



Town of Moraga
 PLANNING DEPARTMENT
 329 Rheem Boulevard
 MORAGA, CA 94556
 Phone: (925) 888-7040 Fax: (925) 376-5203
www.moraga.ca.us
planning@moraga.ca.us

For Staff Use Only

File #: _____

Deposit #: _____

SUBDIVISION APPLICATION FORM

Conceptual Development Plan

SUBDIVISION NUMBER: Not yet assigned

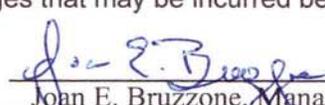
For a subdivision of five (5) lots or more, call the Contra Costa County Planning Department at (925) 299-0263 to obtain a subdivision number. For a subdivision of four (4) or less lots, call the Town of Moraga Planning Department at (925) 888-7040 to obtain a minor subdivision number.

PROPERTY ADDRESS: Canyon Road, Moraga, CA. **ZONING:** See Exhibit 'A', attached

ASSESSORS PARCEL NUMBER(S): _____

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME: <u>Joan E. Bruzzone, Manager of the LLC's</u>	NAME: <u>See Exhibit 'B', attached hereto</u>
ADDRESS: <u>899 Hope Lane</u>	ADDRESS: <u>899 Hope Lane</u>
CITY/STATE/ZIP: <u>Lafayette, CA 94549-5131</u>	CITY/STATE/ZIP: <u>Lafayette, CA 94549-5131</u>
PHONE: <u>925/284-4369</u>	PHONE: <u>925/284-4369</u>
EMAIL: <u>joanbruzzone@comcast.net</u>	EMAIL: <u>joanbruzzone@comcast.net</u>

An application for approval of a Subdivision requires an initial deposit of \$12,000.⁰⁰. A minor subdivision application requires a \$6,000 deposit. Additional fees and deposits may be required at a later stage in the application process. An applicant is responsible for all charges associated with processing the application. Appeals to decisions may require additional deposits to cover charges for public notices, meeting minutes and town consultants. Clear, complete and consistent applications require less staff time and thus are less expensive to process.

APPLICANT / OWNER AUTHORIZATION
<p>CHOOSE ONE:</p> <p><input type="checkbox"/> I am the property owner and hereby authorize the filing of this application.</p> <p><input checked="" type="checkbox"/> I am the applicant and am authorized by the owner to file this application.</p> <p>By signing below the applicant acknowledges the Town of Moraga deposit account system and agrees to pay any additional charges that may be incurred beyond the initial deposit.</p> <p>SIGNATURE AND DATE: <u></u> <u>1 Dec 17, 2016</u></p> <p style="text-align: center;">Joan E. Bruzzone, Manager of the LLC's</p>

OTHER CONTACT INFORMATION AND PROJECT CONSULTANTS

PROJECT GEOTECHNICAL ENGINEER	PROJECT CIVIL ENGINEER
NAME: <u>See Exhibit 'C', attached</u>	NAME: <u>See Exhibit 'C', attached</u>
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
EMAIL: _____	EMAIL: _____

PROJECT ARCHITECT OR DESIGNER	LANDSCAPE ARCHITECT
NAME: <u>See Exhibit 'C', attached</u>	NAME: <u>See Exhibit 'C', attached</u>
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
EMAIL: _____	EMAIL: _____

SUBDIVISION APPLICATION OVERVIEW

The California State Subdivision Map Act in combination with Moraga's Subdivision Ordinance requires any property owner wanting to divide their property into two (2) or more separate parcels to complete a subdivision application. Conversion of apartments to condominiums or stock cooperatives also requires approval of subdivision. A "major" subdivision is an application for five (5) or more lots. Division of property into four (4) parcels or less is called a "minor" subdivision. The process for approval of a major or a minor subdivision in Moraga is basically the same.

NOTE: If the total number of lots proposed for a property under one ownership exceeds four (4), then the applicant is required to file for a major subdivision. An applicant CANNOT file for two or more minor subdivisions on the same or adjacent parcel(s). This ensures that the cumulative impacts of the subdivision can be properly addressed during the environmental review process (CEQA, California Environmental Quality Act) and that the limit of four new parcels for a minor subdivision is not exceeded. However, an applicant may develop a major subdivision in phases after the tentative map is approved.

SUBDIVISION APPLICATION PROCESS:

Please carefully review the process for filing for a subdivision. You are responsible for understanding your obligations regarding the subdivision application procedure.

A. PRELIMINARY RESEARCH

1. Schedule a preliminary meeting with a Town of Moraga planner to determine whether subdivision of the property conforms with the Town's General Plan and Zoning Ordinance for density; to discuss other procedures that may be required *prior* to filing for a subdivision; to review files on previous applications, if any, for the same site; and to obtain copies of applicable ordinances and policies.
2. Check with public utilities (Central Contra Costa Sanitary District, East Bay Municipal Utility District, Pacific Gas and Electric, etc) to determine the availability of services in the project area.

3. Check with the Town and the Moraga-Orinda Fire District regarding proposed street widths, location of fire hydrants, and other fire safety issues affecting the project site.
4. After reviewing the Town's Subdivision Ordinance and submittal requirements for a tentative map, arrange a second meeting with the planning staff to discuss any exceptions or variances that may be required for approval of the application.

B. Public Information

1. **RECOMMENDED:** The applicant should contact property owners near the project (within approximately 300 feet) to advise them of the plans and determine their concerns regarding the project prior to submittal of the application. Because public hearings may be adversarial at times, a preliminary meeting with neighbors under more relaxed circumstances could help resolve differences of opinion or provide an opportunity for changes in the plans to address the neighborhood concerns.
2. In the case of condominium conversion, no less than sixty (60) days prior to the filing of a tentative map, the subdivider should give notice of such filing to each person applying after such date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant. The form used for notification can be found in this application on page 14.

