

Town May Ease Second Living Unit Restrictions

By Steve Angelides

The Town Council has asked the Planning Commission to look into easing the Town's second living unit restrictions to allow more affordable housing.

Under the current restrictions enacted in 2003, no second units have been allowed and only two units have been proposed. Architect Michael Carradine told the Council that he proposed one unit for himself and one unit for a client, but that both were built as guest houses instead because they could not meet the strict requirements for second units.

Carradine said that guest houses do not have a stove and do not count toward the Town's required number of affordable housing units. "The Town has effectively shot itself in the foot by this very restrictive process," Carradine told the Council.

Carradine spoke at length about how he thought the restrictions should be eased. He suggested the maximum size of a second unit be raised from 750 to 1200 square feet. He also wants the limitation of the second unit to 25% of the area of the main unit lifted. "The Town shouldn't reward larger houses with larger second units," he explained.

Carradine said second units taller than 19 feet or above a garage should be allowed in some cases. He suggested that decks be allowed as part of the overall square footage.

Carradine said that if a second unit is 50 feet from the neighboring property, the windows should not have to be five feet high. "That's enough space to protect privacy," he said. "Having windows at five feet is an abuse of the person living in the second unit."

Carradine suggested that the requirement that the owner occupy one of the units be lifted, so both units could be rented. He also wants the parking requirements for second units eased.

Planning Director Lori Salamack said the current restrictions were enacted in response to a state law mandating a process which would allow a second unit without the exercise of any discretion. With no previous experience with such a process, Salamack explained that the Town was concerned about protecting the neighbors, "so we had to put every rule we could think of in our ordinance." Salamack said that based on Orinda's experience, allowing discretion in approving second units should result in more second units.

The issue was put on the agenda at the request of Councilmember Ken Chew. "Our ordinance is not very friendly compared to Orinda's," Chew said. "I like the idea of allowing the Design Review Board and the Planning Commission to use discretion," he added. "If we do that we'll have a better distribution of affordable housing and a better show of good faith," Chew explained.

Chew and Salamack agreed that by producing more second units Moraga would show good faith progress toward its allocation of affordable housing. Salamack also said that if more affordable housing was distributed throughout the Town in the form of second units it would ease the pressure for more concentrated development.

Earlier this year the Council voted 3 to 2 to study up to 720 housing units in the Moraga Center specific plan area. For Chew, who was on the losing end of that bitterly divided vote, second units may be another means toward his end of fewer units in the specific plan area.

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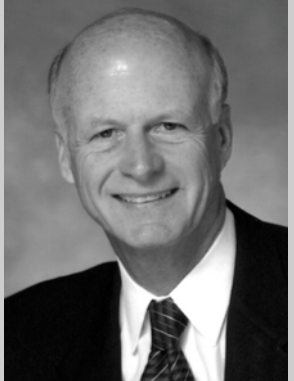
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