



TOWN OF MORAGA

AFFORDABLE HOUSING ON FAITH AND HIGHER EDUCATION LAND SENATE BILL 4

Senate Bill 4

Senate Bill 4 (SB 4, 2023) as amended by Assembly Bill 130 (2025), Affordable Housing on Faith and Higher Education Land created a streamlined, ministerial review and approval process for religious organizations and nonprofit colleges to develop affordable multi-family housing on their property on or before January 1, 2024. SB 4 expires on January 1, 2036. SB 4 is a voluntary program that a project sponsor may elect to pursue, provided that certain eligibility criteria are met.

APPLICATION REVIEW PROCESS:

1. Ministerial Review. Projects complying with SB4 are reviewed on a ministerial basis. A ministerial decision involves only the use of fixed or objective standards, and government agencies cannot use personal, subjective judgment in deciding whether or how the project should be carried out.
2. CEQA Exemption. Development projects complying with SB4 are not subject to environmental review under the California Environmental Quality Act (CEQA) or conditional use authorization or other similar discretionary review or entitlements under the zoning code, an accompanying application for a condominium map or subdivision map pursuant to the Subdivision Map Act is also exempt.
3. Application Review Timing: Depending on the project size, the following deadlines shall be observed:
 - **Small projects** (150 units or less) – the Town shall provide the applicant with a list of all inconsistencies with objective planning standards and an explanation for the reason(s) the project conflicts with the standard(s) within 60 days of the application submittal to the Town.
 - **Large projects** (over 150 units) – the Town shall provide the applicant with a list of all inconsistencies with objective planning standards and an explanation for the reason(s) the project conflicts with the standard(s) within 90 days of the application submittal to the Town.
4. Design Review Timing: The Town may conduct design review of the proposed project. The design review shall be objective and focused on assessing compliance with criteria required for streamlined, ministerial review of projects, and adopted objective design standards. The following deadlines shall be observed:
 - **Small projects** (150 or less units) – the Town shall complete design review within 90 days of the application submittal to the Town.
 - **Large projects** (over 150 units) – the Town shall complete design review within 180 days of the application submittal to the Town.

The following pages of this application packet include a checklist to be completed by the applicant of the requirements of SB 4 that a project must meet to qualify for streamlined ministerial approval for eligible affordable housing development projects under Government Code Section [65913.16](#), application submittal requirements and documents requirements. For questions, please contact the planning department at (925) 888-7044 or email planning@moraga.ca.us.

Eligibility Requirement

Site and Developer Qualification Criteria	<p>1. Religious or Higher Education Institution. The project is located on a site that, as of January 1, 2024, was owned by either of the following:</p> <p>(1) An independent institution of higher education; or</p> <p>(2) A religious institution. (Note: the project may be located on the same site as an existing religious or higher education institution, or the same site as any use previously existing and legally permitted, provided all of the following are met:</p> <ul style="list-style-type: none"> • The total square footage of non-residential space on the site does not exceed the amount previously existing or permitted with a conditional use permit; and • The total parking requirement for non-residential space on the site does not exceed the lesser of the amount existing or of the amount required by a conditional use permit; and the new uses abide by the same operational conditions as contained in the previous conditional use permit). [Govt. Code §65913.16(c)(1) and (b)(6) and (b)(10) and (i)]. 	Yes	No
		<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
	<p>2. Qualified Developer. The project will be developed by a “qualified developer” consisting of any of the following:</p> <p>(1) A local public entity;</p> <p>(2) A non-profit corporation, a limited partnership where a managing general partner is a non-profit corporation, or a limited liability company where a managing general partner is a non-profit corporation;</p> <p>(3) A developer that at the time of submission of an application for development owns property or manages housing units on property exempt from taxation pursuant to the welfare exemption;</p> <p>(4) A developer that contracts with a non-profit corporation that has received a welfare exemption; or</p> <p>(5) A developer that the religious or higher education institution has contracted with before to construct housing or other improvements to real property. [Govt. Code §65913.16(b)(9)].</p>	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

Site and Developer Qualification Criteria	<p>3. Site Location.</p> <p>(1) Urban. The site is an urbanized area or urban cluster. [Govt. Code §65913.16(c)(2)].</p> <p>(2) Urban Perimeter. A minimum 75% of the site perimeter is developed with urban uses. [Govt. Code §65913.16(c)(2)].</p>	Yes	No
		<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
	<p>4. Minimum Labor Standards. Developments of 50 or more housing units approved by a local government pursuant to Article 2 (commencing with Section 65912.110) of, or Article 3 (commencing with Section 65912.120) of, Chapter 4.1 shall meet all of the labor standards outlined in Gov Code Section 65913.16(g).</p>	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

