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South Camino Pablo Annexation and Subdivision appeal denied

By Vera Kochan



Project property and surrounding development Image provided

The land in question has been owned by the Carr family for over 100 years. Currently a portion of it, the South Camino Pablo Annexation and Residential Subdivision, has been the subject of a tug-of-war since March 2014, when Dobbins Properties, LLC began preliminary applicant discussions with the town staff.

During the Aug. 25 town council meeting, Carr descendants, the property's owners Scott Carr and John Hoover, told council members that the approximately 8.5 acres set aside for the project along with 15.4 acres set aside for open space was always intended as a development area. They assured that their additional 613 acres of open space will remain untouched.

At stake is the development of a 13-unit residential subdivision on a hillside fronting Camino Pablo across from Tharp Drive. Although the property is part of Contra Costa County, it is not part of Moraga, as yet. The applicant's requested entitlements include a General Plan Amendment to change the 1-DUA (Dwelling Units per Acre) designation to 2-DUA.

According to a staff report by Contract Planner Ben Noble and Planning Director Afshan Hamid, "The 13 residential lots range in size from 15,129 to 40,027 square feet. The living area of homes ranges from 2,548 square feet to 3,866 square feet. Seven of the homes contain an accessory dwelling unit (ADU). Total floor area of the homes, including garages and ADUs, ranges from 3,570 square feet to 5,474 square feet."

Over the course of six years, the project has gone through town council study sessions, applicant-hosted neighborhood discussions, town-hosted neighborhood discussions, various Hillside and Ridgeline projects, and planning commission studies and hearings.

The staff report states, "Under the existing General Plan designations, up to nine units are allowed on the project property. Six units are allowed in the 1-DUA area, and up to three units are allowed in the Open Space as determined appropriate by the Town Council based on site constraints (MMC 8.52.060)." The applicant's project proposes 11 units in a 2-DUA area and 2 units in Open Space.

During the planning commission's second hearing on June 15, a resolution was adopted recommending project denial with a 4-2 vote. It was stressed that a 2-DUA General Plan Amendment is a policy decision that should be deferred to the town council. On July 21 the applicant submitted the required appeal letter to the town council.

During the Aug. 25 appeal, council members expressed concern over building homes on an area with active landslides, but were assured that appropriate grading measures would be implemented. Residents in the immediate area expressed their disapproval to the project during the Public Comment portion of the evening by referring to the prospective homes as "McMansions" and voicing concerns over the loss of their views.

Some of the hurdles the town council would need to overcome with regards to a General Plan Amendment is that it must maintain a balanced and logical land use pattern; it must improve the quality of the environment socially, economically and physically, and be consistent with the lifestyle of the community; and both the town and other governmental agencies must be able to maintain levels of service consistent with the ability of the agencies to provide a reasonable level of service.

In the long run, the town council voted 4-1 (Council Member Steve Woehleke voting to approve) to deny the applicant's appeal and uphold the planning commission's recommendation to deny the requested 13-unit, 2-DUA project. This included a Mitigated Negative Declaration, General Plan Amendment, Zoning Code Amendment, Conceptual Development Plan and General Development Plan, Vesting Tentative Map and Grading Permit. The council did vote to keep the designation of the project site as 1-DUA and not amend the General Plan.

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