



Meeting Date: September 8, 2020

TOWN OF MORAGA **STAFF REPORT**

To: Planning Commission
From: Ben Noble, Contract Planner
Subject: Study Session on Proposed Camino Pablo Residential Subdivision and Annexation and to Accept Public Comment on the Initial Study/Mitigated Negative Declaration

Request

Staff requests that the Planning Commission conduct a study session on the proposed Camino Pablo residential subdivision, receive public comment, and provide feedback to staff. Specifically, staff requests Planning Commission feedback on the following issues:

- **Development Area.** Is the proposed development located in the preferred area of the property?
- **Number of Units.** Is the proposed density and number of units appropriate for the project?
- **Visual Impacts.** Are project revisions needed to reduce visual impacts on scenic resources?
- **Neighbor Impacts.** Are project revisions and/or conditions of approval needed to reduce impacts on adjacent properties and nearby residents?
- **Grading.** Are revisions to project grading needed to reduce alterations to visible natural landforms? Is this desirable given other project constraints?
- **Home Design.** Are revisions to home designs needed to increase compatibility with surrounding development and the natural setting?
- **Camino Pablo Designation.** Does the Planning Commission support changing the Camino Pablo designation from arterial to collector?

Staff also requests that the Planning Commission accept public comment on the Initial Study and Draft Mitigated Negative Declaration.

I. PROJECT SETTING

A. Neighborhood/Area Description

The project property is located in unincorporated Contra Costa County on the south-eastern edge of the Town of Moraga, fronting Camino Pablo. West of Camino Pablo is a

1 neighborhood of single-family homes accessing Camino Pablo from Tharp Drive. To the
2 north the property boundary follows Sanders Ranch Road, a private street within Town
3 limits. A narrow parcel owned by the Sanders Ranch HOA separates the eastern side of
4 the property from Sanders Ranch Road. Carr Ranch is located in unincorporated Contra
5 Costa County directly to the east and northeast of the property, with a barn, agricultural
6 buildings, and several homes occupied by the Carr and Hoover families. Directly south
7 of the property is the Sky View subdivision, also in unincorporated Contra Costa
8 County, with 15 single-family homes built in the late 1980s. South of Sky View
9 subdivision is the Town of Moraga Rancho Laguna Park at the southernmost end of
10 Town. All land beyond the park to the south is unincorporated.

11

12 **B. John Muir Land Trust Open Space**

13 In 2016 the John Muir Land Trust (JMLT) partnered with the East Bay Municipal Utility
14 District (EBMUD) to acquire 604 acres of the Carr Ranch property for preservation as
15 permanent open space. EBMUD holds title to the land and JMLT manages public
16 access for hiking and other light recreation uses. As shown in the JMLT Carr Ranch
17 brochure provided in Attachment G, EBMUD watershed land abuts the northeastern
18 boundary of the project property. JMLT recreational lands are east of the EBMUD
19 watershed land and accessed from a trail connecting to Rancho Laguna Park.

20

21 **C. Town Boundaries**

22 The project site is located outside of the Town limits, but inside of the Urban Limit Line
23 and Sphere of Influence. The location of the Town limits and Urban Limit Line are
24 shown on page 1 of the project plans (Attachment A).

25

26 **D. General Plan Designations/Zoning**

27 Sheet 2 of the project plans (Attachment A) shows existing General Plan designations
28 for the project property. The southernmost portion of the project site (6.26 acres) has a
29 General Plan designation of Residential, 1 Dwelling Unit Per Acre (1-DUA). The
30 General Plan designates the remainder of the site (17.64 acres) as Open Space (OS),
31 also referred to as Non-MOSO Open Space.

32

33 As shown on Sheet 3 of the project plans, the entire site has a County zoning
34 designation of A-2 (Agriculture). There is no Town zoning currently applied to the
35 property as it is outside Town limits. The existing General Plan designation is intended
36 to guide future zoning on the property if and when it is annexed into the Town.

37

38 **E. Site Conditions**

39 The project site is located on a single 23.9-acre parcel of undeveloped hillside land. The
40 project property has been used for cattle grazing for the past century by the Carr and
41 Hoover families. The property is referred to by some residents as “cow hill” because of
42 the cattle that can sometimes be seen grazing on it.

43

44 **1. Vegetation and Habitat**

45 The project property is dominated by grassland and non-native annual grassland
46 vegetation, with a few small pockets of ruderal vegetation. Biological surveys found the
47 possibility for a number of special-status plant species to occur on the site. Suitable

1 habitat is present for migratory ground-nesting bird species. The site could also provide
 2 dispersal habitat for the Alameda Whipsnake and California Red-Legged Frog.
 3

4 A wetland delineation was performed for the project site in 2015 and verified at that time
 5 by the Army Corps of Engineers. A total of four small seasonal wetlands occur on the
 6 property, totaling 0.11 acres. The location of these seasonal wetlands are shown in
 7 Figures BIO-1 and BIO-2 of the Draft IS/MND (Attachment J).
 8

9 **2. Topography**

10 The entire property is defined as a “Hillside Area” under the Town’s regulations. The
 11 crest of the hillside on the project site is not a Town-designated Major MOSO Ridgeline,
 12 Minor MOSO Ridgeline, Significant Non-MOSO Ridgeline, or Other Non-MOSO
 13 Ridgeline, each designated by the Town for special protections under its Hillside and
 14 Ridgeline Regulations approved in 2018. No such designated ridgeline is visible from
 15 the project property
 16

17 **3. Drainage**

18 Stormwater runoff from the project site is collected by an existing storm drain system
 19 which flows through the Tharp Drive neighborhood and outfalls into Moraga Creek. A
 20 portion of the existing public storm drain runs through three private properties before
 21 reaching the public right-of-way in Butterfield Place, which in turn continues to Tharp
 22 Drive.
 23

24 **II. Project History**

25 Table 1 shows a chronology of the Camino Pablo project application.
 26

27 **Table 1: Application Chronology**

Date	Event
March 2014	Preliminary applicant discussions with Town staff
January 28, 2015	Town Council Study Session. The Town Council expressed preference for the application to be processed through the Town instead of the County
April 2015	Application filed
August 2015	CEQA review initiated
September 1, 2015	Applicant-hosted meeting with Sky View residents
September 2015	LAFCO Informational Presentation. (Note: LAFCO expressed interest in Sky View annexation only if desired by its residents)
October 2015	Town-hosted neighborhood meeting regarding annexation concept
September 2016	Application deemed complete
December 2016	Applicant requested pause in application processing to wait for completion of Hillsides and Ridgelines project
2017 and 2018	Applicant commented on Hillsides and Ridgelines project materials
April 2018	Hillsides and Ridgelines project completed
May and September 2018	Applicant meetings with Town staff to review revised project materials
January 2019	Revised project plans and materials submitted to Town
Various dates in 2019	Applicant meetings with Town staff to review revised project and discuss needed revisions
November 2019	Current set of project plans submitted
June 2020	Draft Initial Study and Mitigated Negative Declaration released, with September 15, 2020 as the proposed end of the public review/comment period

1 As noted in the above chronology, the applicant met with Town staff numerous times in
2 2018 and 2019 to discuss the project. The purpose of these meetings was to discuss
3 needed project changes to bring the project into greater conformance with Town
4 policies, standards, and guidelines. The applicant and Town staff reviewed versions of
5 the project's 3D model (discussed in the Project Description section of this staff report)
6 and identified needed changes and improvements to the model. During this time, the
7 applicant made numerous substantive changes to the project to respond to staff
8 comments and requests. Noteworthy project changes include the following:
9

- 10 • **Architectural Detail.** Architectural plans prepared for project with details added
11 to 3D model and integrated with engineering plans.
- 12 • **Lot 9 Home Placement and Height:** Relocated Lot 9 home 40 feet further away
13 from Camino Pablo. Reduced home height.
- 14 • **Lot 9 Live Oak Trees:** Added eight coast live oak trees along the Camino Pablo
15 frontage below the home on Lot 9
- 16 • **Camino Pablo Landscaping:** Revised Camino Pablo landscaping plan so that
17 landscaping would appear more natural and less linear.
- 18 • **Lot 11, 12, and 13 home Placement and Orientation:** Added variation in home
19 placement and orientation of homes on Lots 11, 12, and 13 to avoid linear
20 production homes look.
- 21 • **Accessory Dwelling Units:** Moved ADUs to homes where increased mass
22 would be less visible.
- 23 • **Home Size:** Reduced floor area of homes on Lots 6 through 13 by a total of
24 4,198 square feet combined to reduce visual prominence of the homes as seen
25 from Camino Pablo and for Sky View neighbors.

