



TOWN OF MORAGA

PLANNING DEPARTMENT HILLSIDE DEVELOPMENT PERMIT SUPPLEMENTAL APPLICATION

Hillside Development Permit

A Hillside Development Permit (HDP) is intended to ensure that development in Hillside Areas preserves Moraga's scenic qualities, minimizes environmental impacts, and reduces exposure to geologic and other hazards. "Hillside area" or "hillside land" means either of the following:

- I. parcel with an average predevelopment slope of twenty (20) percent or greater; or
- II. The area of a parcel where (i) the area of disturbance of a development project and/or (ii) the footprint of the primary structure, has an average predevelopment slope of twenty (20) percent or greater. These particular areas of a parcel shall be classified as a "hillside area" or "hillside land" regardless of the average predevelopment slope of the entire site or parcel in which the area of disturbance or the footprint of the primary structure is located.

To approve a project that requires a Hillside Development Permit, the reviewing authority must make the following findings:

- A. The proposed development is consistent with the General Plan, Municipal Code, Design Guidelines, and any applicable specific plan or area plan adopted by the Town Council.
- B. The proposed development is designed to minimize visual impacts, protect scenic resources, and maintain Moraga's semi-rural feel to the greatest extent possible.
- C. The proposed development protects biological, hydrological, and other environmental resources to the greatest extent possible.
- D. The proposed development is designed and located to minimize exposure to landslides and other geologic hazards.
- E. The proposed development minimizes soil displacement and utilizes grading techniques that blend with natural slopes and achieve a natural appearance.
- F. The proposed development will not be detrimental to the public health, safety, and welfare.

Hillside Development – Application Fee – Please Select the Following

- ☐ Hillside Development Permit (Zoning or Design Review Administrator)
- ☐ Hillside Development Permit (Design Review Board or Planning Commission)
- ☐ Hillside Development Permit (Town Council)

Please see the Town of Moraga [fee schedule](#) for appropriate fee/deposit and note the following:

- All credit card transactions will incur a 4% processing fee.
- No application will be deemed to be submitted, nor shall the application be reviewed or acted on by the Town, until such fee is received.
- Deposit based projects: The Advanced Planning Surcharge is collected from the deposit.

COMPLETE THE STANDARD PLANNING APPLICATION, AND PROVIDE PROFESSIONAL CONTACT INFORMATION HERE

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: _____

REQUIREMENT FOR A HILLSIDE DEVELOPMENT PERMIT

"Hillside area" or "hillside land" means either of the following:

- (a) A parcel with an average predevelopment slope of twenty (20) percent or greater; or*
- (b) The area of a parcel where (i) the area of disturbance of a development project and/or (ii) the footprint of the primary structure, has an average predevelopment slope of twenty (20) percent or greater. These particular areas of a parcel shall be classified as a "hillside area" or "hillside land" regardless of the average predevelopment slope of the entire site or parcel in which the area of disturbance or the footprint of the primary structure is located.*

"Average predevelopment slope" means the average percent slope of a parcel, site or area at the time of a development project application submittal calculated using the following formula: $S = 100(I)(L)/A$, where:

S = average percent slope;

I = contour interval in feet;

L = total length of all contours on parcel or site in feet;

A = area of subject parcel or site in square feet

For a site where the town finds that slope conditions were previously modified in violation of the grading ordinance, the average predevelopment slope shall be calculated based on site conditions prior to the violation.

A Hillside Development Permit (HDP) is required where such development is subject to a building permit, and where the development is in a Hillside Area as defined in [Section 8.04.020](#) (Definitions):

A. Construction of a new primary structure.

B. Construction of an accessory building or structure over 400 square feet in size.

C. Expansion of the footprint of an existing building or structure, either as a single project or when construction spans over a five-year period and the addition or expansion would add more than 500 square feet, or 35 percent of the footprint of the habitable building area, whichever is smaller.

