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Moraga Will Clarify Setback Rules in Older Neighborhoods

By Sophie Braccini

Many Moraga residents wanting to remodel their older homes have had to struggle with what rules to apply to the setbacks of their homes. In an effort to simplify the process and make the rules fair for everyone, the Planning Department recently initiated a review of different sections of the town's municipal code.

A rule that clarifies where the setback should be measured from was easy enough - going forward setbacks will be measured from the basement - but other rules addressing the discrepancy between the old county zoning rules and Moraga's current code will require more meetings, including a Town Council hearing in the fall. According to town staff this could impact about 3,000 properties.

"When the town incorporated in 1974 it took existing neighborhoods and changed the zoning," said resident and property owner Dave Bruzzone during a Planning Commission meeting July 1. "The lots were already there, the homes were already there, and neighborhoods that were R10 under the county's rule became 3DUA under town regulations."

R10 means lots that are a minimum of 10,000 square feet, and 3DUA means three homes per acre. The sizes are fairly similar; but county setbacks were very different than those established by the town. In addition, the county was lenient in the interpretation of its own rules - some homes were built encroaching on county setbacks.

The O'Donnells have lived on Hodges Drive for 47 years. When they decided to remodel their 50-year-old home they found out that they were encroaching the setback by a few inches. They have been working with staff since March trying to find a way to add a new bathroom to their home. Jim Schmidt, who lives on Camino Ricardo, wants to remodel his home that was built under the county setback of 10 feet. "This is exactly what the whole neighborhood looks like," he said. The town currently requires that the property have a 20-foot setback. "We are stuck in the mud," he commented.

"We are recommending that the code be amended and clarified," said Pierce Macdonald Powell, the town's senior planner. Staff proposed four different options: Option A would allow residential additions to follow the old county zoning setback standards; option B would allow residential additions to extend and follow existing building lines provided the addition does not further encroach into the town-established setback (this approach would require a variance and Design Review Board approval for additions which encroach further into town setbacks than the existing building walls); option C would authorize only those remodels that would not increase the home floor area; and option D would extend county setback standards to all properties in a zoning district regardless of the date of construction.

"When we went from county (rules) to town (rules) it was because we wanted to look different," said commissioner Tom Marnane. "I don't like a system where people will 'play' to beat the code. I'd want to stick as much as we can to the Moraga code. If that was locked in a little bit better, we might see more innovation and creativity in additions (remodels) to meet the code, rather than to find ways to beat the code." Commissioner Jim Kline favored Option D. Commission chair Frank Comprelli described Option D as going too far, adding that he could support A or B and allow homes to be remodeled under the rules they were built, unless a second story or more than 50 feet of wall are added. He also said that homes that were not compliant with the rule of the time should undergo an appropriate review. A majority of planning commissioners indicated they could support A or B. The Planning Commission held a second hearing July 15, after our press deadline, to decide what recommendation to make to the Town Council. The Town Council meetings scheduled for July 24 and Aug. 7 have been canceled. The next meeting will be held Aug. 28.

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