553-square foot second unit on a vacant 13,203-square foot parcel on a hillside. The project includes a 511-square foot 2-car garage and a 351-square foot 1-car garage on the top level with access from a circular bridge driveway off of the northeast side of Donald Drive and approximately 1,000 feet southeast of Laird Drive. File number DRB 04-11 (APN 255-183-011) (6-DUA, RHC)

I. Application Basics

A. Zoning Permits Required:

- Hillside Development Permit required under MMC Section 8.136.050 because the slope of the hillside is approximately 65%.
- Design Review Board approval of new residential structure, under MMC Section 8.72.060

B. CEQA Determination: An environmental initial study was prepared for the project on September 15, 2011. Although the proposed project could have a significant effect on the environment, the initial study found that there will not be a significant effect in this case because revisions in the project have been made, or agreed to, by the project proponent. The Planning Commission considered a Mitigated Negative Declaration at their November 7, 2011 meeting. Adoption of the Mitigated Negative Declaration was continued pending receipt of additional information. The applicant has recently submitted a biotic survey and arborist's report, and review of the water catchment basins in the foundation below the building was reviewed by the project geotechnical engineer. A copy of the Initial Study for the 1800 Donald Drive residential project is enclosed as **Attachment D**. The Initial Study will be revised to include the supplemental reports prior to Planning Commission consideration of a Mitigated Negative Declaration and following the Design Review study session and any recommendations for mitigation measures.

C. Parties Involved:

- i Applicant James Phillip Wright, 5 Greenvally Court, Lafayette, CA 94549
- i Property Owner Stephen Williams / Pensco Trust Co., 2647 Pleasant Hill Road, Pleasant Hill, CA 94523

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant	6-DUA	Residential 6 du / ac
Surrounding Properties	North	Duplex Residential Units	6-DUA	Residential 6 du / ac
	South	Vacant Open Space and Single Family homes further south	OS-M (MOSO) 1-DUA further south	MOSO Open Space and Residential 2 du / ac further south (Note Discrepancy with zoning)
	East	Hacienda de las Flores Park	OS-M (MOSO)	MOSO Open Space
	West	Mulholland Open Space Preserve	OS-M (MOSO)	MOSO Open Space

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
MOSO	No	Project is not in the OS-M zoning District
Slope/Geotechnical	Yes	Slope of site is over 20% and HDP is required with geotechnical peer review of applicants geotechnical investigations
Creeks	No	No creeks or riparian habitat on project site
Oak Trees	Yes	Several Oak Trees will be removed to accommodate the new building on the property
Trails/Open Space	No	No trails cross the project site
Scenic Corridor	No	Project is further than 500-feet from Moraga Road scenic corridor and cannot be seen from the upper portion of Donald Drive.
Soil/Groundwater Contamination	Yes	Project will need to comply with BMPs for stormwater and erosion control
Construction impacts on slope & Donald Dr.	Yes	Applicant has been asked to address construction procedures for dealing with steep slope and traffic control on Donald Drive.
Foundation Excavation	Yes	Project has been designed to be exempt from a grading permit but concerns for safety of water catchment area under the residence have been expressed and for extent of excavations for foundation and pier holes.
Building Height and Number of Floors	Yes	Proposed residence does not exceed 35-foot height limit or 45-foot aggregate height limit. Project Architect is adjusting offset of garage areas above lowest floor to avoid three floor levels above one another.

Table 3: Project Chronology

Date	Action
March 31, 2011	Multi-Family Residential DRB Application submitted
April 27, 2011	Application deemed incomplete – requested Hillside Development Permit Application and information for preparation of an Environmental Initial Study
June 22, 2011	Application for Hillside Development Permit (HDP) submitted with updated geotechnical investigation, which was sent to Cal Engineering & Geology (CE&G) for peer review.
August 22, 2011	Received geotechnical peer review report from CE&G
Sept. 15, 2011	Environmental Initial Study completed
October 18, 2011	Notice of Intent to Adopt a Mitigated Negative Declaration filed with CCC Recorder and Public hearing notices mailed and posted for Planning Commission hearing
Nov. 7, 2011	PC hearing to consider Negative Declaration and HDP. PC requested additional information for Initial Study, installation of story poles on the site and study session with the Design Review Board before returning project to PC.
January 3, 2012	Biotic Survey and Title Report for property received
January 12, 2012	Arborist's Report and supplemental geotechnical letter on rain water catchment storage structure received. Story poles installed on the site. Additional plans and site section drawings submitted. Application deemed complete.
January 13, 2012	Notices mailed and posted for DRB study session hearing on January 23, 2012
July 10, 2012	CEQA deadline ¹ based on January 12, 2012 date for completed application
To be determined	PSA deadline ² (will be 60 days after adoption of a negative declaration)

1. Negative declaration must be adopted within 180 days after application is deemed complete, EIR within 365 days (CEQA Guidelines, Article 8).
2. Project must be approved or denied within 60 days after being deemed complete if exempt from CEQA, or 60 days after adoption of a negative declaration, or 180 days after adoption of an EIR (Govt. Code Section 65950).

Table 4: Development Standards

Standard MMC Sections 8.32.060	Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)	13,203 sq.ft.	No Change	13,203 sq.ft.	10,000 sq.ft. minimum lot area required
Gross Floor Area (sq. ft.)	None	New Building	5,134 sq.ft. w-shell space	No maximum floor area is stipulated by code
Floor Area Ratio	No Building	New Building	0.388	N/A -FAR does not apply to multiple residential
Dwelling Units	None	2 units	Primary unit and an attached second living unit.	No more than six dwelling units per acre or 7,260 sq.ft, per unit; however, MMC Section 8.32.020 permits one duplex on one lot.

Standard MMC Sections 8.32.060		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Building Height	Maximum (ft.)	None	New Building	35 feet	35 feet maximum
	Aggregate Maximum (ft.)	None	New Building	45 feet	45 feet maximum
	Stories	None	New Building	2 stories with floors offset and three levels	Two stories See MMC Section 8.32.070-B.
Building Setbacks (ft.)	Front (SW side)	N/A	New Building	25 feet	25 feet
	Rear (NE side)	N/A	New Building	33 feet to building and 27 feet to deck	20-feet, but not less than height of building, which is 35 feet, (see MMC Sec. 8.32.060-A.)
	Left (NW) Side	N/A	New Building	20 feet	
	Right (SE) Side	N/A	New Building	20 feet	
Lot Coverage (%)		0%	New Building	22%	50% coverage
Usable Open Space (sq. ft.)		13,203 sq.ft.	2,923 sq.ft. building plus 1,364 sq.ft. for driveway	4,287 sq.ft. total for building and bridge	6,601.5 sq.ft. minimum or 50% of lot area.
Parking	Automobile	None	3 parking spaces	3 covered parking spaces	MMC Sec. 8.76.100 requires 2 covered spaces per dwelling unit MMC Sec. 8.124.060-G. requires 1 off-street parking space for second unit.
	Bicycle	None	Not shown	Not shown	Plan has adequate space in garages for bicycle storage.

II. Project Setting

A. Neighborhood/Area Description:

The project site is located above an existing duplex residential unit at 2092 - 2094 Donald Drive. The properties located to the northeast and northwest of the project site are zoned 6-DUA (six dwelling units per acre Multi-Family Residential District) and are developed with existing duplex units. The properties located to the southeast and southwest of the project site are zoned OSM-DT (Open Space-MOSO-Density Transfer). The property to the southeast is known as the Hacienda de las Flores Park and a public parking lot for the park is located about 200-feet east of the subject property. The property on the southwest side across Donald Drive is known as the Mulholland Ridge Open Space Preserve and is owned by the Town of Moraga. There are four single family homes located about 800-feet further up Donald Drive above the project site.

B. Site Conditions:

The major concern for development of the subject property is the steep slope. The average slope is approximately 65% in the area where the new duplex residential structure is proposed. The site is also covered with trees and some native trees will need to be removed for the development.

III. Project Description

The main living level is the middle floor below the parking garage level. The middle floor level has 2,647 square feet and includes the kitchen, dining, living room area and master bedroom for the primary residence. The middle level also includes the attached 553.43 square foot second living unit and a cantilevered deck that projects 12-feet beyond the rear of the building. The lowest floor level includes 559 square feet for two bedrooms and two bathrooms and 718 square feet of unconditioned shell space. The lower floor is offset from the top level garage area so that the structure does not have three floors on top of one another. However, in order to accomplish this, the architect has modified sheet A2.0 (Upper Level Plan) to have tandem parking for the primary unit so that the previous double wide garage will not be a "third" story above the lowest floor level. Sheet A4.0 of the plan set includes cross sections through the building to show no more than two floor levels are above one another. Attic and crawl spaces with less than 6-feet of height do not count as floor levels. The building foundation has been designed with less than 50 cubic yards of soil excavation and no cuts greater than 3-feet deep in order to comply with the Town's Grading Ordinance for minimum grading and exemptions for foundation grading.

IV. Community Discussion

A. Neighbor/Community Concerns:

The public meeting notice for this application (**Attachment J**) was mailed to property owners within 800-feet of the subject property on January 13, 2012. The notice list was expanded beyond the minimum 300-foot radius to include all residents living on Donald Drive above the project site and owners of property along Donald Drive to the intersection of Laird Drive. The notice was also posted on a telephone pole near 2094 Donald Drive and on a tree above the project site at 1800 Donald Drive. Correspondence received for the Planning Commission hearing on November 7, 2011 is enclosed as **Attachment K**. A letter dated October 24, 2011 and signed by Carol and Ted Gamble (1762 Donald Dr.), Sandra Reed (1750 Donald Dr.) and Michelle and J.P. Maeders (1758 Donald Dr.) is opposed to the project and expresses concerns for obstruction of traffic and emergency vehicles on Donald Drive during construction. We have also included a letter from Lynda Deschambault dated November 5, 2011 and an email from Lynda dated November 28, 2011. Additional written correspondence received prior to the Design Review Board meeting will be brought to the meeting.

B. Committee Review:

The Planning Commission requested that the project be presented to the Design Review Board at a study session after the story poles are erected on the property and prior to returning to the Planning Commission for deliberation on the proposed mitigated negative declaration and hillside development permit. In addition to the project plans enclosed as **Attachment A**, the Planning Commission staff report for the November 7, 2011 meeting is enclosed as **Attachment B**. Additional background material includes the Planning Commission meeting minutes from the November 7th meeting (**Attachment C**), the draft Environmental Initial Study (**Attachment D**), Biotic Survey (**Attachment E**), Arborist's Report and Tree Inventory Map (**Attachment F**), Geotechnical Reports from Friar Associates, Inc. and Peer Review Report from Cal Engineering and Geology (**Attachment G**), a letter describing the proposed construction procedures for the steep hillside from Canyon Construction dated January 12, 2012 (**Attachment H**), and the Title Report for 1800 Donald Drive (**Attachment I**). The purpose of the study session is for the Design Review Board to make *recommendations* to the Planning Commission with regard to the project design and for any additional mitigation measures for the proposed negative declaration. Since the project has not completed review under CEQA, the Board cannot make any decisions or take action on the project at this time.

V. Issues and Analysis

A. Key Issues:

1. Mass of new building above existing duplex at 2092-2094 Donald Drive: At the request of staff, the project architect included a section through the parcel and the existing duplex at 2092-2094 Donald Drive on sheet A-1.1 of the plans. A parcel plan and parcel elevation were also provided that show the proposed building in relation to the existing duplex below. The parcel elevation is somewhat misleading because the angle of view from the street below would prevent an observer from seeing the top of the roof. The story poles are a better indication of the actual position and height of the proposed building above the existing duplex; however, the density of trees on the site make observation of the story poles very difficult. The story poles at the southeast side of the proposed building are faintly visible above and to the right side of chimney in the photo below.



The panoramic view on the previous page has been enlarged at right to show the story poles more clearly at the right side above the chimney. The top of the poles appear to be much lower than the horizontal projection shown on the parcel elevation on sheet A-1.1 because the angle of view in the photo is much lower than the horizontal projection. An observer would have to be about 30-feet above the street in order to see the view presented in the parcel elevation. The story poles can be seen more clearly from the front of the project site, but pictures taken from the upper portion of Donald Drive do not show the visual relationship between the existing duplex and the new structure on the lot above.



2. MMC Section 8.32.060-A and B. Side and Rear Yard Setback Issue: The minimum side and rear setbacks specified in the 6-DUA zoning district are a little confusing. Section 8.32.060-A states that a 25-foot side yard is required and then in the next line of the table the side and rear yard setback is “20-foot minimum but not less than the height of the building.” Section 8.32.060-B states:

“The design review board upon review of the building permit application, and the planning commission upon review of the conditional use permit application may require an increase or permit a decrease in the minimum side yard or rear yard requirements, or both, upon finding that the adjustment is necessary to establish a proper site planning relationship to existing and proposed uses.”

The applicant’s plans have a minimum 20-foot side yard on both sides, but the maximum building height is 35-feet. Section 8.32.060-A would require that both the side yards be increased by 15-feet. The rear yard setback to the building is 33-feet and would need to be increased by 3 more feet to meet the 35-foot setback. Under MMC Section 8.32.060-B, the Board could recommend that a decrease in the minimum side yard or rear yard. Since there are no buildings at either side of the proposed structure a reduced side yard setback to 20-feet would seem reasonable, especially since very few of the existing duplexes in the vicinity comply with the 20-foot side yard requirement. The question of the rear yard setback is more troubling because the new building will have an impact on the privacy of the existing duplex below. At present the Town has no development standards or setbacks for decks. The proposed deck at the rear of the building cantilevers 12-feet beyond the back of the building and would be 21-feet from the rear property line.

3. MMC Section 8.32.070-B. Maximum Building Height Issue: Section 8.32.070-B states: *“At no point shall the building height of a structure in this district exceed two stories or thirty-five (35) feet, whichever is less. However, if upon design review, the reviewing authority finds that the building height proposed for the structure will create a significant adverse effect on neighboring properties or is incompatible with the natural terrain or vegetation, the reviewing authority may reduce the maximum building height permitted to a height which eliminates or mitigates the adverse effects of the building height proposed.”*

As noted in the project description, the applicant has revised sheet A 2.0 with tandem parking for the primary unit in order to eliminate any overlap of the top and bottom floors and thereby conform to the two story limit. The site sections show that the overall building height does not exceed the 35 foot maximum, but the Board could recommend a lower height if you believe the structure will have a significant adverse effect on the neighboring properties. If the building were set deeper into the ground, then it could be reduced in height a little, but the height of the parking deck cannot be reduced significantly because the slope of the circular driveway bridge cannot be made any steeper.

4. MMC Section 8.32.070-H. Maximum Aggregate Building Height Issue: This section reads: *“On sloped lots where a structure is stepped down the slope, the maximum aggregate building height shall not exceed forty-five (45) feet. However, if upon design review, the reviewing authority finds that the building height proposed for the structure will create a significant adverse effect on neighboring properties or is incompatible with the natural terrain or vegetation, the reviewing authority may reduce the maximum building height permitted to a height which eliminates or mitigates the adverse effects of the building height proposed.”*

The aggregate building height is measured from the highest point of the roof to the lowest point of the foundation. The site sections on sheet A4.0 show that the aggregate building height is exactly 45-feet. If the Design Review Board finds that the structure will have a significant adverse effect on neighboring properties, then you can recommend to the Planning Commission that the aggregate building height be reduced. Since the height of the top floor parking level cannot be reduced very much, the only way to reduce the aggregate building height would be to make the width of the building down the slope narrower.

5. MMC Section 8.76.100-A and MMC Section 8.124.060-G Parking Space Issues: Section 8.76.100-A requires every dwelling unit to have two covered off-street automobile storage spaces. Section 8.124.060-G states: *“In addition to parking required for the existing primary unit, one off-street parking space measuring at least nine feet by nineteen (19) feet and not more than seventeen (17) feet by nineteen (19) feet shall be provided for the secondary living unit. Such parking space may not be located within a required setback area and may not block vehicular access to a parking space, which is required for the existing primary*

unit. The parking space for the secondary living unit shall be located adjacent to the parking spaces for the existing primary unit and shall match the design of the existing primary unit parking spaces. Access to the secondary living unit parking space shall be provided by a driveway that also provides access to the required parking spaces for the existing primary unit. The size of the existing driveway curb cut shall not be increased. The guest parking spaces required by Moraga Municipal Code Section 8.76.100(C) and (D) are not required for a secondary living unit.”

If the project had two equally sized duplex units, then a total of 4 covered off street parking spaces would be required. Since the 553 square foot second living unit is much smaller than the 3001 square foot primary unit, it seems reasonable to apply the second living unit parking requirement to this project. The circular driveway bridge will also provide for some off-street guest parking. Tandem parking for single family homes is not as functional as side by side parking. The minimum width for a two-car garage or carport would be 18-feet wide. It would seem feasible to make an offset between the top garage floor and the bottom bedroom floor to allow for a side by side garage as originally proposed and not have three floor levels. The main problem in achieving this seems to be the location of the elevator shaft between the garage and main living level.

6. MMC Section 8.32.020 and MMC Section 8.32.040-A Density Issue: Permitted uses in the 6-DUA zone listed under Section 8.32.020 include one duplex residential structure on one lot and a second living unit (attached to an existing single-family dwelling) approved under Chapter 8.124. However, Section 8.32.040-A stipulates that *“No more than six dwelling units shall be erected on any one acre, exclusive of streets, except as provided in subsection B of this section and in Goal 4, Policy 8 of the land use element of the general plan.”* A density of 6 units per acre is equivalent to one unit for each 7,260 square feet of lot area. Therefore you would need to have a minimum lot area of 14,520 square feet for two units. The actual lot area is 13,203 square feet or 1,317 square feet less than required for two units. A curious contradiction is that the minimum lot size in the 6-DUA zone is 10,000 square feet, which would not provide sufficient area to comply with the 6 units per acre density requirement. Subsection B noted above allows for an increase in density to 8 units per acre when the living unit is designated for persons of limited means.
7. Slope Stability and Water Catchment Storage within Foundation Issue: The project has been designed to use a minimum amount of energy. The cooling system for the home would utilize water stored in catchment basins within the foundation under the building. Concerns were raised at the Planning Commission meeting that the weight of the water could adversely impact the performance of the foundation or the slope stability under the foundation. The applicant’s geotechnical engineer reviewed the water catchment storage and submitted a letter with recommendations on January 12, 2012. Friar Associates, Inc. letter is enclosed with the geotechnical reports in **Attachment G**.

8. Tree Removal Issues: The arborist report from Traverso Tree Service inventoried a total of 29 trees on the property and two trees that overhang the property from adjacent properties. The arborist recommends removal of 16 trees to accommodate the construction of the building and/or due to the poor condition of the tree. Six of the remaining 15 trees will require protection measures since the driveway bridge will encroach into the drip line of the trees. Five of the trees are Black Walnut trees ranging in diameter from 9" to 16". Three California Bay trees (diameters 9" to 13") and three Monterey Pines (diameters 42" to 46") would be removed. Two Coast Live Oak trees with trunk diameters of 10" and 18" would be removed. A Plum tree and a Box Elder would also be removed. Two of the trees have already fallen on the ground, one of the Monterey Pines and the Box Elder. The complete arborist report is enclosed as **Attachment F**.
9. Construction Issues: Several residents in the vicinity raised concerns about blockage of Donald Drive during construction of the project and the impact of construction equipment and heavy trucks on the condition of the road surface. Others inquired about the construction methods to be used on the site since the topography was so steep. Canyon Construction submitted a letter on January 12, 2012 describing some of the proposed procedures for construction of the project and the time schedule for completion of construction. Their letter is enclosed as **Attachment H**.

B. General and Area Plan Consistency:

General Plan Policy Analysis: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU1.8–Slope Restrictions: The first part of General Plan Policy LU1.8 states, "***No new residential structures may be placed on after-graded average slopes of 25 percent 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.***"

Staff Analysis: The subject property was legally subdivided on February 28, 1964 and is exempt from this first provision of LU1.8.

2. Policy LU1.8–Slope Restrictions: The second part of General Plan Policy LU1.8 states "***Grading on any non-MOSO land with an average predevelopment slope of 25% or more within the proposed development area shall be prohibited unless formally approved by the Town Council where it can be supported by site-specific analysis and shown that a minimum amount of grading is proposed in the spirit of and not incompatible with all other policies of the General Plan.***"

Staff Analysis: On August 9, 2006 the Town Council adopted a new Grading Ordinance (MMC Chapter 14) for the Town. "Grading" is defined under Section 14.56.010 as "*the physical movement of Earth Material by forces other than nature including but not limited to, excavating, filling, compacting, hauling, and*

related work, excluding diskings.” Under this broad definition, grading will be done for the foundation of the building and excavation of the pier holes and the Town Council would need to authorize this grading. However, Section 14.04.031 of the Grading Ordinance lists quantities of soil and other parameters which require a “grading permit”, such as movement of 50 cubic yards of soil or more, and excavations measured vertically greater than 3-feet deep. Section 14.04.032 lists exemptions from a grading permit including excavations below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structure authorized by a valid building permit. The project architect has worked with the Town’s Engineering Department to design a foundation that would be exempt from a grading permit. The excavation for the building foundation was engineered to be less than 50 cubic yards of soil with no cuts into the slope deeper than 3-feet, excluding any drilled piers that may be necessary into the bedrock below the surficial soils. The architect will present a visual computer model of the proposed building at the meeting, which shows accurately the extent of the foundation grading. There would be no other grading on the site except for some trenching that may be necessary for drainage retention areas. It seems reasonable to assume that grading that does not require a grading permit would be considered “minimal grading”. Site specific analysis with geotechnical peer review has been done for this project and is included in the discussion of the hillside development permit to be reviewed by the Planning Commission after they consider the mitigated negative declaration for the project.

3. Policy PS4.10–Grading: The first part of General Plan Policy PS4.10 states, ***“Grading for any purpose whatsoever may be permitted only in accordance with an approved development plan that is found to be geologically safe and aesthetically consistent with the Town’s Design Guidelines.”***

Staff Analysis: The geotechnical reports from Friar Associates, Inc. and peer review report from Cal Engineering and Geology address the geological issues and are included in **Attachment G**. No landslides were identified on the property and geotechnical recommendations indicate that a foundation with piers into the underlying weathered bedrock could be “geologically safe”. When the project is reviewed by the Design Review Board, the Board will make a determination regarding whether the proposed structure is “aesthetically consistent with the Town’s Design Guidelines.”

4. Policy PS4.10–Grading: The second part of General Plan Policy PS4.10 states, ***“Land with a predevelopment average slope of 25% or greater within the development area shall not be graded except at the specific direction of 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 all other policies of the General Plan.”***

Staff Analysis: This policy is essentially the same as the second part of General Plan Policy LU1.8, which was discussed above.

5. Policy PS4.10–Grading: The third part of General Plan Policy PS4.10 states, ***“The Town shall develop an average slope limit beyond which grading shall be prohibited unless grading is required for landslide repair or slope stabilization.”***

Staff Analysis: Grading restriction number 4 in Section 14.04.033 of the new grading ordinance states *“No Grading shall occur on Predevelopment Average Slopes steeper than 25% (4 horizontal to 1 vertical) unless Grading is required for landslide repair, slope stabilization or other emergencies, and at the specific direction of the Town Council”* If the Town Council does not allow any grading on the site, then construction of a residence on the property would have to be supported on piers with no excavations or fill on the hillside. This would increase the height of the structure and the mass or bulk of the building would appear to increase since no part of the structure would be below grade.

VI. Recommendation

The Board should hear testimony from the applicant and interested parties and discuss the issues, giving guidance to the applicant. Staff will summarize the recommendations of the Board and provide a copy of the Board’s meeting minutes to the Planning Commission.

Attachments:

- A. Project Plans, received on January 12, 2012
- B. Planning Commission staff report for the November 7, 2011 meeting.
- C. Planning Commission meeting minutes from November 7, 2011 (excerpt)
- D. Draft Environmental Initial Study dated September 15, 2011
- E. Biotic Survey
- F. Arborist’s Report and Tree Inventory Map
- G. Geotechnical Reports from Friar Associates, Inc. and Peer Review Report from Cal Engineering and Geology, Inc.
- H. Construction Procedures from Canyon Construction received January 12, 2012
- I. Title Report for 1800 Donald Drive
- J. Public Hearing Notice
- K. Correspondence Received

Staff Planner: Richard Chamberlain, chamberlain@moraga.ca.us, (925) 888-7040

ATTACHMENT A

**PROJECT PLANS
RECEIVED ON
JANUARY 12, 2012**

ATTACHMENT B

**PLANNING COMMISSION
STAFF REPORT FOR THE
NOVEMBER 7, 2011 MEETING.**

PLANNING COMMISSION STAFF REPORT

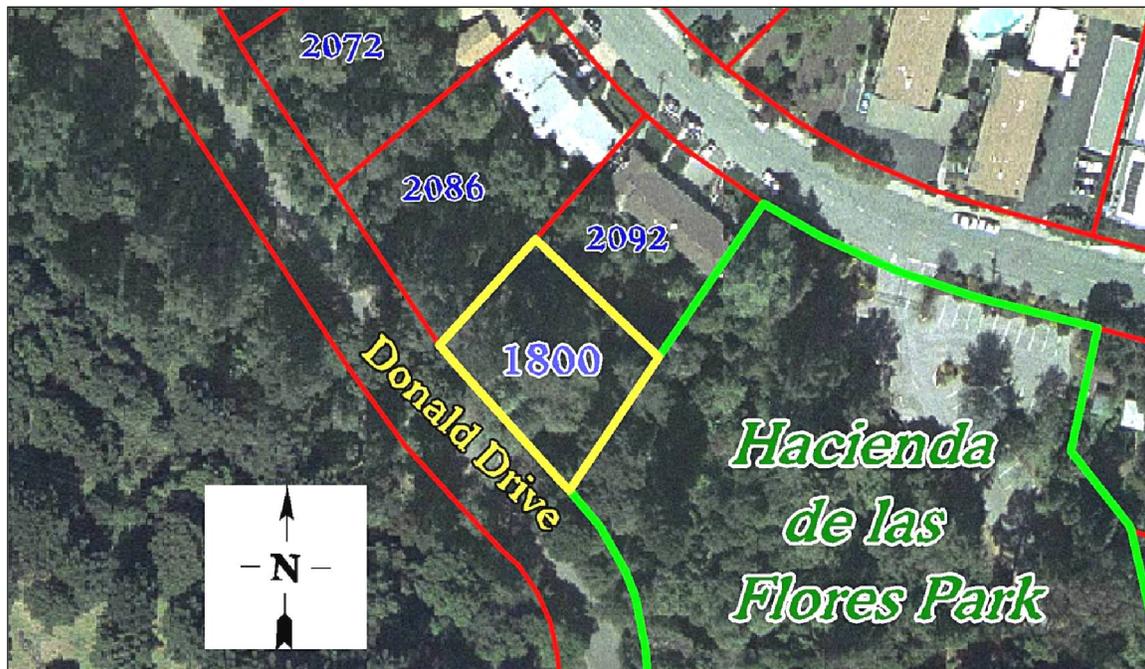
DATE: November 2, 2011 for **November 7, 2011 MEETING**

ITEM: VI. A. – Planning Commission Public Hearing

FILE: **DRB 04-11 / James Phillip Wright (Applicant), Stephen Williams – Pensco Trust Co. (Owner) 1800 Donald Drive.** Consider and receive comments on a draft mitigated negative declaration for a new 5,132 square foot residence with an attached second unit on a vacant 13,203 square foot property on the northeast side of Donald Drive approximately 1,000 feet southeast of the intersection with Laird Drive. If a mitigated negative declaration is adopted for the project, then the Planning Commission will consider a hillside development permit for the project. APN 255-183-011

PROJECT DESCRIPTION:

The 1,207 square foot upper level would include a two-car garage and a one-car garage with access from a circular bridge driveway off of Donald Drive. The 2,647 square foot middle or mezzanine level would include the main living area, the attached second unit, and a cantilevered back deck. The 1,277 square foot lower level would include two bedrooms, two bathrooms, and shell space. Since the slope of the hillside is greater than 20% (approximately 65% or 1-foot vertical to 1.54-feet horizontal), a hillside development permit is required. The proposed grading for the building foundation is less than 50 cubic yards and the depth of cuts into the hillside is less than 3-feet deep. The location of the proposed residential project would be on the hillside above the existing duplex residence at 2092 and 2094 Donald Drive and is shown on the aerial photo map below:



TOWN ZONING: 6-DUA (Six Dwelling Units per Acre)

GENERAL PLAN DESIGNATION: Residential 6 du/ac

PUBLIC NOTICE AND CORRESPONDENCE:

The public hearing notice for this project was mailed on October 18, 2011. The Notice of Intent to Adopt a Negative Declaration was posted at the Contra Costa County Clerks Office as required by the California Environmental Quality Act (CEQA) guidelines. **EXHIBIT A** includes the area of notice map, mailing list and public hearing notice for the project. The notice list was expanded beyond the minimum 300-foot radius to include all residents living on Donald Drive above the project site and owners of property along Donald Drive to the intersection of Laird Drive. One letter dated October 24, 2011 and signed by Carol and Ted Gamble (1762 Donald Dr.), Sandra Reed (1750 Donald Dr.) and Michelle and J.P. Maeders (1758 Donald Dr.) was received by the planning department on November 1st. This letter is enclosed as **EXHIBIT B**. The letter is opposed to the project and expresses concerns for obstruction of traffic and emergency vehicles on Donald Drive. Any additional written correspondence received prior to the hearing will be brought to the meeting.

