

Lamorinda Community, Calendar, Agendas, Notes, News

Moraga

Calendar

City Council 7:30pm
Joaquin Moraga Intermediate School
1010 Camino Pablo
Wednesday, Nov 14

Planning Comm. 7:30pm
Hacienda, La Sala Room
2100 Donald Drive
Monday, Nov 5

Design Review 7:30pm
Hacienda, La Sala Room
2100 Donald Drive
Tuesday, Nov 13

Park & Rec 7:30pm
Hacienda, Mosaic Room
2100 Donald Drive
Tuesday, Nov 20

Liaison 8:00am
Fire Station
1280 Moraga Way
Friday, Nov 9

Youth Involvement 7:30pm
Hacienda, Mosaic Room
2100 Donald Drive
Thursday, Nov 8

check online:
Town of Moraga:
<http://www.ci.moraga.ca.us>
for:
• all meeting notes
• calendar updates



On Tuesday 10-23-07 at approx. 4:00 pm, there was an injury automobile vs. pedestrian collision that occurred on Moraga Road at Campolindo Drive. The collision involved a Campolindo High School student that was struck by a Toyota van. Witnesses on the scene told officers that the driver of a blue van, stopped on Campolindo Drive at Moraga Road, possibly witnessed the collision. The Moraga Police Department wants to speak to the driver of the blue van, and anyone else who witnessed the collision, as soon as possible. If you are a witness to the collision, please call Sgt. Jeff Price at the Moraga Police Department at 376-2515.

iPhone Gone 10/12/07 A Campolindo student reported that someone entered the Soda Aquatic Swimming Center and stole his Apple iPhone from his gym bag which was unattended. The suspect was observed by others attending the water polo meet that was being held there.

Cougar Attack, 10/12/07 At a recent Campo - Acalanes football game, an Acalanes student approached the Campo mascot, a teen in a Cougar costume, and pulled on the head portion of his outfit, removing it. The student mascot ended up on the ground with a slightly injured neck. The Acalanes perpetrator was identified by his victim.

Pot At School, 10/22/07 An officer responded to Campolindo on a student being held in the office for possession of Marijuana. The student had the pot in his backpack. Student was transported to the police station where he was later released upon his father's permission. He agreed to sign up for the juvenile diversion program.

Bruzzone Lawsuit Targets Moraga Design Guidelines ... continued from page 1

The Council action in July followed an historic first for Moraga in May when the Council, by the same 3 to 2 vote, made Moraga's first ever political statement on a national or international issue—global warming—by endorsing the U.S. Mayor's Climate Protection Agreement.

Planning Director Lori Salamack, in her staff report at the July meeting, recommended that the Council either approve or overturn the Planning Commission's guidelines or send them back for revision before the Council acted on the appeal. Instead, the Council amended and adopted the guidelines on the spot.

The lawsuit claims that was illegal procedure under state law because the Council's action was "tantamount to the adoption of a zoning ordinance." California Government Code section 65857, which applies to certain zoning ordinances, provides that "...any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for a report and recommendation..." According to the minutes of the June 4 Planning Commission meeting, protection of ridgelines, mature native trees, and views of ridgelines were mentioned at that meeting, but passive solar design and green

building requirements were not.

The Bruzzone lawsuit also claims the Council's amendment and adoption of the design guidelines was subject to the California Environmental Quality Act (CEQA), based on the "displaced development" theory. The lawsuit claims the guidelines "may be applied to eliminate housing altogether, and/or displace that housing to other areas or communities." On June 12, 2007, the California Supreme Court issued an opinion which applied CEQA to restrictions on development in the area surrounding Travis Air Force Base in Solano County under the "displaced development" theory.

The lawsuit also claims the design guidelines, as amended by the Council, are inconsistent with the Town's 2002 General Plan. The "numerous provisions applicable to 'ridgeline' development are so vague and ambiguous that persons of ordinary intelligence can only guess at their meaning," the suit alleges.

