



Town of Moraga	Agenda Item
Public Hearings	5.A

Meeting Date: July 31, 2019

**TOWN OF MORAGA**

**STAFF REPORT**

**To: Honorable Mayor and Councilmembers**

**From: Derek Farmer, Planning Director  
Brian Horn, Associate Planner**

**Subject: Conduct a Continued Public Hearing and Consider Resolution No. \_\_\_-2019 Denying the Appeal of Planning Commission Vice Chair Brenda Luster Appealing the Planning Commission's Decision on June 3, 2019 (PC Resolution 05-19) and Upholding the Planning Commission's Approval of Amendments to the Los Encinos Subdivision Vesting Tentative Map and Hillside Development Permit Conditions of Approval, Revisions to Grading Design, Design Review for 10 Homes and Consideration of Design Guideline Exceptions.**  
**(Continued from July 10, 2019)**

**Request**

Conduct a continued public hearing, accept testimony from the appellant, the applicant, and the public, discuss the appeal of the Planning Commission's (PC) decision to approve amendments to the Los Encinos subdivision Vesting Tentative Map and Hillside Development Permit conditions of approval, revisions to grading design, design review for ten (10) homes and consideration of design guideline exceptions; and consider denying the appeal and upholding the PC's approval of amendments to the Los Encinos Subdivision Vesting Tentative Map and Hillside Development Permit conditions of approval, revisions to grading design, design review for 10 homes and consideration of design guideline exceptions.

The revised approvals are as follows:

- Modification of project Condition #1.9 requiring transfer of property to 30 Baitx Drive, 4 Ketelsen Drive, and 8 Ketelsen Drive. The applicant is requesting the option to allow for a landscaping easement if preferred by the adjacent property owners.
- Grading Permit for revised grading for building pads.
- Design Review for 10 new Single-Family Homes.
- Exception from Design Guideline ID10 for grading.

- 1 • Exceptions from Design Guidelines ID11.2, ID11.4 and ID11.5 for retaining walls.
- 2 • Exception from Design Guideline SFR 1.2 for building setback variation.
- 3 • Exception from Design Guideline SFR1.11 for the size of usable yard area.
- 4 • Exception from design Guideline SFR 2.9 for blank walls.

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**Background**

8 On July 10, 2019 the Town Council (Council) considered an appeal of the Planning  
9 Commission’s 4-2 approval of amendments to the Los Encinos subdivision Vesting  
10 Tentative Map and Hillside Development Permit conditions of approval, revisions to  
11 grading design, design review for ten (10) homes and consideration of design guideline  
12 exceptions. Additional background information and project details regarding the project  
13 as reviewed by the Council is in the July 10<sup>th</sup> staff report (Attachment B). At the July 10<sup>th</sup>  
14 hearing, the Council determined that they wanted to see revisions to the project and  
15 reached an agreement with the applicant to continue the hearing to a special meeting on  
16 July 31<sup>st</sup> to allow the applicant to submit revised plans. The Council provided direction  
17 regarding their desired revisions to the project and noted that there would be flexibility on  
18 certain suggestions based on the overall revisions submitted.

19

20 In general, Council’s suggested revisions included: reduction in the height/stories of the  
21 homes on Lots 3 and 8, with additional direction to consider Lots 6 and 7 as well; reduction  
22 in the square footage of the homes and reduction in garage size; conform to the front-  
23 yard setback design guidelines (SFR 1.2); conform to the side-yard setback guideline  
24 (SFR 2.6) on certain lots; create more space between homes by increasing the side-yard  
25 setbacks in an effort to further separate the rooflines of the homes and provide views of  
26 the hillside between the homes when viewed from off-site areas such as Larch Avenue;  
27 provide revised photo simulation of View 6 and a new simulation from a vantage point  
28 along Vista Encinos. Finally, the Council requested that all agreements and  
29 accommodations made with the neighbors should be kept in place.

30

31 The July 10, 2019 Council staff report and attachments, including the full set of the plans  
32 reviewed at that meeting can be reviewed online at the link below:

33

34 [https://townofmoraga.worldsecursystems.com/council/meetings/2019/071019/TC-071019\\_10.A\\_Los%20Encinos%20Appeal.pdf](https://townofmoraga.worldsecursystems.com/council/meetings/2019/071019/TC-071019_10.A_Los%20Encinos%20Appeal.pdf)

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37 **Discussion**

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39 In response to the Council direction, the applicant has revised the plans for the homes on  
40 Lots 1 through 5 and Lot 8 (Attachment C). The homes on Lots 6, 7, 9 and 10 have not  
41 been revised. The following tables provide a comparison of changes from the previous  
42 plans reviewed by the Council at their July 10<sup>th</sup> meeting. The homes on Lots 1, 2, 4 and  
43 5 are all of a similar design, which include the following proposed revisions from the July  
44 10<sup>th</sup> hearing.

45

- 46 • Two-foot reduction in the width of the lower floor.
- 47 • Ten-foot reduction in the width of the upper floor by pulling back the lower roof.
- 48 • Reduction of 105 square feet.

1 Note: For Tables 1 through 4, the side setbacks shown in the table reflect the setbacks  
 2 to the first floor, which is the nearest point to the property line, the second floor has been  
 3 setback an additional four feet on each side of these homes.  
 4

5 Table 1: Lot 1

Town Council Date	Primary Pad Height Elevation (ft)	Building Height Elevation (ft)	Building height from pad (35 ft. max)	Setbacks				Floor Area Ratio		
				Front (20 ft. min)	Right Side (10 ft. min)	Left Side (10 ft. min)	Rear (15 ft. min)	Allowed FAR	Home Size w/ Garage (sq.ft)	Proposed FAR
7.10.19	541	565	24	20	32.5	14.4	49.6	0.330	3,322	0.330
7.31.19	541	565	24	20.3	32.5	16.4	49.3	0.330	3,217	0.319
Change	0	0	0	+3	0	+2.4	-.3	N/A	-105	-0.011

6  
7 Table 2: Lot 2

TC Date	Primary Pad Height Elevation (ft)	Building Height Elevation (ft)	Building height from pad (35 ft. max)	Setbacks				Floor Area Ratio		
				Front (20 ft. min)	Right Side (10 ft. min)	Left Side (10 ft. min)	Rear (15 ft. min)	Allowed FAR	Home Size w/ Garage (sq.ft)	Proposed FAR
7.10.19	547	572.5	25.5	20	10	16.9	49.6	0.330	3,322	0.330
7.31.19	547	572.5	25.5	20	10	18.9	49.2	0.330	3,217	0.320
Change	0	0	0	0	0	+2	-.4	N/A	-105	-0.010

8  
9 Table 3: Lot 4

TC Date	Primary Pad Height Elevation (ft)	Building Height Elevation (ft)	Building height from pad (35 ft. max)	Setbacks				Floor Area Ratio		
				Front (20 ft. min)	Right Side (10 ft. min)	Left Side (10 ft. min)	Rear (15 ft. min)	Allowed FAR	Home Size w/ Garage (sq.ft)	Proposed FAR
7.10.19	552.3	577.8	25.5	21.9	10	9.1	55.6	0.314	3,609	0.309
7.31.19	552.3	577.8	25.5	21.1	10	10.9	56.4	0.314	3,504	0.299
Change	0	0	0	-.8	0	+1.8	+.8	N/A	-105	-0.010

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11 Table 4: Lot 5

TC Date	Primary Pad Height Elevation (ft)	Building Height Elevation (ft)	Building height from pad (35 ft. max)	Setbacks				Floor Area Ratio		
				Front (20 ft. min)	Right Side (10 ft. min)	Left Side (10 ft. min)	Rear (15 ft. min)	Allowed FAR	Home Size w/ Garage (sq.ft)	Proposed FAR
7.10.19	556.5	580.5	24	20	10	46.8	65.8	0.220	3,589	0.165
7.31.19	556.5	580.5	24	20	10.9	46.8	67.8	0.220	3,484	0.160
Change	0	0	0	0	+9	0	+2	N/A	-105	-0.005

12  
13 The homes on Lots 3 and 8 have been redesigned as single-story homes.  
 14

14 Table 5: Lot 3

TC Date	Primary Pad Height Elevation (ft)	Building Height Elevation (ft)	Building height from pad (35 ft. max)	Setbacks				Floor Area Ratio		
				Front (20 ft. min)	Right Side (10 ft. min)	Left Side (10 ft. min)	Rear (15 ft. min)	Allowed FAR	Home Size w/ Garage (sq.ft)	Proposed FAR
7.10.19	550.5	574.5	24	20	10	19.2	50.9	0.306	3,589	0.286
7.31.19	550.5	567	16.5	20	10	10.2	48.6	0.306	3,184	0.254
Change	0	-7.5	-7.5	0	0	-9.2	-2.3	N/A	-405	-0.032

1 Table 6: Lot 8

TC Date	Primary Pad Height Elevation (ft)	Building Height Elevation (ft)	Building height from pad (35 ft. max)	Setbacks				Floor Area Ratio		
				Front (20 ft. min)	Right Side (10 ft. min)	Left Side (10 ft. min)	Rear (15 ft. min)	Allowed FAR	Home Size w/ Garage (sq.ft)	Proposed FAR
7.10.19	555.8	581.8	26	20	15.6	10	75+	0.180	4,409	0.148
7.31.19	555.8	573.8	18	20	10.9	10	75+	0.180	3,673	0.123
Change	0	+3.8	-8	0	-4.7	0	0	0	-736	-0.025

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Staff Analysis:

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5 The redesigned project has resulted in the elimination of the request to modify Vesting  
6 Tentative Map and Hillside Development Condition I.8 prohibiting more than two two-story  
7 homes on adjacent lots and the exception to Design Guideline SFR1.1 to allow more than  
8 two two-story homes to be placed side-by-side. The new design also has eliminated the  
9 requested exception from Design Guideline SFR 2.6 for building end wall height on Lots  
10 2 and 4. In the case of these lots, the second floor is now setback from the first floor. The  
11 first-floor end wall height is approximately 9.5 feet to the eave of the roof. The second  
12 story end-wall is set back an additional 4 feet from the first-floor end wall and has been  
13 reduced in height from 24 feet to approximately 20.5 feet in height. The combination of  
14 the lowering of the end wall height and setting the second story back an additional 4 feet  
15 brings the project in compliance with this design guideline.

16

17 The revised design does result in a new design guideline exception that would need to  
18 be granted for the redesigned homes on Lots 1, 2, 4 and 5 which include blank walls  
19 without windows on the sides of the second stories that exceed 15 feet in length. Design  
20 Guideline SFR 2.9 states that *“any blank wall that is without windows and is more than 15  
21 feet long or 180 square feet in area, whichever is less, should have special design  
22 treatment.”* The necessity for this design guideline exception is driven by the developers  
23 intent to increase privacy to the adjacent neighbors which includes not having windows on  
24 the upper floor of the sides and rear of these homes, and in consideration of the Councils  
25 request to keep all agreements and accommodations made to the neighbors when  
26 redesigning the project. These areas of blank wall are located above a roof line that  
27 separates the first floor from the second floor, which provides architectural detailing to help  
28 minimize the appearance of a blank wall on these elevations. Staff recommends approval  
29 of this exception.

30

31 In response to the direction provided by the Council at its July 10 hearing, the applicant  
32 submitted revised plans for Lots 1 through 5 and Lot 8. The applicant has reduced the  
33 square footage on Lots 1, 2, 4 and 5 by 105 square feet per home and redesigned the  
34 homes so that they comply with Design Guideline SFR 2.6. The first floor of the homes  
35 has been reduced in width by two feet and the upper floor reduced in width by 10 feet by  
36 altering the rooflines to create more visual separation between the homes. While the  
37 redesign has required an additional exception from Design Guideline SFR 2.9, this  
38 exception is necessary for the applicant to maintain accommodations made with the  
39 neighbors to provide them additional privacy.

40

41 Additionally, per Council's direction, Lots 3 and 8 have been redesigned as single-story  
42 homes, removing the requirement for a modification to Vesting Tentative Map and Hillside  
43 Development Permit Condition I.8 and an exception to Design Guideline SFR 1.1.

1 Consequently, the home on Lot 3 has been reduced in size by 405 square feet and the  
2 home on Lot 8 has been reduced in size by 736 square feet.

3  
4 However, the square footage of the homes on Lots 6, 7, 9, and 10 has not been reduced.  
5 Similarly, while the three-car garages on Lots 3 and 8 have been reduced to two-car  
6 garages, three-car garages remain as part of the homes on Lots 5, 6, 7, 9 and 10.  
7 Therefore, the proposed cumulative square footage reduction for the 10 homes is 1,561  
8 square feet. It is up to the Council to determine whether this cumulative reduction in  
9 square footage and project revisions reflects their direction to an adequate degree.

10  
11 Exceptions to Design Guidelines SFR 1.2 for building setback variation and SFR 1.1 for  
12 size of usable yard are still necessary as the homes are oriented as close to the street as  
13 possible to provide separation from the surrounding neighborhoods, and the hillside  
14 topography makes creating a 40' x 25' usable yard area very challenging.

15  
16 Due to time constraints, the applicant has been unable to prepare revised photo  
17 simulations before the publishing of this report but has agreed to make them available  
18 prior to the July 31 special meeting. The attached resolution has been revised to reflect  
19 these changes along with staff recommended modifications to certain conditions of  
20 approval. A redline of these changes is included as Attachment B.

21  
22 Overall, with the noted project revisions, staff believes that the project has been improved  
23 from previous versions and reflects the general direction of the Council. Key areas of  
24 improvement include the reduction in two-story homes and increase in visual separation  
25 between the homes to reduce massing and bulk and improve viewshed corridors.  
26 However, the reduction in cumulative square footage has been modest, and the  
27 corresponding reduction in three-car garages has only been applied to two additional  
28 homes. Ultimately, the Council must determine if the effort by the applicant is a sufficient  
29 response to its direction.

### 30 31 Landscaping Clarification

32  
33 To provide a visual buffer between this project and the existing neighborhoods, the project  
34 includes a number of conditions related to preservation and planting of trees and shrubs,  
35 primarily along the property lines of Lots 1 through 5 that abut the existing neighborhoods.  
36 Additionally, the locations of plantings may need to be relocated on Lots 3 and 4 to  
37 accommodate new retaining wall designs required due to the recently submitted revised  
38 plans. To further clarify the intent of these conditions, staff is recommending the following  
39 modifications to the language. Additional language is indicated with underline and  
40 language removed by ~~striketrough~~.

- 41  
42 35. Prior to occupancy of the first residence, a deed restriction shall be recorded or a  
43 restriction placed in the Los Encinos CC&R's or alternative method as determined  
44 by the Town Attorney to require that the tree screen at the rear of lots 1 through 5  
45 be maintained in perpetuity by the property owners of said lots. The tree screen  
46 includes plantings specified by the Los Encinos Subdivision 8444 Landscape Plan  
47 approved by the Design Review Board on April 8, 2006 and existing trees as  
48 delineated on Sheet 3 of the grading plans. All existing healthy trees, including  
49 those within the area of grading, shall be preserved.  
50

- 1 37. Prior to building permit Final Inspection for each home with specific additional  
2 landscaping requirements (Lots 1-5), additional screening trees and shrubs shall  
3 be planted as shown on Sheet L-1 of the Conceptual Landscape Plan and as  
4 shown on photo simulation View 9. Plantings may occur after home construction  
5 to allow for trees and shrubs to be positioned to provide optimal screening. As  
6 specified in the Conceptual Landscape Plan, these trees are to provide immediate  
7 screening at planting. Locations of landscaping may be adjusted from the  
8 Conceptual Landscape Plan to achieve optimal screening subject to approval of  
9 the Planning Director. The approximate location of these plantings shall be shown  
10 in the deed restriction or alternative method required by Condition 35.

### 11 Additional Condition Modifications

12 Due to the revisions in the project, the first portion of condition 21 related to a porch on  
13 Lot 4 would no longer be applicable, the condition has been modified as shown.

- 14  
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16  
17 21. ~~The front porch on lot 4 shall be redesigned so that the support posts do not extend~~  
18 ~~into the side yard setback, and roof eaves do not extend more than three feet into~~  
19 ~~the setback, subject to final review by the Planning Director. Additionally, The~~  
20 architectural plans for Lot 1 shall be revised to eliminate the window of the master  
21 bedroom walk in closet (West building elevation).

22  
23 Condition 42 deleting Town Council Resolution 3-2002 Condition of Approval I.8  
24 restricting the construction of more than two two-story homes side-by-side has been  
25 deleted because the homes on Lots 3 and 8 have been reduced to single-story homes  
26 and now comply with Condition of Approval I.8..

- 27  
28 ~~42. Condition I.8 restricting the construction of more than two two-story homes on~~  
29 ~~adjacent lots is hereby deleted.~~

### 30 Alternatives

- 31  
32  
33 1. Adopt Resolution No. \_\_\_\_-2019, denying the appeal of Planning Commission Vice  
34 Chair Brenda Luster appealing the Planning Commission's decision on June 3,  
35 2019 (PC Resolution 05-19) and upholding the Planning Commission's approval  
36 of amendments to the Los Encinos Subdivision Vesting Tentative Map and Hillside  
37 Development Permit conditions of approval, revisions to grading design, design  
38 review for 10 homes and consideration of design guideline exceptions.  
39  
40 2. Take the above action with additional modifications.  
41  
42 3. Do not adopt Resolution \_\_\_\_-2019 and provide direction to staff to return to the  
43 Town Council on August 28, 2019 with findings to uphold the appeal.  
44

### 45 Recommendation

46  
47 It is recommended that the Town Council take the following action:

48 Adopt Resolution No. \_\_\_\_-2019 denying the appeal of Planning Commission Vice  
49 Chair Brenda Luster appealing the Planning Commission's decision on June 3,  
50 2019 (PC Resolution 05-19) and upholding the Planning Commission's approval

1 of amendments to the Los Encinos Subdivision Vesting Tentative Map and Hillside  
2 Development Permit conditions of approval, revisions to grading design, design  
3 review for 10 homes and consideration of design guideline exceptions.  
4

5 **Report reviewed by: Jon King, Acting Town Manager**  
6 **Michelle Kenyon, Town Attorney**  
7

8 **Attachments:**

- 9 **A.** Resolution No. \_\_\_\_-2019 denying the appeal of Planning Commission Vice Chair  
10 Brenda Luster appealing the Planning Commission's decision on June 3, 2019 (PC  
11 Resolution 05-19) and upholding the Planning Commission's approval of  
12 amendments to the Los Encinos Subdivision Vesting Tentative Map and Hillside  
13 Development Permit conditions of approval, revisions to grading design, design  
14 review for 10 homes and consideration of design guideline exceptions.  
15 **B.** Redline of Resolution No. \_\_\_\_-2019 reflecting revisions from July 10, 2019 Hearing  
16 **C.** Revised Project Sheets

# **ATTACHMENT A**

Resolution No. \_\_\_\_-2019 denying the appeal of Planning Commission Vice Chair Brenda Luster appealing the Planning Commission's decision on June 3, 2019 (PC Resolution 05-19) and upholding the Planning Commission's approval of amendments to the Los Encinos Subdivision Vesting Tentative Map and Hillside Development Permit conditions of approval, revisions to grading design, design review for 10 homes and consideration of design guideline exceptions.

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the matter of:

Denying the Appeal of Planning )  
Commission Vice Chair Brenda Luster )  
Appealing Planning Commission's )  
decision on June 3, 2019 (PC Resolution )  
05-19) and Upholding the Planning )  
Commission's Approval of Amendments to )  
the Los Encinos Subdivision Vesting )  
Tentative Map and Hillside Development )  
Permit Conditions of Approval, Revisions )  
to Grading Design, Design Review for 10 )  
Homes and Consideration of Design )  
Guideline Exceptions )

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Resolution No. \_\_\_ - 2019

**WHEREAS**, on August 29, 2000, an application for a Hillside Development Permit and Vesting Tentative Map was filed for property located east of the intersection of Ketelsen Drive, Baitx Drive and Vista Encinos north of Larch Avenue ("Property"); and

**WHEREAS**, on November 5, 2001, the Planning Commission made all of the necessary findings and approved the Mitigated Negative Declaration, Hillside Development Permit and Vesting Tentative Map (Sub. 8444); and

**WHEREAS**, on November 12, 2001, an appeal was filed of Planning Commission Resolution No. 21-01 approving the Mitigated Negative Declaration, Hillside Development Permit and Vesting Tentative Map (Sub. 8444); and

**WHEREAS**, on December 12, 2001, the Town Council denied the appeal, thereby upholding the Planning Commission decision approving the Mitigated Negative Declaration, Hillside Development Permit and Vesting Tentative Map (Sub 8444) for an 11-lot subdivision, including 10 single-family residential lots (7.4 acres) and a designated remainder parcel (58.1 acres); and

**WHEREAS**, on January 9, 2002, the Town Council adopted Resolution 3-2002 adopting the Mitigated Negative Declaration, and approving the Hillside Development Permit and Vesting Tentative Map (Sub 8444) for an 11-lot subdivision, including 10 single-family residential lots (7.4 acres) and a designated remainder parcel (58.1 acres); and

**WHEREAS**, on August 24, 2005, the Town Council approved Resolution 15-2005 accepting and approving the Final Map and Subdivision Improvement Agreement for Los Encinos (Sub 8444); and

**WHEREAS**, on December 8, 2005, the Los Encinos Final Subdivision Map (Sub 8444) and Subdivision Improvement Agreement were recorded with the Contra Costa County Recorder's Office; and

**WHEREAS**, on April 10, 2006, the Design Review Board approved an Action Memorandum for the perimeter landscaping for Los Encinos required by Condition #7 of Town Council Resolution 3-2002; and

**WHEREAS**, on August 9, 2018, Moraga Builders Corp. (Current Applicant) submitted an application requesting to modify Condition of Approval I.8 of Town Council Resolution 3-2002 and grading application to regrade the existing lots; and

**WHEREAS**, on November 21, 2018, revised application materials were submitted by the Current Applicant which included the request to modify Condition of Approval I.9 of Town Council Resolution 3-2002; and

**WHEREAS**, on January 15, 2019, an application was submitted by the Current Applicant for Design Review for 10 single-family residences; and

**WHEREAS**, on March 26, 2019, public hearing notices for a Planning Commission hearing were mailed to all property owners within five hundred (500) feet of the project site and posted on at least three public locations within the Town; and

**WHEREAS**, on April 8, 2019, the Planning Commission conducted a Public Hearing and heard testimony from the applicant, and interested parties, and continued the hearing to a date certain of May 6, 2019; and

**WHEREAS**, on May 6, 2019, the Planning Commission continued the Public Hearing to a date certain of June 3, 2019 to allow the applicant additional time to continue working on revisions to their plans; and

**WHEREAS**, on June 3, 2019, the Planning Commission conducted a Public Hearing and heard testimony from the applicant, and interested parties and adopted Planning Commission Resolution No. 05-2019, approving amendments to the Los Encinos subdivision Vesting Tentative Map and Hillside Development Permit conditions of approval I.8 and I.9, revisions to grading design, design review for 10 homes and consideration of design guideline exceptions; and

**WHEREAS**, on June 13, 2019, Planning Commission Vice Chair Brenda Luster filed an appeal of the Planning Commission approval to the Town Council; and

**WHEREAS**, on June 26, 2019, public hearing notices for a Town Council hearing were mailed to all property owners within five hundred (500) feet of the project site and posted in at least three public locations within the Town; and

**WHEREAS**, on July 10, 2019, the Town Council held a public hearing at which time it considered all oral and documentary evidence presented relating to the Appeal, and incorporated all testimony and documents into the record by reference and continued the hearing to a date certain of July 31, 2019; and

**WHEREAS**, on July 31, 2019, the Town Council held a Special meeting for the public hearing at which time it considered all oral and documentary evidence presented relating to the Appeal, and incorporated all testimony and documents into the record by reference.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Moraga as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Town Council relied upon and hereby incorporates by reference all correspondence, staff reports and other related materials.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Moraga does hereby deny the Appeal based upon the project plans, the staff report, all attachments, all written and oral testimony and comments and all other information presented in this matter, and makes the following findings pertaining to its denial of the Appeal of the Planning Commission's action.

1. Exception from Design Guideline SFR 1.2 setback variation.

Design Guideline SFR1.2 states that "Front setbacks should be varied, with no more than two adjacent units having the same setback. Setback variation shall be a minimum of three feet." The homes at their nearest points are all set back approximately 20 feet from their front property lines. Vista Encinos ends in a cul-de-sac, which does create an appearance of setback variation for the homes on Lots 4 through 6 at the end of the street (bulb of Vista Encinos). In order to provide better separation from the homes in the existing neighborhood below, the homes on the lower lots (1 through 5) have been set as close as they can to the street which also helps to minimize grading at the rear of the lots by keeping development closer to the street. On these homes, design differentiation is created with variations in color, roof styles, porch designs and garage sizes. The homes on the uphill lots (6 through 10) have been placed forward towards the street in order to increase the level usable yard area of the lots. These five lots include three different home designs to create the feel of setback variation. Additionally, as Vista Encinos slopes upward from west to east, the homes will be at differing elevations which should also help to create the appearance of variation. This is a hillside site which creates some challenges that are not present on more level properties. Keeping the homes as close as possible to the street also helps to minimize grading.

2. Exception from Design Guideline SFR 1.11 usable yard area.

This design guideline states that there should be at least 25' x 40' of near level area other than the front yard, for usable open area. The purpose of this guideline is to ensure that the quality and general character of single family homes are consistent across neighborhoods and that each home has usable outdoor space. None of the redesigned lots meet the dimensions standard, but Lots 5 through 10 provide at least 1,000 square feet of level yard areas at the rear and sides of the homes. Lots 1 through 4 are located on the lower hillside and more constrained as expanding the yard areas further downslope would result in higher or additional retaining walls. Additionally, if homes of similar size or smaller homes were built on the current topography, without any site regrading, this exception would be necessary on all lots, except for 9 and 10. Due to the challenges of the existing topography and limited areas on the site to meet this guideline, this exception has been granted.

3. Exception from Design Guideline SFR 2.9 for blank walls.

Design Guideline SFR 2.9 states that "any blank wall that is without windows and is more than 15 feet long or 180 square feet in area, whichever is less, should have special design treatment." The home design on lots 1,2,4 and 5 include blank walls on the sides on the second stories that exceed 15 feet in length. Architectural interest is created by breaking up the roof line between the first and second stories. The western elevation of the first floor of the home on Lot 1 requires this exception for a condition imposed by the Planning Commission at the request of the adjacent neighbor, which was agreed to by the project applicant. This was done in order to increase privacy for the neighbor to the west of Lot 1. This area of the home is partially screened from off-site views by existing fencing and vegetation.