C. Submittal and Review for Completeness

1. The completed application, all required information, plans, and filing deposits must be submitted to the Moraga Planning Department at 329 Rheem Blvd, Moraga, CA 94556. Applications *cannot* be submitted by mail. Applications must be submitted in person to the Planning Department during regular counter hours (M-F 1-5pm, except holidays). The applicant or a designated representative must submit the complete application at one time unless the Planning Director has authorized a different procedure.
2. At the time the subdivision application and tentative map are filed, the applicant must make any requests for exceptions or variances to the Subdivision Ordinance or Zoning Ordinance, including justification for why each exception should be granted.
3. The applicant must state their intentions with regard to park dedications or payment of Park Dedication in-lieu fees, including any requests for partial credit.
4. A planner will check the application submittal to determine whether it can be accepted; however, the Town has thirty (30) days to review the submittal in detail and request additional information prior to confirming that the submittal is complete. If the application is missing more than two (2) items, the Planning Department may return the entire application submittal with a checklist of the missing information.
5. When the subdivision application has been deemed complete, the Town will forward copies of the tentative map to other public agencies within seven (7) calendar days for review and comment. Agencies must respond within twenty-five (25) calendar days of receiving the map.

D. Environmental Review

1. The project planner will begin an environmental analysis to determine whether the project qualifies for a categorical exemption from CEQA.
2. If the project is not exempt from CEQA, then the project planner will prepare a draft *Environmental Initial Study* (EIS). The EIS will either recommend a *Negative Declaration* that the subdivision will not have a significant impact on the environment or an *Environmental Impact Report* (EIR). If it is very obvious that there will be some significant impacts that cannot be mitigated to a less than significant level, then staff will recommend that an EIR should be prepared prior to expending staff time on completion of an EIS.

3. If an EIS is prepared with a recommendation for a Negative Declaration, the recommendation will first be considered by the Moraga Planning Commission (PC) prior to any discretionary decision on the project. If the PC agrees with the EIS recommendation that the project will *not* have a significant effect on the environment, then they may adopt a Negative Declaration for the project. In many cases that recommendation is for a “Mitigated Negative Declaration,” which means that any significant impacts can be mitigated by revising the project in specified ways. Such mitigation measures would be included as conditions of approval for a project.
4. If a Negative Declaration was approved by the Planning Commission or an EIR was prepared at an earlier stage of review (i.e., Conceptual Development Plan), then no further environmental review will be required prior to consideration of the subdivision application.
5. If an EIR is required for the project, then the project planner will prepare a request for proposals to be sent to at least three (3) environmental consultants. When the consultant’s bids have been received by the Town, the Planning Director will review the proposals and a consultant will be selected to prepare the EIR. The applicant will be required to submit a deposit to cover the cost of preparation of the EIR plus 25%. The process of selecting a consultant for the EIR takes approximately 30 days. In order to save time, an applicant may request that an environmental consultant be selected without the bidding process; however, the cost of the EIR may be higher.
6. After an EIR consultant is selected, a “Notice of Preparation” and a notice for a public meeting will be sent to property owners and residents within 300 feet of the project. The notice will also invite interested parties to a field trip on the site prior to the public meeting. The meeting is an opportunity for the applicant to make a presentation of the project to the residents in the community and respond to questions from the public. The EIR consultant will attend the meeting and make note of issues that should be addressed in the EIR. No action on the project will be taken at the meeting. The purpose of the meeting is to introduce the project to the public and solicit their concerns prior to commencement of work on the EIR.
7. When the draft EIR is completed, copies are distributed to the applicant and various public agencies for a 45-day review period. A “Notice of Completion” and a Public Hearing Notice of the meetings scheduled for certification of the EIR will be sent to the property owners and residents within 300 feet of the project.
8. An EIR will include mitigation measures that must be implemented to avoid or reduce any significant effects on the environment. Once approved by the Planning Commission, these mitigation measures will be made conditions of approval for a project. An applicant should review the mitigation measures carefully to determine whether they are acceptable because the conditions of approval derived from the mitigation measures cannot be changed after the EIR is certified without holding another Public Hearing on the EIR.
9. If environmental review is required by the State Department of Fish and Game, an additional fee of \$1,275.00 is required for evaluation of a Negative Declaration and \$875.00 is required for review of an EIR. The fee for the Department of Fish and Game is due after a “Notice of Determination” has been filed by the Town.

E. Design Review of Conceptual Plans

1. For new subdivisions of vacant land, the Design Review Board (DRB) will review and comment on the conceptual building elevations and site development concepts before Planning Commission action on the tentative map. Each proposed subdivision will also be reviewed by the DRB in connection with the solar envelope for each lot to assure that proper consideration is given to the reasonable utilization of solar energy.

F. Credit of Park Dedication Fees

1. A request from the applicant for partial credit of Park Dedication Fees, not to exceed 50%, will be referred to the Parks and Recreation Commission for a recommendation to the Town Council. The

Planning Commission will also be informed of the Parks and Recreation Commission's recommendation. If the applicant intends to build park and recreation facilities with the subdivision, the Planning Commission will determine whether the proposed facilities are appropriate in relation to land use and circulation.

2. Following the Planning Commission's approval of a subdivision application and tentative map, the issue of credit for Park Dedication fees plus any other issue referred to or called up by the Council will be heard by the Town Council. The Council makes the final determination regarding partial credit for Park Dedication Fees.
3. The Park Dedication Fees must be paid prior to approval of the Final Subdivision or Parcel Map. In order to determine the amount due, an appraisal of the property is required. The appraisal must be current (not more than 12 months old) when the Town Council considers approval of the Final Subdivision Map.

G. Submitting Additional Information

1. The applicant may submit revisions to the tentative map, preliminary grading plans, conceptual building elevations and/or other additional information to address issues raised in the environmental report (either the Initial Study or EIR); however, significant changes to a plan could require additional environmental review. If a "revised" plan is in fact a totally new plan, the Planning Department may consider the submittal as a new application.

H. Analysis and Public Hearing

1. The project planner will visit the subdivision site, determine the consistency of the subdivision with the Town's General Plan and Zoning Ordinance, and prepare a staff report to the Planning Commission. The staff report will include a recommendation for approval or denial of the project, with conditions of approval, if appropriate, or with reasons for denial.
2. A positive or negative staff recommendation is not the final decision on the project. The ultimate decision is based on the Planning Commission's evaluation of all the information available, including: public testimony, staff's analysis of the application, and the applicant's response to issues raised by the public and staff.
3. A notice will be sent to the applicant and to all residents and property owners within 300 feet of the site at least ten (10) days prior to the Planning Commission's public hearing on the application. If a negative Declaration will be considered prior to action on the tentative map, then the notice will be sent twenty-one (21) days before the hearing date. If certification of an EIR is required before action on the tentative map, then the notice will be sent forty-five (45) days before the hearing.
4. The Planning Commission will hold at least one public hearing on the subdivision application.

