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Land Use Initiatives Debate Heats Up

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Ellen Beans left, President Moraga Citizens' Network and Lee Borrowman, Editor Lamorinda Weekly
Photo Andy Scheck

Moraga residents who attended the Moraga Citizen's Network Initiatives Forum still have questions about the initiatives' potential impacts on their town. As the election draws near, campaign strategies have taken a more aggressive turn. This polarization doesn't make it any easier for Moragans to make their decision.

On October 13th, Moraga Citizens Network presented a land use forum, inviting proponents of Measure J (Dick Loewke), Measure K (Renata Sos) and "No on Both" (Bob Reynolds). Your friendly neighborhood newspaper co-sponsored the forum and provided a moderator. Go online at www.lamorindaweekly.com to view our video of the forum.

After a background presentation of the Moraga General Plan and MOSO 1986 by Bruce Whitley, Chair of the Planning Commission, each group offered its arguments then responded to questions submitted from the audience. One aspect that was recently dragged into the debate by Measure J (J) proponents is the building of affordable housing in Moraga as a result of the passage of Measure K (K). Many questions pertained to this issue.

To recap the underlying issue: Each town in California has to plan for its fair share of affordable housing to meet the global needs that have been forecasted. Failure to do so results in monetary loss and other complications. The Town's obligation is to plan, not to build, 245 high-density and/or low and medium income units. Meaning that areas need to be designated with a certain density, or carry restrictions as far as affordability of what will be built there. For example, classifying a large enough land area with a density of 24 dwellings per acre would

be enough to comply with the Town's obligations.

Whether or not those are built is then the decision of the property owner/ developer and does not impact the compliance of the town. The Town of Moraga has been working on a "Specific Plan" that would address those needs and high density housing has been proposed on the Bruzzone family property adjacent to the Moraga Center, one of the only place in town that meets all the State's requirements, including easy access to public transportation. This plan has been in the making for years, in partnership with that family.

So why is the Bruzzone family and their J campaign saying that K would force low income housing on their land? At first glance, it's irrelevant. K does not address the downtown area and its density. But Dick Loewke, who appeared on behalf of Measure J at the forum and who has been working with the Bruzzone family for many years as their urban planner, said "The Specific plan is being initiated by the Town of Moraga. The number of units, the kind of units, how it interfaces with retail is a key issue with the economic feasibility of this plan, if Measure K passes, the kind of housing downtown will exclusively be low income housing, very low, low and moderate." He added that in the absence of the possibility to build these units elsewhere, they would be concentrated in the downtown area, while Measure J would allow for the building of in-law or secondary units in large homes (these types of units being considered as "affordable" as well.) Later in the forum Loewke went a step further, "If this low income housing cannot be accommodated as second units and would have to be put into the downtown, it can't be built," he said, "it's not economically feasible for a developer to go out and build low income housing all by itself without a subsidy; if that happens the Town will find itself in violation of State law and litigation would come from the General Attorney's office."

Could a vote for Measure K put the town at risk of litigation from the General Attorney's office? No - because the Town's obligation is to plan, not to build.

"This is an unfortunate attempt to tag Measure K with this issue," responded Renata Sos for Measure K, "when the Bruzzone family has complete control of the negotiation and the future of the condominiums."

The second issue that generated a lot of public questions was the impact of the initiatives on the economic development of the town. Measure K would block large development in Moraga's open space. If Bollinger Canyon, for example, was to be designated as 20 dwellings per acre, it is unlikely that a developer would invest in a remote property that would require a large infrastructure investment. The number of homes would not allow a sufficient return. Additionally, Loewke said that MOSO 2008 would apply beyond the designated area, "If you read sections 8a3 and 23.b," he said, "you will see that it prohibits development on minor ridgelines outside designated land."

Section 8,a/3 in the K text reads: "development will be prohibited on 'minor ridge lines' immediately adjacent to and extending into MOSO 2008 Open Space if slopes exceed 20% and the elevation of said ridges is greater than 800 feet of mean sea level."

On the other hand, J would permit the construction of hundreds of homes (the number is not set in the initiative but could exceed 300) that would generate additional property tax for Moraga and potentially additional sales tax revenue. "Development appears to be an attractive way for a town to raise revenue," warned Sos, "it is only a short term gain. The tax stagnates while the costs associated with supporting the development, police, schools...grow at twice the rate." She believes that K, which limits possible development, will be a more fiscally responsible measure.

Part of the financial stability of the town should come from a vibrant business community. A question regarding the impact of their initiative (or lack there of) on the business climate of Moraga was not addressed in much detail by the presenters.

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