D. A project involving grading or construction of retaining walls where the project would be subject to Design Review.

E. Subdivisions of land.

HILLSIDE DEVELOPMENT PERMIT APPLICATION PROCESS

1. After an application is submitted to the Town it will be reviewed for completeness. If the HDP application is found to be incomplete, then a letter will be sent to the applicant stating the additional materials and information required to complete the submittal.
2. If all the submittal requirements listed on this application form have been submitted, then the planning staff will send the applicant's geotechnical report to the Town's geotechnical peer review consultant. Generally, the application will not be considered "complete" until the Town receives a report from our geotechnical peer review consultant that the geotechnical report submitted for the project adequately addresses slope stability, soil characteristics and seismic factors in accordance with General Plan Policy PS4.2.
3. After the geotechnical report and recommendations have been found acceptable by the Town's geotechnical peer review consultant, the HDP application will be scheduled for approval by the Zoning Administrator (ZA) or Design Review Administrator for Administrative Design Review (ADR) or put on the next available Design Review Board (DRB) or Planning Commission (PC) meeting agenda for consideration. The choice of ZA, ADR, DRB or PC depends on the nature of the project and other ordinance requirements. For example, for projects that propose grading, if grading is proposed on a slope over 20% but less than 25%, then the DRB can review the project, but if the grading is on a slope over 25% then the PC must review the project and make a recommendation to the Town Council.
4. Notices will be mailed to neighbors within 300 feet of the proposed project 10 days in advance of the ZA or ADR approval date or DRB or PC hearing.
5. A staff report will be written for projects that go to the DRB or PC. The staff report is typically available five days prior to the hearing. It is the responsibility of the applicant or property owner to pick up the report from the Planning Department; however, a copy can be emailed if the applicant provides the email address.
6. Applicants are expected to attend the DRB or PC meeting. The applicant is encouraged to prepare a brief presentation of the project to the board or commission. The DRB members or Planning Commissioners may have questions, so the applicant should be in attendance to respond.
7. Following the presentation, the board or commission opens up the meeting to public testimony, after which they will discuss the project and render a decision.
8. The decision of the Board or Commission can be appealed within 10 days of the action (with a fee).
9. Applications are processed on a staff-time basis. It is to the advantage of the applicant to submit a complete and accurate application. If approved, the project may require a grading permit from the Town's Engineering Department.

PROJECT DESCRIPTION:

OTHER TOWN APPROVALS

Other Town approvals in addition to a hillside development permit may be required for your project. Some of the more common additional application types are listed below.

1. Will the project require removing any trees that are indigenous to Moraga, such as Oak, Bay, Redwood, Toyon and Knobcone Pine, where the trunk is 5" or more in diameter or where there are multiple trunks with a total perimeter of 40" or more measured 3-feet above grade? (**YES/NO**)

If "YES", a **tree removal permit** will be required. Exceptions can be made for any trees located closer than five (5) feet to an existing structure and trees located in a right-of-way and deemed to be hazardous by the Public Works Superintendent.

2. Will more than 500 cubic yards of soil be imported or removed from the project site? (**YES / NO**) If "YES", you must file a **hauling permit** application for review by the Town Engineer and approval by the Town Council. If the hauling operation will occur over private streets, then letters authorizing the haul route that was approved by the owner/owners of the private drive must accompany the application.

3. Are any retaining walls proposed in your project? (**YES / NO**)

If "YES", is the wall visible from off-site? (**YES / NO**)

What is the proposed maximum height of the retaining wall? _____

What is the shortest distance between a proposed retaining wall and a property line? _____

Are there any retaining walls stacked or terraced above another retaining wall? (**YES / NO**)

If "YES", what is the maximum height of the walls and the distance between the walls?

Height of Wall #1 _____, Height of Wall #2 _____ Distance between Walls _____

If any retaining wall is greater than 5 feet in height or if the retaining wall is visible from off-site and is more than 3 feet in height, **Design Review Board approval** is required. If a retaining wall is located closer than 3-feet to a property line an applicant must request an exception to design guideline ID11.5. If stacked retaining walls are closer together than twice the height of the highest adjacent retaining wall, then an exception to design guideline ID11.4 will be required.

4. Will the floor elevation of any proposed structure built over a slope, such as a home addition, deck or gazebo, exceed 6-feet above the existing grade? (**YES / NO**) If "YES", the structure is higher than 6-feet above grade then an exception is required to design guideline SFR2.11 if the structure is visible from off-site. Decks that exceed 6-feet in height must be substantially screened by landscaping or an exception to design guideline SFR2.12 will be required. This requires **Design Review Board** approval.
5. Will the project require: (1) more than 50 cubic yards of soil to be moved; (2) a cut deeper than 3-feet from the existing ground surface; (3) any fill on a slope of 20% or more; (4) grading within 100-feet of a natural watercourse; (5) placement of unretained earthwork within 9-feet of any adjacent property? (**YES / NO**) If "YES", you must also submit an application for a **grading permit** as specified under MMC Section 14.04.031. **Design Review Board or Planning Commission and Town Council approval** may be required.

