

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the matter of:

**Adding Chapter 8.210, Rheem Park)
Area Objective Design Standards, to)
Title 8 of the Moraga Municipal Code)
for Commercial, Office, Mixed-Use and)
Multi-Family Residential Development)
within the Rheem Park Area)**

ORDINANCE NO. 308

WHEREAS, on January 1, 2018, Senate Bill 35, intended to help address California’s housing shortage, went into effect, requiring a streamlined and ministerial review process for multifamily housing projects with specific qualifications; and

WHEREAS, on January 1, 2019, Assembly Bill 2162, intended to help address California’s need for supportive and emergency housing, went into effect, requiring a streamlined and ministerial review process for supportive housing with specific qualifications; and

WHEREAS, on January 1, 2020, Senate Bill 330, also known as the Housing Crises Act, intended to streamline housing approvals, went into effect, expanding or amending existing State legislation, including the Permit Streamlining Act and Housing Accountability Act, with the broad goals of facilitating increased production of new residential units, protecting existing units, and providing for an expedited review and approval process for housing development projects through submittal of a “preliminary application”; and

WHEREAS, there is a continued effort by the State of California to require jurisdictions to utilize a ministerial and streamlined process for review of housing projects, and this ministerial and streamlined process requires objective standards to address a variety of design concerns typically resolved during a discretionary design review process; and

WHEREAS, on January 25, 2023, the Town Council certified the Final EIR for the Comprehensive Advanced Planning Initiative (CAPI), adopted Findings of Fact and a Statement of Overriding Considerations for the Housing Element and related documents and adopted the sixth cycle Housing Element, and related General Plan Amendments and zoning amendments for the Moraga Center Specific Plan Area and the Rheem Center Area; and

WHEREAS, the zoning amendments adopted on January 25, 2023, were necessary to accommodate the Town's entire Regional Housing Needs Allocation (RHNA), plus a buffer of additional capacity for lower-income units; and

WHEREAS, the RHNA assigned to the Town of Moraga by the Association of Bay Area Governments (ABAG) for the 2023-2031 period is 1,118 units of new housing, including 673 units affordable to very low-, low-, and moderate-income households; and

WHEREAS, the Rheem Park area is a logical location for growth and development, has several vacant and underutilized sites, and would help achieve the goal of affirmatively furthering fair housing; and

WHEREAS, the Town's 2002 General Plan envisions the revitalization of the Rheem Park Area as a focal point and mixed use activity center that includes a variety of housing types; and

WHEREAS, the updated Housing Element found that the lack of residential zoning in the Rheem Park Area, despite General Plan policies supporting housing in this area, was a potential constraint to achieving the RHNA; and

WHEREAS, as part of the CAPI, the Town initiated the Rheem Park Area Objective Design Standards to streamline development; and

WHEREAS, during the weeks of January 31, 2023 through February 13, 2023 Town staff met with Rheem Park Area property owners who had expressed interest in redeveloping their properties during the CAPI to review the draft objective design standards and solicit their feedback; and

WHEREAS, on February 7, 2023, Town staff brought draft Objective Design Standards to the Planning Commission as a study session to solicit comments and input; and

WHEREAS, on February 15, 2023, Town staff brought draft Objective Design Standards to the Town Council for comments and input; and

WHEREAS, on February 17, 2023, notice of the Planning Commission public hearing was published in the East Bay Times in compliance with California Government Code Section 65090 and Moraga Municipal Code §8.12.070; and

WHEREAS, on February 28, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed Zoning Code amendments for the Rheem Park Objective Design Standards, received the staff report and staff presentation, received comments from the public and interested parties, and after closing the public comments portion discussed the matter; and

WHEREAS, following the public hearing on February 28, 2023, the Planning Commission adopted Resolution No. 04-2023, recommending that the Town Council add Chapter 8.210 to Title 8, Planning and Zoning, of the Moraga Municipal Code which would establish objective design standards for commercial, office, mixed-use and multi-family residential development within the Rheem Park Area; and

WHEREAS, on March 10, 2023, notice of the Town Council public hearing was published in the East Bay Times in compliance with California Government Code Section 65090 and Moraga Municipal Code §8.12.070; and

WHEREAS, the Town Council introduced this Ordinance on March 22, 2023, after a duly noticed public hearing and adopted the Ordinance on April 12, 2023.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MORAGA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Town has prepared a comprehensive program-level environmental impact report (EIR) for the Comprehensive Advanced Planning Initiative, including for the Housing Element and related changes to zoning and standards in the Rheem Park area, as required by CEQA. On January 25, 2023, the Town Council certified the FEIR for the Comprehensive Advanced Planning Initiative and adopted a Mitigation and Monitoring Program, findings and a Statement of Overriding Considerations for the Housing Element and related actions, including the Rheem Park Design Standards. No further CEQA analysis is required for adoption of the Rheem Park Design Standards Ordinance.

SECTION 2. Pursuant to Moraga Municipal Code Section 8.12.100, the Town Council hereby finds as follows with respect to the proposed Ordinance:

- A. **The proposed Amendments to the Municipal Code are consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable specific plan.** The Rheem Park Area Objective Design Standards ordinance is consistent with the Town's 6th Cycle Housing Element adopted by the Moraga Town Council on January 25th, 2023, and will implement Housing Program 2.e. *"Consistent with SB 35 and SB 330, adopt objective development and design standards for the new Mixed Office-Residential and Mixed Commercial-Residential zones to facilitate ministerial approval of future multi-family residential and mixed-use projects in the Rheem Park Commercial area."*
- B. **In the case of a general land use regulation, the change proposed is compatible with the uses authorized in, and the regulation prescribed for, the land use district for which it is proposed.** The ordinance would create design standards for new development projects within the Rheem Park Area,

consistent with the land uses authorized, and regulations prescribed for the underlying zoning districts.

- C. **A community need is demonstrated for the change proposed** in that as an element of the Town of Moraga Comprehensive Advanced Planning Initiative, a substantial number of properties within the Rheem Park area have been zoned to allow mixed commercial-residential and mixed commercial-residential. Recent state laws, specifically SB 330 require new housing development projects to comply with objective, quantifiable, written development standards, conditions, and policies. The Town should have objective design standards that are applicable without ambiguity or subjectivity to maintain control of the design of these residential projects within the Rheem Park Area. This ordinance will provide objective guidelines for the design of new residential projects within the Rheem Park Area.
- D. **The adoption of the ordinance will be in conformity with public convenience, general welfare, and good zoning practice.** The intent of the Rheem Park Objective Design Standards is to have consistency in the overall design and appearance of the Rheem Park Area as projects redevelop or propose improvements. Under SB 330, the Town may not deny housing development applications that are consistent with adopted general plan and zoning standards or condition such applications in a manner that would lessen the intensity of housing. Objective design standards are now the primary mechanism to enforce community design goals that were previously implemented through processes like subjective design guidelines. In addition to state law, there is also a benefit to the Town in putting forth a clear and positive design vision for such an important community site as Rheem Park, ensuring that a baseline of good site design and architecture is accomplished in any future project.

SECTION 3. The Town Council hereby amends the Moraga Municipal Code to add Chapter 8.210, as shown in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 4. Effective Date. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

SECTION 5. Severability. If any provision of the Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications of the Ordinance. To this end, the provisions of this Ordinance

are severable. This Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. Publication. The Town Clerk shall cause this Ordinance to be published in accordance with State law.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Moraga, California, held on March 22, 2023, and was adopted and ordered published at a regular meeting of the Town Council held on April 12, 2023, by the following vote:

AYES: Mayor Sos, Councilmembers Hillis, Shapiro and Woehleke

NOES:

ABSTAIN:

ABSENT: Vice Mayor Onoda

AFFIRMED:

Renata M. Sos, Mayor

ATTEST:

Yashin Abbas, Interim Town Clerk

Exhibit A

Chapter 8.210 RHEEM PARK OBJECTIVE DESIGN STANDARDS

8.210.010 Intent.

The intent of this section is to allow the Rheem Park Area to evolve from a commercial-only district into a mixed-use district with multi-family residential, office, and commercial uses, with amenities including pedestrian-oriented design to support an active and inviting public realm. This section identifies various levels of improvements from minor to moderate to major, and establishes standards that will allow the existing Rheem Park Area to redevelop, evolve and adapt to changing economic conditions in Moraga.