I. Submittal of Final Map or Parcel Map

1. Once the tentative subdivision map is approved, the time limit for recording the final map or parcel map is twenty-four (24) months, unless the Planning Commission extends this time limit.
2. The decision of the Planning Commission is final unless a written notice of appeal, specifying the grounds for appeal and including the appropriate appeal fee, is submitted to the Planning Department within ten (10) calendar days from the date of the Commission's action. The Town Council will then consider the appeal.
3. Before the Town Council can schedule the final map for approval, the applicant must comply with the conditions of approval for the tentative map. The Town Engineer will review the improvement plans and the Town Attorney will check all legal documents, such as the Subdivision Improvement Agreement, Deed Restrictions or a Declaration of Covenants, Conditions and Restrictions (CC&R's).

4. All fees, bonds, and deposits required by the conditions of approval for the tentative map, such as Park Dedication fees, Transportation Impact fees, and fees for review and inspection of subdivision improvements, must be paid prior to Town Council action on the final subdivision map or parcel map. In addition, all expenses incurred by the Town for work on the application by the Town's staff or consultants shall be paid in full before approval of the map is scheduled on the Town Council's agenda.

PROJECT DESCRIPTION:

See project description prepared by Loewke Planning Associates, attached hereto.

GENERAL INFORMATION

1. Name of Subdivision: Indian Valley

2. Location of Subdivision: Approximately 0.9 miles south/southwest of Camino Pablo fronting on the northwest side of Canyon Road opposite and west of the Valle Vista Staging Area.

3. Assessor's Parcel Number(s): See Exhibit 'B', attached hereto and Sheet 1 of 22 of the Conceptual Development Plan set.

4. Total acreage of proposed development: 140.90+/- acres of proposed development area
450.49+/- acres per CCC Assessor
452.60+/- acres total ownership per Title Report

5. Existing use or uses of the property: _____
A single family home, abandoned orchard and cattle grazing.

6. Proposed use or uses of the property and the approximate proportion of the total area of the property for each proposed use: Development Area is 140.90+/- acres with
71 single family detached clustered homes, including private roads, on 50.20+/- acres or 36%
Open Space Area (Parcels A, B and C) of 90.50+/- acres or 64%
Canyon Road Right of Way dedication is 0.20+/- acres or less than 1%
Remainder Parcel is 311.70+/- acres

7. Description of proposed subdivision, including type of development (Single Family, Townhouse, Apartment, etc.), number of lots, average and minimum lot size: _____

See project description prepared by Loewke Planning Associates.

UTILITIES AND SUBDIVISION IMPROVEMENTS

1. Source of water supply: If the source is EBMUD, indicate whether this subdivision will require installation of new tanks or extension of water mains in existing Town streets. If the source is not a public utility, give source, quality, and approximate quantity: The source of the water supply will be EBMUD. Existing water mains near the intersection of Camino Pablo and Canyon Road will be extended to and within the proposed project.

2. Methods of sewage disposal: Indicate whether this subdivision will require extension of the CCCSD sewer pipes in existing Town streets: Yes, see above for same location of sewer mains.
Will this project involve any reclamation of waste water? No
State the number of lots that will not be connected to the CCCSD system: None
What is the area of each lot that will be connected to a septic tank and leach field? None

3. Subdivision drainage: Indicate how you plan to drain any area of the property subject to flooding or inundation by waters flowing into the subdivision: All of the project lots and roadways will drain to bioretention/bioswale areas located within the project site for cleaning prior to entering the project storm drain system.

4. Flooding of adjacent properties: Indicate how you plan to prevent flooding or inundation of adjacent properties by waters flowing from the subdivision: All of the storm water flow generated by this project flowing off site will be at the save level or below pre-construction levels.

5. List other improvements proposed with the subdivision: The project is proposing approximately 2.0 miles of trails and landscape improvements. This includes extending the Lafayette-Moraga Regional Trail over 2,000 feet along Canyon Road past the project and will then connect with a new proposed trail that runs northwesterly along Indian Creek for over an additional mile looping back along Indian Creek Way to the Regional Trail at Canyon Road.

DEVELOPMENT SCHEDULE AND PHASING OF CONSTRUCTION

1. Time at which improvements are proposed to be installed: _____

Within one (1) year of recordation of the Final Map.

2. Will the subdivision be developed in phases? Yes

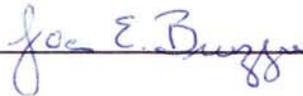
If so, over what time period?

Grading and Site improvements will be constructed in one phase over a two year period, following the recordation of the Final Map. Then homes will be constructed in 5 phases, or some combination thereof, depending on market conditions, over an anticipated five year period.

CERTIFICATION

I hereby certify that the statements and information furnished above are true and correct to the best of my knowledge and belief.

Printed Name of Applicant: Joan E. Bruzzone, Manager of the LLC's

Signature of Applicant:  Date: Dec. 17, 2016

COMPLIANCE WITH TOWN OF MORAGA DESIGN GUIDELINES:

The Town Council adopted new design guidelines on July 11, 2007 and approved revisions on January 9, 2008. The new guidelines are available on the Town website, www.ci.moraga.ca.us and copies of the guidelines are also available in the Planning Department at 329 Rheem Boulevard, Suite 2 during normal business hours. Please review the design guidelines and determine whether your project as submitted requires any exceptions to the guidelines. ***If you believe your proposal warrants an exception to the guidelines, you will need to submit a written statement with the justification of each requested exception and attach it to this application form.*** Please note that there are some new design guidelines pertaining specifically to subdivisions, such as compliance with the "Build it Green" rating requirements.

The design guidelines listed below are primarily for grading and hillside development. If your subdivision will have construction of buildings on hillside land, you should review the complete list of design guidelines. Please review the design guidelines and related questions below and circle the appropriate response.

3 MAINTAIN THE TOWN'S SEMI-RURAL CHARACTER (SRC)

SRC1 Retain, protect, and utilize existing natural features, such as trees and other vegetation, interesting ground forms, rocks, water, and significant views in the design.

