



SUBMITTAL REQUIREMENTS SENATE BILL 330 PRELIMINARY APPLICATION

The Housing Crisis Act of 2019 (Senate Bill, or "SB," 330) creates a preliminary application process through which an applicant for new residential development may obtain assurances for continued review under the ordinances, standards, and policies in effect when a preliminary application is deemed complete. SB 330 also provides a specified list of information that is required to be submitted for a preliminary application to be deemed complete.

The following materials are required for preliminary application submittal under the Housing Crisis Act of 2019:

1. A completed Town of Moraga Planning Department SB330 Preliminary Application (Attached)
2. On a Title Sheet:
 - The specific project location, including parcel number(s), legal description(s), and site address(es), if applicable.
 - The existing uses on the project site and identification of major proposed physical alterations to the property
 - Indication ("yes" or "no") of whether a portion of the property is or is not located within any of the following:
 - A very high fire hazard severity zone
 - Wetlands
 - A hazardous waste site designated pursuant to Section 65962.5 of the Government Code or Section 25356 of the Health and Safety Code
 - A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any of their official maps
 - A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission
 - A stream or other resource that may be subject to a streambed alteration agreement
 - Development statistics, including:
 - Approximate square footage of each proposed building
 - Approximate square feet of proposed residential and nonresidential development
 - Proposed massing and building height
 - Number of proposed residential units
 - Number of proposed parking spaces.
 - Number of proposed below market rate units and their affordability levels.
 - Number of proposed bonus units requested pursuant to Government Code 65915 (Density Bonuses)
 - Number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied
 - Any proposed point sources of air or water pollutants, or a note indicating no point sources are being proposed
 - Any species of special concern known to occur on the property or to be affected by the proposed development, or a note indicating none are known to occur.
 - A conclusive determination as to whether any known historic or cultural resources exist on the property, as determined by year of construction, a Planning Division historic significance evaluation, or a DPR 523 form
 - All land use entitlements being sought, including, but not limited to:
 - Any incentives, concessions, waivers, or parking reductions requested pursuant to Government Code 65915 (Density Bonuses) (including appropriate documentation to enable Town to determine whether there is a legal basis to support granting of same)
 - Any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.

3. Other Required Plan Sheets:

- An aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.
- A site plan showing all of the following:
 - Location on the property of the proposed development (including elevations showing design, color and material and the massing, height and approximate square footage of each building)
 - The location of any recorded public easement
 - Streams or other resources that may be subject to a streambed alteration agreement
 - Elevations showing design, color, massing, and material of each building that is proposed

In order to enable staff to provide useful feedback, it is recommended that additional information beyond the minimum requirements listed above be provided for review. The following items will not be used to determine completeness; however, these items are recommended in order to enhance staff's understanding of the project:

- Additional information, to be placed on the Cover Sheet:
 - Project number(s) for any prior development permits issued for the subject site
 - For multi-family residential projects, statistics: density (dwelling units per net acre), unit breakdown (percentage studio, one-bedroom, two bedrooms, etc.), common open space, private open space, storage area per unit
- A context map indicating all adjacent land uses, structures, driveways, parking areas, trees, and drainage courses on the site and within 200 feet of the perimeter of the site. If the site has multiple tenants, provide an inventory of all tenant spaces on the property, listing the address, type of business, and floor area for each tenant space.
- Floor plan(s) showing the intended use of each area and the location and dimension of exterior doors and windows
- A tree survey plan indicating existing and proposed site features, and the following information:
 - Tree trunk(s) six-inch diameter at Breast Height (DBH) and larger located on plan with accurate canopy outline
 - Summary table identifying botanical designation, DBH, and elevation of trees at ground level
 - Proposed disposition of all existing trees on the site
 - If no trees exist on the site, then include a note on the landscape plan that "no trees exist on this site"
- A landscape plan, indicating the location, spacing, size, quantities, and botanical designations of all existing and proposed on-site landscaping; required right-of-way planting, identified as such; and all existing and proposed trees.