	5. Environmental Site Assessment. The development proponent has completed a Phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code, and Phase II environmental assessment, as defined in subdivision (o) of Section 25403 of the Health and Safety Code, if warranted. If a recognized environmental condition is found, the proponent undertakes an endangerment assessment, and any hazardous release or exposure is mitigated to a level of insignificance. [Govt. Code §65913.16(c)(13)].	Yes No <input type="checkbox"/> <input type="checkbox"/>
	6. Tribal Cultural Resources. For a vacant site, the site does not contain tribal cultural resources that could be affected by the development project that were found pursuant to a consultation as described in the Public Resources Code Section 21080.3.1, and the effects of which cannot be mitigated. [Govt. Code §65913.16(c)(15)].	Yes No N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	7. Public Work Project. The housing development project is either entirely a public work project or the development contains more than 10 units and is not in its entirety a public work for the purposes of prevailing wage law. [Govt. Code §65913.16(c)(12)].	Yes No <input type="checkbox"/> <input type="checkbox"/>
	8. Demolition of Housing. If the project requires the demolition of existing residential units, or is located on a site where residential units have been demolished within the last 5 years, all of the following apply: (1) The project creates at least as many units as will be demolished; (2) The project includes at least as many units that existed on the site within the last 5 years; (3) Any existing occupants will be allowed to occupy their units until 6 months before the start of construction activities with proper notice; (4) Any existing occupants that are required to leave their units are allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market; and (5) The developer agrees to provide relocation benefits to the existing occupants of any protected units that are lower income households, and a right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent or housing cost, except that the following are exempted from the right of first refusal: a project that consists of a single-family residential unit on a site where a single protected unit is being demolished; and units in a housing development where 100% of the units, exclusive of managers' units, are reserved for lower-income household. [Govt. Code §65913.16(c)(11)].	Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Site and Developer	9. Prohibited Site Locations. The project site shall not contain or be located in any of the following areas. Is the site located in any of the following areas or/and does it include any of the following? By checking "Yes" or "No", the applicant is confirming that they have verified this information and will provide documentation (maps, links, studies or other information) with this application. [Gov Code Section 65913.16(c)(3)].	Yes No <input type="checkbox"/> <input type="checkbox"/>
	(1) Prime Farmland or Farmland of Statewide Importance. The lot is on either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and	<input type="checkbox"/> <input type="checkbox"/>

Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction. [Gov Code Section 66499.41(a)(9)(A)]. (See https://maps.conservation.ca.gov/agriculture)		
(2) Wetlands. The site is in Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). Gov Code Section 66499.41(a)(9)(B) (See https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper)	<input type="checkbox"/>	<input type="checkbox"/>
(3) Lands under a conservation easement. [Gov Code Section 66499.41(a)(9)(J)]		
(4) Natural Community Conservation Plan. The lot is on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan. [Gov Code Section 66499.41(a)(9)(H)]	<input type="checkbox"/>	<input type="checkbox"/>
(5) Habitat for protected species. The lot is located on a site that is habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code). [Gov Code Section 66499.41(a)(9)(I)] (https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77 for federal protected species habitat)	<input type="checkbox"/>	<input type="checkbox"/>
(6) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register. [Gov Code Sections 65913.16(c)(4) and GC 65913.4(a)(7)(C)].	<input type="checkbox"/>	<input type="checkbox"/>
(7) The site requires the demolition of (a) housing subject to recorded rent restrictions, (b) housing subject to rent control, (c) housing occupied by tenants within the past 10 years. [Gov Code Sections 65913.16(c)(4) and GC 65913.4(a)(7)(A) and (B)].	<input type="checkbox"/>	<input type="checkbox"/>
(8) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property [Gov Code Sections 65913.16(c)(4) and GC 65913.4(a)(7)(D)].	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No	N/A
<p>10. Restricted Site Locations: The project site shall not contain or be located in any of the following areas unless certain requirements are met. If the site contains or is located in any of the following, does it meet the applicable requirements? By checking "Yes" or "No," the applicant is confirming they have verified this information and will provide documentation (maps, links, studies) with the application. Check "N/A" if the project site does not contain or is not located in any of the following. [Gov Code Section 65913.16(c)(3)].</p>			
<p>(1) Hazardous Waste Site: The lot is within a hazardous waste site that is listed pursuant to Section 65962.5 of the Gov Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to former Section 25356 of the Health and Safety Code, and the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has not determined the site is suitable for residential use or residential mixed uses. [Gov Code Section 66499.41(a)(9)(D)] (See https://geotracker.waterboards.ca.gov/ or https://www.envirostor.dtsc.ca.gov/public/)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(2) High or Very High Fire Hazard Severity Zone: The site is within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions detailed in Gov Code Section 65913.16(c)(3).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(3) Earthquake Fault Zone: The lot is within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, and the development does not comply with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Gov Code. [Gov Code Section 66499.41(a)(9)(E)]</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(4) Flood Hazard Zone: The lot is within a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA, and either the site has not been subject to a Letter of Map Revision prepared by FEMA and issued to the local jurisdiction or the site does not meet FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations. [Gov Code Section 66499.41(a)(9)(F)] (See https://msc.fema.gov/portal/home.)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(5) FEMA Regulatory Floodway: The lot is within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, and the development has not received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. [Gov Code Section 66499.41(a)(9)(G)] (See https://msc.fema.gov/portal/home.)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Site and Developer Qualification Criteria	A. Surrounding Uses.		Yes	No
	(1) Light Industrial Use ¹ . The development does not adjoin a site where more than 1/3 of the square footage on the site has a light industrial use; where light industry is the most recently permitted use; or the General Plan designates the property for light industrial use. (Note: Parcels separated by only a street or highway are considered to be adjoined). [Govt. Code §65913.16(c)(5)(A) and (B)].		<input type="checkbox"/>	<input type="checkbox"/>
	(2) Heavy Industrial Use ² . The housing units are not located within 1,200 feet of a site that is either currently used for heavy industry or where the most recent permitted use was heavy industry. [Govt. Code §65913.16(c)(6)(A) and (B)].		<input type="checkbox"/>	<input type="checkbox"/>
	(3) Title V Industrial Use ³ . The housing units are not located within 1,600 feet of a site that is currently a Title V industrial use, or where the most recent permitted use was a Title V industrial use. [Govt. Code §65913.16(b)(11) & (c)(7)(A) and (B)].		<input type="checkbox"/>	<input type="checkbox"/>
	(4) Oil and Gas Facility. For a site where multi-family housing is not an existing permitted use, the housing units are not within 3,200 feet of a facility that actively extracts or refines oil or natural gas. [Govt. Code §65913.16(c)(8)].		<input type="checkbox"/>	<input type="checkbox"/>
Qualifying Development Criteria	12. Multi-Family Housing. The project is a multi-family housing development of 2 or more units.		Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
	13. Affordable Housing Units. The applicant has dedicated 100% of the units as affordable to lower income households OR has dedicated a minimum 80% of the total units as affordable to lower income, and a maximum of 20% of the total units as affordable to moderate income, households. Managers' units are exempt from affordability requirements. (Note: a maximum of 5% of the total units may be for staff of the higher education or religious institution). [Govt. Code §65913.16(c)(9)].		Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
	14. Deed Restricted. All units, exclusive of managers' units, are subject to a recorded deed restriction for at least the following time periods: 55 years for rental units, and 45 years for owner-occupied units. [Govt. Code §65913.16(c)(9)(A) and (B)].		Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>	
15. Objective Standards. The project meets objective design and development standards, and objective subdivision standards (that are not in conflict with SB 4). [Govt. Code §65913.16(c)(10).]		Yes	No	
		<input type="checkbox"/>	<input type="checkbox"/>	
16. Building Height. For projects in a zone that allows residential uses, including single-family zones, a height of no more than one story or 11 feet above the maximum height otherwise applicable to the site is provided. If the zoning allows for a higher height limit on a site adjacent to the project site, then the higher height limit shall		Yes	No	N/A
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ "Light industrial use" means an industrial use that is not subject to permitting by a district, as defined in Section 39025 of the Health and Safety Code. [Govt. Code §65913.16(b)(7).]

² "Heavy industrial use" means a use that is a source, other than a Title V source, as defined by Section 39053.5 of the Health and Safety Code, that is subject to permitting by a district, as defined in Section 39025 of the Health and Safety Code, pursuant to Division 26(commencing with Section 39000) of the Health and Safety Code or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.). A use where the only source permitted by a district is an emergency backup generator, and the source is in compliance with permitted emissions and operating limits, is not a heavy industrial use. [Govt. Code §65913.16(b)(4).]