BACKGROUND:

The 25,498 square foot lot at 2092 - 2094 Donald Drive was subdivided into two lots on February 28, 1964. The subdivision of the property was approved by Contra Costa County prior to the incorporation of Moraga. The property under consideration for this application was designated as Parcel "A" on the minor subdivision map and the existing duplex was designated Parcel "B". Following the lot split, the owner of Parcel "A" attempted three times to get variances to build on the lot. The requested variances were for the front building setback and building height. Two of the variance applications (numbers 352-71 and 1029-74) were denied by Contra Costa County. The third variance application (file no.1001-76) was denied by the Town of Moraga because the General Plan and Zoning Ordinance were not adopted 1976, when the application was considered.

After the General Plan was adopted in 1980, applications for development of Parcel "A" were not accepted by the planning staff because the portion of Donald Drive southeast of the intersection with Laird Drive was a private road and the Town required proof that the owner of Parcel "A" had a legal access easement on the private portion of Donald Drive. The section of Donald Drive leading up to Mulholland Ridge was first owned by the Rheem California Land Company (Donald Rheem), then Northwood Homes, Inc. and finally by Wayne Batavia. In 1998, Mr. Batavia gave the Town of Moraga approximately 300 acres for the Mulholland Open Space Preserve. As a result, the private portion of Donald Drive became a publicly owned road. None of the parcels abutting Donald Drive are restricted from access to the road, but the steep slope below Donald Drive would make access difficult.

In 2006 and 2007 the Planning Commission and Town Council held several hearings to consider a negative declaration and general plan consistency findings for a 2,809 square foot residence with an attached 364 square-foot studio apartment unit and a 526 square-foot garage on Parcel "A". The project submitted in 2006 was significantly different than the current application because it would have required variances to the front building setback and building height limit and it required considerably more grading into the hillside. General Plan

policies LU1.8 and PS4.10 prohibit grading on land with an average predevelopment slope of 25% or more unless the Town Council finds that a minimum amount of grading is proposed and the grading is supported by site-specific analysis. The last hearing on the 2006 project was held by the Town Council on May 9, 2007. A copy of an excerpt from the May 9, 2007 Town Council meeting minutes is attached as **EXHIBIT C**. The Town Council continued the meeting to have the Town Attorney, Town Engineer and Fire District address several legal and safety questions, which are summarized below:

- i The Town Attorney was asked to research the scope of the grant of the road to Mulholland Ridge for public access and secondly to determine if properties that abut Donald Drive have the right of access to it automatically.
- i Given the steep slope on the site, the Town Attorney was asked if there is any discretion for the Town to deny construction of a building on the site and what the potential ramifications are for the Town to deny construction on the property, even though this is a legal lot.
- i The Town Engineer was asked to determine whether the depth of cut below Donald Drive for the building foundation would potentially cause substantial damage to the public street.
- i Due to the steep slope on the site and the possibility for an accident during construction, such as equipment rolling down the hill, the safety precautions and procedure for constructing the building on the slope needs to be addressed.
- i The Moraga-Orinda Fire District should determine the amount of defensible space needed around the structure and whether additional trees would need to be removed.

Following the May 9th Town Council hearing, the owner of the property did not continue to fund the processing of the application and the project was not scheduled for another hearing. During their deliberations, both the Planning Commission and the Town Council expressed concerns with the process because neither body believed they could make the findings to grant the two variances that would have been necessary for the project.

ENVIRONMENTAL REVIEW STATUS:

Prior to making any discretionary decision on a project, the California Environmental Quality Act (CEQA) requires the reviewing body to make an environmental determination. The proposed project is not exempt from CEQA because it will involve grading for the building foundation on a slope over 10%. Staff has prepared an environmental initial study (EIS) for the project, dated September 15, 2011, which is attached as **EXHIBIT D**. A Mitigated Negative Declaration is recommended with mitigation measures to reduce potentially significant environmental impacts to a less than significant level. The draft Mitigated Negative Declaration is enclosed as **EXHIBIT E**.

The applicant has agreed to make revisions to the project necessary to implement the mitigation measures. The applicant may also suggest alternative mitigation measures deemed equally effective to address environmental issues. The project plans call for the removal of 7 native trees to accommodate the new building and driveway bridges. The applicant is having an arborist prepare a report to address the mitigation measures listed under "Aesthetics MM1" and "Biological Resources MM3". The applicant is also retaining a qualified wildlife biologist to prepare a biotic survey of the property in accordance with "Biological Resources MM1". There are a number of foundation and soils issues raised by the Town's Geotechnical peer review consultant, Cal Engineering and Geology, which will be addressed by the project geotechnical engineer, Friar Associates, Inc.

After hearing public testimony regarding the EIS and the draft Mitigated Negative Declaration, the Commission should discuss whether the proposed mitigation measures will reduce all the environmental impacts to a “less than significant” level and consider the findings in the draft Mitigated Negative Declaration. The Planning Commission can make amendments to the Mitigation Measures and to the findings in the Mitigated Negative Declaration. Following adoption of the Mitigated Negative Declaration, no significant changes can be made to the mitigation measures without re-opening the public hearing on the environmental determination, unless the change is an alternate mitigation measure that would be equally effective at reducing the environmental impact.

At the April 26, 2006 Town Council meeting, Lynda Deschambault, an adjacent resident, expressed concern that no monitoring plan was included to ensure that the mitigation measures would be implemented. On relatively small projects, our procedure has been to include all the adopted mitigation measures as mandatory conditions of approval for the project. The proposed mitigation measures are listed in **EXHIBIT F**. The mitigation measures are clearly labeled as “mitigation measures” in the conditions of approval so that they will not be eliminated or changed without re-opening the public hearing on the Mitigated Negative Declaration. Review of final project plans for compliance with the conditions of approval serves as the “mitigation monitoring program” for the project. However, long term mitigation measures may also require an agreement with the property owner or the recordation of deed restrictions to require adherence to mitigation measures by future owners of the property.

If the Commission finds that the EIS has adequately discussed all the issues and that the environmental impacts can be adequately mitigated, then a motion should be made to adopt the Mitigated Negative Declaration. If the Commission finds that one or more environmental impacts are not adequately addressed or mitigated in the Initial Study, staff should be directed to amend the Initial Study and address the deficiency. If the Commission determines that there is a significant environmental impact that cannot be mitigated to a “less than significant” level, then a focused Environmental Impact Report would need to be prepared with regard to the particular significant impact.

HILLSIDE DEVELOPMENT PERMIT:

Following approval of a Mitigated Negative Declaration, the Planning Commission can then open the hearing to consider approval of a hillside development permit (HDP) for the project in accordance with the Town’s Slope Density Ordinance. A HDP is required because the slope of the property exceeds 20 percent. The slope under the building is 65%, which is equivalent to a 33-degree angle. Moraga Municipal Code (MMC) Section 8.136.070 lists the factors to be considered for a HDP. The factors include slope, soil instability, drainage, soil characteristics, seismic factors, existing and future residential development, view shed, access, potential traffic congestion, fire risk, noise, glare, wildlife, dust and impact on existing vegetation. A discussion of these factors is included in **EXHIBIT G**.

With regard to slope stability and soil characteristics, the Town’s geotechnical peer review consultant, Cal Engineering and Geology (CE&G), completed their review of the applicant’s geotechnical investigation update report on August 22, 2011. The applicant’s geotechnical report and the peer review letter are included as **EXHIBITS H- (1) and H- (2)**. The recommendations from CE&G are summarized below:

1. Sheet A4.0 shows the foundation benched into the hillside as a series of short basement type retaining walls. It is recommended that FAI provide the appropriate geotechnical design parameters for these foundation retaining walls.
2. The slope stability analyses previously prepared should be updated to address the revised recommendations contained in Special Publication 117 (2008). The analyses may also need to be revised to account for the soil which was to be removed, but which will now be left in place.
3. The previous FAI report recommended removal of surficial soils while the updated report indicates that little or no grading will occur and therefore recommends modeling creep forces on the piers to account for the colluviums and fill to remain. Since both the colluviums and existing fill are potentially unstable, we recommend that consideration be given to applying passive pressure only in the underlying weathered bedrock materials.
4. The FAI report recommends directing drainage to an appropriate location. This recommendation should be clarified to indicate where the water will be discharged.
5. The surficial soils encountered in the 2005 FAI borings reported plasticity indices of 14 to 20 percent, which are generally indicative of expansive soils. The FAI update report does not include recommendations for uplift pressures from expansive soils.
6. The plans do not show the building supported on a pier and grade beam foundation in accordance with the recommendations contained in the June 21, 2011 FAI report.
7. Several trees seem to be missing from the plans including an oak tree within the proposed driveway bridge alignment, which was shown as a 16-inch oak on the 2005 development plans.
8. The preliminary plans do not show enough detail to reflect the recommendations of the geotechnical report or address items in the environmental initial study.

In addition to the factors discussed in **EXHIBIT G**, MMC Section 8.136.070 requires an appropriate living space consistent with the sites constraints, with the building site located at the lowest possible elevation on the site and residential development designed with the principal and accessory structures blending with the topography. Since the property has no level outdoor area, the plans include a large 600 square foot cantilevered deck. Both the primary unit and secondary living unit have access to the deck area on the "Mezzanine level", sheet A2.1 of the plans. The location of the building site is at the lowest possible elevation because the garages on the top of the building could not be any lower without making the driveway bridges too steep. The location of the building is at a lower elevation than the residential project proposed in 2006. There will be no grading beyond the footprint of the building and the foundation is designed to step down the existing slope with minimal grading. The curved roof over the garages follows the slope of the hillside and helps to blend the structure with the topography.

Under MMC Section 8.136.080, the Planning Commission may impose additional restrictions or requirements or both on a parcel of hillside land if it finds that the parcel requires protection because of its prominence and location or determines that there may be exceptional hazards to its development.

APPLICABLE GENERAL PLAN POLICIES:

The first part of General Plan Policy LU1.8 states, ***“No new residential structures may be placed on after-graded average slopes of 25 percent 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.”*** The subject property was legally subdivided on February 28, 1964 and is exempt from this first provision of LU1.8.

The second part of General Plan Policy LU1.8 states ***“Grading on any non-MOSO land with an average predevelopment slope of 25% or more within the proposed development area shall be prohibited unless formally approved by the Town Council where it can be supported by site-specific analysis and shown that a minimum amount of grading is proposed in the spirit of and not incompatible with all other policies of the General Plan.”*** On August 9, 2006 the Town Council adopted a new Grading Ordinance (MMC Chapter 14) for the Town. “Grading” is defined under Section 14.56.010 as *“the physical movement of Earth Material by forces other than nature including but not limited to, excavating, filling, compacting, hauling, and related work, excluding disking.”* Under the definition, grading will be done for the foundation of the building; however, Section 14.04.031 of the Grading Ordinance lists quantities of soil and other parameters which require a grading permit, such as movement of 50 cubic yards of soil or more, and excavations measured vertically greater than 3-feet deep. Section 14.04.032 lists exemptions from a grading permit including excavations below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structure authorized by a valid building permit. The project architect has worked with the Town’s Engineering Department to design a foundation that would be exempt from a grading permit. The excavation for the building foundation was engineered to be less than 50 cubic yards of soil with no cuts into the slope deeper than 3-feet, excluding any drilled piers that may be necessary into the bedrock below the surficial soils. The architect intends to present a visual computer model of the proposed building at the meeting, which shows accurately the extent of the foundation grading. There would be no other grading on the site except for some trenching that may be necessary for drainage retention areas. It seems reasonable to assume that grading that does not require a grading permit would be considered “minimal grading”. Site specific analysis with geotechnical peer review has been done for this project and is included in the discussion of the hillside development permit (**EXHIBITS G and H**).

The first part of General Plan Policy PS4.10 states, ***“Grading for any purpose whatsoever may be permitted only in accordance with an approved development plan that is found to be geologically safe and aesthetically consistent with the Town’s Design Guidelines.”*** The geotechnical report and peer review report that address the geological issues are included in **EXHIBIT H**. No landslides were identified on the property and geotechnical recommendations indicate that a foundation with piers into the underlying weathered bedrock could be “geologically safe”. The project will require Design Review Board approval, at which time a determination will be made regarding whether the proposed structure is “aesthetically consistent with the Town’s Design Guidelines.”

The second part of General Plan Policy PS4.10 states, ***“Land with a predevelopment average slope of 25% or greater within the development area shall not be graded except at the specific direction of 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 all***

other policies of the General Plan.” This policy is essentially the same as the second part of General Plan Policy LU1.8, which was discussed above.

The third part of General Plan Policy PS4.10 states, **“The Town shall develop an average slope limit beyond which grading shall be prohibited unless grading is required for landslide repair or slope stabilization.”** Grading restriction number 4 in Section 14.04.033 of the new grading ordinance states *“No Grading shall occur on Predevelopment Average Slopes steeper than 25% (4 horizontal to 1 vertical) unless Grading is required for landslide repair, slope stabilization or other emergencies, and at the specific direction of the Town Council”* If the Town Council does not allow any grading on the site, then construction of a residence on the property would have to be supported on piers with no excavations or fill on the hillside. This would increase the height of the structure and the mass or bulk of the building would appear to increase since no part of the structure would be below grade.

FINDINGS AND OTHER APPROVAL PROCEDURES:

The architect for the project has endeavored to minimize all impacts from the proposed development. Unlike the 2006 project, the proposed plans do not require a variance to the building setbacks or to the maximum building height. The plans also conform to the Town’s off-street parking requirements. The circular driveway bridge allows the residence to be moved further down the slope and provides additional area for some guest parking off of Donald Drive. The primary residence has a total of 3,001 square feet, not including the 717 square feet “shell space” on the lower level or the 510 square foot garage on the top level. If the “shell space” is included in the total for the primary unit, then the total floor area would be 3,718 square feet. The second living unit has a floor area of 553 square feet, not including the 351 square foot single car garage. The second unit includes a small kitchen area, which has been determined by staff to qualify as a duplex unit. Duplex units are a “permitted use” under MMC Section 8.32.020-B in the 6-DUA Multifamily Residential District. If the second unit was eliminated from the plan, the applicant would need to apply for a conditional use permit to allow a single-family residence in the 6 DUA district.

Since the use is a “permitted use” and the project has been designed to eliminate the need for any variances, there are no specific findings required under the administrative procedures listed in MMC Chapter 8.12. However, the Design Review Board will need to make findings under MMC Section 8.72.080-B when they review the plans. A tree removal permit will also be necessary to cut down the 7 native trees. Staff recommends that the tree removal permit should be considered by the Design Review Board in case there are adjustments to the building and/or driveway bridge locations that change the number of trees that would need to be removed. The Moraga-Orinda Fire District could also require the removal of any large trees within 15-feet of the new residence to maintain a defensible space around the new home.

The Slope Density Ordinance does not list any required findings for approval of a hillside development permit, but Sections 8.136.010-A and B list the declarations of intent and purpose of the ordinance. These have been modified as “findings” in the draft resolution for approval of the hillside development permit. Comments on the intent and purpose of the Slope density Ordinance are included below.

1. Traditional flat land practices for residential development should not be used on hillside land to minimize cut and fill operations to retain the natural character of the hill areas and to preserve the predominant views both from and of the hill areas.
Comment: There will be no fill on the site. The excavated soil for the stepped foundation will be removed from the site. There will be no grading or padding of the hillside beyond the proposed footprint of the home. The home has been designed to have as low a profile as possible given the steep topography. The applicant wants to retain as many trees as possible in order to preserve the natural forested look of the hillside. The exterior walls of the structure will use milled planks from redwood trees with the bark left on the planks so that the building will blend with the trees on the site.
2. The retention of hillsides in as near a natural state as is feasible is important for the maintenance of community values.
Comment: The grading for the project has been limited to the minimum necessary to install the stepped foundation for the building. It is the applicant's intention to do no grading beyond the foundation of the home, except as necessary to install a drainage retention basin for preservation of storm water quality.
3. Maintain the suburban character and beauty of the town by preserving its open and natural topographic features.
Comment: The existing steep slope on the site will not be altered except under the building, where the view of the cuts into the hillside will be blocked by the building.
4. Minimize soil erosion and slides and potential residual damage to life or property associated with involuntary and seismic-induced earth movement.
Comment: The design of the foundation will be modified to comply with the recommendations of the geotechnical engineers for piers to anchor the foundation into the weathered bedrock and prevent the downslope creep of the undocumented fill and colluviums that overlay the weathered bedrock. There are no mapped landslides on the property.
5. Control the scarring and cutting of hillsides.
Comment: The only grading will be for the foundation under the building and for a drainage retention basin. The design of the retention basin shall be reviewed by the Town Engineer to minimize any scarring and cutting of the hillside below the home.
6. Limit the development of hillsides so that the foregoing purposes are achieved.
Comment: The subject property was subdivided in Contra Costa County prior to the incorporation of the Town of Moraga and is a legal lot. Although the Town would probably deny approval of a subdivision on a hillside with an average slope greater than 25%, the proposed development of this lot was designed to achieve most of the goals to preserve the hillside.
7. Regulate the development of hillside areas by providing for the imposition of standards for streets, trails and other improvements consistent with these purposes.
Comment: Since this is not a subdivision application, most of the standards for street and trail improvements cannot be implemented; however, the proposed project will have significantly less impact on Donald Drive than previous applications for this lot

because the project complies with the off-street parking requirements and the double bridge driveway allow for forward egress from the site and additional guest parking on the site.

RECOMMENDATION:

Prior to any discretionary decision on the project, the Planning Commission must first consider approval of the Mitigated Negative Declaration, with any amendments to the mitigation measures that the Planning Commission may wish to make after hearing testimony from the public. Staff has enclosed a draft resolution for approval of the mitigated negative declaration, which is attached as **EXHIBIT I**. If the mitigated negative declaration is adopted, then the hearing can be re-opened for discussion of the hillside development permit for the project. Staff has prepared a second draft resolution for approval of the hillside development permit, which is enclosed as **EXHIBIT J** and includes recommended conditions of approval. Since the project will also require Design Review Board approval, the draft resolution for the hillside development permit does not include any specific conditions with regard to the design of the structure. However, the Planning Commission may include any recommendations that you want the Design Review Board to consider during their review.

Prepared by: Richard Chamberlain, Senior Planner

Reviewed by: Shawna Brekke-Read, Planning Director

EXHIBITS:

- A - Area of Notice Map, Mailing List and Public Hearing Notice
- B - Written Correspondence
- C - Town Council meeting minutes from May 9, 2007
- D - Environmental Initial Study for 1800 Donald Drive Residential Project
- E - Draft Negative Declaration
- F - List of all Mitigation Measures (Mandatory Conditions of Approval)
- G - Factors to be considered for Hillside Development Permit
- H - Geotechnical Reports and Peer Review Reports
 - (1) Geotechnical Investigation by Friar Associates, Inc. (FAI) dated June 21, 2011
 - (2) CE&G Peer Review Letter dated August 22, 2011
- I - Draft Resolution for approval of a Mitigated Negative Declaration
- J - Draft Resolution for approval of a Hillside Development Permit
- K - Project Plans

ATTACHMENT C

**PLANNING COMMISSION
MEETING MINUTES FROM
NOVEMBER 7, 2011 (EXCERPT)**

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

Moraga Library Meeting Room
1500 Saint Mary's Road
Moraga, CA 94556

November 7, 2011

7:00 P.M.

MINUTES

I. CALL TO ORDER

Chairperson Driver called the Regular Meeting of the Planning Commission to order at 7:01 P.M.

ROLL CALL

Present: Commissioners Levenfeld, Obsitnik, Richards, Socolich, Whitley,
Wykle, Driver
Absent: None
Staff: Shawna Brekke-Read, Planning Director
Richard Chamberlain, Senior Planner

CONFLICT OF INTEREST

There was no reported conflict of interest.

II. ADOPTION OF MEETING AGENDA

On motion by Commissioner Socolich, seconded by Commissioner Obsitnik and carried unanimously to modify the meeting agenda by moving Item V. Public Hearing Items B and C prior to consideration of Item V. Public Hearing Item A.

V. PUBLIC HEARINGS

A. DRB 04-11 / James Phillip Wright (Applicant), Stephen Williams - Pensco Trust Co. (Owner) 1800 Donald Drive. Consider and receive comments on a Draft Mitigated Negative Declaration and Hillside Development Permit application for a new 5,132 square foot residence with an attached second unit on a vacant 13,203 square foot property on the northeast side of Donald Drive approximately 1,000 feet southeast of the intersection with Laird Drive. The project site is on the hillside above the duplex residence at 2092 and 2094 Donald Drive. The 1,207 square foot upper level would include a two-car garage and a one-car garage with access from a circular bridge driveway off of Donald Drive. The 2,647 square foot middle or mezzanine level would include the main living area, the attached second unit, and a cantilevered back deck. The 1,277 square foot lower level would include two bedrooms, two bathrooms, and shell space. Since the slope of the hillside is greater than 20 percent (approximately 65 percent or 1-foot vertical to 1.54 feet horizontal), a Hillside Development Permit is required. The proposed grading for the

building foundation is less than 50 cubic yards and the depths of cuts into the hillside have been kept to less than 3 feet deep. Zoning: 6-DUA (Six Dwelling Units per Acre) APN 255-183-011

Senior Planner Richard Chamberlain reported that the proposal was for a 5,132 square foot residence with an attached second unit on a vacant 13,203 square foot property located on the northeast side of Donald Drive. He described the property as steep with a 65 percent slope. The property would have three levels. The 1,207 square foot upper level would include a two-car garage and a one-car garage with access from a circular bridge driveway off of Donald Drive which would allow vehicles to leave in a front egress onto Donald Drive. The two-car garage would be for the primary residence and the one-car garage for the secondary living unit. A 2,647 square foot middle or mezzanine level would include the primary residence and the attached second unit, and a cantilevered back deck. The 1,277 square foot lower level would include two bedrooms, two bathrooms for the primary residence and considerable shell space. The foundation had been carefully designed by the architect to minimize the amount of cubic yards needed for excavation, below the 50 cubic yard grading limit with cuts into the hillside less than 3 feet deep.

Mr. Chamberlain advised that a public notice had been mailed on October 18, 2011 and a Notice of Intent to Adopt a Mitigated Negative Declaration had been posted at the Contra Costa County Clerk's Office, as required by the California Environmental Quality Act (CEQA), on October 18. The notice list had been expanded beyond 300 feet to include all residents living on Donald Drive above the project and the owners on Donald Drive at the intersection of Laird Drive. He noted that the Town had received two letters on the item: one dated October 4, 2011 from Carol and Ted Gamble of 1762 Donald Drive; and a letter received from Sandra Reed, 1750 Donald Drive and from Michelle and J.P. Maeders, 1758 Donald Drive on November 1. Correspondence had also been received this date from Lynda Deschambault, a resident of Donald Drive, which letter had been posted to all Commissioners by e-mail. The letters had expressed opposition to the project and concerns with respect to construction traffic, emergency vehicle access, and consistency with General Plan policies.

Mr. Chamberlain explained that the property had been subdivided in 1964 in Contra Costa County prior to the incorporation of the Town and prior to incorporation the owner's attempt to obtain variances from the County. After incorporation there had been a request to build on the lot and in all cases the applications requested variances to the building height and to the front building setback requirements, and all had been denied. After the Moraga General Plan had been adopted in 1980, the Town did not accept applications for the property for some time because the portion of Donald Drive southeast of the intersection with Laird Drive was a private road and the Town required proof that the owner of Parcel "A" had a legal access easement on the private portion of Donald Drive.

The section of Donald Drive leading up to Mulholland Ridge was owned by a succession of property owners concluding with Wayne Battavia.

In 1998, Mr. Battavia gave the Town approximately 300 acres for the Mulholland Open Space Preserve. As a result, the private portion of Donald Drive became a publicly owned street. As such, the parcels abutting Donald Drive are now accessible to the road but the steep slope below Donald Drive would make access difficult.

Mr. Chamberlain reported that in 2006 and 2007, the Planning Commission and the Town Council held public hearings to consider a Negative Declaration and General Plan consistency findings for a 2,809 square foot residence with an attached 364 square foot studio apartment unit and a 526 square foot garage on Parcel "A". The project submitted in 2006 required variances to the front building setback, building height, significant grading into the hillside, and did not comply with the Town's parking requirements for the primary and secondary unit.

There had been four public hearings on this project with the Town Council last holding a public hearing on May 9, 2007, at which time there had been questions of the Town Attorney and Town Engineer regarding legal and safety issues. After the May 9 meeting, the owners of the property decided not to continue to fund the processing of the application and the project was not scheduled for another public hearing.

Mr. Chamberlain advised that prior to any discretionary decision on a project, CEQA requires the reviewing body to make an environmental determination. The proposed project is not exempt from CEQA because it will involve grading for the building foundation on a slope over 10 percent. Staff had prepared an Initial Study for the project dated September 15, 2011, included in the staff report dated November 2, 2011 as Exhibit D. A Mitigated Negative Declaration is recommended with mitigation measures which would reduce the potentially significant environmental impacts to a less than significant level. The Mitigated Negative Declaration was also included in the staff report as Exhibit E.

Mr. Chamberlain commented that the applicant had agreed to make revisions to the project necessary to implement the mitigation measures. The applicant may also suggest alternative mitigation measures deemed equally effective to address the environmental issues. The project plan called for the removal of seven native trees to accommodate the new building and driveway bridges. The applicant is having an arborist prepare a report to address the mitigation measures and the applicant is also retaining a wildlife biologist to prepare a biotic study. There were a number of foundation and soils issues raised by the Town's Geotechnical peer review consultant, Cal Engineering and Geology, which would have to be addressed by the project geotechnical engineer, such as anchoring the foundation into the bedrock soil.

Mr. Chamberlain stated that after hearing the public testimony on the Initial Study and the Mitigated Negative Declaration, the Planning Commission should discuss whether the proposed mitigation measures would reduce all of the environmental impacts to a less than significant level and consider the findings in the Draft Mitigated Negative Declaration. The Planning Commission may make amendments to the mitigation measures and to the findings in the Mitigated Negative Declaration.

Following the adoption of the Mitigated Negative Declaration, Mr. Chamberlain explained that no significant changes could be made to the mitigation measures without reopening the public hearing on the environmental determination unless the change is an alternate mitigation measure that would be equally effective at reducing the environmental impact.

Mr. Chamberlain noted that if the Planning Commission finds that the Initial Study adequately discussed all issues and that the environmental impacts can be adequately mitigated, then a motion should be made to adopt the Mitigated Negative Declaration. If the Commission finds that one or more environmental impacts are not adequately addressed or mitigated, staff should be directed to amend the Initial Study and address the deficiency. If the Commission determines that there is a significant environmental impact that could not be mitigated to less than a significant level, a focused Environmental Impact Report (EIR) would need to be prepared with regard to the particular significant impact.

Mr. Chamberlain commented that staff had not received the arborist report and biotic study at this time and therefore the Commission may want to hear from the Design Review Board (DRB) on the project and may need a referral which would be a study session with the DRB if the environmental report was not approved. If the Commission finds the environmental report to be acceptable but desires feedback from the DRB, staff would recommend a December 12 Study Session with the DRB.

When asked by Commissioner Socolich what was being asked of the Commission at this time, Mr. Chamberlain asked the Commission to review the environmental report and mitigation measures, receive public testimony, and determine whether or not the mitigation measures would adequately mitigate any impacts since the establishment of the mitigation measures was critical and would become conditions for the project. If the Commission determines that the environmental report was satisfactory, it should adopt the Mitigated Negative Declaration. The Hillside Development Permit involved a number of factors although he recommended that the Commission focus only on the environmental document at this time, and later discuss the Hillside Development Permit.

Ms. Brekke-Read clarified that the Planning Commission was being asked to consider the Initial Study and the Mitigated Negative Declaration.

Commissioner Levenfeld asked staff to clarify the floor area ratio (FAR) for the project, to which Mr. Chamberlain explained that FAR would not apply in this case since FAR requirements applied to the Single-Family Residential district and the project was in the 6-DUA Duplex district where FAR did not apply.

Commissioner Wykle referenced General Plan Policy LU1.8 which had been referenced in the correspondence from Lynda Deschambault and which stated that "no new residential structures may be placed on after-graded average slopes of 25 percent 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." He asked whether or not the Town Council had considered the project.

Mr. Chamberlain explained that the Town Council had not yet considered the project. He noted that the Grading Ordinance had been adopted in 2006 and if there was a grading permit required for this project, the Council would have to consider that permit. He emphasized that the architect had worked hard to ensure that a grading permit would not be required for this project.