In order to enable staff to provide useful feedback, it is recommended that additional information beyond the minimum requirements is provided for review. The following items will not be used to determine completeness; however, these items are recommended in order to enhance staff's understanding of the project:

- Additional information, to be placed on the Cover Sheet:
 - Project number(s) for any prior development permits issued for the subject site
 - A preliminary Building Code analysis, including occupancy classification and type of construction
 - For multi-family residential projects, statistics: density (dwelling units per net acre), unit breakdown (percentage studio, one-bedroom, two bedroom, etc.), common open space, private open space, storage area per unit
 - Additional development statistics:

Development Statistics	Allowed	Proposed
Gross Lot Area		
Net Lot Area		
Floor Area Ratio		
Lot Coverage		
Number of Stories		
Front Setback		
Rear Setback		
Side Yard Setback(s)		

Parking Statistics	Required	Proposed
Standard Spaces		
Covered Spaces		
Uncovered Spaces		
Guest Spaces		
Accessible Car Spaces		
Accessible Van Spaces		
EV Spaces		
Short-Term Bicycle Parking (if app.)		
Long-Term Bicycle Parking (if app.)		

- A context map indicating all adjacent land uses, structures, driveways, parking areas, trees, and drainage courses on the site and within 200 feet of the perimeter of the site. If the site has multiple tenants, provide an inventory of all tenant spaces on the property, listing the address, type of business, and floor area for each tenant space.
- Additional information, to be placed on the Site Plan:
 - Property lines, including dimensions of the subject property and dimensions of all existing lot lines
 - Use of all adjacent properties, including locations of any buildings and roads within 50 feet
 - Proposed off-street parking, loading, and circulation areas; and driveways
 - Proposed and existing pedestrian ways and recreation areas
 - Site constraints including known earthquake faults, riparian corridors, the Toe-of-the-Hill Line, and Ridgeline
 - Adjacent street rights-of-way and proposed street improvements
 - Signing and striping of street frontage
 - Location of existing and proposed on-site lighting features
 - Existing trees with trunk locations and accurate canopy outline shown.
 - The proposed removal of any trees. Trees proposed for removal must be clearly delineated.
 - All fire hydrants within 300 feet of the project site
- Floor plan(s) showing the intended use of each area and the location and dimension of exterior doors and windows
- A tree survey plan indicating existing and proposed site features, and the following information:
 - Tree trunk(s) six-inch diameter at Breast Height (DBH) and larger located on plan with accurate canopy outline
 - Summary table identifying botanical designation, DBH, and elevation of trees at ground level
 - Proposed disposition of all existing trees on the site
 - If no trees exist on the site, then include a note on the landscape plan that “no trees exist on this site”
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- A Phase I Environmental Site Assessment
- For projects located in the Moraga Center Specific Plan area, the applicable development standards can be found here: [Town Council Ordinance No. 293 Adopting MCSP-IP](#)

Changes to Preliminary Applications

If the applicant revises the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section until the development proponent resubmits the required information.

Incomplete Preliminary Applications

If the Town determines that the preliminary application for the development project is not complete, applicant must submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. If the applicant does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

Submittal of Formal Development Application

The applicant shall submit a formal application for a development project within 180 calendar days of submitting a complete preliminary application. If the Town determines that the application for the development project is not complete, the applicant shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. If the development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

Document Requirements

Please submit three (3) copies of any written documentation, three (3) copies of a 24” x 36” plan set, and one (1) electronic submittal on a USB flash drive

This Submittal Requirements Checklist is part of your application

This Checklist shall be signed and submitted with all the required application materials as described above. An application is considered to be incomplete if any of the required items on this Checklist have not been included. Processing of the application will be delayed until the submittal is determined to be complete.

I am submitting a preliminary application for a residential or mixed-use project under the Housing Crisis Act (SB 330). I understand that this preliminary application shall expire under any of the following circumstances:

- Revisions to the project cause the number of residential units or square footage of construction to change by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus;
- The City deems the preliminary application incomplete, and I do not provide the required information to make a complete application within a 90-day period of receiving the City’s written identification of the necessary information;
- The City deems the preliminary application complete, and I do not submit a formal application for a development project within 180 days of submitting the complete preliminary application;
- The City deems the preliminary application complete, and I submit an incomplete formal development application and do not provide the required information to make a complete development application within 90 days of receiving the City’s written identification of the necessary information.