³ "Title V industrial use" means a use that is a Title V source, as defined in Section 39053.5 of the Health and Safety Code. . [Govt. Code §65913.16(b)(11).]

Qualifying Development Criteria	<p>apply. [Govt. Code §65913.16(j)(1)(A)(B)].</p> <p>In zones that do not allow for residential uses, a height of no more than one story or 11 feet above the maximum height otherwise applicable to the site or the height of any adjoining parcel, whichever is greater.</p> <p>Note: SB 4 projects in non-residential zones are eligible for a Density Bonus, but may not be used to increase the height of a project above the zoning district maximum, Gov. Code Section 65913.16(j)(2)(B),</p>			
	<p>17. Parking. No parking is required if the development parcel is located within ½-mile walking distance of public transit, either a high-quality transit corridor or a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code, OR if there is a car share vehicle located within one block of the parcel. Otherwise, the development provides at least 1 parking space per unit. [Govt. Code §65913.16(k)].</p>	Yes	No	
	<p>18. Air Quality. If the development is within 500 feet of a freeway, all regularly occupied areas of any buildings incorporate air filtration media for outside and return air that provides a minimum efficiency reporting value (MERV) of 13. [Govt. Code §65913.16(c)(14)].</p>	Yes	No	
	<p>19. Ancillary Uses. If the project is in a single-family residential zone, and if a childcare center or a facility operated by a community-based organization for the recreational, social or educational services for use by the residents of the development and members of the local community is provided, it is located on the ground floor of a residential building. If the project is in a non-single-family residential zone, any ancillary uses described above for a single-family residential zone or other commercial uses that are permitted without a conditional use permit or planned unit development permit are allowed, provided they are located on the ground floor of a residential building. (Note: No other ancillary uses beyond those listed are permitted). [Govt. Code §65913.16(h)].</p>	Yes	No	N/A
	<p>20. Density. The project density is no more than 40 units/acre if the site is located in a zone that does not allow residential uses, and no more than the density the Town has deemed appropriate to accommodate housing for lower income households in the adopted Housing Element, which is 24 DUA if the site is located in a zone that allows residential uses, including single-family residential zones. (Note: a housing development project located in a zone that allows residential uses, including in a single-family residential zone, shall be eligible for a density bonus, incentives, concessions, and/or waivers of development standards and parking ratios pursuant to State Density Bonus Law). [Govt. Code §65913.16(j)]</p>	Yes	No	



TOWN OF MORAGA

PLANNING DEPARTMENT
SENATE BILL 4

Submittal Requirements

- ☐ **Standard Planning Application, Completed and Signed**
- ☐ **Indemnity/Reimbursement Agreement, Completed and Signed**
- ☐ **Application Fee:** Please refer to [Master Fee Schedule](#).
- ☐ **Completed SB 4 Eligibility Checklist, Submittal Requirements and Document Requirements.**
- ☐ **Project Description:** Provide a full description of the project including both the existing and resulting site conditions. Please use additional sheets if necessary. If the project includes a density bonus, with requests for incentives, concessions, waivers or reductions in development standards, detail these requests in the project description and complete the Town's Density Bonus application.

- ☐ **Moraga-Orinda Fire District Approval:** SB 4 projects within the [MOFD service area](#) must be reviewed for compliance with applicable regulations under the Fire Code, available online [here](#). Submit a copy of the approved project application from MOFD, available online [here](#). An application for a lot split on a parcel designated as being located within a very high hazard fire severity zone or in a State Regulated Area must demonstrate in the application to MOFD that the existing public/private roads comply with the California Code of Regulations Title 14, Fire Safe Regulation such as road width and dead-end length.
- ☐ **Preliminary Title Report.** A title report no older than six months from the date of the application.
- ☐ **Utility Will-Serve Letters.** A "will serve" letter from all applicable utility agencies indicating utility services are available to new subdivided lots.
- ☐ **Document Requirements.** See Checklist below

Document Requirements

Please submit three (3) copies of any written documentation, one (1) set of plans at a minimum of 24' x 36" size folded to 11 x 17 and an electronic version (PDF) on a USB flash drive. All plans must be drawn to an architectural or engineer's scaled drawing such as 1/8th = 1 inch or 1/4th = 1 inch. 24 x 36 typical drawings, unless staff agrees to a smaller size.