4. Exception from Design Guideline ID10 for grading:

The grading includes 9,400 cubic yards of cuts and approximately 5,300 cubic yards of fill. The proposed area of grading has previously been modified to accommodate a street, retaining walls and building pads constructed as part of the original subdivision improvements. In particular, the lower elevations of the uphill lots have been significantly altered where the homes are proposed and are not in a natural state. The purpose of the grading is to create pads for the individual homes. The grading contours have been rounded and will generally follow the existing contours of the site with elevation changes of 2:1 between the lots to create level pad areas. The grading also includes slopes as steep as 2:1 behind the homes on lots 6 through 10, which will be substantially screened from offsite views by construction of the proposed homes. Grading on the lower lots (1 through 5) includes slopes as steep as 2:1 below the building pads which will be substantially screened by fences and existing and proposed vegetation.

5. Exceptions from Design Guidelines ID11.2, ID11.4 and ID11.5 for retaining walls:

The project proposes two stacked retaining walls of up to 5 feet in height and approximately 4 feet apart on Lots 6, 7, 8 and 10. These will be substantially screened from off-site views by the proposed homes. Some of the walls on lots 6,7 and 8 extend across the property lines. The project has been conditioned by this permit to require that the homeowners association be responsible for these shared retaining walls. The lower lots include a small portion retaining wall on Lot 1 that is 3.7 feet in height and 4 foot high stacked retaining walls on Lot 3 with approximately 4 feet or separation between the walls. Retaining walls extend across the property lines of lots 1 through 4 which are conditioned by this permit to be maintained be the homeowners association. The walls on the lower lots are downslope of the homes and will be substantially screened from off-site views by existing fencing and vegetation and proposed additional trees and shrubs that will be planted as part of this project to provide screening between the existing neighborhood and the project.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Moraga, based on the project plans, the staff report, all attachments, all written and oral testimony and comments and all other information presented in this matter, does hereby make the following findings set forth in Part I, approving the CEQA Addendum attached hereto.

**PART I: CEQA FINDINGS:**

A Mitigated Negative Declaration was adopted on January 9, 2002 for the Los Encinos Vesting Tentative Map and Hillside Development Permit, which addressed the construction of single-family homes within the subdivision. A CEQA Addendum was prepared to address potential environmental impacts of the proposed condition modifications and grading. The Addendum determined the following:

1. The proposed project would not result in any of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent Mitigated Negative Declaration. The Addendum did not identify any new or more severe significant impacts, and no new mitigation measures would be required.
2. The proposed project modifications would not constitute substantial changes to the project or the project circumstances, which would require major revisions to the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. There have been no other changes or evidence or new information which would require revisions to the Mitigated Negative Declaration. Since none of the criterion in CEQA Guidelines Section 15162 has been met, an Addendum is the appropriate CEQA document.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Moraga, based on the project plans, the staff report, all attachments, all written and oral testimony and comments and all other information presented in this matter, does hereby

make the following findings set forth in Parts II and III, upholding the Planning Commission's June 3, 2019 decision and approving the amendments to the Los Encinos subdivision Vesting Tentative Map and Hillside Development Permit conditions of approval, revisions to grading design, design review for 10 homes and consideration of design guideline exceptions subject to the conditions of approval set forth in Part IV.

**PART II: DESIGN REVIEW FINDINGS:**

The findings below are required in accordance with Moraga Municipal Code §8.72.040.B. in order to approve an application within a single-family residential district:

- 1. The proposed improvements conform with good design as set forth in the Town of Moraga Design Guidelines, and in general contribute to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality** because, as conditioned, the proposed homes would meet all standards of the 3 DUA zoning district, including height and setback limits. The homes have a Craftsman style design which includes architectural detailing on all elevations. The exterior elevations of the homes include two primary siding types, horizontal lap and shingle. The homes include a variety of decorative features, such as wood trim around windows and doors, corbels, rafter tails, stone wainscoting along portions of the front of the homes, covered front porches and carriage style garage doors. Some of the designs include dormers, popout windows and belly bands. The homes are painted various shades of grey with white or black trim. All of the homes have composite shingle roofs with a combination of gable and hip roofs, the majority of roof pitches between 3:12 and 5:12 with roof pitches as steep as 8:12 on the rear of the homes on Lots 1 through 5. The lots will be regraded to create level building pads for each home. Design exceptions for grading, retaining walls, building setback variation, size of usable yard areas and blank walls will accommodate the unique conditions of the site topography and will result in an overall project design that integrates into the surrounding neighborhood and reduces impacts on neighbors. Additionally, partial screening of the project site from the surrounding neighborhood would be provided by existing trees and vegetation located along the rear property lines of lots 1 through 5 and the planting of additional screening trees as required by conditions of approval.
- 2. The proposed improvements will not have a substantial adverse effect on neighboring properties or the community due to poor planning; neglect of proper design standards; or the existence of buildings and structures unsuitable to and incompatible with the character of the neighborhood and the character of the community** because the residences would utilize traditional construction materials including horizontal lap and shingle siding, wood trim around windows and doors, corbels, rafter tails, stone wainscoting along portions of the front of the homes and composite shingle roofing. The homes meet the development standards of the 3 DUA residential zoning district, including minimum setbacks and height, and do not exceed the maximum allowed FAR. The project includes landscaping for the front yard of all of the homes and a condition of approval requires that all other graded areas with no

proposed landscaping to be reseeded with native grasses, with tree and shrub screening planted near the rear property lines of Lots 1 through 5. The granted design exceptions are necessary because of the existing topography of the site and would allow the project to be less impactful to neighboring properties, specifically so that the homes on Lots 1-4 can be located further north towards Vista Encinos and further away from the downslope properties, creating additional separation from the downslope homes.

- 3. The proposed improvements will not lower property values; discourage the maintenance and improvement of surrounding properties; or preclude the most appropriate development of other properties in the vicinity** because the new homes are designed in a Craftsman-influenced style creating a cohesive neighborhood theme. They utilize natural materials such as wood and stone, which are compatible with other residences in the surrounding neighborhood and in substantial conformance with the Design Guidelines for Single Family Residential Neighborhoods, with design exceptions granted to address site topography and proximity to adjacent residences. Additionally, the project site is zoned for residential development and approval of the subdivision anticipated the construction of 10 new single-family homes. The subdivision has been in a partially constructed state consisting of the street, drainage facilities and retaining walls for many years, with the street blocked by cyclone fencing to prevent access to the undeveloped lots. This has given the project site an unfinished, partially developed appearance that detracts from the visual quality and cohesiveness of the neighborhood. Conditions for this project require all remaining applicable Conditions of Approval per the approved subdivision (TC Resolution 3-2002) and in the Subdivision Improvement Agreement, to be completed prior to issuance of the first building permit for a home. A tree screen will be maintained along the rear property line of Lots 1-5 to maintain the privacy of the residences located downslope on Larch Avenue. With completion of the homes, landscaping, and infrastructure, the visual appearance and character of the neighborhood will improve, resulting in a positive impact to property values for adjacent and nearby residences since the new construction will represent an investment in the neighborhood that will encourage maintenance and improvement of surrounding properties.
- 4. The proposed improvements will not impair public health, safety or welfare** because the development includes grading, drainage and stormwater management plans that adequately address and mitigate potential environmental and public safety impacts. The grading and building plans will be reviewed by the Lamorinda Building Inspection Division and the new homes would be built in accordance with the California Building Code. The completed project is not anticipated to have adverse health or safety impacts on the community. There could be some temporary noise and dust impacts that are normally expected during grading and construction. The proposed conditions of approval mitigate the adverse construction impacts.

### **PART III: GRADING PERMIT FINDINGS:**

In accordance with MMC §14.12.030, for grading operations on average slopes less than twenty-five (25) percent and greater than or equal to twenty (20) percent, the Town Council hereby approves the project grading, with a determination that the grading is:

#### **1. Consistent with the town design guidelines**

The purpose of the proposed grading is to lower the elevations of the proposed homes by creating level building pads. Design Guideline ID10.5 states that *“cut slopes should be placed behind buildings or other structures where they will be screened.”* The building pads that will be created on the upper lots (6-10) will require cutting into the slope behind where the homes are proposed. The cut slope will be 2:1 and will be located behind the proposed homes which will serve to substantially screen them from off-site views. On the lower lots, the proposed grading would generally follow the existing contours, but would be steepened below the building pads to a 2:1 slope, and between Lots 1 and 2, 2 and 3 and 4 and 5 in order to create level building pads within the middle of the lots. The pad heights will be slightly higher than street level on the uphill lots, and lower than street level on the downhill lots. The contours around the pads have been rounded, but in some cases run perpendicular to the slope for as much as 80 feet. However, these areas on the lots would be largely obscured from off-site views since they are at the lower elevations of the subdivision, and while they do not follow the natural slope of the land in order to create level building pads, the contours would be significantly screened from neighboring properties by existing landscaping along rear property boundaries and further landscaping as required through conditions of approval.

#### **2. Consistent with the regulations of this Chapter (MMC§ 14.12)**

The preliminary grading plans and geotechnical reports prepared for the project show that there will be 9,400 cubic yards of cuts and approximately 5,300 cubic yards of fill. The geotechnical reports include recommendations for site preparation, slope stabilization, cut/fill transitions, foundation design, drainage, and retaining wall construction to ensure that the proposed grading and site improvements will be stable and not create a hazard to public or private property. These documents were peer reviewed by the Town’s geotechnical consultant who concurred with the recommendations of the preliminary grading plans and geotechnical reports. The project conditions of approval ensure that all grading activities will be conducted in accordance with this chapter.

#### **3. Not detrimental to public safety**

The proposed grading plan is based on geotechnical reports of site conditions, soils reports, and other similar technical reports which were peer reviewed by licensed geotechnical professionals on behalf of the Town. The recommendations of these professionals resulted in a site plan that avoids public safety impacts. The geotechnical reports include a number of recommendations required to be followed through the conditions of approval to ensure that slope stability is maintained before, during and after construction. The project grading

would result in a number of slope areas below and above the building pads with gradients as steep as 2:1. While Section 14.48.021 of the Grading Ordinance generally requires fill slopes to be less than 3:1, *steeper slopes are allowed where natural slopes are greater, and where it can be demonstrated that proposed fill slopes will not create a hazard to public or private property.* Both of these provisions would be met, since existing slopes on the site are as steep as 2:1, and peer-reviewed engineering reports have been provided, indicating that, with appropriate stabilization measures, slopes of up to 2:1 will be stable and not create hazards.

**4. Not detrimental to storm water runoff**

The proposed project will be developed in compliance with the requirements of the Regional Water Quality Control Board C.3 Guidelines. A Storm Water Control Plan prepared by the applicant's engineers was submitted to the Town and reviewed by the Town's Public Works Department for compliance with the Contra Costa County Clean Water Program. A final Storm Water Control Plan must be submitted and approved by the Town's Public Works Department prior to issuance of the grading permit.

**5. Consistent with the requirements of Chapter 8.136 of the Municipal Code**

Chapter 8.136 sets forth the Town's Slope Density (Hillside Development Permit) requirements. A Hillside Development Permit was approved for this project under Town Council Resolution 3-2002 which approved development of 10 residential lots on 7.4 acres from a 65.5-acre parcel. The revised grading will be within the 7.4-acre area which was contemplated for development and the area of disturbance has an average slope of 22%.

**6. Natural contour grading**

Contour grading is defined in Title 14 as "the grading of cut and fill slopes to blend with existing contours and to provide horizontal and vertical variation to eliminate the artificial appearance of slopes." The proposed area to be regraded has previously been modified to accommodate a street, retaining walls and building pads constructed as part of the original subdivision improvements. In particular, the lower elevations of the uphill lots have been significantly altered where the homes are proposed and are not in a natural state. These areas will be excavated to create level lots with a 2:1 slope and retaining walls up to 5 feet in height up slope from the building pads, these features will be substantially screened from off-site views by the proposed homes. The upper elevations of these lots are comprised of a hillside that has been preserved with a scenic easement and will not be disturbed. On the lower lots, the proposed grading would generally follow the existing contours, with the slope steepened below the building pads to a 2:1 slope, and between Lots 1 and 2, 2 and 3 and 4 and 5 in order to create level building pads within the middle of the lots. These contours have been rounded off, but in some cases run perpendicular to the slope for as much as 80 feet. These areas on the lots would be largely obscured from off-site views since they are at the lower elevations of the subdivision, the contours would be significantly screened from neighboring properties by existing

landscaping along rear property boundaries and further landscaping as required through conditions of approval.

**7. Minimizes soil displacement**

The project includes 9,400 cubic yards of cuts and approximately 5,300 cubic yards of fill, which will result in soil displacement and off haul of materials. The intent of the grading is to create level building pads for the homes on this hillside property. The grading on the uphill lots would result in a 2:1 slope in the rear yards behind the proposed homes, substantially screening the slope from off-site views. The grading on the lower lots will be at the lower elevations of the property and would be screened from neighboring properties by existing fencing and existing and proposed vegetation and trees.

**8. Minimizes the use of retaining walls**

The rear of the developable area of the uphill lots would consist of two stacked retaining walls ranging up to 5 feet in height on Lots 6 and 7, one retaining wall on Lot 8 and three retaining walls on Lot 10. On the downslope edge of the building pads for Lots 1 through 5, a new five-foot-high retaining wall is proposed on Lot 2, this wall extends approximately 11 feet into the eastern portion of Lot 1. A 2 foot high retaining wall would be constructed along the rear pad of Lot 3 and a 1 foot high retaining wall along the rear pad of Lot 4. A maximum 3 foot high retaining wall would be constructed along the eastern building pad edge of Lot 5. The project will require design exceptions from ID11.4 and ID11.5 as the stacked retaining walls will not meet the horizontal depth guidelines for the terraces and they will extend across property lines, not meeting the setback guideline. Exceptions from ID 11.4 and 11.5 are required for retaining walls that do not meet the horizontal depth requirement on Lot 3 and retaining walls that extend across property line on Lots 1 through 4. Both Lots 1 and 3 have retaining walls that will exceed 3 feet in height requiring an exception from ID 11.2. The retaining walls on the upper lots will be substantially screened from off-site views by the proposed homes and the retaining walls on the lower lots would be screened by existing fencing and new and existing vegetation.

**9. Not inconsistent with the general plan**

The purpose of the grading is for the development of building pads for 10 new homes on property designated Residential – 3 DUA in the General Plan with a corresponding 3-DUA Zoning District, which allows for the development of homes as permitted uses subject to design review. The project is consistent with General Plan Policy LU1.8, since the site is not on MOSO-designated land, and the average predevelopment slope on the site is less than 25 percent. While there would be new development on slopes of 20 percent or steeper, the project-specific geotechnical and storm water analysis has determined that with implementation of all site preparation, slope stabilization, cut/fill transitions, foundation design, drainage, retaining wall construction, the proposed grading will be stable and not create a hazard to public or private property.

## **PART IV: CONDITIONS OF APPROVAL:**

The following conditions of approval are for design review of 10 homes, site grading and two modifications to Town Council Resolution 03-2002.

1. The plans submitted for amendments to Vesting Tentative Map and Hillside Development Permit conditions of approval (Subdivision 8444), revisions to grading design, Design Review for 10 homes and consideration of Design Guideline Exceptions within the Los Encinos Subdivision shall be substantially in accordance with the Town Council approvals on July 31, 2019. The Planning Director may approve minor revisions; any significant changes to the plans will require re-submittal to the Planning Commission for approval.

### Conditions Shall be Printed on Plans

2. The conditions of this permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this approval, under the title 'Planning Commission Conditions.' The second sheet may also be used if the first sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

### Applicant Responsible for Compliance with Conditions

3. The applicant shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the approval.

### Subject to all Town and Other Regulations

4. The approved construction is subject to, and shall comply with, all applicable Town Ordinances and laws and regulations of other governmental agencies.
5. The approved construction shall comply with the Conditions of Approval of Town Council Resolution 3-2002 and the Mitigation Monitoring and Reporting Program.
6. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
7. Required improvement plans and reports shall be prepared by a registered Civil Engineer and shall be submitted to the Public Works Department, Engineering Division, along with review and inspection fees.

### Prior to Grading Permit Issuance

8. A Storm Water Control Plan ("SWCP") shall be reviewed and approved prior to issuance of a grading permit.
9. A hauling permit shall be obtained for movement of five hundred (500) cubic yards of earth material on public streets in accordance with Town Council Resolution 46-82.
10. This development shall fully comply with the Contra Costa Clean Water Program's Stormwater C.3 Guidebook ("C.3 Guidebook"), Addendum, and the requirements of the Regional Water Quality Control Board. As part of these requirements, the applicant shall implement Low Impact Design ("LID") into the design of this project, implement the techniques, and provide for perpetual operation and maintenance for all treatment facilities.
11. All construction plans (including, but not limited to, site, improvement, structural, mechanical, architectural, building, grading and landscaping plans) shall comply with the approved SWCP or any subsequently revised SWCP, the C.3 Guidebook, and the requirements of the Regional Water Quality Control Board. All construction plans shall include details and specifications necessary to implement all measures of the SWCP, subject to the review and approval of the Public Works Department. To ensure conformance with the SWCP, the applicant shall submit completed checklists, indicating the location on the construction plans of all elements of the SWCP as described in the C.3 Guidebook.
12. The development shall include measures to comply with the hydromodification requirements of provision C.3 if the total new impervious surface exceeds one acre.
13. Proposed bioretention areas shall include a subdrain system if the soils onsite do not support infiltration of stormwater into existing ground. The bioretention areas shall be reviewed by the project geotechnical engineer to ensure that adequate measures and / or setbacks are included in the project to protect nearby structures and site improvements from potential water intrusion.
14. Grading, drainage and foundation plans shall incorporate the design recommendations of the Geotechnical Exploration prepared by ENGEO dated July 10, 2003 and supplemental recommendations prepared by ENGEO dated May 11, 2015. the recommendations of the ENGEO Preliminary Grading Plan Review dated August 1, 2018, ENGEO Updated Geotechnical Recommendations dated August 2, 2018 and Revised January 7, 2019 and in compliance with Moraga Municipal Code, Title 14 Grading Ordinance.

Prior to Building Permit Issuance for the Homes

15. The applicant shall apply for and pay all appropriate development impact fees.
16. The applicant shall obtain and resubmit proof of Moraga-Orinda Fire District approval for the project to the Planning Department and the project shall be subject to any conditions of approval imposed by the Fire District.
17. The applicant shall obtain and resubmit proof of Central Contra Costa Sanitation District (CCCSD) approval for the project to the Planning Department and the project shall be subject to any conditions of approval imposed by CCCSD.
18. Town Council Resolution 3-2002 conditions of approval shall be completed, which include Conditions 5 (Subdivision Improvement Agreement), 6 (Deed Restrictions), 7 (Replanting Screen Trees), and 9 (Lot Line Adjustments). Prior to issuance of the first residential building permit within the Los Encinos subdivision, screen trees shall be replanted in conformance with the April 10, 2006 Design Review Board perimeter landscape approval.
19. All outstanding items of the Subdivision Improvement Agreement for Subdivision 8444 (Los Encinos) shall be completed, including but not limited to, (1) payment of an outstanding balance of \$2,938 for the increased quantities on the grading permit and additional \$8,000 for the hauling permit issued in 2008 (for a total of \$10,938), (2) repair of cracked and failing sections of a "v-ditch" at the Los Encinos property, (3) cleaning and removal of accumulated debris and drainage devices, (4) sealing of cracks in existing pavement, (5) restoration of the graded trail access at the end of Vista Encino per original plan, (6) creation of a homeowners association, (7) construction of the approved trail system as shown on the approved Los Encinos grading plans and (8) complete drainage conveyance system for lots 1 through 5.
20. The construction plans shall incorporate energy efficiency measures with a minimum GreenPoint "Silver" certification rating or LEED equivalent.
21. The architectural plans for Lot 1 shall be revised to eliminate the window of the master bedroom walk in closet (West building elevation).
22. A Construction & Demolition Debris Recycling Waste Management Plan shall be submitted to the Town.
23. The applicant shall submit a lighting plan for all exterior lighting fixtures, including landscape lighting, showing location, specifications and type of lighting fixture for Planning Department review and approval. Outdoor lighting shall be directed inward toward the property and may require additional screening to avoid spillage onto adjacent residential properties.

### During Grading and Construction

24. Grading shall be completed in accordance with the recommendations of the ENGEO Preliminary Grading Plan Review dated August 1, 2018, ENGEO Updated Geotechnical Recommendations dated August 2, 2018 and Revised January 7, 2019 and in compliance with Moraga Municipal Code, Title 14 Grading Ordinance.
25. Grading operations shall occur between April 15 and October 15, in order to avoid seasonal rainfall, except as allowed outside this period in accordance with provisions of the Grading Ordinance. All erosion control measures shall be installed and deemed operational by the project engineer.
26. Grading activities shall take place only between the hours of 8:00 AM and 5:00 PM on weekdays. Grading work may be permitted by the Planning Director during a weekend or holiday if the grading is deemed necessary by the project geotechnical engineer due to a potentially hazardous and unforeseen condition that requires immediate attention per Moraga Municipal Code §14.04.033.
27. Noise-generating construction activities shall take place on weekdays only between the hours of 8:00 AM and 5:00 PM. No construction shall be permitted Saturdays, Sundays or Town observed holidays, unless it is an emergency and prior Town approval has been obtained.
28.
  - a. Dust control and equipment wash-down shall be done with Title 22 recycled water and contained on-site. Runoff from these procedures shall not be allowed to flow onto adjoining properties or into the Town's storm drain system.
  - b. The applicant and their contractors shall be responsible for preventing spills of any demolition debris or construction materials on Town streets. If any spills of debris occur, then the applicant will be held responsible for the immediate cleanup of the spill and repair of any damage that may have been done to the street. The correction of the problem shall be made to the satisfaction of the Town Engineer.
29. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
30. Prior to occupancy of the first residence, the applicant shall submit to the Public Works Department a final SWCP, if any revisions have been made, that has been certified and stamped by a licensed Civil Engineer, Architect, or Landscape Architect for the review and approval of the Public Works Department.
31. Prior to occupancy of the first residence, the applicant shall provide a Stormwater Control Operation and Maintenance (O&M) Plan for the review of the Public Works Department and is encouraged to record an Operation and Maintenance Agreement, including any necessary rights-of-entry, and in accordance with the "C.3 Guidebook."

32. Prior to occupancy of the first residence, the applicant shall record a Deed Restriction, or similar recorded document (such as CC&R's), over the bioretention area of each lot. The intent of this recorded document is to ensure that private property owners do not alter or remove the bioretention areas and are aware of their responsibility to maintain these areas.

#### Retaining Walls

33. No fencing shall be placed above a retaining wall that will result in the combined height of the fence and retaining wall exceeding 8 feet. Railings on a retaining wall required by building code may be installed at the minimum height necessary.
34. Prior to occupancy of the first residence, the CC&Rs shall be amended, or alternative method established, to provide a maintenance plan for retaining walls that cross property lines, subject to review and approval by the Town Attorney. The HOA shall maintain retaining walls that span property lines.

#### Landscaping

35. Prior to occupancy of the first residence, a deed restriction shall be recorded or a restriction placed in the Los Encinos CC&R's or alternative method as determined by the Town Attorney to require that the tree screen at the rear of lots 1 through 5 be maintained in perpetuity by the property owners of said lots. The tree screen includes plantings specified by the Los Encinos Subdivision 8444 Landscape Plan approved by the Design Review Board on April 8, 2006 and existing trees as delineated on Sheet 3 of the grading plans. All existing healthy trees, including those within the area of grading, shall be preserved.
36. Prior to issuance of the first building permit for a home, per Town Council Resolution 3-2002 Condition 7, all trees required for the tree screen at the rear of Lots 1 through 5 shall be a minimum of 15 gallon in size as approved by the Design Review Board on April 8, 2006. The tree screen may be planted on an adjacent property at the applicant's expense. If the neighboring property owner chooses this option, the Planning Department shall be notified in writing and a revised tree screen plan submitted for review by the Planning Director.
37. Prior to building permit Final for each home with specific additional landscaping requirements (Lots 1-5), additional screening trees and shrubs shall be planted as shown on Sheet L-1 of the Conceptual Landscape Plan and as shown on photo simulation View 9. Plantings may occur after home construction to allow for trees and shrubs to be positioned to provide optimal screening. As specified in the Conceptual Landscape Plan, these trees are to provide immediate screening at planting. Locations of landscaping may be adjusted from the Conceptual Landscape Plan to achieve optimal screening subject to approval of the Planning Director. The approximate location of these plantings shall be shown in the deed restriction or alternative method required by Condition 35.

38. At least 25% of the trees in the final landscaping plan for the front yards shall be a minimum of 24" box size and the remaining trees a minimum of 15-gallon size.
39. For each home, front yard landscaping must be installed in compliance with the approved landscaping plan prior to building permit Final.
40. Prior to building permit Final for each home, graded areas that will be left for future landowners to install custom landscaping shall be hydro seeded to match the existing native grasses.
41. The landscape irrigation shall include programmable controls that can be set to vary with seasons and weather.

#### Modifications to Town Council Resolution 3-2002 Conditions of Approval

42. Condition I.9 is hereby modified to allow as an alternative to a lot line adjustment the recordation of a landscape easement in favor of the adjacent property owners in the same locations as the proposed lot line adjustments, only if preferred and agreed to by the adjacent property owners and subject to review by the Town Attorney.

#### At All Times

43. In compliance with Condition 7 of Town Council Resolution 3-2002 the screen trees and shrubs at the rear of Lots 1 through 5 shall be maintained in perpetuity by the property owners of the respective lots. This shall also include new plantings as shown on Sheet L-1 of the Conceptual Landscape Plan and photo simulation View 9 approved by the Planning Commission on June 3, 2019. Town approval is required prior to the removal of any of the required screen trees or shrubs. Tree and shrub removal may be granted only if the Planning Director finds that an emergency situation exists or that property is threatened due to the condition of the tree(s). If any screen trees or shrubs are removed, appropriate replacements shall be installed to the satisfaction of the Planning Director.
44. Outdoor light fixtures shall be designed and mounted so that the source of light has minimal impact off site. Outdoor lighting shall be directed inward toward the property and may require additional screening to avoid spillage onto adjacent residential properties.
45. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
46. If a grading or building permit is not issued within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director, showing good cause, prior to the expiration of the discretionary action.

