D R A F T

Town of Moraga

PLANNING DEPARTMENT
329 Rheem Boulevard, Suite 2
Moraga, CA 94566

MEMORANDUM OF DESIGN REVIEW RECOMMENDATIONS

On May 11, 2009, the Town of Moraga Design Review Board considered the application described below:

> **UP-01-09 – Parwin W. and M.Taher Sarwary (Applicant and Owner):** The Design Review Board considered recommendations to the Planning Commission with regard to adequacy of parking and the addition three new bedrooms for a condominium conversion of an 8-unit apartment complex at 2009 Ascot Drive. (APN 255-471-003)

The Design Review made the following recommendations to the Planning Commission:

PARKING MODIFICATION REQUEST:

1. Recommend approval of parking modification to allow four of the eight units to have only one covered parking space:

   ☐ **YES** ☐ **NO**

2. Recommend approval of parking modification to allow a total of only 18 parking spaces rather than 20:

   ☐ **YES** ☐ **NO**

3. Recommend that only two of the uncovered parking spaces be unassigned and available for guests, visitors, owners and tenants of the project and that the remaining four uncovered parking spaces be assigned to the four unit owners that have only one covered space:

   ☐ **YES** ☐ **NO**

4. Recommend that four of the uncovered parking spaces be unassigned and available for guests, visitors, owners and tenants of the project and that the remaining two uncovered parking spaces be assigned to two of the unit owners:

   ☐ **YES** ☐ **NO**

5. Recommend that all six of the uncovered parking spaces be unassigned and available for guests, visitors, owners and tenants of the project:

   ☐ **YES** ☐ **NO**

6. Recommendations on findings from Moraga Municipal Code (MMC) Section 8.96.090-J-1 (Condominium Conversion ordinance – Specific physical standards - Parking:

   a. Due to the physical limitations of the site, there would be a severe loss of amenities if the additional required parking is added to the plan.

      ☐ Tandem covered parking at the west side of units 1 and 3 would require relocation of the entrance to Unit 1 and removal of a 14-inch pine tree at the front of the property.

      ☐ Installation of carports between units 2 and 6 over the three parking spaces at the east end of the parking court would block ventilation for the bedroom windows in units 2 and 6.

      ☐ The front building setback of 25-feet prohibits the construction of any new carports over the proposed guest parking spaces at the front west side of the parking court.

      ☐ There would not be a severe loss of amenities if the additional parking is added and this finding cannot be made.

   b. A reduction will not result in a deficiency of parking in light of the characteristics of the tenancies and the availability of alternate off-street parking in the vicinity of the site.

      ☐ Although the project does not comply 100% with the Town's parking standards, the project will increase the total number of parking by two spaces, thereby improving the availability of parking in the vicinity and reducing the existing deficiency of parking.

      ☐ The proposed reduction of 2 parking spaces at the 2009 Ascot Drive site would contribute to the existing parking deficiency in the Ascot Drive area because the existing condominiums and apartments in the vicinity were built under Contra Costa County's parking standards and only have one parking space per unit.

7. Recommendations on required findings from MMC Section 8.76.130 (Off-street Parking Requirements for residential uses:

   a. The modification is justified based on the existing locations of building, parking areas and other access points.

      ☐ The existing configuration of the building units and location of the parking areas limits the options for additional parking on site.

      ☐ The project has only one possible access point. Due to the slope across the front of the project site, it would not be feasible to install additional parking in the front setback area and the remaining front yard area should be retained to provide landscaping and fencing to help screen the parking from view.

      ☐ The modification is not justified based on the existing locations of buildings, parking areas and other access points.

   b. Existing facilities on the same parcel are sufficient to provide adequate services.

- ☐ The total number of parking spaces will be increased by two spaces, which will help to improve the availability of parking for the owners, tenants and visitors for the condominiums at 2009 Ascot Drive.
- ☐ The existing facilities on the same parcel are not sufficient to provide adequate services.

c. The design is consistent with the intent of this chapter and is complementary to and compatible with existing development on the same site.

- ☐ Although the additional two parking spaces at the front of the property will reduce the amount of landscaped area, the visual impact will be relatively minor because there is an existing trash enclosure that partially blocks the view of the parking and a new fence will be built to partially screen the parking area.
- ☐ The existing large pine trees at the northwest front side of the project site will be retained.
- ☐ The new carport at the west side of Unit 1 will not be as close to the front property line as the existing carport at the north side of units 5 and 7.
- ☐ The design is not consistent with the intent of the off-street parking ordinance and is not complimentary or compatible with existing development on the project site.

d. The modification will not have an adverse effect on other properties in the vicinity of the project.

- ☐ The project will provide two additional parking spaces to help alleviate the shortage of on-street parking along Ascot Drive.
- ☐ If all six uncovered parking spaces are available for guest and visitor parking and are not assigned to particular units in the project, then it is anticipated that the project would have very little impact on limited number of on-street parking spaces on Ascot Drive.
- ☐ The proposed project will be very close to meeting the Town's parking standards and it will be the non-conforming properties in the vicinity that have a adverse effect on the availability of on-street parking.
- ☐ The modification will have an adverse effect on other properties in the vicinity because it does not comply with all the required parking.