A. Boundary Survey

The survey shall be wet stamped and signed by a licensed CA surveyor or appropriately licensed civil engineer. Minimum scale of 1/10" = 1'. The survey shall include the following:

1. All property lines.
2. Building footprint of all structures with dimensions to property line.
3. Easements, fully dimensioned, as reflected on a current title report including:
 - a. All public and private roads (labeled accordingly);
 - b. Rights-of-way; and
 - c. Easements, within and to the parcel.
4. Street improvements - (curb, gutter, sidewalk, edge of paving.)
5. Topography – (2' contour intervals in area to be developed.)
6. Drainage features including:
 - a. Swales;
 - b. Creeks (with required creek setbacks shown in both plan and sectional view);
 - c. Wetlands; and
 - d. Riparian habitat.
7. 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:
 - 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; and
 - f. Trees proposed to be removed with a prominent "X."

B. Architectural Plan Sets: Submit three (3) copies of any written documentation, one (1) set of plans at a minimum 24' x 36" size folded to 11 x 17 and an electronic version (PDF) on a USB flash drive. All plans must be drawn to an architectural or engineer's scaled drawing such as 1/8th = 1 inch or 1/4th = 1 inch. 24 x 36 typical drawings, unless staff agrees to a smaller size

Site Plans (Information may be on multiple sheets, subject to Planning Department approval)

1. North Arrow
2. Dimensioned property lines

3. Existing and proposed structures / buildings (proposed should have cross-hatching/shading to differentiate from existing)
4. Existing and proposed setbacks
5. Building footprints
6. Building envelopes (when different from footprint)
7. Roof overhangs
8. Location of existing and proposed improvements (i.e. Paved patios, accessory buildings, pools, etc.)
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. Adjacent streets and location of curb and sidewalk improvements
12. Indicate whether buildings or units are one or two stories
13. Structures on adjacent lots
14. Dimensions and number of existing and proposed off-street parking spaces
15. Existing and proposed landscaping (identify native trees and trees to be removed or relocated)
16. Exterior lighting
17. Existing and proposed public and private easements
18. Location and width of creeks, water courses, drainage easements, and facilities
19. Location of natural features
20. Location and height of existing and proposed retaining walls and fences
21. Gross Floor Area per Moraga Municipal Code Chapter 8.21 (show existing and proposed).
Gross Floor Area means the sum of:
 - a. The area measured on outside walls of the first story of the dwelling;
 - b. Garage area measures on outside walls;
 - c. That portion of any first story room with a ceiling height of 15 feet or more and not a part of a second story;
 - d. Area of the second story measured on outside walls
 - e. The area of that portion of any attic space that has a clear height of 7 feet above the floor
 - f. The area of accessory structures greater than 400 square feet in area with permanent foundations, measured on outside walls.
 - g. Floor area ratio (existing and proposed) - adjusted floor area divided by the net parcel

area.

22. A table or tables containing the following information:

- a. Total lot area of the project site, both net and gross. (in sq.ft.).
- b. Total existing Gross Floor Area of existing structures, including all habitable space, garages, carports and accessory buildings (Do not include covered porches, or accessory buildings less than 400 sq. ft.)
- c. Total Gross Floor Area of the proposed SB 4 project.
- d. The square footage of each proposed unit, and the other spaces in the building, such are lobbies, shared spaces, fitness rooms, community rooms etc.
- e. Existing and proposed area and percentage of lot covered by buildings.
- f. The existing and proposed area and percentage of the total lot coverage by impervious surfaces.
- g. An itemized calculation of existing and proposed impervious surface area on the project site (including area of all roofs and paved surfaces).
- h. Tabulation citing how the project meets all applicable objective standards, including minimum parking; minimum front, side and rear yard setbacks; maximum lot coverage; maximum number of stories; maximum building height; and maximum aggregate building height.
- i. For properties with an average pre-development slope of 20% or greater, existing and proposed topographic contours (with minimum contour intervals of 2 feet), for land within 20 feet of any proposed site improvements or drainage facilities.
- j. Indicate the zoning of the parcel and if applicable, the location of any Moraga Open Space Ordinance Ridgelines, Ridgeline Buffers, Scenic Corridors, and Scenic corridor Buffers.
- k. Indicate whether the parcel is within a High or Very High Fire Severity Zone.