47. The Applicant/Owner shall defend, indemnify, and hold harmless the Town and its agents, officers and employees from any claim, action or proceeding against the Town or its agents, officers or employees to attack, review, set aside, void, or annul any approval by the Town or any of its agencies, departments, commissions, agents, officers, employees, or legislative or advisory body concerning or in any way related to the Project. The Town will promptly notify the Applicant/Owner of any such claim, action or proceeding, and will cooperate fully in the defense.

**PASSED AND ADOPTED** by the Town Council of the Town of Moraga at a special meeting on July 31, 2019.

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
Roger N. Wykle, Mayor

ATTEST:

\_\_\_\_\_  
Marty C. McInturf, Town Clerk

# **ATTACHMENT B**

Redline of Resolution No. \_\_\_\_-  
2019 reflecting revisions from  
July 10, 2019 Hearing

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the matter of:

~~Conduct a Public Hearing and Consider~~ )  
~~Resolution \_\_\_-2019~~ Denying the Appeal of )  
Planning Commission Vice Chair Brenda )  
Luster Appealing Planning Commission’s )  
decision on June 3, 2019 (PC Resolution )  
05-19) and Upholding the Planning )  
Commission’s Approval of Amendments to )  
the Los Encinos Subdivision Vesting )  
Tentative Map and Hillside Development )  
Permit Conditions of Approval, Revisions to )  
Grading Design, Design Review for 10 )  
Homes and Consideration of Design )  
Guideline Exceptions )

Resolution No. \_\_\_ - 2019

**WHEREAS**, on August 29, 2000, an application for a Hillside Development Permit and Vesting Tentative Map was filed for property located east of the intersection of Ketelsen Drive, Baitx Drive and Vista Encinos ~~off~~north of Larch Avenue (“Property”); and

**WHEREAS**, on November 5, 2001, the Planning Commission made all of the necessary findings and approved the Mitigated Negative Declaration, Hillside Development Permit and Vesting Tentative Map (Sub. 8444); and

**WHEREAS**, on November 12, 2001, an appeal was filed of Planning Commission Resolution No. 21-01 approving the Mitigated Negative Declaration, Hillside Development Permit and Vesting Tentative Map (Sub. 8444); and

**WHEREAS**, on December 12, 2001, the Town Council denied the appeal, thereby upholding the Planning Commission decision approving the Mitigated Negative Declaration, Hillside Development Permit and Vesting Tentative Map (Sub 8444) for an 11-lot subdivision, including 10 single-family residential lots (7.4 acres) and a designated remainder parcel (58.1 acres); and

**WHEREAS**, on January 9, 2002, the Town Council adopted Resolution 3-2002 adopting the Mitigated Negative Declaration, and approving the Hillside Development Permit and Vesting Tentative Map (Sub 8444) for an 11-lot subdivision, including 10 single-family residential lots (7.4 acres) and a designated remainder parcel (58.1 acres); and

**WHEREAS**, on August 24, 2005, the Town Council approved Resolution 15-2005 accepting and approving the Final Map and Subdivision Improvement Agreement for Los Encinos (Sub 8444); and

**WHEREAS**, on December 8, 2005, the Los Encinos Final Subdivision Map (Sub 8444) and Subdivision Improvement Agreement were recorded with the Contra Costa County Recorder's Office; and

**WHEREAS**, on April 10, 2006, the Design Review Board approved an Action Memorandum for the perimeter landscaping for Los Encinos required by Condition #7 of Town Council Resolution 3-2002; and

**WHEREAS**, on August 9, 2018, Moraga Builders Corp. (Current Applicant) submitted an application requesting to modify Condition of Approval I.8 of Town Council Resolution 3-2002 and grading application to regrade the existing lots; and

**WHEREAS**, on November 21, 2018, revised application materials were submitted by the Current Applicant which included the request to modify Condition of Approval I.9 of ~~TCT~~ Town Council Resolution 3-2002; and

**WHEREAS**, on January 15, 2019, an application was submitted by the Current Applicant for Design Review for 10 single-family residences; and

**WHEREAS**, on March 26, 2019, public hearing notices for a Planning Commission hearing were mailed to all property owners within five hundred (500) feet of the project site and posted on at least three public locations within the Town; and

**WHEREAS**, on April 8, 2019, the Planning Commission conducted a Public Hearing and heard testimony from the applicant, and interested parties, and continued the hearing to a date certain of May 6, 2019; and

**WHEREAS**, on May 6, 2019, the Planning Commission continued the Public Hearing to a date certain of June 3, 2019 to allow the applicant additional time to continue working on revisions to their plans; and

**WHEREAS**, on June 3, 2019, the Planning Commission conducted a Public Hearing and heard testimony from the applicant, and interested parties and adopted Planning Commission Resolution No. 05-2019, approving amendments to the Los Encinos subdivision Vesting Tentative Map and Hillside Development Permit conditions of approval I.8 and I.9, revisions to grading design, design review for 10 homes and consideration of design guideline exceptions; and

**WHEREAS**, on June 13, 2019, Planning Commission Vice Chair Brenda Luster filed an appeal of the Planning Commission approval to the Town Council; and

**WHEREAS**, on June 26, 2019, public hearing notices for a Town Council hearing were mailed to all property owners within five hundred (500) feet of the project site and posted in at least three public locations within the Town; and

**WHEREAS**, on July 10, 2019, the Town Council held a public hearing at which time it considered all oral and documentary evidence presented relating to the Appeal,

and incorporated all testimony and documents into the record by reference. and continued the hearing to a date certain of July 31, 2019; and

WHEREAS, on July 31, 2019, the Town Council held a Special meeting for the public hearing at which time it considered all oral and documentary evidence presented relating to the Appeal, and incorporated all testimony and documents into the record by reference.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Moraga as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Town Council relied upon and hereby incorporates by reference all correspondence, staff reports and other related materials.

- A. Resolution No. \_\_\_-2019 denying the appeal of Planning Commission Vice Chair Brenda Luster appealing the Planning Commission’s decision on June 3, 2019 (PC Resolution 05-19) and upholding the Planning Commission’s approval of amendments to the Los Encinos Subdivision Vesting Tentative Map and Hillside Development Permit conditions of approval, revisions to grading design, design review for 10 homes and consideration of design guideline exceptions.

~~Modification of project condition I.8 prohibiting more than two two-story homes on adjacent lots.~~

~~All of the proposed homes have two-story designs. More specifically, COA I.8 and Design Guideline SFR1.1 state the following:~~

~~“Condition of Approval I.8: Any two-story homes on lots #1-10 shall be subject to review and approval by the Design Review Board consistent with the Town’s Design Guidelines that prohibit more than two 2-story homes on adjacent lots.”~~

~~“Design Guideline SFR 1.1: Not more than two (2) two-story units should be placed side-by-side unless topographic and/or architectural considerations justify exceptions or unless the two-story portion of the house is not visible from off site. (Architectural considerations may include partial second stories and setback of second stories).”~~

~~The proposed homes include a mix of partial two-story home designs as shown on sheets A03 through A40 in the project plan elevations. While the design guidelines use the term “partial second stories,” there is not a definition in the design guidelines or municipal code for this term. The proposed homes on the downslope Lots 1 through 5 all have second stories that are approximately 44% of the floor area of the first floor. The second stories are all built within the mid-section of the home within the roof form with no second story windows on the rear or sides. From the rear and sides these homes appear to be taller than average single-story homes and will have a two-story appearance when viewed from Vista Encinos. These homes were completely redesigned from the plans first submitted to the Planning Commission on April 8, 2019 that previously had a single-story appearance from Vista Encinos and included second~~

~~story decks that have now been eliminated. The current design was created by the applicant to address privacy concerns of the downslope neighbors.~~

~~The homes on Lots 6 through 10 all have second stories that are between 56% and 89% of the area of the first floor. The second stories of the homes on Lots 8 and 9 are setback towards the rear of the homes and have been designed with the second floors built within the roof so when viewed from Vista Encinos dormers are facing the street which indicate that there is a second floor, but otherwise the design minimizes the second story appearance from the street. The homes on Lots 6, 7 and 10 have a more typical second story design, with the second stories being 84% or more of the floor area of the homes.~~

~~In this case there are topographical and architectural considerations justify an exception to Design guideline SFR 1.1. In this case, the area of ground disturbance for development of the homes is hillside terrain with an average cross slope of approximately 22%, which can make single story development less practical and/or result in additional ground disturbance. The proposed homes all comply with the allowed Floor Area Ratio (FAR) for their respective lots. Seven of the ten homes have a second floor that is 56% or less floor area than the first floor of the residences. Regarding the lower Lots 1 through 5, the partial two story design allows the homes to be set back further from the downslope neighbors, rather than a single story design that would extend further down the hillside. These homes have been designed with partial second stories that have been constructed within the roof structure with no windows on the side or rear second story of the homes to better preserve the privacy of the downslope neighbors. The two story design of the uphill homes creates space for more usable yard area while allowing the applicant to build homes that are still in compliance with the FAR.~~

~~The homes have been designed in conformance with the development standards of the zoning district and the residential density as indicated on the General Plan Diagram. The proposed homes are hillside homes which conform to the maximum building height and aggregate building height of the 3-DUA zoning district, as conditioned. The homes will not exceed two stories in height consistent with General Plan Policy LU 1.3. The square footages of the proposed homes would be generally greater than that of the adjacent homes. This is a similar condition to that on Ketelsen Drive to the west, where smaller homes are located below the larger upslope two story homes, with mature trees providing screening between the homes.~~

~~As part of the subdivision approval, a scenic easement was required on the steeper portions of the uphill lots to preserve views of the upper hillside. Partial screening of the project from the adjacent homes in the existing surrounding neighborhood is provided by existing trees and shrubs along the rear property lines of Lots 1 through 4 and rear and side property lines of Lot 5. Conditions of approval from TC Resolution 3-2002 included required planting of screening trees along the rear of the lower lots to help maintain the privacy of the existing downslope residences on Larch Avenue and Louise Court. Some of these trees have died since their original planting and will be required to be replanted as part of this approval. The applicant has also agreed to additional tree plantings with the neighbors. These additional trees plantings would be evergreen and planted at a height to provide immediate screening upon planting. This is stated in Condition 37 of PC Resolution 05-2019 (Attachment C). These plantings~~

~~along with the designs of the partial two-story homes on the lower lots eliminating windows on the second story of the rear and sides of the homes are intended to minimize potential adverse impacts to the existing neighborhood consistent with General Plan Policy LU 1.1.~~

~~2. Exception from Design Guideline SFR1.1 two two-story side-by-side.~~

~~For same reasons set forth in finding 1 above.~~

~~3. Exception from Design Guideline SFR2.6 building end wall height.~~

~~The homes on Lots 1 through 5 have end wall heights of 24 feet for a top triangular portion of the wall below the gable roof. Design Guideline SFR 2.6 states that “the side yard setback shall be no less than the minimum permitted by the Zoning Ordinance and shall be increased by one additional foot for each foot of end wall height greater than 20 feet.” The project site is zoned 3-DUA, which requires a 10-foot side yard setback. The applicant is requesting a design exception for the top portion of the right end wall of the home on Lot 2 and portions of both sides of the end walls of the home on Lot 4 as they are set back 14 feet or less to the side property lines. The majority of the length of the walls for these homes are in compliance with the guideline and the portions of the walls requiring an exception are relatively small, granting this exception results in an overall better project design with only a minimal exceedance of this design guideline.~~

4. Exception from Design Guideline SFR 1.2 setback variation.

Design Guideline SFR1.2 states that “Front setbacks should be varied, with no more than two adjacent units having the same setback. Setback variation shall be a minimum of three feet.” The homes at their nearest points are all set back approximately 20 feet from their front property lines. Vista Encinos ends in a cul-de-sac, which does create an appearance of setback variation for the homes on Lots 4 through 6 at the end of the street ~~at the (bulb of Vista Encinos).~~ In order to provide better separation from the homes in the existing neighborhood below, the homes on the lower lots (1 through 5) have been set as close as they can to the street which also helps to minimize grading at the rear of the lots by keeping development closer to the street. On these homes, design differentiation is created with variations in color, roof styles, porch designs and garage sizes. The homes on the uphill lots (6 through 10) have been placed forward towards the street in order to increase the level usable yard area of the lots. These five lots include three different home designs to create the feel of setback variation. Additionally, as Vista Encinos slopes upward from west to east, the homes will be at differing elevations which should also help to create the appearance of variation. This is a hillside site which creates some challenges that are not present on more level properties. Keeping the homes as close as possible to the street also helps to minimize grading.

~~5~~2. Exception from Design Guideline SFR 1.11 usable yard area.

This design guideline states that there should be at least 25' x 40' of near level area other than the front yard, for usable open area. The purpose of this guideline is to ensure that the quality and general character of single family homes are consistent across neighborhoods and that each home has usable outdoor space. None of the redesigned lots meet the dimensions standard, but Lots 5 through 10 provide at least 1,000 square feet of level yard areas at the rear and sides of the homes. Lots 1 through 4 are located on the lower hillside and more constrained ~~areas~~ expanding the yard areas further downslope would result in higher or additional retaining walls. Additionally, if homes of similar size or smaller homes were built on the current topography, without any site regrading, this exception would be necessary on all lots, except for 9 and 10. Due to the challenges of the existing topography and limited areas on the site to meet this guideline, this exception has been granted.

### 3. Exception from Design Guideline SFR 2.9 for blank walls.

Design Guideline SFR 2.9 states that "any blank wall that is without windows and is more than 15 feet long or 180 square feet in area, whichever is less, should have special design treatment." The home design on lots 1,2,4 and 5 include blank walls on the sides on the second stories that exceed 15 feet in length. Architectural interest is created by breaking up the roof line between the first and second stories. The western elevation of the first floor of the home on Lot 1 requires this exception for a condition imposed by the Planning Commission at the request of the adjacent neighbor, which was agreed to by the project applicant. This was done in order to increase privacy for the neighbor to the west of Lot 1. This area of the home is partially screened from off-site views by existing fencing and vegetation.

### 4. Exception from Design Guideline ID10 for grading:

The grading includes 9,400 cubic yards of cuts and approximately 5,300 cubic yards of fill. The proposed area of grading has previously been modified to accommodate a street, retaining walls and building pads constructed as part of the original subdivision improvements. In particular, the lower elevations of the uphill lots have been significantly altered where the homes are proposed and are not in a natural state. The purpose of the grading is to create pads for the individual homes. The grading contours have been rounded and will generally follow the existing contours of the site with elevation changes of 2:1 between the lots to create level pad areas. The grading also includes slopes as steep as 2:1 behind the homes on lots 6 through 10, which will be substantially screened from offsite views by construction of the proposed homes. Grading on the lower lots (1 through 5) includes slopes as steep as 2:1 below the building pads which will be substantially screened by fences and existing and proposed vegetation.

### 5. Exceptions from Design Guidelines ID11.2, ID11.4 and ID11.5 for retaining walls:

The project proposes two stacked retaining walls of up to 5 feet in height and approximately 4 feet apart on Lots 6,7,8 and 10. These will be substantially

screened from off-site views by the proposed homes. Some of the walls on lots 6,7 and 8 extend across the property lines. The project has been conditioned by this permit to require that the homeowners association be responsible for these shared retaining walls. The lower lots include a small portion retaining wall on Lot 1 that is 3.7 feet in height and 4 foot high stacked retaining walls on Lot 3 with approximately 4 feet or separation between the walls. Retaining walls extend across the property lines of lots 1 through 4 which are conditioned by this permit to be maintained be the homeowners association. The walls on the lower lots are downslope of the homes and will be substantially screened from off-site views by existing fencing and vegetation and proposed additional trees and shrubs that will be planted as part of this project to provide screening between the existing neighborhood and the project.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Moraga, based on the project plans, the staff report, all attachments, all written and oral testimony and comments and all other information presented in this matter, does hereby make the following findings set forth in Part I, approving the CEQA Addendum attached hereto.

**PART I: CEQA FINDINGS:**

A Mitigated Negative Declaration was adopted on January 9, 2002 for the Los Encinos Vesting Tentative Map and Hillside Development Permit, which addressed the construction of single-family homes within the subdivision. A CEQA Addendum was prepared to address potential environmental impacts of the proposed condition modifications and grading. The Addendum determined the following:

1. The proposed project would not result in any of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent Mitigated Negative Declaration. The Addendum did not identify any new or more severe significant impacts, and no new mitigation measures would be required.
2. The proposed project modifications would not constitute substantial changes to the project or the project circumstances, which would require major revisions to the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. There have been no other changes or evidence or new information which would require revisions to the Mitigated Negative Declaration. Since none of the criterion in CEQA Guidelines Section 15162 has been met, an Addendum is the appropriate CEQA document.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Moraga, based on the project plans, the staff report, all attachments, all written and oral testimony and comments and all other information presented in this matter, does hereby make the following findings set forth in Parts II and III, upholding the Planning Commission's June 3, 2019 decision and approving the amendments to the Los Encinos subdivision Vesting Tentative Map and Hillside Development Permit conditions of approval, revisions to grading design, design review for 10 homes and consideration of design guideline exceptions subject to the conditions of approval set forth in Part IV.

## PART II: DESIGN REVIEW FINDINGS:

The findings below are required in accordance with Moraga Municipal Code §8.72.040.B. in order to approve an application within a single-family residential district:

- 1. The proposed improvements conform with good design as set forth in the Town of Moraga Design Guidelines, and in general ~~contributes~~contribute to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality** because, as conditioned, the proposed homes would meet all standards of the 3 DUA zoning district, including height and setback limits. The homes have a Craftsman style design which includes architectural detailing on all elevations. The exterior elevations of the homes include two primary siding types, horizontal lap and shingle. The homes include a variety of decorative features, such as wood trim around windows and doors, corbels, rafter tails, stone wainscoting along portions of the front of the homes, covered front porches and carriage style garage doors. Some of the designs include dormers, popout windows and belly bands. The homes are painted various shades of grey with white or black trim. All of the homes have composite shingle roofs with a combination of gable and hip roofs, the majority of roof pitches between 3:12 and 5:12 with roof pitches as steep as 8:12 on at the rear of the homes on Lots 1 through 5. The lots will be regraded to create level building pads for each home. Design exceptions ~~to allow more than two two-story homes side-by-side, for~~ grading, retaining walls, building ~~end wall height, building setback variation and,~~ size of usable yard areas ~~and blank walls~~ will accommodate the unique conditions of the site topography and will result in an overall project design that integrates into the surrounding neighborhood and ~~reducer~~reduces impacts on neighbors. Additionally, partial screening of the project site from the surrounding neighborhood would be provided by existing trees and vegetation located along the rear property lines of lots 1 through 5 and the planting of additional screening trees as required by conditions of approval.
- 2. The proposed improvements will not have a substantial adverse ~~affect~~effect on neighboring properties or the community due to poor planning; neglect of proper design standards; or the existence of buildings and structures unsuitable to and incompatible with the character of the neighborhood and the character of the community** because the residences would utilize traditional construction materials including horizontal lap and shingle siding, wood trim around windows and doors, corbels, rafter tails, stone wainscoting along portions of the front of the homes and composite shingle roofing. The homes meet the development standards of the 3 DUA residential zoning district, including minimum setbacks and height, and do not exceed the maximum allowed FAR. The project includes landscaping for the front yard of all of the homes and a condition of approval requires that all other graded areas with no proposed landscaping to be reseeded with native grasses, with tree and shrub screening planted near the rear property lines of Lots 1 through 5. The granted design exceptions are necessary because of the existing topography of the site and would allow the project to be less impactful to neighboring properties, specifically so that the homes on Lots 1-4 can be located further north towards Vista Encinos ~~and~~ further away from the

downslope properties, creating additional separation from the downslope homes.

3. **The proposed improvements will not lower property values; discourage the maintenance and improvement of surrounding properties; or preclude the most appropriate development of other properties in the vicinity** because the new homes are designed in a Craftsman-influenced style creating a cohesive neighborhood theme. They utilize natural materials such as wood and stone, which are compatible with other residences in the surrounding neighborhood and in substantial conformance with the Design Guidelines for Single Family Residential Neighborhoods, with design exceptions granted to address site topography and proximity to adjacent residences. Additionally, the project site is zoned for residential development and approval of the subdivision anticipated the construction of 10 new single-family homes. The subdivision has been in a partially constructed state consisting of the street, drainage facilities and retaining walls for many years, with the street blocked by cyclone fencing to prevent access to the undeveloped lots. This has given the project site an unfinished, partially developed appearance that detracts from the visual quality and cohesiveness of the neighborhood. Conditions for this project require all remaining applicable Conditions of Approval per the approved subdivision (TC Resolution 3-2002) and in the Subdivision Improvement Agreement, to be completed prior to issuance of the first building permit for a home. A tree screen will be maintained along the rear property line of Lots 1-5 to maintain the privacy of the residences located downslope on Larch Avenue. With completion of the homes, landscaping, and infrastructure, the visual appearance and character of the neighborhood will improve, resulting in a positive impact to property values for adjacent and nearby residences since the new construction will represent an investment in the neighborhood that will encourage maintenance and improvement of surrounding properties.
4. **The proposed improvements will not impair public health, safety or welfare** because the development includes grading, drainage and stormwater management plans that adequately address and mitigate potential environmental and public safety impacts. The grading and building plans will be reviewed by the Lamorinda Building Inspection Division and the new homes would be built in accordance with the California Building Code. The completed project is not anticipated to have adverse health or safety impacts on the community. There could be some temporary noise and dust impacts that are normally expected during grading and construction. The proposed conditions of approval mitigate the adverse construction impacts.

### **PART III: GRADING PERMIT FINDINGS:**

In accordance with MMC §14.12.030, for grading operations on average slopes less than twenty-five (25) percent and greater than or equal to twenty (20) percent, the Town Council hereby approves the project grading, with a determination that the grading is:

1. **Consistent with the town design guidelines**

The purpose of the proposed grading is to lower the elevations of the proposed homes by creating level building pads. Design Guideline ID10.5 states that “*cut*

*slopes should be placed behind buildings or other structures where they will be screened.”* The building pads that will be created on the upper lots (6-10) will require cutting into the slope behind where the homes are proposed. The cut slope will be 2:1 and will be located behind the proposed homes which will serve to substantially screen them from off-site views. On the lower lots, the proposed grading would generally follow the existing contours, but would be steepened below the building pads to a 2:1 slope, and between Lots 1 and 2, 2 and 3 and 4 and 5 in order to create level building pads within the middle of the lots. The pad heights will be slightly higher than street level on the uphill lots, and lower than street level on the downhill lots. The contours around the pads have been rounded, but in some cases run perpendicular to the slope for as much as 80 feet. However, these areas on the lots would be largely obscured from off-site views since they are at the lower elevations of the subdivision, and while they do not follow the natural slope of the land in order to create level building pads, the contours would be significantly screened from neighboring properties by existing landscaping along rear property boundaries and further landscaping as required through conditions of approval.

**2. Consistent with the regulations of this Chapter (MMC§ 14.12)**

The preliminary grading plans and geotechnical reports prepared for the project show that there will be ~~14,000~~9,400 cubic yards of cuts and approximately ~~3,000~~5,300 cubic yards of fill. The geotechnical reports include recommendations for site preparation, slope stabilization, cut/fill transitions, foundation design, drainage, and retaining wall construction to ensure that the proposed grading and site improvements will be stable and not create a hazard to public or private property. These documents were peer reviewed by the Town’s geotechnical consultant who concurred with the recommendations of the preliminary grading plans and geotechnical reports. The project conditions of approval ensure that all grading activities will be conducted in accordance with this chapter.

**3. Not detrimental to public safety**

The proposed grading plan is based on geotechnical reports of site conditions, soils reports, and other similar technical reports which were peer reviewed by licensed geotechnical professionals on behalf of the Town. The recommendations of these professionals resulted in a site plan that avoids public safety impacts. The geotechnical reports include a number of recommendations required to be followed through the conditions of approval to ensure that slope stability is maintained before, during and after construction. The project grading would result in a number of slope areas below and above the building pads with gradients as steep as 2:1. While Section 14.48.021 of the Grading Ordinance generally requires fill slopes to be less than 3:1, *steeper slopes are allowed where natural slopes are greater, and where it can be demonstrated that proposed fill slopes will not create a hazard to public or private property.* Both of these provisions would be met, since existing slopes on the site are as steep as 2:1, and peer-reviewed engineering reports have been provided, indicating that, with appropriate stabilization measures, slopes of up to 2:1 will be stable and not create hazards.

**4. Not detrimental to storm water runoff**

The proposed project will be developed in compliance with the requirements of the Regional Water Quality Control Board C.3 Guidelines. A Storm Water Control Plan prepared by the applicant's engineers was submitted to the Town and reviewed by the Town's Public Works Department for compliance with the Contra Costa County Clean Water Program. A final Storm Water Control Plan must be submitted and approved by the Town's Public Works Department prior to issuance of the grading permit.

**5. Consistent with the requirements of Chapter 8.136 of the Municipal Code**

Chapter 8.136 sets forth the Town's Slope Density (Hillside Development Permit) requirements. A Hillside Development Permit was approved for this project under Town Council Resolution 3-2002 which approved development of 10 residential lots on 7.4 acres from a 65.5-acre parcel. The revised grading will be within the 7.4-acre area which was contemplated for development and the area of disturbance has an average slope of 22%.

**6. Natural contour grading**

Contour grading is defined in Title 14 as "the grading of cut and fill slopes to blend with existing contours and to provide horizontal and vertical variation to eliminate the artificial appearance of slopes." The proposed area to be regraded has previously been modified to accommodate a street, retaining walls and building pads constructed as part of the original subdivision improvements. In particular, the lower elevations of the uphill lots have been significantly altered where the homes are proposed and are not in a natural state. These areas will be excavated to create level lots with a 2:1 slope and retaining walls up to 5 feet in height up slope from the building pads, these features will be substantially screened from off-site views by the proposed homes. The upper elevations of these lots are comprised of a hillside that has been preserved with a scenic easement and will not be disturbed. On the lower lots, the proposed grading would generally follow the existing contours, with the slope steepened below the building pads to a 2:1 slope, and between Lots 1 and 2, 2 and 3 and 4 and 5 in order to create level building pads within the middle of the lots. These contours have been rounded off, but in some cases run perpendicular to the slope for as much as 80 feet. These areas on the lots would be largely obscured from off-site views since they are at the lower elevations of the subdivision, the contours would be significantly screened from neighboring properties by existing landscaping along rear property boundaries and further landscaping as required through conditions of approval.

