

**TOWN OF MORAGA
PLANNING COMMISSION REGULAR MEETING**

Via teleconferenced locations

February 1, 2022
6:30 p.m.

MINUTES

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 54953 (AS AMENDED BY AB 361), WHICH AUTHORIZED TELECONFERENCED MEETINGS UNDER THE BROWN ACT, DURING CERTAIN PROCLAIMED STATES OF EMERGENCY. THE GOVERNOR OF CALIFORNIA PROCLAIMED A STATE OF EMERGENCY RELATED TO COVID-19 ON MARCH 4, 2020. THIS TELECONFERENCED MEETING WAS NECESSARY SO THAT THE CITY COULD CONDUCT ESSENTIAL BUSINESS AND WAS PERMITTED UNDER GOVERNMENT CODE SECTION 54953 IN ORDER TO PROTECT PUBLIC HEALTH AND THE SAFETY OF ATTENDEES.

Consistent with Government Code Section 54953, this meeting was held via teleconference only, and was not physically open to the public. Town Councilmembers, Planning Commissioners and staff teleconferenced into the meeting by audio and/or video. The meeting was conducted via Zoom Webinar.

Chairperson Luster described the Zoom Webinar format and identified the available Town of Moraga website links allowing the public to participate with the Planning Commission in order to provide public comment.

1. CALL TO ORDER

Chairperson Luster called the Regular Meeting of the Planning Commission to order at 6:42 p.m.

A. ROLL CALL

Present: Commissioners Bode, Davis, Helber, Lueder, Thiel, Vice Chairperson Hillis, Chairperson Luster

Absent: None

Staff: Afshan Hamid, Planning Director
Mio Mendez, Assistant Planner
Brian Horn, Associate Planner
Denise Bazzano, Assistant Town Attorney
Mark Summers, Associate Civil Engineer

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

There was no reported contact with applicant(s).

2. PLEDGE OF ALLEGIANCE

Chairperson Luster led the Pledge of Allegiance.

3. PUBLIC COMMENTS

Chairperson Luster reported there were no public comments for this item.

4. ADOPTION OF CONSENT AGENDA

A. January 4, 2022 Planning Commission Meeting Minutes

On motion by Commissioner Thiel, seconded by Commissioner Bode to adopt the Consent Agenda, as shown. The motion carried by the following Roll Call vote:

Ayes: Bode, Davis, Helber, Hillis, Lueder, Thiel, Luster
Noes: None
Abstain: None
Absent: None

5. ADOPTION OF MEETING AGENDA

On motion by Commissioner Helber, seconded by Commissioner Bode to adopt the meeting agenda, as shown. The motion carried by the following Roll Call vote:

Ayes: Bode, Davis, Helber, Hillis, Lueder, Thiel, Luster
Noes: None
Abstain: None
Absent: None

6. PUBLIC HEARING

A. Hetfield Estates Precise Development Plan (PDP 01-21) Grading Permit (GR 02-21) and Design Review (DRB 07-21) – Located at the Southern Terminus of Hetfield Place APN (258-600-006).

Conduct a Public Hearing and Consider Adoption of Planning Commission Resolution _-2021 for Approval of the Precise Development Plan, Grading Permit and Design Review for the Landscaping, Bridge, Retaining Walls and Design Guidelines for the Hetfield Estates Subdivision, a 7-Unit Single-Family Residential Development.

Planning Director Afshan Hamid introduced the Planning staff present including Assistant Town Attorney Denise Bazzano.

The Project Team for Hetfield Estates present was also introduced and included John Wyro, Project Manager; Linda Gates, Gates + Associates, Landscape Architect; Eric Mandell, Applicant; Jim Toby, Civil Engineer, Lea & Braze, Engineering Inc., (a second engineer with Lea & Braze was also present but had not been clearly identified); Brooks Ramsdell, Engineering Geologist, ENGeo; and Todd McNeil, Project Arborist.

Ms. Hamid provided an overview of the background of the Hetfield Estates project as outlined in the February 1, 2022 staff report, which project had been with the Town of Moraga since 2005. Hetfield Estates had an approved Vesting Tentative Map (VTM) and the project had received several extensions at the Town Council level.

The Town Council had approved the final extension on May 12, 2021. Pursuant to the Subdivision Map Act, May 2022 would be the sixth and final year of the VTM and no further extensions would be granted. The requested approval of a Precise Development Plan (PDP) was the final step of the three-step Planned Development process. Previously the Conceptual Development Plan (CDP) and the General Development Plan (GDP) had been approved by the Planning Commission and the PDP was the next step in the Planned Development process. For approval, the PDP must be consistent with the previously approved CDP, GDP and VTM. Planning staff would be making a PowerPoint presentation on the key issues that staff had been working on for the past several months with Town staff having worked closely with the applicant team to bring the project to this final stage.

