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## Historical Preservation Not a Sure Thing in Moraga

*By Sophie Braccini*

The Moraga Town Council engaged in preliminary discussions May 22 about what a Historical Landmark ordinance might look like. The four members present could not reach a consensus. They split on deciding whether or not the owner of a building could veto having his property declared a historical site. The trigger for the discussion is the preservation of the Rheem Theatre, a structure that has been dwindling on the verge of bankruptcy for years despite great community support.

"We looked at what nearby communities have done and there are different approaches," explained Planning Director Shawna Brekke-Read in her presentation. "In cities like Lafayette and Orinda, a structure can be declared historical without the support of the property owner; in Danville, the owner's approval is required."

In attendance were two groups of property owners, the Bruzzone family, who owns many sites in Moraga including the Moraga Ranch area that could be considered a historical site; and theater owner Mike Puri. Both parties expressed their strong opposition to the more directive approach that they equated to an appropriation of private property.

Brekke-Read explained that there were some advantages for a property owner to have his property declared a historical site; the Mills Act Agreements that can provide property tax relief (40 to 60 percent of the tax for recently improved properties according to the California Office of Historic Preservation); and lesser constraints for ADA compliance, though not an exemption, for historical buildings.

It is that aspect that spurred the support of council member Mike Metcalf who was thinking about the Hacienda de las Flores and how a historical designation could help render the second floor of the building ADA compliant at a lower cost.

Mayor Dave Trotter said that without the possibility of a community to declare a building historic, the text would have no teeth. Both he and Metcalf stressed the urgency of the issue, since the current lease for the theater will expire in one year; and they suggested that if it were not for Orinda's regulation, the Joaquin Moraga Adobe would be long gone.

Vice mayor Ken Chew and council member Phil Arth supported the rights of property owners. Chew even opposed having a historical preservation ordinance of any type, because, according to him, it would just add work for staff. Arth said that the rights of the property owners need to be protected, and that he could support the idea as long as it mirrored Danville's policy.

Puri's attorney said that a historical designation can be nice, but it would not solve the economic problems facing the theater. Chew stated that there are thousands of such struggling theaters in the nation, and that maybe it would be better to let it go.

Unable to decide what philosophy to support, the council asked staff to prepare a text with alternatives and to involve the community in the process, including property owners and the Moraga Historical Society.

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