26
27 Town staff previously requested that the applicant host a second community meeting to
28 present the revised project materials. Because of the COVID-19 pandemic, staff
29 informed the applicant that this planned meeting could be canceled. To increase
30 opportunity for public comment, staff has asked the applicant to host this meeting via
31 Zoom. Staff is also considering alternative in-person meeting formats (e.g., outdoor
32 meetings) to allow for additional input consistent with COVID safety requirements and
33 recommendations.
34
35

36 **III. REQUIRED APPROVALS AND REVIEW PROCESS**

37 **A. Town Approvals**

38 Town staff plans to process the required entitlements in two phases. The Phase 1
39 approvals, include the following:
40

- 41 • General Plan Amendment
- 42 • Pre-Zoning (Zoning Code Amendment)
- 43 • Vesting Tentative Subdivision Map
- 44 • Conceptual Development Plan and General Development Plan (for planned
45 development)
- 46 • Grading Permit
- 47 • CEQA determination

1
2 As a planned development, the proposed project is subject to the Town's three-step
3 planned development process required by Chapter 8.48 of the Zoning Code. Staff
4 recommends that the Town take action on both the Conceptual Development Plan and
5 General Development Plan as part of the Phase 1 approvals.
6

7 The Planning Commission will make a recommendation to the Town Council on all
8 Phase 1 approvals. The Town Council will act as the final review authority for all Phase
9 1 approvals and consider action to initiate annexation.

10
11 If the project obtains Phase 1 approvals, the proposed project would then require
12 LAFCO annexation approval and the following Phase 2 Town approvals:

- 13 • Precise Development Plan
- 14 • Final Map
- 15 • Design Review

16 17 **B. Annexation**

18 Annexation is the process by which the Town of Moraga incorporates an area currently
19 under Contra Costa County jurisdiction. The hatched area on sheet 1 of the project
20 plans (Attachment A) shows the area proposed for annexation. The 24-acre area is all
21 within the Town's Sphere of Influence and Urban Limit Line.
22

23 Annexation Process

24 All annexations and boundary changes in California require the approval of a Local
25 Agency Formation Commission (LAFCO). In Contra Costa County, the annexation
26 process begins with either the landowner or Town submitting an application to LAFCO.
27

28 LAFCO will then act on the application at a public hearing, using established criteria to
29 approve or deny the application. Following its decision LAFCO will hold protest
30 proceedings to allow voters and property owners to formally voice their approval of, or
31 opposition to, the annexation.
32

33 Town Annexation Policies

34 The Moraga General Plan contains one policy and one implementation action
35 specifically about annexation:

36 **Policy FS1.6 Areas of Potential Annexation.** Consider annexation of areas
37 within Moraga's Sphere of Influence that will receive services from the Town or
38 other urban service providers (water, sanitation, etc.).

39 **Action IP-K5 Annexation Review.** Consider annexation of areas within
40 Moraga's Sphere of Influence when and if property owners in those areas
41 request connection to the water and sanitation systems.
42

43 The Zoning Code and Subdivision Ordinance do not contain any provisions specifically
44 about annexation.
45
46
47

1 Discussions with LAFCO Staff and LAFCO Feedback

2 Town staff and applicant met with LAFCO staff in 2015 to review the potential
3 annexation. Concerns were raised at that time that annexation could increase or
4 exacerbate an island situation if the Sky View subdivision were to remain outside of
5 Town limits. To address these concerns, Town staff gave an informational presentation
6 to the LAFCO in 2015. At that meeting LAFCO Commissioners commented that the
7 proposed annexation did not appear to conflict with LAFCO island policy.
8 Commissioners also expressed desire for Sky View annexation only if supported by Sky
9 View residents.

10
11 **IV. PROJECT DESCRIPTION**

12 The applicant proposes to develop 13 single-family homes on the southern portion of
13 the property. The proposed project would also permanently preserve 15.4 acres on the
14 northern portion of the property. Project plans and architectural plans are provided in
15 Attachments A and B. Proposed development is graphically illustrated by the 3D model
16 and visual simulations, discussed below. The applicant has also submitted a project
17 narrative (Attachment F) describing the proposed project.

18
19 **A. 3D Model**

20 At the request of Town staff, the applicant prepared a three-dimensional (3D) model
21 graphically illustrating the proposed project. A video of the model can be viewed here:

22
23 <https://dkengin.com/projects/south-camino-pablo-annexation-private/>

24
25 Still images from the 3D model are provided in Attachment D. The 3D model shows all
26 aspects of the proposed project consistent with the project plans. Landscaping reflects
27 seven years of growth. The 3D model is meant to help the public and decisionmakers to
28 fully understand the proposed project and to evaluate its conformance with Town
29 policies, standards, and design guidelines. Attachment E provides additional detail on
30 the methodology used to create the 3D model.

31
32 **B. Photo-realistic Visual Simulations**

33 Attachment C contains photo-realistic visual simulations of the proposed project,
34 originally prepared for the Draft IS/MND.

35
36 The visual simulations were prepared by a consultant hired by the project applicant. The
37 Town of Moraga retained the services of Square One Productions, a visual simulation
38 specialty firm, to perform an independent peer review of the accuracy of the simulations.
39 Square One identified some shortcomings with the initial simulations that were
40 ultimately addressed through two rounds of revisions.

41
42 The visual simulations are used in the Draft IS/MND to analyze potential aesthetic
43 impacts as required by CEQA. This staff report also uses the visual simulations to
44 evaluate project conformance with Town policies, standards, and design guidelines.

1 **C. Project Components**

2 Below is a description of the proposed project, including requested General Plan
3 Amendments and pre-zoning as well as proposed grading, buildings, and site
4 improvements.

5
6 **1. General Plan Amendment**

7 The applicant requests a General Plan Amendment to change the Land Use
8 designation that applies to the southeastern portion of the site. Sheet 2 of the project
9 plans (Attachment A) shows the proposed changes to the General Plan Land Use
10 Diagram. The red line shows the existing boundary between the Open Space (OS) and
11 1-DUA designations. The project would change the 1-DUA area to 3-DUA. The solid
12 blue line shows the proposed adjustment to the existing boundary. Table 2 shows the
13 designation areas within the property for the existing and proposed amended Land Use
14 Diagrams.

15
16 **Table 2: Land Use Designation Areas**

	Existing	Proposed
OS Designation	17.64 acres	17.75 acres
Residential Designations		
1-DUA	6.26 acres	--
3-DUA	--	6.15 acres

17
18 The project also includes a General Plan Amendment to change the Camino Pablo
19 roadway designation from “major arterial” to “collector.” Camino Pablo is proposed to be
20 designated as a bike route after the Sanders Ranch intersection to the southern
21 terminus of Camino Pablo.

22
23 **2. Pre-zoning**

24 Before LAFCO can approve the proposed annexation, the Town must pre-zone the
25 project site. Pre-zoning will go into effect after the annexation approval. Sheet 3 of the
26 project plans shows the proposed pre-zoning. Lots 3 through 13, landscaped areas
27 along Camino Pablo, and the project street would be zoned 3-DUA Planned
28 Development. The remainder of the site would be zoned Non-MOSO Open Space,
29 including Lots 1 and 2.

30
31 **3. Development Area and Open Space**

32 The proposed 13 homes and new street would be located at the southern end of the site
33 on 8.5 acres, and the remaining 15.4 acres of the site (Parcel A) would be preserved as
34 permanent open space.

35
36 **4. New Street and Sidewalk**

37 The proposed homes would be accessed from a new street that intersects with Camino
38 Pablo directly opposite Tharp Drive. The new street terminates at a cul-de-sac, has a 6-
39 foot wide sidewalk on the north/east side of the street, and has a pavement width of 36
40 feet within a right-of-way (ROW) width of 56 feet. The ROW includes landscaped swales
41 on each side used for stormwater treatment and planted with street trees. The new

1 street design was reviewed by Public Works and MOFD and found to comply with Town
2 standards and Fire Code requirements.

3 4 **5. Grading**

5 Proposed project grading is shown on the preliminary grading and utility plan (page 7 of
6 Attachment A. The graded area totals 10.44 acres (43 percent of the entire site) and
7 includes the 13 lots, the new street, the Camino Pablo frontage, and 1.94 acres of the
8 protected open space (Parcel A).

9
10 Previous landslides have been mapped along the hillside both within and adjacent to
11 the project site, and remedial grading is required to eliminate potential landslide
12 hazards. The proposed project is expected to involve the movement of approximately
13 61,800 cubic yards of soil material as a result of grading.

14
15 The proposed project includes contour grading to blend with the natural setting and
16 minimize visual impacts to the hillside. Grading activities will remove existing non-native
17 grasses within the development area. Graded areas outside of the planned building
18 pads would be reseeded with native grasses and returned to their original visual
19 condition.

20 21 **6. Density**

22 The 8.5-acre development area would have a gross density of 1.53 dwelling units per
23 acre (du/acre). The proposed project net density (home lots only) is 2.2 du/acre. The net
24 density of the 3-DUA lots is only 2.3 du/acre. The gross density of the Open Space-
25 designated area is 1 unit per 8.62 acres.

26 27 **7. Lot and House Size**

28 The 13 home-site lots range from approximately 15,000 to 40,000 square feet. The
29 average lot size for the eleven 3-DUA lots is 19,157square feet. The average size of all
30 13 lots is 22,367 square feet.

31
32 The floor area of the homes range from 3,570 square feet to 5,328 square feet,
33 including garages. Average floor area is 4,483 square feet.

34 **8. Accessory Dwelling Units**

35 Six of the homes contain an accessory dwelling unit (ADU) attached to the primary
36 dwelling. The size of the ADUs range from 387 square feet to 800 square feet. An ADU
37 is a self-contained living unit with its own kitchen and bathroom facilities on the same
38 parcel as the main dwelling unit. Pursuant to state law, ADUs are allowed in any
39 residentially zoned district and are considered an accessory use and are not included in
40 the density calculation for the proposed project.