YES NO NA

SRC5 Preserve natural site amenities.

a. Development is planned in relation to natural features. YES NO NA

b. Natural features will be protected during and after construction. YES NO NA

- c. Trees and other native vegetation will be retained, consistent with tree preservation ordinance, to maintain current stability of steep hillsides, retain moisture, prevent erosion, and enhance the natural scenic beauty. **(YES / NO / NA)**
Grading under tree drip lines will be avoided to protect the root system during development. **(YES / NO / NA)**
- d. Significant natural features, such as creeks, rock out-croppings, and prominent knolls, have been treated as assets. **(YES / NO / NA)**

SRC8 Mature native tree groupings will be protected. **(YES / NO / NA)**

SRC9 Improvements are sited away from creeks to enhance safety and to protect existing drainage patterns, riparian habitat, and wildlife. **(YES / NO / NA)**

4 PROTECT RIDGELINES AND HILLSIDE AREAS (RH)

RH1 Ridgelines are protected from development. **(YES / NO / NA)**

RH2 New development is sited in areas that are least sensitive in terms of environmental and visual resources, including areas of flat or gently sloping topography. **(YES / NO / NA)**

RH6 The proposed hillside grading blends with the natural slopes and is contoured to achieve a natural appearance. **(YES / NO / NA)** The use of retaining walls and other man-made grading features to mitigate geologic hazards has been avoided. **(YES / NO / NA)**

RH8 In hillside areas, solid board privacy fences have only been used when located close to the residence. **(YES / NO / NA)**
Perimeter fencing on hillsides is visually open (i.e., split rail or deer fencing) in order to minimize the visual “ribbon-like” effect of fencing on the hillsides. **(YES / NO / NA)**

RH10 Both close-up and distant views of the natural hillside and ridgeline landscape as seen from valley areas has been preserved. **(YES / NO / NA)**

7 MINIMIZE THE IMPACTS OF DEVELOPMENTS (ID)

Is the proposed development located in areas that are least sensitive in terms of environmental and visual resources, including: a) areas of flat or gently sloping topography outside of flood plain or natural drainage areas; b) the Moraga Center and Rheem park area; c) Infill parcels in areas of existing developments? **(YES / NO / NA)**

ID1 Are downhill or uphill portions of the project landscaped to: a) address potential soil erosion; b) complement adjacent developments and provide a pleasing view from distant horizons? **(YES / NO / NA)** Does the project use dense native landscaping blend hillside structures with the natural setting? **(YES / NO / NA)**

ID3 Does the project provide wind barriers, shade, sound absorption, dust abatement, glare reduction, and proper drainage on site? **(YES / NO / NA)**

ID5 Geologic hazards shall be addressed as follows:

- a. Is any construction proposed in geologic hazard areas identified as landslides, springs, or earthquake fault zones? **(YES / NO / NA)**
- b. Has the risk of off-site geologic property damage been minimized by locating the development away from areas which are vulnerable to slope failure? **(YES / NO / NA)**
- c. Has professional evaluation of the soil conditions and potential geologic hazards been completed for any residential structures in the development? **(YES / NO / NA)**

ID9.1 Does the site design and building method minimize impervious surfaces? **(YES / NO / NA)** Have directly connected impervious surfaces been minimized to avoid excessive concentrated stormwater runoff? **(YES / NO / NA)** Is any runoff from impervious surfaces directed to pervious areas or landscaped depressions? **(YES / NO / NA)**

- ID9.2 Impervious paving may be reduced by using various types of permeable materials for pedestrian walkways, parking facilities, and areas with light traffic.
- Does the project use unit pavers-on-sand such as turf block, brick, natural stone, or concrete unit pavers? (YES / NO / **NA**)
 - Does the project use poured pervious surfaces such as pervious concrete or pervious asphalt (YES / NO / **NA**)
 - Does the project use granular materials such as crushed shells, gravel, aggregate base, cobbles, decomposed granite or wood mulch? (**YES** / NO / NA)
- ID10.1 Is the proposed grading for the project in accordance with an approved development plan that has been found to be geologically safe and aesthetically pleasing? (YES / **NO** / NA)
- ID10.2 Is the pre-development average slope in the area to be graded less than 20%? (**YES** / NO / NA) If "YES" see Moraga Municipal Code Section 14.08.010 for grading permit procedures.
- ID10.3 Is the pre-development average slope in the area to be graded greater than or equal to 20%? (**YES** / NO / NA) If "YES" then development is prohibited in MOSO areas. Grading on slopes steeper than 20% shall be avoided in other zoning districts, but may be permitted if supported by site-specific analysis and the grading is consistent with Moraga Municipal Code Title 14. If the project requires grading on a slope of 20% or more, has soil displacement and the use of retaining walls been minimized by using contour grading techniques? (**YES** / NO / NA)
- ID10.4 Is grading proposed on a pre-development average slope of 25% or greater? (**YES** / NO / NA) If "YES" the proposed grading can only be authorized by the Town Council where it can be shown that a minimum amount of grading is proposed in accordance with General Plan Policy LU1.8 and the grading is not incompatible with all other policies of the General Plan. Are any new residential structures or homes proposed on after-graded average slopes of 25% or steeper? (**YES** / **NO**) If "YES", are the new residential structures proposed on existing lots that were either legally created after March 1, 1951 or specifically approved by the Town Council after April 15, 2002? (YES / NO) If "NO", the residential structures are prohibited.
- ID10.5 Are cut slopes placed behind buildings or other structures where they will be screened from view? (YES / **NO** / NA)
- ID10.6 Preserve the natural topography of the land, especially at the horizon:
- Are the graded slopes rounded off in a manner that conforms to the natural contours of the land and to the surrounding terrain? (**YES** / NO / NA) Are there any sharp angles at the top and toe of graded slopes? (**YES** / **NO** / NA)
 - Are slopes contour graded to achieve a natural appearance? (**YES** / NO / NA)
 - Are the slopes blended with the contours of contiguous properties to create a smooth transition? (**YES** / NO / NA)
 - Does the proposed grading minimize scars due to cuts, fills, and drainage benches on natural slopes? (**YES** / NO / NA)
- Does the proposed grading have cuts or fills that result in slopes steeper than 3:1 (horizontal to vertical)? (**YES** / NO / NA) If "YES", and the grading of steeper slopes is unavoidable, does the grading plan include special mitigation measures for the design construction and maintenance of the slopes? (YES / NO / **NA**)
- ID11.1 Retaining walls (excluding foundation retaining walls) and other man-made grading features may only be used to mitigate geologic hazards when:
- Are the retaining walls required to decrease the possibility of personal injury or property damage? (YES / **NO** / NA)
 - Are the retaining walls designed to blend with the natural terrain and avoid an artificial or structural appearance? (**YES** / NO / NA)
 - Are the retaining walls appropriately screened by landscaping? (**YES** / NO / NA)