Associate Planner Brian Horn and Associate Civil Engineer Mark Summers provided an extensive PowerPoint presentation of the Hetfield Estates 7-Lot Residential Subdivision PDP, Grading Permit and Design Review for property located at the southern terminus of Hetfield Place, which included an overview of the requested approvals for the PDP, Grading Permit, Design Review, and the details for the landscaping, bridge, retaining walls and Design Guidelines for the future homes.

While some of the lot sizes had changed slightly they were still within the thresholds of the CDP and the GDP. Staff also clarified that additional tree removals would be replaced with a 3:1 ratio per the approved Environmental Impact Report (EIR) for the project and the Emergency Vehicle Access (EVA) was clarified along with public trail alignments, design review for landscaping, bridge, retaining walls, Design Guidelines and a new bio-retention basin for stormwater, all highlighted with all of the project details shown in the staff report.

Mr. Horn recommended the Planning Commission approve the draft resolution contained in Attachment A to the staff report with adopted findings and approve the PDP, Grading Permit and Design Review for the landscaping, bridge, retaining walls and Design Guidelines subject to conditions.

Commissioner Davis referenced Attachment G, Draft Hetfield Estates Design Guidelines, specifically Additional Specific Residential Development Guidelines 1, which read: *Not more than three (2) two-story units shall be placed side by side in this seven (7) home development*, which Design Guideline was contrary to the Town's Design Guideline which prohibited two, two-story homes side by side.

Mr. Horn confirmed the Design Guideline referenced should be corrected to read: *Not more than two (2) two-story units shall be placed side by side in this seven (7) home development*, which was consistent with the Town's current rules.

Vice Chairperson Hillis understood the Town had an Accessory Dwelling Unit (ADU) Ordinance in place and asked why ADUs had been called out in the development, to which Mr. Horn explained the project was a Planned Development (PD) and it was important to have that clarity related to the ADUs. Any additional development in the rear yard would require approval of a use permit. Staff was of the opinion that consistent with other projects it was appropriate to have design review as opposed to a use permit process.

Vice Chairperson Hillis understood that some of the remediation would be addressed by a catchment area and asked of the details for that design.

Mr. Summers explained that a debris bench would be designed to prevent slide material from continuing down.

Brooks Ramsdell, ENGEO, Engineering Geologist, 2010 Crow Canyon Place, Suite 250, San Ramon, described the debris bench that would be located on the top of the slope behind the lots to accommodate any volume of material that would be shed off of the slope above, and prevent it from going down the slope and into rear yards. No fence would be associated with the debris bench. There would be a Geologic Hazard Abatement District (GHAD) with the Hetfield Estates project. The GHAD would conduct annual monitoring of any debris on the bench and once it reached a certain volume the material would have to be removed.

Vice Chairperson Hillis also understood pursuant to the landscape plan that all of the vegetation would be native vegetation. He asked whether the planting plan would also specify all native species pursuant to the Moraga-Orinda Fire District (MOFD) planting guide.

Mr. Horn stated that notes on the landscape plan had identified the native material to be planted.

Linda Gates, Gates + Associates, Landscape Architect, 1655 N. Main Street, Suite 365, Walnut Creek, explained that the native plant palette would conform to MOFD requirements and had been vetted through the various departments, with the plant material proposed to thrive in Moraga; however, she clarified the plant material would be native in the project's landscaped areas but not necessarily on the home sites.

Vice Chairperson Hillis referenced one of the letters of correspondence received for the project from the resident of 1120 Sanders Drive, who had expressed concern with access to their driveway during the process of construction of the bridge and whether an existing mature oak tree at the bridge would be preserved. He asked staff whether that concern had been addressed.

Mr. Summers commented that during the construction process an encroachment permit would be required for ingress/egress for that property owner. He understood the mature oak tree would be preserved and the applicant was looking at ways to adjust the footing of the tree to ensure its health.

Todd McNeil, Project Arborist, confirmed there was consideration of a change to the footing closest to the mature oak tree and/or considering exploratory trenching in that area to ensure that the tree would not be destabilized or impacted by the current plan.

Jim Toby, Civil Engineer, Lea & Braze, Engineering Inc., 2495 Industrial Pkwy West, Hayward, commented that ingress/egress concerns were common for such construction and the contractor was responsible for providing access for the homeowner at all times.

Vice Chairperson Hillis requested a commitment from the development team to reach out to the homeowner of 1120 Sanders Drive who appeared to be the only homeowner who would be impacted in that way.

