



TOWN OF MORAGA

PLANNING DEPARTMENT VARIANCE SUPPLEMENTAL APPLICATION

Variance Guidelines

A Variance may be granted for relief from the strict application of the regulations of the Moraga Municipal Code (MMC) in cases when the strict application of these standards may deprive a property the basic land use intended for the zone because of special circumstances, such as shape, size, topography, and surroundings of the property. The intent of this review is to grant an exception to the standard zoning regulations when hardship is proven. A variance may not be used to permit uses of property other than those permitted by the existing zoning district.

Variance – Application Fees/Deposits – Select one of the Following

☐ **Variance (Zoning Administrator)**

☐ **Variance (Planning Commission)**

Please see the Town of Moraga [Master 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. Projects within the Moraga Center and Rheem Park Specific Plan Areas may be subject to review under the Objective Design Standards adopted for those areas, check with Planning staff to determine the appropriate review level.

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

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

Project Description

Include project site area, proposed building floor area(s), and maximum height of building(s). If the request for a variance is for encroachment into the required building setbacks or to exceed the maximum building height, please specify the amount of the encroachment or excess height.

Required Findings for a Variance

A variance is a permit issued to allow for deviations from physical standards such as lot size and building height or other Municipal Code requirements. Variances attempt to alleviate unique hardships of a land parcel whose particular features restrict it from the same privileges allowed in properties of the same zoning district. Special circumstances that create disparities between the applicant's properties and surrounding properties may justify granting of a variance. Moraga Municipal Code Section 8.12.130 lists three findings that the Planning Commission will need to make in order to grant a variance. An applicant for a variance should try to make the best case possible for each of the findings. You may submit your statement in support of each of the findings on separate sheets of paper if there is not enough space below.

A. Please explain how special circumstances concerning the subject property including size, shape, topography, location or surroundings, the strict application of zoning regulations would deprive the property of privileges enjoyed by other properties in the vicinity and in the same zoning district.

B. The variance will not constitute a grant of special privilege which is not generally available to other properties in the vicinity and in the same zoning district.

C. The variance substantially complies with the intent and purpose of the zoning district in which the property is classified.

Submittal Requirements

A. General.

1. Completed Standard Planning Application.
2. Completed Indemnification/Reimbursement Agreement.
3. Completed Variance Supplemental Application.
4. Appropriate fee or deposit (cash, check, credit card).
5. Deposit (cash, check, credit card). Please have check payable to the Town of Moraga.
6. 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.
7. A preliminary title report may be required by the project planner. The report shall be no more than six months old, listing all recorded easements and restrictions and providing a legal description of the property.
8. Voluntary Architectural Plan Release Authorization (Recommended, but optional), and/or submit a "massing diagram" that displays the three-dimensional building form and describes the general profile, bulk setbacks, and size of the building, but is not required to contain specific architectural detail.

B. Site Plan.

1. North arrow.
2. Drawing scale.
3. Dimensioned property lines and all building setbacks.
4. Adjacent streets and location of curb and sidewalk improvements.
5. Proposed additions with cross-hatching / shading or other notation to differentiate them from existing structures.
6. Identify portions of buildings or structures to be removed from the property.
7. Roof overhangs/eaves.
8. Location of other improvements (i.e. paved patios, swimming pools, and accessory buildings).
9. Location of exterior air conditioning units or other mechanical equipment that generate noise.

10. Location of walks and access driveways for circulation of pedestrians and vehicles.
11. Dimensions and number of existing and proposed off-street parking spaces.
12. A table containing the following information:
 - a. Total lot area of the project (in square feet)
 - b. 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).
 - c. Total area of proposed additions to home, garage or accessory buildings
 - d. Total area of home including the garage, accessory buildings and the proposed addition(s)
 - e. Area and percentage of lot covered by buildings including any additions covering new ground
 - f. The area and percentage of the total lot coverage by impervious surfaces on the lot
13. Indicate whether the existing homes on adjacent lots are one or two story.
14. Existing and proposed public and private easements.
15. Location of and identify the trees to be removed or relocated.
16. Location of fences and any new exterior lighting fixtures.
17. Location and heights of existing and proposed retaining walls.
18. Location and width of any creeks, water courses, drainage easements and facilities.
19. Location and depth of subdrains (if any), particularly important for new swimming pools.
20. Show the total existing and proposed impervious surface area on the project site, including the area of all roofs and paved surfaces.