Ms. Brekke-Read reiterated that there were questions that the Town's geotechnical peer reviewer had raised on the applicant's submittal, which questions had not been addressed. After hearing testimony from the applicant and the public, the Commission should comment on what issues or questions should be further addressed and answered. Given that the scope of the geotechnical peer review was still not known, a grading permit may, in fact, be required. A grading permit would require Town Council review since it was a General Plan policy.

In response to Commissioner Whitley, Mr. Chamberlain understood that the biotic survey had been delayed and had not been submitted to staff at this time. The arborist's report has also not been submitted.

James Phillip Wright, Architect, Lafayette, explained that his clients had approached him to build a home on the property which would not require a grading permit or a variance. His clients sought a low-energy sustainable design, which was his area of expertise. The design of the home was proposed to be a passive home, certified by the Passive House Institute U.S., using 90 percent less energy than a typical home of the same square footage. The certification would be part of the process prior to permit. The design proposed would consist of a native design sympathetic to the site and its environment, incorporating a rain catchment system as part of the energy system with a heat exchanger, a home ventilation heat recovery system using the rain storage as a heat dump

and micro misting for air conditioning. There would be no air conditioning requirements for the home. The home would be net zero ready, whereby it would be brought to 90 percent reduction and the 10 percent would have to be met through co-generation given the lack of solar opportunities.

Mr. Wright explained that the home would have two driveways to a roof-top parking area with two parking spaces on each side. He described an open living kitchen arrangement with stairwells to the lower living areas. He identified the rain catchment system and a three-dimensional model showing the massing of the building and the aesthetics in terms of the bridge entry into the parking area, a rain screening roof with a built-in filtering system, a rain screen cladding system, a ventilated façade, the understory of the building consistent with code requirements, and a stairwell down and entrance into the living space with two bedrooms below. Views through the garage and into the parking spaces were identified as was the entrance point of the driveways. A minimum number of trees would be removed from the site.

Mr. Wright explained that there would be no available yard. The home would be situated below the crest of the hill with views through the trees to the community below. He described the building mass as appearing as a one-story building with the parking incorporated into the roof story.

Mr. Wright described the inspiration for the design which had come from a tree house. The materials would consist of recycled materials for the façade and the rain screen roof would have lichen growing on top and with recycled redwood for the building siding. He presented examples of other buildings he had designed in San Francisco in 2008 which had won an Eco Friendly Award using similar materials. Also as part of the materials being proposed for the subject home redwood siding; a Hardy backer board painted with a metallic paint to appear like core ten steel; recycled redwood fencing with lichen; PSL engineered lumber; Trex; and bronze hardware. He identified all elevational views of the home including landscape designs from projects located in Carmel By-The-Sea which had involved low water use and other aesthetics. If a fence was proposed at the street he would use a recycled split rail fence with lichen and moss.

Mr. Wright also described the inspiration for the interior of the home, identified as the cross section of the stump of a redwood tree, with the use of lichen and moss from a rock at Mt. Diablo as a color palette for the interior. He presented the three-dimensional model for review.

As to the grading issue, Mr. Wright identified the protrusion of the foundation below the surface and the triggers that would require a grading permit. He expressed the willingness to submit all documentation regarding a grading permit.

Commissioner Obsitnik clarified with Mr. Wright that the views of the home below the subject site had been superimposed images that had been Photo-shopped.

Commissioner Wykle asked whether or not the home would be on supported piles to which Mr. Wright noted that the driveway would be piles and the soil conditions would be piles depending on the cost of the foundation.

Commissioner Socolich commented that the report had shown an 18-inch diameter with piles driven into the bedrock by so many inches. Given the information in the report, he suggested there would be a stepped grade beam down the hill which would also contain pilings to key into the bedrock.

Mr. Wright affirmed that would be the construction although he was not familiar with the soils report.

Commissioner Socolich spoke to the lower level of the home, the shell spaces and other areas and asked if it would be slab on grade and if there would be fill material to support the slab.

Mr. Wright explained that the lower level would be natural train line, and would be encapsulated with a membrane to ensure that the building was airtight to meet the Passive House standards. The floor would be wood framed with a crawl space that was encapsulated underneath.

In response to Commissioner Richards, Mr. Wright described the rain capture system where the rain would be used for irrigation during the dry months and as a thermal storage for the waste keep for the co-generation system, essentially the showers and all of the waste keep associated with the building. Instead of a compressor, in the summertime the rain water would be distilled and micro-misted creating a cooling effect for the air conditioning. The captured rain water would be nestled and buttressed into the hills. He commented that he had spoken with the project engineer who had not questioned the rain catchment system since it was in the earth with no lateral seismic issue and not a gravity load but a horizontal load. While he had not calculated the rain catchment system cistern, it would likely be 25,000 gallons. He noted that he was in the process of designing a similar home in the City of Lafayette which included a 31,000 gallon rain capture system which would also be Passive House certified.

Commissioner Wykle suggested that the Commission did not have enough information at this time to make a determination as to whether or not a grading permit would be required.

PUBLIC HEARING OPENED

Paul Bunton, Moraga, explained that he owned the property located directly below the subject site. He understood at the time he had purchased his property in September 2011 that the subject site was not developable. He noted that his name was not on the list of public notices and he had been notified of the public hearing only after being informed by a tenant and a neighbor. He expressed concern with the Initial Study and the Mitigated Negative Declaration.

Mr. Bunton suggested that the Initial Study was incomplete given the lack of completion of the biotic and arborist studies, and the lack of completion of the peer review of the geotechnical report. He suggested that the Commission did not have enough information at this time to make a determination on the Initial Study or the Mitigated Negative Declaration.

Mr. Bunton expressed concern with a potential 25,000 gallon cistern above his property, concern with the aesthetics being proposed, and concern with the Photo-shopped images which made the home appear taller on the site if developed as presented.

Mr. Bunton also expressed concern with the geologic impacts. Having designed custom homes in the area, he was familiar with the soils and water issues in the area and had been dealing with similar issues on his own property. Given the steep slope, he also expressed concern with the potential removal of trees and the impacts to the slope and the fact that development had impacted landslides in the area. He explained that his home, located directly below the subject property, was occupied by his son. He had purchased his home for the open space and scenic views. He suggested more work had to be done on the application before any approvals. Also expressing concern with the siting of the home, he stated his back decks were nearly on the property line and based on the plans by section, he understood that the home would come within 20 feet of his back property line, much closer to his property than the plans indicated.

Lynda Deschambault, 2066 Donald Drive, Moraga, explained that she had previously submitted correspondence to the Planning Commission. As a former Mayor and member of the Town Council, she was aware of the prior proposal to build on the lot at which time it was clear that the lot was not buildable. She suggested that the home was not consistent with the General Plan, and although she liked the design of the home and the fact it would be a Passive Home design, it would be situated on a 65 percent slope which was precedent setting. If the Commission were to make an exception, she suggested that such decision would change all of the remaining hillsides in Moraga. She suggested that the project must be considered by the Town Council given that she did not see that the significant impacts could be mitigated.

Ms. Deschambault offered the Planning Commission additional written information to support her concerns including the fact that the property ran to the

edge of the road and the edge of the road and driveway would likely need some re-engineering or fill. She also suggested that the uphill property was an active slide and Moraga Public Works staff was in the area frequently. She also had concern with biological resources noting that Mulholland Ridge was an open space preservation with a Habitat Preservation Restoration Plan, with White-Tailed Kite having been found in the area, concerns with lighting, aesthetics and noise, the Donald Drive portion of the road was a scenic corridor with potential impacts, lights on the porch were a concern, she suggested that the drawings of the home were not accurate, and she asked for renderings of the home in the future with a one year, five year, and 30 year footprint analysis of the views with mature trees.

Ms. Deschambault also sought a height analysis from the bottom to the top, expressed concern with the lack of a soil engineer's report, concern with a 25,000 gallon water tank, and noted that the previous speaker had not been notified of the public hearing. She sought more time for a proper engineering review.

Ms. Deschambault asked that the Planning Commission not approve the Mitigated Negative Declaration, use more time for review, and consider a third party review. She suggested that the home, as proposed based on the renderings which were Photo-shopped, appeared different than a structurally sound home. She asked of the maximum height from the bottom to the top and asked if the home would be consistent with code. She reiterated her request for more accurate drawings including a rendering with views up Donald Drive. She also reiterated the potential precedent that would be made if the Commission approved a home on a 65 percent slope.

Ted Gamble, 1762 Donald Drive, Moraga, commented that he traveled the road daily. He echoed the comments made by the previous speakers and asked the Commission to consider the comments in all of the correspondence. He asked whether or not Commissioners had actually viewed the property, emphasizing the steepness of the slope. He raised the same concerns as the previous speakers including concerns with safety and with traffic in and out of Donald Drive, which was near a blind curve, with a number of pedestrians using the open space area and with the potential for accidents to occur in the area. He suggested that the cantilevered portion of the home, as proposed, was contrary to the approved Moraga General Plan.

Sandra Reed, 1750 Donald Drive, Moraga, explained that she was a neighbor to the previous speakers. She questioned how many Commissioners were aware that there were homes in the area of the subject lot. She noted that she had submitted correspondence to the Planning Commission dated October 24, 2011, citing a number of concerns including the fact that a number of years ago she had gone through the process and at that time been under the impression the lot

was undevelopable. She suggested that the location of the proposed home was a concern given the safety concerns, noted that a school was located at the end of Laird Drive, and explained that Laird Drive was the only access in and out.

Mr. Wright advised that the proposal was consistent with code.

Ms. Reed expressed concern with any obstructions to the roadway as a result of the development of the lot, which she understood was unbuildable, and the potential impacts to the school and the four homes in that area. She stated that the road was long, narrow, curvy, and old and in the event of any failure, the four homes could be trapped. She questioned whether or not there were any plans in the event of any failure.

Ms. Reed added that there were walkers using the area in the morning or when Rheem was holding an open house, where emergency vehicles would have difficulty reaching the area. She emphasized the safety issues that must be considered in the short and long term and stated that the upper level of Donald Drive should be examined in greater detail given the stability issues with respect to the hillside. She suggested that the proposal would be more appropriate for the Oakland Hills but suggested that the architecture would completely dwarf every other dwelling on the street in question. She questioned whether the home would be compatible with the General Plan, stated that the proposed home would not fit and was out of context in the setting where proposed, and noted that the architect had not addressed any of the issues raised in her correspondence or in the correspondence submitted by Ms. Deschambault.

Ms. Reed asked the Planning Commission to take into account all of the concerns expressed including those related to the 25,000 gallon cistern, the road, the safety concerns, the school, the family that had just purchased the duplex within close proximity to the subject lot, and the request for additional information to address those concerns before any decision was made.

PUBLIC HEARING CLOSED

REBUTTAL:

Mr. Wright explained that he was an expert on hillside construction having developed many homes in the Oakland Hills and was experienced with the proposed foundation method. He commented that having scanned the soils report, he found no safety concerns regarding tolerances of the code. He described the construction as typical, cited a tree on the lot that he suggested would be leaning if there was any soil movement, and stated that none of the trees exhibited any instability. He referred to the Photo-shop that had been prepared, pointed out a Monterey pine tree in the middle of the site, and

explained that it would be preserved. He noted that the Photo-shopped picture was accurate with no distortion and no manipulation.

As to the concerns with the collection of rainwater, Mr. Wright commented that the rainwater component of the design was an option and could be removed. It had been included in an effort to do the right thing, provide energy efficiency, and reduce the carbon footprint. Based on review by his structural engineer, the rainwater collection system would add no impacts to the building since it would be within the earth and would be no different than a swimming pool. A lightweight concrete foundation could be used to address that concern. He emphasized that based on the soils report there was no soils instability.

Mr. Wright stated that the grading had been reviewed by the City Engineer and the plans had gone through review and there were no issues. He suggested that the fear expressed by the neighbors was relative to the prior project that was inappropriate. He commented that he had solved the prior issues and the proposal involved no variances, met the Town codes, provided all parking, would involve no grading permit, and would utilize standard construction.

John McTigue, the attorney representing Stephen Williams, the property owner, suggested that if the passive heat system that reduced energy use was a concern it could be eliminated from the design, although he emphasized that the elimination of that design component would not allow the design to be certified as a Passive Home, a uniquely green structure which could have been stunning. He noted that the home was not an enormous structure given that it would be set down low with less of an impact on both sides of Donald and Laird Drives, and with the home sloping down along Donald Drive with existing vegetation that would survive construction.

Commissioner Socolich understood that the applicant's structural engineer was not present to address any of the concerns. He requested an opportunity for a presentation from that individual as to the stability of the structure, the incorporation of the water tank, and the problems that may or may not result.

Mr. Wright affirmed that could be done.

Commissioner Obsitnik echoed the comments made by Commissioner Socolich, understood that in 2007 the Town Council had determined that the lot was not buildable, and asked staff what had changed since that time.

Mr. Chamberlain clarified that the Town Council had not determined the buildability of the lot. In 2007, the Town Council had not made a determination on the application, the applicant had stopped funding for the project, and no decision was made on the project at that time. When asked, he affirmed that the

project met all of the Town's code and grading requirements and the application had never returned to the Town Council for a decision.

Commissioner Socolich verified with staff that the project met all setback and height requirements and would not require a grading permit, as proposed.

Mr. Chamberlain explained that the applicant had reviewed the 2007 plans and had attempted to solve all of the problems that had arisen at that time.

Commissioner Wykle questioned whether or not the excavation of the piles had been taken into consideration for the cubic yards to be removed from the site, to which Mr. Wright noted that concrete structures were exempt. In working with the Town's Engineer, Mr. Wright stated that they had worked through that issue before he had delved further into the design. He noted that the concrete foundation was exempt from the grading in terms of the spoils generated from the drilling of the piers or digging footings or retaining walls.

Mr. Wright explained that the daylight of the interior space below grade was considered part of that cubic yardage and that the foundation structures were exempt. The interior retaining walls on the inside face were 35 inches maximum from existing grade to the finished concrete floor.

Commissioner Wykle pointed out that the definition of grading was the physical movement of earth material by forces other than nature.

Mr. Chamberlain noted that the Grading Ordinance included some exemptions.

Commissioner Wykle expressed concern with the vertical loading noting that based on the soils report, the depth into bedrock was a concern, although Mr. Chamberlain commented that the bedrock was close to the ground.

Mr. Wright identified the existing grade line.

In response to Commissioner Richards, Mr. Wright affirmed that the home would be nestled into the ground. The home would be terraced into the ground and the Town Engineer had not raised any concerns with that element of the design. He added that he had been a Swimming Pool Contractor and a licensed General Contractor in Southern California for 30 years and was experienced with poor geological conditions. He had thought that the rain collection system would be a positive and had he known it would be an issue of focus he would have brought more information to the Commission to better explain that component of the design.

Commissioner Richards emphasized that the Commission needed to understand all parts of the construction and the rain collection system was a large part of the foundation.

Mr. Wright noted that an 18 x 36 swimming pool would hold approximately 36,000 gallons of water. As such, a 25,000 gallon cistern was not inappropriate.

Commissioner Socolich pointed out that the soils report had not addressed the issue of the 25,000 gallon water tank, an issue that needed to be explored and addressed. He added that during an earthquake, water sloshed around and the water tank must be designed to address the lateral dynamic forces that may occur in the event of an earthquake.

Mr. McTigue pointed out that the water tank was no longer part of the project and there would therefore be no concern with respect to load and water going down the hill.

Chairperson Driver pointed out that the Town Engineer had conducted a peer review of the preliminary design and the staff report had clearly stated that the plans that had been submitted had not shown enough detail to reflect the recommendations of the geotechnical report or address items in the Initial Study, which was the crux of the geotechnical concerns and which was where the issues of the water tank would be addressed. Absent that there were a number of details on the foundation design and expansive soils that remained to be addressed and was not before the Commission at this time.

Commissioner Socolich emphasized that was why it would have been nice to have a geotechnical and structural engineer present to answer questions.

Mr. Wright reiterated that the water tank would be eliminated from the design with the geotechnical engineer report to address the stability on the site.

Commissioner Whitley commented that the water was not the issue but that the applicants' engineer's report had not been reconciled with the Town's peer review consultant with concerns remaining to be addressed by the applicant. Absent that information, it was not appropriate for the Commission to make a decision on the Mitigated Negative Declaration.

Mr. Wright restated that the soils report had addressed the issues that the Commission was suggesting had not been reconciled.

Commissioner Whitley stated that there were issues in the Mitigated Negative Declaration that had not been addressed. He could not support the approval of the Mitigated Negative Declaration at this time.

Chairperson Driver noted that several Commissioners had concerns with the geotechnical report and several Commissioners had made reference to the completeness of the arborist and biotic reports, all of which were at the heart of the environmental review and the Mitigated Negative Declaration. He commented that he would like more information before being asked to make a decision. Until the Commission had the benefit of input from the DRB as to the design and its consistency with the Town's Design Guidelines and as to whether or not the proposed project would appear largely as it did now, at a future point the Commission would benefit from such discussion. He understood that the Commission must act on the Mitigated Negative Declaration before the DRB could take action on the review and approval of the proposed development.

Chairperson Driver suggested that there were specific design issues that also must be evaluated before a decision could be made by the Planning Commission.

Commissioner Levenfeld suggested it would be irresponsible for the Planning Commission to make any decision absent complete reports. As a member of the Planning Commission when the prior submittal had been made, and having viewed the lot, she remained concerned with the visual impacts and the massing. She stated that the design was beautiful and a great concept for Moraga and she suggested that one of the ways to address some of the concerns could be through the use of story poles to better advise of the potential visual impacts. She noted that the scenic corridor was along Moraga Road and Donald Drive and that the site was visible at the intersection which could have visual impacts along the scenic corridor. While the home did not meet the FAR and the living spaces were not massive, she suggested that the home remained a large structure.

Commissioner Richards agreed that the use of story poles would be effective in visualizing the potential visual impacts. He remained concerned with site stability and geological concerns.

Commissioner Socolich asked how equipment such as supplies and materials would be brought to and from the site given the steepness of the hillside. He suggested that issue would be something to discuss at the next meeting.

Mr. Wright expressed the willingness to provide photos from the development of a home in the Oakland Hills to address the concerns with respect to equipment to and from the site.

Commissioner Wykle spoke to the staff report and General Plan Policy PS4.10 which states that "The Town shall develop an average slope limit beyond which grading shall be prohibited unless grading is required for landslide repair or slope stabilization," and Section 14.04.033 of the new Grading Ordinance which states

that "No grading shall occur on predevelopment average slopes steeper than 25 percent (4 horizontal to 1 vertical) unless grading is required for landslide repair, slope stabilization or other emergencies, and at the specific direction of the Town Council." He asked if there was any grading anticipated on a slope greater than 25 percent.

Mr. Chamberlain stated that in this case the applicant had approached the design so that a grading permit would not be required. He noted that oftentimes landscaping was installed on steep yards with three-foot stone walls which did not require a building or grading permit.

As to whether or not the Town had previously approved new development on a slope greater than 25 percent, Mr. Chamberlain pointed out that the Town Offices located at 329 Rheem Boulevard were located on a slope steeper than 55 percent with retaining walls over the entire back of the building and the second story.

Chairperson Driver REOPENED THE PUBLIC HEARING at this time to allow additional speakers to address the Planning Commission.

Walter Nelson, 2024 Donald Drive, Moraga, explained that his property backed up to the corridor of 22 Mulholland Ridge. He commented that he had desired to build a fence to prevent deer from entering his property and had approached the Town several years ago to request a variance. He noted that the first 11 or 15 feet from the road down to his property was owned by the Town and the Town had required him to appear before the Town Council and request a variance to build a deer fence. Having walked up the road, he identified an existing barbed wire fence with poles starting closer to Donald and Laird Drives that was visible all the way up the hill. He asked if that would also cover the subject property in the sense that the first 11 or 15 feet of the setback off the road belonged to the Town.

Mr. Chamberlain explained that the right-of-way width was uniform. Any portion of any driveway crossing into the public right-of-way would require an encroachment permit.

Mr. Nelson added that there were no lights on top of the hill and when it was dark navigation was difficult. He suggested that for safety purposes, any development on the lot should require lights all the way up the hillside for safety, for construction equipment, or for the storage of materials.

Mr. Bunton stated it was clear that the Initial Study needed more work before the project could be returned for consideration. He emphasized the lack of complete biotic and geologic reports and suggested that the aesthetics and hydrologic issues also needed further study. He agreed that the use of story poles should

be considered before consideration of a Mitigated Negative Declaration which may actually trigger a full EIR.

Michelle Maeder, 1758 Donald Drive, Moraga, emphasized that the arborist report was critical with trees coming down every year and with downed power lines impacting the residents. She noted that she had started planting redwoods to stabilize her property and the removal of any trees may compromise the stability of the hillside.

PUBLIC HEARING CLOSED

Commissioner Whitley pointed out that since the public hearing had been re-opened the applicant should have the opportunity to make another rebuttal statement.

The applicant declined to make further comment at this time.

Ms. Brekke-Read advised that the Commission may continue the item. She recommended that the Commission provide specific direction on what it wanted the DRB to provide and to allow some of the additional studies to be completed and additional information to be provided. A joint meeting with the Commission and the DRB could be another option absent specific direction on what the Initial Study should address and staff could be directed to re-circulate the document prior to the next Commission meeting, with or without DRB input. She asked that the Commission request DRB input since once more information from the geotechnical peer review was available additional study may be required.

Commissioner Whitley commented that staff had suggested that the DRB review the project but commented that the DRB's approval, participation, or contribution could be irrelevant given that the project may change.

Ms. Brekke-Read clarified her comments in that with the completion of the geotechnical peer review, changes to the project may occur resulting in amendment to the Mitigated Negative Declaration and it would be helpful to the Planning Commission to have input from the DRB to ensure that all impacts had been addressed.

Chairperson Driver was not certain that a joint session with the DRB was necessary although he would like DRB input on the project as well as the additional information discussed by the Planning Commission. He suggested that the scope of the Mitigated Negative Declaration was sufficient and comprehensive although whether or not the findings could be made that the mitigations were sufficient was the primary issue. He reiterated that the Commission needed more information.

Commissioner Socolich restated that additional information was required for the arborist, site biology, and geotechnical information.

Commissioner Whitley concurred with the comments.

Commissioner Wykle also concurred with the comments made by the Chair and sought a no exception peer review on the geotechnical report.

Commissioner Levenfeld concurred.

Commissioner Obsitnik liked the idea of the use of story poles given the need to see the potential visual impacts and given his opinion that projects oftentimes appeared different when constructed from what was initially presented in terms of potential views.

Chairperson Driver commended the applicants for some of the design ideas which were unique.

Commissioner Socolich agreed and asked that the water tank not be eliminated as the applicants had recommended, but be researched further. He agreed with a net zero project design.

On motion by Commissioner Socolich, seconded by Commissioner Wykle and carried unanimously to continue DRB 04-11 for Wright at 1800 Donald Drive to a date uncertain, with additional information required on the geotechnical peer review, biological assessment, and arborist reports, with the Design Review Board to provide feedback on the proposal to the Planning Commission, and with the applicant to install story poles to better address potential visual impacts.

IX. ADJOURNMENT

The Planning Commission meeting adjourned at 9:07 P.M. to a regular meeting of the Planning Commission on Monday, November 28, 2011 at 7:30 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission

ATTACHMENT D

**DRAFT ENVIRONMENTAL
INITIAL STUDY DATED
SEPTEMBER 15, 2011**



ENVIRONMENTAL INITIAL STUDY

TOWN OF MORAGA

September 15, 2011

INTRODUCTION

This is an Initial Study for the proposed development of a new 5,132 square foot residence with an attached second unit and associated site improvements at 1800 Donald Drive (APN 255-183-011). The initial study was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

PROJECT LOCATION

The project would be located on a 13,203 square foot property on the northeast side of Donald Drive on a hillside above an existing duplex at 2092 - 2094 Donald Drive. The project site (outlined in yellow) is shown on the GIS aerial photograph below:



ENVIRONMENTAL CHECKLIST

Project Information:

1. Project Title: 1800 Donald Drive Residential Development
2. Lead Agency Name and Address: Town of Moraga
329 Rheem Boulevard
Moraga, CA 94556
3. Contact Person and Phone Number: Richard Chamberlain (925) 888-7042
Kelly Suronen (925) 888-7041
4. Project Location: 1800 Donald Drive (APN 255-183-011)
Moraga, CA 94556
5. Project Sponsor's Name and Address: Applicant:
James Wright
5 Green Valley Court
Lafayette, CA 94549

Property Owner:
Stephen R. Williams
2647 Pleasant Hill Road
Pleasant Hill, CA 94523
6. General Plan Designation: Residential 6 du/ac
7. Zoning: 6-DUA (six dwellings per acre)
Multi-Family Residential District
8. Description of Project: The proposed 5,132 square foot three level residence with an attached second unit would step down the hillside making it a low profile structure that conforms to the 25-foot front setback. The 1,207 square foot upper level would include one and two-car garages and the entry halls and stairways. The 2,647 square foot middle or mezzanine level would include the main living area, the attached second unit, and a cantilevered back deck. The 1,277 square foot lower level would include two bedrooms, two bathrooms, and shell space. A circular bridge driveway off of Donald Drive would lead directly to the garages on the top level. The 511 square foot two-car garage would be on the southeast side with an elevator, entry vestibule and stairway down to the main middle living level below. The 351 square foot one car garage would be on the northwest side with a stair hall down to the 551 square foot second unit below. The new residence would be built on an existing hillside with a slope over 20%. The excavations for the building foundation would be less than 50 cubic yards.
9. Surrounding Land Uses and Setting: The zoning of the subject property and the surrounding properties is shown on the map on the following page. The properties located to the northeast and northwest of the project site are zoned 6-DUA (six dwelling units per acre Multi-Family Residential District) and are developed with existing duplex units. The properties located to the southeast and southwest of the project site are zoned OSM-DT (Open Space-MOSO-Density Transfer). The property to the southeast is known as the Hacienda de las Flores Park and a public parking lot for the park is located about 200-feet east of the subject property. The property on the southwest side across Donald Drive is

known as the Mulholland Ridge Open Space Preserve and is owned by the Town of Moraga.

Zoning Map of 1800 Donald Drive and the Surrounding Properties



10. Other agencies whose approval is required:

- a) Central Contra Costa Sanitary District for sewer connection
- b) Moraga-Orinda Fire District for site review
- c) East Bay Municipal Utility District for water supply
- d) Contra Costa County Building Department for plan review

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. The factors that are checked below involve at least one impact that would be potentially significant unless it is mitigated as listed in the analysis on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

September 15, 2011
Date

Kelly Suronen
Name

Town of Moraga Planning Department
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by information sources cited in parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project (e.g., the project falls outside a fault rupture zone). A "No Impact" answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis). In this report, the letters **NI** after a question indicate "No Impact" followed by the explanation or reference source information.
- 2) The whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts have been considered in all answers.
- 3) If it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially

Significant Impact" entries when the determination is made, an EIR is required. In this report, the letters **PSI** will be used after a question if a "Potentially Significant Impact" is identified that cannot be mitigated to a less than significant impact.

- 4) "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." In this report, the letters **LTSWMI** indicate "Less Than Significant With Mitigation Incorporated" and the recommended mitigation measures are suggested following the discussion of the question. An explanation of how the mitigation measures reduce the effect to a less than significant level is also included in the discussion or reference to mitigation measures from Section XVIII, "Earlier Analyses," is cross-referenced. The letters **LTSI** indicate "Less Than Significant Impact" followed by an explanation and reference to sources used.
- 5) If an earlier analysis is referenced in this report, pursuant to the tiering, program EIR, or other CEQA process, and an effect has been adequately analyzed in an earlier EIR or negative declaration, a brief discussion identifies the following:
 - a) The earlier analysis used and where they are available for review.
 - b) The impacts or effects that were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards. If the impacts or effects were addressed by mitigation measures in the earlier analysis then these mitigation measures shall be included in the discussion.
 - c) For "Less than Significant with Mitigation Measures Incorporated" the mitigation measures are described, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) References to information sources for potential impacts (e.g., general plans, zoning ordinances) are incorporated into the discussion of impacts where appropriate, including a reference to the page or pages where the statement is substantiated.
- 7) The source list or individuals contacted and cited in the discussion is attached under Section XVIII.
- 8) This environmental checklist form is based on the current form in Appendix G, downloaded from the Governor's Office of Planning and Research web site.
- 9) The explanation of each issue attempts to identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question.
 - b) The mitigation measure(s) identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		X		

Discussion of Aesthetic Impacts:

a) Would the project have a substantial adverse effect on a scenic vista? **LTSI**

The project will not be visible from Moraga's designated scenic corridors. The site can be seen from Rheem Boulevard just east of the Rheem Boulevard and Moraga Road intersection; however, the view from this location is at a considerable distance from the site. The location of the project is more than 500 feet from Mullholland Ridge and the portion of Donald Drive that is designated as a scenic corridor.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? **LTSWMI**

The project site does not contain any historic buildings, large rock outcroppings, or other scenic resources that are visible from a state scenic highway. The project plans call for the removal of seven trees including bay, oak and pine. Bay, oak, and knobcone pine trees are native trees defined under Moraga's Tree Protection Ordinance. These trees contribute to the perception of the project site as a natural woodland area. The photos below show the existing site as viewed from the upper part of Donald Drive.