Mr. Toby stated at the time of construction the homeowner could be provided the contact information for the superintendent on the site.

Vice Chairperson Hillis asked for clarification of the differences between the trees to be removed that had been planned as part of the GDP now through the PDP, particularly in light of comments from a resident who had been concerned with trees being added as part of the PDP along with the elimination of existing screening that resident had enjoyed. He asked for the justification of the number of trees to be removed.

Mr. Horn clarified as part of the GDP the original plan had been to remove 22 trees. As part of the PDP, the applicant was now proposing the removal of 51 trees.

Mr. McNeil provided additional clarification and explained that the proposed increase in the number of requested tree removals was primarily due to trees that would be impacted by design revisions, such as the bio-retention basin, trees that previously had not been large enough in 2013 to be considered protected trees but had grown since then to now being considered protected trees, and trees that the arborist had determined may pose significant hazards to nearby residents and could cause bodily harm, death or damage to properties. There were a number of trees that had either failed entirely or partially and were a potential hazard. The developer had to address the potential for hazards moving forward but while it did not mean the number of trees identified for removal had to be removed, it was the simplest option and there may be other strategies that could be considered to keep some of the lower foliage intact to keep some screening, which would have to be evaluated in the field.

As an example, Tree No. 758, an existing willow tree, had been identified by one of the neighbors as having provided screening, but the tree had been uprooted, with the roots in the air, and the top of the tree on the ground. The developer could work with the neighbors to ensure the needed screening throughout the project with no hazards left behind.

Ms. Hamid stated the intent was still to have a 3:1 ratio for the tree replacement. The applicant had identified 96 replacement trees to replace 32 native trees that would be lost to construction. She emphasized there would be a substantial amount of screening for the neighbors even with the tree replacement modification.

Vice Chairperson Hillis was pleased the developer would address the neighbors' concerns while recognizing the new trees would take some time to mature. He had no additional concerns with the landscaping.

Commissioner Helber understood the CDP and GDP processes were complete and they were now at the PDP stage but he was used to more detail than what had been provided. He asked why the Planning Commission was not looking at the architecture and the landscaping for the PDP at this time.

Ms. Hamid explained that the requirement as part of the CDP and GDP process was only to produce Design Guidelines. Prior to any approvals of the homes designs and associated landscaping, those plans would come back one by one for each home site for approval by the Planning Commission acting as the Design Review Board (DRB).

Commissioner Helber found that process to be cumbersome. He otherwise asked for more detail on the geogrid on the east side of the street and near the elbow where the bio-retention area was located.

Mr. Summers described the square hatch area recommended for the geogrid which would have reinforced fill and which may be a legacy issue.

Mr. Ramsdell explained that the geogrid would be well below grade within a keyway and not anywhere near to affect plantings. All of the area would be remedial grading, with the keyway to be excavated below grade and brought up with geogrid, and that geogrid would be well below grade and the base of the bio-retention area.

Commissioner Helber asked whether the 24-inch box Coastal Live Oaks to be planted along the street frontage would be removed when the ultimate driveways and improvements had been installed.

Ms. Gates clarified that when the improvements for the streetscape and the plantings had been done, gaps would be left between the trees to bring the driveways into the homes so as not to disturb the landscape improvements. A more detailed plan would be provided as they worked through the individual home designs.

Mr. Horn added the majority of the street trees would be planted on the northern side.

Commissioner Helber also commented that the sidewalk on the east side of the street would consist of decomposed granite (DG) and he asked why DG material was being considered, and Mr. Horn stated the DG material had been part of the original conditions of approval.

Commissioner Lueder asked for more clarification on the protected trees to be removed, and Mr. McNeil reiterated that some of the trees had grown into the threshold where trees that had not been protected in 2013 were now protected. Between 2013 and now they may have had to remove those trees that were not of a size to be deemed protected and they would not have to go through the permitting process. The landowner was permitted to remove certain trees of certain sizes on the property without having to go through the Town's Planning Commission. As an example, trees two or three inches in diameter were not reportable but there were now a greater number of trees that must be identified and must be replaced.

Mr. Horn clarified the trees that were to be removed as part of the PDP approval were essentially approved and would not require a separate permit from the Town. If the applicant discovered further trees had to be removed that would involve a separate process. He added as part of the GDP, Condition 79 had identified the DG granite path with some reasoning for a more rural appearance since it was near the creek.

Commissioner Thiel asked about the history of traffic along Sanders Drive given the proposal for seven more units in the neighborhood, and Mr. Horn advised that traffic had been reviewed as part of the EIR for the project and no additional review was required.

Ms. Hamid confirmed traffic impacts had previously been analyzed when the project had been certified in 2012. The Town could not go back and conduct a new analysis due to the pandemic or different circumstances.

