BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

An Ordinance Rezoning 24 acres) ORDINANCE NO: XX
within the Moraga Center Specific Plan)
Area to 20 Dwelling Units Per Acre_____)

THE TOWN COUNCIL OF THE TOWN OF MORAGA DOES HEREBY ORDAIN:

SECTION 1. Recitals.

WHEREAS, the Town of Moraga has adopted an update to the Housing Element of the General Plan and a Specific Plan for the Moraga Center area which calls for the creation of a 20 dwelling unit per acre residential district; and

WHEREAS, an Initial Environmental Impact Report was prepared for the project in accordance with the California Environmental Quality Act (CEQA), certified by the Town Council; and

WHEREAS, a Public Hearing Notice for the proposed rezoning was published in the November 20, 2009 edition of the Contra Costa Times and the notice was mailed to property owners within 500 feet of the subject property on November 18, 2009; and

WHEREAS, on November 30 and December 7, 2009 and January 4, 2010 the Planning Commission held a public hearing regarding the Rezoning and recommended approval of the proposed Rezoning described below, and

WHEREAS, on December 2, 2009 and January 13, 2010 the Moraga Town Council held a public hearing regarding the proposed Rezoning, and received testimony from interested parties.

SECTION 2. Findings.

The Town Council hereby finds as follows:

B. SPECIFIC FINDINGS NECESSARY FOR APPROVAL OF THE PROPOSED REZONING UNDER SECTION 8.12.100 OF THE MUNICIPAL CODE:

1. "The changes proposed are consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan." The proposed zone change to the 20

dwelling unit per acre (R-20) district is consistent with the General Plan and Moraga Center Specific Plan land use designation of the property. As a result, the proposed rezoning is consistent with the objectives, policies, general land uses and programs specified in the General Plan and Moraga Center Specific Plan.

2. "A community need is demonstrated for the change proposed." The proposed rezoning would address a community need by implementing the Town of Moraga Housing Element and Moraga Center Specific Plan.

3. "Its adoption will be in conformity with public convenience, general welfare and good zoning practice." The proposed rezoning is in conformity with public convenience, general welfare and good zoning practice as it would implement the Housing Element and Moraga Center Specific Plan and is appropriately related to adjacent uses.

SECTION 3. Approval of Rezoning.

Consistent with the above findings, the Town Council of the Town of Moraga hereby:

A. Rezones the 6.135 acre parcel identified by Assessor Parcel Number 257-500-006 from the Suburban Office (SO) to the 20 Dwelling Unit Per Acre (R-20) District, as shown on the map attached hereto as Exhibit A; and

B. Rezones 18.1 acres of the 30.7 acre parcel identified by Assessor Parcel Number 255-310-026 from 6 DUA to the 20 Dwelling Unit Per Acre (R-20) District, as shown on the map attached hereto as Exhibit A; and

C. Amends the zoning map described in Section 8.044.030 of the Municipal Code accordingly.

SECTION 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance. To this end, the provisions of this Ordinance are severable. This Town Council hereby declares that it would have adopted the Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. Publication.

Within fifteen (15) days after its final passage, the Town Clerk shall cause this ordinance to be published in accordance with Section 36933 of the California Government Code.

SECTION 6. Effective Date.

This ordinance becomes effective thirty (30) days after its final passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the Town Council held on January 13, 2010 and was adopted and ordered published at a regular meeting of the Town Council on _____ by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Ken Chew, Mayor

ATTEST:

_____
Marty McInturf, Town Clerk