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Moraga Will Vote on Bruzzone Initiative

Critical staff report on the initiative's impact to be refined

By Sophie Braccini

Staff presented to the Town Council last week a 54-page report analyzing the potential local impact of the Moraga Initiative Expanding Open Space and Residential Land Use Designations and Adopting Development Agreement (the initiative). Most residents commended staff for the quality of their work, completed in a limited amount of time. But both proponents and opponents of the initiative requested revisions to the report. The Council directed staff to consider the issues raised and draft a new version of the report, and voted unanimously to accept the initiative for placement on the ballot in this November's General Election.

Planning Director Lori Salamack presented the Executive Summary of the report. She highlighted the fact that the development potential for the Town of Moraga would not significantly be changed by the initiative and that the procedure to approve any building would stay the same. "Bollinger Canyon is presently a study area," explained the Director, "the yield for development would not significantly change with this initiative."

Councilmember Rochelle Bird noted, "Whether this initiative passes or not, the same planning process will apply to the development of any property in Moraga."

The financial report indicated that the initiative could bring a positive return to the Town's finances through taxes. Some residents questioned the hypothesis upon which Staff had based its calculation (price of homes, number of total units built) and asked to see different iterations with different parameters.

Many in the audience had questions about other potential impacts of the initiative, should a developer choose to exercise his right to develop. They asked for clarification on the potential impact to traffic, schools, emergency response and evacuation routes.

Even though any response to these questions is hypothetical, Council felt it necessary to give some answers so people could get a concrete idea. "It is true that this initiative does not describe or guarantee any development," said Councilmember Mike Metcalf, "but voters are not Planners and they need practical examples." Vice-Mayor Dave Trotter wanted to also see an analysis of safety issues regarding the placement of a gymnasium across from the Moraga Commons.

Regarding the legal aspects of the report, Moraga resident Frank

Comprelli expressed regret that these issues had not been incorporated in the Executive Summary.

Kristina Lawson, legal counsel from Hiller Starr Regalia, representing the Bruzzone family, raised many issues during the public comment period. She had sent Council a letter earlier that day detailing the deficiencies she felt the report contained.

During previous Council meetings at which the initiative was discussed, the question of whether or not it was legal to include a development agreement in an initiative was intensely debated. In her letter, Lawson stated that staff failed to unbiasedly represent the issue in the report. The position of the proponent is that such "development agreements have been adopted by voters in multiple cities...and are in force and effect today." The report does not conclude pro or con the legality but suggests, "The uncertainty in legal interpretations makes the likelihood of some sort of legal challenge."

Other criticisms made by Lawson included that the report wrongly stated that development fees would be frozen for 25 years and that in absence of an initiative a development agreement could have been negotiated with the Town. In conclusion, the letter asks that the Council decline to adopt the report.

In light of all the questions and arguments, that was the line the Council took. Staff was directed to add more factual elements to the report, using different financial hypotheses and to include potential consequences for traffic, school and safety. Staff was also asked to respond to the letter from Hiller Starr Regalia. It is likely that the revised report will be presented to the Council in late April or early May.