Commissioner Davis referred to Condition 9, which read: *Throughout all of the various phases of project construction, existing public streets, trails, sidewalks, and bike lanes must be maintained in a safe and usable condition or a safe alternate route or detour provided if closure is necessary due to construction. Such closures or detours shall be addressed as part of a Town-approved Construction Management Plan or Traffic Management Plan for the project. Trails, bike lanes and sidewalks shall be constructed at the same time as any or all adjacent roadway segments are constructed.* He asked how the street would be measured pre-status to post-status of the project so that any damage occurring to the street would be rectified.

Mr. Summers advised the developer would be required to obtain a hauling permit and conditions of the permit would require a pre- and post-project video survey with fees paid into the Town's street funds for street repairs. The hauling permit would address any potential damage to the street and the developer would be required to bond and submit a cash deposit for clean-up along with compliance with a number of other conditions.

Chairperson Luster asked whether there had been any discussion about the maximum height for a single-story unit, whether a 35-foot high single story would be permitted, or whether a single-story height limit had been considered.

Mr. Horn explained that currently, the Town's Design Guidelines had a limit of 19 feet for a single-story and 28 feet for two stories for padded lots. The original CDP for the project had not identified the lots as padded lots. As to the 35-foot height limit, it was typical for zoning ordinances to have a 35-foot height limit regardless of the number of stories. The 35-foot height limit in this case had come from the project EIR as part of the Development Standards in the Mitigation Monitoring and Reporting Plan (MMRP).

Ms. Hamid suggested if the Planning Commission determined that 28 feet for a single-story home was appropriate that could be added to the Design Guidelines and 35 feet for two stories, but she would like to see an objective standard so it was very clear and consistent with state law.

Chairperson Luster preferred that a Design Guideline be considered now to address the building height. She also questioned why the developer would be required to install story poles and asked of the trigger for that requirement given the lack of ridges, hillsides, view protections or a scenic corridor.

Mr. Horn understood the story poles had been part of the approved MMRP.

Chairperson Luster asked whether the requirement for story poles could be removed but Assistant Town Attorney Denise Bazzano advised that the requirement for story poles was part of the MMRP and could not be removed absent further analysis since it was presumed it had been fully considered, analyzed, and included based on the facts of the project and was appropriate at this point. The Planning Commission was not being asked to remove conditions of approval that had already been vetted but to consider whether the PDP was consistent with the previously approved CDP and GDP. The concern with the story poles requirement could be looked at further if there was interest by the Planning Commission, although it was assumed there was a reason for the requirement since it had been included as a condition of approval at least in the documents and it may also have been included as a mitigation measure. Again possible removal of that requirement would require further analysis.

John Wyro, Project Manager, stated the PDP was consistent with the CDP and the GDP which had been recognized and explored by staff in detail. At this time he and Ms. Gates provided a PowerPoint presentation which included an overview of the background of the Hetfield Estates project, again identified the project team, the project overview, landscape design for seven units consistent with the character and existing context, and building a bridge across Larch Creek with a trail system to be accessed by local neighbors.

Ms. Gates noted that many of the existing shrubs had grown to be qualified now as trees, with 96 trees to be planted for mitigation and screening. She also clarified the number of keystone retaining walls would be minimized with a few near the cul-de-sac and near the stormwater treatment area to be between a two- and three-foot height maximum, with the largest retaining walls at the back of the lots to consist of a boardform finish, which would not be that visible from off-site. Most of the planting would occur on the creek side and open space edges, with the plantings in front of the lots to consist of a tree, with the exception of Lots 1, 2 and 3 which would have some shrubs planted to screen views across the bridge, to be installed with the improvements for the road.

A native tree palette would be used with a variety of trees, and street trees to be planted in 24-inch box with the arborist recommendations to use tree pots and cages in the riparian areas to provide dense plantings. The plant imagery was displayed to illustrate a lot of diversity and variety. The entry to the project would include the bridge across the basin with landscaping around it described as a rival experience while still fitting into the natural setting.

The design and dimensions for the bridge were detailed and Ms. Gates agreed that a stone veneer finish for the bridge would lend a more appropriate setting and would not be as reliant on the material for the architecture. She hoped to have larger pilasters at the beginning and end of the bridge with a sidewalk on one side of the bridge, and with a small plaque reading *Hetfield Estates*, with a little downlight to highlight the pilaster and provide illumination as people crossed the pedestrian bridge during the evening.

Ms. Gates commented that over the years the developer had responded to the various requirements, and had done fine tuning to work out the design to provide something that fit and opened the open space to the neighborhood.

