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Over-the-Counter Business Permit Among Possible Code Changes

By *Sophie Braccini*

Making Moraga more business-friendly is at the top of Planning Director Shawna Brekke-Read's priority list. On February 21st she brought to the Planning Commission some proposals that could have an important impact on Moraga's future development, encouraging some and restricting others-a step forward in a process designated a priority by the Town Council, which could change Moraga's reputation of business unfriendliness.

Only four individuals (including yours truly) showed up to hear what Brekke-Read had to say to the Commission. Ellen Beans, of Moraga Citizens Network, Renee Zeimer who was member of the now sunset Economic Development Directors Team, and Tony Inzerillo, board member of the Lamorinda Wine Growers Association (LWGA) and owner of Vincenza Ranch on Rheem Boulevard.

Inzerillo knew that the Brekke-Read was going to include a discussion of options to regulate winemaking in Moraga, an activity that is not restricted in the Municipal Code. "I don't see how it could be possible to have crush pads in a residential area," said Planning Commissioner Bruce Whitley, "People should be able to make their own wine in their own house, but not for commercial use."

Inzerillo responded by inviting the Commissioners to visit the existing winemakers of Moraga, explaining that these operations are not industrial in nature; they are more like 'Boutique-wineries.'

Brekke-Read said that such activities are regulated in other communities- that a minimum size for the property, or a maximum output, could be set and she noted concerns Commissioners had about noise and smell. She is set to meet with LWGA in early March.

The other big topic of discussion was the possible creation of over-the-counter business permits for certain types of use. "During the EDAC (Economic Development Action Committee) meeting, property owners and commercial agents said that Moraga had the reputation of being a difficult town to do business in," said the Director, "even 'permitted uses' are subject to findings which mean that even by looking at our code, a business cannot be sure to get an approval. There is an element of discretion which means that the results are not completely predictable."

"It's been my experience that when there is a business that the people of Moraga don't like, they want to be able to say no, and the only way they're going to have an opportunity to say no is under the current process," said Whitley.

"It gives them the illusion that there is discretion," responded Brekke-Read, retelling the tale of the Dollar Tree, which ended with the Council having no choice but to approve the project.

Commissioner Dick Socolich cited the example of the new gift shop, which had to go before the Planning Commission under the current process, and the Commission approved the application within 10 or 15 minutes.

"It was 10 minutes at the meeting, but it was a month before the meeting and another 10 days after the meeting," said the Director, "is this an investment they want to make up front? It's quite a drawn out process for a small retail store."

"This is part of something we wanted to get at as a way to streamline the process," commented Zeimer about the over-the-counter permits, "we've heard from the Chamber (of Commerce), from the businesses already here and from commercial agents that Moraga has a time-consuming and expensive process. It's just too easy for businesses to say 'I'll go somewhere else'." She added that over the past years numerous community input sessions and studies have been conducted that defined what type of retail is sought after. "The sooner the better," she said regarding simplification.

The commissioners agreed that the process should be simplified and asked the Director to come back with possible criteria and definitions of what could define over-the-counter permits. Brekke-Read will bring her proposal to the Planning Commission in March.

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