41 42 **9. Home Design**

43 The applicant proposes a variety of architectural styles with earth tones and a variety of
44 materials. The project's architectural plans (Attachment B) show home elevations, floor
45 plans, and 3D models for each home. The proposed project would be developed with
46 custom homes, each having a unique architectural design in styles ranging from
47 Mediterranean to contemporary. Ten of the 13 homes would have two stories, while
48 homes on Lots 7, 8, and 9 would be single-level.

1
2 Roof forms are varied, including gable roofs with intersecting cross-gables, multi-element
3 hip roofs, shed roofs, and flat garden roofs. Homes would have attached three-car
4 garages except those on Lots 1, 9, 11, 12, and 13, which would have two-car garages.
5

6 **10. Green Building Features**

7 The project will include green building features such as solar water heating, energy
8 efficient appliances, ultra-low flow plumbing and photovoltaic power and storage battery
9 for each home. Staff anticipates these measures will meet the GreenPoint checklist.
10

11 **11. Landscaping**

12 Proposed landscaping is shown in the project landscape plan (page 12 of Attachment A).
13 Landscaping shown in the 3D model and visual simulations match the landscape plan
14 and shows planting at seven years of growth.
15

16 The project entrance would be landscaped with clusters of trees and shrubs including
17 Eastern redbud, strawberry trees, manzanita, and pink-flowering currant. Chinese
18 pistache and strawberry trees would be planted as street trees along both sides of the
19 new street. The Camino Pablo frontage would be landscaped with Eastern redbud trees,
20 Ceanothus, and various shrubs and groundcovers. Eight coast live oaks would be planted
21 at the southern end of the project site.
22

23 The undeveloped rear portions of the residential lots would be vegetated with a natural
24 oak knoll habitat seed mix. The portion of Parcel A open space disturbed during grading
25 would be revegetated with native grasses.
26

27 The retaining wall extending across the uphill margin of the development would be
28 landscaped with deer grass, island snap dragon, and salvia Clevelandii.
29

30 **12. Retaining Walls**

31 The preliminary grading and utility plan (page 7 of Attachment A) shows the location
32 and height of proposed retaining walls. Retaining walls are located along the
33 development margins and within some of the individual lots to accommodate the homes
34 and outdoor yards. The height of retaining walls range from 1 to 4 feet. Retaining walls
35 would be landscaped with a variety of ornamental trees, shrubs, and grasses that would
36 obscure the walls upon maturity.
37

38 **13. Utilities**

39 The proposed project includes connecting to an existing storm drain system which
40 currently collects the runoff from the undeveloped site. This storm drain system flows
41 through the Tharp Drive subdivision and outfalls into Moraga Creek. A portion of the
42 existing public storm drain runs through three private properties before reaching the
43 public right-of-way in Butterfield Place, which in turn continues on to Tharp Drive.
44

45 The project drainage plans and hydrology reports were reviewed by the Town Engineer.
46 The Town Engineer found that the hydrology reports demonstrated the adequacy of the
47 downstream storm drain system to accept the increased flow from the new subdivision
48 without additional detention facilities.

1
2 A preliminary C.3 Stormwater Control Plan has been prepared for the project in
3 compliance with the regional Municipal Regional Stormwater Permit (MRP). Provision
4 C.3 of the MRP requires low-impact development (LID) measures to capture
5 and perform onsite treatment of all stormwater from the site prior to its discharge,
6 including rainwater falling on building rooftops. The project C.3 Plan calls for collecting
7 stormwater from all impervious surfaces and treating the stormwater onsite in bio-
8 treatment swales located along the new street and/or in a bioretention facility located
9 adjacent to Camino Pablo. Stormwater from rooftops would either be collected from
10 adjacent area drains and then directed into the treatment swales, or would be
11 discharged directly to LID pervious areas and from there directed into the swales.
12 Stormwater collection and drainage would occur along the proposed street via
13 perforated curbs, with discharge into the adjacent swales.
14

15 Wastewater would be collected in an 8-inch sanitary sewer line running under the new
16 street that would connect to an existing sewer line in Tharp Drive. Water would be
17 supplied to the proposed homes via an 8-inch-diameter water line located under the
18 new street that would connect with an existing water main in Camino Pablo.
19

20 All power lines within the proposed subdivision would be placed underground.
21

22 **14. Camino Pablo Improvements**

23 As part of the proposed project, the Camino Pablo public right-of-way would be widened
24 from Tharp Drive south to the southern end of the project site frontage. The existing right-
25 of-way, which varies between 46 feet and 59 feet would be expanded to a 68-foot right-
26 of-way that would be dedicated to the Town of Moraga by the project property owner. The
27 existing 28-foot-wide roadway would be expanded to 36 feet to comply with the
28 requirements of Moraga Orinda Fire District and Town of Moraga subdivision ordinance.
29

30 **V. CEQA**

31 The Town prepared an Initial Study and Draft Mitigated Negative Declaration (IS/MND)
32 for the proposed project in accordance with the California Environmental Quality Act
33 (CEQA). The IS/MND is included in the packet materials as Attachment J. Technical
34 reports referenced in the IS/MND are provided in the IS/MND appendices, available on
35 the Town's website. On June 25, 2020 the Town mailed a notice of the IS/MND to the
36 owners of all properties within 750 feet of the project site boundary. On June 26, 2020
37 the Town filed a Notice of Intent to adopt a Mitigated Negative Declaration with the
38 Contra Costa County Clerk and filed the IS/MND with the State Clearinghouse.
39

40 Environmental review of the proposed project began in 2015. When the applicant
41 voluntarily paused processing of the application in 2015, work on the Draft IS/MND was
42 also paused. In 2019, the Town resumed the environmental review and completed the
43 IS/MND in June 2020. When revising and completing the original draft IS/MND, the
44 Town updated the project description to reflect project changes, updated technical
45 studies where needed, confirmed with technical subconsultants that prior conclusions
46 remained valid, updated existing conditions information, and revised the analysis to
47 address regulatory changes that had occurred between 2015 and 2020.
48

1 On the basis of the evaluation in the Draft IS/MND, the project would not result in any
2 adverse environmental impacts that cannot be mitigated to a less-than-significant level.
3 For this reason, a Mitigated Negative Declaration, and not an Environmental Impact
4 Report, was prepared for the proposed project.

5
6 The minimum required public review and comment period for the IS/MND is 30 days.
7 Due to the level of public interest in the proposed project and the COVID-19 shelter-in-
8 place order, the Town established a significantly longer public review and comment
9 period, beginning on June 29, 2020 and ending on August 24, 2020. Staff then further
10 extended the comment period to September 15, 2020, one week after the September 8,
11 2020 Planning Commission meeting to allow for a more expanded public comment
12 period.

13
14 Staff has already received a number of public comments on the IS/MND and proposed
15 project; these comments are provided in Attachment I. At the September 8, 2020
16 Planning Commission meeting, the public may provide additional comments on the
17 IS/MND, and may submit comments through the close of the public comment period on
18 September 15, 2020. After the close of public comment, staff will prepare responses to
19 comments specifically related to environmental impacts under CEQA.

20
21 A full discussion of the project's potential environmental impacts under CEQA is
22 provided in the IS/MND. Below is a discussion of some topics of expected interest by
23 the public and Planning Commission.

24 25 **A. Biological Resources**

26 The biological resource impact evaluation in the IS/MND is based on biological surveys
27 and reports prepared by the applicant's biologist Zentner Planning and Ecology. These
28 surveys and reports were peer reviewed by the Town's biologist, Olberding
29 Environmental.

30
31 The Draft IS/MND identified the following three potentially significant impacts to
32 biological resources:

- 33 • Potential impacts to special-status plant species (IS/MND page 70).
- 34 • Potential impacts to nesting birds listed in the Migratory Bird Treaty Act (IS/MND
35 page 72).
- 36 • Potential impacts to Alameda Whipsnake, a State and federal Threatened
37 species (IS/MND page 73).

38
39 The Draft IS/MND found these potential impacts can be reduced to less-than-significant
40 levels with mitigation measures.

41 42 **B. Geology and Soils**

43 The geologic impacts evaluation in the Initial Study utilizes a site-specific geotechnical
44 investigation prepared for the project by ENGEO, the applicant's consulting
45 geotechnical engineer. The ENGEO reports were peer reviewed on behalf of the Town
46 of Moraga by Hultgren-Tillis Engineers.

1 The Initial Study identified the following three potentially significant impacts to geology
2 and soils:

- 3 • Potential damage to structures and site improvements from geological hazards,
4 including strong seismic events, liquefaction, landslides, slope failure, soil
5 subsidence and expansive soils (IS/MND pages 95-105).
- 6 • Soil erosion during construction (IS/MND page 103)
- 7 • Potential destruction of unique unmapped/unknown paleontological resources
8 during grading (IS/MND page 106).

9
10 The Draft IS/MND found these potential impacts can be reduced to less-than-significant
11 levels with mitigation measures.