SUBMITTAL REQUIREMENTS FOR HILLSIDE DEVELOPMENT PERMITS

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

- A. **Completed Standard Planning Application**
- B. **Completed Indemnification/Reimbursement Agreement.**
- C. **Completed Hillside Development Permit Supplemental Application.**
- D. **Appropriate fee or deposit (cash, check, credit card).**
- E. **Minimum 11"x17" plans and an electronic copy in PDF format. Electronic plans can be submitted on a USB flash drive or by email or online file service hosting link to planning@moraga.ca.us. Larger projects that require a Public Hearing must also submit two**

full size (24"x36") sets and two half size (12"x18") sets. Additional plan sets will be required prior to the Public Hearing, which will be requested after the project has been deemed complete.

F. Site Plan / Topographic Survey (7 copies initially – after the application is determined complete, 6 additional copies will be required). Plan shall contain:

- ☐ (1) North arrow (with plan oriented so north points to top of sheet).
- ☐ (2) Scale of Drawing. Scale should be 1 inch equals 20 feet or larger for the site and not less than 1 inch equals 200 feet for a vicinity sketch or other means of adequately indicating the site location.
- ☐ (3) Dimensioned property lines shown in true location with respect to the plan's topographic information. If the site is in the MOSO zoning district, the cell boundaries must also be indicated. If the site is not in the MOSO zoning district the proposed development/disturbance area must be identified (outlined).
- ☐ (4) Existing topography and source of topographic information. (Source subject to approval by the Town Engineer.) While 2 foot contours are acceptable outside the development area, 1 foot contours are required within the area proposed for development/disturbance.
- ☐ (5) Existing hillside vegetation. (Indicate all existing vegetation on slopes 20% or greater within the development area - all trees must be identified on the site plan but photographs may be submitted for other forms of vegetation).
- ☐ (6) Location of all existing improvements on the property including drainage facilities.
- ☐ (7) 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 and the Hydromodification Management Plan (HMP) 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.
 - 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.
- ☐ (8) Location, name and width (including offers of dedication) of adjacent streets.
- ☐ (9) Location of curb and sidewalk improvements.
- ☐ (10) Location of all easements on the property. (Please also provide a copy of the title report that identifies the easements.)
- ☐ (11) Stamp and signature of the appropriately licensed professional who prepared the plan.

G. Grading Plan to be superimposed on site plan but submitted as a separate plan (6 copies initially – after the application is determined complete, 6 additional copies will be required). Plan shall contain:

- ☐ (1) North arrow (with plan oriented so north points to top of sheet)
- ☐ (2) Scale of drawing at a scale not less than 1 inch equals 20 feet.
- ☐ (3) Dimensioned property lines shown in true location with respect to the plan's topographic information. If the site is in the MOSO zoning district, the cell boundaries must also be indicated. If the site is not in the MOSO zoning district the proposed development/disturbance area must be identified (outlined).

- ☐ (4) Existing and proposed topography and source of topographic information. (Source subject to approval by the Town Engineer.) Proposed grading lines should be shown with heavy contour lines. While 2 foot contours are acceptable outside the development area, 1 foot contours are required within the area proposed for development/disturbance. Ninety percent (90%) of the contours shall be plotted within one contour interval of the true location. 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).
- ☐ (5) Existing and proposed hillside vegetation. (Indicate all existing and proposed vegetation on slopes 20% or greater within the development/disturbance area - all trees must be identified on the grading plan but photographs may be submitted for other forms of vegetation).
- ☐ (6) Location of all existing and proposed improvements on the property including drainage facilities.
- ☐ (7) Location, name and width (including offers of dedication) of adjacent streets.
- ☐ (8) Location of curb and sidewalk improvements.
- ☐ (9) Location of all easements on the property.
- ☐ (10) Location of all active or dormant landslides and other geological hazards on the property with indication of whether or not the conditions may extend onto adjacent properties.
- ☐ (11) The *limit of grading line*, which will include the entire area of the site that will be disturbed, including the following areas:
 - 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
- ☐ (12) The project engineer must calculate the existing (predeveloped) average slope of the area within the limit of grading line on the property. **NOTE:** If the average slope is over 20% but less than 25%, then the Design review Board will be authorized to approve the grading. If the average slope is 25% or more, then approval by the Planning Commission and Town Council will be required.
- ☐ (13) Stamp and signature of the appropriately licensed professional who prepared the plan.