8.210.020 Purpose.

This chapter establishes regulations for design and development within the Rheem Park Area in the town. The intent of these regulations is set forth:

- A. Standards and criteria by which new development will proceed.
- B. Standards and criteria for development of the circulation and street network.
- C. Required infrastructure and amenities.
- D. Standards and criteria for development of the Rheem Park Area into an environment that accommodates multiple modes of travel.
- E. Standards and criteria for development with multiple types of residential uses including multifamily; and an appropriate mixture of office, retail, public, and other related uses.

8.210.030 Applicability.

- A. The standards and regulations of this chapter shall apply to all developments and activities occurring within any zoning district of the Rheem Park Area as mapped in Figure 1 (as mapped in Appendix A, General Plan Diagram), as set forth in more detail in 8.210.030(B). In the event of any conflict between this chapter and any other provision of the Moraga Municipal Code, this chapter shall prevail.
- B. All development in the Rheem Park Area shall be subject to design review as set forth in Chapter 8.72 and shall be processed in accordance with the requirements of Chapter 8.72, except as otherwise set forth in this chapter.
- C. The standards and regulations of this chapter shall apply to the minor, moderate and major changes, as defined in Table 1. Changes that are exempt are also listed in Table 1.

Table 1: Minor, Moderate, Major and Exempt Changes

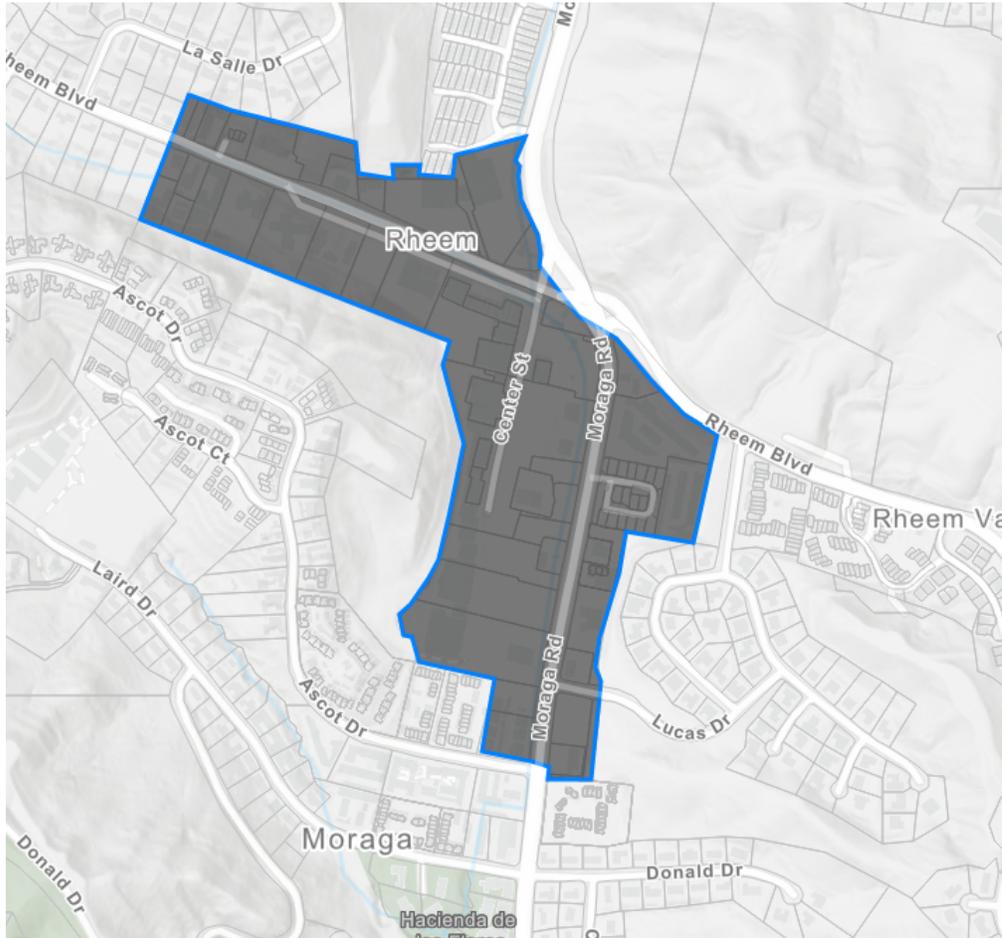
Type of Change	Definition	Design Requirements	Design Review Authority and Public Notice
Minor	<p>(a) New lighting fixtures and updating of existing lighting fixtures.</p> <p>(b) Non-structural façade modifications to 50% or less of the square footage of the façade.</p> <p>(c) New exterior materials applied to 50% or less of the square footage of the façade.</p> <p>(d) Change in paint color.</p>	<p>Must conform with Sections:</p> <p>8.210.070 – Building Façades.</p> <p>8.210.090 – Materials and Colors, and.</p> <p>8.210.170 – Lighting.</p>	<p>Review by Design Review Administrator</p> <p>Public notice requirements set forth in Section 8.72.130, and including notification to the Design Review Board of the intent to approve. At their discretion, the Design Review Administrator may require that any application be heard before the Design Review Board.</p>
Moderate	<p>(a) Structural modifications to an existing façade.</p> <p>(b) Non-structural façade modifications to more than 50% of the square footage of the façade</p> <p>(c) New exterior applied to more than 50% of the square footage of the façade.</p> <p>(d) Reconstruction of 50% or less of an existing building’s gross floor area or an addition of up to 50% or 1,000 square feet to an existing building’s gross floor area, whichever is less.</p> <p>(e) New accessory buildings or structures and other similar changes as determined by the Design Review Administrator.</p>	<p>Must conform with Sections:</p> <p>8.210.050 A. – Building Location and Orientation.</p> <p>8.210.050.C Encroachments.</p> <p>8.210.060 – Building Massing and Articulation.</p> <p>8.120.070 Building Façades,</p> <p>8.210.090 – Materials and Colors.</p> <p>8.210.160 - Ancillary Facilities.</p> <p>8.210.170 – Lighting</p> <p>In cases where new parking is required:</p> <p>8.210.100 – Vehicle Parking and</p> <p>8.210.110 Bicycle Parking.</p> <p>Review under the sections above will be limited to the extent of the changes requested by the application. For example, if a new façade is proposed, the developer does not need to modify the building massing to comply with 8.210.060. However, the new façade will be required</p>	<p>Review by Design Review Board</p> <p>Public notice requirements set forth in 8.72.130.</p>

		to comply with the design requirements in Section 8.210.070(B).	
Major	<p>(a) Reconstruction of buildings exceeding 50% of the existing gross floor area.</p> <p>(b) Building additions exceeding 50% or 1,000 (one thousand) square feet of the existing building's gross floor area, whichever is less.</p> <p>(c) New primary buildings</p> <p>(d) Changes in use from office or retail to residential or from residential to office or retail, and other similar changes as determined by the Design Review Administrator.</p> <p>(e) Changes to site circulation and access that affect Center Street or Park Street within the Rheem Valley Shopping Center.</p>	Must conform with all standards and regulations of this chapter.	<p>Review by Design Review Board</p> <p>Public notice requirements set forth in Section 8.72.130</p>
Exempt	<p>(a) Changes exempt under Section 8.72.060.B</p> <p>(b) Interior tenant improvements with no change in use from office or retail to residential, or from residential to office or retail.</p> <p>(c) Small storage buildings or structures of 120 square feet or less in size that are not visible from public places or rights-of-ways.</p> <p>(d) Similar changes as determined by the Design Review Administrator</p>	Exempt.	Exempt – No Review or Public Notice Required

D. The Design Review Administrator shall determine the appropriate level of review specified in Table 1 when it is not clear.

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- E. Approval of any projects in the Rheem Park Area will require a finding that the project complies with this chapter, and is not subject to the findings of Chapter 8.72, subject to the exceptions in Section 8.210.030(I).
 - F. Notwithstanding the above, buildings or structures that are involuntarily damaged or destroyed by a natural force or accident, such as an earthquake, flood or fire, may be restored or reconstructed in its entirety to their prior condition consistent with Chapter 8.20.
 - G. All improvements shall comply with all applicable codes and requirements including but not limited to federal, state and local laws (e.g. Moraga Municipal Code Title 7 – Health and Safety), and fire, building, and health and safety codes.
 - H. The standards in this Chapter 8.210 shall not apply to the Rheem Theatre building due to its unique architectural character. Any improvements or modifications to the Rheem Theatre building shall comply with the requirements of Chapter 8.72.
 - I. The approving body may approve up to 3 (three) exceptions for minor changes, up to 5 (five) exceptions for moderate changes, and up to 10 (ten) exceptions for major changes per application to reduce or waive the design standards in Chapter 8.210 if the following findings are made:
 - 1. The proposed use has unique operational or design characteristics with which providing the required design element is incompatible; and
 - 2. The alternative design includes elements to mitigate negative impacts, if any, of the reduction or waiver, such as enhanced architectural detail, façade relief, door and window treatments, public amenities, features to improve visual interest at the pedestrian level, or other elements.
 - J. The Town shall provide a Design Standards Reference Book with examples of designs compliant with this Chapter to assist in implementation, which may be updated from time to time.