12 **C. Fire Hazards and Emergency Response**

13 The proposed project site is subject to wildfire hazards due its location at an interface
14 between urbanized development and wildlands and the presence of grazed, non-native
15 grasses on the site. However, there are no substantial fuel sources such as trees or
16 bushes on the site, although there is a stand of trees adjacent to the site where Camino
17 Pablo intersects with Sanders Ranch Road. Due to these conditions, the site is within a
18 larger area that has been designated as a High Fire Hazard Severity Zone, as mapped
19 by CAL-FIRE. The site is not located within a Very High Fire Hazard Severity Zone,
20 which requires the most stringent fire hazard reduction standards for new development.
21

22
23 The proposed project site is located within the district boundary and sphere of influence
24 of the Moraga-Orinda Fire District (MOFD), and the MOFD would provide primary fire
25 protection response to the proposed project. The project site is required to comply with
26 CAL-FIRE requirements and the California Fire Code Chapter 7A and Title 14 Section
27 1270 regulations, which require fire-resistant construction materials including ember
28 resistant construction.

29
30 MOFD reviewed the proposed project plans in 2015 and again in 2019 and 2020.
31 Among other conditions, MOFD will require a weed abatement program, compliance
32 with Chapter 33 of the Fire Code, and automatic fire sprinkler systems in all homes.
33 MOFD also noted that the proposed project is outside of the target response time of no
34 more than 3 minutes and a travel distance of no more than 1.5 miles, reflected in
35 General Plan Policy PS3.3. To address this issue, MOFD requested the following
36 mitigations measures:

- 37 • Construct all home with ember-resistant construction, compliant with approved
38 California Building and Fire Code Chapter 7A construction.
- 39 • Submit a Wildfire Hazard Assessment and Plan (WHAP) for approval by MOFD.
- 40 • Pay a fair-share contribution, to be determined by the Fire District in conjunction
41 with the Town, toward the purchase of a new Type 3 fire engine meeting MOFD
42 specifications.

43
44 The requested WHAP and the Type 3 fire engine conditions are incorporated into
45 Mitigation Measure PS-1 in the IS/MND (see page 149). Ember-resistant construction is
46 required for the project by the Fire Code, so is not included as a Mitigation Measure.

1 With Mitigation Measure PS-1, the IS/MND finds that a potentially significantly impact on
2 fire protection service can be reduced to a less-than-significant level.

3
4 Typically, a WHAP is prepared as a condition of approval after initial project approval.
5 Staff recommends that the applicant prepare the WHAP prior to Town Council Phase 1
6 approvals to ensure that fire hazards are adequately addressed and that the project
7 design can fully accommodate necessary fire hazard abatement measures.

8
9 The Draft IS/MND also found that the proposed project would not expose people or
10 structures to a significant risk of loss, injury, or death involving wildland fires (see Initial
11 Study page 115). This finding is based on required compliance with California Fire Code
12 Chapter 7A and Title 14 Section 1270 regulations, the project site being located outside
13 of a Very High Fire Hazard Severity Zone, its distance from substantial fuel sources,
14 and first response times from a MOFD fire station two miles from the project site.

15 16 **1. Emergency Response and Evacuation Routes**

17 The Draft IS/MND discusses project impacts on emergency evacuations beginning on
18 page 113. The Town of Moraga Emergency Operations Plan (EOP) describes potential
19 hazards and emergency conditions in the town and provides a framework for
20 coordination of the Town's response and recovery efforts. Moraga's EOP is integrated
21 with the Contra Costa County Emergency Operations Plan, which establishes policies
22 and procedures for responding to emergencies within the county, including within the
23 cities and towns as well as the unincorporated areas of the county.

24
25 Contra Costa County also adopted a Local Hazard Mitigation Plan (LHMP) in 2018,
26 prepared in partnership with 35 planning partners including Town of Moraga, City of
27 Orinda and City of Lafayette. The LHMP assesses natural hazard risks in the county
28 and includes specific hazard assessments and hazard mitigation plans for the city
29 and town partners within the County. The LHMP is reviewed and approved by FEMA
30 and updated every five years. The LHMP allows for coordinated mitigation planning and
31 to leverage all resources for a planning partnership and provides for a more regional
32 approach to multiple kinds of potential natural disasters.

33
34 The proposed project site is located within a High Fire Hazard Severity Zone, and as
35 such is subject to measures recommended by MOFD to reduce wildfire hazard risks.

36
37 The Draft IS/MND finds that the proposed project would not impair implementation of
38 any mitigation actions. The Draft IS/MND also finds that the increase in the Moraga's
39 population by 49 persons would not appreciably increase the burden on emergency
40 responders in the event of a natural disaster or other emergency.

41 42 **D. Traffic**

43 The transportation consulting firm Fehr & Peers conducted a traffic trip generation and
44 operations analysis in 2015 for the proposed project that included an analysis of existing
45 and projected traffic level of service (LOS) in the vicinity of the project. An updated
46 transportation analysis was completed in June 2020 to reflect changes made to the
47 project since it was first proposed and to ensure the analysis and findings remained
48 valid.

1
2 In 2018 the state's CEQA Guidelines were amended to remove LOS and other similar
3 metrics as a significant environmental impact under CEQA. After July 1, 2020, vehicle
4 miles of travel (VMT) must be used to evaluate a project's transportation impacts.
5

6 Because the CEQA analysis for the proposed project was completed before July 1,
7 2020, the Draft IS/MND does not include a VMT analysis for the project. However, the
8 traffic impact analysis in the Draft IS/MND does include a discussion of project
9 conformance with LOS standards contained in the General Plan.
10

11 Fehr & Peers analyzed LOS impacts at the Tharp Drive and Camino Pablo intersection
12 using traffic counts collected in September 2015. This intersection was selected for
13 inclusion in the study because all project traffic would access this intersection. Based on
14 guidance provided by the Contra Costa Transportation Authority (CCTA), signalized
15 intersections where a project could add more than 50 trips during the AM or PM peak
16 hour is typically evaluated. As the project is expected to generate less than 20 trips in
17 any one hour no additional intersections were selected for evaluation and the project's
18 effect on the operation of other intersections is expected to be negligible.
19

20 When Fehr & Peers updated the transportation analysis in 2020, new traffic counts were
21 not collected due to altered travel behavior due to the COVID-19 shelter-in-place order.
22 Fehr & Peers advised that the 2015 counts are representative of current non-shelter-in-
23 place conditions along Camino Pablo as no development has occurred along the
24 corridor that changed overall travel patterns at the Camino Pablo at Tharp Drive
25 intersection.
26

27 As shown in Table T-3 on page 161 of the Draft IS/MND, the LOS analysis found that
28 the intersection of Camino Pablo/Tharp Drive currently operates at LOS A, the optimal
29 level of service, and would continue to operate at LOS A with the addition of project-
30 generated traffic. Fehr and Peers determined that any future anticipated traffic growth
31 would also operate a LOS A.
32

33 Fehr & Peers also conducted a supplemental assessment to determine intersection
34 operations if all-way stop control was installed at the Camino Pablo/Tharp Drive
35 intersection. In both future conditions and existing conditions and would continue to
36 operate at either LOS A or B.
37

38 **VI. PROJECT DISCUSSION**

39 This section discusses the proposed project's conformance with Town regulations, with
40 a particular focus on the General Plan policies and Design Guidelines adopted as part
41 of the Hillsides and Ridgelines project in 2018. Ultimately, it will be the Town Council,
42 with a recommendation from the Planning Commission, who will determine project
43 conformance with General Plan policies and Design Guidelines.
44

45 **A. Area of Development**

46 The development area of the proposed project is located at the southern end of the
47 project property immediately adjacent to the unincorporated Sky View subdivision. Staff
48 requests Planning Commission feedback on whether the proposed area of development

1 is located in the preferred location on the property. The Planning Commission may wish
2 to consider the following when addressing this issue:

- 3 • **General Plan Diagram.** The General Plan Diagram designates the southern end
4 of the property for residential development. Locating the development in this area
5 is consistent with the vision for the property as previously established by the
6 Town Council in the General Plan.
- 7 • **General Plan Policies.** General Plan Policy LU1.1 calls for the Town to
8 concentrate new development in areas that are least sensitive in terms of
9 environmental and visual resources.
- 10 • **Open Space Preservation.** The proposed project locates new development
11 contiguous with existing development in the Sky View subdivision. An integrated
12 system of open space uninterrupted by development provides environmental
13 benefits and helps to maintain the scenic character of the hillside.

14 15 **B. Density/Number of Units**

16 Table 3 shows the proposed project density and the density allowed under existing and
17 proposed General Plan designations. The gross density is calculated using an area of
18 8.5 acres, which includes the 13 residential lots, the new street, and the landscaped
19 areas along Camino Pablo within the property. Net density is calculated using only the
20 land area for the homes.

21
22 **Table 3: Project Density**

	Proposed Density	General Plan Designation	
		Existing	Proposed
All 13 units	1.53 du/acre (gross) 2.2 du/acre (net)	--	--
R-3 lots (11 units)	2.3 du/acre	R-1 (1 du/acre)	R-3 (3 du/acre)
OS-designated area	1 du per 8.62 acres	OS (1 du per 5, 10 or 20 acres)	OS (1 du per 5, 10 or 20 acres)

23
24 Allowed densities under both existing and proposed General Plan designations are not
25 a guarantee or entitlement. The Town may reduce the allowed number of units based
26 on unique site conditions and as needed to conform with applicable General Plan
27 policies. General Plan Policy LU1.2 states that allowed densities are “contingent upon a
28 review of environmental constraints, the availability of public services and acceptable
29 service levels, proper site planning and the provision of suitable open space and
30 recreational areas consistent with the applicable goals and policies of the General
31 Plan.” Additionally, Design Guideline RH1.4 state that “densities should be minimized
32 on steep slopes to reduce exposure to geologic hazards and limit alteration of natural
33 landforms.”