Mr. Wyro reiterated the developer had been working on the project for some time and he commended Town staff for being helpful to work through many of the issues. They were now near completion and hoped the PDP would be approved to allow the Final Map and the homes to be completed. He supported the staff recommendations and welcomed any questions.

In response to the Vice Chair, Ms. Gates clarified some of the visuals on the PowerPoint presentation. As to the stone veneer material for the bridge, she suggested they would have to work through the thickness and work through the structure of the bridge detail itself. She was confident they could use a material that had a natural appearance.

Commissioner Helber commented that Lots 1 through 3 were fairly flat and looked like they had some mild slope, while Lots 4, 5 and 6 had a 10-foot grade of buildable area, with Mr. Toby commenting that most of the lots were intended to have the homes situated relatively flat with the contours closely together where things were steep. He noted the lots were not significantly sloped. It would be around 10 feet from one corner lot to another corner lot and he clarified the individual lots would be graded a bit differently once the actual house plans had been determined. The lots were not that steep to be much of an issue.

Commissioner Helber asked for clarification of how the pads had been measured.

Mr. Horn clarified the height for the specific area would be measured and if the foundation was in one portion they would go straight up from there, and the height limit line would follow the grade of the approved pad.

Commissioner Helber expressed concern because the Los Encinos development had homes that stepped up and up, and although they had been measured at one story, those homes appeared from the street to be three stories. He asked whether conditions could be added to the grading plan about the pads themselves to prevent or preclude the situation of stepping up to prevent another situation like Los Encinos.

Mr. Horn cited Sheet C.4 which had shown a section of what the pads for Lots 1 through 7 would look like.

PUBLIC HEARING OPENED

John Valentine, 1144 Sanders Drive, Moraga, whose home was located directly behind Lot 7, shared the concerns with the height of the buildings. If the homes were allowed to creep up to possibly multiple stories they would have views of his rear yard and he preferred that not be the case to allow his family to continue to enjoy their privacy. He pointed out that Sanders Drive consisted of single-story, modest Ranch style homes and residents had been assured by the Town Council since 2014 that Hetfield Estates would remain in keeping with the existing neighborhood.

Mr. Valentine suggested there was not much about the development that would be in keeping within the spirit of the existing neighborhood. He urged the Planning Commission to remember the commitment made to the Sanders Drive community. He also found that every effort made to expand the size of the lots and raise the construction height moved the development further away from the existing neighborhood. He asked the Planning Commission to stipulate that 35 feet was measured from the limited bottom to the maximum top.

Mr. Valentine also commented on the movement of a hundred thousand yards of dirt and the level of equipment needed to make that happen. Given the substantial equipment needed for the grading and the amount of dirt required to be moved around to make this development happen, it would significantly impact the neighborhood throughout the construction process. He asked that everything be done to protect existing homeowners, not just future homeowners.

PUBLIC HEARING CLOSED

Vice Chairperson Hillis found the suggestion raised by Mr. Valentine to measure 35 feet from the limited bottom to the maximum top to be reasonable. He also found benefit in detailing the height of the single story but asked where the 28-foot height limit for two stories had come from.

Chairperson Luster understood that the 28-foot height limit for two stories had come from MOSO [Moraga Open Space Ordinance] language. She suggested there could be a height limit of 19 feet for a single story and 28 feet for a two story, and perhaps 35 feet as the maximum from the first grade to the highest point.

Vice Chairperson Hillis supported that direction along with the correction to the language in Attachment G to Design Guideline 1 to be modified to read: *Not more than two (2) two-story units shall be placed side by side in this seven (7) home development*

Ms. Hamid explained in response to the Chair that the 35-foot height limit had been chosen since it was in the Moraga Municipal Code (MMC). If the Planning Commission wanted to stipulate 28 feet for a single story and 35 feet for a two-story home that would be reasonable and an objective standard.

Mr. Horn added that the 35-foot height limit was for all Single-Family Zoning Districts in the Town of Moraga. The Design Guidelines had identified 19 feet for a single story and 28 feet for a two story. As to the recommended measurement offered by Mr. Valentine, he commented he had not used that measurement before. The Town's zoning code included an aggregate height as well, which was for sloped lots of 45 feet, but the EIR for this project had not addressed the aggregate but set a maximum height of 35 feet. Assuming legal counsel was in agreement, the measurement could be from the lowest point of the home at the foundation to the highest point.

Ms. Bazzano advised that the 35-foot height had been identified in the conditions of approval attached to the resolution in Attachment A to the staff report. She asked if the 28-foot height would be in the Design Guidelines, and Chairperson Luster agreed that should be added to the Design Guidelines, with the 35-foot height to be clarified as a maximum aggregate height.