USE PERMIT FOR ADDITIONS TO NON-CONFORMING USE:

1. The Design Review Board recommends approval of the Use Permit for the additions of the three new bedrooms to the existing 8 unit multi-family residential project even though the project was built at a density of 16 units per acre and is now legally non-conforming with the Town's 6 dwelling units per acre zoning because the bedroom additions will not increase the number of dwelling units and will add an amenity to make the units more conducive to condominium ownership.

☐ **YES** ☐ **NO**

2. The Design Review Board does not recommend approval of the Use Permit for expansion of the existing units because the project would enlarge the building mass with the eight foot high skirt wall below unit number 6 and would not conform with design guideline MFR2.6, which states "Large building masses should be avoided."

   ☐ **YES** ☐ **NO**

3. The Design Review Board does not recommend approval of expansion of bedrooms for units 6 and 8 because the additions may have an adverse impact on the existing oak tree on the slope at the east side of the units.

   ☐ **YES** ☐ **NO**

RECOMMENDED CONDITIONS OF APPROVAL:

1. The plans for the 228 square foot bedroom on the second story at the west side of unit 4 and a 44 square foot hallway and 203 square foot bedroom at the east and rear side of units 6 and 8 shall be substantially in conformance with the plans stamped "Official Exhibit" for the May 11, 2009 DRB meeting. Any significant changes to the exterior appearance of the additions shall require further design review approval except as noted in condition number 2, below.

2. Prior to the issuance of a building permit for the bedroom addition for unit number 4, the apparent discrepancy between the south side elevation drawing and the sectional drawing for the bedroom shall be clarified to show that the existing mansard roof across the top of the bedroom on unit 2 will be removed when the second floor is added above and the mansard roof will terminate at the southeast front corner of the carports.

3. Prior to issuance of a building permit for the bedroom additions for unit numbers 6 and 8, a tree preservation plan shall be prepared by a certified arborist to assure that the bedroom additions do not have an adverse impact upon the existing oak tree at the southeast side of units. The oak tree shall not be removed or damaged by the proposed construction. Oak trees are a protected tree under the Town's Tree Preservation Ordinance and any proposed removal shall be in accordance with the requirements of MMC Sections 12-1001 through 12-1035. The tree preservation plan shall include but not be limited to the following:

   a. The oak trees near construction site shall be protected by temporary fencing around the drip line and root zone of each tree, as determined by the certified arborist, to prevent soil compaction, tree damage, or inadvertent removal.

   b. No grading, storage or stockpiling of earth, compaction of soil, change in ground elevation or paving shall be done within the drip line of the oak trees.

   c. No trenching within the drip line of the oak trees.

4. The applicant shall submit a $137 design review fee to the Moraga-Orinda Fire District (MOFD) prior to receiving Planning Department approval of the building permit plans and provide evidence in the form of a letter from the MOFD or a stamp on the plans that the district has reviewed the plans.

5. The project is not required to submit a Construction and Demolition Debris Recycling Waste Management Plan unless the cost of the project exceeds $250,000.00. Nevertheless, the Town encourages all applicants to divert fifty-percent (50%) of all project waste from landfills by reuse and/or recycling.
6. Prior to the issuance of the building permit for the bedroom expansions for units 6 and 8, the drainage plan for the new roof areas shall be reviewed and approved by the Town Engineer:
7. All of the storm drain system including pipes, structures and detention structures are to be private, and will remain in the ownership of the developer until such time as the obligation is transferred to the new property owners or condominium association.
8. Any work to be undertaken within the right-of-way of Ascot Drive is to be shown on the construction plans, such as widening the driveway apron or curb and gutter improvements. Prior to undertaking any work within the public right-of-way, an encroachment permit shall be obtained from the Town.
9. Traffic striping and pavement messages that become illegible or obliterated due to the movement of construction vehicles on their route to and from the site shall be repainted prior to the final building inspection. If during the construction of the project, the Town Engineer determines that the legibility of striping or messages are a hazard, the applicant shall restripe or replace the messages during the construction period.
10. The building contractor and the applicant shall be responsible for preventing spills of soil, rock or other construction debris on to the Town's streets. If any spills occur, the contractor and the applicant will be required to immediately cleanup the spill and repair any damage to the streets to the satisfaction of the Town Engineer.
11. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
12. During project construction, the hours of operation shall be limited to the hours from 8 a.m. to 5 p.m. Monday through Friday to minimize potential disturbance of adjacent residents.
13. The conditions of approval shall be located in the “Notes” section of the Building Permit Plan set.
14. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
15. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

No action was taken by the Design Review Board. The recommendations of the Design Review Board will be considered by the Moraga Planning Commission at a future meeting.