The suit further claims the ridgeline development protection and "Build it Green" guidelines violate the Bruzzones' constitutional rights. It claims the Council "deliberately crafted" the ridgeline development protection "to facilitate and encourage the regulation of development on and adjacent to any and all ridgelines," and "deliberately crafted" the "Build it Green" pro-

vision "to limit the application, and economic impact, of this Guideline to Petitioners alone." It further claims the Council adopted the guidelines "deliberately and with discriminatory intent aimed at frustrating and restricting, if not precluding outright, the pending Bollinger Valley development applications as well as any future development applications associated with Petitioners Indian Valley and Moraga Center Specific Plan Area properties."

The lawsuit is the latest chapter in the hot and cold relationship between the Town of Moraga and the Bruzzone family, its largest landowner. That relationship was publicly symbolized this March when the Council, at an emotional meeting on a 3 to 2 vote, accepted statues with memorial plaques donated by the Bruzzone family for the Commons and the library.

Meanwhile, behind the scenes the Town staff and a planning consultant hired by the Bruzzone family were working together closely on the details of the Specific Plan for the Moraga Center. But when the Specific Plan came before the Council for its first vote about the scope of the environmental impact report, once again the Council divided 3 to 2 when it decided on the number of housing units to study. That meeting ended bitterly with Deschambault bemoaning the lack of Council unity

New MOSO Campaign Begins

By Sophie Braccini



"Do you have a minute to protect Moraga open space?" Chances are, you will be asked this question somewhere in Moraga over the coming months as The Friends of Moraga Open Space (FMOS) seek support for a new Moraga Open Space Ordinance (MOSO 2008). FMOS feels that as interest in development increases, the original Ordinance needs to be revised accordingly.

The new proposed initiative plans to expand the reach of the original open space preservation measure, which was approved in 1986, and further reduce the number of houses permitted on a lot. Where the original MOSO restricted development to 1 house per 5 acres, the 2008 version calls for 1 every 20 acres or

every 10 acres under limited circumstances. The new measure demands that no development be authorized on or less than 500 feet from major ridgelines, or within 150 feet of any minor ridgeline rising above 700 feet. Areas that are 700 feet or above and are not ridgelines would not be affected by the measure. The new rules would apply to all lands currently protected by MOSO, plus Bollinger Canyon (an area East of Saint Mary's Road, North of Saint Mary's campus), Indian Valley (located along the South-West city limit of Moraga) and the Rheem Ridge (located along the North side of Rheem Boulevard between Moraga Road and Saint Mary's Road). The measure would allow for commercial outdoor recreation facilities, providing they are low-intensity and do not cause material environmental harm.

The procedure for placing an initiative on the ballot is complex, but now that the Town's attorney has given the initiative a title, "Moraga Open Space Ordinance 2008 Initiative Amending Moraga's General Plan," and prepared the 500 word summary which would appear on a ballot, FMOS' next step is to gather the required (roughly 1000) signatures (10% of

registered voters) and submit them to the Town for verification.

The Town Council will then have an opportunity to discuss the initiative before it is placed on the ballot. Mayor Mike Metcalf said he hopes that the Council will welcome the chance to have an open and thorough discussion. Concerns about the legality of the initiative have already been raised, particularly as to whether it would infringe on the rights of property owners to dispose of what's theirs.

... continued on page 10

on the issue, and David Bruzzone arguing with Trotter over the potential location of a gymnasium and community center favored by Trotter.

Mayor Mike Metcalf declined to comment on the legal action, but when asked to speak generally about the Town's activities preceding the law suit said, "I believe the Town has acted openly and in an appropriate manner." Trotter and Salamack politely declined to discuss the lawsuit; Town Attor-

ney Michelle Kenyon could not be reached for comment. A call to the office of Bruzzone attorneys Arthur F. Coon and Stephen E. Velyvis was abruptly terminated on that end before any questions could be posed.

The lawsuit seeks a declaration that the challenged design guidelines are illegal and unconstitutional, injunctions against the guidelines, unspecified money damages, attorneys' fees, and costs.

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