

**TOWN OF MORAGA PLANNING COMMISSION  
MEETING AGENDA  
Monday, July 19, 2010  
7:30 PM**

**Moraga Library Meeting Room at  
1500 Saint Mary's Road, Moraga California 94556**

*All documents relating to the following agenda items are available for public review in the Planning Department of the Town of Moraga at 329 Rheem Blvd. between the hours of 9 to 12, Monday, Tuesday and Thursday (other times by appointment). Staff reports will normally be available on the Monday afternoon one week preceding the meeting. It is recommended that you contact the Planning Department at 925-888-7040 for availability.*

**I. CALL TO ORDER AND ROLL CALL**

**Planning Commission**

- A. Driver, Levenfeld, Obsitnik, Richards, Socolich, Whitley, Wykle
- B. Conflict of Interest

**II. ADOPTION OF MEETING AGENDA**

**III. PUBLIC COMMENTS**

*This part of the agenda is to receive public comments on matters that are not on this agenda. Comments received will not be acted upon at this meeting and may be referred to a subcommittee for response. Comments should not exceed three minutes.*

**IV. ADOPTION OF THE CONSENT CALENDAR**

*Items on the Consent Calendar are believed by staff to be non-controversial. Staff believes that the proposed action is consistent with the commission's instructions. A single motion may adopt all items on the Consent Calendar. If any commissioner or member of the public questions any item, it should be removed from the Consent Calendar and placed in part IX of the Regular Agenda.*

- A. June 21, 2010 Minutes

**V. PUBLIC HEARINGS**

*Opening remarks by an applicant shall not exceed ten minutes. Comments by others shall not exceed three minutes. The purpose of a public hearing is to supply the Planning Commission with information that it cannot otherwise obtain. Because of the length of time that the Planning Commission meetings frequently consume, please limit testimony and presentation to the supplying of factual information. In fairness to the Commission and others in attendance, please avoid redundant, superfluous or otherwise inappropriate questions or testimony.*

- A. **CUP 09-10 Moraga Country Club HOA (Applicant) and Terry and Linda Gong (Owner) Moraga Swim and Tennis Club, 1161 Larch Avenue.** Conditional use permit for a temporary swim, snack, fitness and administrative use of the existing swim club. No tennis use is proposed at this location. APN 258-600-001

**VI. ROUTINE & OTHER MATTERS**

*The following items do not require a public hearing, although the Chair or staff will indicate why each item is on the agenda. Public participation will be limited and the Commission may decide to reschedule the item as a public hearing. Discussion of administrative matters, such as adoption of findings, may be limited to the Planning Commission.*

**VII. COMMUNICATIONS – None**

**VIII. REPORTS**

**A. Planning Commission**

- 1. Jim Obsitnik, Chair
- 2. Russell Driver, Vice Chair
- 3. Stacia Levenfeld

4. Dick Socolich
5. Bruce Whitley
6. Tom Richards
7. Roger Wykle

**B. Staff**

1. Update on Town Council actions and future agenda items.

**IX. ADJOURNMENT**

To a regular meeting of the Planning Commission on **Monday, August 2, 2010** at 7:30 P.M. at the Moraga Library Meeting Room, 1500 Saint Mary's Road, Moraga, California. Notices of Planning Commission meetings are posted at 2100 Donald Drive, the Moraga Commons, and the Moraga Public Library.

**NOTICE: If you challenge a town's zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior, to the public hearing. Judging review of any town administrative decision may be had only if petition is filed with the court not later than the 90<sup>th</sup> day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.**

The Town of Moraga will provide special assistance for disabled citizens upon at least 24 hours advance notice to the Planning Department (888-7040). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to disabled.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection the 5<sup>th</sup> day before each regularly scheduled Planning Commission meeting at the Planning Department, located at 329 Rheem Boulevard, Moraga, CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Town Council regarding any item on this agenda after the agenda has been distributed will also be made available for inspection at 329 Rheem Boulevard, Moraga, CA during regular business hours.

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

Moraga Library Meeting Room  
1500 Saint Mary's Road  
Moraga, CA 94556

June 21, 2010

7:30 P.M.