Ms. Bazzano identified Condition 13 which read: *The maximum building height of the homes shall not exceed 35 feet consistent with the Moraga Municipal Code.* She would not deviate from what had been stated in the MMC based on the drafting of that condition of approval. It could be clarified with an addition to the Design Guidelines for the one- and two-story building height.

Ms. Hamid commented what had been analyzed and approved in the conditions of approval was the 35 feet.

Chairperson Luster understood that meant it could be interpreted as an aggregate.

Ms. Hamid asked the applicant to clarify the differential on the lots where the buildings would go, and Mr. Toby explained that the lots themselves had not been padded out for homes at this time, but the maximum difference from one to another side was 10 feet. From one bottom corner to another corner they would end up grading the lot to be more of a balance, and for the steeper lots they may come up three or four feet and in the back come up four to five feet to balance that out, depending on the slope. The home would not take up the entire lot, there would be room on the sides to grade between them depending on when the individual homes were figured out. He did not expect much more than a couple of feet from the pad to the back and another few feet to bring it up to the final grades. He suggested they would not see a three-story home in the back.

Vice Chairperson Hillis shared the concerns with the possible similarity to the Los Encinos development.

Commissioner Helber wanted to see the concern addressed in a condition.

Ms. Hamid asked whether or not Mr. Toby could recommend a certain average during the final grading.

Mr. Toby clarified as part of the final plan they would make the lots more even. Again, the homes had not been designed yet and he would have to defer to the client on what the homes may look like, although the lots would be graded to have houses on them and they would not be significantly above the road since there was no desire for a steep driveway. Within the building footprint there would be a mild gentle grade and on the sides they would make up the difference in the grade.

Mr. Wyro pointed out the Los Encinos Subdivision was on a very different site which was very steep. The pads for Hetfield Estates would be close to being level and the types of adjustments to be made to level the pads out would be in the range of two to three feet.

Mr. Toby further commented that the grading around the lots was intentional so that when they reached the house phase they could not play with the grade. From a marketability point of view, they did not want a steep driveway and the idea was to keep the homes down close to the street as much as possible. He suggested there was plenty of room to make up the grades and balance the site out so that when the homes were built it would look natural and gentle.

Ms. Hamid reiterated that each of the homes would have to come back prior to the final approval which would allow more precise understanding at that time of the elevations and where each of the homes would sit on the lots.

Chairperson Luster expressed concern with the Design Guidelines already being set where it would be difficult to take back what was had already been permitted as the homes were designed. She preferred a set of boundaries to be identified for the applicant.

Commissioner Helber asked of the usable rear yard space and whether or not it would truly be usable rear yard space or part of the upslope of the lot.

Mr. Toby envisioned there may be three to four feet coming from the home up to the rear part of the lot, which could be mitigated by landscaping or they could have a small step up into another area, all of which would be clarified once they reached the home design stage.

Commissioner Helber asked whether the applicant would be opposed to the Planning Commission expanding that area to ensure that area was usable space and not a steep slope.

Mr. Toby reiterated the space was intended to be usable but the actual home designs were not yet available.

Commissioner Helber also referenced Condition 22 of Town Council Resolution 43-2014, Exhibit 1 which read: *Green Building. The design review for the Precise Development Plan shall include a review of its Green Building Program components, which shall demonstrate how it is expected the project will obtain a score of 90 points (at a minimum) pursuant to the Town's "Build it Green Program" and demonstrating energy efficiency and sustainability beyond current code requirements. Photovoltaic panels shall be offered to buyers as an option. [Modified COP COA No. 64].* He understood that Green Program rating was getting harder and harder to achieve each year and asked whether the applicant could meet the condition.

Mr. Toby acknowledged that the conditions of approval were more difficult year after year which had promoted some of the design changes on the plans, but whatever the requirements they would meet them. He again commented that the homes would have flat pads but the rear and the fronts would have the opportunity to slope.

Commissioner Helber suggested a condition to read: *The buildable pad shall have an elevation change no greater than four to five feet.*

Mr. Wyro reiterated the architectural plans had not yet been developed, he understood the concerns and the importance of the homes having a usable rear yard since the homes faced the street and it would be incumbent on the design of the homes to create usable rear space

Chairperson Luster asked whether the issue of the building height would address some of the pad issues such as the home not to be more than 35-feet in height total.

Ms. Hamid read into the record a condition from the Final MMRP which had been approved by Planning Commission Resolution 10-12, July 16, 2012, and which stated *the maximum building height shall be determined through the design review process and shall not exceed 35 feet consistent with the MMC.*

Mr. Horn reiterated the MMC did not mention aggregate height but spoke to building height. He read into the record the definition of building height, as *any point of the roof or the parapet walls and the existing grade, approved subdivision grade or approved modified grade directly beneath.*

Chairperson Luster supported Commissioner Helber's recommendation for an additional condition that read: *The buildable pad shall have an elevation change no greater than four to five feet* since that would be the only way to keep the aggregate height down.

