DESIGN REVIEW BOARD STAFF REPORT

MEETING DATE: **April 13, 2009** REPORT WRITTEN: April 6, 2009

ITEM NUMBER: VI. A. – OTHER MATTERS

SUBJECT: Discussion of the draft development standards for the twenty dwelling units per acre (20-DUA) district and draft Moraga Center Specific Plan Design Guidelines for ministerial approval of multi-family housing as required by AB 2348.

SUMMARY:

As previously discussed at the joint meeting of the Planning Commission and Design Review Board on March 23, 2009, the Town is in the process of preparing a new Housing Element for our General Plan as mandated by the State of California. The deadline for adoption is June 30, 2009. The Town's Regional Housing Needs Allocation (RHNA) from the Association of Bay Area Governments is 307 dwelling units for the period from 2007 to 2014. The RHNA includes 84 very low income and 64 low income units. Moraga's Housing Element is subject to review by the California Department of Housing and Community Development (HCD), which has established default densities of residential development that will meet the requirements for low and very low income housing. Appendix 1 of Government Code Section 65583.2 set the default density for Moraga at 20 dwelling units per acre. Assuming that 20% of the land would be for access and circulation, the Town will need to zone a total of 9.3 acres for a density of twenty dwelling units per acre (20-DUA) to provide the 148 (84+64) low and very low income housing units. Three of the four alternatives studied with the EIR for the Moraga Center Specific Plan would provide the opportunity to include a 9.3 acre area at a density of 20-DUA.

However, it is not enough to simply zone an area for the default density. AB 2348 (Chapter 724, Statutes of 2004) amended State housing element law and requires that the Town will need to allow for development at a density of at least 20-DUA "*by right"* or by ministerial action. In other words, the Town cannot require a conditional use permit, planned unit development process or any other discretionary review or approval process. However, this provision under Government Code Section 65583.2(i) does not exempt the use from design review or from review under the subdivision map act. It is very important to note that the design review process must remain ministerial. The reviewing body (Planning Director, Zoning Administrator, Design Review Board or Planning Commission) can review the design merits of a proposed 20-DUA housing project and can call for a project applicant to make design related modifications, but they cannot consider density of the project or deny the "residential use" itself.

PROPOSED DRAFT DEVELOPMENT STANDARDS FOR 20-DUA DISTRICT:

In order to provide very specific guidance for ministerial approval of housing projects to be built at a minimum density of 20 dwelling units per acre within the Moraga Center Specific Plan area, staff has prepared a rough draft of a 20-DUA Multifamily Residential District. The

draft ordinance has been titled “Chapter 8.34” and is attached as **Exhibit A**. This draft zoning district includes proposed development standards, such as minimum lot sizes, building setbacks, maximum lot coverage, maximum building heights, parking requirements, required open space areas and standards for the separation of buildings and accessory structures. This draft ordinance is a melding of provisions from the Town’s 6-DUA district and the Town of Danville’s 29-DUA district. It is by no means a final document. All of the provisions are up for discussion at this study session. The Board may suggest that some of the “development standards” should be listed as “design guidelines” or vise-versa, that some of the proposed design guidelines should become development standards.

PROPOSED DRAFT DESIGN GUIDELINES FOR MULTIFAMILY RESIDENTIAL:
In order to provide design guidelines for ministerial review and approval of owner occupied and rental multifamily development staff has prepared a draft of a proposed ordinance titled “Chapter 8.122”, which is attached as **Exhibit B**. Since the approval process must be ministerial, the design guidelines must be in an ordinance, rather than a document or resolution adopted by the Planning Commission. The procedures for approval listed in Section 8.122.040 are preliminary and may require further modification in order to legally comply with the ministerial process. Section 8.122.050 lists some additional Development Standards, which should probably be included in the 20-DUA District. The Design Guidelines Section (8.122.060) includes four parts. The first part in purple print includes appropriate guidelines that were borrowed from the second living unit ordinance and modified to apply to multifamily residential structures. The second part in red print includes provisions from the Town’s Condominium Conversion Ordinance. Many of these provisions would apply only to multifamily housing that would be subdivided for individual ownership of units; however, some of the provisions are equally applicable to any multifamily residential project. The third section includes the draft design guidelines from the Moraga Center Specific Plan. These have been edited slightly to focus on guidelines for the residential uses and most of the guidelines that were intended specifically for commercial or office uses were cut out. Finally, in section four with blue print, the development standards from the Town of Danville have been included. This smorgasbord of guidelines needs to be melded into one comprehensive document. During review of all these guidelines, some additional guidelines may be called to mind. Staff has also included copies of some renderings and photos of existing projects that have a density of 20 units per acre for reference.

RECOMMENDATION:
The Board should discuss and advise staff of changes to the proposed draft development standards and design guidelines for multifamily residential housing.

Prepared By Richard Chamberlain, Senior Planner

EXHIBIT A – Draft Chapter 8.34 – Twenty Units per acre Multifamily Residential District
EXHIBIT B – Draft Chapter 8.122 – Ministerial Review of Multifamily Development
EXHIBIT C – Examples of 20-DUA housing