**7. Minimizes soil displacement**

The project includes 14,000~~9,400~~ cubic yards of cuts and approximately 3,000~~5,300~~ cubic yards of fill, which will result in soil displacement and off haul of materials. The intent of the grading is to create level building pads for the homes on this hillside property. The grading on the uphill lots would result in a 2:1 slope in the rear yards behind the proposed homes, substantially screening the slope from off-site views. The grading on the lower lots will be at the lower elevations of the property and would be screened from neighboring properties by existing fencing and existing and proposed vegetation and trees.

## 8. Minimizes the use of retaining walls

The rear of the developable area of the uphill lots would consist of two stacked retaining walls ranging up to 5 feet in height on Lots 6 and 7, one retaining wall on Lot 8 and three retaining walls on Lot 10. On the downslope edge of the building pads for Lots 1 through 5, a new five-foot-high retaining wall is proposed on Lot 2, this wall extends approximately 11 feet into the eastern portion of Lot 1. A 2 foot high retaining wall would be constructed along the rear pad of Lot 3 and a 1 foot high retaining wall along the rear pad of Lot 4. A maximum 3 foot high retaining wall would be constructed along the eastern building pad edge of Lot 5. The project will require design exceptions from ID11.4 and ID11.5 as the stacked retaining walls will not meet the horizontal depth guidelines for the terraces and they will extend across property lines, not meeting the setback guideline. ~~The Exceptions from ID 11.4 and 11.5 foot high are required for retaining walls that do not meet the horizontal depth requirement on Lot 2 requires 3 and retaining walls that extend across property line on Lots 1 through 4. Both Lots 1 and 3 have retaining walls that will exceed 3 feet in height requiring an exception from ID11.2, since the wall exceeds 3 feet in height and would be visible from off-site ID 11.2.~~ The retaining walls on the upper lots will be substantially screened from off-site views by the proposed homes and the retaining walls on the lower lots would be screened by existing fencing and new and existing vegetation.

## 9. Not inconsistent with the general plan

The purpose of the grading is for the development of building pads for 10 new homes on property designated Residential – 3 DUA in the General Plan with a corresponding 3-DUA Zoning District, which allows for the development of homes as permitted uses subject to design review. The project is consistent with General Plan Policy LU1.8, since the site is not on MOSO-designated land, and the average predevelopment slope on the site is less than 25 percent. While there would be new development on slopes of 20 percent or steeper, the project-specific geotechnical and storm water analysis has determined that with implementation of all site preparation, slope stabilization, cut/fill transitions, foundation design, drainage, retaining wall construction, the proposed grading will be stable and not create a hazard to public or private property.

## PART IV: CONDITIONS OF APPROVAL:

The following conditions of approval are for design review of 10 homes, site grading and two modifications to Town Council Resolution 03-2002.

1. The plans submitted for amendments to Vesting Tentative Map and Hillside Development Permit conditions of approval (Subdivision 8444), revisions to grading design, Design Review for 10 homes and consideration of Design Guideline Exceptions within the Los Encinos Subdivision shall be substantially in accordance with the ~~Planning Commission~~ Town Council approvals on ~~June 3~~ July 31, 2019. The Planning Director may approve minor revisions; any significant changes to the plans will require re-submittal to the Planning Commission for approval.

### Conditions Shall be Printed on Plans

2. The conditions of this permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this approval, under the title 'Planning Commission Conditions.' The second sheet may also be used if the first sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

### Applicant Responsible for Compliance with Conditions

3. The applicant shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the approval.

### Subject to all Town and Other Regulations

4. The approved construction is subject to, and shall comply with, all applicable Town Ordinances and laws and regulations of other governmental agencies.
5. The approved construction shall comply with the Conditions of Approval of Town Council Resolution 3-2002 and the Mitigation Monitoring and Reporting Program.
6. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
7. Required improvement plans and reports shall be prepared by a registered Civil Engineer and shall be submitted to the Public Works Department, Engineering Division, along with review and inspection fees.

### Prior to Grading Permit Issuance

8. A Storm Water Control Plan ("SWCP") shall be reviewed and approved prior to issuance of a grading permit.
9. A hauling permit shall be obtained for movement of five hundred (500) cubic yards of earth material on public streets in accordance with Town Council Resolution 46-82.
10. This development shall fully comply with the Contra Costa Clean Water Program's Stormwater C.3 Guidebook ("C.3 Guidebook"), Addendum, and the requirements of the Regional Water Quality Control Board. As part of these requirements, the applicant shall implement Low Impact Design ("LID") into the design of this project, implement the techniques, and provide for perpetual operation and maintenance for all treatment facilities.

11. All construction plans (including, but not limited to, site, improvement, structural, mechanical, architectural, building, grading and landscaping plans) shall comply with the approved SWCP or any subsequently revised SWCP, the C.3 Guidebook, and the requirements of the Regional Water Quality Control Board. All construction plans shall include details and specifications necessary to implement all measures of the SWCP, subject to the review and approval of the Public Works Department. To ensure conformance with the SWCP, the applicant shall submit completed checklists, indicating the location on the construction plans of all elements of the SWCP as described in the C.3 Guidebook.
12. The development shall include measures to comply with the hydromodification requirements of provision C.3 if the total new impervious surface exceeds one acre.
13. Proposed bioretention areas shall include a subdrain system if the soils onsite do not support infiltration of stormwater into existing ground. The bioretention areas shall be reviewed by the project geotechnical engineer to ensure that adequate measures and / or setbacks are included in the project to protect nearby structures and site improvements from potential water intrusion.
14. Grading, drainage and foundation plans shall incorporate the design recommendations of the Geotechnical Exploration prepared by ENGeo dated July 10, 2003 and supplemental recommendations prepared by ENGeo dated May 11, 2015. the recommendations of the ENGeo Preliminary Grading Plan Review dated August 1, 2018, ENGeo Updated Geotechnical Recommendations dated August 2, 2018 and Revised January 7, 2019 and in compliance with Moraga Municipal Code, Title 14 Grading Ordinance.

Prior to Building Permit Issuance for the Homes

15. The applicant shall apply for and pay all appropriate development impact fees.
16. The applicant shall obtain and resubmit proof of Moraga-Orinda Fire District approval for the project to the Planning Department and the project shall be subject to any conditions of approval imposed by the Fire District.
17. The applicant shall obtain and resubmit proof of Central Contra Costa Sanitation District (CCCSD) approval for the project to the Planning Department and the project shall be subject to any conditions of approval imposed by CCCSD.
18. Town Council Resolution 3-2002 conditions of approval shall be completed, which include Conditions 5 (Subdivision Improvement Agreement), 6 (Deed Restrictions), 7 (Replanting Screen Trees), and 9 (Lot Line Adjustments). Prior to issuance of the first residential building permit within the Los Encinos subdivision, screen trees shall be replanted in conformance with the April 10, 2006 Design Review Board perimeter landscape approval.

19. All outstanding items of the Subdivision Improvement Agreement for Subdivision 8444 (Los Encinos) shall be completed, including but not limited to, (1) payment of an outstanding balance of \$2,938 for the increased quantities on the grading permit and additional \$8,000 for the hauling permit issued in 2008 (for a total of \$10,938), (2) repair of cracked and failing sections of a “v-ditch” at the Los Encinos property, (3) cleaning and removal of accumulated debris and drainage devices, (4) sealing of cracks in existing pavement, (5) restoration of the graded trail access at the end of Vista Encino per original plan, (6) creation of a homeowners association, (7) construction of the approved trail system as shown on the approved Los Encinos grading plans and (8) complete drainage conveyance system for lots 1 through 5.
20. The construction plans shall incorporate energy efficiency measures with a minimum GreenPoint “Silver” certification rating or LEED equivalent.
21. ~~The front porch on lot 4 shall be redesigned so that the support posts do not extend into the side yard setback, and roof eaves do not extend more than three feet into the setback, subject to final review by the Planning Director. Additionally, the architectural plans for lot~~The architectural plans for Lot 1 shall be revised to eliminate the window of the master bedroom walk in closet (West building elevation).
22. A Construction & Demolition Debris Recycling Waste Management Plan shall be submitted to the Town.
23. The applicant shall submit a lighting plan for all exterior lighting fixtures, including landscape lighting, showing location, specifications and type of lighting fixture for Planning Department review and approval. Outdoor lighting shall be directed inward toward the property and may require additional screening to avoid spillage onto adjacent residential properties.

#### During Grading and Construction

24. Grading shall be completed in accordance with the recommendations of the ENGE0 Preliminary Grading Plan Review dated August 1, 2018, ENGE0 Updated Geotechnical Recommendations dated August 2, 2018 and Revised January 7, 2019 and in compliance with Moraga Municipal Code, Title 14 Grading Ordinance.
25. Grading operations shall occur between April 15 and October 15, in order to avoid seasonal rainfall, except as allowed outside this period in accordance with provisions of the Grading Ordinance. All erosion control measures shall be installed and deemed operational by the project engineer.
26. Grading activities shall take place only between the hours of 8:00 AM and 5:00 PM on weekdays. Grading work may be permitted by the Planning Director during a weekend or holiday if the grading is deemed necessary by the project geotechnical engineer due to a potentially hazardous and unforeseen condition that requires immediate attention per Moraga Municipal Code §14.04.033.

27. Noise-generating construction activities shall take place on weekdays only between the hours of 8:00 AM and 5:00 PM. No construction shall be permitted Saturdays, Sundays or Town observed holidays, unless it is an emergency and prior Town approval has been obtained.
28.
  - a. Dust control and equipment wash-down shall be done with Title 22 recycled water and contained on-site. Runoff from these procedures shall not be allowed to flow onto adjoining properties or into the Town's storm drain system.
  - b. The applicant and their contractors shall be responsible for preventing spills of any demolition debris or construction materials on Town streets. If any spills of debris occur, then the applicant will be held responsible for the immediate cleanup of the spill and repair of any damage that may have been done to the street. The correction of the problem shall be made to the satisfaction of the Town Engineer.
29. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
30. Prior to occupancy of the first residence, the applicant shall submit to the Public Works Department a final SWCP, if any revisions have been made, that has been certified and stamped by a licensed Civil Engineer, Architect, or Landscape Architect for the review and approval of the Public Works Department.
31. Prior to occupancy of the first residence, the applicant shall provide a Stormwater Control Operation and Maintenance (O&M) Plan for the review of the Public Works Department and is encouraged to record an Operation and Maintenance Agreement, including any necessary rights-of-entry, and in accordance with the "C.3 Guidebook."
32. Prior to occupancy of the first residence, the applicant shall record a Deed Restriction, or similar recorded document (such as CC&R's), over the bioretention area of each lot. The intent of this recorded document is to ensure that private property owners do not alter or remove the bioretention areas and are aware of their responsibility to maintain these areas.

#### Retaining Walls

33. No fencing shall be placed above a retaining wall that will result in the combined height of the fence and retaining wall exceeding 8 feet. Railings on a retaining wall required by building code may be installed at the minimum height necessary.
34. Prior to occupancy of the first residence, the CC&Rs shall be amended, or alternative method established, to provide a maintenance plan for retaining walls that cross property lines, subject to review and approval by the Town Attorney. The HOA shall maintain retaining walls that span property lines.

## Landscaping

35. Prior to occupancy of the first residence, a deed restriction shall be recorded or a restriction placed in the Los Encinos CC&R's or alternative method as determined by the Town Attorney to require that the tree screen at the rear of lots 1 through 5 be maintained in perpetuity by the property owners of said lots. The tree screen includes plantings specified by the Los Encinos Subdivision 8444 Landscape Plan approved by the Design Review Board on April 8, 2006 and existing trees as delineated on Sheet 3 of the grading plans. All existing healthy trees, including those within the area of grading, shall be preserved.
36. Prior to issuance of the first building permit for a home, per Town Council Resolution 3-2002 Condition 7, all trees required for the tree screen at the rear of Lots 1 through 5 shall be a minimum of 15 gallon in size as approved by the Design Review Board on April 8, 2006. The tree screen may be planted on an adjacent property at the applicant's expense. If the neighboring property owner chooses this option, the Planning Department shall be notified in writing and a revised tree screen plan submitted for review by the Planning Director.
37. Prior to building permit Final for each home with specific additional landscaping requirements (Lots 1-5), additional screening trees and shrubs shall be planted as shown on Sheet L-1 of the Conceptual Landscape Plan and as shown on photo simulation View 9. Plantings may occur after home construction to allow for trees and shrubs to be positioned to provide optimal screening. As specified in the Conceptual Landscape Plan, these trees are to provide immediate screening at planting. Locations of landscaping may be adjusted from the Conceptual Landscape Plan to achieve optimal screening subject to approval of the Planning Director. The approximate location of these plantings shall be shown in the deed restriction or alternative method required by Condition 35.
38. At least 25% of the trees in the final landscaping plan for the front yards shall be a minimum of 24" box size and the remaining trees a minimum of 15-gallon size.
39. For each home, front yard landscaping must be installed in compliance with the approved landscaping plan prior to building permit Final.
40. Prior to building permit Final for each home, graded areas that will be left for future landowners to install custom landscaping shall be hydro seeded to match the existing native grasses.
41. The landscape irrigation shall include programmable controls that can be set to vary with seasons and weather.

## Modifications to Town Council Resolution 3-2002 Conditions of Approval

- ~~42. Condition 1.8 restricting the construction of more than two two-story homes on adjacent lots is hereby deleted.~~

~~43-42~~. Condition I.9 is hereby modified to allow as an alternative to a lot line adjustment the recordation of a landscape easement in favor of the adjacent property owners in the same locations as the proposed lot line adjustments, only if preferred and agreed to by the adjacent property owners and subject to review by the Town Attorney.

At All Times

~~44-43~~. In compliance with Condition 7 of Town Council Resolution 3-2002 the screen trees and shrubs at the rear of Lots 1 through 5 shall be maintained in perpetuity by the property owners of the respective lots. This shall also include new plantings as shown on Sheet L-1 of the Conceptual Landscape Plan and photo simulation View 9 approved by the Planning Commission on June 3, 2019. Town approval is required prior to the removal of any of the required screen trees or shrubs. Tree and shrub removal may be granted only if the Planning Director finds that an emergency situation exists or that property is threatened due to the condition of the tree(s). If any screen trees or shrubs are removed, appropriate replacements shall be installed to the satisfaction of the Planning Director.

~~45-44~~. Outdoor light fixtures shall be designed and mounted so that the source of light has minimal impact off site. Outdoor lighting shall be directed inward toward the property and may require additional screening to avoid spillage onto adjacent residential properties.

~~46-45~~. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.

~~47-46~~. If a grading or building permit is not issued within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director, showing good cause, prior to the expiration of the discretionary action.

~~48-47~~. The Applicant/Owner shall defend, indemnify, and hold harmless the Town and its agents, officers and employees from any claim, action or proceeding against the Town or its agents, officers or employees to attack, review, set aside, void, or annul any approval by the Town or any of its agencies, departments, commissions, agents, officers, employees, or legislative or advisory body concerning or in any way related to the Project. The Town will promptly notify the Applicant/Owner of any such claim, action or proceeding, and will cooperate fully in the defense.

**PASSED AND ADOPTED** by the Town Council of the Town of Moraga at a ~~regular~~special meeting on July ~~4031~~, 2019.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Roger N. Wykle, Mayor

ATTEST:

\_\_\_\_\_  
Marty C. McInturf, Town Clerk

DRAFT

# **ATTACHMENT C**

Revised Project Plans

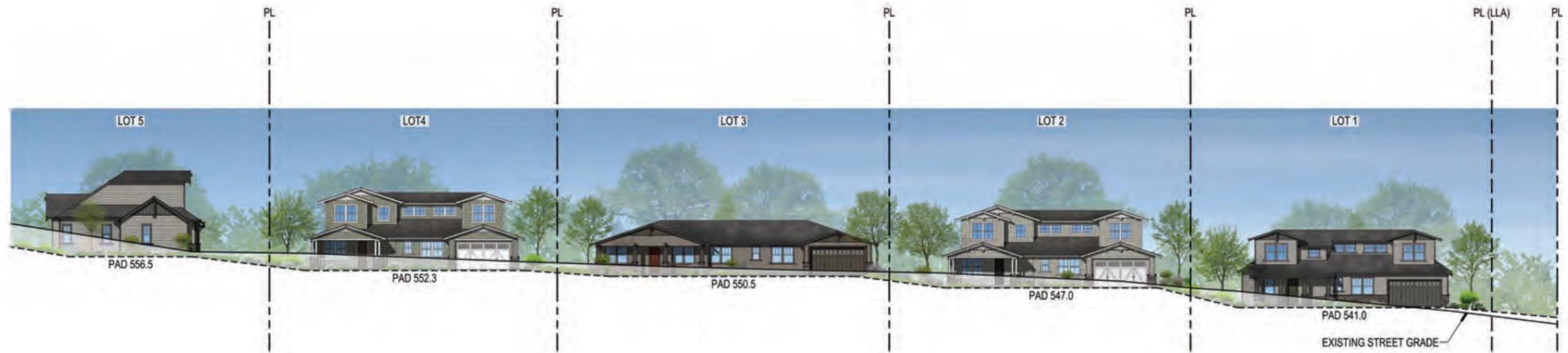
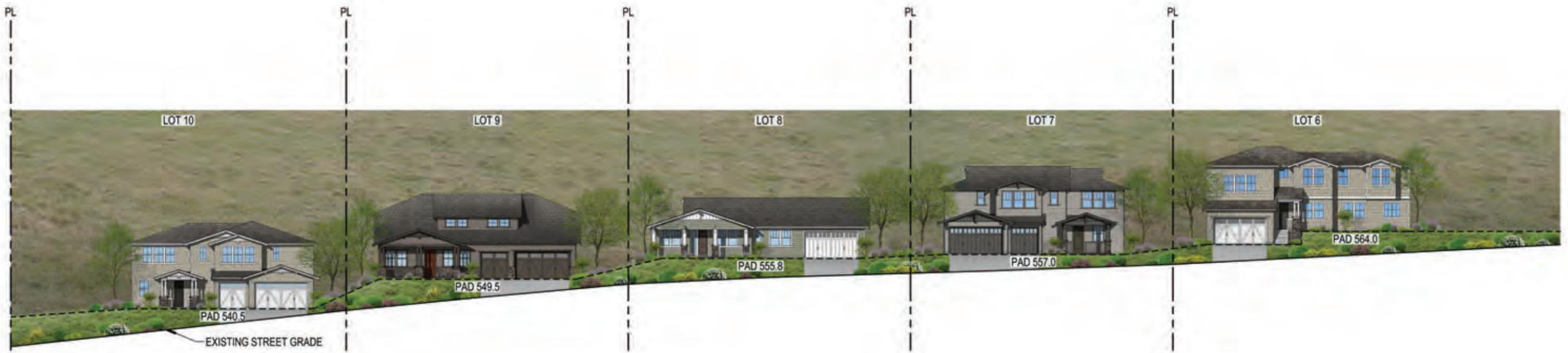


# VISTA ENCINOS

## MORAGA, CA

JULY 26, 2019

LOT	1	2	3	4	5	6	7	8	9	10
ELEVATION STYLE	A	B	A	B	A	B	A	A	B	B
NET LOT AREA (SQURE FEET)	10,071	10,073	12,547	11,689	21,771	25,743	23,582	29,810	34,197	105,445
MAX. FLOOR AREA (SQUARE FEET)	3,323	3,324	3,839	3,670	4,790	5,149	4,952	5,366	5,472	5,500
MAX. FLOOR AREA RATIO (FAR)	0.330	0.330	0.306	0.314	0.220	0.200	0.210	0.180	0.160	0.052
PROPOSED AREAS										
TOTAL LIVING (SQUARE FEET)	2,907	2,907	2,987	2,987	2,987	3,394	3,516	3,798	3,798	3,516
GARAGE AREA (SQUARE FEET)	415	415	602	622	602	692	587	611	611	587
GROSS FLOOR AREA (SQUARE FEET)	3,322	3,322	3,589	3,609	3,589	4,086	4,103	4,409	4,409	4,103
FLOOR AREA RATIO (FAR)	0.330	0.330	0.286	0.309	0.165	0.159	0.174	0.148	0.129	0.039
PROPOSED AREAS (REVISED)										
TOTAL LIVING (SQUARE FEET)	2,802	2,802	2,763	2,882	2,882	3,394	3,516	3,244	3,798	3,516
GARAGE AREA (SQUARE FEET)	415	415	421	622	602	692	587	429	611	587
GROSS FLOOR AREA (SQUARE FEET)	3,217	3,217	3,184	3,504	3,484	4,086	4,103	3,673	4,409	4,103
FLOOR AREA RATIO (FAR)	0.319	0.319	0.254	0.299	0.160	0.159	0.174	0.123	0.129	0.039
FLOOR AREA DELTA	106	107	655	166	1306	1,063	949	1,693	1,063	1,397

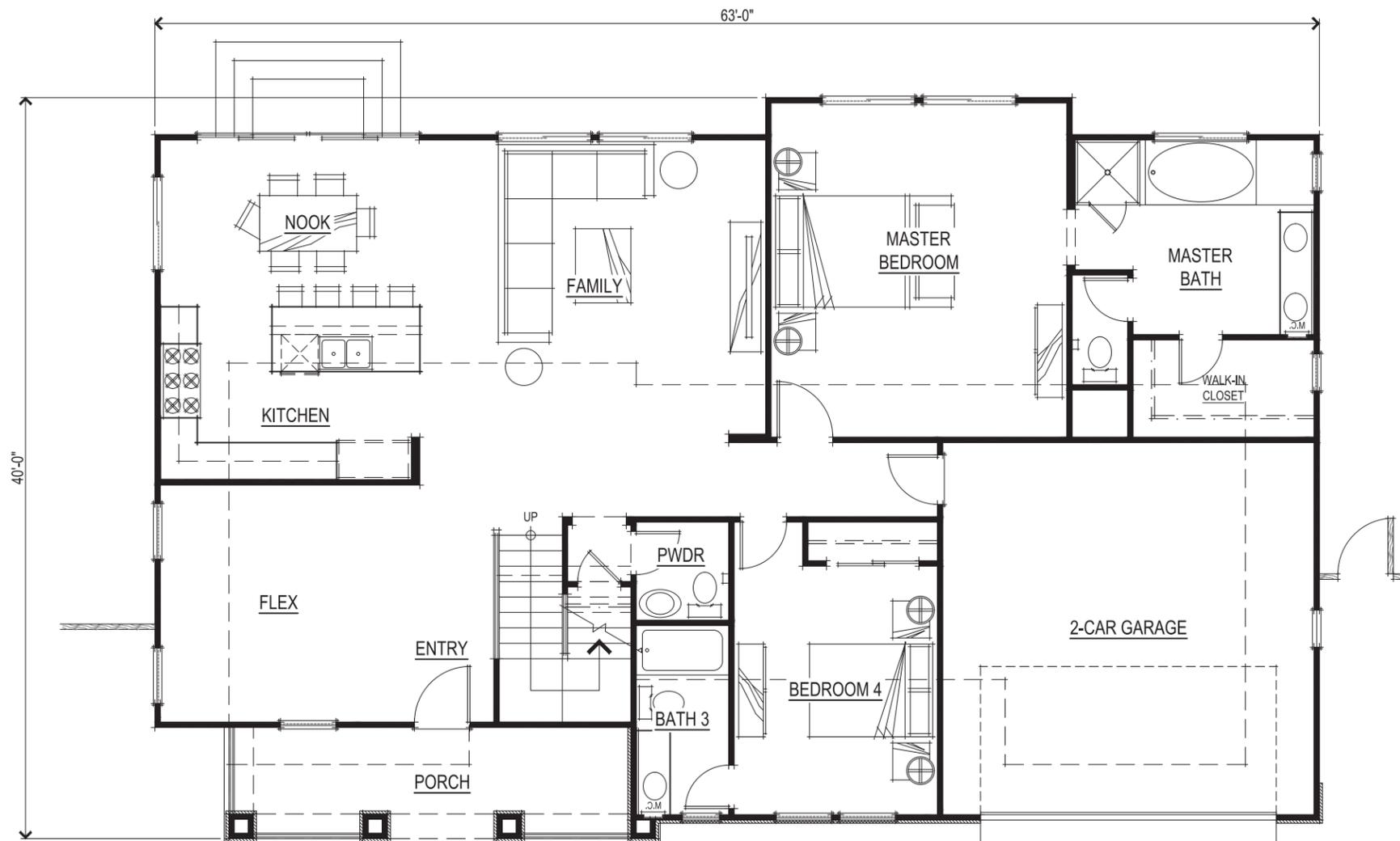


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 Moraga, CA  
 July 26, 2019

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SQUARE FOOTAGES	
FIRST FLOOR	1820 SQ. FT.
SECOND FLOOR	982 SQ. FT.
TOTAL LIVING	2802 SQ. FT.
2-CAR GARAGE	415 SQ. FT.

