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Hillside and Ridgeline regulation approved after 5 years of work

By Sophie Braccini

At its April 11 meeting the Moraga Town Council approved the updates and modifications of its regulations pertaining to hillside and ridgeline development. The process to amend local code started five years ago, and took that long to go through iterations, public discussion and forums, as well as several staff and elected official changes, until it was finally completed. While protection is popular among a large number of residents, major property owners, such as the Bruzzone family, continue to be staunch opponents. Some people also called for caution over restricting development and its potential economic impact.

The conversation on hillside and ridgeline protection is as old as the town itself; in fact it predates its incorporation in 1974. Over the past 10 years, the major land use discussions were at the end of 2008 with the Measure K ballot proposition for more protection that lost the popular vote, and the five-year process that aimed at removing ambiguities and clarifying the implementation of the Moraga Open Space Ordinance that was passed in 1986.

"I'm very pleased that the Town Council voted unanimously last night to support the new hillside and ridgeline regulations," said Mayor Dave Trotter. "I've been working since 2006 to promote and enact policies that actually protect ridgelines from development, preserve the beauty and semirural environment of Moraga, reduce the density, footprint and visual impacts of new homes in hillside areas of the town, and uphold the open space values and legal requirements embodied in MOSO."

Some of the key elements of the modification include adding new prohibition of development within 200 feet of significant non-MOSO ridgelines such as Rheem Ridge and Bollinger Ridge; new visual separation requirements for development from the crest of ridgelines when viewed from designated view points on the scenic corridors; new development guidelines for buildings on the valley floor to minimize impact on distant views of the hills; a new "development envelope" concept to replace the "cell" as the area to measure the average slope of a development area; new procedures for final determination of high risk areas with the imposition of keeping the 1 unit per 20 acre limitation in such an area, even if the high risk is mitigated.

The town made the finding early on that amending the rules did not require that it conduct an environmental review. An EIR is needed when a project has a significant impact on human health or the environment; here, however, the modified rules are about what will not be done, not what will be done. The lawyers of the Bruzzone family argued that the town should have done an EIR because the new rules will impact safety, and will prevent development that would be beneficial to the economy of the town.

Kathe Nelson for the Moraga Chamber of Commerce made a general statement indicating that the town should consider the economic impact of the revised rules. It could be construed that more rules means less development, and less attractiveness to new businesses. A new resident made a similar comment, indicating that Moraga should do its fair share to ease the Bay Area housing shortage.

The bulk of the higher density housing planned in town is located in the Moraga Center Specific Plan area, and that zone is exempt from the modified rules. The other area that could potentially be impacted by the new guidelines for development on the valley floor is the Rheem Center.

A second reading of the amended texts will be made at the next council meeting, before the rules are applicable to new projects.

Reach the reporter at: sophie@lamorindaweekly.com

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