- d. Are the retaining walls designed to avoid creating a tunnel effect along roadways and to ensure unrestricted views for vehicular and pedestrian safety? **(YES / NO / NA)**
- e. Are the retaining walls designed to ensure minimal public and/or private maintenance costs? **(YES / NO / NA)**

ID11.2 Are there any proposed exterior retaining walls over five feet in height? **(YES / NO / NA)** If “YES”, an exception is required to this design guideline. Are there any retaining walls higher than three feet that are visible from off site? **(YES / NO / NA)** If “YES” they require an exception to this design guideline. Is the total height of a retaining wall and fencing on top of the wall higher than eight feet? **(YES / NO / NA)** If “YES”, Design Review Board approval is required. **NOTE:** a guardrail or handrail may be located on top of a retaining wall provided a solid fence does not support the guardrail or handrail.

ID11.3 A retaining wall exceeding 3 feet requires professional engineering, a building permit, and may require a grading permit. As required by design guideline ID11.2, Design Review Board approval is required if a retaining wall exceeding 3 feet is visible from off-site. Will any proposed retaining walls for your project require professional engineering? **(YES / NO / NA)**

ID11.4 Is the horizontal depth of the terraces between any stacked retaining walls a minimum of twice the height of the highest adjacent retaining wall? **(YES / NO / NA)** If “YES” the Design Review Board must consider an exception to this guideline.

ID11.5 Are there any retaining walls proposed closer than three feet to a property line. **(YES / NO / NA)** If “YES” an exception is required to this guideline.

- ID12.2 Regulations set forth by the San Francisco Bay Regional Water Quality Control Board (RWQCB) shall apply to all new or redeveloped residential and commercial projects:
- a. Does the project create or replace more than 10,000 square feet of impervious surface? **(YES / NO)** If “YES”, then the site must comply with Provision C.3 of the Town’s Stormwater Permit.
 - b. Relative to the 10,000 square foot threshold, will the project include replacement of 50% or more of the existing impervious surface? **(YES / NO)** If “YES”, then 100% of the site must comply with Provision C.3 of the Town’s Stormwater Permit.
 - c. Relative to the 10,000 square foot threshold, will less than 50% of the existing impervious surface be replaced? **(YES / NO)** If “YES”, then Provision C.3 of the Town’s Stormwater Permit only applies to the portion of impervious surfaces that are replaced.

NOTE: Exemptions include: Single-family homes that are not part of a larger development and routine maintenance work such as replacement or resurfacing of roofs and pavements. All new projects must retain pre-project hydrology. The Provision C.3 requirements of the Town’s Stormwater Permit are separate from, and in addition to, any requirements for erosion control and pollution prevention measures during construction (see also the Moraga Municipal Code section 13.04 and Town Council Resolution 9-96).

- ID12.3 Do site constraints on your project rule out the use of landscape infiltration for treatment of stormwater runoff? **(YES / NO / NA)** If “YES”, manufactured treatment systems can be inserted into the conventional storm drain system and a detailed operation and maintenance plan shall be submitted with the design application (see www.cccleanwater.org/construction for the C.3 *Stormwater Guidebook*). Will your project employ any of the following options:
- a. Catch basin or inlet inserts **(YES / NO)**
 - b. Separators (oil-grit or oil-water) **(YES / NO)**
 - c. Media filters (sand, gravel, peat, compost, activated carbon, fabric, or resin) **(YES / NO)**
 - d. Various filtration treatment devices **(YES / NO)**

ID12.4 Does the drainage for your project follow natural flow patterns? **(YES / NO)** Where appropriate, does the proposed drainage allow for wide area flow patterns or dispersal, rather than concentrating the flow at one point? **(YES / NO / NA)**

- ID12.5 If the project is a new development, is all stormwater treated by "Best management Practices" (BMPs) prior to discharge into the Town's storm drain system. **(YES / NO / NA)**
- ID12.6 Does the project include a sufficient number of drains behind retaining walls and in the crawl space under the foundation? **(YES / NO / NA)** Are there sufficient drains to drain any areas that may be divided by internal grade beams under the structure? **(YES / NO / NA)** Are the drains behind retaining walls and under crawl spaces directed to landscape areas or to a manufactured treatment system prior to discharge to the storm drain system? **(YES / NO)** Is the drainage system consistent with Moraga Municipal Code section 13.04.060d? **(YES / NO)**

SUBMITTAL REQUIREMENTS SUBDIVISIONS:

Carefully review the plan submittal requirements for Subdivisions. Please be advised that an incomplete application will take longer and be more expensive to process.

A. COMPLETED APPLICATION FORM AND APPROPRIATE FEES OR DEPOSITS

The application form must be complete and signed by the applicant. The applicant is responsible for all costs incurred by the Town of Moraga in processing the application. Typical expenses include planning staff time, secretarial time, publication and postage for public notices, and Town consultant fees. If at any time during the process the amount remaining on deposit is insufficient to cover the cost of further review, all work on the application will stop until additional funds are submitted.

B. EXPLANATION FOR ANY VARIANCES TO THE SUBDIVISION ORDINANCE

Any variations to the requirements of the Town's Subdivision Ordinance must be specifically requested *in writing*. Graphic representations on the tentative map that are contrary to the requirements of the Subdivision Ordinance will *not* be considered a request for a variance. The applicant's rationale supporting any variance must be included in the written request for the variance. Examples of variances to the Subdivision Ordinance include but are not limited to: reduced street widths, waiver of frontage improvements or sidewalks, non-conforming street grades, and reduction of park dedication fees.

