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Hillside and Ridgeline Development

By Sophie Braccini

The Planning Commission provided input regarding the end of the first phase of the Moraga Hillside and Ridgelines project at its Jan. 5 meeting. The Moraga Hillside and Ridgelines project was initiated in late 2013 based on a Moraga Town Council goal to study and potentially update the existing regulations for hillside and ridgeline development.

The first year of the project was spent discussing areas that should be studied to render the town's development regulations clear, understandable, and free of ambiguity. Over the years, different interpretations of the rules have surfaced, creating uncertainty and heated discussions as new developments were proposed. The Planning Commission was presented with a list of topics, preliminary landslide hazard and inventory maps were created to determine which areas of Moraga are possibly at high risk for building, and a draft 200-page public document called the Background Report, "Understanding Moraga's Hillside Regulations," was published June 2014 to provide a clear summary of the existing regulations regarding hillside and ridgeline development in the town.

After several public meetings, and work by a steering committee, it was decided the project should focus on ridgeline protection, development on steep slopes and the need for a slope permit, calculation of slopes, remediation of high-risk areas and viewshed protection. Whether the rules are left as is, simplified or amended will impact future large developments in Moraga, such as in Bollinger and Indian valleys, but could also impact the approval of smaller structures, such as adding a retaining wall to an existing sloped property.

During the meeting, members of the audience asked for further public discussion about these issues before the Council makes any decisions. Moraga resident Edy Schwartz called for a comprehensive education campaign, citing what the town did to educate people about roads and pass the 1 percent sales tax. Planning Commissioner Steve Woehleke responded, "How would you get the whole town to agree on this?"

The regulations that tend to limit development have been hotly debated in Moraga since incorporation in 1974. The Moraga Open Space Ordinance (MOSO) was passed in 1986, limiting what could be done in certain areas, but a measure to strengthen MOSO failed in 2008. Woehleke expressed concern that the work done today was leaning more toward modifying the rules in a more stringent way than clarifying and simplifying them.

Property owner Dave Bruzzone expressed his frustration about what he perceives as the lack of responsiveness of staff to his written comments. He highlighted that part of his properties were labeled as being subject to MOSO when in fact it is not the case; he also indicated that the new landslide hazard map presented by staff was a detriment to the town. "(There are) landslides all over hillside communities, in Lafayette and Orinda too," he said, "and some of these landslides are on properties where people live right now."

When MOSO was approved it included a Development Capability Map listing higher risk areas; the landslide hazard map presented to the Steering Committee and Planning Commission, developed by Cotton Shires Consulting Engineers does not coincide perfectly with the MOSO map. While the Steering Committee found the new visual by Cotton Shires useful, the commissioners did not unanimously share its enthusiasm.

Planning Commission Chair Christine Kuckuk said that for her the proper way to write policies was to draft rules that are so clean that there is no confusion and ambiguity, and she saw no need to develop new maps. On the other hand, Commissioner Frank Comprelli, who was on the steering committee found it useful.

Overall the commissioners agreed which are the key hillside and ridgeline development issues that should be addressed. "It's a conversation Moraga has needed to have for a long time," said Commissioner Stacia Levenfeld. "It's time to dive into the issues."

At its Jan. 28 meeting the Town Council will consider the Steering Committee and Planning Commission recommendations and provide direction to town staff and consultants on next steps for

the project. A first draft of new regulations should be decided mid-2015 with final adoption envisioned by the end of the year.

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