

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

July 19, 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, Driver
Absent: Commissioner Wykle, Chair Obsitnik
Staff: Lori Salamack, Planning Director

B. Conflict of Interest

There was no reported conflict of interest.

II. ADOPTION OF MEETING AGENDA

On motion by Commissioner Whitley, seconded by Commissioner Levenfeld 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. June 21, 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. CUP 09-10 Moraga Country Club HOA (Applicant) 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.

Planning Director Lori Salamack presented the application for a conditional use permit for a temporary swim, snack, fitness and administrative use of the existing swim club. No tennis use was proposed at this location. She reported that on January 4, 2010 the Planning Commission had 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 and the clubhouse, it would not be possible to allow the operation of the swimming pool at the Moraga Country Club during the clubhouse construction. The demolition of the clubhouse had been planned for September 2010. The proposed conditional use permit would allow the use of the existing swim facility for swim, snacks, fitness and administrative purposes while the new clubhouse was under construction. No tennis use of the property had been proposed by the applicant but it may be possible to use the tennis courts for parking, if necessary.

A conditional use permit had also been required to allow the temporary use because the subject property is in the Moraga Open Space Ordinance (MOSO), a recreational use is a conditional use in MOSO and the prior swimming use of the property expired when it had been discontinued for a period of more than one year.

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities. A public hearing notice had been mailed to property owners within 300 feet of the proposed project site on July 9, 2010. Staff had received no written comments or telephone calls on the application. The Moraga Country Club had held a meeting on the proposal and staff was unaware of any issues that had been raised by the neighbors.

The draft resolution called for a 21-month temporary use until April 30, 2012. The time limit would allow ample time for the completion of the construction but only one summer swim season without further Town approval. If construction were to be significantly delayed, it was recommended that the application come back to the Town for further consideration. A condition of approval was also recommended for the hours of operation from 6:00 A.M. to 9:00 P.M. weekdays and 8:00 A.M. to 9:00 P.M. on the weekends.

Ms. Salamack recommended that the Planning Commission adopt the draft resolution, subject to conditions with any changes as necessary.

Commissioner Whitley understood that the former Moraga Swim and Tennis Club (MSTC) had a smaller facility than the current use and understood there were parking restrictions. He asked whether or not that use pre-dated the incorporation of the Town and the imposition of any parking standards.

Ms. Salamack explained that staff had not reviewed that issue although it had been reviewed as part of the residential subdivision application where there had been approximately 60 parking spaces. Discussions had been held with the Moraga Country Club where the tennis courts may be utilized for parking.

PUBLIC HEARING OPENED

Frank Melon, General Manager, Moraga Country Club, explained that they had printed out 20 to 30 letters that had been distributed to the neighborhood to solicit comments from the residents. He acknowledged that there had been comments on traffic and as a result the Chief of Police had been invited to attend a meeting of the Moraga Country Club where issues with respect to speeding on Larch Avenue had been discussed. He affirmed that there were no plans to use the tennis courts. The goal was to have the new clubhouse and improvements to the swimming pool completed by November 2011. He acknowledged that the largest mitigated use was swim meets which would not be held. The swim club would be used by lap swimmers and children. He reiterated that there would be no swim meets.

Given the layout of the clubhouse, Mr. Melon explained that the parking lot was at a distance from the swimming pool and some of the fencing at the tennis courts would be removed with parking up to the tennis courts, essentially doubling the parking. He noted that he had also agreed to pay for a radar cart to be stationed at all times to address the speed of traffic on Larch Avenue. He emphasized that the use would be temporary. He noted that Moraga Country Club had been a good neighbor for many years.

Mr. Melon added that four to five people in their accounting division would also work out of offices as part of the temporary use of the existing swim club facility. Efforts would be made to ensure the property was not attractive to vandalism. He characterized the proposal as an effort to allow neighborhood children and the swim program to continue using the pool.

Commissioner Whitley inquired of the number of swimmers who would participate during the National Swim Championships, to which Linda Gong, the property owner of the Moraga Swim and Tennis Club stated that during the peak periods approximately 150 swimmers had participated in the National Championship events.

Commissioner Socolich clarified with Mr. Melon the intent that the temporary use would be for members only and would not be open to the public, which would be monitored by staff. He added that their swim and tennis members were not separated with the goal not to be open to the general public.

Commissioner Socolich recommended a condition that the facility would be for the use of Moraga Country Club members and guests of members only.

Commissioner Richards asked whether not guests would be permitted to use the facility, to which Mr. Melon affirmed that guests were permitted at a fee to the member of the Moraga Country Club.

Clay Serrahn, 1160 Larch Avenue, Moraga, whose home was located directly across from the location of the existing swim club, expressed concern with parking and traffic. He questioned how many vehicles the tennis courts could accommodate and suggested that overflow parking would occur in the residential areas as it had in the past. He asked the Moraga Country Club to impress its membership to respect the residential neighborhood. He was pleased that the Moraga Police Department would improve its enforcement of the posted speed along Larch Avenue and he urged the club members to also respect the posted speed.

Karen Mendonca, 1160 Larch Avenue, Moraga, emphasized for the record that on-street parking in the neighborhood had been an issue in the past and needed to be addressed. She urged that all on-street parking be discouraged with parking only within the Moraga Country Club. She emphasized the problems with speeding along Larch Avenue, past efforts to install stop signs in the neighborhood which while well supported ultimately had not been recommended by the Traffic and Safety Advisory Committee (TSAC). Neighbors had done everything they could to keep the street safe with Larch Avenue oftentimes used as a shortcut from surrounding neighborhoods. She asked the Planning Commission to consider a stop sign coming out of the driveway to the club.