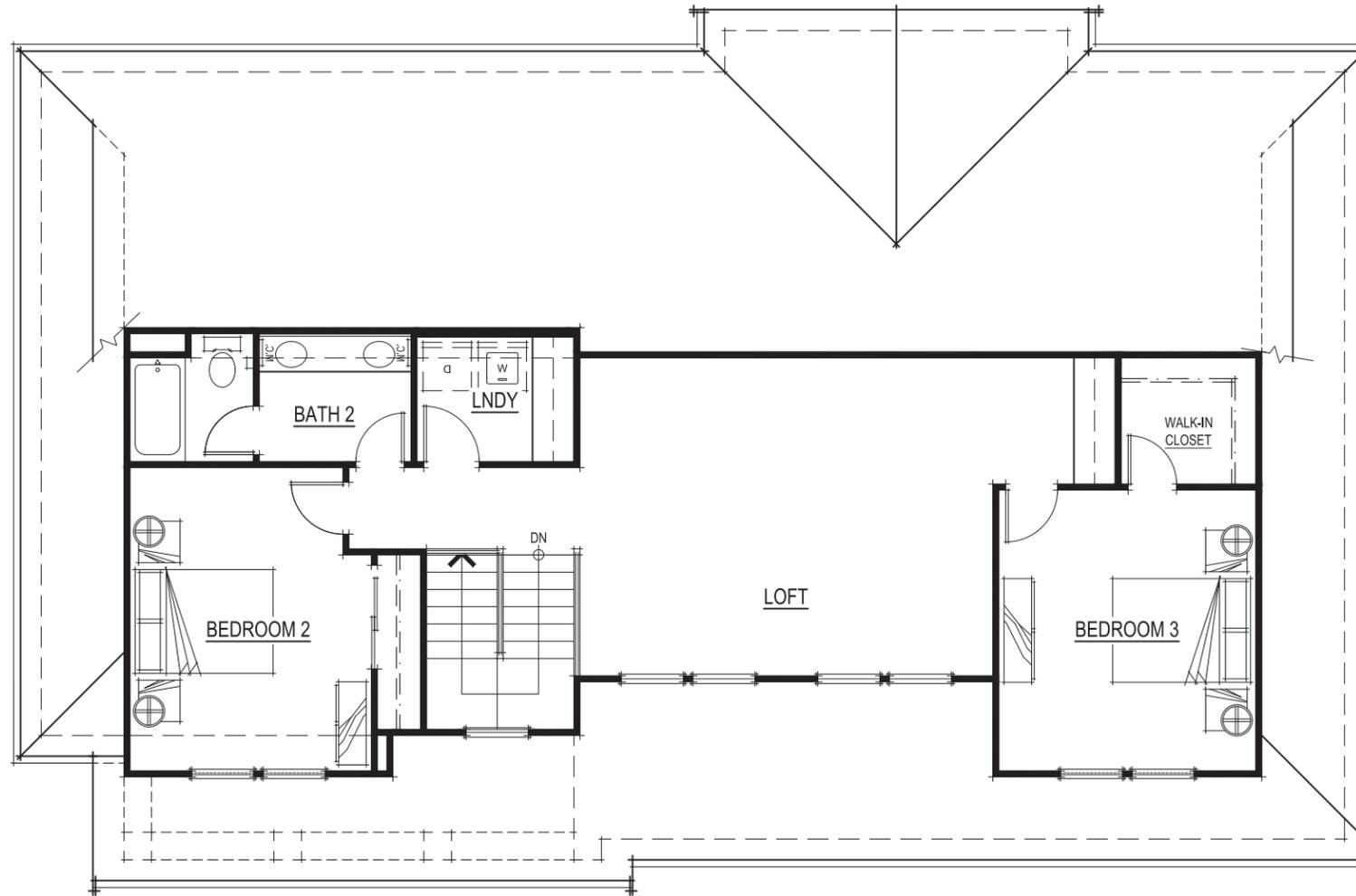


LOT 1 FIRST FLOOR PLAN  
A01

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LOT 1 SECOND FLOOR PLAN  
A02

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LOT 1  
ELEVATION 'A'



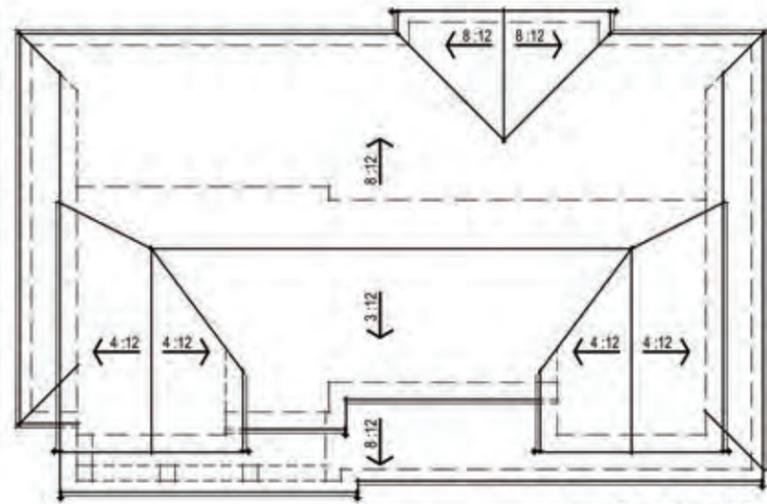
LOT 1 FRONT ELEVATION 'A'  
A03

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**ROOF PLAN**  
0 1 2 3 4 8'



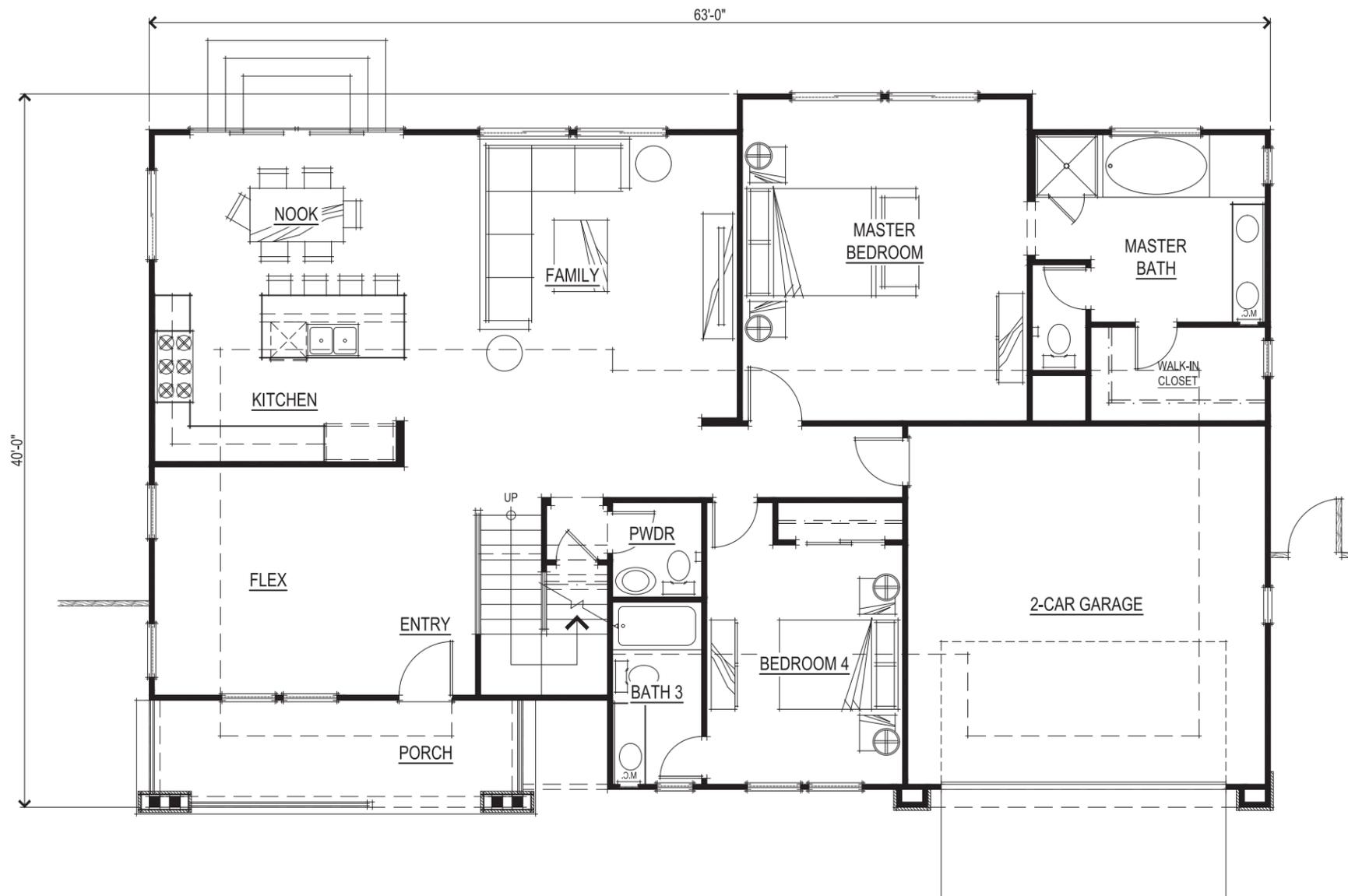
**REAR ELEVATION**



**LEFT ELEVATION**



**RIGHT ELEVATION**



SQUARE FOOTAGES	
FIRST FLOOR	1820 SQ. FT.
SECOND FLOOR	982 SQ. FT.
TOTAL LIVING	2802 SQ. FT.
2-CAR GARAGE	415 SQ. FT.

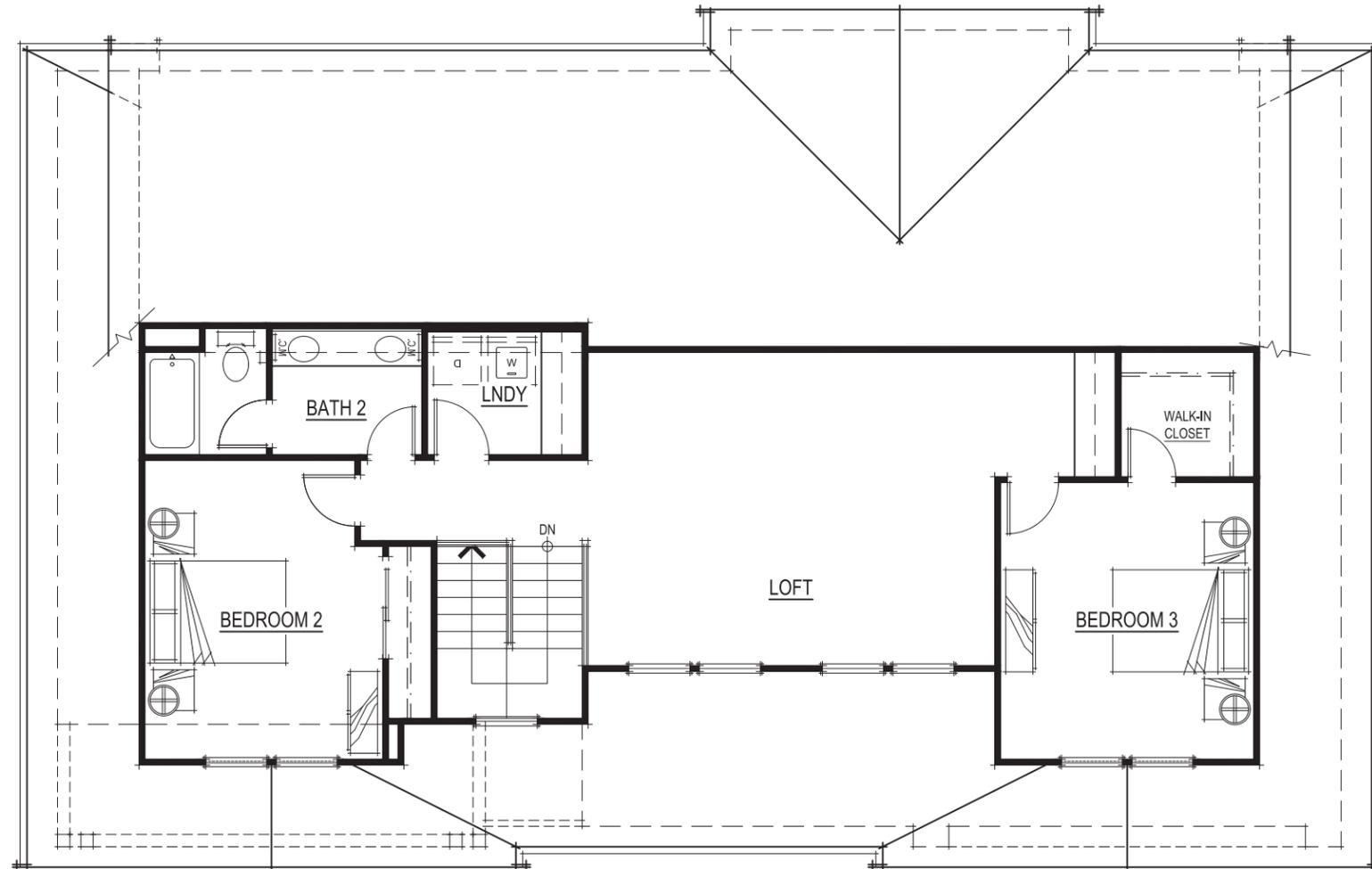


LOT 2 FIRST FLOOR PLAN  
A05

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 July 26, 2019



LOT 2 SECOND FLOOR PLAN  
 A06

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LOT 2  
ELEVATION 'B'



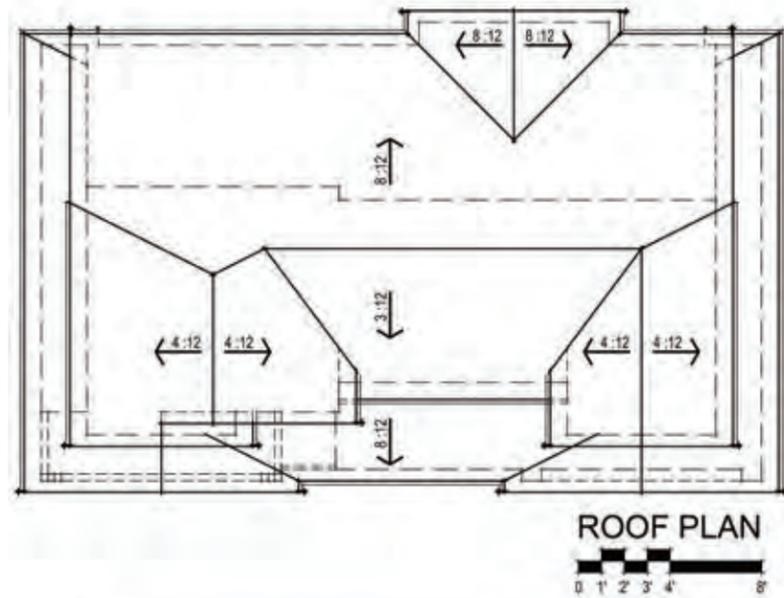
LOT 2 FRONT ELEVATION 'B'  
A07

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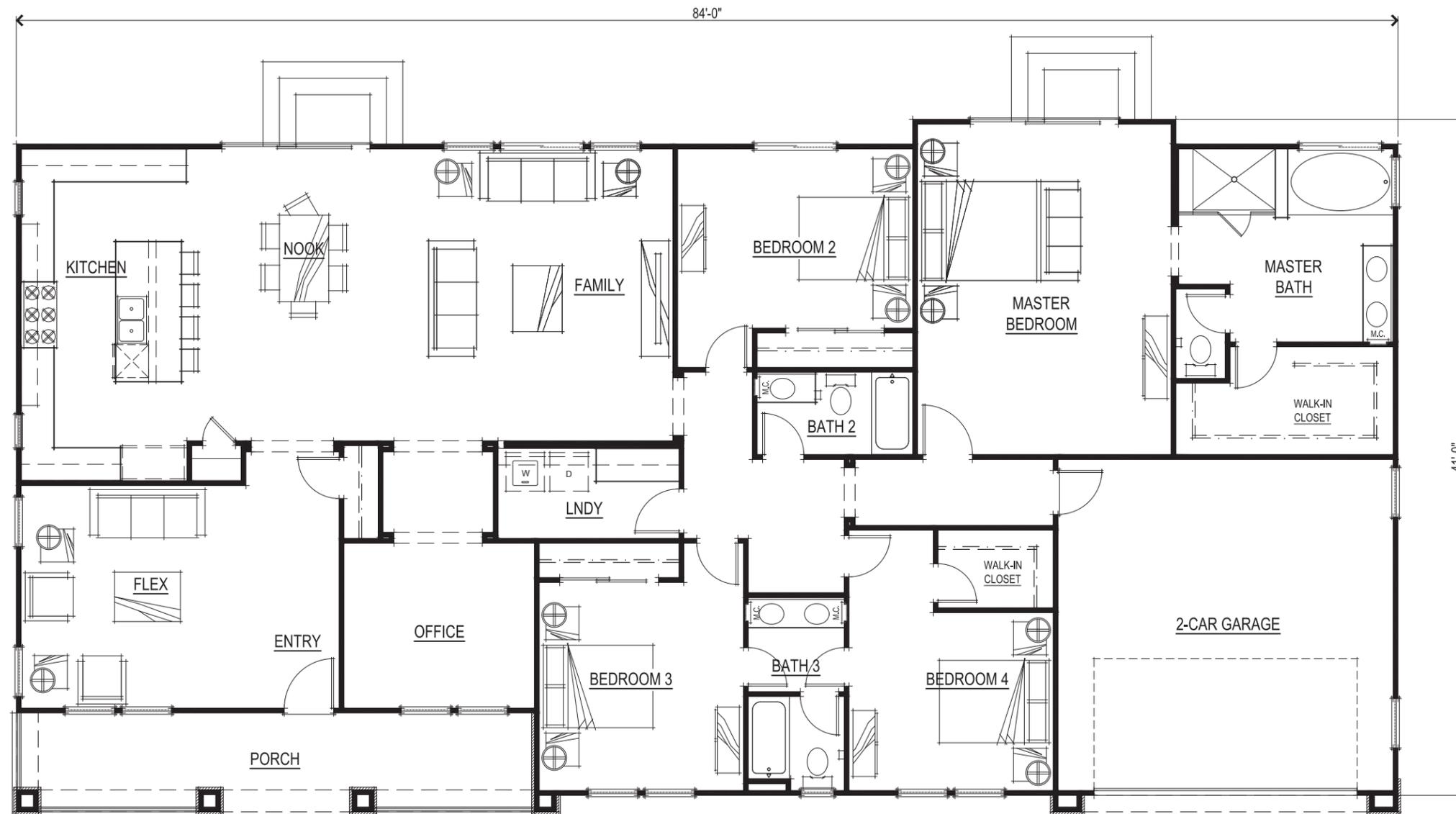
**REAR ELEVATION**



**LEFT ELEVATION**



**RIGHT ELEVATION**



SQUARE FOOTAGES	
TOTAL LIVING	2763 SQ. FT.
2-CAR GARAGE	421 SQ. FT.



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 Moraga, CA  
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LOT 3 FIRST FLOOR PLAN  
 A09

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19'-0" HEIGHT LIMIT

LOT 3  
ELEVATION 'A'



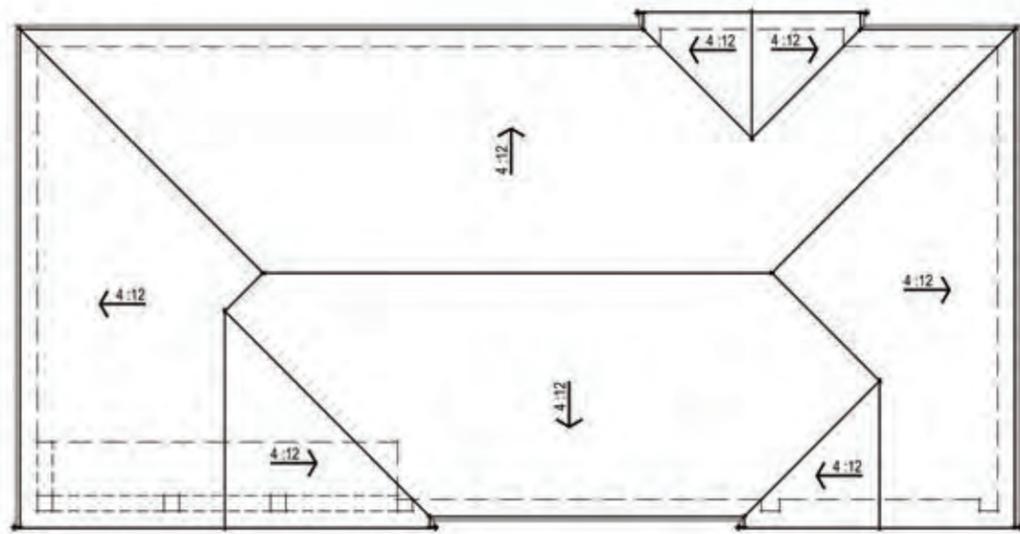
LOT 3 FRONT ELEVATION 'A'  
A10

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ROOF PLAN  
 0 1' 2' 3' 4' 8'



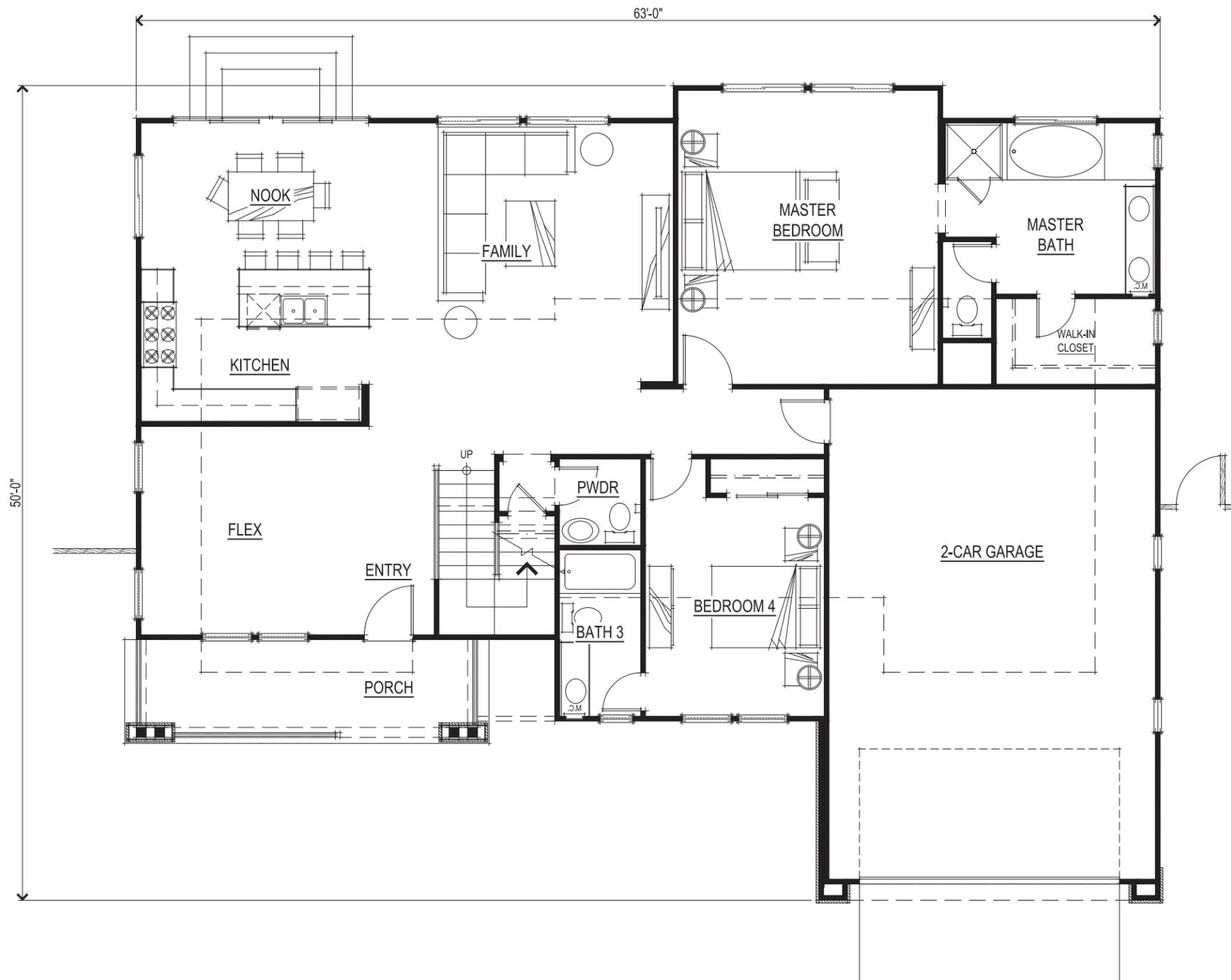
REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



SQUARE FOOTAGES	
FIRST FLOOR	1820 SQ. FT.
SECOND FLOOR	1062 SQ. FT.
TOTAL LIVING	2882 SQ. FT.
2-CAR GARAGE	622 SQ. FT.