34
35 When considering the appropriate density for the proposed project, staff recommends
36 that the Planning Commission consider the density of surrounding residential
37 neighborhoods. As shown in Table 4, the built density of the Sky View subdivision is 2.0
38 du/acre gross and 2.4 du/acre net. The built density of the existing homes on Camino
39 Pablo fronting the project property is 3.6 du/acre net, which is similar to Tharp Drive
40 area.

1 **Table 4: Neighboring Development Density**

	Built Density	General Plan Designation	Zoning
Sky View	2.0 du/acre (gross) 2.4 du/acre (net)	R-15 (2.9 du/acre)	R-15 (2.9 du/acre)
Existing Camino Pablo Homes	3.6 du/acre (net)	1-DUA	3-DUA

2
3 As shown in Table 4, the General Plan Land Use Diagram currently designates the
4 existing Camino Pablo homes as 1-DUA. However, the correct designation should be 3-
5 DUA to match the zoning and built density.

6
7 To allow the proposed 13 units, the Planning Commission will need to recommend an
8 amendment to the General Plan Land Use Diagram. To approve the General Plan
9 amendment, the Town Council will need to make the following findings:

- 10
- 11 • The General Plan amendment will maintain a balanced and logical land use pattern.
 - 12 • The General Plan amendment will generally improve the quality of the environment socially, economically and physically, and is consistent with the lifestyle of the community.
 - 13 • The Town and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.

14
15
16
17
18
19 When deciding whether the amendment would maintain a balanced and logical land use pattern, as part of the review, the Planning Commission will evaluate and make findings for the following:

- 20
- 21 • The total amount of proposed OS-designated land on the property (17.75 acres) is slightly greater than existing (17.64 acres).
 - 22 • The boundary location between the two designations remains generally unchanged. The area for more intensive residential development remains in the southern end of the property adjacent to existing development.
 - 23 • The proposed project net density (2.2 du/acre) is comparable to surrounding development. The net density of Sky View is 2.4 du/acre and the net density of the Tharp neighborhood homes fronting Camino Pablo (representative of neighborhood overall) is 3.6 du/acre.

24
25
26
27
28
29
30
31
32 The Planning Commission may wish to consider the following project benefits when considering whether the amendment would improve the quality of the environment and be consistent with the lifestyle of the community:

- 33
- 34 • Additional housing to help the Town and the Bay Area meet its new housing need.
 - 35 • Accessory dwelling units to provide affordable and multi-generational housing options.
 - 36 • Additional residents to support local businesses and increase Town revenues
 - 37 • Quality of construction that can be supported with increased density.
 - 38 • Maintaining Town control over the project design (entitlements processed by Town and not County).
- 39
40
41
42

1
2 **C. Visual Impacts**
3

4 **1. Views of Hillside and Ridgelines**

5 Moraga's General Plan contains numerous policies that call for new development to
6 maintain the scenic natural setting of existing undeveloped hillside areas, maintain
7 Moraga's semi-rural feel, and minimize visual impacts from new development (General
8 Plan Policies CD1.3, CD8.1, CD9.4). Methods to accomplish this include maintaining
9 existing open space (CD8.2), locating development in areas that minimize visual
10 impacts (CD1.1), retaining existing natural features (CD1.2, CD1.3), designing homes to
11 blend into the natural setting (CD8.5), and other similar techniques.
12

13 As part of the Hillside and Ridgelines project completed in 2018, the Town mapped the
14 location of designated ridgelines subject to special regulations. As shown on General
15 Plan Figure CD-1, there are no designated ridgelines within the immediate vicinity of the
16 project property. However, the project property is considered a hillside area subject to
17 all requirements that apply to hillside development.
18

19 To approve any hillside development, Zoning Code Section 8.136.050.B requires the
20 Town to find that the project "is designed to minimize visual impacts, protect scenic
21 resources, and maintain Moraga's semi-rural feel to the greatest extent possible." The
22 Town must also find that the project conforms to applicable design guidelines, including
23 guidelines for hillside development in Design Guidelines Section 4 (Protect Ridgelines
24 and Hillside Areas).
25

26 The proposed project would develop 13 new homes on existing open space and will
27 alter existing hillside views that have long been enjoyed by residents. The visual
28 impacts of the project are shown by the applicant 3D model and the photo-realistic
29 visual simulations prepared for the CEQA analysis.
30

31 When determining whether the project conforms to applicable General Plan policies, the
32 Planning Commission may wish to consider the following:

- 33 • **Open Space Preservation.** 64 percent (15.4 acres) of the project site will be
34 permanently preserved as open space. Of the site's 3,200 feet of Camino Pablo
35 frontage, 2,400 will remain undeveloped. Open space that would be preserved in
36 perpetuity would be visible to motorists and pedestrians traveling on Camino
37 Pablo.
- 38 • **Views Through and Above Homes.** As shown in the Tharp Drive viewpoint
39 photosimulation, the distance between homes on lots 1, 2, and 3 will maintain
40 hillside views between homes from Camino Pablo. The height and elevation of
41 uphill homes will maintain views of undeveloped hillsides above the top of the
42 homes.
- 43 • **Landscaping.** As discussed in Section H (Landscaping), project landscaping will
44 screen views of downhill homes from Camino Pablo, blend homes with the
45 natural setting, and generally contribute to a natural appearance of the hillside.
- 46 • **Street Visibility.** The proposed new street is located and designed to minimize
47 its visibility from Camino Pablo. As shown in the project grading plan, the new
48 street is generally parallel to the site contour lines, except where necessary to

1 intersect with Camino Pablo at a right angle. As shown in the photosimulation
2 and 3D model, the majority of the length of the new street would not be visible
3 from Camino Pablo as it will be screened by landscaping and the homes on the
4 downhill lots.

- 5 • **Design Variation.** As discussed in Section G (Home Design), the project
6 incorporates design variation that minimizes repetitive forms and contributes to a
7 more organic design aesthetic.
- 8 • **Home Size.** As discussed in Section G.2 (House Size), the most visible downhill
9 homes on lots 11, 12 and 13 have a floor area that is 85 percent of the maximum
10 allowed, reducing the appearance of mass when viewed from Camino Pablo. On
11 the uphill lots, ground level floor area is built into the hillside, reducing visible
12 building volume.
- 13 • **Home Design.** As discussed in Section G (Home Design), homes feature split
14 pad designs, low horizontal profiles and building materials and colors that reduce
15 the appearance of mass and blend homes into the natural setting.
16

17 Town staff has worked with the applicant over the past year to modify the project to
18 reduce visual impacts and bring it into greater conformance with Town regulations.
19 Staff requests the Planning Commission provide feedback on any additional elements to
20 consider.
21

22 **2. Scenic Corridors**

23 The General Plan designates Camino Pablo as a scenic corridor. Scenic corridors are
24 roadways leading into and through Moraga that contribute to the community's semi-rural
25 character and from which scenic vistas of hillsides and open space are enjoyed.
26

27 General Plan policies call for the Town to protect the natural setting and maintain the
28 Town's semi-rural character within scenic corridors (CD1.3), improve the visual
29 character along scenic corridors with lighting, landscaping, and signage (CD3.2 and
30 CD3.5), and underground overhead utilities whenever possible (CD3.7). Zoning Code
31 Chapter 8.132 (Scenic Corridors) establishes design guidelines that apply to all
32 development within 500 feet of a scenic corridor. These Zoning Code guidelines contain
33 specific strategies for development to maintain and enhance the visual qualities of
34 scenic corridors.
35

36 The Design Guidelines also contain guidelines for scenic corridors. The guidelines in
37 Section SC1 relate primarily to landscaping, street trees, sidewalks, utilities, and other
38 public infrastructure within and immediately adjacent to the roadway. The guidelines in
39 Section SC2 were added in 2018 as part of the Hillsides and Ridgelines project and
40 were intended to apply to development adjacent to the scenic corridor that could
41 obstruct views of ridgelines designated in General Plan Figure CD-1 and hillsides below
42 these ridgelines. As there are no views of a designated ridgeline from Camino Pablo
43 along the project property frontage, the guidelines in Section SC2 do not apply to the
44 proposed project.
45

46 As discussed in the Views of Hillsides and Ridgelines section above, the proposed
47 project includes a number of features to protect the Town's natural setting and semi-
48 rural character. These include preserving a significant amount of open space, providing

1 views between and above homes, landscaping, minimizing street visibility, incorporating
2 design variation within the project, and varying home sizes and designs. Staff seeks
3 Planning Commission feedback on whether these features are sufficient to comply with
4 applicable policies or if additional modifications to the project design are needed to
5 further reduce visual impacts and address public concerns.