**MINUTES**

**I. CALL TO ORDER**

Vice Chairman Driver called the Regular Meeting of the Planning Commission to order at 7:30 P.M.

**ROLL CALL**

Present: Commissioners Levenfeld, Richards, Socolich, Whitley, Wykle, Vice  
Chairman Driver  
Absent: Chairman Obsitnik  
Staff: Lori Salamack, Planning Director  
Richard Chamberlain, Senior Planner

**B. Conflict of Interest**

There was no reported conflict of interest.

**II. ADOPTION OF MEETING AGENDA**

On motion by Commissioner Levenfeld, seconded by Commissioner Socolich and carried unanimously to adopt the meeting agenda, as shown.

**III. PUBLIC COMMENTS**

There were no comments from the public.

**IV. ADOPTION OF THE CONSENT CALENDAR**

**A. March 1, 2010 Minutes**

On motion by Commissioner Socolich, seconded by Commissioner Richards and carried unanimously to adopt the Consent Calendar, as shown.

**V. PUBLIC HEARINGS**

**A. UP 05-10 - Moraga Country Club HOA (Applicant/Owner) Conditional Use Permit for Temporary Golf Club and Pro Shop Facility.** An application for approval of a Conditional Use Permit to allow installation of a 2,880 square foot trailer to serve as a temporary golf club and pro shop facility for the Moraga Country Club.

The location of the temporary facility will be on the northwest side of St. Andrews Drive opposite the intersection with Cypress Point Way and at the southwest end of the driving range parking lot. On January 4, 2010, the Planning Commission approved a Use Permit to allow the demolition of the existing clubhouse at 1600 St. Andrews Drive and construction of a new clubhouse in the same location. The purpose of the proposed Conditional Use Permit is to allow the temporary 60-foot by 48-foot trailer to be used for the period of time when the existing clubhouse is demolished and the new clubhouse is under construction. The project also includes a 60-foot by 18-foot exterior deck for casual seating and dining. The facility will have an Americans with Disabilities Act (ADA) compliant ramp for disabled access and the parking will be revised to provide disabled parking access. The project site is zoned 3-DUA (Three Dwelling Units per Acre). APN 257-470-004.

Senior Planner Richard Chamberlain presented the staff report dated June 21, 2010 for a proposed 60-foot by 48-foot trailer that would be used while the existing clubhouse was demolished and the new clubhouse was under construction. The location of the temporary facility would be at the southwest end of the driving range parking lot.

Mr. Chamberlain advised that a public hearing notice had been mailed to all property owners within 300 feet of the proposed project site on June 11, 2010, and there had been no correspondence from the public. The Fire Marshal had also reviewed the plans and had contacted staff to indicate that the processing fee would be in accordance with the newly adopted Moraga-Orinda Fire District (MOFD) fee schedule, and while not more than the \$137 that had been listed in the draft resolution; the last sentence of Condition 6 was recommended to be stricken.

Mr. Chamberlain explained that on January 4, 2010, the Planning Commission had approved the Use Permit for the demolition of the existing clubhouse at 1600 St. Andrews Drive and construction of a new clubhouse in the same location. On May 10, 2010, the Design Review Board (DRB) had approved the design for the new clubhouse, which was in the process of plan check with the Building Department.

The Moraga County Club intended to use the existing clubhouse until the competitive swimming events had been completed at the end of the summer. The demolition of the old clubhouse and construction of the new clubhouse was expected to take eighteen months and the proposed 2,880 square foot temporary clubhouse would be used for that period of time. The trailer included a kitchen, dining room, pro shop, offices for the Homeowners Association (HOA), and a 60-foot by 18-foot exterior deck for casual seating and outside dining. There would be an ADA compliant ramp for disabled access to the trailer deck.

Mr. Chamberlain reported that the temporary clubhouse was categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303(c). The temporary clubhouse facility was located in the 3-DUA zoning district and most of the property was located in MOSO [Moraga Open Space Ordinance]. He noted that the conditional use would apply the same under the 3-DUA district and MOSO.