23. Show the total existing and proposed impervious surface area on the project site, including the area of all roofs and hardscape surfaces. This information is required to determine compliance with the latest edition of the Contra Costa Clean Water Program's Stormwater C.3 Guidebook available at www.cccleanwater.org.

- a. If your project creates or replaces impervious surface area exceeding 10,000 sq. ft., or if your project involves auto service facilities, retail gasoline outlets (gas), restaurants, and uncovered parking lots, that create or replace impervious area exceeding 5,000 sq. ft., then you will be required to submit a Storm Water Control Plan in accordance with Chapter 2 of the C.3 Guidebook. The project engineer shall also show sufficient area of the site reserved to satisfy the treatment and/or detention requirements described in Chapter 3 of the C.3 Guidebook.
- b. Smaller projects that create or replace a minimum of 2,500 sq. ft. will need to comply with the Best Management Practices (BMPs) required under the Town's NPEDS Permit. This includes but is not limited to disconnecting all roof drains and designing surface drains for new impervious surfaces to 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.

Floor Plans

24. Show all existing and proposed rooms and label their use (including basements, attics, detached accessory structures, etc.)

25. Show all doors, windows, bay windows, chimneys, stairways, etc.

26. Show all existing and proposed decks, balconies, porches, garages/carports, etc., and label their use.
27. Indicate all areas to be demolished with proposed walls and existing walls clearly indicated.
28. Indicate all exterior and interior room dimensions.
29. Indicate the limits of the floor above and the floor below on multi-level structures.
30. Clearly indicate any existing walls that are to be removed.
31. Drawn to the same scale, and superimposed over, the grading plan (or the site plan if a grading plan is not required).

Roof Plans

32. Note elevation of each roof ridge above established data.
33. Note the pitch of the roof(s).
34. Indicate all changes or additions to existing structures with ballooning, hatching, or by otherwise highlighting.

Elevations

35. Include full typical exterior dimensions and notes including building heights.
36. Indicate both existing and finished grade.
37. All proposed exterior elevations showing existing and proposed exterior walls, roof, architectural features, doors, windows, trim, down spouts, exterior wall, exterior lighting, and roofing materials.
38. Indicate a material schedule with colors and materials for all exterior walls, glass, trim, and roofing.
39. Include retaining wall and fence elevations/profiles, indicating heights, colors, and materials, if retaining wall and fence are part of the project.
40. All changes or additions to existing structures shall be ballooned, hatched, or otherwise highlighted and noted on the drawing revision.
41. Show existing and proposed conditions with two separate elevation view drawings, done at the same scale, for each building elevation to be modified by the addition.
42. Indicate maximum allowable building height as measured from existing grade.

Building Sections

43. Scale – drawn at the largest architectural scale that can fill a sheet ($1/8" = 1'$ or larger).
44. Coincident with critical roof ridges or site conditions.

45. Locate where cross sections are taken on the site plan and/or floor plans.
46. Indicate foundation, finished floor, and roof ridge elevations (above established datum).

Colors and Materials Board

47. A colored elevation of the proposal references the color chips and manufacturers' specifications of the following:
- a. Body/Siding
 - b. Trim
 - c. Windows
 - d. Roof
 - e. Exterior light fixtures, for residential and landscaping. All lighting shall be shielded and directed downward. Dark Sky compliant lighting is encouraged.
 - f. Fences, walls and retaining walls.
 - g. Hardscape.

Landscaping Plans.

48. Topography - show existing topography with a light line weight and proposed topography with a darker or heavier line weight.
49. 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"
50. 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.
51. Irrigation - submit a preliminary plan showing:
- a. Watering zones (drip/spray) with corresponding legend and table.
52. 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.
53. Total landscaped area (sq. ft) – all planting areas, turf, and water features

Model Water Efficient Landscape Ordinance (MWELo)

54. 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 MWELo. 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.
55. Drawn at the same scale as the site plan.
56. Include a north arrow, legend, and scale.
57. 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
58. Provide the total square footage of irrigated area.

C. Grading and Drainage Plans

- 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 square feet or more.

D. Preliminary Geotechnical Report

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

1. 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.
2. Recommendations outlining an exploration program to fully define and delineate any geologic hazard or potentially hazardous soil condition, and to accurately identify developable areas.
3. Conclusions regarding the effect of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the project site.
4. Recommendations for redesign of the subdivision to mitigate potentially hazardous conditions, if warranted.