Robert West, 1179 Larch Avenue, Moraga, agreed with the comments. He also noted that Larch Avenue was in a deteriorated condition which was something the Planning Commission should be aware. He agreed that a stop sign out of the driveway to the club would be a service to the residential neighborhood. He otherwise questioned the fact that the Moraga Country Club had not reached out to its neighbors and he questioned how parking would be arranged at the tennis courts. In addition, he questioned whether or not lights in the tennis courts would be adequate for evening parking. Further, he suggested that 60 parking spaces would be ample for the swim members particularly absent any swim meets. He questioned the proposed signage given that MTSC would not be using the temporary facility and swim meets would not be held.

Linda Gong, 1217 Larch Avenue, Moraga, the property owner, expressed her appreciation for all of the comments. She clarified that the club had been built in 1973 which pre-dated the Town's incorporation when there were no parking restrictions. She commented on the efforts to subdivide the property at which time they would appear again before the Planning Commission.

Ms. Gong noted that the Moraga Country Club had approached them about their plans for improvements. As a member of the Moraga Country Club and a resident of Larch Avenue, she was aware of the comments regarding parking. She acknowledged that overflow parking occurred at the club during swim meets or large family events. Otherwise vehicles only used the area for drop-off and pick-ups and it was rare that vehicles would park on the road leading to the club. She added that the tennis courts would include access at the corner court where it would not be difficult to remove fencing and arrange parking. The tennis courts included 1,000 watt bulbs with plenty of lighting. She recognized that as motorists exited the entrance to the club, they must be careful. She was unaware of any accidents in that area. She was confident that the Country Club would do everything it could to ensure that the area was safe.

PUBLIC HEARING CLOSED

Vice Chairman Driver acknowledged a request for additional conditions that the existing swim club was to be used for members and guests only and that no swim meets were to be held.

Commissioner Socolich supported additional conditions as proposed.

Commissioner Richards was uncertain the additional conditions would be necessary.

Commissioner Levenfeld was also uncertain that the additional conditions were necessary although she would support them if included.

Vice Chairman Driver reiterated the recommendation for two additional conditions:

- There shall be no swim meets with other teams held at this facility; and
- The facility is restricted to Moraga Country Club members and their guests only.

In response to Commissioner Whitley, Mr. Melon clarified that the radar cart would have a two to three day charge and may not be placed on a daily basis although the intent was that it be placed on-site as often as it could be used.

Commissioner Whitley was not concerned with traffic either increasing or decreasing as a result of the use of the Moraga Country Club. He noted that Moraga was designed to be semi-rural consistent with the General Plan's intent to keep the community in a semi-rural character with semi-permanent signs. A speed sign was not in keeping with that intent.

Commissioner Whitley acknowledged the concerns with the speed on Larch Avenue but expressed concern with the parking of a neon-sign on one of the Town's streets.

Vice Chairman Driver was comforted that the radar cart would not be operated by a diesel generator. He acknowledged the concerns with traffic, speed and safety, which in his opinion outweighed the aesthetic concerns even if the device was placed for at least a year's time.

An unidentified speaker from the audience understood that the radar cart would not be placed in one location and would be moved around. He suggested that the neighborhood would appreciate its presence.

Commissioner Levenfeld would support the radar cart if placed for safety reasons on a temporary basis since it would not be a permanent structure.

Ms. Mendonca suggested that given the history of the neighborhood, many residents were likely not present since they were tired of telling the Town there was a problem. Anything that could be done to increase safety was the right thing to do and showed the Town's commitment to make the street safe.

Mr. Melon further commented that there were ten current members of the Moraga Country Club who resided on Larch Avenue. In an effort to keep all their members pleased while also being a good neighbor, he was confident there would be no on-street parking. He emphasized that the tennis courts consisted of approximately 60,000 square feet which was ample for potential parking.

On motion by Commissioner Whitley, seconded by Commissioner Socolich to adopt Resolution next in number to approve CUP 09-10 for the Moraga Country Club HOA at 1161 Larch Avenue, subject to the findings and conditions, as shown, and as amended with additional conditions, as follows:

3. There shall be no swim meets with other teams held at this facility; and
4. The use of the facility shall be restricted to Moraga Country Club members and their guests only.

The motion carried by the following vote:

Ayes:	Commissioners Levenfeld, Richards, Socolich, Whitley, Driver
Noes:	None
Abstain:	None
Absent:	Commissioner Wykle, Chair Obsitnik

Ms. Salamack 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

There were no reports.

B. Staff

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

Ms. Salamack reported that the August 2 Planning Commission meeting would include a Hillside Development Permit with a recommendation to the Town Council for grading activity that had occurred absent a permit for property located on Buckingham Drive. If the application was approved, a variance may also be required for the property, which would have to be brought back for Planning Commission consideration at a future meeting. Staff also planned to bring forward a draft ordinance for the California Green New Building Code which would have to be adopted by the Town Council to be effective in January 2011. Given the Town's Design Guidelines had a green building component, the draft ordinance would also be brought before the Planning Commission and the Design Review Board (DRB) in the fall.

In addition Ms. Salamack advised that staff planned to complete the Hetfield Estates Environmental Impact Report (EIR) in late summer early or fall with public hearings to be scheduled before the Planning Commission. Further, she reported on a recent article in About Town on the substantial increase in construction activity in the Town regarding administrative design review applications. She reported that the Town was presently at a level that was typical for the year.

XII. ADJOURNMENT

On motion by Commissioner Socolich, seconded by Commissioner Levenfeld to adjourn the Planning Commission meeting at approximately 8:18 P.M. to a regular meeting of the Planning Commission on Tuesday, August 2, 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