

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 27, 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