E. Affordable Housing Plan: Submit a written plan including the following.

1. The location, tenure (rental or ownership) and size of the proposed market-rate and inclusionary units.
2. The calculations used to determine the number of inclusionary units.
3. A floor plan or site plan depicting the location of the inclusionary units.
4. The affordability level for each inclusionary unit.
5. The term of affordability.
6. A phasing plan for the inclusionary units, in the event the project includes phases.
7. A description and details of any requested density bonuses, incentives, waivers or exemptions.
8. The process by which eligibility of qualified households will be reviewed and selected to rent or purchase affordable units.
9. An annual reporting schedule.
10. Additional information may be requested by the planning director.

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

1. **Phase I Environmental Assessment:** A preliminary assessment of a property to determine whether there has been, or may have been, a release of a hazardous substance based on reasonably available information about the property and general vicinity. A phase I

environmental assessment may include, but is not limited to, a review of public and private records, current and historical land uses, prior releases of a hazardous material, database searches, reviews of relevant files of federal, state, and local agencies, visual and other surveys of the property and general vicinity, interviews with current and previous owners and operators, and review of regulatory correspondence and environmental reports. Sampling or testing is not required as part of a phase I environmental assessment. A Phase I environmental assessment shall meet the most current requirements adopted by the American Society for Testing and Materials (ASTM) for Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process or meet the requirements of Part 312 (commencing with Section 312.1) of Title 40 of the Code of Federal Regulations.

2. **Phase II Environmental Assessment:** The Phase II environmental assessment may be required if warranted based on the results of the Phase I environmental assessment. A phase II environmental assessment is an intrusive study where actual physical environmental samples are collected and analyzed to characterize the type and distribution of hazardous material in the environment. A phase II environmental assessment shall meet the most current requirements adopted by the American Society for Testing and Materials (ASTM) for Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process.
3. **Arborist Report:** 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:
 - a. Tree location(s), genus, species, diameter, dripline, and elevation at trunk base;
 - b. Health and condition of the tree(s), including existing hazards to the tree;
 - c. Potential impact of development on the tree(s) or existing tree(s) condition;
 - d. 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;
 - e. 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
 - f. Site plan showing: numbered trees, accurate driplines, and proposed location of tree protection fencing;
 - g. Photos as applicable; and
 - h. Post construction recommendations as applicable.
4. **Biological Survey:** May be required when a project is proposed within a sensitive habitat area, such as a riparian environment, oak woodland, or within a substantially undisturbed natural area. If located within 100' of wetland/non-channeled creek, provide a wetland delineation map*. If located within ½ mile of critical habitat, provide biotic resource analysis/biological assessment**. Provide a report that includes:
 - a. Type and location of threatened and endangered plant and animal species.
 - b. Riparian vegetation on and within 100' of subject property.
 - c. Oak woodland and other plant communities providing habitat.
 - d. Location of watercourses, springs, drainage swales, wetlands, wildlife corridors, other natural features that may provide habitat or be subject to DFW* or ACE** jurisdiction.
 - e. Area and location of undeveloped land on the subject property required to protect and enhance the continued viability of significant biotic resources, where applicable.
 - f. Mitigation measures for impacts on significant biotic resources.

**Wetland delineation maps must be created by a licensed wetland delineation expert and/or be on the US Army Corps of Engineer Wetland Consultant list.*

***Biotic resource analysis/biological assessments must be created by a qualified California Department of Fish and Wildlife and US Fish and Wildlife Service biologist*

5. **Tribal Cultural Resources Study/Analysis and Tribal Consultation:** If the site is vacant, submit a Tribal Cultural Resources Study/Analysis and undergo tribal consultation process consultation as described in the Public Resources Code Section 21080.3.1 to determine if the site contains any tribal cultural resources, as defined in Public Resources Code Section 21074, that could be affected by the project and the effects of which cannot be mitigated.
6. 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.