H. Conceptual Drainage Plan to be superimposed on grading plan but submitted as a separate plan (7 copies initially – after the application is determined complete, 6 additional copies will be required):

- ☐ (1) North arrow (with plan oriented so north points to top of sheet)
- ☐ (2) Scale of drawing at a scale not less than 1 inch equals 20 feet.
- ☐ (3) Dimensioned property lines shown in true location with respect to the plan's topographic information. If the site is in the MOSO zoning district, the cell boundaries must also be indicated. If the site is not in the MOSO zoning district the proposed development/disturbance area must be identified (outlined).
- ☐ (4) Existing and proposed topography and source of topographic information. (Source subject to approval by the Town Engineer.) Proposed grading lines should be shown with heavy contour lines. While 2-foot contours are acceptable outside the development area, 1-foot contours are required within the area proposed for development/disturbance. Ninety percent (90%) of the contours shall be plotted within one contour interval of the true location. Include a daylight line, showing the limits of grading work or disturbed soil. Contour intervals shall extend a minimum of 100 feet off-site, or a sufficient distance to show on-and off-site drainage patterns as determined by the Town Engineer. Indicate all proposed drainage basins and calculations.
- ☐ (5) Existing and proposed hillside vegetation. (Indicate all existing and proposed vegetation on slopes 20% or greater within the development/disturbance area - all trees must be identified on the drainage plan but photographs may be submitted for other forms of vegetation).

- ☐ (6) Location of all existing and proposed improvements on the property including drainage facilities. Plans shall indicate horizontal and vertical location (plan and profile views) of all existing and proposed drainage facilities. Included details of inlets, ditches, swales, specifications and plans must be accompanied by a report which provides hydraulic/hydrology calculations that demonstrate the proposed system has adequate capacity for a minimum ten (10) year event and that the discharge does not exceed predevelopment volumes or rates. Velocity of discharge must be non-erosive. Drainage plans shall be superimposed on the grading plan unless otherwise impractical.
- ☐ (7). Location, name and width (including offers of dedication) of adjacent streets.
- ☐ (8) Location of curb and sidewalk improvements.
- ☐ (9) Location of all easements on the property.
- ☐ (10) Location of all active or dormant landslides and other geological hazards on the property with indication of whether or not the conditions may extend onto adjacent properties.
- ☐ (11) Stamp and signature of the appropriately licensed professional who prepared the plan.

I. Engineering Geology and Geotechnical Engineering Reports (10 bound copies):

- (1) The Engineering Geology report shall be prepared by a Registered Engineering Geologist and be based upon adequate test borings, excavations, geophysical testing, or field mapping. Recommendations included in the report and approved by the Town Engineering Geologic Consultant and the Town Engineer shall be incorporated in the grading plans and specifications. The report shall include, but not be limited to, the following information:
 - ☐ (A) An adequate description of the geology of the site;
 - ☐ (B) A scaled site geology map;
 - ☐ (C) Conclusions and recommendations regarding the effect of geologic conditions of the site on the proposed development; and
 - ☐ (D) Opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.
- (2) The Geotechnical (Soil) Engineering report shall be prepared by a registered Geotechnical Engineer. The report shall indicate the presence of unstable naturally occurring or man-made soil which has the potential to cause damage to structures, buildings, and other improvements. Unstable soil conditions could include but are not limited to, landslide deposits, critically expansive soils, deposits of colluvium or alluvium, liquefiable soils and undocumented fill. Recommended measures for mitigating the identified unstable soil conditions should be provided in the report.

The Town may require that the report be evaluated by the Town Geotechnical Engineering Consultant. The cost of the review shall be borne by the applicant. The focus of the review would be to advise the Town as to the adequacy of the report in addressing all relevant geotechnical issues concerning the site and the proposed development. The geotechnical report shall, at a minimum contain the following information:

- ☐ (A) Opinions and recommendations covering adequacy of sites to be developed by the proposed grading
- ☐ (B) Data regarding the nature, distribution, strength, liquefaction potential and erodibility of existing soils, and of soil to be placed on the site, if any.
- ☐ (C) Reports on the suitability of the earthen material for construction of stable embankments and excavation slopes, including those necessary for any artificial or natural drainage channels
- ☐ (D) Conclusions and recommendations for grading and construction procedures to obtain required stability
- ☐ (E) Design criteria for corrective measures when necessary.
- ☐ (F) Conclusions and design recommendations for interim soil stabilization devices and measures and for permanent soil stabilization after construction is completed; and

- ☐ (G) Any other recommendations concerning landslides, unstable soil conditions, springs and seepage conditions, erosion control planting, or drainage facilities to enable proper development of the site.
- ☐ (H) Recommendations included in the report and approved by the Town Geotechnical Consultant and Town Engineer shall be incorporated in the grading plans or specifications.

J. Any supplementary material required by the Town Engineer