Figure 1: Rheem Park Area Boundaries.



8.210.040 Site Circulation and Access.

A. Purpose: The purpose of this section is to enable easy site access for multi-modal transportation and create new pedestrian-oriented connections onto and through the project site, while allowing flexibility for the exact future location of connections and amenities.

B. Required Connections.

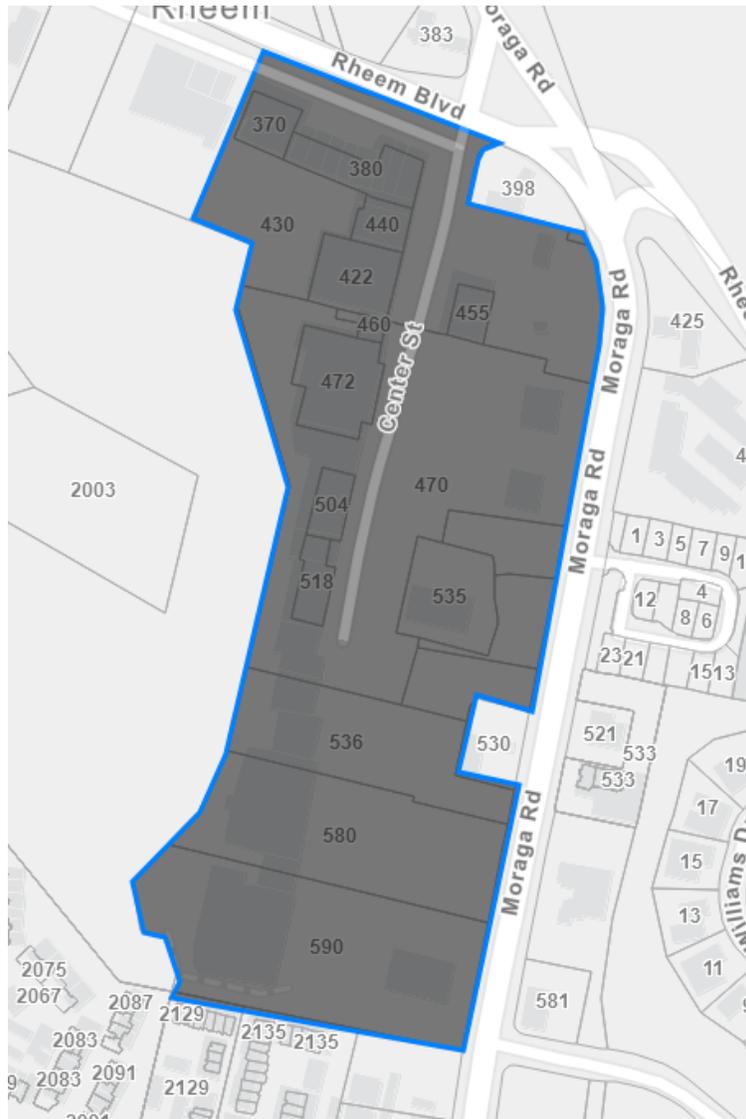
1. Required Streets. Development in the Rheem Valley Shopping Center shall include improvement of Center Street as an extension of the existing Center Street alignment, providing publicly accessible vehicle, pedestrian, and bicycle access through the Rheem Valley Shopping Center with a publicly accessible connection to both Rheem Boulevard and Moraga Road. Alternatively, subject to approval by the Design Review Board, the publicly accessible connection may be provided for only pedestrians and bicycles, with no vehicular access. This standard only applies to the Rheem Valley Shopping Center, boundaries shown in Figure 2. The alignment of Center Street is flexible and may be moved or adjusted to meet project needs, as long as public access is maintained. Center Street is anticipated to remain privately owned.

2. Other Required Connections. Lots between Moraga Road and Center Street that are located more than 400 (four hundred) feet from an intersecting street or pedestrian walkway shall provide a publicly accessible sidewalk, street,

mid-block passageway, or other publicly accessible connection between the two streets. This standard only applies to the Rheem Valley Shopping Center, boundaries shown in Figure 2.

3. Maximum Street Dimensions. Streets shall be the minimum width required for emergency vehicle access and shall meet applicable Town engineering standards. All streets shall accommodate sidewalks, trees and bike lanes and other public features.

Figure 2: Rheem Valley Shopping Center Boundaries.



C. Required Pedestrian and Bicycle Access.

1. On-site Pedestrian Access. On-site pedestrian circulation and access shall be provided according to the following standards:

- (a) **Internal Connections.** A system of publicly accessible pedestrian walkways shall connect all buildings on a project site to each other, to on-site bicycle and automobile parking areas, to any accessible on-site public spaces or pedestrian amenities, and to the publicly accessible pedestrian circulation network.

(b) **Public Circulation Network.** Publicly accessible on-site walkways shall connect the primary building entry or entries to a public sidewalk on each street frontage, with connections provided at least every 300 (three hundred) feet along portions of the development site perimeter that are adjacent to public rights-of-way.

(c) **Transit.** Where a transit stop is adjacent to the building frontage, publicly accessible pedestrian connections shall be provided.

2. **Bicycle Access.** On-site bicycle circulation and access shall be provided according to the following standards:

(a) **Bicycle Network.** Bicycle connections shall be provided to any adjacent portion of the existing or planned public bicycle network, as identified in the Moraga Bicycle and Pedestrian Master Plan, with the amenity type specified in the Bicycle and Pedestrian Master Plan.

(b) **Internal Connections.** Where a publicly accessible Class I, II, or IV bicycle facility is on or adjacent to the project site, connections shall be provided to the bicycle facility.

D. Sidewalk and Walkway Design.

1. **Sidewalk Dimensions.** Publicly accessible sidewalks and walkways shall be a minimum total width of 10 (ten) feet when adjacent to ground-floor commercial, with 6 (six) feet for pedestrians and an additional additional 4 (four) feet for tree planting strip; and shall be a minimum total width of five feet in all other locations.

2. **Sidewalk and Walkway Surfaces.** Publicly accessible walkways and sidewalks shall be hard-surfaced, and paved with scored concrete, stone, tile, brick, or comparable material.

3. **Crossings.** At a major tenant space entry or significant pedestrian area, where any sidewalk or walkway crosses parking areas, loading areas, or streets, it must be clearly identifiable through the use of a combination of raised crosswalk, a different paving material, striping, bollards, or similar method to enhance pedestrian safety.

4. **Separation from Automobile Travel Lanes.** Where a required walkway or sidewalk is parallel and within two feet of an auto travel lane, it must be separated from the auto travel lane by a physical barrier consisting of a raised curb at least four inches high, or by another permanent physical barrier as determined by the Public Works Director.

5. **Curb Cuts.** Curb cuts and driveways providing access to parking facilities shall be from an alley or secondary street, rather than from the principal street, where feasible, to avoid impacts on pedestrian sidewalks and walkways.

E. Public Sidewalk Furnishings.

1. **Furnishings.** Furnishings and streetscape improvements such as tree grates, bollards, seating, public art, landscaping, and other street furniture shall be utilized to articulate street edges and provide separation between the automobile realm and the pedestrian realm.

2. **Seating.** Publicly accessible seating areas such as benches, seat walls, planter ledges, and/or other seating areas shall be provided along the on-site pedestrian circulation network adjacent to major tenants or at significant pedestrian areas.

3. Coordinated Design Palette. Streetscape furnishings along the publicly accessible pedestrian circulation network shall utilize a coordinated design palette with similar color and finish.

4. Trash and Recycling Receptables. Publicly accessible sidewalks shall include at least one publicly accessible trash and recycling receptacle adjacent to major tenants or every 50 (fifty) feet.

8.210.050 Building Orientation and Setbacks.

A. Purpose: The purpose of this section is to create a high-quality public realm with appropriate placement of buildings, to create a welcoming and well-designed pedestrian experience, and to enable coordinated site planning and design throughout the Rheem Park Area.

B. Building Location and Orientation.

1. Building Orientation. Buildings located within 20 (twenty) feet of a front or street side lot line or publicly accessible street shall orient building frontage(s) parallel toward the adjacent front or street side lot line or publicly accessible street. Where there is an external or internal corner condition, the building shall include a 45 (forty five) degree, 90 (ninety) degree or rounded corner toward the two streets.