Mr. Chamberlain explained that since the proposal was for a temporary use, the Conditional Use Permit should establish the time limits for the trailer building. He recommended a two-year time limit. If there were unforeseen delays in the construction of the new clubhouse, the applicant could then make a request for extension of the Use Permit for the temporary facility. The location of the temporary building complied with the minimum building setbacks and lot coverage requirements for the 3-DUA zoning district, although the Planning Commission may require larger building setbacks if deemed necessary.

Prior to placement of the trailer building on site, Mr. Chamberlain advised that the DRB would need to approve the design. Since the proposed structure was within the Moraga Way scenic corridor, the DRB may require some additional landscaping to mitigate views of the trailer.

Mr. Chamberlain also identified the findings listed under Moraga Municipal Code (MMC) Section 8.12.120 which must be made by the Planning Commission in order to approve the conditional use permit. With respect to the required findings and with regard to the location of the project, he stated that the southwest end of the driving range parking lot was probably the best alternative available for the temporary clubhouse building since it would be built over an existing paved area and would not increase the impervious surface area.

With regard to the health and safety finding, the proposed kitchen and dining facility would require review and approval from the Contra Costa County Health Department. The DRB would need to review the location for a dumpster to accommodate waste from the kitchen.

The project would have no long-term impact to the preservation of property values; however, during the two-year period when the new clubhouse was under construction, there could be a negative impact on the homes at the west end of Cypress Point Way and Country Club Drive. The DRB may be directed to consider additional landscaping to help screen the trailer from view of the homes directly across St. Andrews Drive.

Mr. Chamberlain noted that the staff report had discussed a number of applicable General Plan objectives and policies. The project was situated within the Moraga Way scenic corridor and the DRB may be directed to consider some additional landscaping to help soften views of the trailer.

In addition, the entrance driveway to the driving range parking lot should have some new temporary signage to identify the clubhouse and Moraga Country Club Homeowners Association offices.

Mr. Chamberlain added that the proposed use would not create a nuisance or enforcement problem within the neighborhood. The temporary clubhouse would not have all the same functional needs as the existing clubhouse and was much smaller in size; however, it would draw more traffic and parking to the driving range parking area which was already used to near capacity during the day. The number of seats in the dining area had not been shown on the plans. If all 50 parking spaces in the driving range parking lot were available for the clubhouse, a maximum of 150 seats would be allowed for the dining facility.

Mr. Chamberlain recommended that the Moraga Country Club prepare a construction schedule and vehicle parking plan to utilize the front portion of the parking at the existing clubhouse to the maximum extent feasible. He suggested that construction vehicles could use the existing north driveway during construction and the proposed ingress-egress driveway at the south side could be re-stripped and utilized for access of overflow parking for the temporary clubhouse.

Mr. Chamberlain advised that staff had prepared a draft resolution with the required findings and recommended conditions of approval for the temporary Moraga Country Club clubhouse trailer. The Commission should consider any changes to the findings and conditions based upon the testimony received at the public hearing.

Vice Chairman Driver commented on the loss of parking spaces in the parking lot and asked of the street parking situation in the immediate area. He also inquired of the hours of operation for the new facility given its close proximity to residential properties and the effect noise might have on residents.

Mr. Chamberlain acknowledged that street parking on St. Andrews Drive was permitted and was oftentimes full. As a condition, the applicant must submit a parking plan. He suggested that the applicant clarify the hours of operation for the temporary golf club and pro shop facility.

Karl Danielson, Dahlin Group, Inc., the Architect, commented on his desire to get the temporary trailer up and down as fast as possible. He also clarified, when asked, the location of the dumpster in the maintenance area as it was currently sited and as it would remain in the future. He noted the same for the temporary trailer.

Frank Melon, General Manager, Moraga Country Club, explained that limited dinner services were anticipated. He suggested that the trailers would be attractive and actually would be farther away from the existing residential properties near the tennis courts. There were plans for the users of the tennis courts to enter the courts from another area away from the parking area during construction.

