Meeting Date: January 4, 2010

TOWN OF MORAGA STAFF REPORT

To: **Town of Moraga Planning Commission**

From: **Lori Salamack, Planning Director**

Subject: **UP 09-09 Moraga Country Club HOA (Applicant and Owner) MOSO Conditional Use Permit for 1600 St. Andrews Drive. Public Hearing to consider an application for a Conditional Use Permit for the existing private recreational use of the MOSO property at 1600 Saint Andrews Drive by the Moraga County Club and establishment of development standards to allow the replacement of the club house in the same location on the property and other related modifications. APN 257-440-001 and 257-470-004**

Request

Adopt the attached draft resolution approving the conditional use permit for the private recreational use of the country club and establishing the development standards for the property.

Background

The Moraga Country Club is located in the Moraga Open Space Ordinance (MOSO) district in the Town of Moraga. According to Moraga Municipal Code Section 8.52.110B, a private recreational facility (such as the Moraga Country Club) is allowable in MOSO as a conditional use. Because the country club was constructed prior to the passage of MOSO, there is no existing conditional use permit for the country club. The Planning Commission can approve a conditional use permit provided that they can make all of the findings required by MMC Section 8.12.120.

Discussion

In addition to requesting a conditional use permit for the existing recreational use of the property, this application seeks to establish development standards for the reconstruction of a new club house at 1600 Saint Andrews and minor modifications to the maintenance yard and new driving range restroom. Development is allowed in MOSO provided that it occurs within a minimum 10,000 square foot cell with an average slope less than 20%. This application

identifies two cells on two separate parcels. Cell A is the site of the existing club house. This cell contains 270,550 square feet and an average slope of 7.31%. Cell B is the site of the existing driving range and maintenance yard. It contains 431,357 square feet and an average slope of 10.59%. According to the MOSO guidelines development is allowed in both of these cells.

The purpose of the conditional use permit is to evaluate the proposed use of the property. In this case the use of the property is not proposed to change but certain functions are proposed to be relocated on the site. The golf cart storage area is proposed to be relocated from the existing club house to the expanded maintenance facility. The existing snack shack is proposed to be relocated to the tennis building and a new restroom is proposed in the vicinity of the driving range. The essential functions of the club, however, remain unchanged. A detailed description of the proposed club modifications is attached.

In order to approve the application for a conditional use permit the Planning Commission must be able to make all of the findings required by MMC Seciton 8.12.120. Approval of the conditional use permit establishes the development standards for future development but it does not approve construction. Prior to construction of any new building the Design Review Board would need to approve that actual project design. The Design Review Board did conduct a study session with respect to the new club house in October 2009. A copy of the meeting minutes from that meeting is attached.

MMC Section 8.52.130 calls for the establishment of site development standards at the time the reviewing authority approves the issuance of a conditional use permit. The standards to be established are lot area, frontage, front, side and rear setbacks, building height and site coverage requirements. No changes in the existing parcel dimensions are proposed. The building setback for the club house parcel is proposed to be established at 50 feet on all sides except the side the contiguous with the driving range parcel in which case the setback is proposed to be zero feet. The driving range parcel is proposed to have zero setback from all property lines except the front property line along Saint Andrews where a 20 feet building setback is proposed. The building height for the club house parcel and driving range parcel are both proposed to be a maximum of 45. The maximum impervious surface limit for the club house parcel is unchanged from the existing 67% and the driving range parcel is also unchanged at 20%. Approval of a Conditional Use Permit for the private recreational use of the property and the establishment of development standards does not authorize construction on the site. The construction of any new buildings would require approval by the Design Review Board prior to the issuance of a building permit.

Findings

Private recreational facilities are a conditional use in MOSO under Section 8.52.110B of the Moraga Municipal Code. Section 8.12.120 of the Moraga Municipal Code identifies findings that must be made in order to grant the conditional use permit as follows:

1. The proposed use is appropriate to the specific location;

2. The proposed use is not detrimental to the health, safety, and general welfare of the Town;
3. The proposed use will not adversely affect the orderly development of property within the Town;
4. The proposed use will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the Town;
5. The proposed use is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plans;
6. The proposed use will not create a nuisance or enforcement problem within the neighborhood;
7. The proposed use will not encourage marginal development within the neighborhood;
8. The proposed use will not create a demand for public services within the Town beyond that of the ability of the Town to meet in light of taxation and spending restraints imposed by law;
9. The proposed use is consistent with the Town's approved funding priorities.

The attached draft resolution provides the necessary findings required to approve the existing / proposed use and proposed development standards.

<u>Recommendation(s)</u>

Adopt the attached draft resolution with modifications as necessary.

Attachments:

A. Detailed project description and reference materials
B. Design Review Board Meeting Minutes
C. Draft resolution
D. Plans