As stated under the Biological Resources section of this Initial Study, the Town may require that the applicant submit a certified arborist's report to be reviewed by the Design Review Board in order to reduce the impact of the project on existing native and general trees to a less than significant level. Removal of the seven trees has the potential to substantially impact the existing visual character of the project site unless mitigation measures are undertaken. The mitigation measures listed below are recommended in order to reduce the aesthetic impacts to a less than significant level.

Mitigation Measure:

AESTHETICS MM 1 / BIOLOGICAL RESOURCES MM 3 - Given that the proposed project will necessitate the removal of or may otherwise affect the health of existing trees at the site, which in turn may affect geotechnical conditions, site drainage, and screening of the project site from nearby rights-of-way, the applicant shall submit a certified arborist's report as part of the project design review, hillside development permit, and tree removal permit applications. The applicant shall incorporate the recommendations of the arborist's report into the project plans that will be reviewed by the Design Review Board. The arborist's report shall:

- i Accurately document the location, size, species, and health/stability of all existing native and general trees at the project site that are over 5-inches in diameter measured 3-feet above grade.
- i Shall include recommendations to prevent any adverse impact to those trees proposed to remain in post-project conditions.
- i Shall include recommendations for the safe removal for all trees proposed for removal, including all standing and fallen trees.
- i Shall take into account the General Plan Policy OS2.9 Tree-covered areas, which gives preference to the retention of original growth over replanting and which requires that tree-covered areas shall be preserved or substantially maintained in their present form, especially with respect to their value as wildlife habitats, even if development is permitted.
- i Shall include recommendations for the maintenance of all trees in post-project conditions, including recommendations for soil amendments, irrigation schedules, and pruning for fire safety. The report shall take into account that, at minimum, all trees removed with a trunk diameter between 5 and 9 inches will be required to be replaced at a 1:1 replacement ratio with a 15-gallon size California native tree and all trees with a trunk diameter over 9-inches shall be replaced with a specimen size California native tree.
- i Shall include recommendations for trees to be planted that will provide screening of the residence.

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings? **LTSWMI**

The proposed residence will step down the slope and the roof will be curved over the garage area at the top of the building making it less visible and less massive off-site. The aggregate building height, from the low point of the foundation to the highest roof, is 45-feet. The modern style home will be 'green' with a net zero energy system using a co-generation heating and power system. The most visible side of the building will be the northeast elevation, which will be seen above the existing duplex at 2092-2094 Donald Drive. The northeast elevation has a series of large windows and glass doors and a cantilevered deck. In order to help evaluate the aesthetic impact of the new building, the applicant prepared a photomontage to show the view as

it would be seen from the lower part of Donald Drive (see picture below). The proposed residence and second unit will have redwood bark siding to blend with the surrounding trees on the hillside. The modern architectural style of the new building makes no attempt to complement the architecture of the existing ranch style duplexes on the lower part of Donald Drive. The aesthetic design of the building and construction materials would be reviewed by the Design Review Board prior to the issuance of any building permit.



The site improvements associated with the development include the construction of new drainage facilities, connections to the sewer and water system and other utilities, and the installation of landscaping. Grading and other site preparation work will be necessary for those areas of the project site needed for the residence's foundation and drainage facilities. The new residence could visually impact the existing duplex at 2092-2094 Donald Drive. The incorporation of the mitigation measure below could help reduce privacy impacts between the proposed development and the duplex.

Mitigation Measures:

AESTHETICS MM 2 – In order to help reduce the visual impact of the development on the hillside and improve the privacy between the new building and the existing duplex at 2092-2094 Donald Drive, additional tall growing trees shall be planted below the new structure. It is recommended to use a tall fast growing native evergreen tree, such as *Sequoia sempervirens* (Coast Redwood Tree). Eucalyptus and Monterey Pine Trees are not recommended.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **LTSWMI**

The project will probably include some exterior lighting. The glass windows on the northeastern elevation of the residence could contribute to some glare, although the orientation of the building would only catch the early morning sun rising in the east. The incorporation of the mitigation measure below should reduce any potential impacts from glare to a less than significant level.

Mitigation Measure:

AESTHETICS MM 3 – In order to reduce impacts from glare of any new lighting and from windows on the northeast side of the building the following measures shall be considered by the project architect and Design Review Board:

- i Consider anti-glare glass or coatings on the northeast windows
- i Consider exterior lighting on the residence and within the landscaping areas that is low-wattage, shielded, and does not spill off-site.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Discussion of Agricultural Resources Impacts:

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **NI**

The property is not shown on the aforementioned maps as farmland, nor has the property previously been used for agricultural purposes.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? **NI**

The project site is not covered by a Williamson Act contract. Although the Open Space zoning lists agricultural use as a “permitted use”, the steep topography of the site and existing tree coverage are not conducive to agricultural use.

c) Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? **NI**

The project would not cause changes in the existing environment that could result in the conversion of farmland to a non-agricultural use. The site can be best described as a natural woodland habitat.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion of Air Quality Impacts:

a) Would the project conflict with or obstruct implementation of the applicable air quality plan? **NI**

The project is consistent with the Bay Area Air Quality Management District Clean Air Plan.

b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? **LTSWMI**

The project does not involve the demolition of buildings where there could be an impact from the introduction of airborne asbestos-containing materials. Vehicles traveling to and from the site would represent the primary “indirect” sources of air pollutant emissions for the project. The estimates of air pollutant emissions for the project are compared to the thresholds of significance for each pollutant listed on Table 3, page 16 of the BAAQMD CEQA Guidelines. The amounts of Reactive Organic Gases (ROG), Nitrogen Oxides (Nox), Carbon Monoxide (CO) were calculated using the URBEMIS 2002 program from the California Air Resources Board website. The area of the property where the soil will be disturbed is about 5,000 square-feet. Based on 51 pounds

per acre during the construction phase on page 28 of the BAAQMD CEQA Guidelines, the calculation of PM₁₀ emissions would be 5.85 lbs/day.

Thresholds of Significance for Construction Emissions

Pollutant	ROG	Nox	CO	PM ₁₀
Maximum (lbs/day)	80.0	80.0	550	80.0
Project (lbs/day)	5.49	0.00	0.14	5.85

Thresholds of Significance for Operational (Vehicle) Emissions

Pollutant	ROG	Nox	CO	PM ₁₀
Maximum (lbs/day)	80.0	80.0	550	80.0
Project (lbs/day)	0.25	0.36	2.78	0.21

Airborne dust from the grading for the foundation and drilling of piers will be the primary “direct” source of air pollutant emissions for the project. Since the area of disturbance is relatively small, it is unlikely that the PM₁₀ emissions for the site grading work would exceed the threshold of significance in the BAAQMD CEQA Guidelines, unless the grading is done during dry and windy conditions. PM₁₀ emissions are fine particulate matter with a diameter equal or less than 10 microns, which can be inhaled into human lungs. The BAAQMD approach to mitigation of construction impacts is to implement effective and comprehensive control measures rather than making detailed quantification of emissions. The following mitigation measure, which was derived from Table 2 on Page 15 of the BAAQMD CEQA Guidelines, should be considered in order to reduce the potential air quality impact for the grading and pier drilling.

Mitigation Measure:

AIR QUALITY MM 1 - In order to reduce potential dust impacts (PM₁₀ emissions) from the grading and pier drilling operations for the project, the following best management practices should be conducted during the construction phase of the project:

- i Periodically water all active grading areas where the ground cover has been removed.
- i Periodically sweep with water sweepers all paved access roads to the construction site where dirt and dust have settled or where construction vehicles have tracked dirt onto the paving.
- i Apply non-toxic soil stabilizers to graded areas that have been inactive for ten days or more.
- i Cover or periodically water exposed stockpiles of dirt or soil.
- i Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- i Replant vegetation in the disturbed areas as quickly as possible upon completion of the grading and construction.

c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? **NI**

The project would not have a significant cumulative impact according to the parameters in Figure 2 on Page 20 of the BAAQMD CEQA Guidelines. The project does not exceed the density anticipated for the site in the General Plan population projections and would be consistent with the Clean Air Plan (CAP).

d) Would the project expose sensitive receptors to substantial pollutant concentrations? **LTSI**

During the grading operations and drilling of piers for the foundation, the residents living near the project site could be exposed to airborne dust. The mitigation measures listed above under item III. (b) will reduce this impact to a less than significant level.

e) Would the project create objectionable odors affecting a substantial number of people? **LTSI**

The project does not include any of the operations identified as potentially significant odor sources as listed in Table 4 in the BAAQMD CEQA Guidelines. In addition, there are no existing significant odor sources within one (1) mile of the project. The odor from diesel engines of construction equipment used for grading of the site would be for a short duration and is considered a less than significant impact.

IV. BIOLOGICAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion of Impacts to Biological Resources:

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? **LTSWMI**

Upon review of the Moraga 2000 General Plan Update EIR which lists the special status species and their habitats known to occur in the Moraga area, it has been determined that the development of the project is not likely to have a significant effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species because it is highly unlikely that special status species are located at the site. The site most closely resembles a Coast Live Oak Forest. The site does not contain any riparian habitat area that could contain red-legged frogs. The northeast facing slope of the hillside is not good habitat for the Alameda Whip Snake, which must have south and west facing slopes with rock outcroppings and few trees for maximum sun exposure. Nevertheless, in order to reduce this potential impact to a less than significant level consistent with the Moraga 2000 General Plan Update EIR Section on biological resources, the following mitigation measure is recommended:

Mitigation Measure:

BIOLOGICAL RESOURCES MM 1 - Prior to the approval of the project, the applicant shall submit a site-specific biotic survey to determine the presence or absence of individuals and/or occupied or designate critical habitat of endangered, threatened, or rare wildlife or plant species. Prior to conducting these surveys a current listing of rare, threatened, and endangered species that may occur in the project area will be obtained. The site biotic survey shall specifically address whether or not there are any white-tailed kites nesting on the property as requested by Lynda Deschambault at the April 26, 2006 Town Council hearing. It should also be determined if the project site includes any significant wildlife corridors. Consultation with CDFG and USFWS will be necessary if any special status species or wildlife corridors are present in order to develop site-specific protection strategies for these species.

BIOLOGICAL RESOURCES MM 2 - Prior to construction of the project, the applicant shall submit the results of a pre-construction survey for breeding and nesting raptors and other migratory or protected birds at the project site. Typically, the most sensitive times of year for breeding and nesting are between February 1 and August 31. The survey must be conducted within two weeks prior to ground breaking. The survey must also include areas that are adjacent to the site. If active nest sites are located, the applicant shall consult with CDFG to determine appropriate construction setbacks from the nest sites. No construction activities shall occur within the construction setback during the nesting season of the affected species. If active nests (with eggs or live young) of protected species are found, then the project will not be permitted to conduct any activity that might disturb or remove those active nests until the young birds are able to leave the nest and forage on their own. The project would be allowed to remove empty nests, but if eggs or young were present, the project will be required to leave the nests undisturbed until the young birds leave.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? **LTSI**

The project site does not have any creeks or pond areas that would include a riparian habitat. The site has characteristics of a Coast Live Oak Forest natural community. The slope of the site and shallow topsoil do not facilitate the sustenance of the Coast Live Oak community. Consequently, the potential impact of the project upon the Coast Live Oak Forest community is less than significant.

c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **NI**

The project will not have an impact on any marsh, vernal pool, coastal area or any other defined wetland area because none of these features are located on the project site.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **LTSI**

The project is not likely to interfere with the movement of any native resident or migratory species, an established wildlife corridor, or the use of a native wildlife nursery site because the project does not present any major obstacles. The project covers 22% of the site area and there is room for the movement of deer and other animals to traverse the site. The primary impediment to the movement of animals on the site is the steep slope. It is also very unlikely that a native wildlife nursery is located on the project site due to the steep slope. However, in order to reduce this potential impact to a less than significant level consistent with the Moraga 2000 General Plan Update EIR Section on biological resources, the mitigation measures listed above in item 4. (a) should be implemented.

Mitigation Measure:

See Mitigation Measures under item IV. (a).

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **LTSWMI**

The project plans (sheet A1.0) call for the removal of 7 trees. These 7 trees are oak, bay and pine trees which are native to Moraga. The Tree Protection Ordinance requires that any person who desires to cut down, destroy or remove a native tree shall file an application with the Planning Director, who in turn may impose reasonable conditions to insure compliance with the Tree Protection Ordinance. In considering an application to remove native trees, it is reasonable for the Town to require that the applicant submit a certified arborist's report that addresses the topics outlined in the mitigation measure below and to require that the arborist report recommendations be incorporated into the project plans that will be reviewed by the Design Review Board in order to reduce the impact of the project on existing native and general trees to a less than significant level.

Mitigation Measure:

BIOLOGICAL RESOURCES MM 3 / AESTHETICS MM 1 - Given that the project will necessitate the removal of or may otherwise affect the health of existing trees at the site, which in turn may affect geotechnical conditions, site drainage, and screening of the project site from nearby rights-of-way, the applicant shall submit a certified arborist's report as part of the project design review, hillside development permit, and tree removal permit applications. The applicant shall incorporate the recommendations of the

arborist's report into the project plans that will be reviewed by the Design Review Board. The arborist's report shall:

- i Accurately document the location, size, species, and health/stability of all existing native and general trees at the project site.
- i Shall include recommendations to prevent any adverse impact to those trees proposed to remain in post-project conditions.
- i Shall include recommendations for the safe removal for all trees proposed for removal, including all standing and fallen trees.
- i Shall take into account General Plan Policy OS2.9 Tree-covered areas, which gives preference to the retention of original growth over replanting and which requires that tree-covered areas shall be preserved or substantially maintained in their present form, especially with respect to their value as wildlife habitats, even if development is permitted.
- i Shall include recommendations for the maintenance of all trees in post-project conditions, including recommendations for soil amendments, irrigation schedules, and pruning for fire safety. The report shall take into account that, at minimum, all trees removed with a trunk diameter between 5 and 9 inches will be required to be replaced at a 1:1 replacement ratio with a 15-gallon size California native tree and all trees with a trunk diameter over 9-inches shall be replaced with a specimen size California native tree.
- i Shall include recommendations for trees to be planted that will provide screening of the residence.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? **NI**

The project does not conflict with any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan because currently none of these plans exist for the Town of Moraga.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

Discussion of Impacts to Cultural Resources:

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? **NI**

There are no historical resources or designated heritage trees located on the project site. The development of the proposed residence would not have an impact on any known historical resources.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? **LTSWMI**

There are no known cultural resources existing at the project site or in the immediate vicinity, such as historical, archeological, or paleontological resources, unique geologic features, or human remains. Therefore, the project would not disturb any known cultural resources. The steep topography and previous grading and fill placement for the construction of Donald Drive also makes it very unlikely that there would be archeological or paleontological resources on the site. Nevertheless, the following mitigation measure is recommended to ensure that there will be no significant impact to any unforeseen cultural resources.

Mitigation Measure:

CULTURAL RESOURCES MM 1 - The applicant is required to follow the procedures outlined in Government Code Section 15064.5. In the event that any cultural resources are uncovered during site preparation and construction activities, all activities shall be immediately suspended for a period to be determined by a historical, archeological, or paleontological resources specialist consultant for the Town of Moraga to allow for adequate inspection, recommendation, and retrieval of the resources, if appropriate. Appropriate historical, archeological, or paleontological resources mitigation measures shall be developed and implemented and disposition of the find shall be consistent with state and federal laws pertaining to archaeological resources. The discovery of human skeletal remains will necessitate the immediate suspension of all work in the vicinity of the remains until the County Coroner, the Planning Department, and the Native American Heritage Commission can be contacted to develop an appropriate mitigation plan. Upon determination by the County Coroner that the remains are Native American, the California Native American Heritage Commission shall be contacted to determine the "most likely descendant" of the human skeletal remains. An individual designated by the Native American Heritage Commission shall recommend the most appropriate procedures to be followed in handling the remains.

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **NI**

The project would not disturb any paleontological resources because the soils under the proposed residence are geologically recent formations. The shale and sandstone bedrock below the soil may contain some fossilized organisms, but they could not be categorized as "unique" paleontological resources. There are no tar pits or peat bogs on the site that could preserve animals or plants from the Pliocene Age (7 to 1 million years old).

d) Would the project disturb any human remains, including those interred outside of formal cemeteries? **LTSWMI**

No evidence of a Native American burial site has been documented for the property. The steep slope of the project site makes it extremely unlikely that the property was used as a Native

American burial site. Nevertheless, the mitigation measure under item V.(b) above is recommended to address this potential impact.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Map issued by the State Geologist for the area or other substantial evidence of a known fault? Refer Div. of Mines & Geology Special Publication 42.				X
ii) Strong seismic ground shaking?		X		
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X		
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Discussion of Geology and Soils Impacts:

a) (i) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? **NI**

The Moraga fault, Bollinger fault, Cull Creek fault and Las Trampas fault are all located in close proximity to Moraga; however, none of these faults are known to be active. The project site is not within a State of California Earthquake Fault Hazard Zone. According to the June 2011 Geotechnical Investigation by Friar Associates Inc. (FAI), the project site is outside any of the Alquist-Priolo Earthquake Fault Zones (page 2). Since no active faults are known to cross the

project site, the risk of earthquake-induced ground rupture occurring across the project site appears to be remote (page 2, FAI Geotechnical Investigation).

a) (ii) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking? **LTSWMI**

The June 2011 FAI Geotechnical Investigation states the distance of the project site from the nearest active faults (page 2). The following list includes the name of the active faults followed by the distance from the project site in parenthesis: San Andreas Fault (23.7 miles), Hayward Fault (7.8 miles), Calaveras Fault (8.3 miles), and the Concord-Green Valley Fault (no distance listed). The Hayward and Calaveras faults experienced strong earthquakes in the 1860's. According to the United States Geological Survey (1990), the northern section of the Hayward fault has a 28 percent probability of generating an earthquake of magnitude 7.1 (Richter), with a maximum ground acceleration of 0.39g within the next 30 years. Strong seismic ground shaking can be expected during the projected lifespan of the proposed residence.

Paragraph PS4.6 in the Public Safety Element of the Moraga 2002 general Plan requires all new construction to be built to established standards with respect to seismic and geologic safety. The project geotechnical engineer, Friar Associates, Inc. (FAI), submitted their Geotechnical Investigation of the site in June 21, 2011. The Town's geotechnical peer review consultant, Cal Engineering and Geology (CE&G) reviewed the FAI Geotechnical Investigation on August 22, 2011 in compliance with PS4.2 of the Public Safety Element of the General Plan. The following mitigation measures are recommended as conditions of approval in order to reduce potential impacts related to seismic ground shaking and seismic-related ground failure to a less than significant level.

Mitigation Measures:

GEOLOGY AND SOILS MM 1 - The project should be designed to meet the current California Building Code requirements at the time of building permit issuance.

GEOLOGY AND SOILS MM 2 - The project shall incorporate all the geotechnical recommendations in the June 21, 2011 geotechnical reports by FAI, which include recommendations regarding building foundations, concrete slabs-on-grade, utility trenches, surface drainage, subsurface drainage, and the need for follow-up geotechnical services during construction. The project shall consider and incorporate as appropriate the geotechnical recommendations in the August 22, 2011 Geotechnical peer view report by CE&G.

a) (iii) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction? **LTSI**

If an earthquake with an epicentral location close to the project site occurred, groundshaking would be severe but the soils at the project site are unlikely to liquefy according to the Friar Associates Inc. Geotechnical Investigation (page 2). Soil liquefaction is a phenomenon where loose (cohesionless) and sandy soils can become saturated with ground water and thereby experience a temporary loss of strength during strong ground shaking.

a) (iv) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides? **LTSI**

Paragraph PS4.1 of the Public Safety Element of the Moraga 2002 General Plan requires appropriate technical evaluation to determine if there are any geologically hazardous areas or

potential impacts from known landslide areas to the proposed project site. The Geotechnical Investigation by Friar Associates, Inc. (FAI) dated June 21, 2011 was submitted to the Town on June 22, 2011 in compliance with PS4.1 of the Public Safety Element. The FAI report states that the site is underlain by weathered bedrock and no landslide features have been observed on the site. Paragraph PS4.2 requires review by the Town of the technical reports prior to approval of a development plan. The FAI Geotechnical Investigation was reviewed by the Town's geotechnical peer review consultant, Cal Engineering and Geology (CE&G), on August 22, 2011.

b) Would the project result in substantial soil erosion or the loss of topsoil? **LTSWMI**

The project would be built over a 20% slope and construction would result in less than 50 cubic yards of grading. Any disturbance of steep slopes would be conducive to soil erosion and the loss of top soil. If the removal of some of the existing vegetation and grading for the foundation are not conducted properly, they could result in substantial soil erosion. The following mitigation measures should reduce the potential for erosion impacts to a less than significant level.

Mitigation Measures:

GEOLOGY AND SOILS MM 3 - The project shall be designed to maximize slope and soil stability and minimize the potential for erosion at the project site during construction and in post-project conditions. The applicant shall:

- i Submit a certified copy of the referenced property and topographic survey with the project building permit submittal.
- i Submit a Storm Water Pollution Prevention Plan (SWPPP) prior to release of plans to the County Building for permitting.
- i Have all project plans, including all grading and drainage plans, calculations, and stormwater related items signed and stamped by a Registered Civil Engineer.
- i Address the requirements of Chapter 13.04 of the Moraga Municipal Code regarding Storm Water Management and Discharge Control.

GEOLOGY AND SOILS MM 4 – The project should be designed to minimize the potential for erosion of surface soils that could be caused by surface water runoff. The project site would not have more than 10,000 square feet of impermeable surfaces and would not be subject to the Contra Costa Clean Water Program Stormwater C.3 Guidebook, third edition, effective October 2006 and the Hydromodification Management Plan (HMP), effective October 16, 2006 approved by the Regional Water Quality Control Board for Contra Costa County. However, the drainage on the site will need to comply with the Best Management Practices (BMPs) required under the Town's NPEDS Permit.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse? **LTSWMI**

The potential impacts of landslides, subsidence and liquefaction were discussed under items a)ii, a)iii, and a)iv, above.

Mitigation Measures:

See Mitigation Measures under item VI. (a) (ii), above.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? **LTSWMI**

The FAI report indicates that colluvium was encountered below the fill. The colluvium is underlain by weathered bedrock. The FAI report states that both the fill and the colluvium may

be subject to down slope creep and would impact proposed building foundation elements. Recommendations for the foundation design can be found page 4 of the FAI report. The CE&G peer review reports states that the FAI report does not include recommendations for uplift pressures from expansive soils (page 2). The following mitigation measure is recommended as a condition of approval to reduce the impact of expansive soils on the foundation system for the development of the project.

Mitigation Measure:

GEOLOGY AND SOILS MM 5 – The project shall incorporate FAI’s recommendations on building foundations as required by **MM2** above. FAI shall provide recommendations for uplift pressures from expansive soils.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? **NI**

Paragraph OS3.1 of the Open Space and Conservation Element of the Moraga 2002 General Plan requires all new development to be connected to a sewage system. The property has a drainage and sewage easement across the adjacent property at 2092-2092 Donald Drive.

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		X		

Discussion of Hazards and Hazardous Materials Impacts:

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **LTSI**

The project would not normally involve any transport or disposal of hazardous materials. Landscape maintenance contractors working on the property may use some pesticides or herbicides for weeds occasionally. The homeowner may have some cleaning solvents and other typical household products that are toxic to the environment. None of these materials would be used in large enough quantities to be considered a significant hazard to the public.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **LTSWMI**

The possibility exists that a resident in the new home or a maintenance employee could improperly dispose of a cleaning product, solvent, pesticide or other hazardous material in a storm drain or accidental spill on the property. There is also the possibility of a leak or spill of gasoline fuel from the tank of a vehicle parked on the property. The following mitigation measures should reduce this potential impact to a less than significant level:

Mitigation Measures:

HAZARDS AND HAZARDOUS MATERIALS MM 1 - All storm drains shall be marked with signs or stenciling to prohibit improper disposal of any hazardous materials such as cleaning solvents, pesticides and herbicides.

HAZARDS AND HAZARDOUS MATERIALS MM 2 - A provision shall be included in all landscaping maintenance contracts for the project that pesticides shall be disposed of at approved hazardous waste collection facilities.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **NI**

The subject property is located approximately 1,458-feet (0.276 miles) from Donald Rheem Elementary School. The project will not emit or require the handling of any hazardous or acutely hazardous materials therefore; there will be no impact to the school.

d) Would the project be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **NI**

The property is not included on the list of sites in Moraga with hazardous materials. There are no known existing health hazards on the property and the project should not expose people to any existing sources of toxic material.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **NI**

The project is not located within an airport land use plan area or within two miles of a public airport.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **NI**

The project is not within the vicinity of a private airstrip.

g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **NI**

The project would have no impact on any emergency evacuation plan.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? **LTSWMI**

The project will not significantly increase the threat of a wildland fire to adjacent residential areas. The proposed density conforms to the zoning district for the property and there are other homes in the immediate area that are located on wooded hillside sites. Nevertheless, there is the possibility of a wildland fire on Mullholland Ridge or elsewhere in the immediate area. As such, the following mitigation measures are recommended in keeping with the requirements of the Moraga-Orinda Fire District and consistent with the Town of Moraga Design Guidelines for fire safe landscaping.

Mitigation Measures:

HAZARDS AND HAZARDOUS MATERIALS MM 3 / PUBLIC SERVICES MM 1 – The project plans shall comply with the following requirements:

- i The landscaping plan for the project shall be submitted to the Fire District for review and approval.
- i Vegetation shall be maintained in a fire safe manner, meaning that defensible space shall be provided around the structure. This defensible space shall employ the use of fire resistive plants and control of seasonal growth.
- i Addressing for the property shall be visible at all times and be visible from the main roadway serving the structure. Lettering and/or numbering is suggested to be no smaller than 4 inches in height.
- i A spark arrestor shall be installed on all fireplace chimneys.
- i Since the new home would be located on a densely wooded hillside area, the Fire District may require a fire suppression sprinkler system within the home. The plans for the home are subject to review and approval by the MOFD.

HAZARDS AND HAZARDOUS MATERIALS MM 4 / PUBLIC SERVICES MM 2 – The project landscaping plans shall comply with the Town of Moraga Design Guidelines for fire safe landscaping.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a special flood hazard area subject to inundation by the 1% annual chance flood as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place a structure within an area subject to inundation by the 1% annual chance flood, which would impede or redirect flood flows?				X

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?			X	

Discussion of Hydrology and Water Quality Impacts:

a) Would the project violate any water quality standards or waste discharge requirements?

LTSWMI

The project plans show a total of 5,725 square feet of impervious surface area. Since the project site would not have more than 10,000 square feet of impermeable surfaces, the project would not be subject to the Contra Costa Clean Water Program Stormwater C.3 Guidebook, third edition, effective October 2006 or the Hydromodification Management Plan (HMP), effective October 16, 2006 approved by the Regional Water Quality Control Board for Contra Costa County. Nevertheless, contamination of the storm drainage coming from new roofs and paved areas proposed on the property should be controlled to avoid any measurable effect on the water quality of San Leandro reservoir. Oil or gasoline from vehicles could drip onto the pavement and be washed into storm drains. Landscaping maintenance should avoid chemicals that are not biodegradable. Paragraph OS3.1 of the Open Space and Conservation Element of the Moraga 2002 General Plan requires all new development to be connected to a sewage system. The following mitigation measures are recommended to reduce potential water quality and waste discharge impacts to a less than significant level.

Mitigation Measures:

HYDROLOGY AND WATER QUALITY MM 1 - Project construction shall be done in accordance with all applicable provisions of the federal Clean Water Act, which protects the quality of surface waters through the National Pollution Discharge Elimination System (NPDES). Prior to issuance of a building permit, the applicant shall prepare a *Storm Water Pollution Prevention Plan (SWPPP)*, subject to approval of the Town Engineer, to control erosion on the site during construction and until vegetative cover is restored to areas where the soil has been disturbed. The applicant shall provide evidence to the Town of the State Water Resources Control Board (SWRCB) approval of the SWPPP.

HYDROLOGY AND WATER QUALITY MM 2 - Storm water discharges from roofs and paved areas will need to comply with the Best Management Practices (BMPs) required under the Town's NPDES Permit. All roof drains and surface drains for new impervious surfaces must be routed through a biofilter, sand filter, or planted vegetated swale for ten or more feet prior to entering any storm drainage pipe or tight line drainage system. Although infiltration of storm water is preferred for water quality, the storm drain system will require review by the project geotechnical engineer to confirm that the area for infiltration will not induce soil instability on the site. The vegetated drainage swale may require a buried subdrain under the swale to avoid saturation of the slope. In addition, the storm water from the increased impervious surface area on the site shall not increase the run-off onto the property below at 2092 and 2094 Donald Drive. Water that is routed through a biofilter, sand filter or planted vegetated swale shall be conducted through a pipe in the drainage easement across the property at 2092 and 2094 Donald Drive to avoid any increase in surface drainage across the adjacent property.