C. Building Elevations.

1. Drawing scale minimum of one-eighth inch equals one foot.
2. Existing and Proposed Elevations for all sides affected by improvements.
3. Dimensioned maximum height of building and aggregate building height.
4. 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.
5. 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.
6. Label materials and colors of exterior surfaces and features.
7. Provide color and materials palette if colors are being changed from existing colors.
8. Materials and Colors Board: 8.5" x 11" board size and 3/4" maximum thickness, with a colored elevation of the proposal and referencing the color chips and manufacturers' specifications of the following:
 - a. Body/Siding
 - b. Trim
 - c. Windows
 - d. Roof
 - e. Exterior light fixtures
 - f. Fences
 - g. Walls and retaining walls
 - h. Hardscape

D. Floor Plans.

1. Drawing scale minimum of one-eighth inch equals one foot.
2. Show all existing and proposed rooms and label their use (including basements, attics, detached accessory structures, etc.), provide the dimensions of each room and

indicate their size in sq.ft.

3. Show all doors, windows, bay windows, chimneys, stairways, etc.
4. Show all existing and proposed decks, balconies, porches, garages/carports, etc., and label their use.
5. Indicate all areas to be demolished with proposed walls and existing walls clearly indicated.
6. Indicate all exterior dimensions.
7. Indicate the limits of the floor above and the floor below on multi-level structures.
8. Show total living area of each residential 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.
9. The area of any accessory building that is greater than 400 sq.ft..

E. Roof Plan.

1. 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.

F. Landscaping Plans. (If applicable)

1. Topography - show existing topography with a light line weight and proposed topography with a darker or heavier line weight.
2. Existing trees - show all trees with a trunk diameter of 5" or more measured three feet above natural grade or, if having multiple trunks, a total perimeter of forty (40) inches or more measured three feet above natural grade and label:
 - a. Tree species
 - b. Diameter of trunk
 - c. Elevation at trunk base
 - d. Field surveyed accurate driplines (generic symbols are not accepted)
 - e. Tree identification number, provided by the arborist.
 - f. Trees proposed to be removed with a prominent "X"
3. Plant list table – list proposed planting as follows: (See [Appendix B of the Town of Moraga Design Guidelines](#) for a list of Town recommended planting palettes)
 - a. Trees – schedule of species (common and botanical name), quantity, size to be planted, whether the species is native, invasive/noninvasive, drought tolerant, fire resistant and is it a plant material recommended in Appendix B of the Town's Design Guidelines.
 - b. Shrubs – schedule of species (common and botanical name), quantity, size to be planted, whether the species is native, invasive/noninvasive, drought tolerant, fire resistant and is it a plant material recommended in Appendix B of the Town's Design Guidelines.
 - c. Groundcover – schedule of species (common and botanical name), quantity, size to be planted, whether the species is native, invasive/noninvasive, drought tolerant, fire resistant and is it a plant material recommended in Appendix B of the Town's Design Guidelines.
4. Irrigation - submit a preliminary plan showing:
 - a. Watering zones (drip/spray) with corresponding legend and table.
5. Landscape lighting:
 - a. List and label existing and proposed lighting.

- b. Provide a legend and indicate quantity of each lighting type.
- c. Lighting specifications for each proposed lighting type.
- 6. Total landscaped area (sq. ft) – all planting areas, turf, and water features

G. Model Water Efficient Landscape Ordinance (MWEL)

Pursuant to MMC§8.178.040: "New Construction project with a landscape area greater than 500 sq.ft., or rehabilitating an existing landscape with a total landscape area greater than 2,500 sq.ft." are subject to the requirements and standards of MWEL. Projects with only minor alterations to existing landscaping may include the landscape plan as part of the site plan. Projects with no new landscaping planned may include a "no new landscaping proposed" notation on the site plan.

- 1. Drawn at the same scale as the site plan.
- 2. Include a north arrow, legend, and scale.
- 3. Include vegetation key with the following information for both existing and proposed landscaping:
 - a. Species
 - b. Common Name
 - c. Number
 - d. Size
 - e. Method of Irrigation
- 4. Provide the total square footage of irrigated area.

H. Grading and drainage plans. (If applicable) – Projects that require a grading permit under Moraga Municipal Code §14.04.031 shall use the grading permit application submittal checklist.

