

The Town Council hereby finds as follows:

A. SPECIFIC FINDINGS NECESSARY FOR APPROVAL OF THE PROSPOED NEGATIVE DECLARATION UNDER SECTION 15074 OF THE CEQA GUIDELINES:

1. "[O]n the basis of the whole record before [the Town Council of the Town of Moraga] (including the initial study and any comments received),... there is no substantial evidence that the project will have a significant effect on the environment and the negative declaration...reflects the [Town's] independent judgment and analysis."
2. "[T]he location and custodian of the documents ore other material which constitute the record of proceedings upon which [the Town's] decision is based" are the Town of Moraga Planning Department, 350 Rheem Boulevard, Suite 2, Moraga, California.

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

1. "The change proposed is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan." The proposed zone change on the 7.4 acre site to Single-Family Residential, 3 Dwelling Units/Acre is consistent with the General Plan land use designation of the property. The land uses, densities and development standards of the Single-Family Residential, 3 Dwelling Units/Acre District conform to the provisions of the current General Plan land use designation of the site. As a result, the proposed rezoning is consistent with the objectives, policies, general land uses and programs specified in the General Plan. There is no specific plan applicable to the subject property.
2. "A community need is demonstrated for the change proposed." The proposed rezoning would address a community need by eliminating an inconsistency between the Town's zoning map and General Plan land use map. The rezoning would facilitate the development of single-family residences of the 7.4-acre site, which would be compatible with existing land uses in the vicinity. Eight houses on Larch Avenue, two houses on Baitx Drive and one house on Louise Court all back up to the project site. Residential development of the property provides a cost-effective opportunity to provide public access and trail construction.
3. "Its adoption will be in conformity with public convenience, general welfare and good zoning practice." The proposed rezoning represents good zoning practice as it would eliminate an inconsistency between

the zoning and General Plan land use designations of the site. The natural and scenic qualities of the site would be protected with adequate open space because the provisions of the zoning district facilitate the establishment of open space within the site. Furthermore, the proposed rezoning would not adversely affect public convenience or the general welfare of the community. The subject property abuts an existing public street which will provide physical access to the development. Based on a traffic analysis of the Los Encinos project, the nearby streets (Larch Avenue and Baitx Drive) would have adequate capacity for the increased traffic associated with residential development of the subject site. The traffic impact analysis determined that all of the study intersections would continue to operate very satisfactorily with Level of Service (LOS) A operations during both the AM and PM peak commute hours. Since the new street and other improvements would be privately owned and maintained, residential development of the site is not expected to impact Town maintenance staff or services. In addition, the affected agencies have indicated that there will not be a significant impact on the levels of service as a result of residential development of the site. The site is located within the service boundaries of the Central Costa Sanitary District. The District has indicated their ability and willingness to provide service to the site. Water service would be provided by the East Bay Municipal Utility District. Sufficient water supplies exist to provide service to the subdivision. The existing Central Contra Costa Solid Waste Authority landfill has capacity to accommodate solid waste generated by the property. Finally, the Town's discretionary approvals for this site include a Hillside Development Permit pursuant to Chapter 8.136 (Slope Density) of the Zoning Ordinance. The purposes of this Chapter are to: 1) maintain the suburban character and beauty of the town by preserving its open and natural topographic features; 2) minimize soil erosion and slides and potential residual damage to life or property associated with involuntary and seismic-induced earth movement; 3) control the scarring and cutting of hillsides; 4) limit the development of hillsides; and 5) regulate the development of hillside areas by providing for the imposition of standards for streets, trails and other improvements.

SECTION 3. Adoption of Negative Declaration and Approval of Rezoning.

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

- A. Adopts the Negative Declaration;
- B. Rezones the subject property from the Open Space-MOSO (OS-MOSO) District to the Study (S) District; 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 March 13, 2002 and was adopted and ordered published at a regular meeting of the Town Council on March 27, 2002 by the following vote:

AYES: Mayor Michael Majchrzak, Vice Mayor Lori Landis,
 Councilmember Dale Walwark, Councilmember Dennis
 Cunnane and Councilmember William Vaughn

NOES: None

ABSTAIN: None

ABSENT: None


Michael Majchrzak, Mayor

ATTEST:

Carol Lau, Town Clerk