Since work would also be done on the pool area, the pool would not be open to swimmers lessening the number of people in the area during the construction period. The intent was for the golf course to be operable, as is, during the construction period, and to have some services ongoing with a limited dinner schedule.

Mr. Melon noted that if the club membership supported zero dinners that could also be done, although as of now the current plan was for limited service. He clarified that dinner was currently served up to 8:00 P.M. on Wednesday, Friday and Sunday evenings. Serving up to 40 to 50 people would be considered a large event. He did not envision more than that for a dinner service. Larger events had typically occurred at the pool area which was when comments from concerned residents had been received in the past.

Mr. Melon again clarified the location of the dumpsters to be located within the existing maintenance area. Waste from the kitchen would likely be stocked on site at the temporary facility inside the kitchen area itself to be later taken to the maintenance area. There was a zero tolerance level from the club membership and their housekeeping staff was constantly traveling back and forth to the maintenance center during its existing operations. There would be less business than usual with the closure of the pool during the pool improvement period.

When asked by Commissioner Whitley as to whether or not any benefits would be held in the temporary facility, Mr. Melon did not envision any events other than the typical golfing events to be held in the facility and a "hard hat" party. The goal was to operate as lean as possible during the construction period to be able to focus the use of funds for the improvements to the clubhouse. In addition, the kitchen would be smaller than the existing facility with fewer seats inside. The outside deck would also be limited to use during warmer weather periods.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

Commissioner Whitley found that the resolution had been well drafted by staff with all of his questions having been answered by the resolution.

On motion by Commissioner Whitley, seconded by Commissioner Socolich to adopt Resolution 06-2010 PC approving UP 05-10 for the Moraga Country Club HOA on the northwest side of St. Andrews Drive opposite the intersection with Cypress Point Way, subject to the findings and conditions, as shown, and as amended with the elimination of the last sentence of Condition 6. The motion carried by the following vote:

Ayes: Commissioners Levenfeld, Richards, Socolich, Whitley, Wykle, Vice  
Chairman Driver  
Noes: None  
Abstain: None  
Absent: Chairman Obsitnik

Mr. Chamberlain advised that there was a ten day right of appeal for anyone wishing to appeal the decision of the Planning Commission to the Town Council by submitting a statement and through the payment of an appeal fee, through the Planning Department.

**VI. ROUTINE & OTHER MATTERS**

A. None

**VII. COMMUNICATIONS**

A. None

**VIII. REPORTS**

A. Planning Commission

Commissioner Socolich reported on his attendance at the May 24 meeting of the DRB.

B. Staff

1. Update on Town Council actions and future agenda items.

Staff reported on the status of the Rancho Laguna II Appeal to the Town Council and other pending development projects including the Certification of the Housing Element.

**IX. ADJOURNMENT**

On motion by Commissioner Levenfeld, seconded by Commissioner Socolich to adjourn the Planning Commission meeting at approximately 8:13 P.M. to a regular meeting of the Planning Commission on Tuesday, July 6, 2010 at 7:30 P.M. at the Moraga Library Meeting Room, 1500 Saint Mary's Road, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission



Meeting Date: July 19, 2010

**TOWN OF MORAGA**

**STAFF REPORT**

**To: Town of Moraga Planning Commission**

**From: Lori Salamack, Planning Director**

**Subject: CUP 09-10 Moraga Country Club HOA (Applicant) and Terry and Linda Gong (Owner) Moraga Swim and Tennis Club, 1161 Larch Avenue. Conditional use permit for a temporary swim, snack, fitness and administrative use of the existing swim club. No tennis use is proposed at this location. APN 258-600-001**

**Request**

Adopt the attached draft resolution approving the conditional use permit to allow the temporary swim, snack, fitness and administrative use of the existing swim club.

**Public Notice and Correspondence**

A public hearing notice was mailed to the property owners within 300 feet of the proposed project site on July 9, 2010. A copy of the notice, mailing list and area of notice map is attached as **EXHIBIT A**.

