



## CITY OF ORINDA

### *Exception Permit Application*

#### Planning

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The exception permit is intended to provide design flexibility from certain quantitative regulations when there is no adverse impact. A wide variety of lot sizes, shapes, and topography exist within a single zoning district. Additionally, there are many older homes and other buildings built prior to zoning regulations. Due to these variations, exceptions are permitted for the preservation of the semi-rural character of Orinda.

#### **Exceptions may be granted from the following development standards:** [section 17.32.2]

1. A shifting of the building mass into a required setback, which thus allows for a greater than required setback elsewhere on the property, which may be needed to reduce an off-site impact on an adjoining neighbor. In such cases, the resulting setback encroachment may be of lesser community impact than had the alternate setback be constructed within the setbacks;
2. A reduction in setback requirement, an increase in height of a building, fence or retaining wall which exceeds the permitted standard, or any combination of such deviations which are either: (1) necessary to respond to the limitations created by the characteristics of the site or an existing structure; or (2) desirable to enable greater design flexibility where appropriately mitigated by the site's unique characteristics;
3. An allowance to exceed the height or story limitations in cases where such development would be less intrusive visually or environmentally than a similarly sized more horizontal building mass;
4. A reduction in setback requirements to allow architectural elements such as arbors, trellises, porches and breezeways which will visually enhance the appearance of existing nonconforming structures;
5. A decrease in front yard setback for garage placement for non front-loading garages (swing entry) on narrow lots or hillside lots, reducing the visual bulk and further articulating the building mass;
6. On-site retaining walls greater in height than those allowed by Section 17.4.27 which are not visible from off-site locations;
7. A home of unusual design, or a home with a striking feature which is not visible to the general public or neighboring properties because of the physical characteristics of the site;
8. Outdoor dining which does not meet the regulation specified in Section 17.8.5(I);
9. Take-out restaurants which do not meet the regulation specified in Section 17.8.5(I).

#### **About the Process**

Complete this application and submit it along with a general application form. Take care to give responses to the findings that are requested in this application because they will be used by the decisionmaker to evaluate the compliance of the application with city code.

After you have submitted your application, it will be assigned to a project planner for processing. Your project planner, along with the Department of Engineering and the Moraga-Orinda Fire District, will then review your application for completeness. You will be notified within 30 days

as to whether or not any additional information or plans will be required by staff to complete the processing of your application.

## **APPLICATION CHECKLIST**

Submit this checklist with a checkmark next to each item submitted.

***The application will not be accepted for processing unless all pertinent information is provided. See checklist below. It is not necessary to fill out this application checklist if the exception is requested for a project subject to design review.***

- \_\_\_\_\_ a. Completed general planning application form and the attached specific application form.
- \_\_\_\_\_ b. Completed checklist signed and dated (this list).
- \_\_\_\_\_ c. Fees payable upon submission.

New residences and additions; when combined with the required concurrent Design review application	\$754
All Other Exceptions	Staff hourly rates charges. A cash deposit of \$1,500 will be required before work commences.
Mailing (Required)	\$183
10% General Plan Update surcharge fee (Required)	_____
- \_\_\_\_\_ d. Written description of design concept.
- \_\_\_\_\_ e. Written approval of your local homeowner's association is strongly recommended, if applicable.
- \_\_\_\_\_ f. Project site must be marked with an identification sign (address or lot number)
- \_\_\_\_\_ g. Property lines within 40 feet of any proposed site improvement must be staked or otherwise marked.
- \_\_\_\_\_ h. All trees with a trunk diameter of six (6) inches or greater measured at 4½ feet above grade which will be, or are at risk of being damaged or removed, must be flagged.
- \_\_\_\_\_ i. Story poles must be installed to deem application complete. (Necessary for additions, walls, and fences)

***The following items must also be submitted with all applications for residential additions:***

- \_\_\_\_\_ j. Soils Report (2 copies) - Soils and geotechnical reports are required for certain properties. *Contact the Engineering Department at (925) 253-4251 before submitting your application to determine the level of soils review required for your project.* Soils and geotechnical reports will require peer review, which involves a separate application that must be filed with the Engineering Department. When new structures are proposed in the vicinity of a creek bank, the soils report must also address the stability of the creek bank.
- \_\_\_\_\_ k. Preliminary Title Report not more than 2 years old (2 copies).

The following items must be submitted with all non-residential applications:

- \_\_\_\_\_ l. Calculation of maximum lot coverage (percent).
- \_\_\_\_\_ m. Calculation of minimum site landscaping (percent).