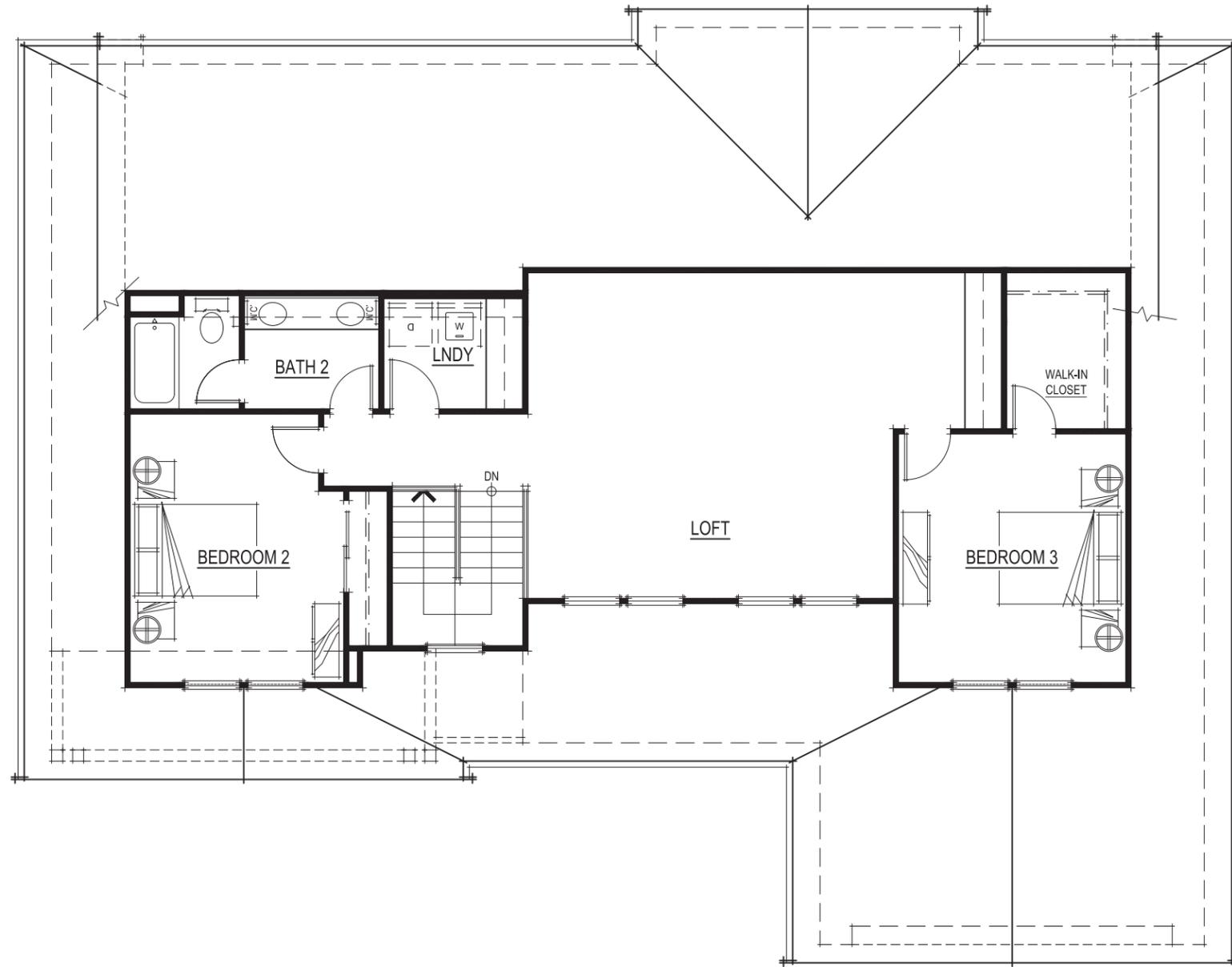


LOT 4 FIRST FLOOR PLAN  
A12

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LOT 4 SECOND FLOOR PLAN  
 A13

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28'-0" HEIGHT LIMIT

LOT 4  
ELEVATION 'B'



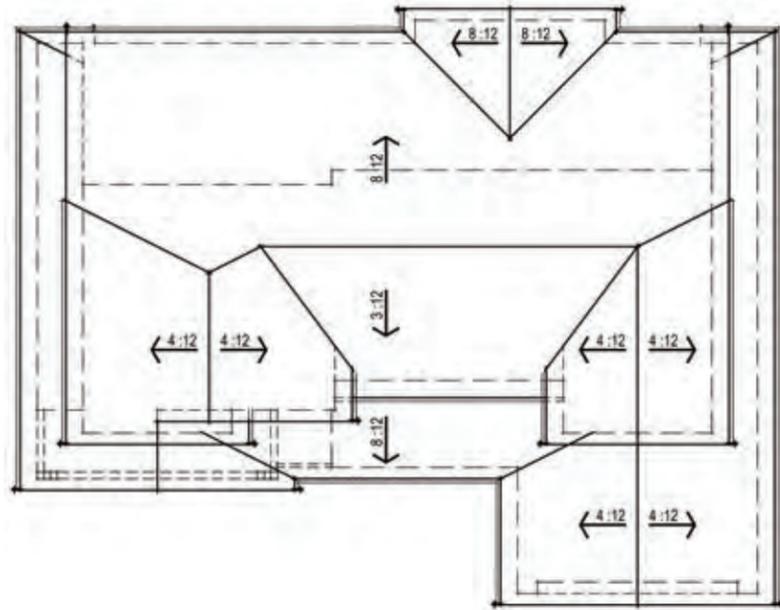
LOT 4 FRONT ELEVATION 'B'  
A14

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ROOF PLAN



REAR ELEVATION



LEFT ELEVATION

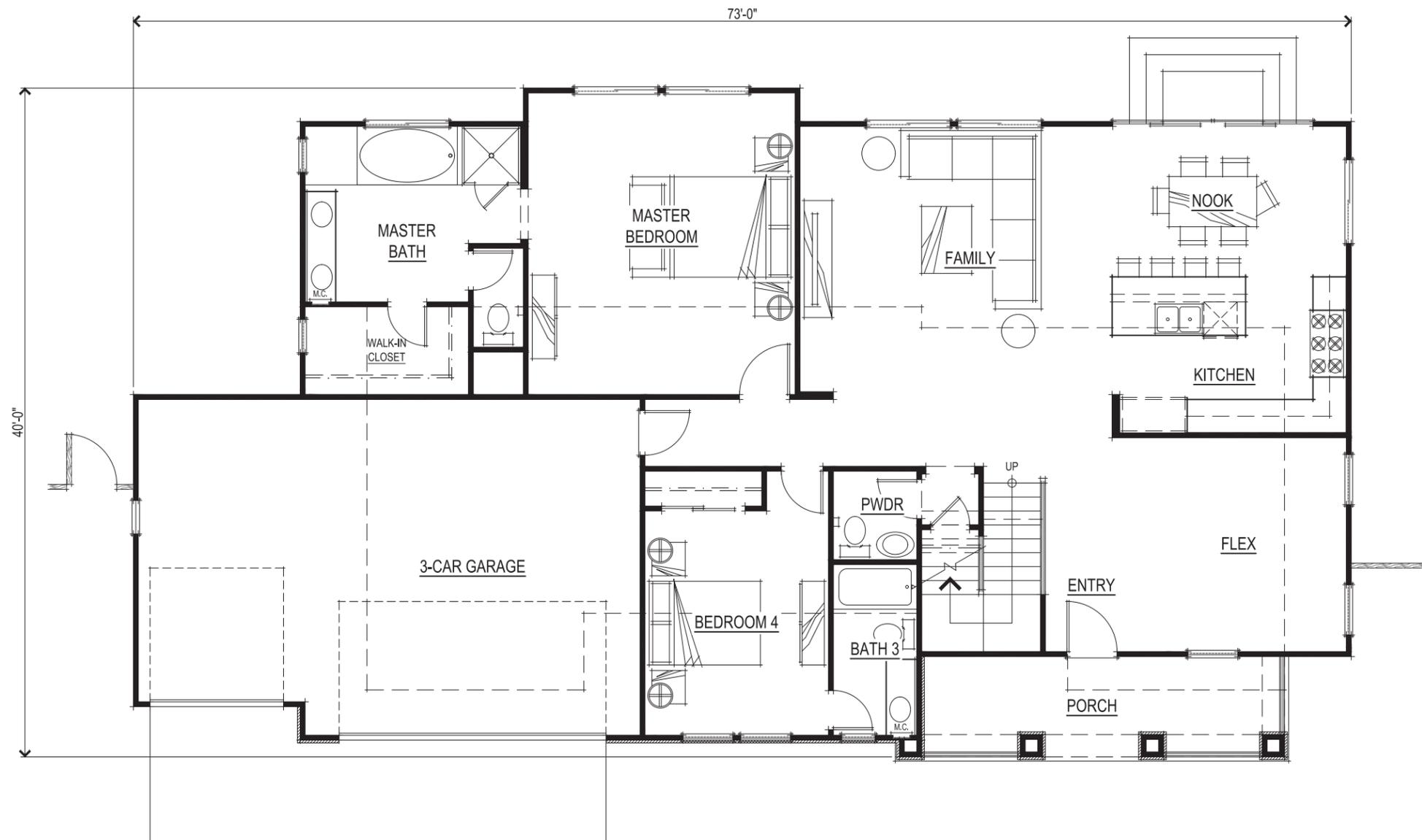
MIN. 16' SETBACK TO 2ND FLOOR WALL  
END WALL HEIGHT LIMIT NOT A FACTOR  
28'-0" HEIGHT LIMIT



RIGHT ELEVATION

28'-0" HEIGHT LIMIT  
14' SETBACK TO 2ND FLOOR WALL  
END WALL HEIGHT LIMIT NOT A FACTOR





SQUARE FOOTAGES	
SECOND FLOOR	1062 SQ. FT.
FIRST FLOOR	1820 SQ. FT.
TOTAL LIVING	2882 SQ. FT.
3-CAR GARAGE	602 SQ. FT.

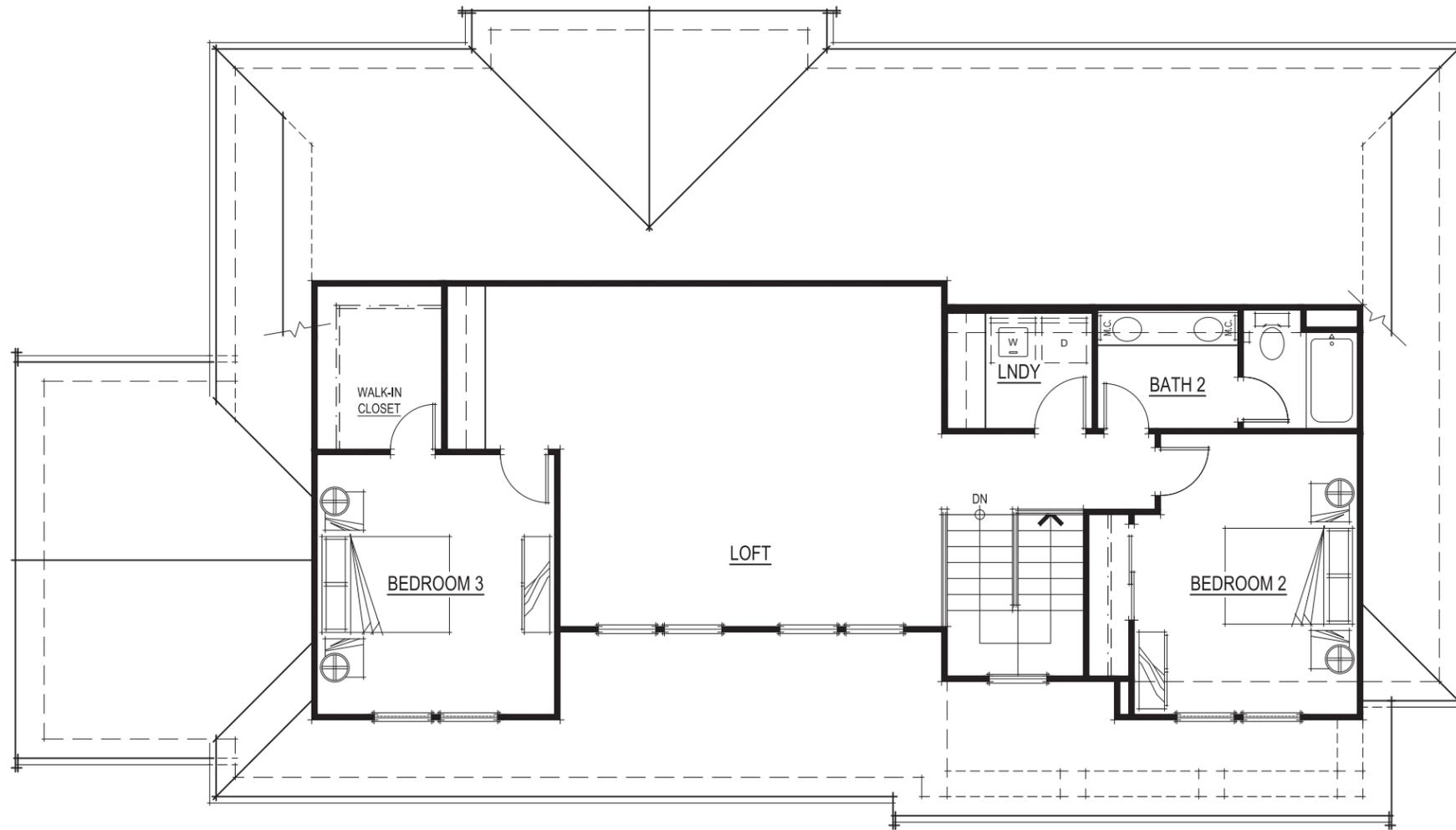


LOT 5 FIRST FLOOR PLAN  
A16

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LOT 5 SECOND FLOOR PLAN  
 A17

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LOT 5  
ELEVATION 'A'



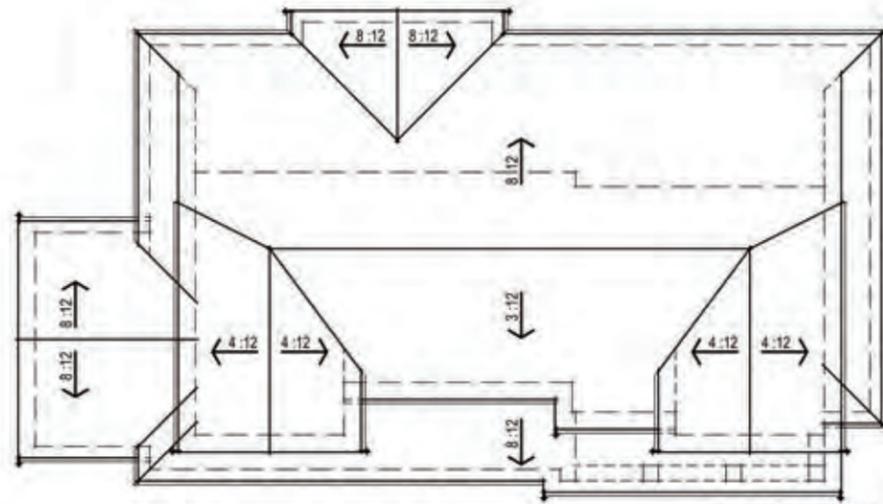
LOT 5 FRONT ELEVATION 'A'  
A18

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ROOF PLAN



REAR ELEVATION

28'-0" HEIGHT LIMIT



LEFT ELEVATION

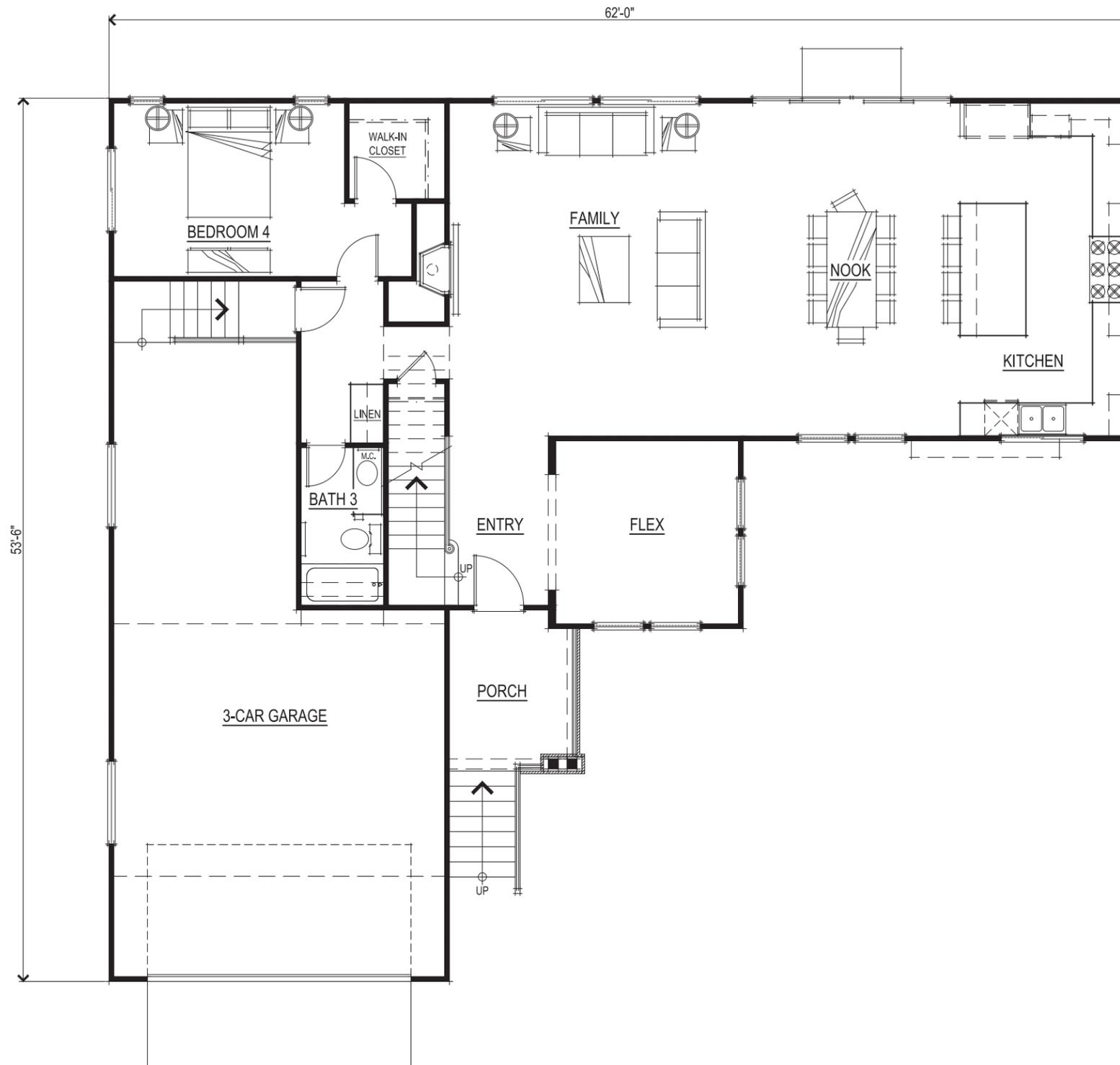
28'-0" HEIGHT LIMIT  
50' SETBACK TO 2ND FLOOR WALL  
END WALL HEIGHT LIMIT NOT A FACTOR



RIGHT ELEVATION

28'-0" HEIGHT LIMIT  
MIN. 18' SETBACK TO 2ND FLOOR WALL  
END WALL HEIGHT LIMIT NOT A FACTOR





SQUARE FOOTAGES	
FIRST FLOOR	1468 SQ. FT.
SECOND FLOOR	1926 SQ. FT.
TOTAL LIVING	3394 SQ. FT.
3-CAR GARAGE	692 SQ. FT.

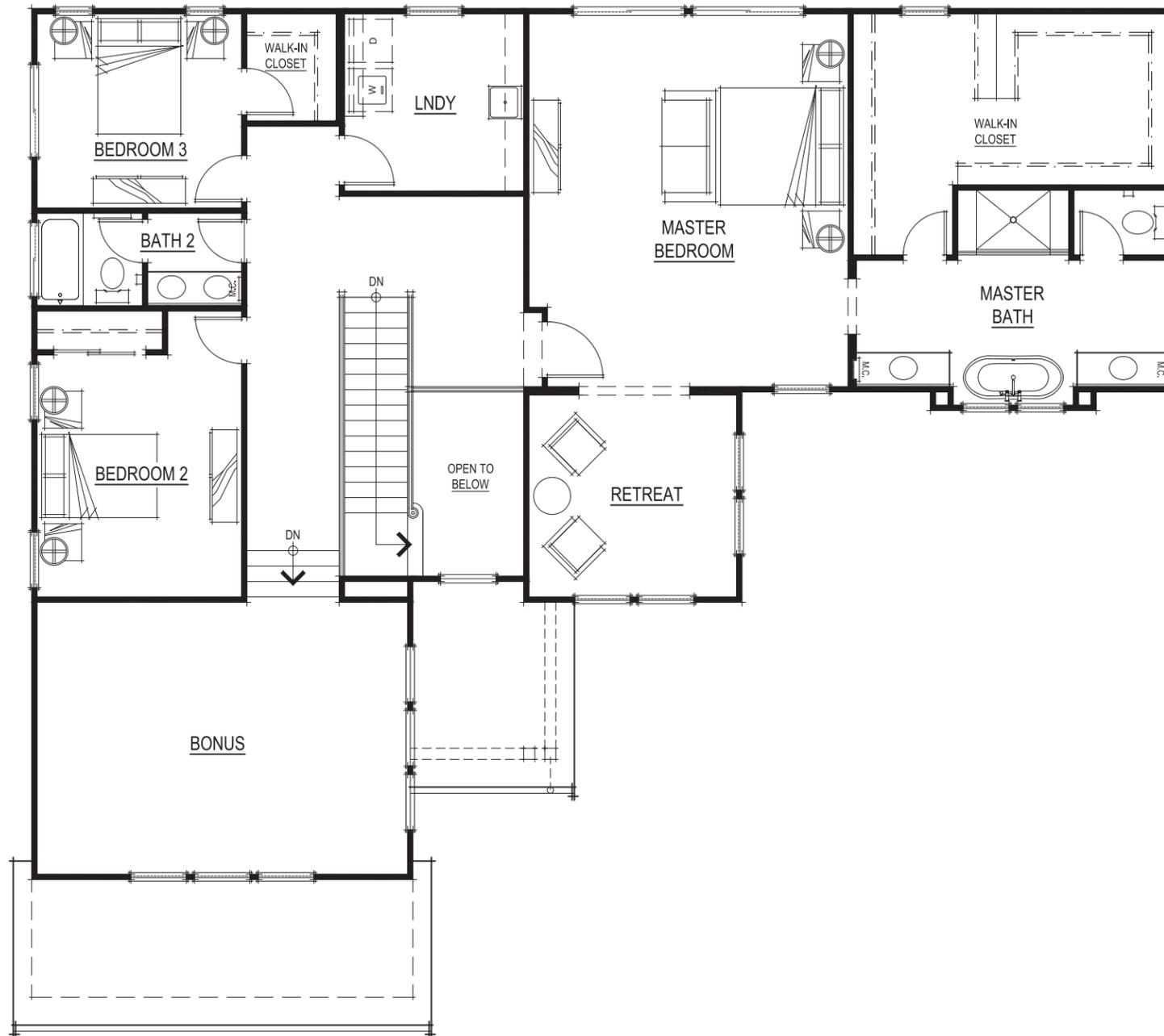


LOT 6 FIRST FLOOR PLAN  
A20

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LOT 6  
ELEVATION 'B'

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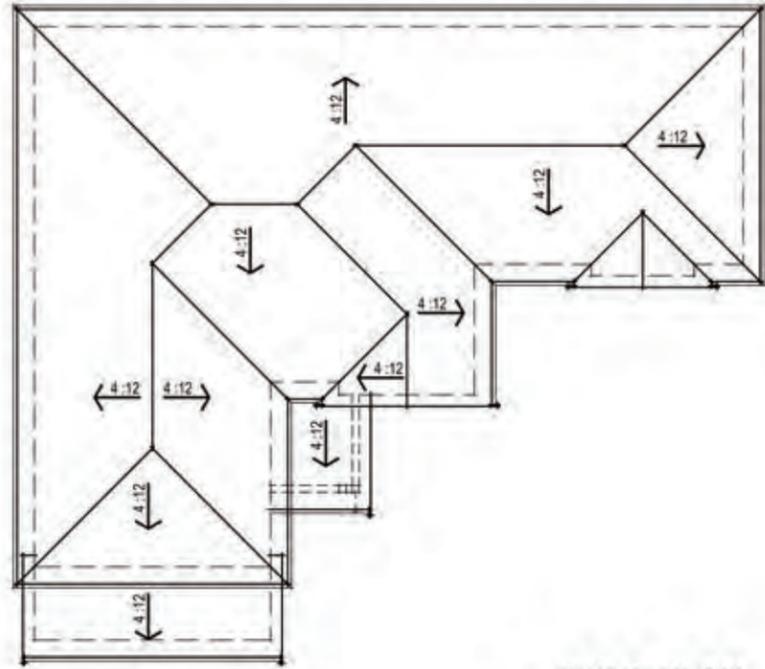


LOT 6 FRONT ELEVATION 'B'  
A22

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ROOF PLAN



REAR ELEVATION

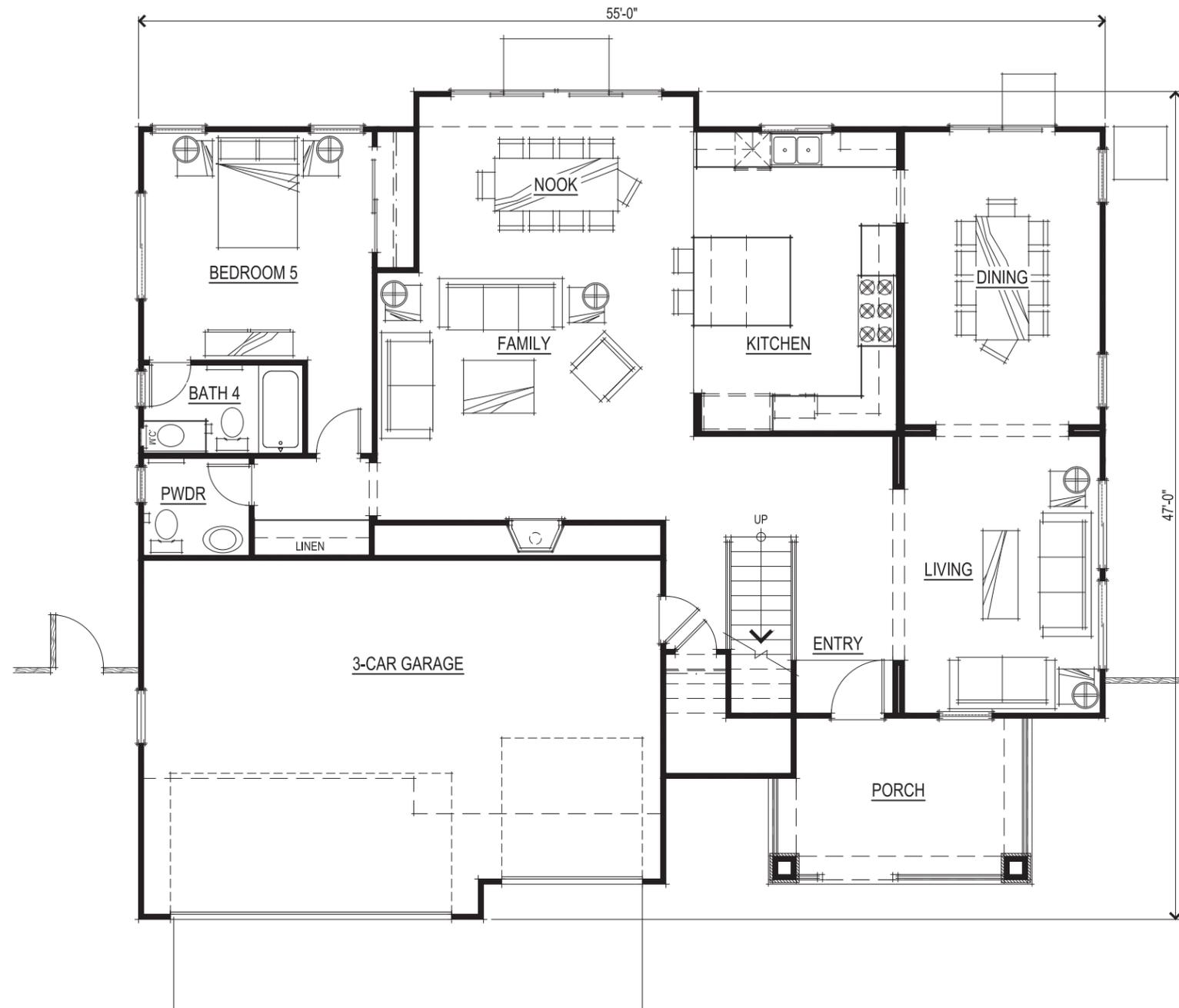


LEFT ELEVATION



RIGHT ELEVATION





SQUARE FOOTAGES	
FIRST FLOOR	1640 SQ. FT.
SECOND FLOOR	1876 SQ. FT.
TOTAL LIVING	3516 SQ. FT.
3-CAR GARAGE	587 SQ. FT.