**Background**

On January 4, 2010, the Planning Commission approved a Conditional Use Permit to allow the demolition of the existing clubhouse at 1600 St. Andrews Drive and construction of a new clubhouse in the same location. Due to the proximity of the pool to the clubhouse, it will not be possible to allow operation of the swimming pool at the Moraga Country Club during the clubhouse construction. The demolition of the clubhouse is currently planned for September 2010. The proposed Conditional Use Permit would allow use of the existing swim facility for swim, snacks, fitness and administrative purposes while the new clubhouse is under construction. No tennis use of the property is proposed by this application but it may be possible to use the tennis courts for parking if necessary. A conditional use permit is required to allow this temporary use because the subject property is in MOSO and a recreational use is a conditional use in MOSO and the prior swimming use of the property expired when it was discontinued for a period of more than one year.

**CEQA Compliance**

The project is categorically exempt from CEQA under Section 15301 existing facilities.

1 **Discussion**

2 An aerial photograph of the existing swim and tennis facility is shown below. The  
3 swimming pool is setback a substantial distance from the residences on Larch and there  
4 is abundant parking on the site.

5



6  
7

8 As drafted, the attached resolution calls for a 21 month temporary use until April 30,  
9 2012. This time limit would allow ample time for the completion of the construction but  
10 only one summer swim season without further town approval.

11

12 **Recommendation**

13 Adopt the attached draft resolution with changes as necessary.

14

15 **Exhibits:**

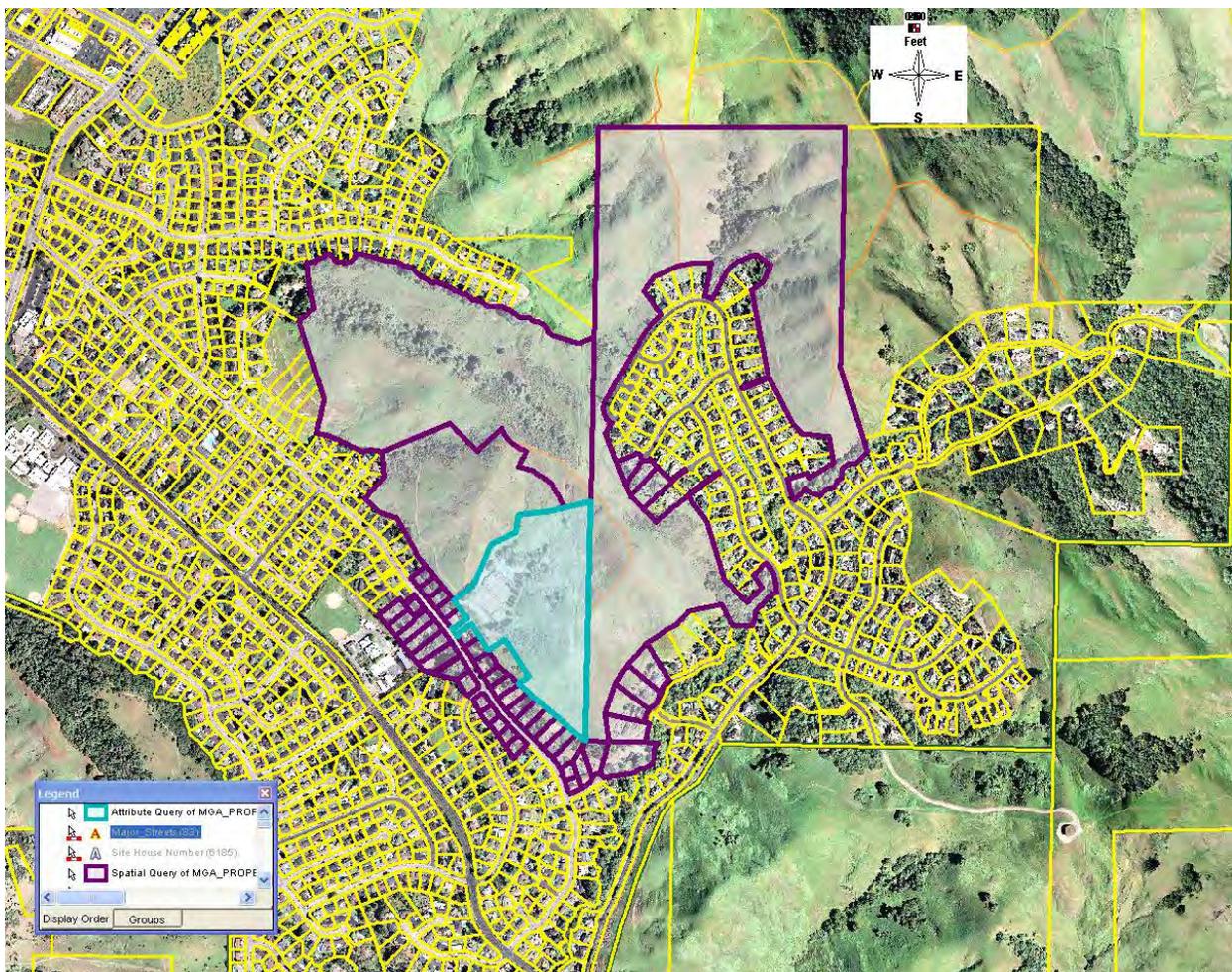
- 16 A. Public Notice Map, Notice List and Public Hearing Notice
- 17 B. Draft Resolution for Temporary use of the Moraga Swim and Tennis Club facilities
- 18 by the Moraga Country Club

