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## Commons Concerts in Jeopardy?

*By Sophie Braccini*

The California Court of Appeals has dismissed the Town of Moraga's appeal of an earlier decision that denied the Town the right to exempt itself from abiding by its own noise ordinance.

The plaintiff who brought the original suit lives near the Moraga Commons Park and has been complaining for years about the noise generated by the summer concerts. In order to protect the Moraga Park Foundation, which organizes the concert series, from lawsuits the Town passed a noise ordinance - creating what it thought would be an umbrella under which the Foundation could operate. The Court of Appeals' decision will force the Town to either shut down the widely popular music events or comply with the California Environmental Act and prepare an Environmental Impact Report (EIR) for the concerts.

"We live in a community and we should try to get along," said Park Foundation President, and Town Council member, Howard Harpham, "We want to be good neighbors and make reasonable accommodations for the neighbors of the park, but we would prefer not to lose the summer concerts." Harpham indicated that the Foundation has already signed contracts with all of the bands that are lined up for this summer's music season and the contracts specify that the Foundation controls the noise level of the concerts, not the bands. The Foundation will meet in mid-June to discuss the issue.

If the Town opts to prepare an EIR the matter will likely take a year to proceed and the outcome would be uncertain. The summer concert series annually attracts hundreds of people of all ages who picnic, mingle and play in the park.

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