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## Council Rescinds Ordinance Complaints continue regarding Moraga Commons concert noise

By Sophie Braccini



The Beatles tribute band Because played at the Commons on August 4 Photo Andy Scheck

had not done an adequate CEQA (California Environmental Quality Act) study to exempt ourselves from the noise ordinance," said Ingram, "we could have decided to do a full blown CEQA study, instead the Town will continue to be a good neighbor and pursue its mitigation efforts to reduce the noise impact."

During the summer concerts, noise levels were measured to make sure that the limit of 60 decibels was not exceeded. If noise was found to exceed the limit, Town staff communicated with the concert's sound engineer to reduce the volume. Readings were taken in three different locations, but not on Glassel's street. After hearing the complaints at the Council meeting, Town Manager Jill Keimach decided, "During the Pear and Wine Festival (coming up on September 24) we'll go up to Kingsford Drive and will take measurements there," she said. "We want to keep good sound quality, while making sure it does not become a nuisance in neighborhoods."

During its August 24 meeting, the Moraga Town Council voted unanimously to rescind an ordinance that it had passed at the end of 2008, which aimed at exempting the Town from the limitations of its sound ordinance in an effort to protect itself from lawsuits pertaining to noise from events such as the summer concert series at the Moraga Commons Park. A resident challenged that ordinance and the Court ruled in her favor, leaving the Town no choice but to discard the rule.

Kingsford Drive resident Gary Glassel, who lives some 300 yards from the Commons, came to the Council meeting to express his outrage at the Town's attempt to exempt itself from its own rules and speak to the noise impact of the concerts in his home. "Where I live, on top of the hill, the decibel level is higher than if you are sitting at the park," he said, "and no one from the Town ever came to listen." Glassel said that he was pleased that the Court ruled against the Town and he vowed to continue to follow up on the issue. "The concerts can go on, but they have to be at a lower noise level," he said.

According to Jay Ingram, Moraga Parks and Recreation Director, the noise ordinance is now back to its original state and the Town has no plans to do further noise impact reviews. "The Court ruled that we

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