**EXHIBIT A**  
Public Notice Map, Notice List &  
Public Hearing Notice

# VICINITY MAP AND AREA OF NOTICE

**Temporary Conditional Use Permit  
1161 Larch Avenue  
Moraga, Ca 94556**

**File Number:  
CUP 09-10**



# 1161 Larch Avenue CUP09-10

## Mailing List

APN	NAME	ADDRESS	CITY & ZIP
258353003	William & Suad M Massarweh	1191 LARCH AVE	MORAGA, CA 94556 2624
258630001	Patrick J Jr & Eileen Cafferty	3 LISA LN	MORAGA, CA 94556 2809
258273015	Pouch Mail-cotl Bkk	PO BOX 6046	SAN RAMON, CA 94583
258353007	Terry Ray & Linda Marie Gong	1217 LARCH AVE	MORAGA, CA 94556 2614
258351006	Vincent & Adrienne Castillo	1198 LARCH AVE	MORAGA, CA 94556 2626
258620007	Jack W & Jeanette M Chu	1 LISA LN	MORAGA, CA 94556 2809
258271009	Jennshin Ouyang	1153 LARCH AVE	MORAGA, CA 94556 2623
258273020	Thomas A & Donna Ward	1146 LARCH AVE	MORAGA, CA 94556 2602
258273023	Andrew & Ofelia Baxter	1144 LARCH AVE	MORAGA, CA 94556 2602
258271008	Bruce & Jill Lyon	1149 LARCH AVE	MORAGA, CA 94556 2623
258341010	Scott D & Sally G Whipple	21 TIA PL	MORAGA, CA 94556 2622
258341011	Barry & Kimberly Sutherland	15 TIA PL	MORAGA, CA 94556 2622
258341012	Peter H & Elizabeth D Rack	9 TIA PL	MORAGA, CA 94556 2622
258630003	Lawrence A & Linda M Koch	7 LISA LN	MORAGA, CA 94556 2809
258273014	Robin A Felix	1164 LARCH AVE	MORAGA, CA 94556 2602
258600004	Byron C & Cynthia Jo Hann	1171 LARCH AVE	MORAGA, CA 94556 2623
258272002	James & Frances Spillane	1167 LARCH AVE	MORAGA, CA 94556 2623
258600001	Terry R & Linda M Gong	PO BOX 92	MORAGA , CA 94556 0092
258693009	Michael T Dinstell	15 CROCKETT DR	MORAGA, CA 94556 2829
258341013	Paul A & Jane D Fruin	1 TIA PL	MORAGA, CA 94556 2622
258351004	Daniel & Andrea Green	1210 LARCH AVE	MORAGA, CA 94556 2615
258353009	Donald T & Hazel C Faries	1229 LARCH AVE	MORAGA, CA 94556 2614
258341014	Aldo & Marilyn Cataldo	1235 LARCH AVE	MORAGA, CA 94556 2614
258353008	Thomas R & Linda S Mackinson	1223 LARCH AVE	MORAGA, CA 94556 2614
258351005	Mohamad R & Zahra Kh Mirmalek	1204 LARCH AVE	MORAGA, CA 94556 2615
258353006	Scott A Loyet	1211 LARCH AVE	MORAGA, CA 94556 2614
258351007	Estelle J Haugen	1192 LARCH AVE	MORAGA, CA 94556 2626
258353005	Dana A & Dorothy Rodriguez	1205 LARCH AVE	MORAGA, CA 94556 2614
258351008	John R & Judith R Sutton	51 SHUEY DR	MORAGA, CA 94556 2620
258353004	Alphonsus & Deanna M Chen	1197 LARCH AVE	MORAGA, CA 94556 2624
258353002	William L Damon	1185 LARCH AVE	MORAGA, CA 94556 2624
258273032	Michael R & Cecil R Williams	1172 LARCH AVE	MORAGA, CA 94556 2602
258353001	Robert K & Cathryn A West	1179 LARCH AVE	MORAGA, CA 94556 2623
258630002	Robert & Rosemary Baffi	5 LISA LN	MORAGA, CA 94556 2809
258272003	Byron C & Cynthia Jo Hann	1171 LARCH AVE	MORAGA, CA 94556 2623
258273018	Patrick F & Dawn S Eames	1152 LARCH AVE	MORAGA, CA 94556 2602
258271010	Lillian M Conrad	1157 LARCH AVE	MORAGA, CA 94556 2623
258273019	Carol E Chamberlin	1148 LARCH AVE	MORAGA, CA 94556 2602
258273013	Clay S Serrahn	1160 LARCH AVE	MORAGA, CA 94556 2602
258272001	Joon Oh	1163 LARCH AVE	MORAGA, CA 94556 2623
258273012	Joan A Franck	1156 LARCH AVE	MORAGA, CA 94556 2602
258271007	Shanti A Vora	1145 LARCH AVE	MORAGA, CA 94556 2623
258271006	Chih Lien & Shih L Chang	1141 LARCH AVE	MORAGA, CA 94556 2623
258693018	Matthew & Martina Scanlan	6 HASTINGS CT	MORAGA, CA 94556 2830
258693010	Henry D & Nina C Lederman	13 CROCKETT DR	MORAGA, CA 94556 2829