2. Scenic Corridors. Commercial and multi-family residential development fronting along a major scenic corridor as defined in Chapter 8.132.020 shall have building setbacks from the scenic corridor that are landscaped and varied in order to avoid creation of a walled effect and that are a minimum of 25 (twenty-five) feet deep. Building façades facing the scenic corridor shall be treated to have architectural features that act like a primary façade. Development compliant with this chapter is exempt from Design Review under Chapter 8.132.

3. Frontage Orientation. Buildings shall be sited with fronts to face and frame adjoining streets, plazas, outdoor spaces, and pathways.

4. Minimum Setbacks. Buildings are encouraged to be built to the minimum allowed setbacks to establish an attractive street wall, create a sense of enclosure and activation on fronting pedestrian walkways, and reduce the prominence of expansive surface parking lots.

5. Distance from Slopes. Buildings must be located at least 50 (fifty) feet from the toe of any slope that exceeds 100 (one hundred) feet in vertical elevation where the average predevelopment slope within this area is 20% or greater within the 100 (one hundred) feet of elevation change. This distance may be reduced with documentation by an engineering geology report prepared by the applicant confirming that the stability of the soil can be ensured by engineering and geotechnical means reasonably available to the applicant, subject to peer review and approval of the Town Engineer.

6. Utility and Trash Areas. Utility and trash areas shall be enclosed within the building, located behind the building so as not to be visible, or enclosed and located in a screened court. Trash and utility areas shall be screened from principal streets.

C. Building Frontage Improvements.

1. Frontage Improvements. Any area between a building and the front property line, or any area between a building and on-site public space or the fronting public pedestrian walkway, shall be

improved as part of a wider sidewalk, outdoor seating area, outdoor dining area, yard area, or other landscaped or usable open space.

2. Outdoor Dining. Outdoor dining is allowed consistent with the following requirements:

- (a) Seating and dining areas shall not obstruct the pedestrian right-of-way.
- (b) Umbrellas and other shade devices shall not obstruct building entrances or signage.
- (c) Planters or railings may be used to separate seating areas from the sidewalk.
- (d) There is an adjacent ground-floor commercial use to which the outdoor dining is accessory.
- (e) Any outdoor dining in the parking area adjacent to a tenant space, must be in a parklet approved in accordance with adopted Town regulations.

3. Ground-floor Office Frontage and Setback Area. Areas within the front setback for ground-floor office uses may include landscaping, seating for guests and employees, public amenity areas, and other spaces that promote gathering, social activity, and pedestrian activity.

4. Ground-floor Non-office Commercial Frontage and Setback Area. Areas within the front setback for ground-floor retail, restaurant and other non-office commercial uses may incorporate outdoor seating, landscaping, planters, dining areas, retail stands and kiosks, display spaces, dining spaces, public art, fountains, play areas, extensions of the public sidewalk, and other amenities to activate the sidewalk and street.

5. Ground-floor Residential Frontage and Setback Area. Areas within the front setback for ground-floor residential uses may incorporate landscaping, gates, entry treatments, unique paving treatments, changes in elevation, stairs, patios, gardens and other strategies to promote ground-floor activity and denote the transition from public to private space.

D. Encroachments.

1. Encroachments into Required Setbacks, Residential Uses. The following encroachments into required setback areas are allowed for residential uses, subject to all applicable requirements of the Building Code:

- (a) Uncovered stairs, guardrails, handrails, ramps, stoops, landings, decks, porches, balconies, and platforms may encroach into front or street side yard.
- (b) Covered porches and patios: 6 (six) feet maximum encroachment, unenclosed on three sides.
- (c) Projected windows and above-ground architectural projections such as roof overhangs, mansards, marquees, canopies, pilasters, fascias, and other architectural features: 6 (six) feet maximum projection.

2. Signage Projections. Projections and signs may project over the sidewalk to indicate and demarcate shop fronts and increase pedestrian interest with an approved master sign plan and encroachment permit.

8.210.060 Building Massing and Articulation.

A. Purpose: The purpose of this section is to ensure the volume, massing, and shape of buildings is varied and visually appealing, with a scale and level of detail that is oriented to the pedestrian experience.

B. Massing Requirements.

1. Massing Breaks. All street-facing façades and any wall over 20 (twenty) feet in height above ground level on any side of a building must include at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least 2 ½ (two and one-half) feet in depth, for every 50 (fifty) horizontal feet of wall. The articulated elements must be greater than one story in height and may be grouped rather than evenly spaced every 50 fifty feet on average.

2. Townhome Massing. The maximum number of townhouse units in any one contiguous building is 12 (twelve).

3. Townhome Front Facade. Townhomes that are contiguous shall have architectural features to break up the front elevations such as stairs, projecting entrances, bay windows, porches, and other articulated façade elements.

C. Building Design.

1. Lower and Upper Story Separation. Lower and upper stories shall be separated by horizontal detailing such as an awning, overhang, cornice line, or belt course. Separation may occur above either the ground floor or second floor.

2. Vertical Projections. All street-facing façades must include vertical projections or recesses such as pilasters, porches, decks, bay windows, entry recesses, and other details that provide architectural articulation and design interest.

3. Architectural Styles. Major changes shall utilize vernacular design and complementary architecture with a variety of facades and building lines. Architecture should not be homogeneous.

4. Corner Elements and Architecture. Buildings at internal and external corners shall orient design elements to both corners, with distinctive architectural elements within 50 (fifty) feet of the corner. Distinctive architectural elements may include height projections, articulation, variation in materials, façade transparency, public building entrances, and unique roof silhouettes. As an alternative, development projects may provide accessible public plazas or outdoor spaces at block corners instead of distinctive architectural elements, provided the plaza or outdoor space is at least 300 square feet and accessible to the public.

5. Architectural Details. Buildings shall include architectural details to add visual interest, variety, and articulation, including at least one of the following, which may also serve to satisfy other required elements, such as vertical projections or lower and upper story separation, as applicable:

- (a) Reveals.
- (b) Course lines.
- (c) Decorative cornices.
- (d) Columns.
- (e) Canopies.
- (f) Arbors.
- (g) Trellises.

6. Roof Lines. Horizontal Roof lines on buildings with flat or pitched roofs shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design through the following requirements:

- (a) A minimum of one roof line offset of at least 18 (eighteen) inches in height and 20 (twenty) feet in length shall be provided for every 150 (one hundred fifty) feet of façade length.
- (b) Architectural elements, such as parapets, varying cornices, reveals, varying roof heights, or varying roof forms, shall be articulated at least every 50 (fifty) feet along the street frontage.
- (c) Where parapets are provided, the minimum 18 (eighteen) inch offset in height required above may be substituted by an offset of at least 18 (eighteen) inches in depth. All parapets shall provide returns of at least six feet in depth at the end of the parapet face to avoid a false front appearance.

7. Minimum Depth of Overhanging Eaves. Overhanging eaves, if provided, shall extend a minimum of 2 (two) feet beyond the supporting wall.

8. Townhomes. In addition to the requirements above, attached side-by-side dwelling units (townhomes or rowhouses) shall be distinguished through methods such as:

- (a) Variations of two feet or more between the horizontal planes of the primary entrance façade of adjacent units.
- (b) A change in roof orientation between adjacent units (e.g., a gable roof adjacent to a hipped roof). If rowhomes are proposed with no roof variation, then change of entry and additional feature is required, such as bay or box window.
- (c) A roof line offset of at least 18 (eighteen) inches for each unit exposed on the associated elevation.
- (d) Change of colors or materials.
- (e) Change of entry design.

8.210.070 Building Façades.

A. Purpose: The purpose of this section is to provide ample windows, doors, and other façade details that provide pedestrian interest, rhythm, and design interest where buildings meet the public realm, with ground-floor treatments appropriate to the residential, office, or commercial use.

B. Façade Design.

1. Façade Detailing. All building facades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials, or other design elements.

2. Façade Pattern. Façade elements must establish building scale and pattern, using architectural techniques such as clustering or aligning windows and doors to form a regular pattern.

3. Visual Interest. Building walls facing public streets and walkways shall provide variations and visual interest for pedestrians, which may include display windows, changes in building form, relief in wall plane, changes in color, material, and/or texture or similar variations.

4. Limits on Blank Walls. No wall facing a public right-of-way, and no wall over 20 (twenty) feet in height above ground level on any side of a building, shall run in a continuous plane of more than 20 (twenty) feet without a window, door, landscaping, or other visual interest. Any landscaping installed and maintained along the wall must reach a minimum height of four feet within three years.