- 1. Note on plans if there are no drainage improvements proposed.
- 2. All items listed under Site Plan.
- 3. Topographic contours of existing and proposed ground surface based on a topographic survey (survey preparation by a licensed surveyor may be required.)
- 4. Existing and proposed surface and subsurface drainage facilities and watercourses including but not limited to creeks, swales, drainage ditches, discharge facilities, dissipaters, catch basins, and subsurface drainage pipes. Also indicate septic tanks, with, or as part of, or subsequent to the proposed work.
- 5. Areas subject to inundation or ponding. (Note if there are none.)
- 6. Detail methods proposed to intercept and carry off surface and subsurface water.
- 7. Include details of engineered treatment at discharge points and pipe specifications (size, material, etc.).
- 8. Drainage across interior lot lines creating cross-lot drainage is not permitted nor changes in the drainage pattern which alter or increase the quantity which discharges to adjoining properties.
- 9. Hydrologic calculations and plans stamped by a California licensed professional are required for new homes or additions of 1,500 sq.ft. or more.
- 10. Erosion control plan.

I. Geotechnical or soils report. Typically required for new residential projects, new commercial projects, subdivisions, Hillside Development Permits, Grading Permits or if deemed necessary by the Planning Department due to the specifics of the project. For Hillside Development and Grading Permits, see Geological and Soil Report requirements in those applications.

- 1. The report must be prepared and signed by an engineering geologist or soil engineer.
- 2. The required reports must be based on the latest grading plan for the subdivision and must reference the date of that grading plan.
- 3. The format for the required geotechnical reports should include the following information:
 - a. 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.

- b. Recommendations outlining an exploration program to fully define and delineate any geologic hazard or potentially hazardous soil condition, and to accurately identify developable areas.
- c. Conclusions regarding the effect of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the project site.
- d. Recommendations for construction procedures to mitigate potentially hazardous conditions, if warranted.

J. Additional Documents. (Applicable based on the specifics of the project)

1. A boundary survey (wet stamped and signed) may be required for projects that propose development near to property lines, setback lines, easements, or where the location of these are unknown or in dispute, or where accurate topographic information is required. The survey shall include the following.
 - a. All property lines.
 - b. Building footprint of all structures with dimensions to property line.
 - c. Easements, fully dimensioned, as reflected on a current title report including: 1) All public and private roads (labeled accordingly); 2) Rights-of-way; and 3) Easements, within and to the parcel.
 - d. Street improvements - (curb, gutter, sidewalk, edge of paving.)
 - e. Topography – (2' contour intervals in area to be developed.)
 - f. Drainage features including: 1) Swales; 2) Creeks (with required creek setbacks shown in both plan and sectional view); 3) Wetlands; and 4) Riparian habitat.
 - g. Trees - show all trees with a trunk diameter of 5" or more measured three feet above natural grade or, if having multiple trunks, a total perimeter of forty (40) inches or more measured three feet above natural grade within 100 feet of proposed development, with the following labeled: 1) Tree species; 2) Diameter of trunk; 3) Elevation at trunk base; 4) Field surveyed accurate driplines (generic symbols are not accepted); 5) Tree identification number, provided by the arborist; and 6) Trees proposed to be removed with a prominent "X."
2. An arborist report may be required when trees are proposed for removal or may be impacted by the project, such as work near or within driplines. The report should include; 1) Tree location(s), genus, species, diameter, dripline, and elevation at trunk base; 2) Health and condition of the tree(s), including existing hazards to the tree; 3) Potential impact of development on the tree(s) or existing tree(s) condition; 4) Evaluation of preservation potential based on the tree's existing condition and in relation to any potential development; Recommendations for protection, preservation, and requirements to maintain and improve tree health and assure survival; 5) Tree inventory table listing the tree number (as numerically tagged in the field), species, trunk diameter, health of tree, potential impact of proposal, and indicate whether tree is to be saved or removed 6) Site plan showing: numbered trees, accurate driplines, and proposed location of tree protection fencing; 7) Photos as applicable; and 8) Post construction recommendations as applicable.
3. A biological survey when a project is proposed within a sensitive habitat area, such as a riparian environment, oak woodland, or within a substantially undisturbed natural area.
4. Additional studies may be required depending on specific project type and potential impacts of the project, such as, traffic, parking or noise studies, prior to consideration of the project at a public hearing.