Commissioner Helber suggested further modification to a new condition to read: *Measuring from back of curb the building, no point of any structure shall be higher than 40 feet.*

Ms. Hamid suggested that could be added to the Design Guidelines and Ms. Bazzano confirmed that could be added to the Design Guidelines although she wanted to know why since the applicant had indicated the elevation would be relatively flat on the pad.

Chairperson Luster noted wherever the building stepped up, it would be taller than that from the street and potentially taller than a 35-foot high structure.

Mr. Wyro commented that most of the homes would sit above the street and into the hill.

Mr. Toby reiterated from a marketability standpoint they would not want a driveway that travelled straight up into the air. They would be looking at it from the street grade where the homes would be around three feet taller in average.

Eric Mandell, the Applicant, 2 Crow Canyon Place #200, San Ramon, stated the higher two-story plan would be around 31 feet and the single story would be just about 19 feet and they would be below the requirement and he had spoken with the person who was working on the designs to confirm that information.

Vice Chairperson Hillis suggested the language offered by Commissioner Helber would resolve his concerns and those cited by some of the residents.

Ms. Bazzano clarified the suggested language would be added to the Design Guidelines.

Vice Chairperson Hillis supported the language to read: *The buildable pad shall have an elevation change no greater than four to five feet.*

Commissioner Davis commented the conditions of approval included a maximum height of 35 feet. The Town Council had been clear about the conditions of approval and adding an aggregate clause was in his opinion appropriate as would be reiterating the Town's Design Guidelines of 19 feet for a single story and 28 feet for a two-story, consistent with the Town's rules. Given the lifespan of the project, he wanted to see the intent included in writing in the Design Guidelines.

Chairperson Luster reiterated Commissioner Helber's recommendation to add to the Design Guidelines the following statement: *The buildable pad shall have an elevation change no greater than four to five feet.* She also wanted the Planning Commission to discuss the 19 feet for a single story and 28 feet for a two-story, with 35 feet being the building maximum with clarification that it would be an aggregate.

Commissioner Davis pointed out that would allow the builder to have a subfloor area to help mitigate slope that was not part of the first or second floor, and allowed more choice in roof design and variation and would be in keeping with the conditions of approval that had been in place for years.

Ms. Hamid confirmed that identifying 19 feet for a single story and 28 feet for a two story, with 35 feet as the building height maximum, with clarification it would be an aggregate, and clarification of Design Guideline 1 of Attachment G reading *Not more than two (2) two-story units shall be placed side by side in this seven (7) home development*, could be included.

Chairperson Luster commented she had visited the site, the hill slowly sloped up and had a higher slope at the back and the pad area was flatter than not. She suggested the project would be a beautiful development and agreed with the staff recommendation that the sign reading "Hetfield Estates" at the bridge entry be limited to 4 square feet in size, but had no preference on the stone veneer to be chosen for the bridge, suggesting the type of veneer should be left up to the applicant and not be specified.

Vice Chairperson Hillis preferred the stone material the landscape architect and staff had identified for the bridge but had no preference for the "topper."

Commissioner Davis pointed out the stamping concrete material would match the material used for Canyon Road Bridge but recognized those materials did not have to match.

Chairperson Luster suggested the specification of the stone veneer be removed from the conditions of approval, particularly since design review would encompass like materials to the neighborhood and the semi-rural features of Moraga.

Vice Chairperson Hillis was comfortable discussing such details as such time as the home designs were presented.

Mr. Horn clarified the bridge design and materials would be decided at this time and the home designs at a future date.

Vice Chairperson Hillis again preferred the stone material for the bridge but could defer to the majority of the Planning Commission.

Chairperson Luster asked that the Finding on Page 10 of Attachment A related to the stone veneer for the bridge be eliminated and Condition 15(a), as shown in Exhibit A of Attachment A, be modified to reflect the applicant may choose from the natural veneers that had been presented.

On the discussion of the 19 feet for a single story, 28 feet for two story, and 35 feet for the maximum height, and in response to Ms. Hamid who asked of the applicant's comfort level with that Design Guideline, Mr. Mandell asked whether that would be 19 feet maximum given potential challenges with the designs. He asked that the 19-foot stipulation be raised slightly.

Chairperson Luster understood the nature of a single story was that it would be on one pad. She suggested that the 19-foot single-story unit could possibly be around 7 inches taller.