HYDROLOGY AND WATER QUALITY MM 3 - Prior to issuance of a building permit, the project applicant shall prepare a "source control program" to remove non-point source pollutants before they are picked up by storm water runoff. A registered Civil Engineer (or other licensed professional acceptable to the Town) shall prepare the source control program, subject to approval by the Town Engineer. The program shall include the following provisions:

- a. A pavement maintenance program, which consists of regular surface cleaning for the new driveway and parking area.
- b. Labeling all catch basins "No Dumping-Pollutes Our Creeks" to limit direct disposal of contaminants into the storm drains.
- c. Strictly limiting the use of non-biodegradable fertilizers or pesticides in the landscape maintenance program.

HYDROLOGY AND WATER QUALITY MM 4 - The site drainage shall be reviewed in accordance with the most recent "Start at the Source Design Guidelines" from BASMAA. This may include drainage to swales to allow for infiltration of runoff water and lessen the peak surge of the runoff.

HYDROLOGY AND WATER QUALITY MM 5 - The project shall be connected to the Central Contra Costa Sanitary District (CCCSD) sewer system and shall comply with the requirements of the CCCSD for service.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)? **LTSI**

The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge because the project would not draw groundwater as its water source. The project also does not cover an area that is significant for groundwater recharge because the project site is a steep slope with shallow topsoil over the sandstone bedrock and no natural drainage basin to catch and absorb groundwater.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off-site? **LTSWMI**

The project does not involve the alteration of any creek or stream. The project will change the drainage pattern of the site by introducing new impervious surfaces. On page 3 of the Geotechnical Investigation by Friar Associates Incorporated (FAI), dated June 21, 2011, it the following:

"As with all hillside development, the lack of adequate drainage to collect both surface and subsurface water to suitable collection and discharge facilities can adversely affect slope stability in general. Therefore, proper and adequate drainage (surface and subsurface) system should be incorporated into the planned residential development. Runoff collected from roof drains and area drains as well as discharge from subdrains should not be released on portions of the slope that could be the cause of instability or erosion. Appropriate discharge locations should be provided during site grading. As a precaution, we recommend that site grading be minimized only to area where necessary."

During construction of the project, there is a possibility that there could be substantial erosion or siltation on site unless measures are taken to prevent the erosion of the disturbed soils. Some impacts of erosion were addressed in this report in the discussion of Geology and Soils under item VI. (b), but the following mitigation measures are recommended as conditions of approval to reduce the potential impacts of the site drainage on erosion to a less than significant level.

Mitigation Measures:

HYDROLOGY AND WATER QUALITY MM 6 – Drainage plans for all surface and subsurface drains shall be reviewed and approved by both the project geotechnical engineer and the Town Engineer. The discharge or outlet pipes from the drainage plan shall not result in substantial erosion or siltation on or off-site.

HYDROLOGY AND WATER QUALITY MM 7 – An Erosion Control Plan shall be submitted as one of the selected Best Management Practices (BMPs) as outlined in Moraga's Storm Water Management Plan (SWMP). The Erosion Control Plan is subject to review and approval by the Town Engineer, prior to the issuance of a grading permit. The California Storm Water Best Management Practice Handbook and the ABAG Manual of Standards for Erosion and Sediment Control Measures will be used to evaluate the Erosion Control Plan.

HYDROLOGY AND WATER QUALITY MM 8 – Grading operations shall occur between April 15 and October 15, in order to avoid seasonal rainfall. All erosion control measures shall be installed and deemed operational by the project engineer, the Contra Costa County Grading Inspector and Town Engineer prior to October 1.

HYDROLOGY AND WATER QUALITY MM 9 – The erosion control facilities shall be maintained until all improvements are completed and project landscaping or a heavy growth of grass is established on all exposed slopes. A minimum of 4,000 pounds per acre of straw mulch or alternative acceptable to the Town Engineer shall be placed on all slopes where grass is not firmly established each year before October 1.

HYDROLOGY AND WATER QUALITY MM 10 – Erosion control facilities must be maintained after every storm and as needed in between storms, and replaced whenever necessary. Any sediment reaching detention basins or settlement ponds shall be periodically cleaned out to avoid spilling over into catch basins and storm drains.

HYDROLOGY AND WATER QUALITY MM 11 – Any exposed slopes shall be landscaped or hydroseeded with a mixture of annual grasses, wild flowers and clover, no later than October 1, in anticipation of rain in the fall and winter seasons. This applies to rough graded slopes as well as areas where grading has been completed. The landscaped or hydroseeded areas shall be maintained to ensure adequate plant growth and rooting. If an area is disturbed after hydroseeding, then the area shall be revegetated, or protected from erosion by other approved methods.

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off-site? **LTSWMI**

The proposed site plan shows two 4-inch drain pipes 18-inches below grade on each side of the home that would connect to the roof drain. An energy dissipater with 87-feet of 6-inch perforated pipe is proposed at the rear of the home 18-inches below grade which would provide some measure of delay in peak runoff. The following mitigation measures are recommended as

conditions of approval to reduce the potential impacts of the site drainage on peak runoff and potential flooding of properties downstream of the project site to a less than significant level.

Mitigation Measures:

HYDROLOGY AND WATER QUALITY MM 12 – The project shall employ a drainage system that does not increase runoff rates relative to pre-project conditions. The drainage plans shall be designed in accordance with the Best Management Practices as required by the Town’s NPDES permit.

HYDROLOGY AND WATER QUALITY MM 13 – Downstream runoff shall be decreased from historic peak flows wherever possible. A detention basin should be considered to ensure that there is no increase in the historic peak flows in down stream channels or pipes during 10 and 100-year storm events. The detention basin could be subterranean if no above ground location is deemed feasible. The design should include storm hydrographs for the historic and developed flows for each storm frequency along with detention basin routing calculations. If a detention basin is not incorporated into the drainage system to reduce peak flows, then a report shall be prepared by a registered Civil Engineer (or other licensed professional acceptable to the Town Engineer) with the following information:

- a. A statement of the reasons that a detention basin cannot be used on the site to reduce peak flows. The project geotechnical engineer shall provide confirmation, if a detention basin cannot be installed due to slope stability issues.
- b. A drainage study to evaluate the effects of increased peak flows on downstream facilities.

The report shall be subject to review by the Town Engineer and recommendations for necessary improvements to existing downstream storm drains to handle the increase in peak flow shall be incorporated into an off-site improvement plan.

e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? **LTSWMI**

See discussion in item VIII. (c) and (d) above.

Mitigation Measures:

See Mitigation Measures under items VIII. (c) and (d)

f) Would the project substantially degrade water quality? **LTSWMI**

As stated under question VIII(a), above, the storm water runoff from the site eventually flows into the San Leandro reservoir. The mitigation measures proposed for item VIII(a) would decrease the impacts to water quality in San Leandro reservoir to a less than significant level.

Mitigation Measures:

See Mitigation Measures under items VIII. (a)

g) Would the project place housing within a special flood hazard area subject to inundation by the 1% annual chance flood as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? **NI**

The project site is not located within a special flood hazard area subject to inundation by the 1% annual chance flood as delineated on the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) dated June 16, 2009. The areas of 1% annual chance of flood (previously designated 100-year flood hazard area) and 2% annual chance of flood (previously called the 500-year flood zone) are shown on the map below as a turquoise blue and purple shaded area, respectively: The project site is more than 700-feet from any flood hazard area.



h) Would the project place structures within a special flood hazard area, subject to inundation by the 1% annual chance flood, which would impede or redirect flood flows? **NI**

The project will not place any structures within a special flood hazard area as shown on the flood map above.

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? **NI**

The only dams and levees in the vicinity of the project site are the Lafayette Reservoir dam and the San Leandro Reservoir dam. Both of these dams are located at a lower elevation than the project site; therefore, there is no possibility of loss, injury or death to the resident of the project from failure of these dams.

j) Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? **LTSI**

The project site is not located near any large body of water so there is no possibility of a seiche or tsunami inundating the site. Given the soil and bedrock characteristics of the project site and wooded setting, it is unlikely that the project would expose people or structures to risk associated with a mudflow. There is the potential for a mudflow on the Mulholland Open Space Preserve

property southwest of the project site, which could deposit mud and soil onto Donald Drive, but this would not be a project induced impact. Such a mudflow could occur whether the project is built or not.

IX. LAND USE AND PLANNING – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion of Land Use and Planning Impacts:

a) Would the project physically divide an established community? **NI**

The project would not physically divide an established community. The project site is zoned for residential development at the density proposed and the project would be adjacent to other existing duplex residential structures on the northeast and northwest sides. The site is also adjacent to two city parks. The Hacienda de las Flores Park is located along the southeast property line and the Mullholland Open Space Preserve is located across Donald Drive southwest of the project site.

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? **LTSI**

The project is consistent with the land use designation and zoning for the site. The new single family dwelling unit has an attached second unit which is permitted in the 6-DUA (Six Dwellings Per Acre – Multifamily Residential District) zoning district. The project architect has complied with the required building setbacks and maximum height requirements under the zoning ordinance. The architect has also endeavored to minimize the grading necessary for the building foundation. The project will require consideration of several additional applications as listed below:

Tree Removal Permit: The plans call for the removal of 7 native trees as defined in the Town of Moraga Tree Protection Ordinance. The mitigation measures from Section I and IV (Aesthetic and Biological Resources) require an arborist’s report to be submitted on the condition of each tree that is proposed for removal. It is customary to replace native trees with between 1 to 5 native trees for each tree that is removed, depending on the size and visual impact caused by the loss of the original tree.

Architectural and Landscape Design: An application for Design Review will be required to evaluate the aesthetic merits of the project and determine whether the project complies with the Town's Design Guidelines. The Design Review Board's decision on the architectural design of the building and the landscaping improvements would be final, unless the action is appealed to the Planning Commission.

Hillside Development Permit: The Design Review Board would review an application for a hillside development permit for alteration of a slope over 20%. If the second unit is removed from the plan, then a use permit would be required for a single family residence. The Planning Commission would then consider the Hillside Development Permit in conjunction with the use permit.

Encroachment Permit: An encroachment permit from the Engineering Department would be required for any construction or alteration within the Donald Drive public right-of-way including: sidewalk repair, installation of a drainpipe through the curb, connection of a new underground gas or water service, or new curb cuts for driveways.

Six General Plan policies are relevant to the project and are listed below in italic print. The consistency of the proposed project with each of the listed General Plan policies is discussed after the statement of the policy.

LU1.8 Slope Restrictions. *The soil characteristics in Moraga are prone to landslide conditions which can cause damage to property, injury to persons, public cost and inconvenience; therefore, development shall be avoided on slopes of 20 percent or steeper, but may be permitted if supported by site-specific analysis. No new residential structures may be placed on after-graded average slopes of 25 percent 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. All new non-MOSO lots shall contain an appropriate development area with an average after-graded slope of less than 25%. Grading on any non-MOSO land with an average predevelopment slope of 25% or more within the proposed development area shall be prohibited unless formally approved by the Town Council where it can be supported by site-specific analysis and shown that a minimum amount of grading is proposed in the spirit of and not incompatible with all other policies of the General Plan.*

Project consistency with LU1.8: Site specific geotechnical analysis was discussed under Section VI (Geology and Soils). Since the site is underlain by weathered bedrock and no landslide features have been observed on the site, it would appear that development of the site is feasible from an engineering point of view, with the mitigation measures previously listed in Section VI. The subject property was legally subdivided on February 28, 1964 and is exempt from the provision of LU1.8 that would prohibit new residential structures on the lot.

PS4.10 Grading. *Grading for any purpose whatsoever may be permitted only in accordance with an approved development plan that is found to be geologically safe and aesthetically consistent with the Town's Design Guidelines. Land with a predevelopment average slope of 25% or greater within the development area shall not be graded except at the specific direction of 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 all other policies of the General Plan. The Town shall develop*

an average slope limit beyond which grading shall be prohibited unless grading is required for landslide repair or slope stabilization.

Project consistency with PS4.10: The question of geological safety was reviewed by the project geotechnical engineer and by the Town's geotechnical peer review consultant as discussed under Section VI (Geology and Soils). The project architect has designed the project to conform to the Town's height limitations and quantitative Design Guidelines. The subjective Design Guidelines, such as architectural compatibility with the adjacent residential homes, are issues that should be resolved by the Design Review Board. The mitigation measures proposed in Section I (Aesthetics) would help to reduce the impact of the proposed structure on the steep hillside lot. The architect worked with the Town's Engineering Department to carefully design the stepped foundation for the building to have less than 50 cubic yards of soil movement and no cuts deeper than 3-feet to avoid the requirement for a grading permit.

CD1.1 Location of New Development. *To the extent possible, concentrate new development 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 area and Rheem Park area.*
- c) *Infill parcels in areas of existing development.*

Project consistency with CD1.1: Though the project site has slopes exceeding 25% the architect for the new residence has attempted to reduce the height of the building on the hillside by stepping it down the slope. The slope and vertical curves required for the driveway bridge determine the elevation of the garage floor level, which must be fairly close to the elevation of Donald Drive. The double driveway bridges allowed the building to be located further down the hillside, where the slope is not quite as steep.

CD1.2 Site Planning, Building Design and Landscaping. *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.*

Project consistency with CD1.2: The project would be recessed into the hillside with rooflines conforming to the terrain. The topography of the hillside beyond the footprint of the building is not being altered. The scenic qualities of the site will not be significantly impacted because the building has a low visual profile on the down slope site as viewed from the lower part of Donald Drive. If development is permitted, the mitigation measures in Section I (Aesthetics) will need to be implemented to reduce the visual impact and help screen the building from the existing duplex at 2092-2094 Donald Drive.

CD1.4 Canyon and Valley Areas. *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.*

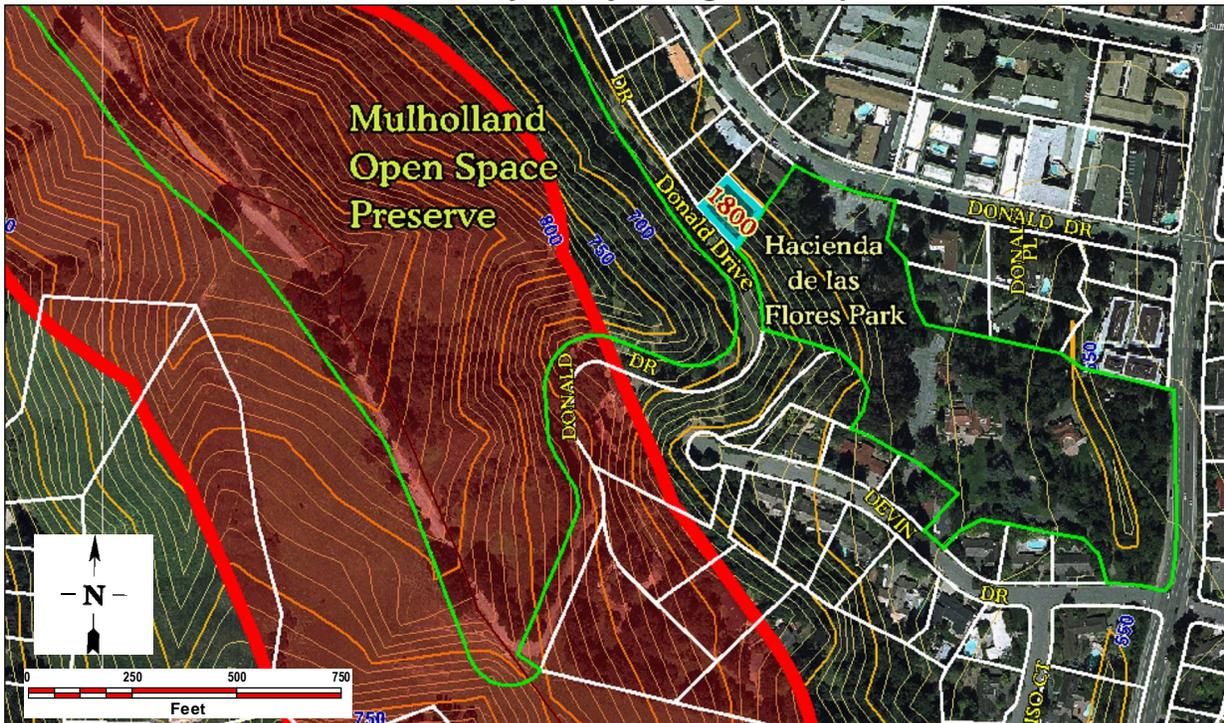
Project consistency with CD1.4: There are other existing homes located on the eastern end of Mulholland Ridge with access from Donald Drive. Some of these

homes are located at a higher elevation than the proposed residence. If the mitigation measures recommended under Section I (Aesthetics) are implemented, then the visual impact of the project would not be significantly greater than the other residential structures on this hillside.

CD1.5 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 of 20% or more, require 'natural contour' grading to minimize soil displacement and use of retainer 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.*

Project consistency with CD1.5: The project site is not located on a ridgeline. The lot is not located within the 500-foot development exclusion area from Mulholland Ridge, which is shown with a heavy red line on the map below. The elevation of the lot at the top of the slope adjacent to Donald Drive is 650-feet, which is about the same elevation as the existing homes at the west end of Devin Drive. The existing homes located at 1750 and 1762 Donald Drive, further up the road from the project site, are at an elevation above the 700-foot elevation and are within 500-feet of the major ridgeline. These existing homes are legally non-conforming to the Town's Ridgeline Protection Ordinance because they were constructed prior to the adoption of the Town's General Plan and Zoning Ordinance. Most of the existing slope contours beyond the footprint of the building would remain unchanged. The mitigation measures previously listed under Section I (Aesthetics) and Section IV (Biological Resources) would require additional landscaping to retain a measure of privacy between the new residence and the duplex at 2092-2094 Donald Drive.

Red Line delineates boundary of Major Ridge Development Exclusion Area



c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan? **NI**

The project site is not listed as an area of natural significance under paragraph OS2.4 in the Moraga 2002 General Plan. The project does not conflict with any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan because none of these plans currently exist for the Town of Moraga. As previously stated in Section IV (Biological Resources), the location of the project site on a wooded northeast facing slope is not good habitat for Alameda Whip Snakes and the site does not include any wetland areas that would serve as suitable habitat for Red-legged Frogs. Nevertheless, in order to reduce any potential impacts to habitat conservation or natural community conservation, the mitigation measures listed in Section IV as **Biological Resources MM 1** and **MM 2**, should be implemented.

X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion of Impacts to Mineral Resources:

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **NI**

There are no known mineral resources on or below the project site. Additionally, the development of the new residence would not prevent subterranean mining shafts from exploring mineral resources deep underground below; therefore, the project would not result in the loss of a mineral resource, should one be identified on the property.

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **NI**

The property is not a locally important mineral resource recovery site and no mineral resource recovery sites are delineated in the General Plan, or any other specific plan or land use plan.

XI. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion of Noise Impacts:

a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **LTSWMI**

There are no acoustic standards established in the Moraga 2002 General Plan, but policy OS6.1 within the Open Space and Conservation Element requires that acoustic standards be developed and implemented in the Zoning and Subdivision Ordinances and in the Building and Grading Codes. General Plan policy OS6.5 requires submittal of acoustical data, when and where appropriate, so that noise impacts can be properly evaluated and mitigated. No excessive noise levels are anticipated to be generated by the project after its construction phase. Temporary noise impacts from construction and grading activities are discussed under item XI. (d), below. The following mitigation measure is recommended as a condition of approval to ensure that post-project significant noise impacts will be reduced to a less than significant level.

Mitigation Measure:

NOISE MM 1 - The applicant shall show all equipment that has the potential to create noise on the plans that will be reviewed by the Design Review Board. The equipment shall not produce noise in excess of 65 dBA as measured at all property lines.

b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **LTSI**

During the excavation of the foundation and drilling of pier holes on the site there may be some groundborne vibration, but this will be a temporary condition. After completion of the new residence there would be no generation of any groundborne vibrations.

c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **LTSWMI**

See discussion under item XI. (a).

Mitigation Measure:

See Mitigation Measure under item XI. (a).

d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **LTSWMI**

The use of construction equipment during the construction phase of the project could result in a temporary increase in ambient noise levels. The following mitigation measures are recommended as a condition of approval to ensure that there will be a less than significant impact on noise levels in the vicinity of the project.

Mitigation Measures:

NOISE MM 2 - Construction and grading operations for the project shall take place only between the hours of 8:00 AM and 5:00 PM on weekdays. The Public Works Director may permit grading work during a weekend if the grading is deemed necessary by the project soil engineer due to a potentially hazardous and unforeseen condition that requires immediate attention.

NOISE MM 3 - All construction equipment operated at the project site shall be equipped with manufacturer's standard noise control devices (i.e., mufflers, intake silencers, and/or engine enclosures). Newer equipment shall be used whenever possible.

NOISE MM 4 - Grading equipment and trucks used for project construction shall utilize the best available noise control techniques to maintain noise levels within the Federal Government established noise control requirements shown in the table below:

RECOMMENDED NOISE LIMITS FOR CONSTRUCTION EQUIPMENT

Equipment Type	Leq at 50 Ft., dBA	Equipment Type	Leq at 50 Ft., dBA
Air Compressor	75	Loader	75
Backhoe	75	Pneumatic Tool	80
Concrete Mixer	75	Pump	75
Dozer	75	Scraper	80
Generator	75	Shovel	75
Grader	75	Truck	75
Jack Hammer	75		

NOISE MM 5 - Noisy operations shall be avoided whenever possible. For example, concrete shall be mixed off site instead of on site, and the quietest construction equipment shall be selected for use on site.

NOISE MM 6 - Stationary noise generating equipment, such as air compressors and concrete pumpers, shall be located as far away from the public as possible. If they must be used near existing homes, they shall be adequately muffled, and enclosed within temporary sheds.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **NI**

The project is not located within an airport land use plan or within two miles of a public airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **NI**

The project site is not within the vicinity of a private airstrip.

XII. POPULATION AND HOUSING – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion of Population and Housing Impacts:

a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? **NI**

The project would not induce substantial population growth in Moraga. The new driveway for the residence will not serve as a road extension or access to other properties for future development and the proposed density of the project is consistent with the allowable density for the project’s zoning district.

b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **NI**

The project does not involve the demolition of any existing housing and would not displace any housing.

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **NI**

The project will not displace any people or require the construction of replacement housing.

XIII. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection?		X		
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?				X

Discussion of Impacts to Public Services:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection? **LTSWMI**

The project would have a less than significant impact on the maintenance of acceptable service ratios and response times for the Moraga-Orinda Fire District. The following mitigation measures are recommended as conditions of approval for the project in order to reduce the project's impact on fire protection services to a less than significant level.

Mitigation Measures:

PUBLIC SERVICES MM 1 / HAZARDS AND HAZARDOUS MATERIALS MM 3 – The project shall comply with the following requirements:

- i The landscaping plan for the project shall be submitted to the Fire District for review and approval.
- i Vegetation shall be maintained in a fire safe manner, meaning that a defensible space shall be provided around the structure. This defensible space shall employ the use of fire resistive plants and control of seasonal growth.
- i Addressing for the property shall be visible at all times and be visible from the main roadway serving the structure. Lettering and/or numbering is suggested to be no smaller than 4 inches in height.
- i A spark arrestor shall be installed on all fireplace chimneys.
- i Since the new home would be located on a densely wooded hillside area, the Fire District may require a fire suppression sprinkler system within the home. The plans for the home are subject to review and approval by the MOFD.

PUBLIC SERVICES MM 2 / HAZARDS AND HAZARDOUS MATERIALS MM 4 – The project landscaping plans shall comply with the Town of Moraga Design Guidelines for fire safe landscaping.

b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection? **LTSI**

The project would not require any significant change to the level of service by the Moraga Police Department. The Police Department is prepared to respond promptly to calls to the project site, since the police station is located approximately 1 mile from the project.

c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools? **LTSI**

The closest elementary school is the Donald Rheem School on Laird Drive, which is located approximately 1,458-feet northwest from the project site. The closest high school is Campolindo High, which is approximately 1.5 miles north from the project site. Based on an average of 3.7 people per household for the single family home, the project could conceivably add 2 new students to the Moraga School District and Acalanes Union High School District. This would be considered a less than significant impact on school enrollment or attendance, given that the project density is consistent with the allowed density allowed in the zoning district. The second unit could be a rental for a St. Mary's College student.

d) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks? **LTSI**

The project would not have any substantial adverse impact to the existing public parks or construction of any new parks. None of the parks would require expansion of the existing facilities to accommodate the increased usage generated from the proposed residence and second unit. However, the project is located on the access road to the Mulholland Open Space Preserve. There is no parking lot for the trailhead at the southwest end of Donald Drive and visitors park their cars along Donald Drive. The new residence is located approximately 1000-feet down the road from the gate at the Mulholland Open Space Preserve. The project is not expected to have any impact the available parking for the use of the trailhead, but at the public hearings for a previous development project on this property, existing residents living further up Donald Drive expressed concern for guests parking along Donald Drive at the curve of the road. This concern is discussed further in the traffic section of this initial study.

e) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities? **NI**

The proposed project would have no anticipated impacts on any other public facilities.

XIV. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X	

Discussion of Recreation Impacts:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **LTSI**

The project would not substantially increase the use of existing neighborhood and regional parks or cause substantial physical deterioration of any recreational facilities. In accordance with Section 8.140.060 of the Zoning Ordinance, the applicant shall pay a fee in lieu of parkland dedication prior to release of the building permit.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? **LTSI**

The project does not include any recreational facilities, nor does it require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. The ability to provide recreational facilities on-site is limited by site slopes and stability and by Moraga General Plan policies LU1.8 Slope Restrictions and PS4.10 Grading.

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Would the project result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion of Transportation and Traffic Impacts:

a) Would the project cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

LTSI

The peak hour trip generation has been estimated based on research compiled by the Institute of Transportation Engineers' (ITE) Trip Generation, 5th Edition, 1991. The ITE provides trip generation data for single family detached homes and for apartments. The average trip generation rate for a single family home on a weekday is 9.55 trips per dwelling unit. The average trip generation rate for an apartment unit on a weekday is 6.47 trips per dwelling unit. The total trip generation rate for the project is estimated at 16 trips per day. The primary arterial street providing access to Donald Drive is Moraga Road. The average daily traffic volume (ADT) on Moraga Road will increase from 15,500 in 1995 to 19,000 in 2010, according to the cumulative traffic forecasts on page 58 of the Initial Study for the Moraga Road/Ascot Drive Apartment project (Luxor Apartments). Therefore, the ADT on Moraga Road in 2011 is estimated at over 19,000 trips per day based on the traffic projection above. Assuming that the 16 vehicle trips generated by the project will add to the traffic on Moraga Road, there would be a 0.088% increase in traffic on Moraga Road due to the project.