## II.Plans

### GENERAL REQUIREMENTS

- \_\_\_\_\_ 1. One (1) full-size, one (1) 11"x17" and one electronic (.PDF) set of plans.
- \_\_\_\_\_ 2. Full size plans shall be on sheets no larger than 24" x 36".
- \_\_\_\_\_ 3. Electronic (.PDF) plans must be provided on a flash/thumb drive at the time of application submittal.
- \_\_\_\_\_ 4. All plans must be drawn neatly and to scale (with scale indicated).
- \_\_\_\_\_ 5. Plan sets must be stapled or otherwise bound together along the left edge.
- \_\_\_\_\_ 6. Plan sets must be folded to a size not exceeding 9" x 12" with the title block visible.

### SITE PLAN

- \_\_\_\_\_ 1. Drawn to the largest scale which can fill a 24" x 36" sheet, but not smaller than 1"=20'
- \_\_\_\_\_ 2. Include a north arrow.
- \_\_\_\_\_ 3. All property lines shown and dimensioned with metes and bounds
- \_\_\_\_\_ 4. Indicate all required setbacks.
- \_\_\_\_\_ 5. Show all public and private roads, rights-of-way, and easements within and adjacent to the parcel, fully dimensioned. Indicate whether public or private. Indicate nature of easements.
- \_\_\_\_\_ 6. Show footprints of all existing and proposed structures with dimensions to all property lines. All changes or additions to existing structures shall be ballooned, hatched, or otherwise highlighted.
- \_\_\_\_\_ 7. Indicate the trunk location, dripline, and species type and size of all existing trees with a trunk diameter of six (6) inches or greater measured at 4½ feet above grade, if a proposed site improvement will encroach upon the dripline.
- \_\_\_\_\_ 8. Mark any trees listed under item #7 above, which are to be removed, with an "X".
- \_\_\_\_\_ 9. Show any significant drainage features, including swales, creeks (with required creek setbacks shown in plan and section view), and riparian habitat if altered by the project.

**Items 10-14 do not need to be included if they are not changed or affected by the project.**

- \_\_\_\_\_ 10. Show all existing and proposed impervious surfaces, including but not limited to sidewalks, roofs, patios, stairs, pool decks, and driveways, with square footage of all existing and new impervious surfaces noted.
- \_\_\_\_\_ 11. Indicate all existing and proposed covered/uncovered parking facilities and driveways.
- \_\_\_\_\_ 12. Indicate location of existing and proposed sanitary sewers.
- \_\_\_\_\_ 13. Indicate location and dimensions of existing and proposed retaining walls and fences.
- \_\_\_\_\_ 14. Indicate the average slope of the property.

**Applications for projects on parcels with average slopes of greater than 20% must also include the following on the site plan:**

- \_\_\_\_\_ 15. Existing and proposed topographic contours (with minimum contour intervals of 10 feet), for land within 20 feet of any proposed site improvements or drainage facilities.

## GRADING PLAN

***The following requirements apply to applications that involve grading more than a total of 50 cubic yards of cut or fill. Projects proposing less than 50 cubic yards of cut or fill may indicate minor grading on the site plan.***

- \_\_\_\_\_ 1. Drawn to the largest scale which can fill a 24" x 36" sheet, but not smaller than 1"=20'
- \_\_\_\_\_ 2. Include a north arrow.
- \_\_\_\_\_ 3. All property lines shown and dimensioned with metes and bounds.
- \_\_\_\_\_ 4. Existing and proposed contours shown and labeled. Contour lines shall have a maximum interval of two (2) feet. Extend contours a minimum of fifty (50) feet beyond the property lines.
- \_\_\_\_\_ 5. Note amount of cut, fill, import, or export.
- \_\_\_\_\_ 6. Show all existing and proposed drainage facilities, including but not limited to: swales, creeks, drainage ditches, discharge facilities, catch-basins, and subsurface drainage pipes (closed and open), within and adjacent to the site.
- \_\_\_\_\_ 7. Show the location or outline of any geologic or potentially hazardous soil condition, and areas subject to inundation or ponding.
- \_\_\_\_\_ 8. Show all public and private roads, rights-of-way, and easements, within and adjacent to the parcel, fully dimensioned. Indicate whether public or private. Indicate nature of easements.

## LANDSCAPE PLANS

***The following requirements apply to all applications except as follows: 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.
- \_\_\_\_\_ 3. Indicate general type of plant material with species name, size, and method of irrigation.
- \_\_\_\_\_ 4. Include vegetation key, box sizes, planting details, etc.