5. Awnings and Overhangs. Awnings and overhangs may be employed along active building frontages over the sidewalk to enhance the pedestrian realm. Awnings shall not be long and continuous. Awnings shall be made of durable, high-quality materials and shall not interfere with the tree canopy or signage.

6. Ground-floor Commercial Façade Architecture. Non-office ground-floor commercial facades shall be designed to give identity to each commercial establishment through integrated architectural techniques such as recesses, vertical façade elements, enhanced materials, signage, and/or material and articulation differentiation between separate ground-floor spaces.

7. Ground-floor Commercial Façade Design. Non-office ground-floor commercial front facades shall utilize at least two of the following to activate the street and promote indoor/outdoor connections when fronting Center Street or Park Street:

- (a) Sliding or removable windows/doors.
- (b) Outdoor displays and café seating in front of commercial/retail establishments that are designed to increase pedestrian activity and interest.
- (c) Low planters with wide seat walls.
- (d) Recessed entrances and porticos that increase the indoor/outdoor quality or allow for increased outdoor seating or display.
- (e) Awnings and canopies.
- (f) Visually transparent storefronts with clear glass windows and doors that are not blocked by storage, racks or shelving against glass should primarily define the active street front. If this is not possible then opaque glass can be employed.

C. Building Entries.

A. Minimum Number of Entrances Required. There shall be a minimum of at least one building entrance oriented to the nearest public sidewalk or accessible public space as follows:

- (a) One entrance an average of at least every 100 (one hundred) linear feet of ground-floor non-residential building frontage, except for office uses.
- (b) One entrance an average of at least every 200 (two hundred) linear feet of ground-floor residential or office building frontage.

2. Separate Entrances for Mixed Uses. Buildings containing a mix of residential and non-residential uses shall provide separate building entrances for residential and non-residential uses. Amenity areas such as exercise rooms do not require separate building entrances from the primary use.

3. Entrances to Multiple Streets. Buildings fronting multiple streets must provide one entrance facing each street.

4. Alley Entrances. Buildings that abut a public alley must provide an entrance facing that alley.

5. Corner Entrances. Buildings with entrances at street corners shall provide an entrance toward both streets, or have a single angled corner entrance accessible to both streets.

6. Entryway Illumination. Building entries and addresses shall be illuminated with dark sky compliant fixtures to provide nighttime visibility from adjacent streets, public accessways, and common areas.

7. Entry Design. Building entries shall be differentiated from the overall building façade, through the use of a differentiated roof, awning or portico, recessed entries, doors and doorway with design details, trim details, decorative lighting, signage, or other techniques.

8. Entry Access. All buildings located in the interior of a project site shall have an entrance from a pedestrian walkway that is a minimum of four feet wide and that connects to a public sidewalk.

9. Residential Entry Types. Ground floor residential entries may include any of the following: stoops, front doors, courtyard and forecourt entrances, ramped or at-grade entries, outward-facing and visually permeable lobby entrances, or other outward-facing residential entrance treatments.

D. Windows and Openings.

1. Required Openings. Ground-level exterior walls facing and within 20 (twenty) feet of a front lot line or publicly accessible street or open space shall run in a continuous plane for no more than 30 (thirty) feet without a window, door, or other similar building opening.

2. Required Transparency. Required ground-floor transparency along publicly accessible sidewalks, publicly accessible pathways, and publicly accessible open spaces is as follows:

- (a) For office uses, a minimum of 35% of the building wall located between three (3) and seven (7) feet above sidewalk level shall be transparent.
- (b) For grocery store, pharmacy, and retail uses of 30,000 (thirty thousand) square feet or greater, a minimum of 20% of the building wall located between 5 (five) and 9 (nine) feet above sidewalk level shall be transparent.
- (c) For other non-office commercial ground-floor uses, a minimum of 50% of the building wall area located between 3 (three) and 7 (seven) feet above sidewalk level shall be transparent.
- (d) Ground-floor residential uses are encouraged but not required to provide transparency to increase views, activation, and passive surveillance of outdoor spaces.
- (e) Required transparent openings shall have a visible light transmittance of not less than 50%, which may be further reduced if required by the California Building Code, and shall provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

3. Window Trim or Recess in Residential Uses. Windows for residential uses shall have trim at least one-half inch in depth, or be recessed at least 2 (two) inches from the plane of the surrounding exterior wall.

4. Window Design. Window designs shall differentiate the various components of the building such as ground floor retail spaces, stair towers, corners, or residential units.

5. Prohibited Glazing. For all uses, window films, mirrored glass, and spandrel glass shall not exceed 25% of the length of the ground floor frontage. This does not include films for UV protection, or light tints for heat control and energy conservation that are translucent.

6. Prohibited Closures. Gating, shuttering, or permanent closure of required non-residential openings is prohibited.

8.210.080 Building Space Requirements.

A. Purpose: The purpose of this section is to ensure interior building spaces and residential amenities are usable and attractive.

B. Space Requirements

1. Ground Floor Height, Nonresidential Uses. The minimum ground floor height for nonresidential uses is 15 (fifteen) feet measured floor to floor or floor to ceiling structure.

2. Ground Floor Height, Residential Uses. The minimum ground floor height for residential uses is 10 (ten) feet measured floor to floor.

3. Tenant Space Depth, Nonresidential Uses. Nonresidential ground floor interior tenant spaces shall be a minimum of 45 (forty-five) feet in depth for a minimum of 20 (twenty) feet in width or 35% of the total width of the tenant space, whichever is greater.

C. Residential Amenities.

A. Required Amenities. Projects with 20 (twenty) or more residential units shall include at least three of the following amenities for use by residents or the community:

- (a) Conference room.
- (b) Fitness center.
- (c) Pool, sauna, or swimming area.
- (d) Tenant activity area, such as joint eating and cooking area, clubhouse, play area, screening room, or other activity area.
- (e) On-site commercial child care facility.
- (f) Pet washing facility or relief area.
- (g) Playground or outdoor active recreation facility.
- (h) Public art, as may be approved in accordance with Town public art requirements.
- (i) Study room and/or library.
- (j) Bike repair or locker room.

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- (k) Publicly accessible open space of 5 square feet per 1,000 (one thousand) square feet of floor area.
 - (l) Water feature such as a fountain.
 - (m) Accessible gardening area.
 - (n) Outdoor recreation facility.
 - (o) Electric vehicle and/or bicycle charging facilities provided at a level exceeding building code requirements.
 - (p) Solar panels with battery backup.
 - (q) Other amenities similar to those listed above that are determined to be comparable in value and benefit to residents or the broader community. Up to three of the required amenities can be met through other approved amenities.

2. Storage. For residential uses, except dependent senior residential dwelling units, each unit shall include a minimum of 200 (two hundred) cubic feet of enclosed weather-proof and lockable private storage space in addition to guest, linen, pantry and clothes closets customarily provided.

3. Laundry. For residential uses, a laundry area consisting of a place for an automatic washing machine and clothes dryer shall be provided in each unit unless common laundry facilities are provided.

4. Residential Privacy and Ventilation. Residential uses shall provide both privacy and access to light and air, which may occur through a variety of design strategies including the following:

- (a) Operable windows. Provide operable windows in living spaces to facilitate natural ventilation.
- (b) Window orientation. Avoid facing bedroom windows directly opposite neighboring bedroom windows.
- (c) Noise considerations for operable windows. In the placement of operable windows, consider the potential for noise transfer between units.
- (d) Sound-absorptive surfaces. At narrow courtyards and other spaces between buildings, provide absorptive surfaces in the form of landscaping and other materials to limit reverberation.

8.210.090 Materials and Colors.

A. Purpose: The purpose of this section is to ensure the use of high-quality, durable exterior materials that provide interest and balance in the design of the exterior façade, and to ensure design consistency and a complementary design palette for new development in Rheem Park Area.

B. Materials.

1. Exterior Building Materials. A minimum of three exterior building materials shall be chosen based on character, durability, ease of maintenance and context, and may include:

- (a) Brick, natural clay colors.
- (b) Stone.

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- (c) Stucco.
 - (d) Pre-cast concrete, glass-fiber reinforced concrete.
 - (e) High-quality, cast-in-place concrete, including board-form concrete.
 - (f) Ceramic tile.
 - (g) Cement plaster.
 - (h) Wood.
 - (i) Steel—Porcelain enamel panels, steel windows, steel exterior doors, steel rails and fences, painted, stainless or pre-weathered steel are acceptable when limited to 50% of the building treatment.
 - (j) Aluminum—Windows, panels (luco-bond and aluminum plate), storefront, curtain wall, doors; aluminum should be natural finish anodized, powder-coated or kynar (no bronze anodized). Clear anodized fenestration is not allowed.
 - (k) Other Metal.