Figure 11 on page 51 of Reference #6 shows a total pm peak traffic volume on Donald Drive of 93 vehicles per hour. The pm peak hour trip generation is 1.01 for the single family home and 0.69 for the apartment, for a total of 1.7 trips for the project. This would be a projected 1.83% increase in traffic on Donald Drive. This would not change the level of service (LOS) for the signalized intersection at Donald Drive and Moraga Road and is considered a less than significant increase in the traffic volume.

b) Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

LTSI

Traffic on Donald Drive can often back up at the Moraga Road traffic signal when parents are driving their children to the Donald Rheem Elementary School in the morning or picking them up in the afternoon between 2:30 and 3:00 pm. Traffic service standards, established by the Contra Costa Transportation Authority (CCTA) and adopted by the Town, designate Moraga Road as an

“Urban Road” with a Level of Service (LOS) operating standard of LOS “D” for a signal controlled intersection and a volume/capacity ratio not exceeding the 0.85-0.89 range. The General Plan Background Report dated August 2000 shows that the intersection of Rheem Boulevard and Moraga Road has a level of service (LOS) “B”, which corresponds to operations with low delay and good progression of traffic through the intersection. The average stopped delay at the intersection is 14.5 seconds per vehicle. The LOS for the intersection of Donald Drive and Moraga Road was not calculated for the General Plan Background Report or in the Town of Moraga Available Roadway Capacity Study prepared by Robert I Harrison and dated May 1998. Nevertheless, the traffic volumes at the intersection of Donald Drive and Moraga Road, including the estimated 1.7 additional vehicle trips per hour for the proposed project, are less than the traffic volumes at the intersection of Rheem Boulevard and Moraga Road, which has a LOS “B”. Therefore, it is safe to assume that the LOS for the intersection of Donald Drive and Moraga Road would not exceed the LOS “D” minimum standard.

c) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? **NI**

The project would have no impact on air traffic patterns or air traffic levels.

d) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? **LTSI**

The project will not pose any hazards due to design features or incompatible uses when completed, but construction equipment will probably be required to use the side of Donald Drive as a staging area in order to drill pier holes and pour concrete during the construction phase. The double driveway design was conceived to allow the cars parked in the on-site garages to exit the site in a forward direction so they do not have to back out onto Donald Drive. There is a curve in Donald Drive that restricts visibility, but the volume of traffic on this section of Donald Drive is very low.

e) Would the project result in inadequate emergency access? **LTSI**

Police and fire access to the site would be provided directly off of Donald Drive and as such the project would not result in inadequate emergency access.

f) Would the project result in inadequate parking capacity? **LTSI**

The Moraga Municipal Code Chapter 8.76 addresses the parking requirements and parking design standards for the project. A single-family residence is required to provide two covered off-street parking spaces and a second unit is required to have one covered off-street parking space. The project includes a 2-car garage for the primary unit and a single garage for the secondary unit with a double driveway to allow ingress and egress alternatively for each garage. The parking for guests could be along the side of Donald Drive, but some trimming of trees and shrubs along the sides of the road would help improve the clearance for passing cars.

g) Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? **NI**

The project would not conflict with any adopted policies for alternative transportation. Transit service in the project area is provided by County Connection, which has a bus stop on Moraga Road near the intersection with Devin Drive. This bus stop is approximately 1 mile from the project site. County Connection provides service between the Lafayette BART station and the Orinda BART station, with some scheduled trips to St. Mary’s College and up Camino Pablo to Sanders Ranch Road.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		X		
g) Comply with federal, state, and local statutes and regulations related to solid waste?		X		

Discussion of Impacts to Utilities and Service Systems:

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **LTSI**

The project will be served by the Central Contra Costa Sanitary District (CCCSD). The requirements of the CCCSD will need to be met for the type of plumbing fixtures in the home to achieve water conservation standards and to reduce the amount of wastewater as far as possible. The project would not exceed any wastewater treatment requirements from the Regional Water Quality Control Board.

b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **LTSI**

The project would not exceed the current total development capacity shown on the Moraga 2002 General Plan. Assuming that the Central Contra Costa Sanitary District has sized their treatment

facilities based upon the maximum number of housing units in each jurisdiction, then the additional home and second unit would not require construction of new water or wastewater treatment facilities. Likewise, if the East Bay Municipal Utility District has provided adequate storage capacity for the potential development capacity of the Town, then the project should have no impact on the amount of storage of water available in Moraga or require the construction of any new water storage tanks for potable water.

c) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **LTSI**

The project may require the construction of a new detention basin on site to prevent an increase in peak runoff in post-project conditions as discussed previously under item VIII. (d). Depending upon the Town Engineer's review of the drainage plan for the project and the adequacy of downstream facilities, there may be some repair or reconstruction of existing drainage facilities. However, it is unlikely that the project will require any major construction of new storm drainage facilities off site that would cause significant environmental effects.

d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **LTSI**

Potable water supplies for the project will come from the East Bay Municipal Utility District (EBMUD). EBMUD has two reservoir tanks at the top of Mulholland Ridge that are approximately 4,550-feet from the project site. A third reservoir tank is located on the ridge over Warfield Drive approximately 2,750-feet from the project site. It is not known whether an EBMUD water main is located in Donald Drive at the frontage of the property. The applicant will also need to determine from the Moraga-Orinda Fire District whether there are any requirements for fire hydrants on the property.

e) Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? **LTSI**

The project would not require any significant increase in demand for wastewater treatment; but a determination by the Central Contra Costa Sanitary District (CCCSD) is still required. The applicant's fees to the CCCSD for connection to the sewer may include a facilities surcharge for the cumulative impact as a result of the new home and second unit.

f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **LTSWMI**

The additional amount of solid waste from the project would have a cumulative impact to the capacity of the landfills in Contra Costa County. Consequently, the following mitigation measure is recommended as condition of approval to reduce the impact of the project upon landfill capacity to a less than significant level.

Mitigation Measure:

UTILITIES AND SERVICE SYSTEMS MM 1 – Efforts should be made to recycle household waste and reduce the amount of material taken to the landfill. Additionally, cuttings from pruning shrubs and mowing grass shall be mulched and used for compost whenever possible on site.

g) Would the project comply with federal, state, and local statutes and regulations related to solid waste? **LTSWMI**

In order to implement the directives from State Assembly Bill 939 (AB 939) and the Central Contra Costa County Solid Waste Authority (CCCSWA), the Town of Moraga must reduce the amount of material that goes to the landfill by 50% from the amount of material taken to the landfill in the base year of 1990. The reduction in the amount of material includes waste from demolition and construction activities. The following mitigation measure is recommended as a condition of approval so that the project will comply with federal, state, and local statutes and regulations related to solid waste.

Mitigation Measure:

UTILITIES AND SERVICE SYSTEMS MM 2 – Construction and waste materials shall be recycled to the greatest extent possible. Any existing concrete or asphalt paving that will be removed for the project shall be recycled to comply with AB 939. This material is generally 100% recyclable.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Discussion of Mandatory Findings of Significance:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or

restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? **LTSWMI**

The project is not anticipated to have any significant adverse impacts to the habitat of a fish or wildlife species or cause a fish or wildlife population to drop below self-sustaining levels. **Aesthetics MM 1 through MM 3** on pages 7, 8, and 14 and **Biological Resources MM 1 through MM 3** on page 7 and pages 12 through 14 will reduce the impacts of the project to the existing plants and animals located on the property and prevent any impact to a rare or endangered plant or animal. **Cultural Resources MM 1** on pages 15 and 16 will ensure that the project has no significant impact on the loss of artifacts or remains from California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? **LTSWMI**

The cumulative impacts of the project are not significant since the density of the proposed development is within the existing development capacity projected in the General Plan. Therefore, the cumulative impacts were addressed in the EIR for the Moraga 2002 General Plan revisions. The only cumulative impact identified in this initial study was the impact on landfill capacity, which has been adequately mitigated by **Utilities and Service Systems MM1 and MM 2** on page 43.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? **LTSI**

To ensure that the project will not have any substantial adverse effects on human beings, either directly or indirectly the mitigation measures listed under the Air Quality, Geology, Hazards, Hydrology, Land Use, Noise, Public Service and Transportation sections of this Initial Study will reduce any adverse effects of the project to a less than significant level. These mitigation measures include: **Air Quality MM 1** on pages 10 and 11; **Geology and Soils MM 1 through MM 5** on pages 17 through 19; **Hazards and Hazardous Materials MM 1 through MM 4** on pages 21, 22, 36, and 37; **Hydrology and Water Quality MM 1 through MM 13** on pages 23 through 26; **Noise MM 1 through MM 6** on pages 33 through 35; and, **Public Service MM 1 and MM 2** on pages 22, 36, and 37.

VIII. SUPPORTING INFORMATION SOURCES AND EARLIER ANALYSES:

The following documents were consulted in preparation of this initial study. Earlier analyses may be used where one or more effects have been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). All of the below listed documents are available at the Moraga Planning Department, 329 Rheem Boulevard, Moraga, CA 94556.

1. MORAGA 2002 GENERAL PLAN (Adopted by the Moraga Town Council on June 4, 2002)
2. ZONING ORDINANCE FOR TOWN OF MORAGA (MMC Chapter 7.12 (Noise Control), Title 8 (Planning and Zoning), Chapter 12.10 (Preservation, Maintenance and Removal of Trees))
3. GENERAL PLAN BACKGROUND REPORT for Moraga 2000 General Plan Update, August 2000 and prepared by Parsons Harland Bartholomew Associates, with traffic analysis prepared by Fehr and Peers Associates, Inc.

4. GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT for Moraga 2000 General Plan Update, August 2000 and prepared by Parsons Harland Bartholomew Associates, with traffic analysis prepared by Fehr and Peers Associates, Inc.
5. FLOOD INSURANCE STUDY prepared by the Federal Emergency Management Agency (FEMA) dated November 19, 1980 and New Flood Insurance Rate Map (FIRM) dated June 16, 2009.
6. BAAQMD (Bay Area Air Quality Management District) CEQA Guidelines. Assessing the Air Quality Impacts of Projects and Plans, Revised December 1999.
7. INSTITUTE OF TRANSPORTATION ENGINEERS dated 1991 – Trip Generation (5th edition).
8. GEOTECHNICAL INVESTIGATION – NEW RESIDENTIAL DEVELOPMENT – DONALD DRIVE, MORAGA, CALIFORNIA dated June 21, 2011 as prepared by Friar Associates, Incorporated.
9. GEOLOGIC AND GEOTECHNICAL PEER REVIEW dated August 22, 2011 and prepared by Mitchell Wolfe P.G. C.E.G. and Mark Myers P.E. G.E., Cal Engineering and Geology.
10. Town of Moraga Available Roadway Capacity Study prepared by Robert I Harrison and dated May 1998.
11. REVISED ENVIRONMENTAL INITIAL STUDY for the Town of Moraga for 1800 Donald Drive dated March 14, 2007 prepared by Richard Chamberlain.

ATTACHMENT E

BIOTIC SURVEY

Biotic Survey And Cultural Resource Overview For 1800 Donald Drive, Moraga, Ca 94556

Introduction

A biotic survey and cultural resource inventory for 1800 Donald Drive, Moraga, California was completed from December 12 - 29, 2011 to address the mitigation measures outlined in the Biological Resources MM 1 and MM2 sections as well as the Cultural Resources MM 1 section.

The biotic community at the proposed development site (1800 Donald Drive, Moraga, Ca) consists of a mixed evergreen woodland. The tree canopy is comprised of Monterey Pine, California Bay, Coast Live Oak, Blue Elderberry and some introduced ornamentals. The understory is dominated by Himalayan Blackberry, California Blackberry, Poison Oak, Bracken Fern and Goldback Fern. Common wildlife observed and expected to be present are the California Slender Salamander, Ring-necked Snake, Steller's Jay, Western Scrub Jay, California Towhee, Spotted Towhee, Bewick's Wren, Northern Flicker, Eastern Fox Squirrel, Common Opossum, Raccoon, Deer Mouse and Coyote.

Biological Resources MM 1

A search of California Department of Fish and Game's Natural Diversity Database for endangered, threatened or rare wildlife and plant species that may potentially occur in the area was conducted. The United States Geological Survey's East Oakland and Las Trampas Ridge Quadrangles were reviewed in the Rare Find program for potential plant and animal species as well as critical habitat. No endangered, threatened or rare wildlife and plant species were listed as occurring on or immediately adjacent to the site.

White-tailed Kites (Elanus leucurus) were not observed to be nesting on or adjacent to the property during the inventory. Lynda Deschambault was contacted and her concerns for nesting kites comes from an immature individual which was rescued nearby and taken to Lindsay Wildlife Hospital for rehabilitation.

No significant wildlife corridors are present on the project site.

Biological Resources MM 2

The site and properties adjacent to the site were surveyed for nesting or breeding raptors, neotropical migratory birds and protected bird species. No nesting or breeding raptors or other birds were observed. Typically, the most sensitive times of year for breeding and nesting are between February 1 and August 31. Although, some species may potentially nest as early as December or January. The Great Horned Owl (Bubo virginianus) and Anna's Hummingbird (Calyte anna) have been known to nest early in the season. Most passerine or songbirds don't start nesting until February or March at the earliest.

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MORAGA PLANNING DEPT.

The Breeding Bird Atlas Of Contra Costa County by Steven Glover was referenced for raptors that are known to nest or may potentially nest in the Universal Transverse Mercator 5 kilometer by 5 kilometer grid (UTM) for the site and Moraga. Ten raptors are known to nest or may potentially nest in the UTM grid for the site as listed below.

White-tailed Kite (<u>Elanus leucurus</u>)	confirmed nesting
Cooper's Hawk (<u>Accipiter cooperii</u>)	probable nesting
Sharp-shinned Hawk (<u>Accipiter striatus</u>)	possible nesting
Red-shouldered Hawk (<u>Buteo lineatus</u>)	confirmed nesting
Red-tailed Hawk (<u>Buteo jamaicensis</u>)	confirmed nesting
American Kestrel (<u>Falco sparverius</u>)	confirmed nesting
Barn Owl (<u>Tyto alba</u>)	confirmed nesting
Western Screech Owl (<u>Megascops kennicottii</u>)	confirmed nesting
Great Horned Owl (<u>Bubo virginianus</u>)	confirmed nesting
Northern Saw-Whet Owl (<u>Aegolius acadicus</u>)	confirmed nesting

Nesting habitat for raptors is excellent in the mixed evergreen and oak woodlands on the Mulholland Ridge Open Space Preserve and along the riparian corridors throughout Rheem Valley.

Cultural Resources MM 1

The project site is in the territory of the Saclan tribelet of the Ohlone Indians. A search at the Northwest Information Center at Sonoma State University for known and potential prehistoric archaeological sites near the project site suggests the potential for prehistoric archaeological site occurrence is extremely low. A review of the site reports for the two most significant known Saclan archaeological sites, CA-CCO-235 and CA-CCO-309 and other sites in the vicinity confirms these findings.

Respectfully submitted,

James M. Hale Wildlife Biologist
Ecological Consultant
Ethnobiologist

www.dochale.com
925-939-4304
dochale@comcast.net

ATTACHMENT F

ARBORIST'S REPORT AND TREE INVENTORY MAP



January 5, 2012

James Phillip Wright
James Phillip Wright Architects
3411 Echo Springs Road
Lafayette, CA 94549

Dear James,

Per your request , the attached arborist report addresses the City of Moraga's tree protection ordinance with regards to the proposed development of a residential home at 1800 Donald Drive. Please feel free to contact me if you have any questions or concerns.

Respectfully,

John C Traverso
ISA Board Certified Master Arborist #0206-B
PNW Certified Tree Risk Assessor #994



**Tree Preservation Report
1800 Donald Drive
Moraga, CA**

January 5, 2012



Prepared for:

James Phillip Wright Architects

By

**John C Traverso
ISA Board Certified Master Arborist #0206-B**

Phone: 925-930-7901

TRAVERSO TREE SERVICE

Fax: 925-930-0205

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 Tree Inventory Map

Introduction

The applicant proposes to build a residential home on this steep northeast facing slope on the downhill side of Donald drive. The site, as well as all the bordering properties, are heavily wooded consisting predominantly of oaks, bays, black walnuts, and Monterey pines.

Due to the steepness of the slope, the city's ordinance will require a development plan void of grading. The driveway will be elevated on piers, with the home being developed on a pier and grade beam foundation. With care this type of development should allow for the preservation of more trees than typical grading encroachments would necessitate.

Assignment

The following report shall inventory and discuss all "trees" as indicated by the city of Moraga ordinance. The report shall include the following.

- Tag all trees 5" in diameter and larger.
- Note all trees indigenous to Moraga, such as Oak, Bay, Redwood, Toyon, and Knobcone Pine.
- Discuss the condition of the trees and whether or not the proposed impacts may impact their health or structure.
- Based on tree conditions and proposed improvements, make recommendations for tree preservation, or removal if necessary.

Summary

I inventoried 31 trees, 29 of which were within the property lines, and 2 that hang over from adjacent properties. I have recommended 16 of those trees (all onsite trees) be removed due to the proposed construction, and or, due to their current condition.

Of the 15 remaining trees, 6 will have their driplines encroached by the proposed driveway construction, and will require specific tree protection measures to avoid construction impacts. The remaining trees are well clear of construction.

Assumptions & Limitations

This report contains my personal observations and opinions based on my site visit on December 23, 2011, the proposed site plans provided by James Phillip Wright dated February 7, 2011, and the Topographic survey by Vegvary & Vegvary dated April 11, 2002. It was assumed that the tree survey and proposed improvements were accurate enough to provide the enclosed tree protection measure.

The health and structure of the trees were assessed visually from ground level. No drilling, root excavation, or aerial inspections were performed. Internal or non-detectable defects may exist, and could lead to part or whole tree failures. Due the dynamic nature of trees and their environment, it is not possible for arborists to guarantee that trees will not fail in the future.

Tree Inventory & Assessment

Table #1: Health & Structure Rating

Poor Condition: Stunted or declining canopy, poor foliar color, possible disease or insect issues. Severe structural defects that may or may not be correctable. Usually not a reliable specimen for preservation.

Fair Condition: Fair to moderate vigor. Minor structural defects that can be correctable. More susceptible to construction impacts than a tree in good condition.

Good Condition: Good vigor, and color, with no obvious problems or defects. Generally more resilient to impacts.

DBH = Trunk diameter based on circumference measured at 4.5' above grade.

Note: Trees were tagged with the #'s 404 - 433

Tag #	Species	DBH	Health	Structure	Canopy Radius				Comments Indigenous = Native to Moraga
					N	E	S	W	
404	Coast Live Oak <i>'Quercus agrifolia'</i>	18", 18", 13", 5"	Good	Fair	30'	30'	30'	15'	To be saved - Indigenous Co-dominant near the base, recommend cabling to support weak attachment. The elevated driveway will be within 18" of the trunk. Large piers will be installed within the dripline, however, no grading other than the driveway abutment at the edge of Donald Drive. Crown cleaning and end-weight reduction pruning, performed by ISA Certified Arborists, is recommended.
405	Coast Live Oak	20"	Good	Fair		28' SE			To be saved - Indigenous One-sided under-story tree with a 5 degree lean to the east. Will also be within 18" of the new driveway, with large piers within the dripline.
406	Black Walnut <i>'Juglans c. hindsii'</i>	14"	Fair	Fair	20'	20'	20'	20'	To be saved. Approximately 2' from proposed suspended driveway (need to confirm). Grading and compaction of soil must be avoided under dripline. Sensitive species.
407	Box Elder <i>'Acer negundo'</i>	Fallen tree that's mostly dead						To be removed.	
408	Black Walnut	10"	Fair	Fair	20'	20'	20'	20'	To be saved. Located 13' from suspended driveway and 3' from the street. Sensitive species.

Tag #	Species	DBH	Health	Structure	Canopy Radius				Comments Indigenous = Native to Moraga
					N	E	S	W	
409	Black Walnut	9"	Good	Fair	15'	15'	15'	15'	To be removed. Up against proposed driveway.
410	Black Walnut	9", 11"	Poor	Poor	15'	15'	15'	15'	To be removed. In proposed driveway. Declining canopy and co-dominant leaders
411	Coast Live Oak	18"	Good	Good	15'	10'	10'	15'	To be removed - Indigenous In proposed driveway.
412	Coast Live Oak	10"	Fair	Poor				25'	To be removed - Indigenous Tree leans 45 degrees over the street and proposed driveway entrance. Would block access.
413	Coast Live Oak	8"	Poor	Fair	15'				To be saved - Indigenous Stunted under-story tree, growing out from under tree #414.
414	Coast Live Oak	29"	Good	Fair	30'	30'	30'	30'	To be saved - Indigenous Neighbors tree: 6' from the fence post/ corner of the property, and about 20' from driveway abutment. Minor encroachment within dripline. Structure consists of co-dominant stems
415	California Bay ' <i>Umbellularia californica</i> '	6", 7"	Good	Good	10'	10'	10'	10'	To be saved - Indigenous Well clear of construction.
416	Plum ' <i>Prunus sp.</i> '	9"	Poor	Poor	15'NE				Could be saved, but recommend removing. Old declining tree

Tag #	Species	DBH	Health	Structure	Canopy Radius				Comments Indigenous = Native to Moraga
					N	E	S	W	
417	Monterey Pine ' <i>Pinus radiata</i> '	42"	Poor	Fair	35'	35'	35'	35'	To be removed. Over-mature tree, not likely to survive 5 more years. Located 9' from proposed pier and grade beam foundation. Removal of this tree after the home is built would be considerably more difficult.
418	California Bay	11", 9"	Good	Good	15'	15'	15'	15'	To be saved - Indigenous Well clear of construction.
419	California Bay	7"	Good	Good	7'	7'	7'	7'	To be saved - Indigenous Well clear of construction.
419b	Monterey Pine	Failed tree laying on ground. Dead						To be removed for fire abatement. Located 30' to the north of tree #418-419	
420	Black Walnut	16"	Fair	Fair	10'	25'	15'	10'	To be removed. Within proposed home.
421	California Bay	11"	Good	Good	20'NE				To be removed - Indigenous Within proposed driveway. Tree leans 5 degrees to the northeast
422	California Bay	10"	Good	Good		35'			To be removed - Indigenous Within proposed driveway. Tree leans 45 degrees to the east
423	Black Walnut	10"	Fair	Fair	10'	10'	10'	10'	To be removed. Within proposed driveway.

Tag #	Species	DBH	Health	Structure	Canopy Radius				Comments Indigenous = Native to Moraga
					N	E	S	W	
424	California Bay	13"	Good	Fair	30'NE				To be removed - Indigenous Within proposed home. Tree leans 30 degrees to the northeast
425	Monterey Pine	46"	Fair	Fair	20'			35'	Can be saved. Consider removal due to limited access after home is built. Well clear of construction. Mature Pine with about 10 years of life expectancy left.
426	Coast Live Oak	13"	Good	Good	12'	12'	12'	12'	To be saved - Indigenous Well clear of construction.
427	Coast Live Oak	9"	Good	Good	10'NE				To be saved - Indigenous Well clear of construction.
428	Coast Live Oak	9"	Fair	Fair			10' SE		To be saved - Indigenous Well clear of construction.
429	California Bay	13", 10"	Good	Good	30'NE				To be saved - Indigenous Well clear of construction. Tee leans 5 degrees to the northeast
430	California Bay	7", 8"	Good	Good	10'	6'	6'	6'	To be saved - Indigenous Well clear of construction.
431	California Bay	13"	Good	Good	10'	10'	10'	10'	To be saved - Indigenous Well clear of construction.
432	Black Walnut	8"	Fair	Fair	8'	8'	8'	8'	To be removed. Within proposed home.

Tag #	Species	DBH	Health	Structure	Canopy Radius				Comments Indigenous = Native to Moraga
					N	E	S	W	
433	California Bay	9"	Good	Good	15'	15'	15'	15'	To be removed - Indigenous Within proposed home.

Trees That Must be Removed for Proposed Construction: #'s 407, 409-412, 420-424, 432 & 433.

Trees Recommended for Removal due to Age, Condition, and Current Access: #'s 416, 417, 419b, & 425.

Trees That Can be Saved With Protection Measures employed: #'s 404-406, 408, 413-415, 418, 419, & 426-431

Note: There are many smaller (<5") seedling oaks and bays outside of the construction zone that can be saved. I recommend working with an arborist to select and save as many as possible. They will be beneficial for erosion control, and additional screening.

Discussion

Trees #404 & #405

These two mature coast live oaks will be flanking the west entrance of the proposed driveway. The driveway will be very close to the trunks. The trees are located down slope approximately 2' below the existing grade of Donald drive and 4-5' from the edge of existing asphalt. Installing the floating driveway under the canopies will present its challenges, and require planing and installation under arborist supervision. To allow for future growth to maturity, the driveway will need a minimum of 18" of clearance from the base of the trees. Pruning of both trees will be needed for safety and clearance over the driveway. This work must be done under arborist supervision.

Trees #'s 406, 408, 413, & 414

In addition to trees 404 & 405, these trees will also have their driplines encroached by the elevated driveway. Due to the steepness of the slope, I recommend installing straw-bales around the base of each tree to prevent debris or soil from sloughing down against the base of the trees.

When drilling holes for driveway piers, and the home, the project arborist will need to be on site to insure the canopies are not damaged by the drilling equipment. The arborist may have to perform some pruning, but wherever possible branches should be tied back out of the way to limit the pruning.

Trees #'s 418, 419, & 426-431

These eight trees are all located below the proposed home, and can be protected by establishing a 4' chain link fence across the slope above the trees and outside their driplines. Fencing should be attached to metal stakes driven firmly into the ground and no further apart than 6' on center.

Trees #'s 417, 419b, & 425

Tree #419b is a dead fallen Monterey pine well below the home. Trees 417 & 419 are over-mature Monterey pines located to the right, and below the proposed home. Although these trees could be preserved through construction, they are very close to the end of their life span. It is my opinion they will not last much more than 5 years. Their location would make them a potential hazard to the new residence as they decline, and once the home is built, their removal would be considerably more difficult, which is why I have recommend their removal prior to construction.

Recommendations (To be Printed on Plans)

Design Phase

- In order to save trees 404 & 405, the bridge design will need to maintain a minimum of 18" from the base of both trees to allow for them to reach maturity in their growth expansion. On average the trunks will expand outward about 1/4" per year.

Trees Recommended for Preservation

- #'s 404-406, 408, 413-415, 418, 419, & 426-431
- Recommend having project arborist work with contractor to select and save all other small (<5") bay and oak seedlings possible, to assist in erosion control.

Trees That Will Need to be Removed

- #'s 407, 409-412, 420-424, 432 & 433

Additional Trees Recommended for Removal due to Their Condition

- #'s 416, 417, 419b, & 425

Pre-Construction

- Install temporary 4' chain-link fence across slope above and outside the driplines of trees 418, 419, and 426-431, to prevent debris, equipment, and other encroachments within their driplines.
- Install straw-bales around the base of trees 404, 405, 406, 408, 413, 414, & 415 to prevent debris from sloughing down against the base of their trunks.
- Have the project arborist pre-prune trees 404 & 405 to remove deadwood, and improve structure over future hardscape, and to provide clearance as needed. Note: all pruning shall be performed by ISA Certified Arborists or Certified Tree Workers under the project arborist's supervision. Pruning to follow ISA & ANSI *Pruning & Safety Standards* and *Best Management Practices*.

Pier Drilling & Construction Phase

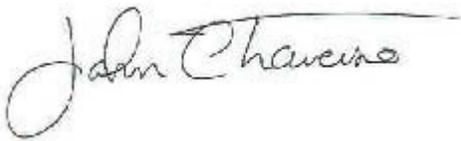
- Drilling contractor shall meet with project arborist and discuss clearance needs for drill rig. Arborist may need to temporarily tie back branches to minimize pruning. Additional pruning shall be avoided whenever possible.
- All excess soil shall be kept out from under the trees to be protected.
- Protection measures are to be kept in place for the duration of the project.
- All trenching for utilities, drainage, etc., shall be kept outside of tree driplines wherever possible. If trenching must occur within the dripline of a protected tree, the contractor shall contact the project arborist for consultation prior to the work.

Conclusion

It is my opinion that the trees selected for preservation, can be protected from construction impacts, as long as a good communication line is kept between the contractor and the project arborist, and the recommendations within this report are followed.

Please feel free to contact me with any questions or concerns.

Respectfully,

A handwritten signature in cursive script that reads "John C. Traverso". The signature is written in black ink and is positioned above the printed name and credentials.

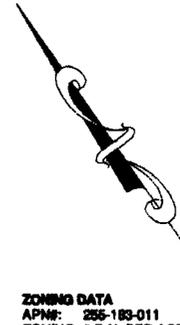
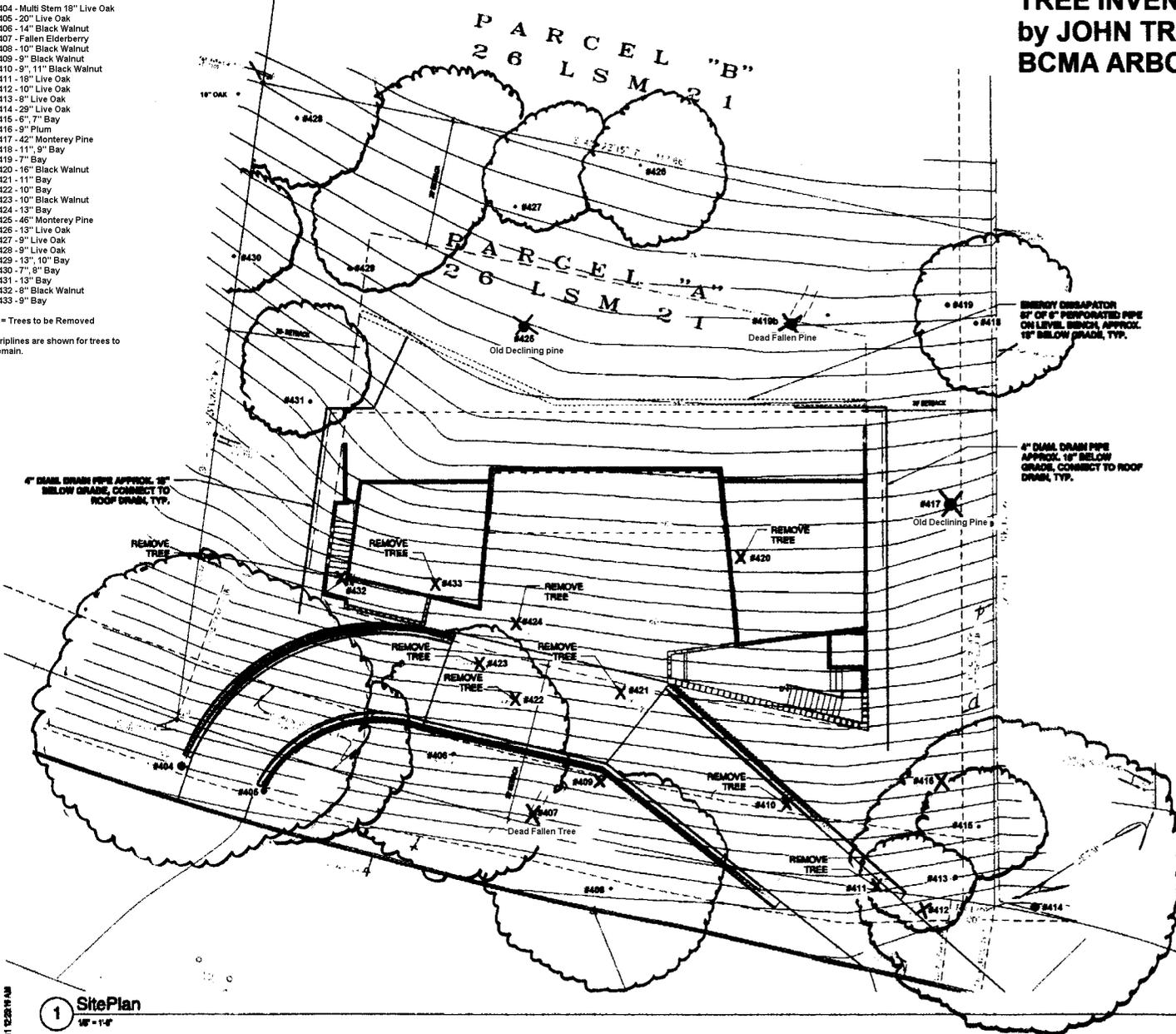
John C Traverso
ISA Board Certified Master Arborist #0206-B
PNW Certified Tree Risk Assessor #994

TREE INVENTORY

- #404 - Multi Stem 18" Live Oak
- #405 - 20" Live Oak
- #406 - 14" Black Walnut
- #407 - Fallen Elderberry
- #408 - 10" Black Walnut
- #409 - 9" Black Walnut
- #410 - 9", 11" Black Walnut
- #411 - 18" Live Oak
- #412 - 10" Live Oak
- #413 - 8" Live Oak
- #414 - 29" Live Oak
- #416 - 6", 7" Bay
- #416 - 9" Plum
- #417 - 42" Monterey Pine
- #418 - 11", 9" Bay
- #419 - 7" Bay
- #420 - 16" Black Walnut
- #421 - 11" Bay
- #422 - 10" Bay
- #423 - 10" Black Walnut
- #424 - 13" Bay
- #425 - 46" Monterey Pine
- #426 - 13" Live Oak
- #427 - 9" Live Oak
- #428 - 9" Live Oak
- #429 - 13", 10" Bay
- #430 - 7", 8" Bay
- #431 - 13" Bay
- #432 - 8" Black Walnut
- #433 - 9" Bay

X = Trees to be Removed
 Dripelines are shown for trees to remain.