Project Applicant Signature _____ Date _____



(Date stamp)

Town of Moraga

PLANNING DEPARTMENT

SB 330 PRELIMINARY APPLICATION

TOWN STAFF	File Number: _____	Project Name: _____
	Fee/Deposit: _____ Cash/Check/Credit	Deposit Account Number: _____

PROPERTY ADDRESS: _____ ZONING: _____

ASSESSORS PARCEL NUMBER: _____

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

An SB 330 Preliminary Application requires an initial deposit of \$2,500.00. The staff and consultant time required for review and processing the application will be charged against the deposit and additional deposits may be required if the processing costs exceed the initial deposit. An applicant is responsible for all charges associated with processing the application including but not limited to charges for public notices, meeting minutes and town consultants. Clear, complete and consistent applications require less staff time and thus are less expensive to process.

APPLICANT / OWNER AUTHORIZATION
<p>CHOOSE ONE:</p> <p><input type="checkbox"/> I am the property owner and hereby authorize the filing of this application.</p> <p><input type="checkbox"/> I am the applicant and am authorized by the owner to file this application.</p> <p>By signing below the applicant acknowledges the Town of Moraga deposit account system and agrees to pay any additional charges that may be incurred beyond the initial deposit.</p> <p>SIGNATURE AND DATE: _____</p>

Indemnification/Reimbursement Agreement

Project Address and description of project (“Project”)

As part of the application for the Project, the applicant and/or property owner (collectively “Applicant”) agree to defend, indemnify, and hold harmless the Town of Moraga, its agents, officers, council members, employees, boards and commissions from any and all claims, actions or proceedings (collectively “Claims”) brought against any of the foregoing individuals or entities, seeking to attack, set aside, void or annul any approval of the application or related decision, or the processing or adoption of any environmental documents or negative declarations which relate to the approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence on the part of the Town of Moraga, its agents, officers, council members, employees, boards, commissions. If for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The Town of Moraga may, but is not obligated to, defend such Claims as the Town of Moraga, in its sole discretion, determines appropriate, all at Applicant’s sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town of Moraga, if any, and costs of suit, attorney’s fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, Town of Moraga, and/or parties initiating or bringing such proceeding. If the Applicant is required to defend the Town of Moraga as set forth above, the Town of Moraga shall retain the right to select the counsel who shall defend the Town of Moraga. Per Government Code Section 66474.9, the Town of Moraga shall promptly notify Applicant of any proceeding and shall cooperate fully in the defense. The Financially Responsible Party acknowledges and agrees that additional deposits may be required while the application is processed, in such amounts and at such times as the Town deems necessary to cover the Town's incurred and projected processing costs including but not limited to environmental studies. Deposit accounts are required to maintain a minimum balance of 20% of the original deposit amount at all times. If your account drops below that threshold, you will be asked to remit the balance due plus the 20% maintenance balance. Failure to maintain your account in this standing will result in a hold placed on the account and work will stop on all project processing until the necessary payment has been remitted. The payment and acceptance of requested deposits does not constitute an approval of permits, entitlements, or authorizations to begin work.

The Financially Responsible Party agrees to be jointly and severally liable with the Property Owner for payment of all fees referenced above. The sale or other disposition of the property does not relieve the Financially Responsible Party of their obligation to maintain a positive balance in the deposit account unless the Town grants prior approval. The Financially Responsible Party agrees to notify the Town in writing prior to any change in ownership or status of any option agreements. The Financially Responsible Party is required to submit a written request for withdrawal of the application or written assumption of the obligations under this agreement signed by the new owner or his/her authorized agent.

Withdrawal or denial of an application does not relieve the Financially Responsible Party of its obligation to pay for costs incurred in connection with this application. The Financially Responsible Party shall be liable for and will pay all costs incurred for the project, up through the date of the written request for application withdrawal or date of approval or denial, whether or not such work is complete and whether or not the costs have previously been billed. Any funds remaining in the account after all associated processing activities have been completed shall be returned to the Financially Responsible Party.

I have read and agree with all of the above.

Applicant (please print name)

Applicant signature

Date

Property owner name (if different from the applicant)

Property owner signature (if different from the applicant)

Date

PROJECT CONSULTANTS:

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.