2. Base Materials. Shall be at least 4 (four) feet in height from the ground using the materials listed in Section 8.210.090.A.1, except for wood or stucco.

3. Material Transitions. Building materials shall wrap building corners and changes shall occur at inside corners, at a natural break point or a minimum of 4 feet from where the building plane changes direction.

4. Accent Materials. Use of accent materials such as brick, stone, tile, and anodized or painted metals shall be incorporated.

5. Glass. Clear, low-e, nonreflective, solar-bronze or solar gray glass may be used, but does not count towards the required number of building materials under Section 8.210.090.A.

6. Prohibited Materials. Unfinished or natural T1-11 siding is prohibited.

C. Colors.

1. Colors. Colors of primary wall surfaces shall be earth tones. Bright/vibrant color schemes shall be limited to trim and accent elements. Bright/vibrant colors are not permitted as a primary wall surface.

8.210.100 Vehicle Parking.

A. Purpose: The purpose of this section is to ensure the design of parking and loading facilities that are easy to use, while protecting pedestrian safety, promoting a pedestrian-oriented public realm, and minimizing negative impacts of car storage, thus encouraging park-once opportunities for residents, workers, and visitors to the Rheem Park Area.

B. Parking Location.

1. Location of Required Parking. All required parking shall be provided onsite or on streets immediately adjacent to the project site. Any new surface parking areas shall be oriented so that they are internal to the development and not facing the adjacent streets.

2. Limitations on Location of Parking. Above ground parking and partially underground or underground parking with an exposed above ground parking podium height of more than three

feet shall be located a minimum of 25 (twenty five) feet from the primary street-facing property line. Parking structures located underground or with at least 40% of their length along the street-facing property line behind conditioned building space are exempt from this requirement.

3. Maximum Parking Frontage. The total length of above-ground parking areas within 25 (twenty-five) feet of the primary street-facing property line publicly accessible streets, including surface parking, ground-floor carports, and ground-floor garages, shall not exceed 60 (sixty) percent of the parcel's length along any publicly accessible street. Parking areas not located along publicly accessible streets shall be screened with conditioned space such as lobbies or other ground-floor uses, public art, building articulation, landscaping, doors and windows, window displays, or other treatments to activate adjacent streets and sidewalks.

C. Parking Access.

1. Parking Area Access. When alley or side street access is available, primary access to parking areas shall be taken from this location, rather than the primary street.

2. Driveway Width. Driveways shall be a maximum width of 24 (twenty-four) feet, or minimum required for emergency vehicle access.

3. Driveway Materials. Driveways adjacent to streets shall be constructed of a different material than the street to ensure visual safety.

D. Parking Design.

1. Integrated Garage Entries. Entries to structured parking garages shall be integrated into building facades using architectural techniques such as matching façades, material treatments, or recessed garage entries.

2. Vehicular Entry. Parking garage vehicular entrances facing the street shall be no more than 20 (twenty) feet wide.

3. Marked Entrances. Vehicle parking entrances shall be clearly marked.

4. Pedestrian Entry. Parking garages shall provide at least one clearly delineated at-grade pedestrian entrance on each street-facing frontage, physically separated from the vehicle entrance and connecting directly to the public pedestrian circulation network.

5. Light Screening. Parking garages shall be designed such that interior lighting is fully shielded and automobile headlamps are not visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.

6. Mechanized Parking Storage Systems. Mechanized parking storage solutions such as mechanized, automatic parking or valet, or lift systems are allowed.

7. Parking Design. Any surface parking lots shall be sited so they are not located along primary streets, shall be designed to avoid long continuous parking lots, and shall be organized into small areas with landscaping and walkways leading to nearby building entries and public sidewalks.

E. Off-Street Loading and Service Access.

1. Integration into Buildings. Off-Street loading and service areas may be integrated into building architecture with the use of loading docks and garages.

2. Loading Dock Design Requirements. Loading docks shall be designed according to the following standards:

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- (a) Loading docks shall not exceed 20 (twenty) feet in width.
 - (b) Loading docks shall be screened from view by fencing, landscaping, or architectural elements from any adjacent street, sidewalk, or other publicly accessible accessway or open space.
 - (c) Loading docks shall be internal to the building envelope and equipped with closable doors.

3. Loading Location. Required off-street loading spaces shall be on the site of the use served or on an adjacent site and shall not face a public street.

4. Alley Access. On a site that adjoins an alley, a required off-street loading space shall be accessible from the alley unless alternative access is approved by the Zoning Administrator.

5. Loading Access. A required loading space shall be accessible without backing a truck across a property line unless it is an interior property line within a shopping center with shared access, parking and loading facilities or the Design Review Administrator determines that provision of turn-around space is infeasible and approves alternative access.

6. Access Conflicts. An occupied loading space shall not prevent access to a required off-street parking space or to a publicly accessible pedestrian walkway.

8.210.110 Bicycle Parking.

A. Purpose: The purpose of this section is to provide high-quality, secure, well-designed bicycle parking for residents, workers, and visitors, encouraging bicycle use in the Rheem Park Area and the rest of Moraga while reducing demand for automobile parking.

B. Required Parking.

1. Long-Term Bicycle Parking. Long-term bicycle parking, as described in Section 8.210.110(C) below, shall be provided to serve residents and workers consistent with the following standards:

- (a) A minimum of 0.5 long-term bicycle parking spaces for every residential unit in a multi-family development with at least 20 (twenty) units, excluding Townhome developments where private garages are provided for each of the units. Long-term parking may be provided in a common storage facility, incorporated into storage for individual units, or in another orientation.
- (b) A minimum of one long-term bicycle parking space for every 10,000 (ten thousand) square feet of office space.

2. Short-Term Bicycle Parking. Short-term bicycle parking, as described in Section 8.210.110(D) below, shall be provided to serve shoppers, customers, guests, and visitors consistent with the following standards:

- (a) A minimum of one short-term bicycle parking space for every 10 (ten) residential units, excluding Townhome developments where private garages are provided for each of the units.
- (b) A minimum of one short-term bicycle parking space for every 20,000 (twenty thousand) square feet of office space

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- (c) A minimum of one short-term bicycle parking space for every 5,000 (five thousand) square feet of non-residential space besides office.

C. Long-term Bicycle Parking.

1. Long-term Bicycle Parking Types. Long-term bicycle parking shall consist of one of the following:

- (a) Covered, lockable enclosures with permanently anchored racks for bicycles;
- (b) Lockable bicycle rooms with permanently anchored racks;
- (c) Lockable, permanently anchored bicycle lockers;
- (d) Private garages or other private, lockable storage space accessible from the outside; or
- (e) In-unit bicycle parking.

2. Long-term Bicycle Parking Location. Long-term bicycle parking shall be fully enclosed or located indoors. If accommodated in a parking garage, long-term bicycle parking shall be located within 200 (two hundred) feet of a building entrance or pedestrian pathway in a lit area.

D. Short-term Bicycle Parking.

1. Short-term Bicycle Parking Types. Short-term bicycle parking shall consist of a publicly accessible rack or racks firmly anchored to the ground, to which the bicycle can be locked.

2. Short-term Bicycle Parking Design Requirements. Short-term bicycle parking shall comply with all of the following:

- (a) Racks shall be designed and installed to allow two points of contact with the frame and allow the frame and one or both wheels to be secured.
- (b) Short-term bicycle parking shall be provided in well-lit, visible locations on private property near primary building entrances and the public sidewalk.
- (c) Short-term bike parking shall not impede pedestrian circulation.

E. Bicycle Parking Design.

1. Bicycle Parking Space Dimensions. All short-term and long-term bicycle parking spaces must meet the following minimum dimensional requirements:

- (a) Any bicycle parking space must be a minimum area of 72 (seventy-two) inches in length and 24 (twenty-four) inches in width that is clear of obstructions;
- (b) No part of any rack may be located closer than 30 inches to a wall or other obstruction;
- (c) The front or back of any rack shall be located no less than 48 (forty-eight) inches from a sidewalk or pedestrian way; and
- (d) A minimum of 30 (thirty) inches shall be provided between any adjoining racks.

2. Bicycle Parking Location. All short-term and long-term bicycle parking must meet the following location requirements:

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- (a) Bicycle parking shall be located outside of pedestrian walkways, and within 100 (one hundred) feet of a main entrance to the building it serves.
 - (b) Bicycle parking shall be located outside of the public right-of-way except short term bicycle parking may be located within the right-of-way pursuant to an encroachment permit.
 - (c) Where a publicly accessible bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.
 - (d) Any lockers and racks shall be securely anchored to the pavement or a structure.

