

Date Stamp



# Town of Moraga

## PLANNING DEPARTMENT

File No. \_\_\_\_\_

Deposit: \_\_\_\_\_

### FENCE HIGHER THAN 3 FEET IN A FRONT OR EXTERIOR SIDE YARD

Moraga Municipal Code (MMC) Section 8.68.040 states that the Zoning Administrator/Planning Commission shall review each application for a fence or wall higher than three feet within a front yard or exterior side yard setback area. The Zoning Administrator/Planning Commission shall consider whether the fence design and location: (1) are aesthetically compatible in the neighborhood; and (2) do not create sight obstructions.

ADDRESS: \_\_\_\_\_ APN: \_\_\_\_\_

ZONING: \_\_\_\_\_ GENERAL PLAN DESIGNATION: \_\_\_\_\_

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

### APPLICANT / OWNER AUTHORIZATION

CHOOSE ONE:

- 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.

SIGNATURE AND DATE: \_\_\_\_\_

**DESCRIPTION:**

Please attach a separate sheet of paper with a detailed description of the fence/wall and an explanation of why it needs to be higher than 3 feet within the front or exterior side yard.

**ZONING ANALYSIS:**

Property's zoning district: \_\_\_\_\_

Complete the table below for the applicable building setbacks (this information can be obtained from the Planning Department).

Building Setbacks	Front Yard	Minimum Side Yard	Exterior Side Yard	Rear Yard
Required				
Proposed				

Distance between face of curb and front property line: \_\_\_\_\_

**ADDITIONAL INFORMATION NEEDED FOR REVIEW:**

1. The following questions pertain to impacts that the fence or wall may have on the obstruction of sight distance from an existing driveway or street corner (MMC Section 8.80.010):
  - a. For corner lots, will any portion of the fence or wall that is higher than 3 feet be located within the triangular area between the property lines and a diagonal line joining points on the property lines 25-feet from the point of intersection? \_\_\_\_\_
  - b. Will any portion of the fence or wall that is higher than 3-feet be located within the sight distance triangle on either side of a driveway, where the triangular area is defined as the area between the property line and the side of the driveway and a diagonal line joining points on the property and driveway lines 15 feet from the point of their intersection? \_\_\_\_\_
  - c. Will any portion of the fence or wall that is higher than 3-feet be located within 15 feet of a driveway on adjacent property? \_\_\_\_\_  
(If 'YES' to any of the above questions, then the fence will need to be a maximum height of 3 feet)
  
2. The following streets are designated as scenic corridors: Moraga Road, Moraga Way, Rheem Boulevard, St. Mary's Road, Camino Pablo, Canyon Road, Bollinger Canyon Road and Donald Drive along the ridgeline of Mulholland Hill.
  - a. Is the fence or wall site within 500 feet of a designated scenic corridor? \_\_\_\_\_
  - b. If yes, can any part of the fence or wall be seen from the scenic corridor road? \_\_\_\_\_
  
3. Will the fence or wall be built on top of a retaining wall? \_\_\_\_\_

If "YES" then complete the following:

- a. Will the fence or wall be an extension of the retaining wall? \_\_\_\_\_
- b. What is the overall height of the retaining wall and fence or wall on top measured from the ground level at the bottom of the retaining wall? \_\_\_\_\_  
(If the overall height exceeds 8-feet, then Design Review Board approval is required.)
- c. If the fence is above a retaining wall, but not connected to the retaining wall, what is the separation between the retaining wall and the fence? \_\_\_\_\_

4. In addition to the fence/wall in the front or exterior side yard, will there be any other fence/wall that is higher than 6 feet on a property line or located between a property line and the required building setbacks?

\_\_\_\_\_

If "YES" the fence may need Design Review Board approval if it is not higher than 7-feet 6-inches. If it is higher than 7 feet 6-inches, then a variance is required from the Planning Commission.

5. Does the fence or wall include grading on a slope with a grade greater than 20%? \_\_\_\_\_. A 20% slope is equivalent to an elevation change of 1-foot within a 5-foot horizontal distance. If "YES" an application for a hillside development permit will need to be filed.
6. Will the construction of the fence or wall involve grading more than 50 cubic yards of soil? \_\_\_\_\_  
If "YES" a grading permit will need to be filed.
7. Will the fence or wall require removing native trees that have a trunk diameter of 5" or greater or that have multiple trunks with a total perimeter of 40" or more measured 3 feet above grade? \_\_\_\_\_  
(If "YES" then a tree removal permit is required.)
8. Is the property subject to Covenants, Conditions and Restrictions (CC&R's), a Land Use Permit or Deed Restrictions? If "YES" please explain: \_\_\_\_\_
- a. If "YES" then determine whether the fence or wall is in compliance with the, CC&R's, conditions of approval of the Use Permit or Deed Restrictions.
  - b. If an active Homeowners Association (HOA) has jurisdiction over the fence or wall, then the applicant shall submit verification that the HOA has approved the plans.
9. Will the fence or wall involve any alteration of a natural creek or encroachment into a drainage easement? \_\_\_\_\_  
If "YES" then a Drainage Easement Encroachment Permit is required as well as review by the California Department of Fish and Game.

**REQUIRED FINDINGS FOR APPROVAL:**

1. The proposed fence or wall is compatible with the neighborhood because: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

2. The proposed fence or wall does not create sight obstructions at the corner of streets or at the intersection of any driveway with the street because:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## **SUBMITTAL REQUIREMENTS:**

Carefully review the plan submittal requirements listed below.

- **Site Plan** showing:
  - A. Property owner contact information
  - B. Contact information of the person preparing the plans
  - C. Date(s) the plans were prepared
  - D. North arrow
  - E. Scale of drawing (scale should be one inch equals 20 feet or larger)
  - F. Dimensioned property lines
  - G. Location, name and width of adjacent streets
  - H. Show location of the fence or wall with respect to the property lines
  - I. Show the correct location for the curbs, sidewalks or edge of street pavement
  - J. All driveways within 15 feet of a fence or wall shall be shown on the plans
  - K. Location of other improvements on the lot such buildings or swimming pools
  - L. Show location of walks and gates in the fence or wall
  - M. Show location of any drainage or creek easements.
  - N. Show location of any native trees that will need to be removed for the fence or wall
  - O. Show location and heights of existing and proposed retaining walls
  - P. For hillside properties with slopes greater than 20%, please include a topographic map with contour intervals not greater than 2 feet
  
- **Elevation Plan** showing the design and height of the fence:
  - A. Drawing scale should not be less than one-quarter inch equals one foot.
  - B. Materials and colors of exterior surfaces should be indicated on the plans
  
- **Other Exhibits** as deemed necessary to review the application, which may include the following:
  - A. Landscaped plans or tree planting plan to compensate for removal of trees
  - B. Photographs/cut sheets of the type of fence.