TREE INVENTORY 12-27-11
 by JOHN TRAVERSO
 BCMA ARBORIST #0206-B



ZONING DATA
 APN#: 255-183-011
 ZONING: 8 D.U. PER ACRE
 SITE: 13,203 S.F.

PROPOSED AREAS
 UPPER LEVEL: 345.25 S.F.
 MIDDLE LEVEL: 2,847.5 S.F.
 LOWER LEVEL: 1,277.75 S.F.
 TOTAL LIVING AREA: 4,370.5 S.F.

GARAGE: 862 S.F.

CURRENT LOT COVERAGE: 0%

AREA OF STRUCTURE: 2923.25 S.F. OR 22%

FAR: 22%

- NOTES
1. THIS SITE PLAN IS NOT A SURVEY. THE TOPOGRAPHIC LINES ARE BASED ON A "BOUNDARY & TOPOGRAPHIC SURVEY" BY DONALD J. YEGVARY (LLS 7136), DATED 4/11/02
 2. ELEVATIONS ARE BASED ON ASSUMED DATUM FROM "BOUNDARY AND TOPOGRAPHIC SURVEY" BY DONALD J. YEGVARY (LLS 7136), DATED 4/11/02
 3. ALL FOUNDATION WALLS, RETAINING WALLS, DRAINAGE AND EARTHWORK WILL BE IN ACCORDANCE WITH THE GEOTECHNICAL INVESTIGATION DATED JANUARY 2005 BY FRIAR ASSOCIATES, INC.
 4. ELEVATION CHANGE ACROSS SITE: 88' VERTICAL CHANGE OVER 107' DISTANCE = 54%
 5. EXISTING CONTOURS ARE INDICATED AS SOLID LINES
 6. NEW LANDSCAPING WILL BE INTEGRATED INTO EXISTING WOODS AS REQUIRED FOR EROSION CONTROL AND A NATURAL APPEARANCE. DESIGN INTENT IS TO MAINTAIN SITE IN ITS NATURAL CONDITION TO GREATEST DEGREE POSSIBLE
 7. RETAINING WALL MATERIALS ARE CONCRETE

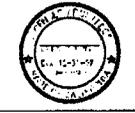


1 SitePlan
 1/8" = 1'-0"

NOT FOR CONSTRUCTION

UPPER LEVEL
 MIDDLE LEVEL
 LOWER LEVEL

NEW RESIDENCE
 1800 Donald Drive
 Menlo Park, CA



James Phillip Wright
 Architect
 Venice Atelier Architects
 648 Oxford Ave
 Venice, CA 90291
 tel. 310-305-4179

3411 Silver Springs Road
 Lafayette, CA 94509
 tel. 925-442-1111
 fax. 925-442-1000
 www.jpwright.com

DATE: 12/27/11
 SHEET: 1 OF 1
 PROJECT: 1800 DONALD DRIVE
 SHEET TITLE: SITE PLAN

A1.0

07 FEBRUARY 2011

ATTACHMENT G

**GEOTECHNICAL REPORTS FROM
FRIAR ASSOCIATES, INC. AND
PEER REVIEW REPORT FROM CAL
ENGINEERING & GEOLOGY, INC.**

Friar Associates, Incorporated . Engineers . Consultants
Soils . Foundations . Geology . Geotechnology

2656 Nicholson Street, San Leandro, CA 94577

Tel: (510) 351-3930 Fax: (510) 351-1020

June 21, 2011

Project 1412

Mr. Stephen R. Williams

DIABLO VIEW REALTORS/CRH GROUP

2641 Pleasant Hill Road

Pleasant Hill, CA 94523

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JUN 22 2011

Gentlemen:

Report Update
Geotechnical Investigation
Proposed Residential Development
1800 Donald Drive
Moraga, California

MORAGA PLANNING DEPT.

Introduction

As requested, we are pleased to submit this update for the geotechnical investigation conducted at the site for the proposed residential development. The site is located on the east side of Donald Drive, a short distance south of the intersection of Donald Drive with Laird Drive in Moraga, California. The near-rectangularly shaped parcel is currently undeveloped.

Planned Construction

The site is to be developed into a single family residence. The planned develop includes the construction of a single family residential building with other improvements including a driveway from Donald Drive. Based on conversation with the project architect, site grading will be minimal. We understand that no retaining walls are anticipated either as part of the proposed building or as part of site grading. We also understand that there will be little or no site grading to warrant the issue of a grading permit.

Background

We performed a site investigation for a proposed building and submitted a report dated January 25, 2005. Subsequent letters were also submitted to address concerns and issues raised by the geotechnical consultants for the town of Moraga. During the site investigation undocumented fill was encountered. The report and subsequent letters identified the depth and limits of the fill. Recommendations were provided to minimize the detrimental effect the fill could have on the planned development. A slope stability analysis was done under pseudo-static conditions on the site slopes and copies of the results were also submitted to the town at th town's request.

June 21, 2011
Project 1412

Site Reconnaissance

As part of this report update, we made a site reconnaissance visit on Tuesday, June 21, 2011, to compare the current conditions at the site to the conditions at the time of our original site investigation. We did not observe any sign of recent grading on the site during our site visit. Except for uncut weeds and brush, site conditions appear to be identical to those at the time of our original site investigation.

Seismic Considerations

This site is located within the seismically active San Francisco Bay region but outside any of the Alquist-Priolo Earthquake Fault Zones.

Type A and Type B faults close to the site are listed in the following table.

TABLE 1 - TYPES A AND B FAULTS CLOSE TO THE SITE *				
Fault	Type	Maximum Moment Magnitude	Slip Rate (mm/yr)	Distance (miles/km)
San Andreas (1906 Segment)	A	7.9	24	23.7/
Hayward (Total Length)	A	7.1	9	7.8/4.8
Calaveras (North of Calaveras Reservoir)	A	6.8	6	8.3/5.2
Concord-Green Valley	B	6.9	6	

* California Division Of Mines & Geology Open File Report 96-08

Seismic hazards can be divided into two general categories, hazards due to ground rupture and hazards due to ground shaking. Since no active faults are known to cross this property, the risk of earthquake-induced ground rupture occurring across the project site appears to be remote.

Should a major earthquake with an epicentral location close to the site occur, ground shaking at site will undoubtedly be severe, as will be for other properties in the general vicinity of the site. Even under the influence of severe ground shaking, the soils that underlie the area proposed for the development are unlikely to liquefy.

The following general site seismic parameters may be used for design in accordance with the 2010 California Building Code.

The following general site seismic parameters may be used for design in accordance with the 2010 California Building Code:

June 21, 2011
Project 1412

Site Class: D
Site Coordinates Latitude = 37.85 degrees Longitude = -122.13 degrees
Fa = 1.0; Fv = 1.5

Spectral Response Accelerations SMs and SM1
SMs = FaSs and SM1 = FvS1; For Site Class D with Fa = 1.0, and Fv = 1.5

Period Sa
(sec) (g)
0.2 1.500 (SMs, Site Class D)
1.0 0.900 (SM1, Site Class D)

SDs = 2/3 x SMs and SD1 = 2/3 x SM1; For Site Class D with Fa = 1.0, and Fv = 1.5

Period Sa
(sec) (g)
0.2 1.000 (SDs, Site Class D)
1.0 0.600 (SD1, Site Class D)

Discussion

The pertinent items that will impact the proposed development are: the presence of undocumented fill at the site, site topography and site drainage. As noted in the original geotechnical investigation report, colluvium was encountered below the fill. The colluvium is underlain by weathered bedrock. We should note that both the fill and the colluvium may be subject to downslope creep and would impact proposed building foundation elements. Therefore, the design for the proposed building foundations should recognize the potential for creep loads on foundation elements. This is particularly pertinent since minimal or no grading is anticipated at the proposed building site. Recommendations are provided in a section below.

As with all hillside development, the lack of adequate drainage to collect both surface and subsurface water to suitable collection and discharge facilities can adversely affect slope stability in general. Therefore, proper and adequate drainage (surface and subsurface) system should be incorporated into the planned residential development. Runoff collected from roof drains and area drains as well as discharge from subdrains should not be released on portions of the slope that could be the cause of instability or erosion. Appropriate discharge locations should be provided during site grading. As a precaution, we recommend that site grading be minimized only to areas where necessary.

June 21, 2011
Project 1412

Recommendations

We understand that not much grading is going to be done during site development. However, any grading that will be done at the site should be done as recommended under "Site Preparation, Grading and Compaction".

Building Foundations

We recommend that the proposed structure be supported on reinforced concrete "pier and beam" foundations with the piers deriving their vertical support from "skin friction" or adhesion between the shaft of the pier and the surrounding competent soil/bedrock material. The piers should be a minimum of 16 inches in diameter and should penetrate at least six feet into the bedrock material. It is important that the building loads be transferred to piers that do not rely on the fill for load carrying capacity.

Piers should be spaced at least three diameters apart (center to center) but no more than 10 feet apart. The allowable load-carrying capacity (dead plus normal live loads) of each pier may be calculated assuming "skin friction" or adhesion of 500 psf between the shaft of the pier and the adjacent competent material, but ignoring the upper two feet of embedment of the pier below the lowest adjacent grade. No adhesion should be assumed in any fill. The piers should be designed by the project structural engineer based on soil parameters given above but actual depths should be determined in the field based on soil conditions during foundation construction.

Reinforced concrete piers should be designed to resist lateral loads resulting from potential creep of the near-surficial layer of colluvium and or loose fill in areas where the ground surface gradient is 5horizontal:1vertical or steeper. A lateral soil pressure of at least 65 pounds per cubic foot may be assumed to act on the top five feet over 2 ½ diameters of the piers. The allowable lateral bearing pressure of the ground in front of the piers may be taken as 350 pounds per square foot per foot of depth below five feet to a maximum value of 3500 psf in the weathered bedrock. The lateral resisting pressure may be taken over 1 ½ pier diameters.

The allowable foundation pressures given previously may be increased by one-third when considering additional short-term wind or seismic loading.

Concrete Slabs-On-Grade

Concrete floor slabs should be constructed on compacted soil subgrade. To minimize floor dampness, a section of capillary break material at least five inches thick and covered with a membrane vapor barrier should be placed between the floor slab and the compacted soil subgrade. The capillary break should be a free-draining material, such as 3/8" pea gravel or a permeable aggregate complying with CALTRANS Standard Specifications, Section 68, Class 1,

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Type A or Type B. The material proposed for use as a capillary break should be tested in our laboratory to verify its effectiveness as a capillary break. The membrane vapor barrier should be a high quality membrane. A protective cushion of sand or capillary break material at least two inches thick should be placed between the membrane vapor barrier and the floor slab.

If floor dampness is not objectionable, concrete slabs may be constructed directly on a minimum six-inch thick compacted aggregate base over the water-conditioned and compacted soil subgrade. The aggregate base material should be compacted to at least 93 percent relative compaction (ASTM D1557-09).

Utility Trenches

The attention of contractors, particularly the underground contractor, should be drawn to the requirements of California Code of Regulations, Title 8, Construction Code Section 1540 regarding Safety Orders for "Excavations, Trenches, Earthwork".

For purposes of this section of the report, bedding is defined as material placed in a trench up to one foot above any utility pipe and backfill is all material placed in the trench above the bedding.

Unless concrete bedding is required around utility pipes, free-draining sand should be used as bedding. Sand proposed for use in bedding should be tested in our laboratory to verify its suitability and to measure its compaction characteristics. Sand bedding should be compacted by mechanical means to achieve at least 90 percent compaction density based on ASTM Tests D1557-09.

Approved, on-site, inorganic soil, or imported material may be used as utility trench backfill. Proper compaction of trench backfill will be necessary under and adjacent to structural fill, building foundations, concrete slabs and vehicle pavements. In these areas, backfill should be conditioned with water (or allowed to dry) to produce a soil-water content of about two percent above the optimum value and placed in horizontal layers not exceeding six inches in thickness (before compaction). Each layer should be compacted to 85-90 percent relative compaction based on ASTM Test D1557-09. The upper twelve inches of pavement subgrades should be compacted to about 90 percent relative compaction based on ASTM Test D1557-09.

Where any trench crosses the perimeter foundation line of any building, the trench should be completely plugged and sealed with compacted clay soil for a horizontal distance of at least two feet on either side of the foundation.

Surface Drainage

Surface drainage gradients should be planned to prevent ponding and to promote drainage of

June 21, 2011
Project 1412

surface water away from top of slopes, building foundations, slabs, edges of pavements and sidewalks, and towards suitable collection and discharge facilities. The proposed building should be provided with downspouts that should be connected to non-perforated pipes. The non-perforated pipes should discharge to suitable drainage facilities located away from the proposed building site.

To minimize the potential for erosion of surface soils that could be caused by surface water runoff, provisions should be made to collect and control surface runoff. Paved ditches with catch basins are recommended on the backfill side of all retaining walls. Water collected in these catch basins should be conveyed by pipes to suitable discharge points downslope and away from critical areas of the project site.

Water seepage or the spread of extensive root systems into the soil subgrades of foundations, slabs, or pavements, could cause differential movements and consequent distress in these structural elements. This potential risk should be given due consideration in the design and construction of landscaping.

E recommend that the energy dissipater to be located downslope of the proposed building should be located into the weathered bedrock material to minimize future slope instability or soil erosion.

Subsurface Drainage

Subsurface drainage systems will be required if saturated soils or subsurface water is encountered during site excavations for foundation construction. Should this condition arise, we will provide recommendations for the provisions of subsurface drainage system at the site.

Follow-up Geotechnical Services

Our recommendations are based on the assumption that FRIAR ASSOCIATES, INCORPORATED will be commissioned to perform the following services.

1. Review final drainage and foundation plans prior to construction.
2. Observe, test and advise during site preparations and excavations.
3. Test proposed capillary break material that will be used beneath concrete slabs-on-grade and advise on suitability.
4. Observe and advise during foundation construction.

January 25, 2005
Project 1412

5. Observe, test and advise during utility trench backfilling.

Limitations

The recommendations contained in this report are based on certain plans, information and data that have been provided to us. Any change in those plans, information and data will render our recommendations invalid unless we are commissioned to review the change and to make any necessary modifications and/or additions to our recommendations.

Subsurface exploration of any site is necessarily confined to selected locations. Conditions may, and often do, vary between and around such locations. Should conditions different from those encountered in our explorations come to light during project development, additional exploration, testing and analysis may be necessary; changes in project design and construction may also be necessary.

Our recommendations have been made in accordance with the principles and practices generally employed by the geotechnical engineering profession. This is in lieu of all other warranties, express or implied.

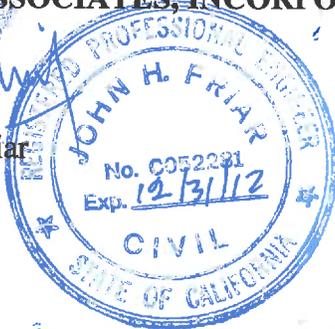
Should conditions different from those assumed in this report come to light during project development, additional exploration, testing and analysis may be necessary; changes in project design and construction may also be necessary.

All earthwork and associated construction should be observed by our field representative, and tested where necessary, to compare the generalized site conditions assumed in this report with those found at the site at the time of construction, and to verify that construction complies with the intent of our recommendations.

Sincerely,

FRIAR ASSOCIATES, INCORPORATED

John H. Friar
CE 52281





1870 Olympic Blvd.
Suite 100
Walnut Creek
California 94596

Tel: 925.935.9771
Fax: 925.935.9773
www.caleng.com

22 August 2011

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

RE: Proposed New Residence
1800 Donald Drive
Moraga, California

Dear Mr. Chamberlain:

At your request, we have completed our geologic and geotechnical peer review of the geotechnical report and the development plans for the proposed new residence to be constructed at 1800 Donald Drive in Moraga, California. The following documents were reviewed:

- A report by Friar Associates Incorporated (FAI) titled, *Report Update, Geotechnical Investigation, Proposed Residential Development, 1800 Donald Drive Moraga, California*, dated June 21, 2011.
- Plans by James Phillip Wright Architect, Sheets A1.0, A2.0, A2.1, A2.2, A3.0, A3.1, A4.0, and A4.1 dated 7 February 2011 titled "New Residence, 1800 Donald Drive, Moraga, CA." and stamped "not for construction."

Our review of the geotechnical report and the provided plans for the proposed residence has included 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 project site and reviewed information in our files which included a prior geotechnical report for the property by FAI.

PROPOSED PROJECTS

We understand that it is currently proposed to develop the property with a new single family residence. The new residence will be accessed by a circular bridge which extends off of Donald Drive. The proposed development includes a new residence which steps down the slope. The residence has three levels with the top floor containing two garages and living space located in the lower levels. The proposed construction is intended to result in less than 50 cubic yards of grading such that a grading permit will not be required.

REVIEW OF GEOTECHNICAL REPORT AND DEVELOPMENT PLANS

Based upon our review of the development plans and updated FAI update geotechnical report, we have the following comments:

FAI UPDATE REPORT

1. The FAI updated report indicates that no retaining walls are proposed. However, the sections contained on Sheet A4.0 of the plans show the foundation benched into the hillside. As a result, the foundation looks to be a series of short basement type retaining walls which roughly follow the existing ground surface. Consideration should be given to treating these as restrained retaining walls and applying the driving force to the pier and grade beam foundation. It is recommended that FAI provide the appropriate geotechnical design parameters for these foundation retaining walls.
2. The slope stability analyses previously prepared should be updated to address the revised recommendations contained in Special Publication 117 (2008). The analyses may also need to be revised to account for the soil which was to be removed, but which will now be left in place.
3. The previous FAI report recommended removal of surficial soils while the updated report indicates that little to no grading will occur and therefore recommends modeling creep forces on the piers to account for the colluvium and fill to remain. The recommended creep forces extends to a depth of 5 feet and an allowable passive pressure of 350 psf below that depth to a maximum of 3500 psf in the weathered bedrock. Since both the colluvium and the existing fill are potentially unstable, we recommend that consideration be given to applying passive pressure only in the underlying weathered bedrock materials.
4. The FAI report recommends directing drainage to an appropriate location. This recommendation should be clarified to indicate the where the water will be discharged.
5. The surficial soils encountered in the 2005 FAI borings reported plasticity indices of 15 to 20 percent which are generally indicative of expansive soils. The FAI update report does not include recommendations for uplift pressures from expansive soils.

“NOT FOR CONSTRUCTION” ARCHITECTURAL PLANS

6. The plans do not reflect the recommendations contained in the 21 June 2011 report. Specifically, the plans do not show the building to be supported on a pier and grade beam foundation.
7. Based on our site visit, several trees seem to be missing from the plans including an oak tree which appears to be located within the proposed driveway bridge alignment and which was shown on the 2005 development plans as a 16 inch oak.
8. The plans are preliminary and do not show enough detail to reflect the recommendations of the geotechnical report nor to address the items in the original environmental initial study.

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


Mark W. Myers, P.E., G.E.
Senior Engineer



Friar Associates, Incorporated . Engineers . Consultants
Soils . Foundations . Geology . Geotechnology

2656 Nicholson Street, San Leandro, CA 94577

Tel: (510) 351-3930 Fax: (510) 351-1020

January 12, 2012

Project 1412

Mr. Stephen R. Williams

DIABLO VIEW REALTORS/CRH GROUP

2641 Pleasant Hill Road

Pleasant Hill, CA 94523

Gentlemen:

Conceptual Plan Review
Rain Water Catchment Storage Structure
Proposed Residential Development
1800 Donald Drive
Moraga, California

As requested, we have reviewed the geotechnical aspects of a section through the conceptual drawing for the planned rain water catchment storage structure as part of the proposed residential development at the subject site. The site is located on the east side of Donald Drive, a short distance south of the intersection of Donald Drive with Laird Drive in Moraga, California. The drawing dated February 7, 2011, was prepared by James Phillip Wright, Architect.

The planned storage structure will be located in the crawl space area of the proposed building. Based on the drawing made available to us, the storage structure will be of reinforced concrete construction and will be supported on cast-in-place reinforced concrete pier and grade beam foundation system.

We find the conceptual drawing to be feasible from a geotechnical engineering viewpoint provided that basic geotechnical precautions are considered during the design and construction of the structure. Such precautions as ensuring that the capacity of the structure is adequate for anticipated rain water to minimize the potential for spills and over saturation of the site slopes are minimized. The need to ensure that water leakage from the storage structure on to the site slopes is minimized is very essential. Finally, the foundation system supporting the storage structure should be properly anchored into competent material. The project geotechnical engineering investigation report and the report update should be used as a guide to design the foundation support for the structure.

Sincerely,

FRIAR ASSOCIATES, INCORPORATED

John H. Friar
CE 52281



ATTACHMENT H

**CONSTRUCTION PROCEDURES
FROM CANYON CONSTRUCTION
RECEIVED JANUARY 12, 2012**



CANYON CONSTRUCTION

January 9, 2012

James Phillip Wright Architects
3411 Echo Springs Road
Lafayette, CA 94549

Re: 1800 Donald Dr., Moraga CA

Dear James,

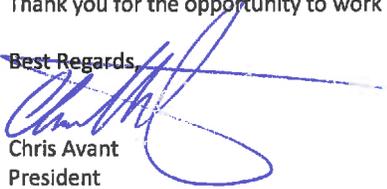
Thank you for working with Canyon Construction as the general contractor for your project at 1800 Donald Dr., Moraga CA.

Per your request, we have reviewed the hillside construction of the proposed home located 1800 Donald Dr. and would like to make the following site observations:

- The existing hillside construction for the foundation system does not require mass excavation or grading to accommodate the proposed structure due to the pier and grade beam design recommended by the geotechnical engineer.
- The excavation for the footings and piers (spoils) will be off hauled. No cut/fill/ compaction will be required, again based on the pier and grade beam type foundation approach to the site. Using a water trailer, we will implement dust control measures during the clearing and process.
- Our construction crews will take special efforts to insure that all heavy equipment and staging will occur on the inside slope of Donald Drive. We will take special precaution to insure that the shoulder of the road is not overloaded at any point during the construction process.
- Material deliveries will be coordinated to accommodate the construction site and as to not implead traffic of the adjacent properties. During concrete pours we will have to set up a boom pump. We will have traffic control individuals and equipment in place during this process. We will not impede the right of way during the construction process. Temporary staging of material will be done on platform on-site, see exhibit "A".
- Construction fencing and signage will be put in place to insure that the work area is protected at all times, and that Moraga's allowable work hours and sound ordinances are strictly enforced.
- Prior to commencement of work, we will video document the section of road along Donald drive, above the intersection with Laird Drive. We will do this to insure that no significant damage was the result of our staging efforts, and off-haul activities.
- Sequence of Construction and Schedule
 1. Mobilization and foundation will take approximately 3 months.
 2. Bridge and Rough Frame 2.5 Months. At this point in the process we will be able to stage the bulk of the remaining deliveries on-site.
 3. Envelope and finish will take 6.5 months to complete
 4. Total duration of the project will be approximately 1 year

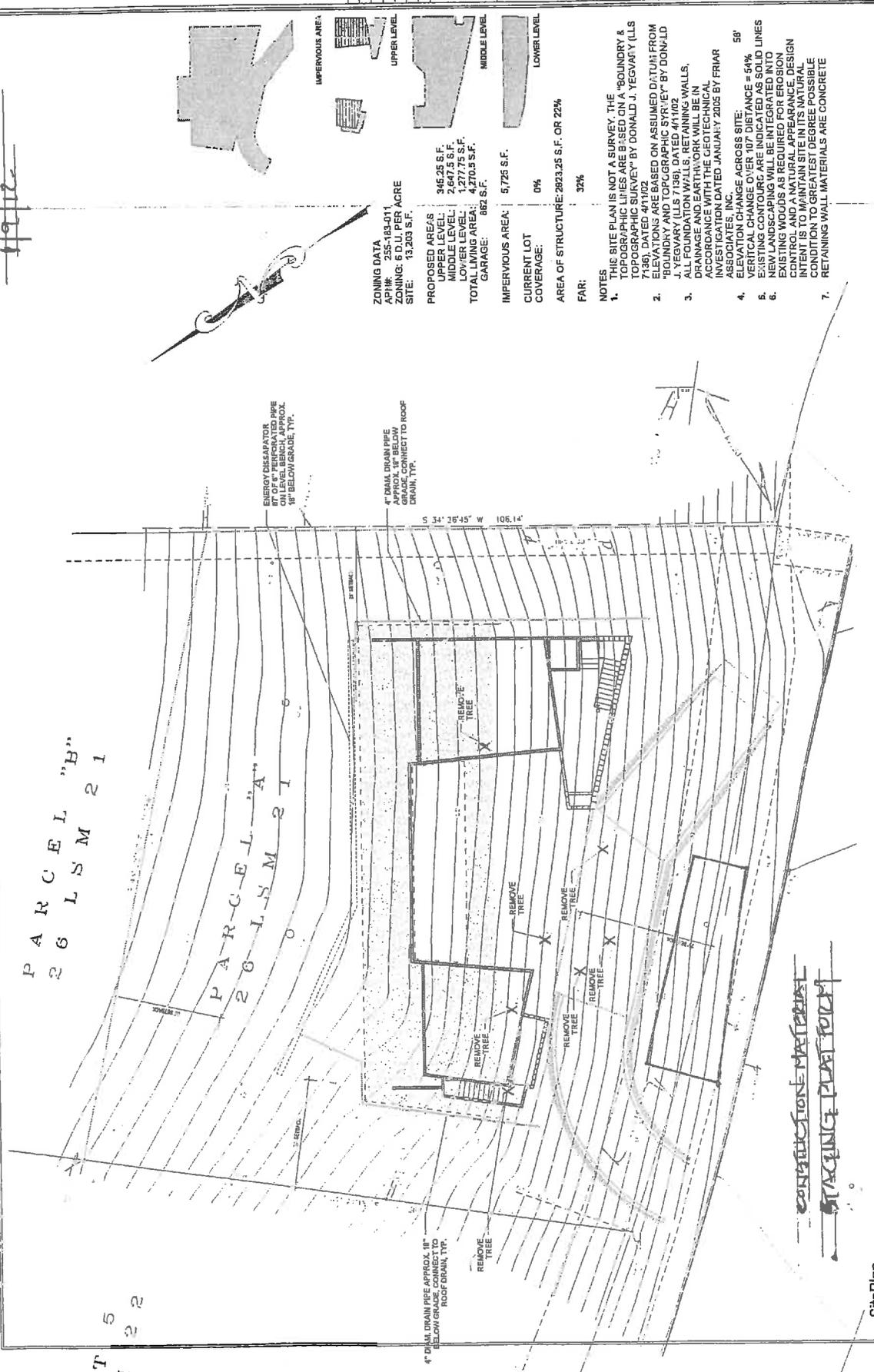
Thank you for the opportunity to work with you on this extraordinary project.