7. Tentative Map (Condominium Projects)

- a. The map should be printed conspicuously on its face the words "Vesting Tentative Map".
- b. The map must be clearly and legibly drawn on one sheet, unless the Planning Department gives written permission for more than one sheet.
- c. The map should have printed conspicuously on its face the words "Vesting Tentative Map."
- d. The map must be clearly and legibly drawn on one sheet, unless the Planning Department gives written permission for more than one sheet.
- e. The map must be drawn to an engineer's scale no smaller than 1-inch equals 100 feet and large enough to clearly show all required information.
- f. The scale used must be indicated on the map.
- g. The measurements shown on the map shall include the length of all property lines, the width of streets and easements and the areas of lots.
- h. The title of the map must contain the subdivision number and the type of subdivision and may include a subdivision name selected by the applicant. Subdivision numbers for minor subdivisions where four or less lots will be created are assigned by the Moraga Planning Department, subdivision numbers creating more than four lots are assigned by the Contra Costa County Public Works Department. They may be reached at (925) 313- 2000.
- i. The map must include the names and addresses for the legal owner of the property, the subdivider, and the person or persons who prepared the map.
- j. There must be included on the tentative map a small vicinity map showing roads and other information sufficient to locate the proposed subdivision and show its relative position in the community.
- k. The map must be oriented with the north arrow directed toward the top of the sheet.
- l. The map must show existing property lines around the subdivision, with the names of the owners on record of the properties abutting the subdivision.

- m. The map must show existing topographical contours. The contour interval should not be greater than 2 feet if the ground slope is less than 10%, and at such intervals that the contour lines do not spread more than 150 feet apart when measured horizontally.
- n. The contour interval used must be specified on the map.
- o. The map must show boundary lines and identify the existing land use zones within and adjacent to the proposed subdivision.
- p. The map must show all existing features and constraints on the property, including:
 - I. The location of existing structures; the edges of pavement for existing streets, private roads, driveways, and other paved areas; wells and springs; utility poles; and overhead and underground utility lines. Boundaries of existing easements. Identify the purpose of the easements and describe any exclusions or deed restrictions on the property.
 - II. The location and species of all trees or, if massed, the outlines of the tree mass. Trunk diameter must be noted for all trees 5 inches or more in diameter and for trees with multiple trunks where the measurement around the trunks is 40 inches in diameter when measured 3 feet above the natural grade.
 - III. Existing natural creeks and existing drainage facilities, such as drainage channels, storm drains, and culverts.
 - IV. Any area on the property with a geologic or potentially hazardous soil condition and areas subject to flooding or ponding.
- q. The map must show the proposed lot layout and include the following information:
 - I. The dimensions of each lot. Lots must conform to the SB 9 provisions as to size. Lots not served by public sewers must not be smaller in area than the Health Department approves for septic tanks and drain field installation.
 - II. The area of each lot. The lot area should not include streets, access easements, or driveways used as access to lots that do not have direct frontage on a street.
 - III. If four lots or less, each lot must be identified with a "Parcel" letter, beginning with "Parcel A". Letters must be consecutive. If there are more than four lots, then lots must be numbered sequentially, beginning with lot 1.
- r. Side lot lines must be substantially at right angles or radial to street lines.
- s. The map must show all proposed subdivision improvements and easements as follows:
 - I. Show any proposed plans for frontage improvements along existing streets with any proposed street widening and/or right-of-way dedications.
 - II. Show the location and width of all proposed easements, such as access, drainage, sanitary sewer (CCCSD), water (EBMUD), or power (PG&E).
 - III. Include on the map typical geometric sections for streets showing pavement width, curbs, sidewalks, grading on margin strips, slopes of cuts and fills, and all other construction proposed, if applicable.

SB 4 Prevailing Wage Enforcement, Government Code Section [65913.16\(d\)-\(f\)](#)

(d)(1) The obligation of the contractors and subcontractors to pay prevailing wages pursuant to this section may be enforced by any of the following:

(A) The Labor Commissioner, through the issuance of a civil wage and penalty assessment pursuant to [Section 1741 of the Labor Code](#), that may be reviewed pursuant to [Section 1742 of the Labor Code](#), within 18 months after the completion of the development.

(B) An underpaid worker through an administrative complaint or civil action.

(C) A joint labor-management committee through a civil action pursuant to [Section 1771.2 of the Labor Code](#).

(2) If a civil wage and penalty assessment is issued pursuant to this section, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to [Section 1742.1 of the Labor Code](#).

(3) This subdivision does not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subdivision, “project labor agreement” has the same meaning as set forth in [paragraph \(1\) of subdivision \(b\) of Section 2500 of the Public Contract Code](#).

(e) Notwithstanding [subdivision \(c\) of Section 1773.1 of the Labor Code](#), the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing does not apply to those portions of a development that are not a public work if otherwise provided in a bona fide collective bargaining agreement covering the worker.

(f) The requirement of this section to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to [Section 511](#) or [514 of the Labor Code](#)