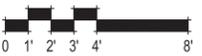
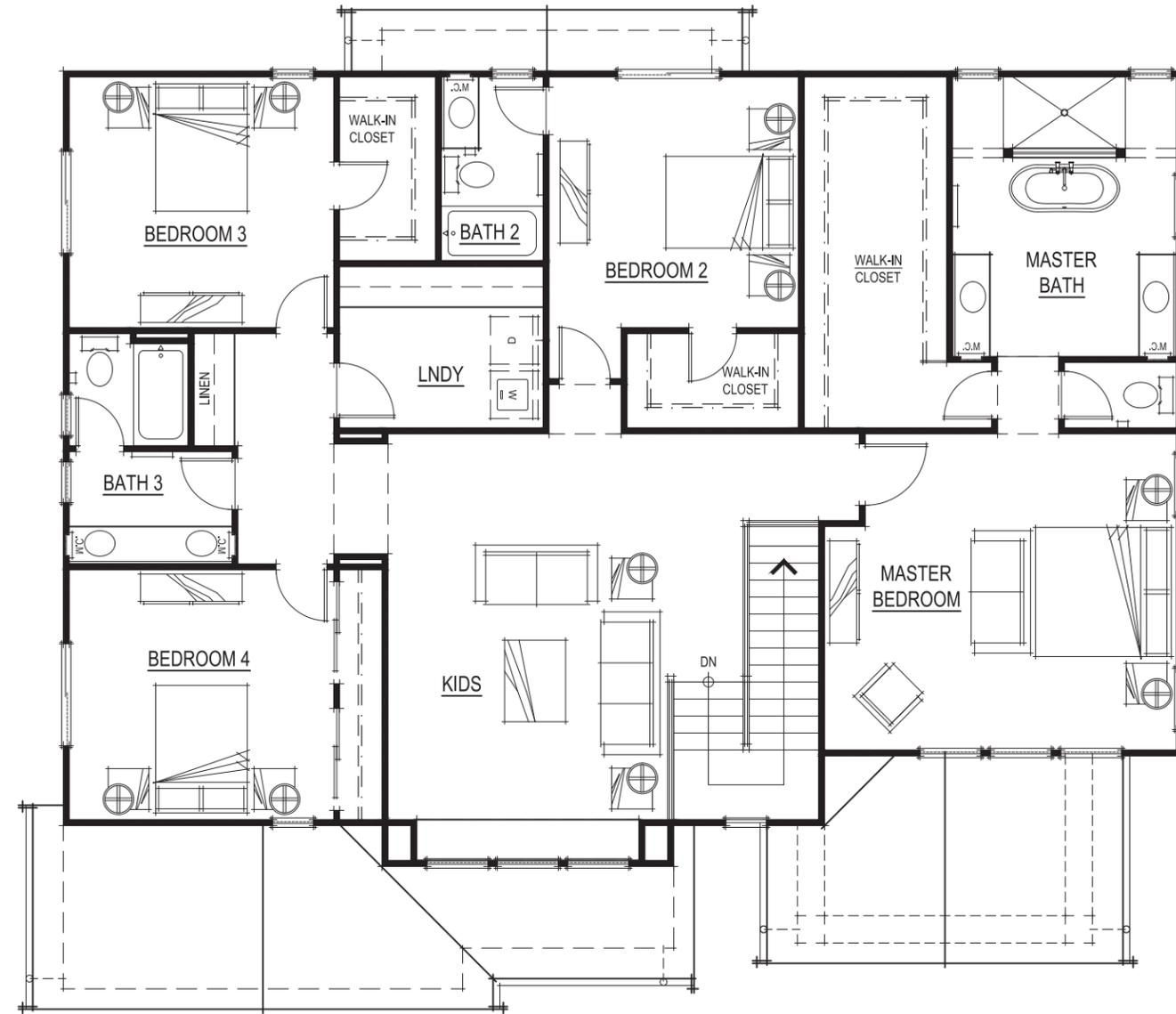


LOT 7 FIRST FLOOR PLAN  
A24

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LOT 7  
ELEVATION 'A'

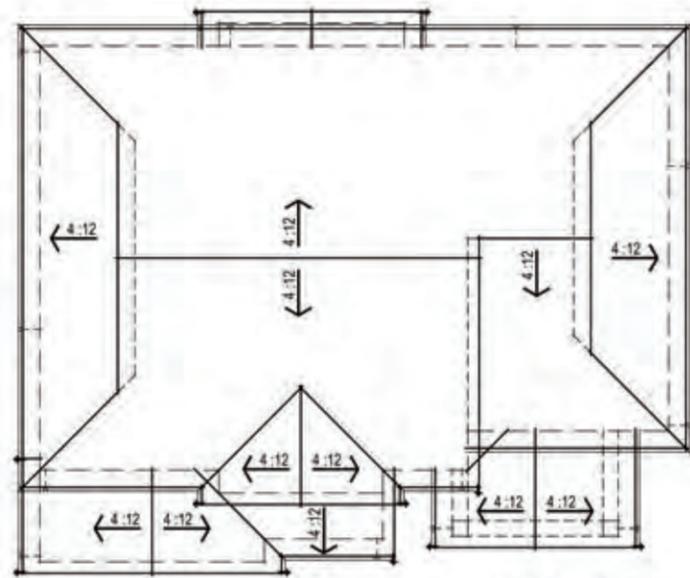


LOT 7 FRONT ELEVATION 'A'  
A26

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July 26, 2019

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ROOF PLAN



REAR ELEVATION

28'-0" HEIGHT LIMIT



LEFT ELEVATION

10' SETBACK  
20'-0" END WALL HEIGHT LIMIT

28'-0" HEIGHT LIMIT



RIGHT ELEVATION

15' SETBACK  
25'-0" END WALL HEIGHT LIMIT  
28'-0" HEIGHT LIMIT





SQUARE FOOTAGES	
TOTAL LIVING	3244 SQ. FT.
2-CAR GARAGE	429 SQ. FT.



LOT 8 FIRST FLOOR PLAN  
A28

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Moraga, CA  
July 26, 2019

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LOT 8  
ELEVATION 'A'



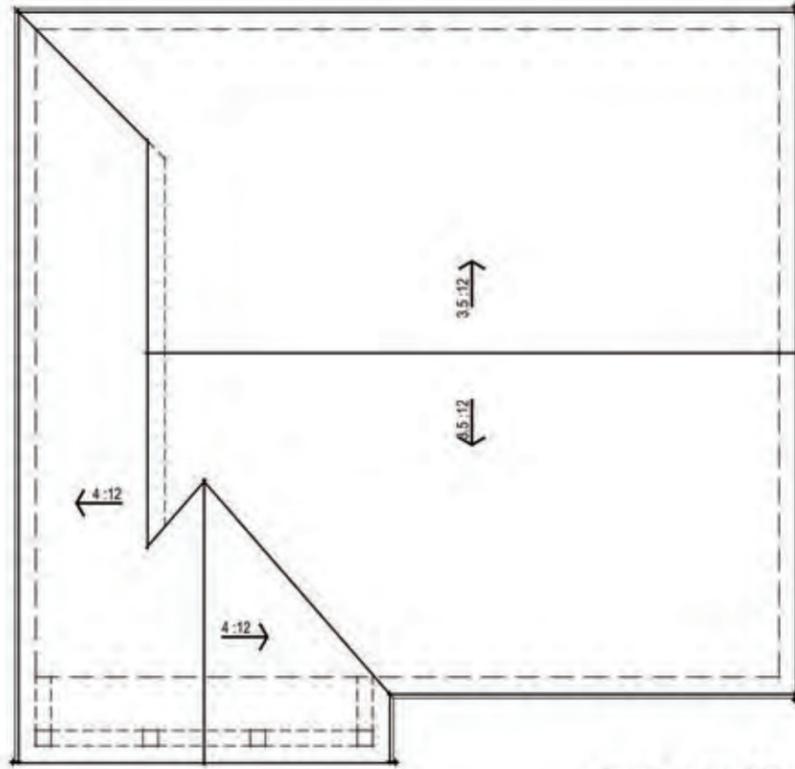
LOT 8 FRONT ELEVATIONS 'A'  
A29

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Moraga, CA  
July 26, 2019

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ROOF PLAN



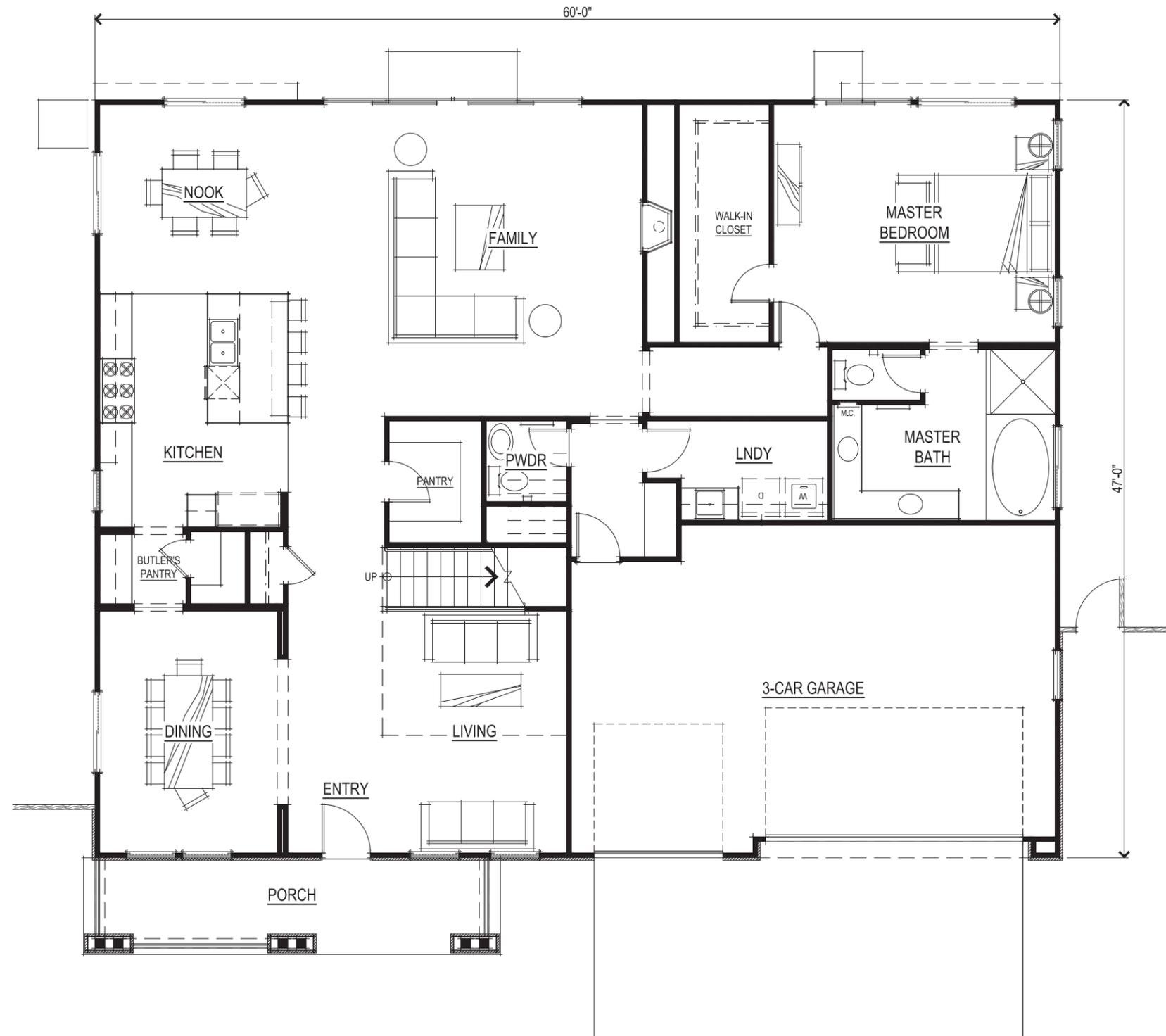
REAR ELEVATION



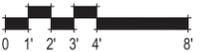
LEFT ELEVATION



RIGHT ELEVATION



SQUARE FOOTAGES	
FIRST FLOOR	2209 SQ. FT.
SECOND FLOOR	1589 SQ. FT.
TOTAL LIVING	3798 SQ. FT.
3-CAR GARAGE	611 SQ. FT.

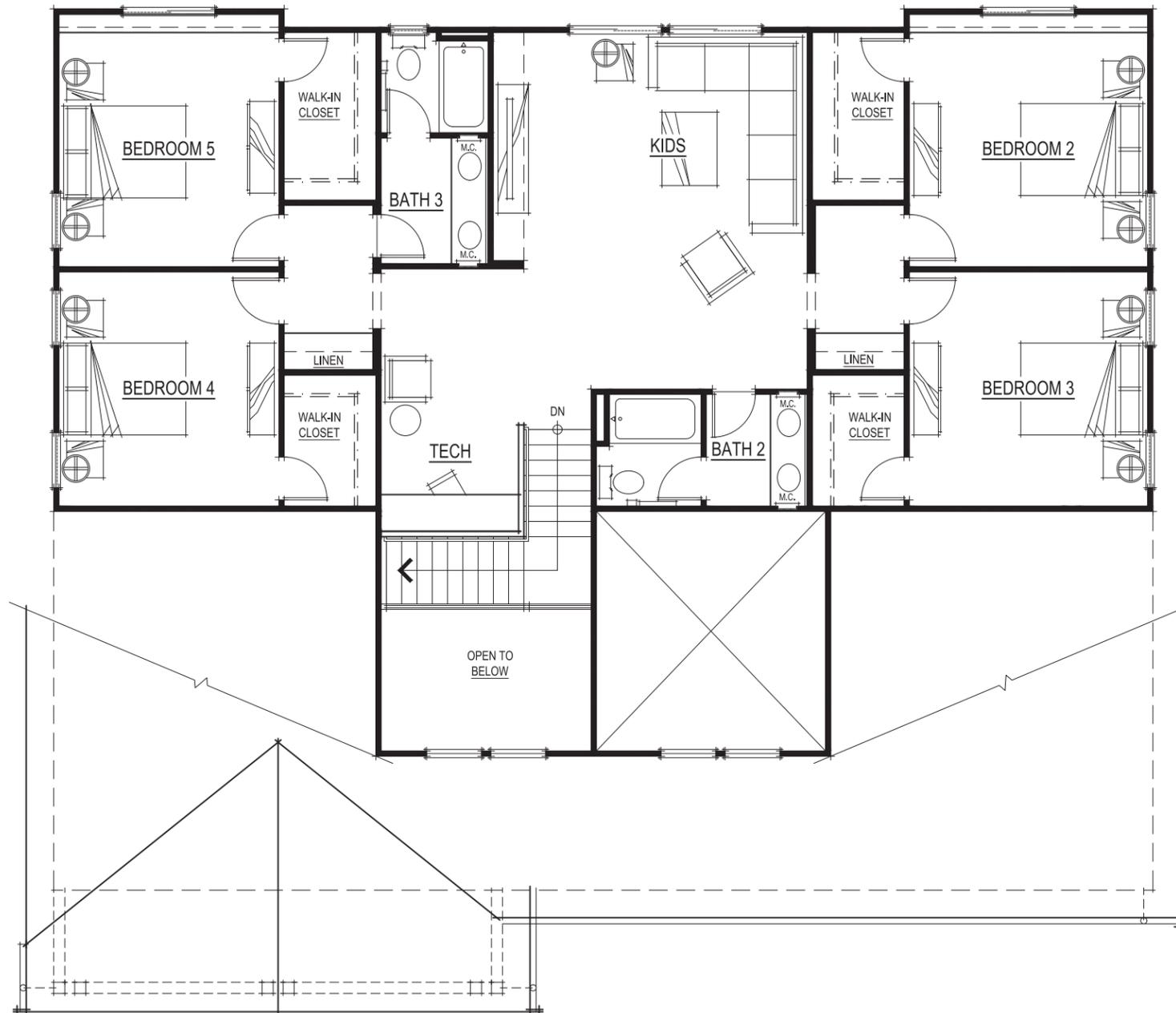


Vista Encinos  
Moraga, CA  
July 26, 2019

LOT 9 FIRST FLOOR PLAN  
A31

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 Moraga, CA  
 July 26, 2019

LOT 9 SECOND FLOOR PLAN  
 A32

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LOT 9  
ELEVATION 'B'



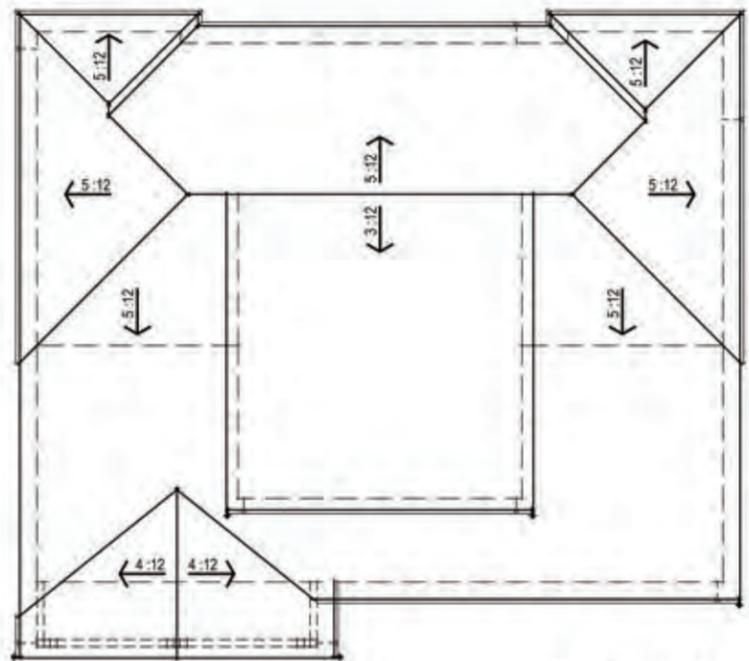
LOT 9 FRONT ELEVATION 'B'  
A33

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July 26, 2019

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ROOF PLAN



REAR ELEVATION

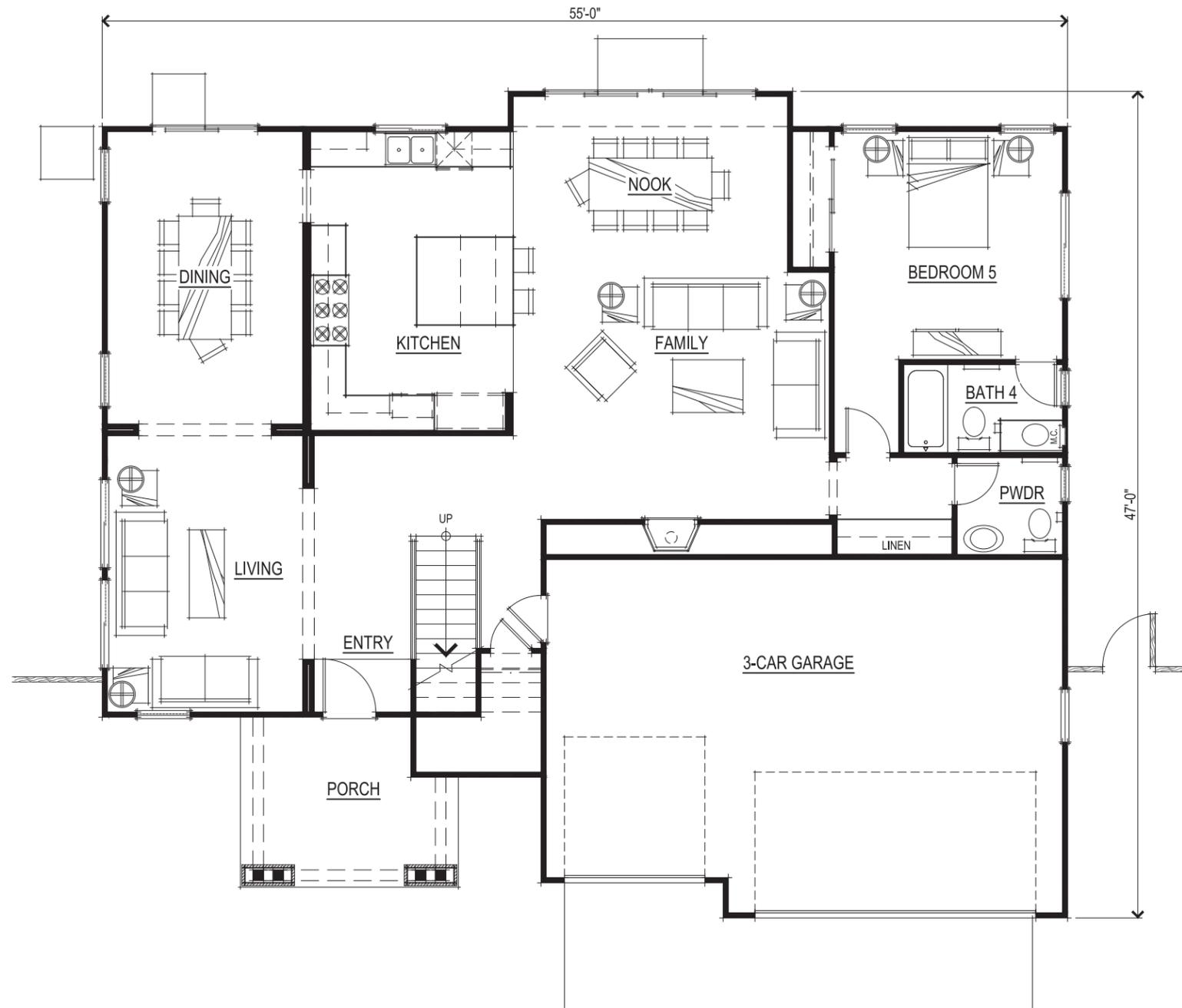


EXTEND STONE VENEER TO FENCE LINE  
LEFT ELEVATION

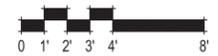


EXTEND STONE VENEER TO FENCE LINE  
RIGHT ELEVATION





SQUARE FOOTAGES	
FIRST FLOOR	1640 SQ. FT.
SECOND FLOOR	1876 SQ. FT.
TOTAL LIVING	3516 SQ. FT.
3-CAR GARAGE	587 SQ. FT.

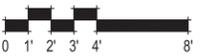
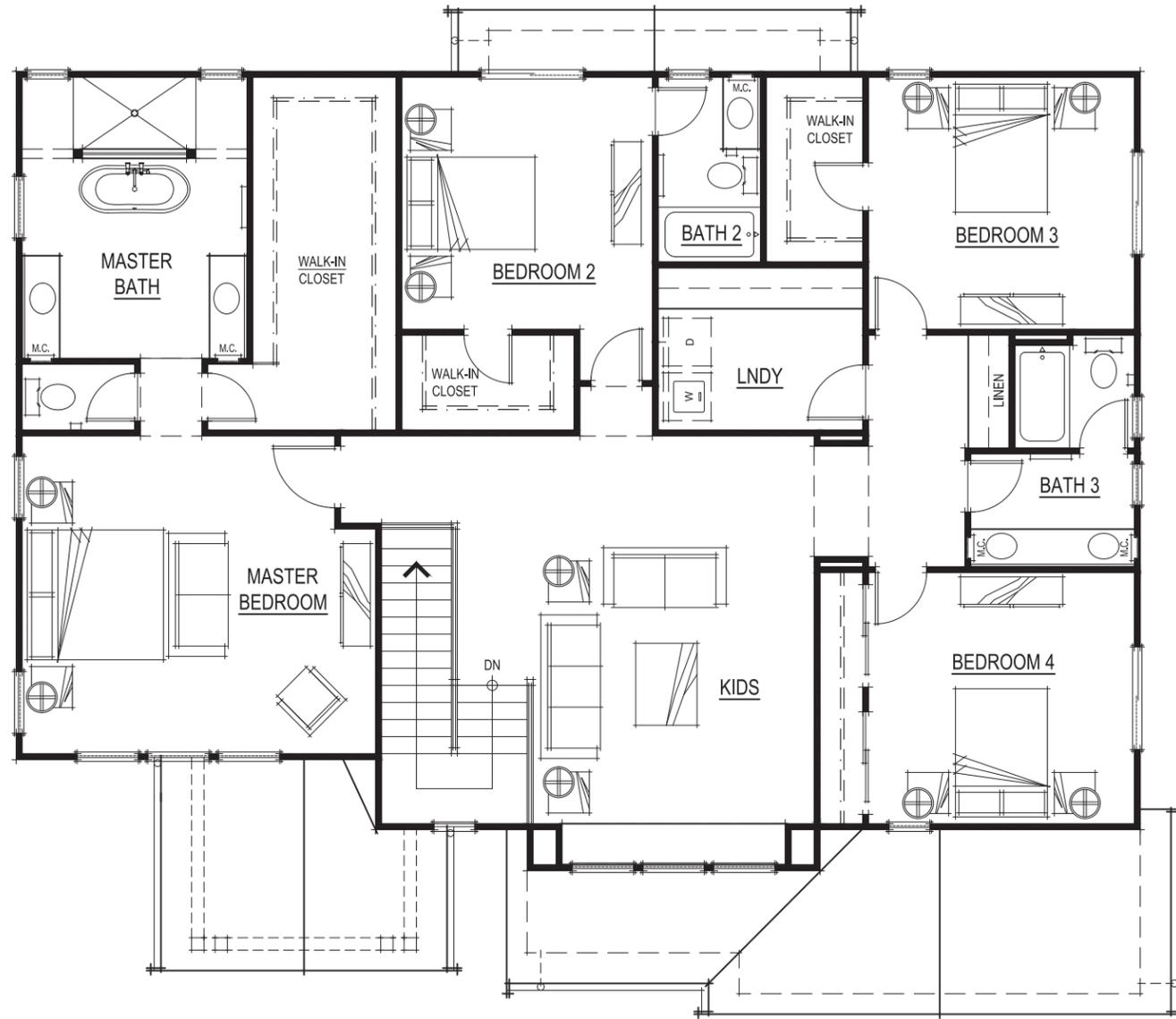


LOT 10 FIRST FLOOR PLAN  
A35

Vista Encinos  
Moraga, CA  
July 26, 2019

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Vista Encinos  
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 July 26, 2019

LOT 10 SECOND FLOOR PLAN  
 A36

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LOT 10  
ELEVATION 'B'