# **1161 Larch Avenue CUP09-10**

## **Mailing List**

258600002	John William Felix	27 WOODLAND RD	ORINDA, CA 94563
258600006	Sanford Gage	10284 CENTURY WOODS DR	LOS ANGELES, CA 90067 630
258300019	Common Area-tract 6292	2 SANDERS RANCH RD	MORAGA , CA 94556 2804
Applicant	Frank Melon MCC HOA	1600 ST. ANDREWS	MORAGA, CA 94556

# PUBLIC HEARING



**YOU ARE HEREBY NOTIFIED THAT** on Monday, July 19, 2010, at 7:30 p.m., in the meeting room at the Moraga Library, 1500 St. Mary's Road, Moraga, California 94556, the Planning Commission of the Town of Moraga will hold a Public Hearing to consider a Temporary Conditional Use Permit (CUP 09-10) to allow the temporary use of the Moraga Swim and Tennis Club, 1161 Larch Avenue, for swim, snack, fitness, and administrative functions for the Moraga Country Club while the new country club clubhouse is under construction. The temporary use is anticipated to commence in September 2010 and last approximately one year. The swim club property is within the Moraga Open Space district (MOSO). The project is categorically exempt under CEQA Guidelines Sections 15301 (existing facilities). (APN 258-600-001).

<u><b>Applicant</b></u>	<u><b>Property Owners</b></u>
Frank Melon on behalf of the Moraga County Club Homeowners Association 1600 St. Andrews Moraga, CA 94556	Terry and Linda Gong 1217 Larch Avenue Moraga, CA 94556

The application for this project is available for public review at the Moraga Planning Department, 329 Rheem Boulevard during normal business hours (Monday through Friday from 8 a.m. to noon and 1 p.m. to 5 p.m.). Comments regarding the proposed project can be submitted in writing or orally at the public meeting. Written comments submitted to the Planning Department will be given to the Planning Commission on the night of the meeting. For additional information, contact the Planning Department at (925) 888-7040.