8.210.120 Residential Private Open Space.

A. Purpose: The purpose of this section is to provide an attractive, usable, and creative mix of personal and common private space for residents of multi-family development in the Rheem Park Area, allowing places of respite, gathering, and relaxation.

B. Private Open Space Requirements.

1. Required Private Open Space. Private open space shall be provided in compliance with the applicable zoning district and with the standards of this section.

2. Personal and Common Private Open Space. Required Private open space may be provided as any combination of Personal Private Open Space and Common Private Open Space in accordance with the standards of this Section.

3. Calculating Required Private Open Space. Private open space shall not include any driveways or off-street vehicle parking and loading facilities. One area of Private open space may not be counted as satisfying the requirement for Private open space for another dwelling. However, the area provided to meet the Private open space requirement may count toward other site requirements such as landscaping, amenities, and stormwater retention and control if the area provided as Private open space also meets the criteria of those individual requirements.

4. Rooftop Space. Rooftops may be utilized as Private open space or accessible public space.

5. Adjacent Accessible Public Space. Adjacent Accessible Public Space provided adjacent to a development project and consistent with requirements in Section 8.210.130, may contribute toward up to 50% of the minimum Residential Private Open Space requirement for a project, if it is designed, integrated and maintained as part of the project and complies with all other requirements for accessible public space.

C. Personal Private Open Space Design.

1. Definition. Personal Private Open Space provides outdoor open space areas for the exclusive use of the occupants of a single dwelling unit. It is not intended to be used for storage enclosures, unusable buffer space, unusable landscape area, or other unusable outdoor area. It may be provided in a range of formats including but not limited to the following:

- (a) **Balconies.**

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- (b) Decks.
 - (c) Patios.
 - (d) Private gardens.
 - (e) Private yards.
 - (f) Terraces.
 - (g) Porches.

2. Minimum Dimensions. Personal private open space areas shall provide at least the following minimum dimensions for ground-level and upper-level spaces.

- (a) **Ground Level.** Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than 8 (eight) feet.
- (b) **Upper Level.** Private open space located above ground level (e.g., balconies) shall be a minimum of 50 (fifty) square feet and have no dimension less than five feet.

3. Accessibility. Personal private Open Space shall be accessible to only one dwelling unit by a doorway to a habitable room or hallway.

D. Common Private Open Space Design.

1. Definition. Common Private Open Space provides private shared access for all building occupants. It may be access-controlled and may be provided in a variety of formats and combinations including but not limited to the following:

- (a) Courtyards.
- (b) Terraces.
- (c) Forecourts.
- (d) Gardens.
- (e) Common outdoor dining areas.
- (f) Plazas.
- (g) Swimming pools.
- (h) Tennis, pickle ball, bocce ball or similar courts.
- (i) Sports areas.
- (j) Playground .
- (k) Enclosed off-leash dog runs.
- (l) Other recreation amenities.
- (m) Rooftop amenities.
- (n) Outdoor kitchens.
- (o) Barbeque and picnic areas.
- (p) Seating areas which could include seat walls, planter ledges, benches, moveable seating, fixed seating and seating steps.
- (q) Other usable landscaped or hardscaped areas.

2. Minimum Dimensions. Common Private Open Space shall have a 20 (twenty) foot dimension in at least one direction, and no dimension less than 10 (ten) feet.

3. Accessibility. Common private open spaces shall be accessible to all building occupants.

4. Courtyards. Common private open space areas with building walls on two opposite sides shall have a minimum width between the walls equal to the height of the shortest building wall facing the courtyard.

5. Surfacing. A surface shall be provided that allows convenient use for outdoor use. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable surfacing.

6. Minimum Landscaping. A minimum of 10 (ten) percent of the total common private open space area in any building shall be drought tolerant vegetation.

7. Maximum Slope. Slopes in common private open spaces with more than 10 (ten) feet in elevation gain shall not exceed 10 percent.

8. Natural Surveillance. Common private open spaces shall be visible from residential units, other interior usable building space, or private outdoor areas such as patios, porches, decks, and balconies to increase passive surveillance by building occupants.

8.210.130 Accessible Public Space.

A. Purpose: The purpose of this section is to provide a beautiful, well-apportioned public realm with a range of publicly accessible spaces and amenities for community gathering, outdoor respite, and passive and active use by the Moraga community.

B. Definitions and Criteria.

1. Accessible Public Space. Accessible Public Space includes paseos, plazas, outdoor dining areas, outdoor courtyards, usable green spaces or hardscaped areas, dog parks, recreation areas or facilities, play areas, alleys, parklets, seating areas, and other similar areas available for use by the public, and may be privately or publicly owned.

2. Ownership and Maintenance. Accessible Public Space may be offered as dedication to the Town or privately owned and maintained with dedication of a public access easement. Accessible public space shall be maintained at no public expense. The owner of the property on which the Accessible Public space is located shall maintain it by keeping the area clean and free of litter and keeping in a on-going healthy state any plant material that is provided. Plant material shall be trimmed, kept weed free and replaced annually when necessary.

3. Coordinated Accessible Public Spaces. Multiple developments may coordinate with each other and/or the Town to create larger combined Accessible Public Spaces.

4. Required Accessible Public Space. Major development projects with frontage on Center Street or Park Street, creating at least 50 (fifty) residential units or 50,000 (fifty thousand) gross square feet, must provide at least one outdoor Accessible Public Space of at least 400 (four hundred) square feet in area with minimum dimensions of a 20 (twenty) foot width by 10 (ten) foot depth. Required Accessible Public Space may be integrated into publicly accessible sidewalk areas, setback areas, or other publicly accessible portions of the site.

C. Design Requirements.

1. Minimum Dimensions. Any accessible public space shall have a 15(fifteen) foot dimension in at least one direction, and no dimension less than ten feet.

2. Access. Accessible public spaces shall be ungated and open to the public during daylight hours.

3. Location. Accessible public space shall have a direct, accessible pedestrian connection to a public right-of-way or easement.

4. Design Requirements. Accessible public spaces shall:

- (a) Be unobstructed by fully enclosed structures
- (b) Include any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free hardscape or surfacing
- (c) Not exceed a 10 (ten) percent slope for slopes with more than 10 (ten) feet of elevation gain.

5. Visibility. Outdoor accessible public spaces shall be visible from building entrances, public streets and walkways, and/or other frequently occupied indoor and outdoor spaces.

D. Amenities.

1. Accessible Public Space Amenities. Accessible public spaces shall provide amenities to encourage active or passive use, including the following at minimum:

- (a) Provide pedestrian-scale lighting for appropriate nighttime uses and security.
- (b) Provide seating areas which could include seat walls, planter ledges, benches, moveable seating, fixed seating and seating steps.
- (c) Provide one or more plaques visible to the public stating the right of the public to use the space, the type of open space, and the hours of use.
- (d) Projects creating at least 50 (fifty) new units or 50,000 (fifty thousand) square feet or more of new gross floor area shall provide at least two of the following, as may be approved by the Design Review Board or with respect to public art as may be approved in accordance with Town public art requirements;
 - a. Gathering place that is paved with site furnishings, including, but not limited to, tables, chairs, seating areas, or similar.
 - b. Active recreation spaces, such as tot lot or playground, sport court, or similar.
 - c. Drinking fountains.
 - d. Shading.
 - e. Water feature.
 - f. Public art.

2. Flexible Space. Accessible public space may include amenities to support flexible programming and events, such as removable bollards and power outlets.

8.210.140 Landscaping.

A. Purpose: The purpose of this section is to ensure frequent, properly installed, water-efficient, fire-resistant, and well-maintained landscaping and vegetated space throughout the Rheem Park Area, promoting ecological health and community well-being.

B. Landscape Requirements.

1. Landscape Required. All areas of the project site not used for access, parking, buildings, mechanical equipment, paving, or hardscape in private or accessible public space shall be landscaped consistent with the following requirements.

