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Planning Commission Takes the High Road Regarding MOSO Implementation Amendment

By Sophie Braccini

The Planning Commission was asked on June 15 to consider a targeted modification of Moraga Open Space Ordinance implementation zoning to allow for-profit recreation businesses to operate on parcels that had previously not been allowed. According to the commissioners, the amendment seemed to have been tailored to support one specific project, so they recommended that a review be conducted of the types of recreational activities permitted on MOSO land, arguing that zoning should not be specific to a business model.

While the proposed amendment to MOSO zoning rules would be applicable throughout town, residents who attended the meeting were concerned with one project only: the Adventure Day Camp proposal to take over the former Moraga Tennis and Swim Club on Larch Avenue. The proposal would turn the parcel into a day camp site and preschool. Although that specific project was not a focus of the meeting, neighbors continued to raise traffic or parking concerns centered on that proposal. Some also indicated that changing MOSO, a voter-approved ordinance, was not in the purview of the commission.

The amendment was crafted by the Town Council when it appeared that Adventure Day Camp, a for-profit business, would not be authorized to conduct business per the municipal code implementing MOSO, which says that only nonprofit recreational activities are permitted on these types of parcels. Arguments against such an amendment are that it could lead to additional development on MOSO land, that MOSO is a voter-approved ordinance that cannot be changed by the planning commission. Planning commissioner Steve Woehleke stated that he was not comfortable recommending any modification to MOSO; commissioners Lindsay Carr and Suzanne D'Arcy concurred. Commissioner Christine Kuckuk noted that the proposed amendment would not affect the voter-approved ordinance, only its implementation rules. Planning director Ellen Clark indicated that this nonprofit mention was probably a relic from pre-MOSO open space zoning.

Kevin Welch, owner of Adventure Day Camp, said that he and his wife also owned a nonprofit business and could very well be conducting the same business with a nonprofit status, which reinforced what commissioner Kuckuk suggested: that zoning by type of business was not the right thing to do. Instead, she said, the commission should be conducting a review of the types of recreational activities that should be allowed on MOSO land. Under the current MOSO, a dirt bike trail or a casino could be considered compliant use. Commission chair Tom Marnane agreed with this approach, adding that Moraga should be encouraging new businesses to come in, as long as their activities fit the character of the town.

Neighbors were reassured that if this project was to proceed, all its impacts would be studied in due time. For now, the planning commission decided not to recommend the adoption of a targeted modification of the implementation rules of MOSO allowing for-profit business, but instead agreed to study the possibility of removing any mention of the type of business completely from the regulation, and defining what types of recreational activities are desirable on Moraga MOSO land.

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