BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

In the Matter of: Approval of 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 site and other related modifications.	Resolution No. XX-2010 PC File Nos. UP 09-2009 Planning Commission Adoption Date: Effective Date:

WHEREAS, an application for a Conditional Use Permit was submitted on December 8, 2009 by the Moraga Country Club (Property Owner/Applicant); and

WHEREAS, the Moraga Country Club has been serving the residents of the Town of Moraga for over 35 years; and

WHEREAS, the voters of the Town of Moraga approved the Moraga Open Space Ordinance (MOSO) after constructions of the club; and

WHEREAS, MOSO allows the operation of a private recreational facility as a conditional use: and

WHEREAS, MOSO allows development within a cell containing a minimum of 10,000 square feet with an average slope less than 20%: and

WHEREAS, the club house site contains of MOSO cell consisting of 270,550 sq. ft. with an average slope of 7.3%: and

WHEREAS, the driving range site contains a MOSO cell consisting of 431,357 sq.ft. with an average slope of 10.6%: and

WHEREAS, a Public Hearing Notice for the project was mailed to property owners within 300 feet of the property on December 24, 2009; and

WHEREAS, on January 4, 2010, the Planning Commission held a public hearing where testimony was received from the applicant and interested parties; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Town of Moraga hereby approves the Conditional Use Permit to allow 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 site.

BE IT FURTHER RESOLVED, that the Planning Commission of the Town of Moraga hereby approves the following development standards for the property:

	Cell A – Club House Site		Cell B – Driving Range Site	
	Existing	Proposed	Existing	Proposed
Lot Area (Acres)	6.2 +/-	6.2 +/-	9.9 +/-	9.9 +/-
Density	N/A	N/A	N/A	N/A
Frontage	497 feet	497 feet	497 feet	497 feet
Front Building Setback (South)	None	50 feet	None	20 feet
Side Building Setback	None	50 feet from Augusta Drive otherwise 0 feet	None	0 feet
Minimum Rear Building Setback (North)	None	50 feet	None	0 feet
Maximum Building Height	None	45 feet	None	45 feet
Maximum Impervious Surface Coverage	67%	67%	20%	20%

FINDINGS FOR APPROVAL OF A USE PERMIT UNDER MMC SECTION 8.12.120:

1. **The use is appropriate to the specific location;**
   Because it has existed in its current location for more than 35 years.

2. **Is not detrimental to the health, safety, and general welfare of the town;**
   Because it provides recreational activities for Moraga residents.

3. **Will not adversely affect the orderly development of property within the town;**
   Because the are around the club has already been developed.

4. **Will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the town;**
   Because the new club house and other modified facilities will better serve the community and thus potentially increase nearby property values.

5. **Is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;**
   Because the improvements are consistent with Moraga General Plan Policy OS1.4 which provides as follows: "Private ownership and use of open space areas. Areas designated on the General Plan diagram as MOSO open space or non-MOSO open space may be retained in private ownership, may be used for such purposes as are found to be compatible with the corresponding open space designation and may or may not be accessible to the general public."

6. **Will not create a nuisance or enforcement problem within the neighborhood;**

Because the existing use is not proposed to be changed and it does not have a history of nuisance or enforcement problems.

7. **Will not encourage marginal development within the neighborhood;**
   Because the existing neighborhood is already developed.

8. **Will not create a demand for public services within the town beyond that of the ability of the town to meet in the light of taxation and spending restraints imposed by law;**
   Because no change in the demand for public services is anticipated because no change in use or membership is proposed.

9. **Is consistent with the town's approved funding priorities.**
   The project would have no impact on the town's approved funding priorities.

CONDITIONS OF APPROVAL

1. Prior to the issuance of a building permit for any new facilities, all required fees shall be paid and all necessary approvals shall be obtained.

PASSED AND ADOPTED by the Planning Commission of the Town of Moraga on January 4, 2010, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____

Jim Obsitnik, Chair

ATTEST:

_____

Lori Salamack, Planning Director