In any challenge to the Town's decision on this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town at, or prior to, the Public Hearing. Public comments will be considered before a decision is reached.

Project Planner: Lori Salamack, Planning Director

**EXHIBIT B**

Draft Resolution for Temporary Use  
Of the Moraga Swim and Tennis Club  
Facilities by the Moraga Country Club

# DRAFT

## BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

**In the Matter of:**

Approval of a Conditional Use Permit to )	Resolution No. XX-2010 PC
temporarily allow the Moraga Country Club to use )	
the existing facility at 1161 Larch Avenue for )	File Nos. UP 09-2010
swim, snacks, fitness and administration while )	
the new Moraga Country Club clubhouse is )	Planning Commission Adoption Date:
under construction or April 30, 2012 whichever is )	July 19, 2010
sooner (APN 258-600-001). )	Effective Date: July 30, 2010, if not )
_____ )	appealed

**WHEREAS**, an application for a Conditional Use Permit was submitted on June 25, 2010 by the Moraga Country Club (Property Owner) and Terry and Linda Gong (Applicant) for the temporary use of 1161 Larch Avenue for swim, snack, fitness and administrative use; and

**WHEREAS**, MMC Section 8.52.110 lists a nonprofit private recreational facility as a conditional use in MOSO; and

**WHEREAS**, the project is categorically exempt under CEQA Guidelines Section 15301 existing facilities; and

**WHEREAS**, a Public Hearing Notice for the project was mailed to property owners within 300 feet of the property on July 9, 2010; and

**WHEREAS**, on July 19, 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 temporary use of 1161 Larch Avenue for swim, snack, fitness and administrative functions during the demolition and construction of the new Moraga Country Club clubhouse in accordance with the following findings and conditions of approval.

**FINDINGS FOR APPROVAL OF A CONDITIONAL USE PERMIT IN ACCORDANCE WITH MMC SECTION 8.12.120:**

1. The use is appropriate to the specific location because the necessary facilities are existing and no new construction is required for the temporary use.
2. The use is not detrimental to the health, safety, and general welfare of the town because it offers opportunities for exercise and recreation that contribute safely to the health and welfare of the community.

3. The use will not adversely affect the orderly development of property within the town because the property owners intend to continue processing their application for residential development at 1161 Larch Avenue during the temporary use period.
4. The 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 because the use is temporary and consistent with prior use of the property.
5. The use is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan including FS3.13 and FS3.14. These policies call for the Town to “provide a range of recreational facilities and programs to meet the needs of all age groups” and “ensure that recreational facilities and activities are compatible with the neighboring environment”. The recreational services provided by the club help to meet the needs of all age groups and the conditions of approval of the use help to ensure that the facilities are compatible with the neighboring environment.
6. The use will not create a nuisance or enforcement problem within the neighborhood because the facility will be only partially utilized with no tennis activities on site and other compatibility concerns have been addressed in the conditions of approval.
7. The use will not encourage marginal development within the neighborhood because it is already developed and the Town has already approved a conceptual development plan for the residential development of the subject property.
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 this is a private club that does not require Town funding.
9. The use is consistent with the town’s approved funding priorities because no Town funds are required for operation of the facility.

**CONDITIONS OF APPROVAL**

1. The temporary use of 1161 Larch Avenue shall be terminated upon completion of the new Moraga Country Club clubhouse or April 30, 2012 whichever is sooner.
2. The hours of operation shall be between 6 am and 9 pm weekdays and 8 am and 9 pm on weekends.

**PASSED AND ADOPTED** by the Planning Commission of the Town of Moraga on July 19, 2010, by the following vote:

Ayes:  
 Noes:  
 Absent:  
 Abstain:

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Jim Obsitnik, Chair

ATTEST:

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Lori Salamack, Planning Director