



(Date stamp)

# Town of Moraga

PLANNING DEPARTMENT

## SUBDIVISION APPLICATION FORM

TOWN STAFF	File Number: _____	Project Name: _____
	Deposit: <u>                    </u> Cash/Check/Credit	Deposit Account Number: _____

**SUBDIVISION NUMBER:** \_\_\_\_\_

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:** \_\_\_\_\_ **ZONING:** \_\_\_\_\_

**ASSESSORS PARCEL NUMBER(S):** \_\_\_\_\_

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
EMAIL: _____	EMAIL: _____

**An application for approval of a Subdivision requires an initial deposit of \$12,000.<sup>00</sup>. A minor subdivision application requires a \$9,000 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 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: _____</p>

# Indemnification/Reimbursement Agreement

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## Project Address and description of project ("Project")

As part of the application for the Project, the applicant and/or property owner (collectively "Applicant") agree to defend, indemnify, and hold harmless the Town of Moraga, its agents, officers, council members, employees, boards and commissions from any and all claims, actions or proceedings (collectively "Claims") brought against any of the foregoing individuals or entities, seeking to attack, set aside, void or annul any approval of the application or related decision, or the processing or adoption of any environmental documents or negative declarations which relate to the approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence on the part of the Town of Moraga, its agents, officers, council members, employees, boards, commissions. If for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The Town of Moraga may, but is not obligated to, defend such Claims as the Town of Moraga, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town of Moraga, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, Town of Moraga, and/or parties initiating or bringing such proceeding. If the Applicant is required to defend the Town of Moraga as set forth above, the Town of Moraga shall retain the right to select the counsel who shall defend the Town of Moraga. Per Government Code Section 66474.9, the Town of Moraga shall promptly notify Applicant of any proceeding and shall cooperate fully in the defense. The Financially Responsible Party acknowledges and agrees that additional deposits may be required while the application is processed, in such amounts and at such times as the Town deems necessary to cover the Town's incurred and projected processing costs including but not limited to environmental studies. Deposit accounts are required to maintain a minimum balance of 20% of the original deposit amount at all times. If your account drops below that threshold, you will be asked to remit the balance due plus the 20% maintenance balance. Failure to maintain your account in this standing will result in a hold placed on the account and work will stop on all project processing until the necessary payment has been remitted. The payment and acceptance of requested deposits does not constitute an approval of permits, entitlements, or authorizations to begin work.

The Financially Responsible Party agrees to be jointly and severally liable with the Property Owner for payment of all fees referenced above. The sale or other disposition of the property does not relieve the Financially Responsible Party of their obligation to maintain a positive balance in the deposit account unless the Town grants prior approval. The Financially Responsible Party agrees to notify the Town in writing prior to any change in ownership or status of any option agreements. The Financially Responsible Party is required to submit a written request for withdrawal of the application or written assumption of the obligations under this agreement signed by the new owner or his/her authorized agent.

Withdrawal or denial of an application does not relieve the Financially Responsible Party of its obligation to pay for costs incurred in connection with this application. The Financially Responsible Party shall be liable for and will pay all costs incurred for the project, up through the date of the written request for application withdrawal or date of approval or denial, whether or not such work is complete and whether or not the costs have previously been billed. Any funds remaining in the account after all associated processing activities have been completed shall be returned to the Financially Responsible Party. I have read and agree with all of the above.

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Applicant (please print name)

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Applicant signature

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Date

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Property owner name (if different from the applicant)

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Property owner signature (if different from the applicant)

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Date

## OTHER CONTACT INFORMATION AND PROJECT CONSULTANTS

PROJECT GEOTECHNICAL ENGINEER	PROJECT CIVIL ENGINEER
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
EMAIL: _____	EMAIL: _____

PROJECT ARCHITECT OR DESIGNER	LANDSCAPE ARCHITECT
NAME: _____	NAME: _____
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.

#### 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:**

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**GENERAL INFORMATION**

1. Name of Subdivision: \_\_\_\_\_

2. Location of Subdivision: \_\_\_\_\_

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3. Assessor's Parcel Number(s): \_\_\_\_\_

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4. Total acreage of proposed development: \_\_\_\_\_

5. Existing use or uses of the property: \_\_\_\_\_

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6. Proposed use or uses of the property and the approximate proportion of the total area of the property for each proposed use: \_\_\_\_\_

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

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## 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: \_\_\_\_\_

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**2. Methods of sewage disposal:** Indicate whether this subdivision will require extension of the CCCSD sewer pipes in existing Town streets: \_\_\_\_\_

Will this project involve any reclamation of waste water? \_\_\_\_\_

State the number of lots that will not be connected to the CCCSD system: \_\_\_\_\_

What is the area of each lot that will be connected to a septic tank and leach field? \_\_\_\_\_

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**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: \_\_\_\_\_

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**4. Flooding of adjacent properties:** Indicate how you plan to prevent flooding or inundation of adjacent properties by waters flowing from the subdivision: \_\_\_\_\_

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**5. List other improvements proposed with the subdivision:** \_\_\_\_\_

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## DEVELOPMENT SCHEDULE AND PHASING OF CONSTRUCTION

**1. Time at which improvements are proposed to be installed:** \_\_\_\_\_

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2. Will the subdivision be developed in phases? \_\_\_\_\_

If so, over what time period?

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### **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: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

### **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)
- Fee for review of an EIR by the California Department of Fish and Game (TBD,if applicable)
- Fee for evaluation of an EIS and Negative Declaration by the California Department of Fish and Game (if applicable)
- \$50 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

**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.