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Published January 21st, 2008

Building in Open Space in Moraga Proves Thorny

By *Sophie Braccini*

At its meeting on January 14th the Moraga Town Council sent the planned Hetfield development project back to the Planning Commission for further environmental study.

The battle of experts between the developer and the neighborhood association that formed to fight the project, created enough of a doubt in the mind of Council Members that they applied the principle of precaution and asked for the Planning Commission to determine the scope of a process that will reexamine the geotechnical data, the adequacy of the project with the General Plan, and its respect of the slope limitations set in the Moraga Open Space Ordinance.

New Mayor Dave Trotter grabbed the helm with both hands at this first meeting of the new Council and imposed a structured and orderly style, keeping everyone within their allocated time.

The crowd was fairly large at the meeting. One person spoke in favor of the property owner and seventeen spoke against. Many comments from residents pertained to the beauty and uniqueness of the space proposed for development. The property is a hill with a creek, many trees, a trail, and abundant wild life. Several cited the Los Encinos project, just on the other side of the hill, that has been graded and left barren and dusty, without any development, despite the fact that the Town approved its development.

The experts who presented on behalf of the parties presented compelling arguments. One pivotal moment was when Laurel Collins, principal geomorphologist at Watershed Sciences in Berkeley, speaking for the appellants, demonstrated the existence of a fault on the Heltfield property that had been ignored by the applicants. "They used a 1980 map," she said, "this fault was identified in 1986 and is on maps since then."

Another crucial moment came when an upper Hetfield resident took the stand to share the catastrophic state of her house that is severely impacted by movements on the hill behind it. As she talked, the audience fell completely silent, and each one was reminded of the unpredictability of the soil conditions and landslides in this area. Council member Howard Harpham, who referred to a personal flood incident in his home, reinforced the general feeling of risk linked to the issue.

The Town's consultant for the project, Mitch Wolfe, gave a compelling defense of the developer, explaining the studies that had been made and the practices used were adequate and commonly used. To the question of how to address the issue of the fault uncovered by Mrs. Collins, he explained that this could be addressed with sub-drainage. His assertiveness won over Council Member Michael Metcalf, who declared being persuaded by him.

Council Member Ken Chew, who has always defended open space protection, questioned the appropriateness of the project itself, its compliance with Moraga General Plan and MOSO 1986. He stated that he believes that the property owner just seeks the Town's approval in order to resell the land and he was concerned that Hetfield would suffer the same fate as Los Encinos.

After hearing all the testimony the Council, supported by Town attorney Michelle Kenyon, decided to request further study. "Based on the evidence presented here tonight, there is a fair argument under CEQA that this project would have a significant environmental impact," said the Mayor. Council Member

Karen Mendonca made the motion to send to project back to the Planning Commission for a focused Environmental Impact Report; the motion was adopted unanimously.

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