

# Lamorinda Community

## Calendar, Notes, News

# Moraga

Calendar	
City Council	7:30pm
Joaquin Moraga Intermediate School 1010 Camino Pablo	
Wednesday, August 27	
Planning Comm.	7:30pm
Hacienda, La Sala Room 2100 Donald Drive	
Monday, September 2	
Design Review	7:30pm
Hacienda, La Sala Room 2100 Donald Drive	
Monday, August 25	
Park & Rec	7:30pm
Hacienda, Mosaic Room 2100 Donald Drive	
Tuesday, September 16	
Liaison	8:00am
Fire Station 1280 Moraga Way	
Friday, September 12	
Town of Moraga online: http://www.ci.moraga.ca.us	
for: • all meeting notes • calendar updates	



**Floured speed sign, 8/12/08** The electronic speed radar trailer parked at Moraga Commons Park was vandalized. The glass screen has been damaged with a 5 pound bag of Safeway all purpose flour. No suspects or witnesses. Damaged is estimated at \$500.

**D.U.I., 8/10/08** A Jaguar was stopped for speeding on Moraga Way at just after midnight. The driver showed signs of alcohol intoxication, with blood alcohol test result of .12%. The suspect was issued a citation and release to the custody of a friend.

**Burglary, 8/08/08** An unfortunate Paseo Grande resident left his house and upon his return he found the front door unlocked and the side garage door had been kicked in. Two other interior garage doors were also forced open. Several of the victim's possessions were taken as well as his loaded 9 mm handgun.

**Fake checks, 8/05/08** Ashford Place and 8/04/08 Derby Lane. Two different homes, same crime, could they be linked? An unknown person(s) had printed fraudulent checks with each family's name and account information. The suspect attempted to pass at least three checks out of state from each family. In both cases their respective banks credited the accounts and issued a new account numbers.

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## Open Space Initiatives: The "No-on-Both" Movement

By Sophie Braccini

Moraga residents will see two competing initiatives on the November ballot addressing land use and open space. A new group, calling itself "Citizens for Sensible Land Use," is forming in town to oppose both initiatives. Currently comprised of about a dozen residents, the group says voters need to be aware that there is a third choice: Don't choose between the two initiatives, vote them both down.

The group cites three primary reasons to reject both initiatives: The high risk of litigation and its associated cost for the town, and their belief that current land use laws have proven adequate and may not need to change and also that the two initiatives represent the extreme views which would require further public debate.

"A few months ago, when I first learned of these initiatives, I was scared to death. I was scared about all the money that would be spent in getting to the election, scared by the money it would cost all of us if the initiatives were passed," says Bob Reynolds, one of the founders of the movement. The group put its discontent on paper, filing with the Town of Moraga two documents opposing each initiative.

If either initiative passes, the Town is legally obligated to defend it in court. The group believes that if passed, each initiative would trigger a lawsuit and the legal conflict could ruin a town that's already struggling to balance its budget.

"If MOSO2008 passes, the Town of Moraga must defend the lawsuits - defend them with your money. While defense costs are open-ended and unknown, Moraga's Town Manager earmarked \$2.5 million for legal expenses," states one document, while the other opposing paper reads, "Passage of MOSPRO will almost certainly result in litigation that the Town must defend - for the benefit of MOSPRO proponents -- with your money."

"A law suit against our initiative would be frivolous," responds Renata Sos, supporter of MOSO 2008, "The 9212 report prepared by Town staff shows that our initiative is legal, sound and defensible. It is patterned after initiatives in Alameda County and Hercules that have held as legal in two courts."

However, page 31 of the 9212 report states, "... depending on the complexity of any such challenge, the legal fees and costs could rise to the level of several hundred thousand or more."

Sos adds that the alternative to MOSO 2008 initiative would be a succession of law suits every time a development project is proposed.

She recalls that's what happened with the Palos Col-orados project, which took more than 20 years and a lawsuit to come to fruition. "It is the same process as when the first MOSO was voted in 1986," she adds, "now everybody says they are happy with it, but at the time there was a law suit against this text as well."

The second argument of the "no-on-both" proponents is that current local laws have proven efficient as is. "Moraga's open space is already protected by the 1986 Open Space ordinance, incorporated in Moraga's General Plan. These regulations have protected open space, are time tested, and have withstood legal challenge. They work. Nothing needs to be fixed," wrote the "Citizens for Sensible Land Use" group.

Resident Frank Comprelli does not agree, "If none of the open space constraints of MOSO 2008 are in place, the developers win. Projects currently proposed for the property, which was left unprotected by MOSO 1986 - Rheem Ridge and Bollinger Valley - can and will move forward smartly through the planning process and into construction. Currently, the Rancho Laguna project on this property is in the latter stages of Planning Commission review of the EIR, and appears to be headed for approval of 35 homes, approximately 21 of which are placed on or near the ridge-line."

The group's last argument is that both initiatives are extreme and have a 'take it or leave it' approach that does not allow for compromise. "The initiative process is well standardized," says Bob Reynolds, "but is it a good way to make complex law?" He believes that a good alternative to determine whether land use regulations need to be changed would be to use the regular decision making channels, with elected people and staff. "We would favor a deliberative setting, where alternatives are discussed and where people with opposite ideas can participate, and negotiate for changes."

When contacted for comment about this new movement, Mary Jo Rossi, spokes person for the Bruzzone family, which is sponsoring the MOSPRO initiative, said, "Joan Bruzzone and her family would prefer to not go the initiative route, but what would you do if outside groups were trying to, in effect, 'condemn' your private property?"

The group's web site is not ready yet. They plan to have an informational table at the Pear Festival on September 27th. For more information call Bob Reynolds at 377 6108.

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