C. ENVIRONMENTAL INFORMATION FORM

The following deposits and fees are required depending upon the level of CEQA review necessary:

- \$5,000 deposit for preparation of an Environmental Initial Study (EIS) by the planning staff
- Deposit equal to consultant's bid + 25% prior to the preparation of an Environmental Impact Report (EIR)
- \$850 fee for review of an EIR by the California Department of Fish and Game (if applicable)
- \$1,250 fee for evaluation of an EIS and Negative Declaration by the California Department of Fish and Game (if applicable)
- \$25 check to Contra Costa County for filing the environmental determination

NOTE: An Environmental Information Form will not be required if an EIR or Negative Determination was completed when a Conceptual Development Plan of Use Permit was processed.

D. TENTATIVE SUBDIVISION MAP (NOT AT THIS TIME, THEREFORE N/A)

You must submit 27 copies of the tentative map for a major subdivision or 14 copies for a minor subdivision. The tentative map must display the following characteristics:

- For a Vesting Tentative Map, the map should have printed conspicuously on its face the words "Vesting Tentative Map."
- The map must be clearly and legibly drawn on one sheet, unless the Planning Department gives written permission for more than one sheet.
- The map must be drawn to an engineer's scale no smaller than 1 inch equals 100 feet and large enough to clearly show all required information.

- The scale used must be indicated on the map.
- The measurements shown on the map shall include the length of all property lines, the width of streets and easements, and the areas of lots.
- The title of the map must contain the subdivision number and the type of subdivision, and may include a subdivision name selected by the applicant.
- The map must include the names and addresses for the legal owner of the property, the subdivider, and the person or persons who prepared the map.
- There must be included on the tentative map a small vicinity map showing roads and other information sufficient to locate the proposed subdivision and show its relative position in the community.
- The map must be oriented with the north arrow directed toward the top of the sheet.
- The map must show existing property lines around the subdivision, with the names of the owners on record of the properties abutting the subdivision.
- The map must show existing topographical contours. The contour interval should not be greater than 2 feet if the ground slope is less than 10%, and at such intervals that the contour lines do not spread more than 150 feet apart when measured horizontally.
- The contour interval used must be specified on the map.
- The map must show boundary lines and identify the existing land use zones within and adjacent to the proposed subdivision.
- The map must show all existing features and constraints on the property, including:
 - The location of existing structures; the edges of pavement for existing streets, private roads, driveways, and other paved areas; wells and springs; utility poles; and overhead and underground utility lines.
 - Boundaries of existing easements. Identify the purpose of the easements and describe any exclusions or deed restrictions on the property.
 - The location and species of all trees or, if massed, the outlines of the tree mass. Trunk diameter must be noted for all trees 5 inches or more in diameter and for trees with multiple trunks where the measurement around the trunks is 40 inches in diameter when measured 3 feet above the natural grade.
 - Existing natural creeks and existing drainage facilities, such as drainage channels, storm drains, and culverts.
 - Any area on the property with a geologic or potentially hazardous soil condition and areas subject to flooding or ponding.
- The map must show the proposed lot layout and include the following information:
 - The dimensions of each lot. Lots must conform to the Zoning Ordinance as to size and minimum dimensions. Lots not served by public sewers must not be smaller in area than the Health Department approves for septic tanks and drain field installation.
 - The area of each lot. The lot area should not include streets, access easements, or driveways used as access to lots that do not have direct frontage on a street.
 - Each lot in a major subdivision (5 or more lots) must be identified with a lot number, beginning with lot number "1". Each lot in a minor subdivision (4 lots or less) must be identified with a "Parcel" letter, beginning with "Parcel A". Numbers or letters must be consecutive with no omissions or duplicates.
 - Side lot lines must be substantially at right angles or radial to street lines.
- The map must show proposed subdivision improvements and easements as follows:
 - Show preliminary plans for frontage improvements along existing streets with any proposed street widening and/or right-of-way dedications.
 - Show the width of proposed streets, approximate grade, and radius of curves along property lines. The new streets and private drives must be identified with letters beginning with street "A", unless new street names have been approved by the Moraga Historical Society, Moraga Police Department, and Moraga-Orinda Fire District.
 - Show the location and width of all proposed easements, such as access, drainage, sanitary sewer (CCCSD), water (EBMUD), power (PG&E), open space, or scenic easements.

- Areas to be used for public purposes must be identified on the map, such as trails, recreational areas, or any areas which the subdivider has used as a basis for a request to reduce the Park Land Dedication requirements.
- Include on the map typical geometric sections for streets showing pavement width, curbs, sidewalks, grading in margin strips, slopes of cuts and fills, and other construction proposed.
- If the subdivision is to be developed in increments, the map must indicate the location and sequence of development by phase numbers.

E. ADDITIONAL REQUIREMENTS FOR ALL VESTING TENTATIVE MAPS

In accordance with Ordinance Number 108, Section 94-3.008-D(2), all plans and exhibits listed below for a “Conceptual Development Plan” (MMC Section 8.48.090), “General Development Plan” (MMC Section 8.48.110) and “Precise Development Plan” (MMC Section 8.48.120 must be submitted with an application for approval of a Vesting Tentative Map.

Conceptual Development Plan Submittal: 12 copies of plans or exhibits showing:

- Existing topography and anticipated grading.
- Land uses, building intensities, residential density analysis and estimated population.
- Circulation pattern for vehicular and pedestrian ways and its relation to public and private streets.
- Parks, playgrounds, trails, school sites and other open spaces.
- Conceptual drawings showing the architectural design theme proposed for the buildings.
- Delineation of the units to be constructed in progression, if any.
- Relation of the use to future land use in the surrounding area.
- An analysis of the project in relation to the general plan.
- A preliminary evaluation of the public economic costs associated with the project.
- A preliminary evaluation of the impact on off and on-site public services and facilities.

General Development Plan Submittal: 12 copies of plans or exhibits showing:

- A sepia map with twelve (12) prints of a survey of the property, including specimen trees and tree masses, structures, streets, easements, utility lines, and land use.
- A sepia map with twelve (12) prints of a general development plan in conformity with the conceptual plan showing the appropriate information from the conceptual development plan and the approximate location and proposed density of dwelling units, non-residential building intensity, and land use considered suitable for adjacent property
- A schedule for the development of units to be constructed in progression.
- A description of the design principles for buildings and streetscapes.
- Number of acres in the project, the percent designated for various uses, the number of dwelling units proposed by type of dwelling, estimated residential population by type of dwelling.
- Estimated nonresidential population.
- Economic justification for nonresidential uses.
- Standards for height, open space, building intensity, population density, and public improvements proposed for each unit of development.
- If appropriate, information necessary for evaluation and assignment of fire zone designations, including type of construction, building height and area, proposed distances between buildings and distances to property lines.
- Evidence that the applicant has sufficient control over the land to carry out the proposed plan.
- Engineering feasibility studies.
- Any additional information or drawings which may be required by the planning commission, such as location of proposed drainage easements, scenic easements or areas covered by GADs (Geologic Abatement Districts).

