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Bollinger Valley Project goes before the Moraga Town Council

By Vera Kochan



A nearly five hour Special Town Council Meeting was held in Joaquin Moraga Intermediate School's auditorium Nov 14 to accommodate the anticipated large crowd.

Head town attorney Michelle Kenyon, from Burke, Williams & Sorenson, explained why Vice Mayor Teresa Onoda would lead the proceedings. "On Nov 13, 2018, BWS received an advice letter from the Fair Political Practices Commission indicating that Mayor (Dave) Trotter should not participate in the Bollinger Valley Hearing. BWS has questions with the opinion, but in an abundance of caution, BWS suggested that Mayor Trotter not participate."

Moraga Planning Director Derek Farmer reiterated his presentation from the Planning Commission meeting held last month to the town council. He stressed that the original Bollinger Valley Project (126 single family

Bollinger Valley Photo provided

homes), as it stands, does not conform to the Moraga General Plan. Issues with landslides, vegetation, slopes, air quality emissions, onsite drainage, ridgelines and open space were part of the Environmental Impact Report recap.

Public safety was also a concern to Farmer. "This project is located in an area prone to geologic hazards such as known landslides and it doesn't provide a maximum emergency response driving time of three minutes, and/or a travel distance of not more than 1.5 miles from the closest fire station," he said, adding, "Lafayette will not grant an Emergency Vehicle Access that goes through their jurisdiction, which will require multiple permits from them, on a project that's not even in Lafayette."

Moraga-Orinda Fire District Chief Dave Winnacker stated that Station 42 on Moraga Road in Rheem is located 3.2 miles from the project and would have a response time of seven minutes to arrive at the top of Valley Hill Road. Station 41, on Moraga Way near Canyon Road, is 3.3 miles away from the project and could have a longer response time using St. Mary's Road, if the college has an event.

Winnacker is concerned about the reduced visibility on the current road to the project and the possibility of high traffic if there is a residential evacuation. "As it stands, MOFD does not support the project because its requirements haven't been met," he said.

The applicant, the Bruzzone family, requested that the town "work with the applicants' technical experts to correct the critical mistakes and omissions in the current Draft Final EIR. Work with us under the existing application to find an acceptable yet feasible housing plan and provide feedback on changes you feel may be needed to make findings of General Plan consistency for the 85 (Alt 6) home RSA."

After a brief recess, the floor was opened to public comment. Moraga Chamber of Commerce representatives, Bob Fritzky and Kathe Nelson, stressed the need for some type of housing development on the Bollinger Valley site, saying it would have a positive impact on Moraga's revenue through extra retail dollars and taxes.

Others overwhelmingly disapproved of the project during the public comment portion of the meeting, with the greatest concern for EVA, given the resent firestorm climate. One "out-of-towner" from Lafayette, came to express her worries about evacuation should an emergency arise.

In a final summation before a vote, Council Member Kymberleigh Korpus said, "I think there's a lot of room for negotiation to figure what exactly can be put in the right location on the property. There's room for small development."

Council Member Renata Sos agreed, "We're not here to decide whether there will be development of the Bollinger Valley area, but about how much development may occur given the requirements, constraints and policies behind the town's General Plan."

Council Member Roger Wykle stated, "I too agree with the staff and Planning Commission and find that the project as presented, whether it's 85 or 126 homes, has inconsistencies with the General Plan."

Vice Mayor Teresa Onoda concluded, "Our Constitution is our General Plan. That's how we decide about

development. I see there are possibilities for some type of housing there, but when the fire chief says, 'No,' I say, 'Yes, sir.'"

The town council moved to adopt the resolution denying the appeal of the original (126 Single Family Home) Bollinger Valley Project.

According to Town Manager Cynthia Battenburg, "The Bruzzones can submit a new application for one of the alternatives. A new EIR would be developed, however much of the information in the EIR for the 126-lot project could be reused and/or updated." She added, "The council also provided direction to staff to return within 120 days with a schedule and funding recommendations for a General Plan Amendment and Rezone."



Map of existing landslides - a concern identified in the Bollinger Valley Project Environmental Impact Report.

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