



(Date stamp)

# Town of Moraga

PLANNING DEPARTMENT

## LAND USE APPLICATION

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

### Project Information

Address: \_\_\_\_\_

Zone: \_\_\_\_\_ Year House Built: \_\_\_\_\_ APN: \_\_\_\_\_

### Project Description

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant Information	Owner Information
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Name: _____	Name: _____
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Address: _____	Address: _____
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City/State/Zip: _____	City/State/Zip: _____
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Phone: _____	Phone: _____
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Email: _____	Email: _____
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### Applicant/Owner Authorization

Check the appropriate box:

- I am the property owner and hereby authorize the filing of this application.
- I am the applicant and am authorized by the owner to file this application.

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.

Sign: \_\_\_\_\_ Date: \_\_\_\_\_

# 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 ARCHITECT OR DESIGNER	PROJECT CIVIL ENGINEER
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
EMAIL: _____	EMAIL: _____

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

**GENERAL INFORMATION:**

What are your intended hours of operation?

- ☐ (1) Regular business hours: \_\_\_\_\_
- ☐ (2) Hours open to the public: \_\_\_\_\_
- ☐ (3) Busiest days and times: \_\_\_\_\_
- ☐ (4) Least busy days and times: \_\_\_\_\_
- ☐ (5) Equipment operating 24 hours a day, or at night (describe): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What is the maximum number of customers/clients that you would expect to serve at any one time?

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\_\_\_\_\_

How often will you receive deliveries? When will the deliveries be made?

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What are your plans for trash disposal and recycling for your business?

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**Off-street parking spaces shall be provided for each land use as outlined by MMC 8.76.090:**

Please indicate the calculation used to determine the total number of required parking stalls:

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How many parking stalls are required for your business (MMC Section 8.76.050)? \_\_\_\_\_

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Will a parking modification be required for your business? ( YES / NO ) If yes, please describe the required modification and justification for the modification (Moraga Municipal Code Section 8.76.130)

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\*\*If your proposed business will share parking with other businesses in a shopping center, please provide a copy of the current parking allocation for the center.

**Compliance with Design Guidelines**

It is strongly recommended that you review the Design Guidelines to determine whether the project requires exceptions. If the proposed design warrants an exception to the guidelines, then an application for review by the Design Review Board is required with a written justification for approval of each requested exception.

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## Submittal Requirements

- Completed Application **\*\*An application without a project description will be deemed incomplete.\*\***
- Fee (cash, check, credit card). Please have check payable to the Town of Moraga.
- Print 2 Plan Sets (minimum 11"x17"), folded to 8 1/2" x 11" and electronic copies (on flash drive or email).** Once the project is scheduled for a public meeting, additional copies of plans will be required.
- Color photographs

### **Applications will not be deemed complete without the following:**

- Site Plan.**
  - North arrow.
  - Drawing scale.
  - Dimensioned property lines and all building setbacks.
  - Adjacent streets and location of curb and sidewalk improvements.
  - Proposed additions with cross-hatching/shading or other notation to differentiate them from existing structure.
  - Identify portions of buildings or structures to be removed from the property.
  - Roof overhangs/eaves.
  - Location of other improvements (i.e. paved patios, swimming pools and accessory buildings).
  - Location of exterior air conditioning units or other mechanical equipment that generate noise.
  - Location of walks and access driveways for circulation of pedestrians and vehicles.
  - Dimensions and number of existing and proposed off-street parking spaces.
  - A table containing the following information:
    - Total lot area of the project site (in square feet)
    - Total existing area of home, including all living areas, garage areas and accessory buildings (Do not include covered porches, carports or accessory buildings less than 400 square feet).
    - Total area of proposed additions to home, garage or accessory buildings
    - Total area of home including the garage, accessory buildings and the proposed addition(s)
    - Area and percentage of lot covered by buildings including any additions covering new ground
    - The area and percentage of the total lot coverage by impervious surfaces on the lot
  - Indicate whether the existing homes on adjacent lots are one or two story.
  - Existing and proposed public and private easements.
  - Location of and identify the trees to be removed or relocated.
  - Location of fences and any new exterior lighting fixtures.
  - Location and heights of existing and proposed retaining walls.
  - Location and width of any creeks, water courses, drainage easements and facilities.
  - Location and depth of subdrains (if any), particularly important for new swimming pools.
  - Show the total existing and proposed impervious surface area on the project site, including the area of all roofs and paved surfaces.

- Building Elevations.**

- Drawing scale should not be less than one-eighth inch equals one foot.
- Existing and Proposed Elevations for all sides affected by improvements.
- Dimensioned maximum height of building and aggregate building height.  
*BUILDING HEIGHT* – the vertical distance measured between any point of the roof or parapet walls and the existing grade, or approved modified grade directly beneath.  
*AGGREGATE BUILDING HEIGHT* – the vertical distance measured from the highest point of the roof or parapet wall to the lowest point of the foundation at the approved grade.
- Label materials and colors of exterior surfaces and features.
- Provide color and materials palette if colors are being changed from existing colors.

- Floor Plans.**

- Existing and Proposed Floor Plans may be shown on one sheet.
- Label use of rooms, including garage, and indicate size in square feet.
- Indicate stairways, doorways, windows, closets, patios, porches, decks, etc.
- Indicate solid portions of walls with shading.
- Show total living area of each unit, including:
  - The area of any portion of a room with a ceiling higher than 15 feet.
  - The area of any attic space with a clear height of 7 feet above the floor.
  - The area of any accessory structures greater than 400 square feet.
  
- **Roof Plan.** The roof plan shall be drawn at a scale of 1/8 inch = 1 foot (or larger), indicating ridges and valleys, roof pitch, chimney and skylight locations.
  
- **Grading and Drainage Plans.** (If applicable)
  - North arrow (with plan oriented so north points to top of sheet) and scale.
  - Show existing topography and any significant vegetation (indicate size and type).
  - Source of topographic information (subject to approval by the Town Engineer).
  - Show proposed grading with heavy contour lines.
  - Include the existing average slope on the property, to be calculated by the project engineer.
  - Include a daylight line, showing the limits of grading work or disturbed soil.
  - Tabulate total amounts of cut and fill. (Try to balance grading on site)
  - Show all proposed drainage and catch basins (include calculations for pipe sizes).
  - Show outline of all existing and proposed structures, driveways, walkways, etc.
  - Identify all active, old or dormant landslides, debris flows and other geological hazards and indicate whether or not the conditions may extend onto adjacent properties.
  - Foundation recommendations should include required depth of piers and specifications for slabs on grade for expansive soils.

**Other Documents** that may be necessary for review of the application:

- If proposed improvements are within 5 feet of the building setbacks a survey will be required.
- Landscape plans or tree planting plan to compensate for removal of trees or to mitigate the view of a structure from a neighbor or from a scenic corridor.