Best Regards,


Chris Avant
President

PARCEL "B"
26 LSM 21

PARCEL "A"
26 LSM 21

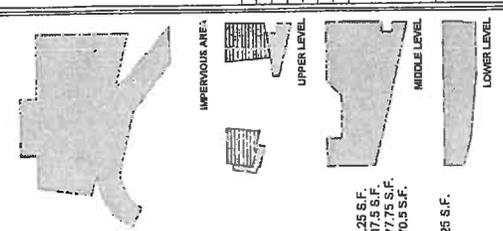


ZONING DATA
API# 255-1834011
ZONING: 6 D.U. PER ACRE
SITE: 13,203 S.F.

PROPOSED AREA/S
UPPER LEVEL: 946.26 S.F.
MIDDLE LEVEL: 4,277.25 S.F.
TOTAL LIVING AREA: 4,270.9 S.F.
GARAGE: 882 S.F.

IMPERVIOUS AREA: 5,725 S.F.
CURRENT LOT COVERAGE: 0%
AREA OF STRUCTURE: 2823.25 S.F. OR 22%
FAR: 37%

- NOTES
- THIS SITE PLAN IS NOT A SURVEY. THE TOPOGRAPHIC SURVEY IS BASED ON A "BOUNDARY & TOPOGRAPHIC SURVEY" BY DONALD J. YEGOVARY (LLS 7186) DATED 4/1/02.
 - ELEVATIONS ARE BASED ON ASSUMED DATUM FROM "BOUNDARY AND TOPOGRAPHIC SURVEY" BY DONALD J. YEGOVARY (LLS 7186), DATED 4/1/02.
 - ALL FOUNDATION WALLS, RETAINING WALLS, DRAINAGE AND EARTH RETENTION SYSTEMS SHALL BE DESIGNED BY A REGISTERED GEOTECHNICAL INVESTIGATION DATED JANUARY 2005 BY FRIAR ASSOCIATES, INC.
 - ELEVATION CHANGE ACROSS SITE: 56'
 - EXISTING CONTOURS ARE INDICATED AS SOLID LINES
 - NEW LANDSCAPING SHALL BE PROVIDED FOR EROSION CONTROL AND TO MAINTAIN NATURAL APPEARANCE. DESIGN INTENT IS TO MAINTAIN SITE IN ITS NATURAL CONDITION TO GREATEST DEGREE POSSIBLE
 - RETAINING WALL MATERIALS ARE CONCRETE



ENERGY DISEGREGATOR
1/2" OF 6" PERFORATED PIPE
ON LEVEL BENCH, APPROX.
18" BELOW GRADE, TYP.

4" DRAIN PIPE APPROX. 18"
ON LEVEL BENCH, APPROX.
18" BELOW GRADE, TYP.

4" DRAIN PIPE APPROX. 18"
ON LEVEL BENCH, APPROX.
18" BELOW GRADE, TYP.

CONSTRUCTION MATERIAL
STAGING PLAT FORM

NOT FOR CONSTRUCTION

SitePlan
1/16/10

02/2011 5:16 PM

<p>Project Title and Address: NEW RESIDENCE 1000 Dandel Drive Menlo Park, CA</p>		<p>James Phillip Wright Architect Venice Atelier Architects 643 Dandel Ave Menlo Park, CA 94025 Tel: 650-321-1179 3411 Elmer Street Menlo Park, CA 94025 Tel: 650-321-1111 Fax: 650-321-1111 jwright@veniceatelier.com</p>
<p>Client: Steve R. Williams Diablo View Realtors</p>	<p>Scale: 1" = 10' - 0"</p>	<p>DATE: 02/2011</p>

EXHIBIT A

ATTACHMENT I

**TITLE REPORT FOR
1800 DONALD DRIVE**

Amended



First American Title

First American Title Company

**1850 Mount Diablo Boulevard, Suite 100
Walnut Creek, CA 94596**

RECEIVED

JAN 3 2012

Escrow Officer: Tobi Wieger
Phone: (925)927-2121
Fax No.: (866)405-0563
E-Mail: twieger@firstam.com

MORAGA PLANNING DEPT.

Title Officer: Lia Raymos
Phone: (925)688-3271
Fax No.: (925)688-3377
E-Mail: lraymos@firstam.com

E-Mail Loan Documents to: WalnutCreekEDocs@firstam.com
Property: 1800 Donald Drive
Moraga, CA

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of December 02, 2011 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

ALTA Loan Policy 1056.06 (6-17-06)

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

PENSCO TRUST COMPANY CUSTODIAN FBO: STEPHEN R. WILLIAMS, IRA ACCT #W11BW

The estate or interest in the land hereinafter described or referred to covered by this Report is:

FEE AS TO PARCEL ONE; EASEMENT AS TO PARCEL TWO AND THREE

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2011-2012.

First Installment:	\$459.17, PAID
Penalty:	\$0.00
Second Installment:	\$459.17, PAID
Penalty:	\$0.00
Tax Rate Area:	15-004
A. P. No.:	255-183-011

The defaulted taxes shown above have been placed into an installment plan by the County Tax Collector.

The amount(s) must be verified prior to close of escrow.

2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. Rights of the public in and to that portion of the land lying within DONALD DRIVE.
4. Any easements and/or servitudes affecting easement parcel(s) PARCEL TWO AND THREE herein described.

5. Any and all offers of dedications, conditions, restrictions, easements, notes and/or provisions shown or disclosed by the filed or recorded map referred to in the legal description including but not limited to: UTILITY AND DRAINAGE and incidental purposes affecting said land.

6. Any defects, liens, encumbrances or other matters which name parties with the same or similar names as STEPHEN WILLIAMS (9 MATTERS). The name search necessary to ascertain the existence of such matters has not been completed. In order to complete this preliminary report or commitment, we will require a statement of information.

INFORMATIONAL NOTES

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. This report is preparatory to the issuance of an ALTA Loan Policy. We have no knowledge of any fact which would preclude the issuance of the policy with CLTA endorsement forms 100 and 116 and if applicable, 115 and 116.2 attached.

When issued, the CLTA endorsement form 116 or 116.2, if applicable will reference a(n) Single Family Residence known as 1800 DONALD DRIVE, MORAGA, CA.

2. According to the public records, there has been no conveyance of the land within a period of twenty four months prior to the date of this report, except as follows:

A document recorded JULY 20, 2010 as INSTRUMENT NO. 2010-0145210 OF OFFICIAL RECORDS .

From: QUALITY LOAN SERVICE CORPORATION
To: DEUTSCHE BANK NATIONAL TRUST COMPANY AS INDENTURE TRUSTEE FOR INDYMAX RESIDENTIAL ASSET-BACKED TRUST, SERIES 2004-LH1 UNDER THE SALE AND SERVICING AGREEMENT DATED DECEMBER 1, 2004

A document recorded OCTOBER 12, 2010 as INSTRUMENT NO. 2010-0220671 OF OFFICIAL RECORDS .

From: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR INDYMAC RESIDENTIAL ASSET-BACKED TRUST, SERIES 2004-LH1 UNDER THE SALE AND SERVICING AGREEMENT DATED DECEMBER 1, 2004
To: PENSCO TRUST COMPANY CUSTODIAN FBO: STEPHEN R. WILLIAMS, IRA ACCT #W11BW

3. We find no open deeds of trust. Escrow please confirm before closing.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

LEGAL DESCRIPTION

Real property in the City of Moraga, County of Contra Costa, State of California, described as follows:

PARCEL ONE:

PARCEL A, AS DESIGNATED ON THE RECORD OF SURVEY MAP, FILED FEBRUARY 28, 1964, BOOK 26, LICENSED SURVEYORS MAPS, PAGE 21, CONTRA COSTA COUNTY RECORDS.

EXCEPTING FROM PARCEL ONE:

ANY PORTION THEREOF LYING WITHIN DONALD DRIVE ALONG THE SOUTHWEST LINE OF THE PREMISES.

PARCEL TWO:

A RIGHT OF WAY FOR UTILITIES AS AN APPURTENANCE TO PARCEL ONE ABOVE AS RESERVED IN THAT CERTAIN GRANT DEED FROM VIRGINIA D. BUXTON TO ROBERT J. ATHEY, ET UX, AND RECORDED AUGUST 18, 1964, BOOK 4684, PAGE 468, CONTRA COSTA COUNTY RECORDS, AND AFFECTING THE SOUTHEASTERN 5 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

PORTION OF LOT 6, AS DESIGNATED ON THE MAP OF TRACT NO. 2664, WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON MARCH 19, 1959, IN VOLUME 72 OF MAPS, AT PAGE 22, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHWESTERN LINE OF DONALD DRIVE AS DESIGNATED ON SAID MAP AT THE SOUTHEASTERN LINE OF SAID LOT 6, THENCE FROM SAID POINT OF BEGINNING SOUTH 34 DEGREES 26'45" WEST ALONG SAID SOUTHEASTERN LINE, 130 FEET; THENCE NORTH 43 DEGREES 24'13" EAST, ALONG SAID NORTHWESTERN LINE, 110 FEET TO THE SOUTHWESTERN LINE OF SAID DONALD DRIVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 530 FEET ALONG SAID SOUTHWESTERN LINE AN ARC DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

PARCEL THREE:

A NON-EXCLUSIVE EASEMENT APPURTENANT TO PARCEL ONE ABOVE AS GRANTED FROM LONGWOOD MORAGA, L.P., A LIMITED PARTNERSHIP, RECORDED DECEMBER 31, 1998, SERIES NO. 98-331703, CONTRA COSTA COUNTY RECORDS, OVER A STRIP OF LAND 60 FEET IN WIDTH (COMMONLY KNOWN AS DONALD DRIVE-PRIVATE ROAD), THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

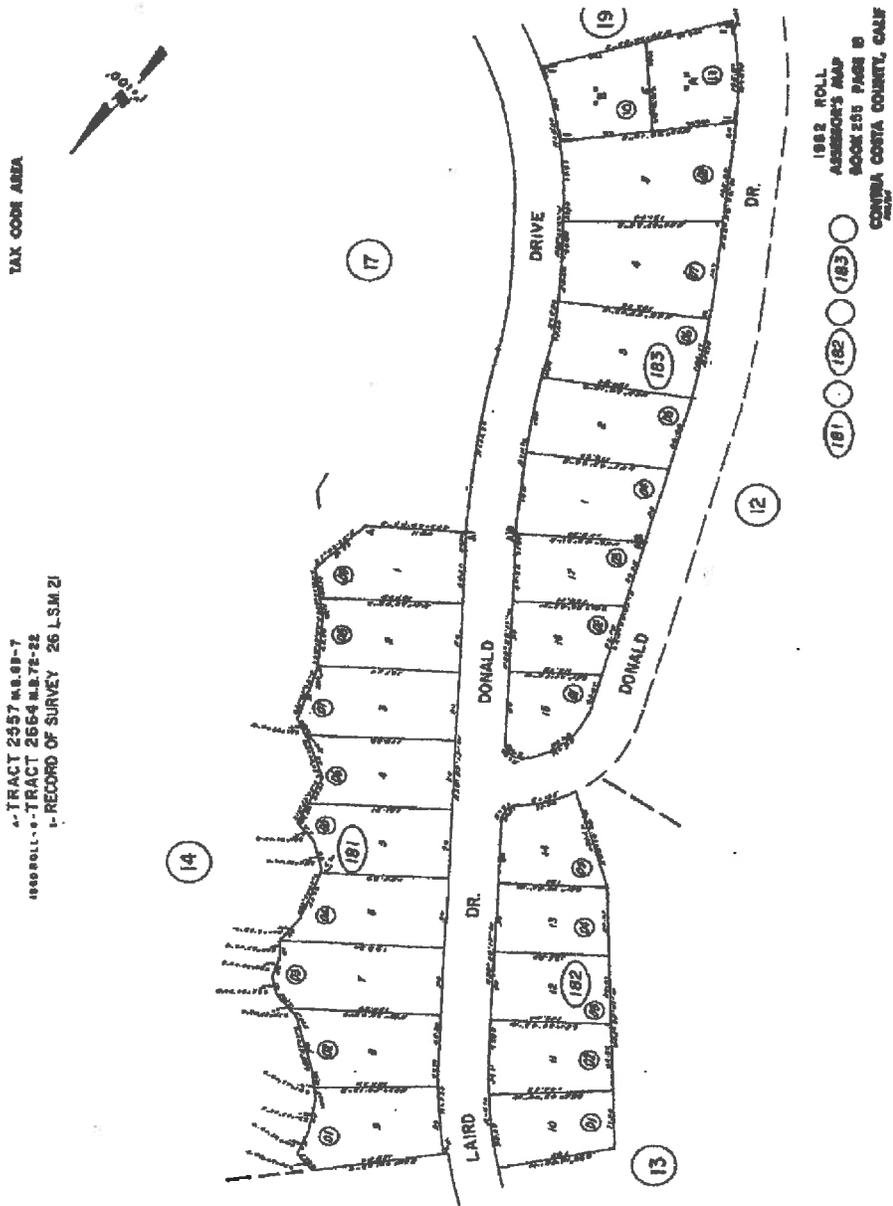
COMMENCING AT THE MOST EASTERLY CORNER OF LOT 15, AS SAID LOT IS SHOWN ON THE SUBDIVISION MAP ENTITLED "TRACT 2557", FILED FEBRUARY 22, 1958 IN BOOK 69 OF MAPS, AT PAGE 7, CONTRA COSTA COUNTY RECORDS, SAID EASTERLY CORNER OF LOT 15 (69 M 7) BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DONALD DRIVE; THENCE ALONG THE LINE COMMON TO SAID LOT 15 (69 M 7) AND DONALD DRIVE THE FOLLOWING COURSE: NORTH 38 DEGREES 40'27" WEST, 93.99 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH, WITH A RADIUS OF 20.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 97 DEGREES 39"48", AN ARC DISTANCE OF 34.09 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE TO THE SOUTHEAST, WITH A RADIUS OF 94.99 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38 DEGREES 29"39"

AN ARC DISTANCE OF 63.82 FEET TO THE SOUTHERLY LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM THE MORAGE COMPAY TO JOHN H. CARROLL, THOMAS P. CARROLL AND MARY E. BARNES RECORDED APRIL 19, 1939 IN BOOK 495 OF OFFICIAL RECORDS, AT PAGE 363, CONTRA COSTA COUNTY RECORDS: THENCE LEAVING SAID LINE COMMON TO LOT 15 (69 M 7) AND DONALD DRIVE ALONG SAID SOUTHERLY LINE OF CARROLL (495 OR 363) SOUTH 89 DEGREES 48'44"WEST, 30.10 FEET TO THE POINT OF BEGINNING: THENCE FROM SAID POINT OF BEGINNING ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST WITH A RADIUS OF 124.99 FEET, THE RADIUS POINT OF WHICH FROM SAID POINT BEARS SOUTH 89 DEGREES 07'11" EAST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28 DEGREES 35' 56", AN ARC LENGTH OF 62.39 FEET; THENCE SOUTH 24 DEGREES 43'06" EAST, 415.03 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 799.91 FEET, THE RADIUS POINT OF WHICH FROM SAID POINT BEARS NORTH 65 DEGREES 16'50" EAST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08 DEGREES 56'30", AN ARC LENGTH OF 124.84 FEET; THENCE SOUTH 33 DEGREES 39'40" EAST 211.97 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHEAST, WITH A RADIUS OF 599.94 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 03'30", AN ARC DISTANCE OF 157.67 FEET TO THE BEGINNING OF A REVERSING CURVE CONCAVE TO THE SOUTHWEST, WITH A RADIUS OF 139.96 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13 DEGREES 43'10", AN ARC DISTANCE OF 33.51 FEET TO THE POINT OF TERMINUS.

THE NORTHERLY TERMINUS OF SAID STRIP OF LAND IS THE SOUTHERLY LINE OF SAID CARROLL PARCEL (495 OR 363) AND THE SOUTHERLY TERMINUS THEREOF IS A LINE DRAWN NORTH 55 DEGREES 00'00" EAST AND SOUTH 55 DEGREES 00'00" WEST FROM SAID POINT OF TERMINUS.

APN: 255-183-011 and 255-183-011

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NOTICE

ATTACHMENT J

PUBLIC HEARING NOTICE



Design Review Board

Notice of Public Meeting

1800 Donald Drive

Design Review Board Study Session for review of a new 3,001 square foot residence with an attached 553 square foot second unit on a vacant 13,203 square foot property on the hillside above the existing duplex residence at 2092 and 2094 Donald Drive. The project includes a 511 square foot 2-car garage and a 351 square foot 1-car garage on the top level with access from a circular bridge driveway off of the northeast side of Donald Drive and approximately 1,000 feet southeast of Laird Drive.

The Design Review Board of the Town of Moraga will hold a public meeting on the above matter, pursuant to Moraga Municipal Code Sections 8.12.060-070, on **Monday, January 23, 2012** at the meeting room in the La Sala Building at the Hacienda de las Flores, 2100 Donald Drive (wheelchair accessible). The meeting starts at 7:00 p.m. The Design Review Board will not take any action to approve the project. The purpose of the study session is for the board to make recommendations to the Planning Commission.

PROJECT INFORMATION:

- Two dwelling units
- The middle floor level has 2,647 square feet and includes the kitchen, dining, living room area, with a cantilevered deck, and master bedroom for the primary residence and also the attached second living unit.
- The lower floor level includes 559 square feet for two bedrooms and two bathrooms and 718 square feet of unconditioned shell space.
- The lower floor is offset from the top level garage area so that the structure does not have three floors above one another. The maximum building height is 35-feet and the aggregate building height from the top of the roof to the lowest foundation is 45-feet.
- The building foundation has been designed with minimal grading, with less than 50 cubic yards of soil movement and no cuts greater than 3-feet deep.
- Story poles have been erected on the building site.

PERMITS REQUIRED:

- Hillside Development Permit because the slope of the building site is greater than 20% (approximate slope is 65% or 1-foot vertical to 1.54-feet horizontal)
- Design Review Board approval.

APPLICANT: James Phillip Wright, 5 Greenvally Court, Lafayette, CA 94549

PROPERTY OWNER: Stephen Williams / Pensco Trust Co., 2647 Pleasant Hill Road, Pleasant Hill, CA 94523

ZONING DISTRICT: 6-DUA (six dwelling units per acre)

ENVIRONMENTAL REVIEW STATUS: An environmental initial study was prepared for the project on September 15, 2011. Although the proposed project could have a significant effect on the environment, the initial study found that there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent and a mitigated negative declaration was prepared for consideration by the Planning Commission at their November 7, 2011 meeting. Adoption of the mitigated negative declaration was continued pending receipt of additional information. A biotic survey and arborist's report have been received and review of the water catchment basins in the foundation below the building was reviewed by the project geotechnical engineer. Copies of the Environmental Initial Study for the 1800 Donald Drive residential project are available for public review on the Town's web site at www.moraga.ca.us or may be purchased at the Planning Department, 329 Rheem Boulevard, Moraga, California, 94556, during normal business hours, Monday through Friday 8 a.m. to noon and 1 to 5 p.m. The supplemental reports received after the November 7th Planning Commission meeting may also be viewed at the Planning Department. The project will be brought back to the Planning Commission for consideration of a mitigated negative declaration after the Design Review study session.

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 meeting and in writing before the meeting. Those wishing to speak at the meeting should submit a speaker card by 7:15 p.m. The Design Review Board may limit the time granted to each speaker. Written comments to the Design Review Board 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 Board members prior to the meeting, it is recommended to submit **correspondence by 12:00 noon, seven (7) days before the meeting.** Please submit fifteen (15) copies of any correspondence with more than ten (10) pages or for 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.

ATTACHMENT K
CORRESPONDENCE RECEIVED

RECEIVED

NOV 1 2011

October 24, 2011

MORAGA PLANNING DEPT.

Dear Mr. Richard Chamberlain, project planner, and Members of the Town of Moraga Planning Commission:

This is the second time in as many years that the residents of 1750, 1758, and 1762 Donald Drive have written to express our concern about the proposed construction at 1800 Donald Drive. Two years ago the property was under different ownership from the current owner, Stephen R. Williams, broker/owner of Diablo Realtors. It seems that not much else has changed.

Once again the residents of our community are writing to express dismay about a project that seems to be essentially the same as the one before it. When the original project plan was under consideration we were told by the Town's project planner that the lot was "unbuildable" and that neither the Town of Moraga nor Contra Costa County would approve the project. In the October 2011 public hearing notice it is stated that "although the proposed project could have a significant effect on the environment, the initial study found that there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent...." We don't understand how a so-called "unbuildable" lot has become "buildable", and since we live directly above the project site it is important that you address our concerns.

First of all, the project site is too steep to be built upon safely when you consider that there are residences directly above it and a densely populated area of Donald Drive directly below it. We live on the section of Donald Drive that leads directly to the Mulholland Ridge open space, and we have no other means of getting to and from our homes. Should this project be approved access to and from our homes could be impeded by construction equipment subjecting us to inconvenient delays over an extended period of time. In addition how will construction equipment access the proposed site? Where will it be stored when not in the process of construction? Is the equipment too heavy for the road? If so, might the equipment cause road erosion and breakage down the steep hillside?

Secondly there is an issue of safety. The road leading to the gate at Mulholland Ridge is very curvy and narrow, and on a daily basis there is substantial vehicular and pedestrian traffic seeking access to the open space. This fact in and of itself is an issue, particularly on weekdays when cars and SUV's are parked on both sides of the road leading to the gate, leaving little space for residents or emergency vehicles to get through. (Please note that on two instances over the past two years an ambulance has been required at one of our residences, and if cars had been parked on both sides of the road and there had been construction going on, as had been proposed, treatment might have been delayed with possible fatal consequences.) The hearing notice also notes that the proposed project includes "garages for 3 cars on a third level above the living areas." If this results in more traffic entering and leaving Donald Drive and/or parking along the road, congestion as well as the possibility of accidents will increase.

Third of all, the issue of safety extends to the densely developed section of Donald Drive directly below our homes. This part of Donald consists of duplexes, apartments, condos, and some single-family dwellings. Donald Rheem Elementary School sits in the cul de sac at the end of Laird Drive, and Donald Drive is the only means in or out of the school. In the event of an emergency how will police, fire, and paramedics gain access to residences or the school with heavy construction equipment possibly blocking the way?

Finally, there is the issue of the aesthetics and scale of the proposed project which will alter the view from Moraga Road where the proposed construction at 1800 Donald Drive fundamentally changes the hillside. The proposed project includes "5,132 square feet of residential floor area including the 862 square feet of garage area, 2 stories plus garages for 3 cars on a third level above the living areas...." If built, the result not only will dwarf all other construction on Donald Drive and along Mulholland Ridge, but it will be of a design completely out of character with already-existing residential structures. One analogy is that the proposed dwelling might look like the "mother ship" hovering over its much smaller and more modest craft. Another is that the proposed dwelling might be the castle overlooking its domain. This will be the lasting impression a driver on the Moraga Road retains.

For all of these reasons we hope that the Town Planning Commission considers its decision carefully in order to preserve the safety and character of this busy and beautiful neighborhood.

Yours truly,

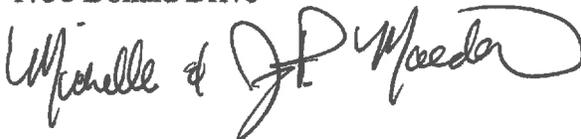
Carol and Ted Gamble
1762 Donald Drive



Sandra Reed
1750 Donald Drive



Michelle and J.P. Maeders
1758 Donald Drive



Cc: Members of the Moraga Town Council

November 5, 2011

Dear Moraga Planning Commissioners

I was quite surprised to see that a huge three story, 2 unit home is again being proposed for 1800 Donald Drive. This property has been under review before and the town has spent an inordinate amount of time & Taxpayer money reviewing this property. In the past, the town council clarified that this is not a buildable lot. Not only would this be aesthetically out of character with the surrounding neighborhood, with 5,000 square feet towering over the existing duplex at 2092 Donald drive (creating a walled housing effect as you came up scenic Donald Drive); but the proposed plan is clearly in violation of the general plan and Moraga's Hillside guidance and grading ordinance.

1. CD1.5 states that Moraga will encourage location of building sites so that visual impacts are minimized
2. Design and Planning guidelines and ordinances puts height restrictions on homes, and does not allow two stories plus garages. Certainly not on a hillside.
3. PS1.3 Prohibit development in 'high risk' areas, which are defined as being upon active or inactive slides. Historical review of this area and the adjacent steep Mulholland ridge property that rises above this lot, will reveal that public works has often removed trees and debris that are sliding down the hill onto the very road where this home is proposed to be built. It is evident that the road is moving, sliding and settling under current passive use as an entry gate to an openspace preserve. A full engineering review of the as-built plans is likely to show that this previously privately owned and minimally maintained road -- is inadequate to support construction equipment to build this home. Nor is it likely able to sustain regular use for 2 unit residential home and its associated traffic of visitors, regular deliveries (mail, paper, garbage etc)
4. PS4.1 Allow development only where and to the extent that the geologic hazards have been eliminated, corrected or mitigated. I do not believe the hazards inherent in this 65% sloped property can be property mitigated. It is likely the home itself, or certainly the runoff and downward soil creep would likely end up landing on the duplex located below it at 2092 Donald.
5. PS4.10 The Town shall develop an average slope limit beyond which grading shall be prohibited.
6. Hillside development is discouraged and requires review when the building site is greater than 20%. Surely an exception for a 65% slope is not within the town's guidelines and this should not receive a hillside permit.
7. The Moraga grading ordinance was updated in 2005 to specifically state that Land with a predevelopment average slope of 25% or greater within the development area shall not be graded, except at the specific direction of the Town Council. Grading permits on steep slopes is intended to be used only when there HAS to be some sort of repair, or structural need to support an area that could potentially slide. Not to build a home.

I am hopeful that each one of you visits the property in question prior to considering a decision to send this to the Town Council to request that they DIRECT development on this parcel. Clearly the slope of 65% is NOT conducive to building a three story, two-unit home, along with associated traffic!

I sincerely hope you give serious thought to approving any such building that could potentially set precedence for other such homes on Moraga's remaining steep hillsides.

I encourage you to also ask the Town Council to revisit the hillside development ordinance to ensure that any ambiguous language is eliminated, so that developers can not undermine the intention of the General Plan which is to protect our ridgelines and hillsides, maintain the viewsheds and semi-rural character of our time.

Sincerely,

Lynda Deschambault
2066 Donald Drive
22 Year Resident, Former Mayor (2008)

From: Lynda Deschambault [<mailto:huskyhollow@sbcglobal.net>]
Sent: Monday, November 28, 2011 3:49 PM
To: Jill Keimach
Subject: 1800 Donald Drive

Hello Jill, could you please forward this to the planning department, I do not have Shawna's email

Per my voice mail: I'd appreciate the opportunity to more fully understand the grading ordinance and how it applies to hillside development, and also have the following requested items regarding to the proposal at 1800 Donald drive:

- i I believe the general plan requires that an upper level be established beyond which no development will be allowed. I recall the council specifically directing staff to revise the grading ordinance to incorporate language that nothing over 25% would be built upon, unless it was needed in an emergency or repair and directed by the town council.
- i I would like to understand the language that exempts the grading that will be required at 1800, and exempts it from the no development on slopes greater than 25%.
- i Further, I would appreciate understanding the processes and know when (at what point) can a lot can be determined to be unbuildable? i.e. this lot was recently sold, what disclosures were provided at the time of sale? I recall the town agreeing that the lot was not buildable, but that to do so legally would be complicated.
- i Also, could you please provide me with the total aggregate height and width of the proposed building including garages and how it complies with our maximum height requirements? It seems that the distance from the foot in front, to the top of the roof or garage roof whichever is taller—is three stories and I don't recall that being allowed.
- i Could you please request that the developer incorporate the 2094 duplex in its drawn to size and scale CAD drawing so that it is possible to see the relative size of one to the other, and also to understand the distance from the edge of the proposed new home and its overhanging porch to the existing home?
- i In addition, I do think that the architect should keep the water catchment element of the home. And if they now opt not to, they will need to have some other type of mitigation for catching and diverting the volumes of water that come down that seeping hill.
- i Finally, what type of structure is to be used and what is the associated pressure, torque etc that will be exerted on the locally made and maintained Donald drive? For those of us with homes below this road, will there for insurance that assures us the large heavy construction equipment will not compromise the upper edges of our properties? Please take a look at the next bend in Donald Drive (just a few hundred feet up the hill from the proposed 1800 lot) where the road has already failed with just a tree and a fence causing collapse.

Thank you for your time

Best Regards,

Lynda Deschambault

p.s. A home just on the other side of Donald was approved at the top of Laird drive. A neg dec showed that there would be no impact or the impact had been mitigated. Yet at the start of construction---a very large slide resulted and a number of trees got knocked out scarring the side of the hill below. Luckily there were no homes below it. Since that home is just on the other side of Donald, with similar soils, geology, similar instability etc. What additional mitigations would be needed to ensure such a slide didn't occur with this project? (Especially since this one does have a home right below it)