Mr. Mandell reiterated the intention to have a level pad for a single story, but given the requirement for a single-story unit for every two units they would have to work with the lot. There could be a situation where a lot had to be stepped up. His designer had found that 19 feet would be close and for the two-story units, suggested a height of 31 feet at a maximum. He stated his designer would have to check his calculations and get back to him.

Ms. Hamid recognized the need to provide some flexibility as the applicant was finalizing the pad elevations and the home designs. The home designs would come back and based on her experience even with current single-story homes and given they were discussing 4,000 maximum square feet for a single-story home for this development, she found that 19 feet could result in something squatty. To make things work, they would need anywhere from 25 to 28 feet in height for a single story which would be consistent with the Town's code for a single story, and 35-foot maximum for a two story which would be more reasonable with what was already a standard in the MMC, and would work in terms of current engineering and designs.

Mr. Horn clarified the Design Guidelines in the Zoning Code identified 19 feet for a single story and 28 feet for a two-story. In this case, he did not see the developer would exceed the aggregate height by stepping up the single-story building but the developer needed to provide clarification.

Commissioners noted that there could be multiple elements at different heights and not break the aggregate.

Chairperson Luster cautioned the Planning Commission against creating Design Guidelines that met the applicant's wishes as opposed to being based on what the Town currently had but which did not have to be more restrictive. She did not see an argument for extending or giving more to the developer than any other development that had been permitted under the MMC.

On the discussion, Vice Chairperson Hillis understood there was consensus to retain Commissioner Helber's recommended Design Guideline to read: *The buildable pad shall have*

an elevation change no greater than four to five feet and restating the current heights as contained in the Design Guidelines, for 28 feet for two stories and 19 feet for a single-story home with the clarification that the aggregate maximum height could be no more than 35 feet and the change in Design Guideline 1 of Attachment G, to read *Not more than two (2) two-story units shall be placed side by side in this seven (7) home development.* He offered that as a motion.

Chairperson Luster added the motion should also include removal of the specification of the veneer to be stone for the bridge, and Condition 15(a) as shown in Exhibit A of Attachment A to be modified to reflect the applicant may choose from the natural veneers that had been presented.

On motion by Vice Chairperson Hillis, seconded by Commissioner Davis to adopt Resolution ___ - 2021 Approval of the Precise Development Plan, Grading Permit and Design Review for the Landscaping, Bridge, Retaining Walls and Design Guidelines for the Hetfield Estates Subdivision, a 7-Unit Single-Family Residential Development, subject to:

- Add a new Design Guideline to read: *The buildable pad shall have an elevation change no greater than four to five feet* and restating the current heights as contained in the Design Guidelines for 28 feet for two stories and 19 feet for a single-story home with the clarification that the aggregate maximum height could be no more than 35 feet.
- Amend Attachment G, Draft Hetfield Estates Design Guidelines, specifically Additional Specific Residential Development Guidelines 1, to read: *Not more than two (2) two-story units shall be placed side by side in this seven (7) home development.*
- Remove the specification of the veneer to be stone for the bridge as shown in the staff report findings and Condition 15(a), as shown in Exhibit A of Attachment A to be modified to reflect the applicant may choose from the natural veneers that had been presented.

The motion carried by the following Roll Call vote:

Ayes:	Bode, Davis, Helber, Hillis, Lueder, Thiel, Luster
Noes:	None
Abstain:	None
Absent:	None

Chairperson Luster identified the 10-day appeal period of a decision of the Planning Commission in writing to the Town Clerk.

7. ROUTINE AND OTHER MATTERS

A. None

8. REPORTS

A. Planning Commission

There were no reports.

B. Staff

Ms. Hamid reported she had extended an invite for a Special Joint Meeting between the Town Council and the Planning Commission scheduled for March 2, 2022 at 6:00 p.m., with a discussion on housing opportunity sites as part of the Housing Element Update.

Ms. Hamid also reported a community survey had been posted on the Town website as part of the community engagement for the Housing Element Update accessed via a dedicated webpage. She took the opportunity to show the Planning Commission how to access the link with Planning Commissioners encouraged to reach out and invite residents to participate in the survey. In addition, there were openings on the Planning Commission and interested applicants were encouraged to apply with the application period extended to February 3, 2022, and with interviews scheduled for February 16, 2022.

Ms. Hamid also reported the California League of Cities Training Academy would be held in-person this year in the City of San Ramon and she asked that Planning Commissioners interested in attending to contact staff.

9. ADJOURNMENT

On motion by Commissioner Helber, seconded by Vice Chairperson Hillis, and carried unanimously to adjourn the Planning Commission meeting at approximately 9:15 p.m.

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Secretary of the Planning Commission