Precise Development Plan Submittal: 12 copies of plans or exhibits showing:

- A site plan, showing each building, functional use areas, circulation and their relationship.
- Preliminary building plans, including floor plans and exterior elevations.
- Landscaping plans.
- Engineering plans, including site grading, street improvements, drainage and public utility extensions.

F. PRELIMINARY GRADING AND DRAINAGE PLANS

You must submit 12 copies of the preliminary grading and drainage plans. The plans should include the following information:

- Show proposed cut and fill areas for roads, driveways, and building sites.
- Report the estimated total cubic yards of soil to be moved on site, to be taken off the site, and to be imported to the site.
- Report the estimated total cubic yards of soil to be moved for: (1) grading roads and lots; and (2) landslide repairs and other geotechnical remedial work.
- Identify the location of storm drains, drainage channels, creeks and culverts. Show the direction of flow and the approximate grade.
- Show a preliminary plan for new drain pipes, including the proposed connection to existing storm drains.
- Show a plan for draining any area subject to flooding by waters onto or from the subdivision.
- Show the proposed improvements for mitigating any increase in peak run-off from the subdivision.
- Show the total existing and proposed impervious surface area on the project site, including the area of all roofs and paved surfaces. This information is required to determine compliance with the Contra Costa Clean Water Program Stormwater C.3 Guidebook, third edition, effective October 2006 and the Hydromodification Management Plan (HMP), effective October 16, 2006 approved by the Regional Water Quality Control Board for Contra Costa County.
 - If your impervious surface area exceeds 10,000 sq. ft., then you will be required to submit a **Storm Water Control Plan** and have a minimum area equal to 4% of the impervious surface area dedicated to infiltration. Your project engineer should show a sufficient area of the site reserved to satisfy the infiltration requirements. Refer to the “C.3 Guidebook” for full Plan and report requirements.
 - If your total impervious surface area is less than 10,000 sq. ft. but your project will increase the existing impervious surface area, then your drainage plan will need to comply with the Best Management Practices (BMPs) required under the Town’s NPEDS Permit. Typically, all roof drains and surface drains for new impervious surfaces must be routed through a biofilter, sand filter, or planted vegetated swale for ten or more feet prior to entering any storm drainage pipe or tight line drainage system.
 - Note that for preliminary drainage planning, designing landscaped areas to drain away from paved areas prevents them from contributing to area that must have treated drainage water.
- Show the *limit of grading line*, including the following areas:
 - The entire area of the site that will be disturbed, including all cut and fill areas
 - Areas to be used for stockpiling of soil
 - Areas needed for maneuvering grading equipment
 - Estimated limit of landslide remediation work
 - Graded debris benches or catchment areas recommended in the geotechnical reports
- The project engineer must calculate the existing (predeveloped) average slope of the area within the *limit of grading line* on the property. If the average slope is over 20% but less than 25%, then the Design review Board may review and consider approval of the grading. If the average slope is 25% or more, then approval by the Planning Commission and Town Council will be required.

G. GEOTECHNICAL OR SOILS REPORTS

You must submit 4 copies of a preliminary geologic and/or soils reconnaissance report prepared and signed by an engineering geologist or soil engineer. The required reports must be based on the latest grading plan for the subdivision and must reference the date of that grading plan. The format for the required geotechnical reports should include the following information:

- A detailed geologic map showing the location and extent of any geologic hazard or potentially hazardous soil condition warranting further evaluation within or immediately adjoining the subject property.
- Recommendations outlining an exploration program to fully define and delineate any geologic hazard or potentially hazardous soil condition, and to accurately identify developable areas.
- Conclusions regarding the effect of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the project site.
- Recommendations for redesign of the subdivision and/or recommendations for construction procedures to mitigate potentially hazardous conditions, if warranted.

NOTE: An additional deposit of **\$1,500** must be submitted for geotechnical peer review of the applicant's geologic and/or soil reconnaissance report by the Town's consulting geotechnical engineer. Supplemental reports may be required if deemed necessary by the Town's geotechnical consultant. The applicant is responsible for the full cost of geotechnical peer review in the event the cost exceeds the initial deposit.

H. CONCEPTUAL SITE DEVELOPMENT PLAN

12 copies of a conceptual site development plan must be submitted for:

- Any subdivision having an average slope in excess of 15%.
- Subdivision of a portion of larger parcel under single ownership. NOTE: The plans must show the proposed future development of the entire site.
- If the subdivision is located in a PD (Planned Development) zone (Also see Section E, above).

The plans should be submitted *prior* to the submittal of a tentative subdivision map. The plan must delineate the building envelope and any accessory structures that may ultimately be sited within the envelope. Additionally, conceptual building elevations for each building site must be submitted, unless upon the applicant's request the Design Review Board (DRB) waives this requirement before the tentative map is filed.

The DRB will review and comment on the conceptual site development plan and building elevations before Planning Commission action on the tentative map. The applicant should refer to the Town's Design Guidelines for building and subdivision design.

Story poles will be required by the DRB where new lots are adjacent to existing residential development to show the height of proposed structures at the corners and at the highest ridge of the roof. The story poles must be installed 10 days prior to the first public meeting and maintained throughout the process of public hearing on the tentative map.

I. SOLAR ORIENTATION INFORMATION

You must submit 9 copies of the solar orientation information.

- Each subdivision application must include a description of the allowable height and shape of an envelope zone for structures and evergreen vegetation designed to minimize shading of adjacent properties during the winter.
- A diagram of the shading pattern cast by the envelope on December 21 from 10:10 a.m. to 2:00 p.m. must be submitted with the tentative map. The envelope zone for the property and the shading from adjacent lots are to be included with the property deed. The restrictions on building height and evergreen vegetation can be included as easements or covenants that run with the property.

