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Council Approves Review of Development Regulations

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There are defining moments in the life of a town, just as in the life of an individual. Moraga is approaching such a moment. The decisions that will be made in the coming months regarding modifications to the town's code regulating development will impact the way Moraga will look and live for many years to come.

The Moraga Town Council directed staff on Sept. 25 to engage in a review of regulations governing development on hillsides, ridgelines and high risk areas, and sealed its commitment by pledging to engage funds from the "Palos Bank" (developer fees from the Palos Colorados project) that had been deemed untouchable before.

The rules for hillside and ridgeline development are complex and consequences are not always easy to fathom. "MOSO appears to be working in Moraga," said resident Jerry Joyce during the public comment session, adding that "When I go to other communities I see homes on top of ridgelines; I don't see that in Moraga." Many residents believe the current rules protect the town's beloved scenery appropriately.

But others disagree, such as Suzanne Jones of the non-profit Protect Lamorinda Open Space who said loopholes in the code have permitted developments that violate the intent of the town's preservationist rules. As part of the Rancho Laguna project, a new home was approved on a minor ridgeline; in the Hetfield development, excavating a huge amount of dirt was accepted as mitigation for building on MOSO high risk land.

There are people in the community who believe that cut and fill to mitigate a high risk area can be a good thing. Resident Edy Schwarz cited the example of a neighboring home that had been severely damaged by a huge slide, where massive excavation and fill had been done and where today a green hill and a safe home have been restored. Local property owner and civil engineer Roger Poynts argues that grading and filling sensibly can improve on nature, repair damages and permit esthetic and long lasting developments.

Complex issues such as how the slope of a hillside should be calculated in making a determination as to whether or not it's too steep to build on will also be reviewed.

The idea of adding new layers to existing regulations is being fought hard by local developers. David Bruzzone, whose family owns the last vast reservoirs of sites for both single-family luxury homes (Country Club extension, Bollinger Valley and Indian Valley) and high density housing (Moraga Center Specific Plan area), views changing the rules as a threat to private property rights.

Others, including some who do not own vast acreages, argue that the town will not be sustainable if some development does not happen. "We have underdevelopment in Moraga," said Joyce, "this may be why we have so many empty storefronts." There has been an average of five new homes built per year over the last 20 years according to Shawna Brekke-Read, planning director.

Recent history suggests Moragans may want to pay attention and get involved in the public process as it unfolds rather than waiting until it's a done deal - for example, a group of residents now trying to challenge the Moraga Center Specific Plan after-the-fact face a difficult uphill battle; yet very few people attended the Jan. 27, 2010 meeting at which the plan was approved by the Town Council.

Meetings of the Planning Commission and Town Council can be found on the town's website, www.moraga.ca.us; agendas are posted in advance of each meeting.

Complex rules and unintended consequences do not make for easy reading or facilitate time to relax and unwind after work. For residents like Denise Duff, who told the Town Council that most of her friends were in elementary school when the MOSO rules were passed in 1986, going to meetings from 7 to 11 p.m. on a weeknight requires considerable motivation and organization.

Schwartz added that most young families in Moraga do not know much about the details of the rules and just don't want homes on ridgelines; she asked the Town Council to educate all of the town's residents before making any decisions.

The Council decided that reviewing the rules is a priority and an investment for future development. A consultant will be hired within two months and the revision process is likely to take a year. As proposed by Councilmember Michael Metcalf, the town will use part of the \$2 million in fees paid by the developer of the Palos Colorados project to fund the revision process.

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