6
7 **D. Impacts on Nearby Residents**

8 Properties potentially impacted by the proposed project include the homes in the Sky
9 View subdivision south of the project site, homes in the Tharp Drive area, and other
10 homes in the immediate project vicinity. Properties most directly impacted include the
11 five Sky View homes directly abutting the project property and the seven homes that
12 take access from Camino Pablo directly opposite the proposed development area. The
13 five Sky View homes are 65 to 70 feet from the project property, and the Camino Pablo
14 homes are all set back approximately 35 feet from the Camino Pablo edge of curb.

15
16 The proposed project includes four homes on lots where the property lines are adjacent
17 to the Sky View subdivision. Table 5 shows the distance of these homes from the
18 abutting property line and the shortest distance between the home and a Sky View
19 homes.

20
21 **Table 5: Lots Abutting Sky View**

Lot	Distance from Property Line	Distance from a Sky View Home
6	90 ft.	111 ft.
7	32.5 ft.	79.5 ft.
8	92.5 ft.	120 ft.
9	37.5 ft.	90 ft.

22
23 Public correspondence received to date indicates that nearby property owners are
24 concerned about impacts from the proposed project. Some topics of concern relate to
25 potential environmental impacts discussed in the Draft IS/MND, including noise, air
26 quality, geologic hazards, and fire hazards. Other concerns not addressed in the Draft
27 IS/MND include private view impacts, privacy, light and air impacts, and changes to
28 community character.

29
30 The applicant has included a number of project features intended to avoid or minimize
31 impacts to adjacent and nearby properties, including a solid good neighbor fence along
32 the southern property line abutting the Sky View homes and generous landscaping long
33 the Camino Pablo frontage. The Initial Study also includes mitigation measures to
34 minimize the identified potentially-significant environmental impacts to the extent
35 required by CEQA.

36
37 **E. Slopes/Grading**

38 The Town's geotechnical peer review consultant, Hultgren–Tillis Engineers, reviewed
39 the Preliminary Geotechnical Report and concurred that the development plan is
40 geotechnically feasible provided that recommendations are developed for the final
41 development plan.

1 All of the proposed homes are either on a single flat plat or split pads with a vertical 10-
2 foot internal split. The proposed project is consistent with General Plan Policies
3 LU10.10 and ID10.4 which require homes to be located in areas with an after-graded
4 slope of less than 25 percent. The average post-grading slope of the entire area of
5 development is 23.9 percent.
6

7 **1. Amount and Location of Grading**

8 The General Plan and Design Guidelines require new development to minimize the
9 amount of project grading (Policies LU1.10 and Design Guidelines PS4.10, and RH3.1,
10 ID10.4). Design Guideline RH5.2 calls for graded areas on lots to be no larger than the
11 area of the footprint of the house, plus that area necessary to accommodate pedestrian
12 and vehicle access, required parking and turnaround areas, and reasonably-sized yard
13 space. Design Guidelines SRC1 and SRC5 call for development to retain and protect
14 existing natural landforms such as rock out-croppings and prominent knolls.
15

16 The proposed project is expected to involve the movement of approximately 61,800
17 cubic yards of soil material as a result of grading, but the cut and fill quantities would be
18 balanced on the site with no import of additional, or export of surplus, soil material.
19 According to the project applicant, the amount of project grading is necessary for the
20 project to successfully blend into the surrounding topography and natural setting.
21

22 **2. Grading Techniques**

23 Town regulation call for hillside development, including grading, to blend with the natural
24 setting, and preserve the scenic qualities of hillside areas. (General Plan Policy CD8.1,
25 Design Guidelines RH1.1). General Plan policy CD1.5 requires contour grading that
26 blends with natural slopes and achieves a natural appearance. Design Guidelines RH
27 5.1 and ID10.6 call for the following contour grading techniques:

- 28 • Round off graded slopes and avoid sharp angles.
- 29 • Match the contours of the natural land.
- 30 • Modulate graded slopes adjacent to driveways and roadways with berming,
31 regrading, and landscaping.
- 32 • Vary graded slopes (no constant angles).
- 33 • Gradually transition graded slope to the angle of the natural terrain.
- 34 • minimize scars on natural slopes due to cuts, fills, and drainage benches.
- 35 • Blend slopes with the contours of contiguous properties.
36

37 Other grading techniques called for by Town regulations include the following:

- 38 • Plant finished contours with native vegetation (MMC8.132.050)
- 39 • Screen cut slopes behind buildings (Design Guideline ID10.5).
- 40 • Return disturbed areas back to their original topography after construction
41 (Design Guideline RH5.3)
42

43 As shown in the project grading and landscape plans (pages 7 and 12 of Attachment A),
44 the proposed project incorporates many of these contour grading techniques. New
45 contours match the undulating character of existing contours without abrupt lines or
46 sharp angles. Rounded corners tie into existing contours adjacent to the development

1 site. Drainage benches and retaining walls are small, follow existing contours and will
2 blend into the hillside with landscaping.

3
4 Chapter 14.48 (Regulations) of Municipal Code Title 14 (Grading) establishes standards
5 and other design requirements for grading. These standards address maximum
6 gradients, drainage terrace dimensions, setbacks, material treatments, and other topics.
7 The Town may allow modifications to these requirements if deemed appropriate to
8 provide equivalent safety, stability, and protection against erosion.

9
10 The applicant expects that the proposed project will require modifications to Chapter
11 14.48 requirements. These modifications must be based on geotechnical
12 recommendations and consistent with purpose and intent of the regulations. Staff
13 recommends identifying necessary modifications later in the application review process
14 after the project has been reviewed by the Planning Commission and revised if needed.

15 16 **3. Heightened Design Review for Elevated Pads**

17 Zoning Code Section 8.72.055 requires heightened design review for new homes where
18 the modified grade of a home site (building pad) exceeds existing grade. This
19 requirement was added as part of the Hillsides and Ridgelines project to address
20 concerns over the visibility of new homes in the Camino Ricardo project (also known as
21 Harvest Court). The proposed project includes elevated pads and is subject to the
22 heightened design review requirement prescribed by Section 8.72.055.

23
24 The applicant explains (see Attachment H) that the building pad elevations are primarily
25 dictated by the new street design. The building pad elevations track with the street
26 elevation at the driveway apron as the driveways should be no more than a few feet
27 above or below the street. The applicant's statement also describes alternative lot and
28 street layouts to reduce building pad elevations, all of which are seen as problematic.

29
30 Changing the new street location as a strategy to minimize pad elevations is not
31 desirable from staff's perspective as doing so would increase the visibility of the street
32 and create other circulation issues in conflict with Town policies.

33
34 The applicant's statement contains a response to the heightened design review findings
35 for elevated pads. Staff recommends that the Planning Commission consider the
36 elevated pad issue within the context of all of the Town's objectives for hillside
37 development.

38 39 **F. Housing Element and State Housing Law**

40 Moraga's General Plan Housing Element contains housing-related policies and
41 implementing actions consistent with state housing law. Housing Elements must be
42 certified by the California Department of Housing and Community Development (HCD)
43 as compliant with state law. Moraga's Housing Element was certified by HCD in 2015.

44
45 Moraga's Housing Element contains the following policies most relevant to the proposed
46 project:

- Provide a range of housing types, including accessory dwelling units and rental housing, to meet the needs of people who live and work in Moraga (Policies H2.1, H2.2, H2.3).
- Encourage accessory dwelling units (Policy H2.4) and new residential construction for multi-generational housing (Policy H2.5).
- Provide affordable housing for seniors and the elderly (Policy H5.1)

1. Regional Housing Needs Allocation (RHNA)

The Housing Element also identifies the Regional Housing Needs Allocation (RHNA) assigned to the Town. The RHNA is the number of new housing units that the Town must try to accommodate during a specified planning period as determined by the Association of Bay Area Governments (ABAG). Moraga’s RHNA for the 2014-2022 planning period is shown in Table 6. Cities and counties must also report to the California Department of Housing and Community Development (HCD) each year the number of units approved that are affordable to each income group. Table 6 shows these approvals in Moraga through April 2020.

Table 6: RHNA and Permits Issued

Income Group	RHNA	Permits Issued as of April 2020
Very Low-Income (<50% of Median Family Income)	75	0
Low-Income (50-80% of Median Family Income)	44	0
Moderate-Income (80-120% of Median Family Income)	50	2
Above Moderate-Income (>120% of Median Family Income)	60	113
Total	229	115

The proposed ADUs would be reported to HCD as affordable for a moderate-income household. Historically, the Town has found ADUs to be affordable at the moderate-income level. For an ADU to be reported as affordable for low or very low-income households, the units may need to be smaller than typical or deed-restricted so that the unit can only be rented to a lower-income household.

2. Accessory Dwelling Units

The proposed project includes six accessory dwelling units (ADUs). These ADUs would provide additional opportunities for affordable housing and multi-generational living arrangements in Moraga and is consistent with the adopted Housing Element.

As described in Section IV (Project Description) of this staff report, the six ADUs range from 387 square feet to 800 square feet. All ADUs are attached to the primary residence. According to the applicant, none of the homes include space not currently counted as part of the building square footage that can later be converted to ADU space.