NOTE: Each proposed subdivision will be reviewed by the Design Review Board to advise and comment upon the proposed solar envelope for each lot to assure that proper consideration is given to the design of lots in subdivisions in order to provide for the reasonable utilization of solar energy.

J. HILLSIDE DEVELOPMENT PERMIT

A hillside development permit must be obtained for grading, clearing, or construction *on any property with a slope of 20% or greater*. This permit may be combined with an application for a tentative subdivision map.

Under Section 8-5906 of the Municipal Code, the required lot areas may be increased above the minimum when the reviewing body finds that, because of the slope, it is necessary to do so in order to assure that there will be a suitable building site for the approved type of residential building.

K. SCENIC CORRIDOR EXHIBITS

A visual representation of the development shall be required for new subdivisions that are within 500 feet and visible from a designated scenic corridor, such as Moraga Road, Rheem Boulevard, Saint Mary's Road, Bollinger Canyon Road, Moraga Way, Canyon Road, and Camino Pablo. The visual representation should be an accurate rendering of the proposed development superimposed on a photograph of the site and adjacent properties or a computer-generated rendering of the project. The angle of view for the rendering should be from eye level as the site is seen from the scenic corridor.

L. CONCEPTUAL LANDSCAPE PLAN

Conceptual landscape plans may be required to mitigate grading, to replace trees that were removed, to provide a buffer between the project and existing development, or to mitigate the view from a scenic corridor. The conceptual landscape plans should identify the general type of plants, such as evergreen trees, deciduous trees, flowering shrub, ground cover, etc. Landscape plans should be drawn to scale, showing the approximate size of the plants at full growth and with the proposed planting size specified next to the plant.

M. USE PERMIT

If the subdivision is located in an OS (Open Space) zone, then a Use Permit and status determination on the density of development will be required *prior* to submittal of a tentative subdivision map.

N. TITLE REPORT(S)

Preliminary title report(s) or deed(s) no older than 60 days from the date of the application.

O. LEGAL DOCUMENTS OR AGREEMENTS

A minimum deposit of **\$3,000** will be required for review of any legal documents by the Town Attorney, such as Covenants, Conditions, and Restrictions (CC&R's), deed restrictions, open space easements, deferred improvement agreements, or other documents.

ADDITIONAL NOTES:

- **Fold all plans to 8.5" x 14" or smaller.**
- Seven (7) additional sets of plans will be necessary if the application is appealed to the Town Council.
- Eight (8) additional sets of plans are required for submittal to the Design Review Board.
- The requirement for a preliminary geologic or soils reconnaissance report may be waived if the Planning Department determines that there are no apparent hazardous geologic or soils conditions within or adjacent to the subdivision based upon existing geotechnical reports on file with the Town. Waiver of this requirement for submittal of a tentative map would not release the applicant from the preparations of soils and foundation reports for grading and building permits.

Exhibit 'A'

General Plan and Zoning Information

List of attached exhibits:

General Plan Diagram from Moraga 2002 General Plan Update
Zoning Map – updated August 23, 2013 by Town of Moraga

Existing Town of Moraga General Plan Land Use Designations:

Residential - 1.5 du/ac
Open Space – 0.20 to 0.50 du/ac
MOSO Open Space – 0.02 to 0.05 du/ac

Existing Town of Moraga Zoning Residential District:

2-DUA

Exhibit 'B'
Applicant Information & Property Owner Information

Applicant:

Joan E. Bruzzone, Manager of the LLC's
899 Hope Lane,
Lafayette, CA 94549-5131

Property Ownership: *(total ownership areas per CCC Assessor)*

APN	AC±	Owner
257-180-037	35.55±	Moraga IV Development, LLC.
257-180-038	171.38±	Moraga IV Development, LLC.
257-180-040	3.08±	Moraga IV Development, LLC.
257-180-073	46.36±	Moraga IV Development, LLC.
271-120-016	0.11±	Moraga IV Development, LLC.
271-120-020	1.79±	RJB Indian Valley, LLC.
257-180-034	0.27±	RJB Moraga CC, LLC.
257-180-041	150.15±	Moraga IV Development, LLC.
271-120-015	41.80±	RJB Moraga CC, LLC.

Total = 450.49±

Note: *Total ownership area per the Title Report is 452.60+/- acres.*

Exhibit 'C'
Other Contact Information and Consultants

Geotechnical Engineer

Engeo, Inc.
2010 Crow Canyon Place, Suite 250
San Ramon, CA 94583-4673
Tel: 925-866-9000
Email: bramsdell@engeo.com
Attn: Brooks Ramsdell

Architect

Hunt Hale Jones, Architects, Inc.
444 Spear Street, Suite 200
San Francisco, CA. 94105-1693
Tel: 415-512-1300
Email: rhunt@hhja.com
Attn: Richard Hunt

Landscape Architecture

P/A Design Resources, Inc.
3021 Citrus Circle, Suite 150
Walnut Creek, CA 94598-3462
Tel: 925-210-9300
Email: ravedian@padesignresources.com
Attn: R. Ross Avedian

Environmental Consultants

Marylee Guinon, LLC
354 Bohemian Highway
Freestone, CA 95472-9578
Tel: 925-260-4346
Email: maryleeguion@gmail.com
Attn: Marylee Guinon

and

Olberding Environmental, Inc.
3170 Crow Canyon Place, Suite 260
San Ramon, CA 94583-1157
Tel: 925-866-2111
Email: jeff@olberdingenv.com
Attn: Jeff Olberding

Land Planners, Civil Engineer & Surveyors

P/A Design Resources, Inc.
3021 Citrus Circle, Suite 150
Walnut Creek, CA 94598-3462
Tel: 925-210-9300
Email: ravedian@padesignresources.com
Attn: R. Ross Avedian

Planning Consultant

Loewke Planning Associates
547 Wycombe Court
San Ramon, CA 94583-9101
Tel: 925-804-6225
Email: dick@loewke.com
Attn: Richard Loewke

Traffic Consultant

Abrams Associates
1875 Olympic Boulevard, Suite 210
Walnut Creek, CA. 94596-5026
Tel: 925-945-0201
Email: steve@abramsassociates.com
Attn: Steve Abrams

Visual Consultant

Marc Szabo
50485 Via Amante
La Quinta, CA 92253-7554
Tel: 760-564-1013
Email marc@szabo.com
Attn: Marc Szabo