C. Landscape Design and Specifications.

1. Landscape Specifications. Landscaping areas shall be planted with a combination of trees, shrubs, and groundcover to achieve a mature appearance within three years of planting, consistent with the following standards:

- (a) Trees. A minimum of one 24-inch box size or greater tree shall be planted on average at least every 800 square feet of landscape area, and an average of at least every 60 (sixty) feet on center along publicly accessible sidewalks. Tree grates shall be used for trees located in hardscape areas.
- (b) Shrubs. Shrubs shall be a container size of five gallons or greater at planting and planted at spacing distances appropriate for the plant species.
- (c) Groundcover. Landscaped areas that are not planted with trees or shrubs shall be planted with groundcover plants. Mulch (as a ground cover) shall be confined to areas underneath plants and is not a substitute for ground cover plants.
 - a. Groundcover plants other than grasses shall be four-inch pot size or greater and planted at spacing distances appropriate for the plant species.
 - b. Groundcover plants shall be planted at a density that will cover the entire area within two years.
- (d) Edible Landscaping. Edible landscaping, including fruit trees and gardens, are considered landscaped areas.
- (e) Stormwater treatment. Stormwater treatment areas may count toward required landscaping.

2. Tree and Shrub Clustering. Tree and shrub planting may be grouped together in order to create stronger accent points or a sense of place. Trees may also be clustered on the west and southwest sides of buildings to provide shade and reduce heat gain in buildings during summer months.

3. Water Efficiency. All landscaping plantings shall be drought-tolerant consistent with California's Model Water Efficient Landscape Ordinance (MWELo).

4. Plant Palette. All landscaping shall be substantially consistent with the Appendix B of the Moraga Design Guidelines. Alternative plantings may be utilized that are similar in character to

plants within Appendix B of the Moraga Design Guidelines and are fire resistant, drought tolerant, and non-invasive species.

5. Fire Safe Landscaping. Landscaping shall be consistent with the Moraga Orinda Fire District fire safe landscaping requirements.

6. Parking Lots. Parking lots shall be landscaped through the use of concave islands and median swales designed to accommodate trees, shrubs, and ground cover while providing drainage and biofiltration of concentrated stormwater, with a ratio of at least one tree for every 6 (six) parking spaces.

7. Landscape screening. Landscaping may be used to provide effective screening of parking areas, retaining walls, fences, utility enclosures, utility cabinets, service areas, service corridors, and similar areas, to reduce negative visual impacts, in accordance with the screening requirements set forth in this Chapter.

D. Landscape Maintenance

1. Required Maintenance. All landscaping shall be permanently maintained. A landscape maintenance bond shall be posted to secure the replacement of any necessary plant material by the developer for a period of one year.

2. Required Irrigation. All landscaping shall be permanently irrigated with an automatic system, or planted with a plant palette that requires no permanent irrigation after plants are established.

8.210.150 Fencing and Screening.

A. Purpose: The purpose of this section is to allow fencing and screening as necessary for security, privacy, and the differentiation of public and private space, while minimizing the potential negative affects of fencing and screening on the public realm and on occupants of adjacent buildings.

B. Required Screening.

1. Required Screening. Where a parcel abuts a one, two or three dwelling units per acre residential district, screening at least six feet high is required along the abutting parcel line to address privacy and noise impacts. Such screening shall consist of high evergreen landscaping, fencing, or a wall or a combination along the property line.

C. Fencing and Screening Design.

1. Commercial Fences. Fences or walls along non-residential sidewalk frontages shall only be provided as needed to delineate seating or dining areas, or to ensure safety between commercial uses and any major streets, with a maximum height allowance of up to 48 (forty eight) inches. A taller fence is allowed if recommended by the Moraga Police Department or the Zoning Administrator.

2. Transparency of Fencing and Barriers. Outdoor fencing, walls, and other visual barriers shall be partially transparent so as to create clear lines of sight along public and private walkways. Screening of utility areas or residential uses may utilize fully opaque screening or fencing.

3. Screening with Landscape. Water-efficient landscaping consistent with landscaping standards in Section 8.210.140 may be used instead of fencing to provide effective screening of parking areas, retaining walls, fences, utility enclosures, utility cabinets, service areas, service corridors, and similar areas, to reduce negative visual impacts.

4. Prohibited Fencing Types. Razor wire, chain link fencing, and electric fencing shall be prohibited.

5. New Berms Prohibited. New berms, hills, or other earthen formations may not be constructed or used along Scenic Corridors or in the front setback area.

6. Retaining Walls. All retaining walls, with the exception of building foundations, shall be no higher than five feet. If a fence is located within two feet of a retaining wall the combined retaining wall and fence height shall not exceed eight feet. There shall be no more than three new retaining walls running in the same direction located within fifty (50) feet of one another. The minimum distance between any two retaining walls is equal to the height of the wall and the area between the walls shall be planted.

8.210.160 Ancillary Facilities, Equipment and Utilities.

A. Purpose: The purpose of this section is to minimize negative impacts on building occupants, pedestrians, and adjacent uses when providing necessary equipment and utilities.

B. Trash and Recycling.

1. Trash and Recycling Enclosures. Permanent trash and recycling equipment shall be integrated into the building architecture or located in enclosures on the project site.

2. Colors and Materials. The colors, materials and design of the trash and recycling enclosures shall match the building design.

3. Location. Exterior trash and storage areas shall be located to the rear or sides of the buildings, and shall not be visible from the street or public right-of-way.

4. Covered receptacles. Outdoor garbage receptacles (trash cans and dumpsters) shall be located and stored under a roof or other covered structure.

C. Utilities.

1. Underground Utilities. All new utilities and utility connections shall be placed underground, unless otherwise prohibited by the utility provider.

2. Integrated Design of Utilities. Any new above-ground utilities, utility transformers, or utility connections shall be screened from view of adjacent public rights-of-way or integrated within the building architecture. When this is not possible, these ancillary features may be located in free-standing enclosures designed compatibly with the project's architecture style.

3. Above-ground Utility Locations. New above-ground utilities or utility enclosures may not be located within 50 (fifty) feet of a street corner, or within the public right-of-way.

4. Utility Transformer Access. New utility transformers that are outside the public right-of-way shall have adequate access to ensure the ability to perform maintenance on the transformers.

D. Building Equipment.

1. Integrated Design of Equipment. Any new building or mechanical equipment, shall be screened or integrated within the building architecture. When this is not possible, these ancillary features may be located in free-standing enclosures designed compatibly with the project's architectural style.

2. Screening of Roof-mounted Equipment. Parapets or screening walls shall be provided at the roof and shall be high enough to screen all rooftop mechanical equipment, including air conditioning equipment, from being visible from a public area or along the public right-of-way. Parapets or screening walls shall be at least six inches above the tallest rooftop equipment.

3. Screening of Air Conditioning Equipment. New wall-mounted, ground-mounted, or roof-mounted air conditioning units and associated electrical and plumbing service connections shall be screened by parapets, walls, fences, or landscape screening.

4. Rooftop Photovoltaic Systems. Rooftop photovoltaic systems are permitted and not subject to Design Review. Rooftop photovoltaic or other solar or wind energy systems are not required to be screened.

5. Consistent Colors and Materials. The color of all flashing, vents, gutters, exhaust fans/ventilators, and pipe stacks shall match the adjacent roof or wall material and/or color.

6. Equipment Noise. New permanent mechanical equipment such as a motor, compressor, pump or compactor which would be a source of structural vibration or structure-borne noise in excess of town standards shall be shock-mounted with inertia blocks or bases or vibration isolators.

8.210.170 Lighting.

A. Purpose: The purpose of this section is to provide adequate and attractive lighting at the pedestrian scale while also avoiding light pollution with dark-sky compliant lighting.

B. Lighting Design.

1. Maximum Height of Freestanding Lighting. The maximum allowed height of freestanding lighting is as follows:

- (a) Within 100 (one hundred) feet of an exclusively Residential District (a district which only allows single-family or multi-family residential use as defined in Chapters 8.24, 8.31, 8.33, and 8.34 of the Moraga Town Code, not Commercial or Mixed Use Districts, even if they include or allow housing): 18 (eighteen) feet.
- (b) Other Locations: 25 (twenty-five) feet.

2. Attached Fixtures. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet, roof or eave of roof.

3. Lighting Styles. Lighting design must use colors and finishes to be coordinated with the architectural style of the building.

4. Pedestrian lighting. Pedestrian-oriented lighting shall be provided along all sidewalks and pathways.

5. Light Pollution Reduction. All exterior lighting shall be directed downward or inward toward the property and shall be dark sky compliant. Unshielded fixtures shall not be used.

6. Light Quality. Lighting for public areas shall be 4,000 (forty thousand) kelvin or less to provide a warmer light quality.

C. Lighting Levels.

1. Parking Lighting. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during one hour prior to sunset and one hour after sunrise. Fixtures shall be dark sky compliant.

2. Pedestrian Access Lighting. Aisles, passageways, walkways, and recesses related to and within a development shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. Fixtures shall be dark-sky compliant.