1 **G. Home Design**

2
3 **1. Building Placement and Setbacks**

4 Design Guideline RH1.3 states that front building setbacks and placement on lots
5 should be varied to minimize repetitive forms and contribute to a more organic design
6 aesthetic. In this case, the project provides the following:

- 7 • Front setbacks of homes vary from 20 feet to 39 feet as measured from front
8 property line.
9 • The average distance between adjacent house walls varies from 24 feet for Lots 4
10 and 5 to 89 feet for Lots 1 and 2. The average setback distance between adjoining
11 homes is 50 feet.
12 • Setbacks of downslope homes from the Camino Pablo sidewalk vary from 68 feet for
13 Lot 13 to 129 feet for lot 10.
14 • Building orientations on lots are varied. For example, homes on Lots 1, 2, and 3 all
15 face the new street at slightly different angles as the street bends.
16

17 Staff seeks Planning Commission feedback on whether building placement and
18 setbacks are sufficiently varied to meet the intent of Design Guidelines RH1.3
19

20 **2. House Size**

21 Moraga’s Design Guideline contain Floor Area Ratio (FAR) Guidelines establish the
22 maximum allowed floor area for homes.
23

24 Table 7 shows proposed floor area and FAR for each of the 13 homes in the proposed
25 project. Table 10 also shows the maximum allowed floor area for each under the Town’s
26 FAR Guidelines, and the proposed floor area as a percentage of the maximum allowed.
27 Floor area calculations in Table 10 include accessory dwelling units where proposed.
28
29

Table 7: Proposed and Allowed Home Sizes

Lot	Proposed			Allowed		Proposed as Percentage of Allowed
	Lot Area	Floor Area	FAR	Floor Area	FAR	
1	40,027	5,474*	0.14	5,604	0.14	98%
2	40,017	5,328*	0.13	5,602	0.14	95%
3	17,055	4,419	0.26	4,434	0.26	100%
4	15,463	4,239*	0.27	4,268	0.27	99%
5	22,801	4,750*	0.21	5,016	0.22	95%
6	24,218	4,988*	0.21	5,086	0.21	98%
7	15,129	4,180	0.28	4,236	0.28	99%
8	16,456	4,322	0.26	4,377	0.26	99%
9	24,642	4,565	0.19	5,175	0.21	88%
10	23,769	4,839*	0.20	4,991	0.21	97%
11	20,019	3,911	0.20	4,604	0.23	85%
12	15,105	3,570	0.24	4,229	0.28	84%
13	16,075	3,689	0.23	4,340	0.27	85%

*Includes ADU

30
31

1 As Table 7 shows, all lots comply with the Town’s maximum allowable FAR.

2
3 The Town’s maximum allowed FAR is not a guaranteed allowance. The Town’s FAR
4 Guidelines state that “the maximum permitted FAR for a proposed project will be
5 determined by the Town through the Design Review and permit approval process. The
6 Town may require a reduced FAR depending on individual site characteristics such as
7 parcel size, visibility from streets and other public places, proximity to adjacent
8 development, and project design.” The Town may require a reduced home size in order
9 to “minimize the out-of-scale appearance of large homes relative to their lot size” or to
10 “minimize the dominance of structures on sloping hillside properties,” among other
11 reasons.

12
13 When determining the maximum permitted FAR for the proposed project, the Planning
14 Commission may wish to consider homes sizes and FARs in adjacent neighborhoods.
15 Table 8 below shows the average lot area, floor area, and FAR for the proposed project
16 and the Sky View, Sanders Ranch, and Tharp Drive neighborhoods. As shown in this
17 table, the average floor area for the proposed homes is slightly less than in Sky View,
18 slightly more but comparable to Sanders Ranch, and significantly more than Tharp
19 Drive. The average FAR for the proposed project is less than Sky View, comparable to
20 Sanders Ranch and the Tharp Drive neighborhood.

21
22 **Table 8: Home Size Comparison**

	Average		
	Lot Area	Floor Area*	FAR
Proposed Project	22,367	4,483	0.22
Sky View	17,874	4,859	0.29
Sanders Ranch	26,678	4,209	0.21
Tharp Drive Neighborhood	18,672	2,720	0.21

23 *Includes garage area. For Sky View and Sanders Ranch, assume a 750 sq. ft. 3-car
24 garage for each home. For Tharp, assumes 450 sq. ft. 2-car garage for each home.

25
26 Given that the proposed home sizes and FARs are within the maximum allowed by the
27 Town’s FAR Guidelines, staff recommends that the Planning Commission focus on
28 whether the homes appear appropriately scaled and consistent with the relevant Town
29 policies and guidelines. Relevant policies and design guidelines include the following:

- 30 • **General Plan Policy CD8.1:** Ensure development “maintains Moraga’s unique
31 semi-rural feel and scenic natural setting.”
- 32 • **General Plan Policy CD8.4:** Ensure development “does not diminish the visual
33 quality of Moraga’s scenic vistas and the public’s enjoyment of these vistas.”
- 34 • **Design Guidelines RH1.1:** Development should “blend with the natural setting,
35 and preserve the scenic qualities of hillside areas.”
- 36 • **Design Guideline RH4.5:** Reduce the appearance of mass, bulk, and volume by
37 minimizing the square footage of a home.
- 38 • **Design Guidelines SFR2.1:** “A harmonious relationship with the surrounding
39 neighborhood should be created through the use of compatible design schemes
40 and scale.”

1 The applicant has worked with staff to reduce the floor area of the downhill lot homes,
2 varying home placement on downhill lots, and adding more substantial landscaping
3 along Camino Pablo. These changes reduced the visual prominence of the homes and
4 increased their compatibility with surrounding development. Staff seeks Planning
5 Commission input on whether further reductions to home sizes and/or other changes to
6 the project are needed to comply with the applicable Town policies.
7

8 **3. Building Height**

9 Zoning Code Section 8.24.080 limits building height in the R-1 district to two stories or
10 35 feet where the building footprint slope is less than 20 percent and 45 feet where the
11 slope is 20 percent or more. In a PD district, maximum height is established in the
12 General Development Plan (the second step in the Town's 3-step Planned
13 Development approval process). Design Guideline RH4.1 calls for building height in
14 hillside areas to be minimized to reduce visual prominence and blend into the natural
15 setting. Design Guideline RH1.3 also calls for variation in building height and floor
16 elevations to minimize repetitive forms and contribute to a more organic design
17 aesthetic.
18

19 The proposed project building heights range from 18-feet 5-inches to 33-feet one-inch
20 with an average height of approximately 25 feet.
21

22 Staff has no objections to the measured building heights of the proposed homes, which
23 are below the maximum allowed in residential districts. More important, in staff's
24 opinion, is the building design, which affects the visual prominence of the homes. As
25 discussed elsewhere in this staff report, the project incorporates features to minimize its
26 visual prominence and blend into the natural settings, including contour grading
27 techniques, street location and design, building placement, stepped foundations, design
28 variation, and landscaping. Staff seeks Planning Commission feedback on whether
29 adjustments to the home design are needed to further reduce visual prominence.
30

31 **4. Adjacent Two-Story Homes**

32 Design Guideline SFR1.1 states that "Not more than two, two-story units should be
33 placed side-by-side unless topographic and/or architectural considerations justify
34 exceptions or unless the two story portion of the house is not visible from off site.
35 (Architectural considerations may include partial second stories and setback of second
36 stories.)"
37

38 Using the definition of a "story" in Zoning Code Chapter 8.04, the proposed homes on
39 Lots 7,8, and 9 qualify as single-story homes. All other homes are considered two-story
40 homes. Because the proposed project includes more than two two-story homes side-by-
41 side, the project requires an exception to Design Guideline SFR1.1.
42

43 The intent of Guideline SFR1.1 is to avoid monotonous repetition of building forms in
44 new subdivisions. The project incorporates design features consistent with this intent,
45 such as variation in building placement and setbacks, building massing, height,
46 architectural style, and building materials and colors. Staff seeks Planning Commission
47 feedback on whether additional elements are needed to achieve this intent and/or if
48 increasing the number of one-story homes is needed. The Planning Commission should

1 note that due to the hillside setting, flat pads with single-story homes would requiring
2 extensive grading and alteration to the terrain which may conflict with other Town
3 policies.
4

5 **5. Stepped Design**

6 Design Guideline RH3.4 calls for a stepped foundation design for homes on sites with
7 an existing slope of 20 percent or steeper. The purpose of this guideline is to promote
8 buildings that follow the natural terrain (i.e., by “stepping down” the slope) rather than
9 stand out vertically from the hillside. Guideline RH3.5 allows the Town to approve
10 exceptions to Guideline RH3.4 upon finding that a single-level padded lot will produce a
11 superior design and complies with additional applicable guidelines.
12

13 All lots for the proposed project have an existing predevelopment slope of 20 percent or
14 more except for Lots 7 and 8. As shown on the proposed grading plan, all of these lots
15 feature split pads except for Lots 9 and 10. The applicant did not include split pads on
16 Lots 9 and 10 as a strategy to vary house designs and increase variation in the
17 appearance of homes when viewed from Camino Pablo. Staff seeks input from the
18 Planning Commission on whether the single-level padded lots enhance the project
19 design or if split pads on Lots 9 and 10 would be preferable.
20