## ELEVATIONS

- \_\_\_\_\_ 1. Drawn to the largest scale which can fill a 24" x 36" sheet, but not smaller than 1/4"=1'.
- \_\_\_\_\_ 2. Include full exterior dimensions.
- \_\_\_\_\_ 3. Indicate both existing and finished grade.
- \_\_\_\_\_ 4. Show architectural features.
- \_\_\_\_\_ 5. Indicate both colors and materials for all exterior walls, trim, and roofing.
- \_\_\_\_\_ 6. Include retaining wall and fence elevations/profiles, indicating heights, colors, and materials. Indicate width and spacing of fence material. (Fences within five feet of a front property line must have visually open construction.)
- \_\_\_\_\_ 7. All changes or additions to existing structures shall be ballooned, hatched, or otherwise highlighted.

## FLOOR PLANS

- \_\_\_\_\_ 1. Show all existing and proposed rooms and label their use.
- \_\_\_\_\_ 2. Show all existing and proposed usable or potentially usable areas or spaces (including basements, attics, crawl spaces with significant headroom, lofts, accessory buildings, etc.) and label their use.
- \_\_\_\_\_ 3. Show all existing and proposed decks, balconies, porches, garages/carports, etc., and label their use.
- \_\_\_\_\_ 4. Indicate all exterior dimensions.

- \_\_\_\_\_ 5. Indicate the limits of the floor above and the floor below on multi-level structures.  
***Applications for projects involving additions or remodels involving structural changes must also include the following on the floor plans:***
- \_\_\_\_\_ 6. Clearly indicate any existing walls that are to be removed.

**CROSS SECTIONS**

- \_\_\_\_\_ 1. Drawn at the same scale as the elevations.
- \_\_\_\_\_ 2. Locations where cross sections are taken shall be indicated on the site plan and/or floor plans.
- \_\_\_\_\_ 3. Indicate foundation, finished grade, and top of wall elevations.

***Applications for projects on parcels with average slopes of greater than 20% must also include the following on the cross sections:***

- \_\_\_\_\_ 4. Cross sections must extend across the full extent of the property, including adjoining roads.

**VISUAL AIDES**

In addition to above materials, visual aides to conceptualize the project in the natural setting must be submitted. They may include, but are not limited to the following:

- 1. Photomontage (a panoramic photo with the proposed project graphically set into the scene)
- 2. Scaled model
- 3. Perspective elevation
- 4. Architectural model

The above checklist outlines the minimum information and plans that must be submitted as part of your application. Please keep in mind that the project planner may require additional information or materials. The burden of proof rests on the applicant to prove the project meets the standards within its natural setting.

Lastly, City staff and either the Zoning Administrator or members of the Planning Commission will inspect the property. This access to your property is a mandatory part of your application, but will be limited to the above mentioned planning agency personnel, as is regulated by the State’s Planning and Zoning Law. You are not required to provide access to your property to the general public. Please make any necessary arrangements with staff regarding their access to your property.

**I have read and understand my obligations regarding the information necessary for an Exception application:**

\_\_\_\_\_  
 Signature of Owner or Authorized Agent

\_\_\_\_\_  
 Date

**REQUEST FOR EXCEPTION**

[PLEASE FILL OUT A SEPARATE "REQUEST" AND "STATEMENT" FORM FOR EACH CODE SECTION A EXCEPTION IS REQUESTED].

1. Regulation from which an exception is requested: (Refer to specific code section by number)

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2. Reason for exception: (e.g. Proposed garage will be 4 feet into the front setback)

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**STATEMENT FOR FINDINGS**

The Zoning Administrator or Planning Commission must make findings of fact for each of the following standards which are applicable to the exception you have requested. On this form, please indicate facts and observations which you believe are pertinent to each of these standards. Attach additional sheets of paper as necessary.

1. The strict application of the respective zoning regulations will either: (1) deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district, because the site's unique characteristics, such as an irregular or constrained size, shape or topography, or limitations created by the site's existing development, limit design options available to the subject property; or (2) serve no land use planning purpose under this title or the general plan because of the absence of any negative impact whatsoever on the semi-rural character of Orinda or on the privacy, views and general well-being of neighboring properties as a result of the size, shape, location or topography of the site.

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2. The exception will result in development which substantially complies with the intent and purpose of the requirements, including design review, of the land use district in which the subject property is located.

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3. For a project affecting an existing structure, the exception:

- i) The exception does not substantially increase the degree of an existing nonconformity; and

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- ii) The exception is necessary to preserve or enhance a feature of the existing structure which is architecturally or functionally appropriate.

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