



## Moraga

### Public Meetings

#### City Council

Wednesday, July 11, 7 p.m.  
 Wednesday, July 25, 7 p.m.  
 Council Chambers and Community Meeting Room, 335 Rheem Blvd.

#### Planning Commission

Monday, July 16, 7 p.m.  
 Council Chambers and Community Meeting Room, 335 Rheem Blvd.

#### Design Review

Monday, July 23, 7 p.m.  
 Council Chambers and Community Meeting Room, 335 Rheem Blvd.

#### School Board Meetings

**Moraga School District**  
 TBA  
 Joaquin Moraga Intermediate School Auditorium  
 1010 Camino Pablo, Moraga  
 www.moraga.k12.ca.us  
 See also AUHSD meeting page A2

Check online for agendas, meeting notes and announcements

#### Town of Moraga:

www.moraga.ca.us  
 Phone: (925) 888-7022

#### Chamber of Commerce:

www.moragachamber.org

#### Moraga Citizens' Network:

www.moragacitizensnetwork.org

#### Moraga Police Department Incident Summary Report

...will be back next time



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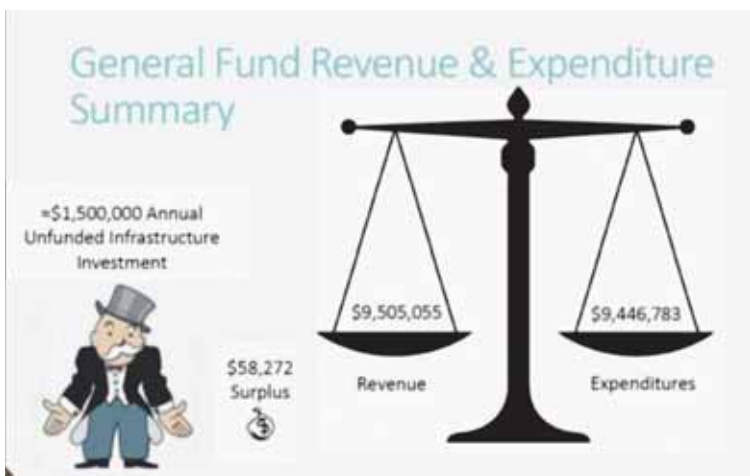
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## Staff and council acknowledge maintenance and asset replacement systemic shortfall

By Sophie Braccini



The figures have not changed, but the attitude and framing may have. For years, budget presentations focused on the town's balanced operating budget, minimizing the asset replacement needs. This year, however, Town Manager Cynthia Battenberg opened her presentation by indicating the cost of the short-

fall – \$1.5 million a year – and promised that staff would come back in the coming months with a strategy to fill in the gap.

During its final June 28 budget presentation town staff explained that the operational budget of \$9.5 million was balanced but that it had estimated the unfunded asset replacement needs

for roads, drains, facilities, parks and equipment to be about \$1.5 million. The city manager said that there simply was not enough money; only \$100,000 from the operating budget is allocated to capital improvement.

Council Member Kymberleigh Korpus said she would rather not wait for staff's future analysis and midyear revisions and would want all possible money to be allocated right now to what Council Member Roger Wykle calls the big five: roads, storm drains, the unfunded pension liability that continues to go up, the asset replacement fund that has not been funded in years, and new legal challenges. Korpus wanted to reconsider all the priorities, including the money allocated for improvements to the Hacienda to bring the building into compliance with the Americans with Disabilities Act;

the way finding plan; the livable Moraga Road corridor plan; and electronic information signs.

Wykle also asked that the issues of the rampant longstanding shortfall be day lighted, and more prominently communicated to the public. One resident who was in attendance at the meeting and shared that desire for transparency, Steve Woehleke, acknowledged that there is a shortfall in infrastructure investment, but asked why this was not covered in the current budget. He said that not addressing the gap at this time was creating a credibility gap and that it was a town council issue, not a staff issue.

Battenberg explained that the town was required to present a balanced budget, but that her team would look in more detail to the shortfalls within two months, and strategize with the council on how to address it.

## Council prepares for legal battle over hillside and ridgeline development

By Sophie Braccini

During the June 27 Moraga Town Council meeting \$250,000 from the Palos Colorado developer's fund was transferred to the general fund for litigation purposes. After the meeting, members moved into a closed session with legal counsel to discuss the situation further. The subject of the legal proceeding is related to the hillside and ridgeline regulations that the town adopted last April.

The plaintiffs who filed a lawsuit against Moraga, David and Joan Bruzzone, base their petition on allegations that the town should have conducted an Environmental Impact Report before adopting the modifications to the town's planning rules. When the town adopted the changes that make it more difficult to build on hillsides and ridgelines in Moraga, it made a declaration indicating that it did not need to conduct an EIR. The plaintiffs contend that the modifications are extensive and that the town violated the California Environmental Quality Act by not conducting the study.

Town Manager Cynthia Battenberg explained that the Negative Declaration concluded that there would be less than significant impacts associated with adoption of the regulations, based on the fact the regulations would more stringently regulate the amount, scope and type of new development in hillside and ridgeline areas, and thus be more protective of them and any sensitive resources affected by such development. In addition, the CEQA analysis notes that the regulations do not, in and of themselves, propose or entitle new development. Such development proposals would be subject to their own CEQA review for site and project specific environmental impacts.

Conversely, the document filed by the plaintiffs states that since the new rules extensively changed the town's general plan, zoning ordinance, the Moraga Open Space Ordinance and design guidelines it should have

conducted an EIR as prescribed by the CEQA.

The document lists several aspects that, in the opinion of the plaintiffs, will have significant impacts. The first one indicates that the new rules will limit the production of new and needed housing into town. In particular the plaintiffs note a requirement that would now limit the height of new buildings if they are visible in the backdrop of distant hills, which "flies in the face of the Bay Area's and Moraga's identified need for more housing." The document claims that the new rules would displace 836 housing units, including 229 designated as affordable.

All these affordable units however are planned in the Moraga Center Specific Plan area. This part of town is mostly owned by the Bruzzone family and has been excluded from the new hillside and ridgeline regulations. Instead, a committee has been designated to finalize the zoning of this central piece of the town.

The plaintiffs' document acknowledges that the MCSP is excluded from the new rules, but speculates that the committee will enact a reduction of the building's height that will result in loss of potential new homes.

Another significant consequence of the new rules that will, according to the Bruzzones, adversely change the existing physical conditions in town is the prohibition of grading, including for landslide remediation, in high-risk areas. The modified rules do not prohibit remediation to mitigate landslides, but they do not grant developers an increase in the number of homes allowed to be developed if they do so. The plaintiffs explain that the modified rules remove the economic basis for funding landslide remediation.

To decide whether or not high-risk areas, once remediated, should be treated as non-high-risk areas and allowed more development was discussed at length by the planning commission and the

council. In the end, it was decided that once a property is recognized as high risk, it would stay that way from an allowed density perspective in perpetuity, whether it

was remediated or not.

This is not the first time the Bruzzone family has sued the town; the first time was in 1986 when the town adopted the Mora-

ga Open Space Ordinance. Mayor Dave Trotter agreed that this was a lot of money for the town to spend at this time, but that some things were worth fighting for.

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