21 **6. Upper Story Stepbacks**

22 Design Guidelines RH4.3 calls for upper stories facing a street on up-sloping lot to be
23 stepped back a sufficient distance from the ground floor to minimize the building’s visual
24 height as viewed from the street and other down-slope public places.
25

26 All proposed uphill homes except for Lot 4 feature upper-story stepbacks. Upper-story
27 stepbacks range from 5 feet (Lot 11) to 21 feet (Lot 10) as measured from the lower
28 level building wall. The percentage of building frontage with a stepback ranges from 16
29 percent (Lot 11) to 74 percent (Lot 10).
30

31 Staff seeks Planning Commission feedback on whether the second-story stepbacks as
32 currently proposed are sufficient to achieve the goal of minimizing the buildings’ visual
33 heights as viewed from down-slope public places.
34

35 **7. Building Mass**

36 Design Guidelines RH4.5 calls for buildings to incorporate techniques to effectively
37 reduce the appearance of mass, bulk, and volume where visible from a public place or
38 neighboring property.
39

40 The proposed homes incorporate design features to reduce the appearance of building
41 mass, including the following:

- 42 • Horizontal building profiles
- 43 • Buildings divided into multiple smaller volumes
- 44 • Reduced floor area on downhill lots
- 45 • Natural-appearing exterior materials and color that blend with the landscape
- 46 • Building articulation (eaves, terraces, porches, windows, plane offsets)
- 47 • Low and/or relatively flat roof pitches

- Multiple varied roof elements

Staff seeks Planning Commission feedback on whether project modifications are needed to further reduce the appearance of bulk and mass of homes if desired by the Planning Commission. Potential methods include the following:

- Minimizing the size and prominence of front entry staircases
- Minimizing the prominence of lower-level street-facing elevations on uphill lots
- Minimizing the size and prominence of street-facing garages, particularly on uphill lots
- Reducing the visual prominence of architectural features visible from Camino Pablo (e.g., Lot 11 roof)
- Further dividing large volumes and geometric forms on downhill lots visible from Camino Pablo (e.g., Lot 12 rear elevation, roof form)

When considering design changes to reduce the appearance of bulk and mass, the Planning Commission may wish to consider balancing the value of high-quality architecture with development that blends with its natural setting.

8. Architecture

Town regulations call for hillside development that blends with the natural setting and preserves the scenic qualities of hillside areas. Specific architecture-related design guidelines to support this goal call for the following:

- Variation in architectural style, materials and colors (RH1.3)
- Avoiding architectural styles that are inherently viewed as massive and bulky (RH4.5)
- Coordinating exterior colors with the predominant colors and character of the surrounding landscape (RH4)
- Minimizing the visual prominence of roofs (RH4.6)

The architectural style and exterior materials/colors of proposed homes is shown in architectural plan set (Attachment B), the 3D model (Attachment D), and the visual simulations (Attachment C). Each home is custom-designed with a variety of architectural styles ranging from Mediterranean to contemporary. Roof forms, exterior materials, and colors are all varied.

As discussed elsewhere in this staff report, staff requests Planning Commission feedback on any needed changes to reduce the visual prominence of some of the homes and the appearance of bulk and mass from Camino Pablo and other vantage points.

H. Landscaping

General Plan policies call for development projects to incorporate landscaping to blend structures with the natural setting (CD1.2), screen homes from public views (CD8.5), and buffer homes adjacent to street corridors (CD1.6 and C1.5). The Town's Design Guidelines call for the following landscape features in hillside settings:

- Fire-safe landscaping (RH6.2)
- Minimal use of turf grass (RH6.3)

- 1 • Minimal use of visible formal and geometric landscape design (RH6.4)
- 2 • Irrigated landscaping located close to homes with natural plantings on the
- 3 remainders of lots (RH6.5)
- 4 • Informal clusters of plants to blend with natural vegetation and landscape (RH6.6
- 5 and RH6.7)

6
7 Landscape regulations specific to scenic corridors are discussed in the Scenic Corridor
8 Section (C.2) of this staff report.

9
10 Sheet L-1 of the project plans (page 12 of Attachment A) shows the landscape plan for
11 the proposed project. Sheets L-2 through L-5 contain additional details for the
12 landscape plan. The 3D model and visual simulations show landscaping seven years
13 after planting consistent with the landscape plan.

14
15 When viewed from Tharp Drive, trees and other landscaping partially screen the views
16 of homes while also maintaining partial views of undeveloped hillsides. Overall, the
17 landscaping is clustered and provides year-round color and screening. Staff requests
18 Planning Commission feedback on whether changes to project landscaping are needed
19 to comply with applicable policies.

20 21 **I. Camino Pablo Designation**

22 Camino Pablo at the project frontage is designated as a two-lane arterial in the General
23 Plan. Town Ordinance No. 57, codified as an appendix to the Municipal Code,
24 establishes a minimum pavement width of 40 feet for two-lane arterials. This standard
25 was carried forward from Contra Costa County requirements when Moraga adopted the
26 County's subdivision ordinance in 1981.

27
28 The current Camino Pablo roadway width at the proposed project frontage is 29 feet,
29 measured curb to curb. The proposed project includes widening the Camino Pablo
30 roadway at the project frontage to 36 feet and relocating the existing 8-foot sidewalk into
31 the project site. Cross-sections of the existing and proposed Camino Pablo
32 configurations are shown on page 2 of the project plans (Attachment A).

33
34 Because the proposed 36-foot roadway width is less than the minimum 40 feet required
35 for two-lane arterials, the applicant is requesting a General Plan Amendment to change
36 the Camino Pablo designation south of Tharp Drive to a collector street. As provided in
37 Town Ordinance No. 57, the minimum roadway width for a collector street with curbs is
38 36 feet.

39
40 When deciding whether to support the Camino Pablo designation change, staff
41 recommend the Planning Commission consider the following:

- 42 • **Moraga Walk | Bike Plan.** The Moraga Walk | Bike Plan, adopted in 2016, treats
43 Camino Pablo south of Tharp Drive differently than north of Tharp. The proposed
44 bikeway in the Walk | Bike Plan calls for a bike route on Camino Pablo south of
45 Tharp Drive. A bike route does not include designated bike lanes but, instead, is
46 marked by "Share the Road" signage to remind motorists and bicyclists to share

1 vehicle travel lanes. A bike route on Camino Pablo south of Tharp Drive is
2 consistent with the proposed collector designation and the Walk | Bike Plan.

- 3 • **General Plan Policies.** Numerous General Plan policies emphasize preserving
4 and enhancing Moraga’s “semi-rural character.” The proposed project would
5 minimize the Camino Pablo pavement width and maximize landscaping along the
6 project frontage. General Plan Policy C 1.1 states that “in support of community
7 design and environmental goals, consider allowing narrower street widths,
8 consistent with Town standards, when it can be demonstrated that public safety
9 concerns are adequately addressed.” General Plan Policy CD 3.2 calls for the
10 Town to “improve the visual character along Scenic Corridors with lighting,
11 landscaping and signage.”
- 12 • **Traffic Volumes.** The Fehr & Peers traffic study reports existing average daily
13 traffic volumes of 1,170 vehicle per day on Camino Pablo north of Tharp Drive.
14 With the proposed project, future average daily traffic is estimate to be 1,520
15 vehicles per day. These traffic volumes are consistent with typical traffic volumes
16 of 3,000 vehicles per day on residential collectors.
- 17 • **Bicycle Safety.** When the Moraga Walk | Bike Plan was prepared and adopted,
18 the Town concluded that a bike route on Camino Pablo would provide adequate
19 safety for bicyclists. The Fehr & Peers project review memorandum also found
20 that the proposed Camino Pablo roadway configuration would provide adequate
21 bicycle safety with additional speed reduction measures for motorists as required
22 by the Town.

24 VII. Summary and Requested Feedback

25 As previously stated and discussed above, staff requests Planning Commission feedback
26 on the following issues:

- 27 • **Development Area.** Is the proposed development located in the preferred area
28 of the property?
- 29 • **Number of Units.** Is the proposed density and number of units appropriate for
30 the project?
- 31 • **Visual Impacts.** Are project revisions needed to reduce visual impacts on scenic
32 resources?
- 33 • **Neighbor Impacts.** Are project revisions needed to reduce impacts on adjacent
34 properties and nearby residents?
- 35 • **Grading.** Are grading revisions needed to reduce alterations to visible natural
36 landforms? Is this desirable given other project constraints?
- 37 • **Home Design.** Are revisions to home designs needed to increase combability
38 with surrounding development and the natural setting?
- 39 • **Camino Pablo Designation.** Does the Planning Commission support changing
40 the Camino Pablo designation from arterial to collector?

41
42
43 **Report reviewed by:** Afshan Hamid, Planning Director
44 Karen Murphy, Assistant Town Attorney
45
46
47

- 1 **Attachments:**
- 2 **A. Project Plans**
- 3 **B. Architectural Plans**
- 4 **C. Visual Simulations**
- 5 **D. 3D Model Stills**
- 6 **E. 3D Model Methodology**
- 7 **F. Applicant's Project Narrative**
- 8 **G. JMLT Carr Ranch Brochure**
- 9 **H. Applicant's Elevated Pad Statement**
- 10 **I. Public Comment**
- 11 **J. Draft Initial Study/Mitigated Negative Declaration**