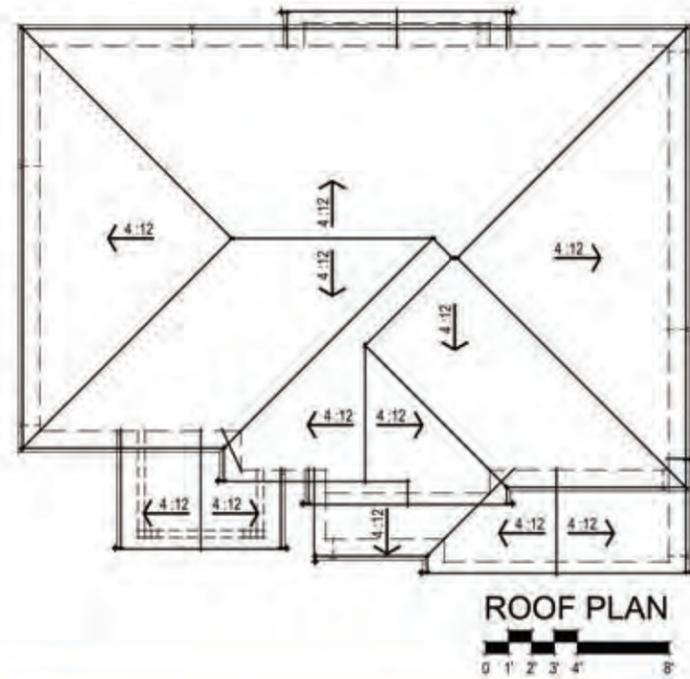
LOT 10 FRONT ELEVATION 'B'  
A37

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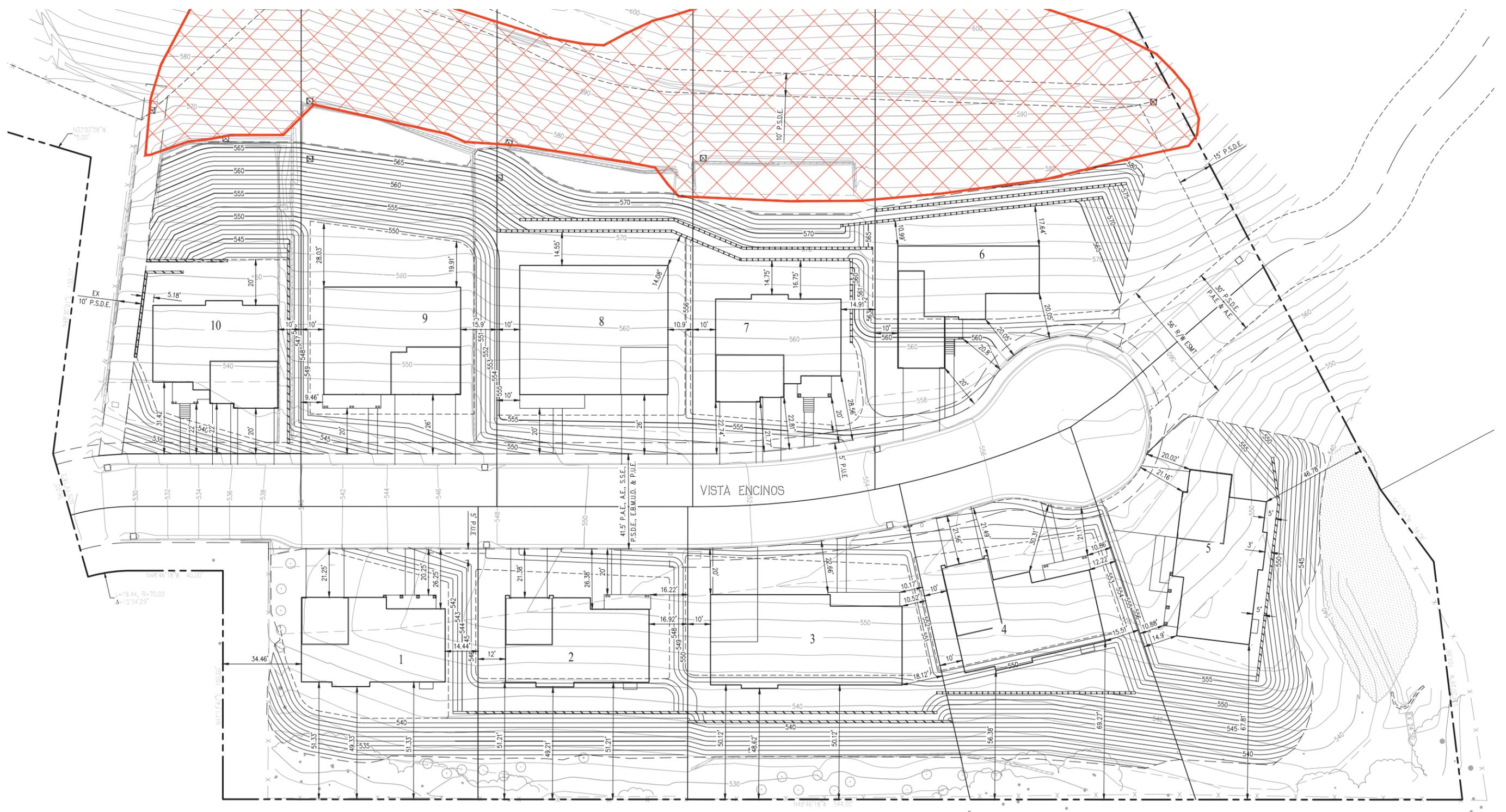
**REAR ELEVATION**



**LEFT ELEVATION**

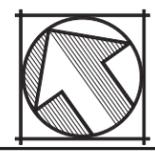


**RIGHT ELEVATION**



# LOS ENCINOS SITE PLAN

TOWN OF MORAGA CONTRA COSTA COUNTY CALIFORNIA



DATE: MAY 2019  
REVISED: JULY 23, 2019

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SACRAMENTO, CALIFORNIA (916) 375 - 1877



GENERAL NOTES:

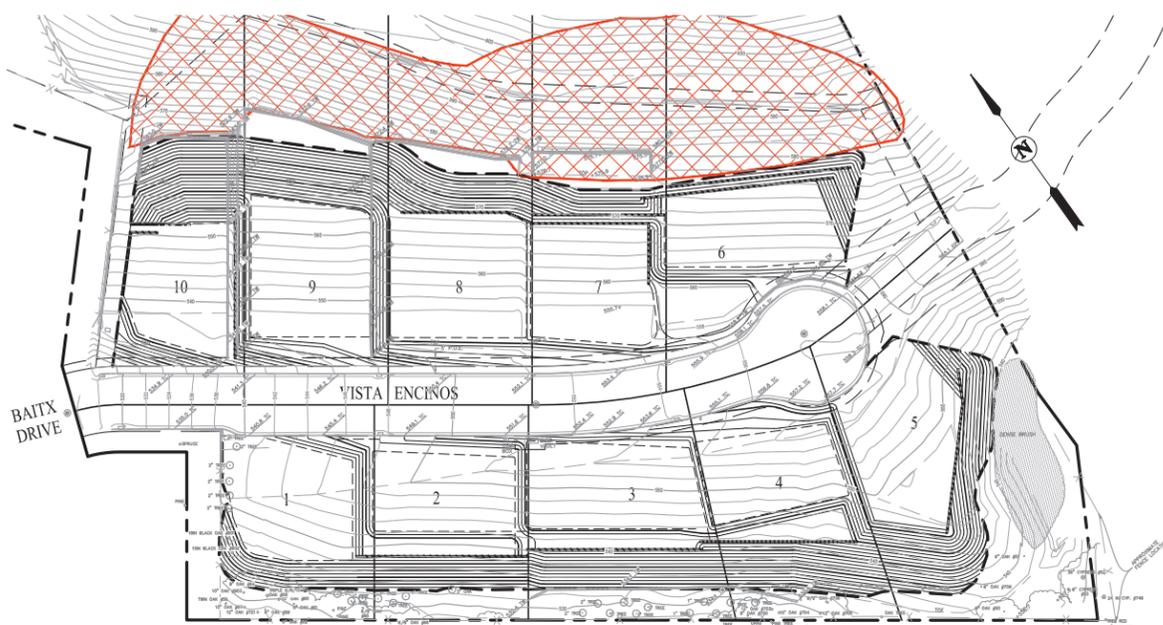
- 1. DEVELOPER: KT BUILDERS... CIVIL ENGINEER: CARLSON, BARBEE & GIBSON, INC... ARCHITECT: SDG ARCHITECTS, INC... GEOTECHNICAL ENGINEER: QUANTUM GEOTECHNICAL

ENGINEER'S GENERAL NOTES:

- 1. THESE PLANS SHOW EXISTING FEATURES INCLUDING BUT NOT LIMITED TO TREES, UTILITIES, AND STRUCTURES... 2. THE ENGINEER ASSUMES NO RESPONSIBILITY BEYOND THE ADEQUACY OF HIS DESIGN... 3. CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES...

GRADING PLANS LOS ENCINOS

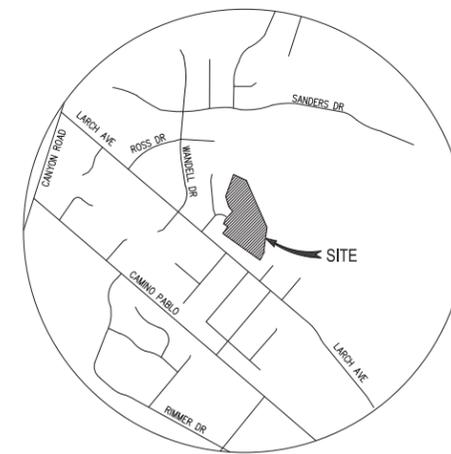
TOWN OF MORAGA CONTRA COSTA COUNTY CALIFORNIA



SITE MAP

SCALE: 1" = 50'

- 18. DURING GRADING OPERATIONS, THE CONTRACTOR SHALL IMPLEMENT DUST CONTROL MEASURES... 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING AN AIRBORNE DUST NUISANCE... 20. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY DAMAGE TO THE SITE OR SURROUNDING AREA...



VICINITY MAP NOT TO SCALE

LEGEND

Table with columns: EXISTING, PROPOSED, DESCRIPTION. Includes symbols for unit numbers, boundaries, lot lines, center lines, curbs, grade breaks, storm drains, manholes, inlets, elevations, concrete, pavement, flares, earth, and retaining walls.

ABBREVIATIONS

Table listing abbreviations for various construction terms such as AC (ACRES), A.E. (ACCESS EASEMENT), LL (LOT LINE), LP (LOW POINT), etc.

SHEET INDEX

Table with columns: SHEET NUMBER, SHEET TITLE. Lists sheets 1 (TITLE SHEET), 2 (NOTES AND SECTIONS), 3 (GRADING PLAN), and 4 (EROSION CONTROL PLAN).

GEOTECHNICAL ENGINEER'S CERTIFICATE

THESE PLANS HAVE BEEN REVIEWED AND HAVE BEEN FOUND TO BE IN SUBSTANTIAL CONFORMANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT PREPARED BY...

WE MAKE NO REPRESENTATION AS TO THE ACCURACY OF DIMENSIONS, MEASUREMENTS, CALCULATIONS, OR ANY PORTION OF THE DESIGN NOT ADDRESSED IN THE GEOTECHNICAL REPORT AND SUBSEQUENT GEOTECHNICAL DESIGN DOCUMENTS.

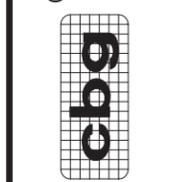
NAME \_\_\_\_\_ DATE \_\_\_\_\_

Table for REVISIONS with columns: NO., BY, DATE, REVISIONS.

DATE: JULY 2019 DRAWN BY: LXAMP PROJ. ENGR: JMF PROJ. MGR: LFC



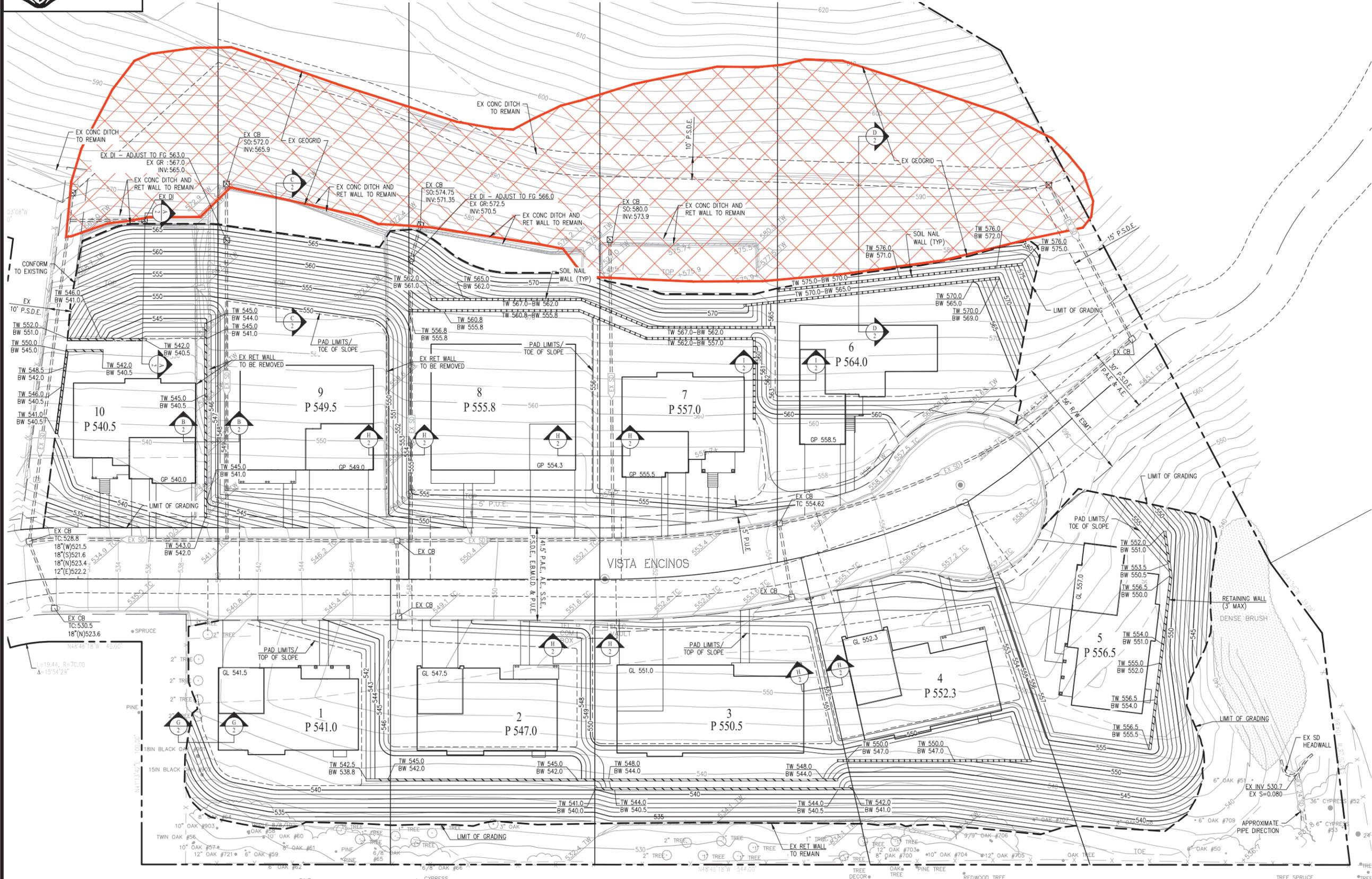
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GRADING PLANS TITLE SHEET

LOS ENCINOS TOWN OF MORAGA SHEET NUMBER 1 OF 4 JOB NUMBER 2822-000

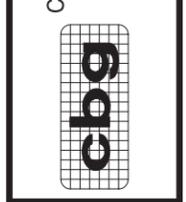




GRADING PLANS  
SCALE: 1" = 20'

DATE:	JULY 2019		
DRAWN BY:	LXAMP		
PROJ. ENGR:	JMF		
PROJ. MGR:	LFC		
NO.	BY	DATE	REVISIONS

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LOS ENCINOS  
 TOWN OF MORAGA  
 CALIFORNIA

GRADING PLANS  
 GRADING PLAN  
 SHEET NUMBER  
 3  
 OF 4  
 JOB NUMBER  
 2822-000

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## RISK LEVEL 2 SITES - BEST MANAGEMENT PRACTICE NOTES:

- RISK LEVEL 2 SITES ARE SUBJECT TO A pH NAL OF 6.5-8.5, AND A TURBIDITY NAL OF 250 NTU.
- RISK LEVEL 2 SITES REQUIRE A RAIN EVENT ACTION PLAN.
- RISK LEVEL 2 SITES REQUIRE LINEAR SEDIMENT CONTROLS ALONG THE TOE OF THE SLOPE, FACE OF THE SLOPE AND AT THE GRADE BREAKS OF EXPOSED SLOPES TO COMPLY WITH THE FOLLOWING SHEET FLOW LENGTHS:

CRITICAL SLOPE/ FLOW LENGTH COMBINATIONS	
0-25%	20 FEET
25-50%	15 FEET
OVER 50%	10 FEET

- RISK LEVEL 2 SITE MONITORING AND REPORTING REQUIREMENTS:

SUMMARY OF MONITORING AND REPORTING REQUIREMENTS							
RISK LEVEL	VISUAL INSPECTIONS					SAMPLE COLLECTION	
	QUARTERLY NON-STORMWATER DISCHARGE	PRE-STORM EVENT		DAILY STORM BMP	POST STORM	STORMWATER DISCHARGE	RECEIVING WATER
		BASELINE	REAP				
X	X	X	X	X	X	X	N/A

- IT SHALL BE THE LEGALLY RESPONSIBLE PARTY'S (LRP/DISCHARGER) DUTY TO MAINTAIN CONTROL OF THE ENTIRE CONSTRUCTION OPERATION AND TO ENSURE THE ENTIRE SITE IS IN COMPLIANCE WITH THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) APPROVED FOR THE SITE, THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD (SWRCB) ORDER NO. 2009-0009 DWQ, NPDES NO. CAS000002 AND THE CASQA CONSTRUCTION BMP GUIDANCE HANDBOOK.
- THIS PLAN IS INTENDED TO BE UTILIZED FOR INTERIM EROSION AND SEDIMENT CONTROL ONLY AND IS NOT TO BE UTILIZED FOR FINAL ELEVATIONS OR PERMANENT IMPROVEMENTS.
- THIS PLAN MAY NOT COVER ALL THE SITUATIONS THAT MAY ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS AND ADDITIONS MAY BE MADE TO THIS PLAN AS NECESSARY IN THE FIELD. DOCUMENT AND REPORT ANY FIELD CHANGES PER THE REQUIREMENTS OF THE SWPPP AND NOTIFY THE CITY OR COUNTY REPRESENTATIVE OF THE FIELD CHANGES.
- ALL MAINTENANCE AND OPERATION REQUIREMENTS SHALL COMPLY WITH THE SWPPP AND THE CASQA CONSTRUCTION BMP GUIDANCE HANDBOOK.
- DISCHARGERS SHALL EFFECT AND MAINTAIN PRECAUTIONARY MEASURES NECESSARY TO PROTECT ADJACENT WATERCOURSES AND PUBLIC OR PRIVATE PROPERTY FROM DAMAGE BY EROSION, FLOODING AND DEPOSITION OF MUD OR DEBRIS ORIGINATING FROM THE SITE.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL ASPECTS OF EROSION CONTROL FOR THE PROJECT AND SHALL INSTALL AND MAINTAIN ANY DEVICES AND MEASURES NECESSARY TO THE SATISFACTION OF THE CITY OR COUNTY ENGINEER AND THE REGIONAL WATER QUALITY CONTROL BOARD (RWQCB).
- DISCHARGERS SHALL ESTABLISH AND MAINTAIN EFFECTIVE BMP PERIMETER CONTROLS AND STABILIZED ALL CONSTRUCTION ENTRANCES AND EXITS TO SUFFICIENTLY CONTROL EROSION AND SEDIMENT DISCHARGES FROM THE SITE YEAR-ROUND.
- EROSION CONTROL MEASURES WILL BE PROPERLY IN PLACE YEAR-ROUND. ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN THE FIVE DAY RAIN PROBABILITY EXCEEDS 50 PERCENT.
- INSPECTIONS AND OBSERVATIONS SHALL OCCUR WEEKLY, AND AT LEAST ONCE EACH 24-HOUR PERIOD DURING EXTENDED STORM EVENTS, TO IDENTIFY AND RECORD BMPs THAT NEED MAINTENANCE TO OPERATE EFFECTIVELY, THAT HAVE FAILED OR THAT COULD FAIL TO OPERATE AS INTENDED.
- DISCHARGERS SHALL IMPLEMENT MEASURES TO CONTROL ALL NON-STORMWATER DISCHARGES DURING CONSTRUCTION.
- DISCHARGERS SHALL IMPLEMENT EFFECTIVE WIND EROSION CONTROL.
- CONSTRUCTION TRAFFIC SPEEDS WILL BE LIMITED TO 15 MPH, OR LESS, AS REQUIRED BY THE CONTRACTOR.
- STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF SITE WORK. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE ENTRANCE. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY.
- APPLY GRAVEL CONSTRUCTION ENTRANCE MATERIAL WITHIN MATERIAL STORAGE AREA.
- APPLY GRAVEL CONSTRUCTION ENTRANCE MATERIAL WITHIN THE VEHICLE STORAGE AREA.
- PLACE ALL EQUIPMENT OR VEHICLES, WHICH ARE TO BE FUELED, MAINTAINED AND STORED IN A DESIGNATED AREA FITTED WITH APPROPRIATE BMPs.
- IMPLEMENT BMPs TO PREVENT THE OFF-SITE TRACKING OF LOOSE CONSTRUCTION AND LANDSCAPE MATERIALS.
- PAVED STREETS WILL BE MONITORED DAILY AND FREQUENTLY CLEANED. STREETS WILL ALSO BE SWEEPED ON AT LEAST A WEEKLY BASIS OR MORE OFTEN, AS NEEDED, TO MAINTAIN CONTINUOUS LITTER AND TRACKING CONTROL. STREET WASHING WILL NOT BE DONE.
- TRASH RECEPTACLES WILL BE PROVIDED THROUGHOUT THE SITE AND UTILIZED BY ALL WORKERS FOR MISCELLANEOUS TRASH. SITE REFUSE WILL BE PICKED UP ON A WEEKLY BASIS OR AS OFTEN AS NECESSARY IN ORDER TO KEEP THE SITE CLEAN.
- COVER AND BERM LOOSE STOCKPILED CONSTRUCTION MATERIALS THAT ARE NOT ACTIVELY BEING USED (I.E. SOIL, SPOILS, AGGREGATE, FLY-ASH, STUCCO, HYDRATED LIME, ETC.).
- CONTAIN AND SECURELY PROTECT STOCKPILED WASTE MATERIAL FROM WIND AND RAIN AT ALL TIMES UNLESS ACTIVELY BEING USED.
- EXCAVATING, FILLING, BACKFILLING AND GRADING WORK SHALL NOT BE PERFORMED DURING UNFAVORABLE WEATHER CONDITIONS.
- DISCHARGERS SHALL PROVIDE EFFECTIVE SOIL COVER FOR INACTIVE AREAS AND ALL FINISHED SLOPES, OPEN SPACE, UTILITY BACKFILL AND COMPLETED LOTS. INACTIVE AREAS OF CONSTRUCTION ARE AREAS OF CONSTRUCTION ACTIVITY THAT HAVE BEEN DISTURBED AND ARE NOT SCHEDULED TO BE RE-DISTURBED FOR AT LEAST 14 DAYS.
- SLOPES WILL BE GRADED SO THAT WATER IS DIRECTED AWAY FROM THE SLOPE FACES AT THE END OF EACH WORKING DAY WHEN A CHANCE OF RAIN IS FORECAST.
- ALL RILLS, GULLIES, ETC. WILL BE PROMPTLY REPAIRED AS PRACTICAL BY REGRADING OR INSTALLATION OF SOIL, GRAVEL OR SANDBAGS.
- ALL DRAIN INLETS WILL BE PROTECTED AS THEY ARE COMPLETED, DURING THE ENTIRE COURSE OF CONSTRUCTION.
- IF SEDIMENT BASINS ARE TO BE USED, DISCHARGERS SHALL, AT A MINIMUM DESIGN SEDIMENT BASINS ACCORDING TO THE METHOD PROVIDED IN CASQA'S CONSTRUCTION BMP GUIDANCE HANDBOOK.
- AFTER EACH RAINSTORM, SILT AND DEBRIS SHALL BE REMOVED FROM CHECK DAMS, FIBER ROLLS, SILT FENCES AND SILT SACKS. SEDIMENT TRAPS/BASINS SHOULD ALSO BE OBSERVED AND PUMPED DRY AS NECESSARY TO ASSURE PROPER FUNCTION AND CAPACITY.
- INTERIOR FIBER ROLLS MAY BE REMOVED AS THE AREA COMES UNDER CONSTRUCTION FOR FINISH GRADING AND LANDSCAPING INSTALLATION. PERIMETER PROTECTION SHOULD BE LEFT IN PLACE YEAR-ROUND.
- GRAVEL CHECK DAMS MAY BE REMOVED FROM UNPAVED ROADWAYS AS THEY COME UNDER CONSTRUCTION.

### LEGEND

- PERMANENT STORM DRAIN CATCH BASIN
- PERMANENT STORM DRAIN FIELD INLET
- STORM DRAIN INLET PROTECTION (W/ FILTER INSERT) (SE-10)
- STABILIZED CONSTRUCTION ENTRANCE (TC-1 & TC-3)
- DIRECTION OF FLOW WITH STORM DRAIN INSTALLED
- HYDROSEED (EC-6)
- STRAW WATTLE / FIBER ROLLS (SE-5)
- CHECK DAM (SE-4)

### QUALIFIED SWPPP MANAGER TO MARK KNOWN LOCATIONS

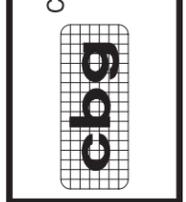
- MATERIALS AND EQUIPMENT STORAGE AREA (CASQA DETAILS WM-1, WM-2 & WM-3)
- VEHICLE MAINTENANCE/ FUELING AREA (CASQA DETAILS NS-8, NS-9 & NS-10)
- SANITARY FACILITY (CASQA DETAIL WM-9)
- CONCRETE/WASTE WASHOUT (CASQA DETAIL WM-8)



NO.	BY	DATE	REVISIONS	CITY APPROVAL



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LOS ENCINOS  
**GRADING PLANS**  
 EROSION CONTROL PLAN  
 CALIFORNIA  
 TOWN OF MORAGA

SHEET NUMBER  
**4**  
 OF 4  
 JOB NUMBER  
**2822-000**