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## No Dollar Tree Decision Before the Election

By Sophie Braccini



Many residents came to the Council meeting to discuss the Dollar Tree. Photo Doug Kohen

boundaries of the law, and the Council and staff who do not want to make a decision that could create a legal liability for the Town.

The resident appellants challenged the application on the grounds that the Dollar Tree does not measure up to the standards set forth by the Town's General Plan, which is the overarching rule of the land: "The General Plan is the most significant policy document in the Town of Moraga, often referred to by Planning Commissioners, Council members, staff members, as the Bible," said the group's spokesperson, Holly Erikson-King.

However, in her staff report, Planning Director Lori Salamack indicated, "It is noted that a finding of consistency with the General Plan is not required for a Permitted Use application. Such a finding is required, for a Conditional Use Permit application which this application is not. In establishing the Permitted Uses subject to findings process in the Municipal Code, the Town of Moraga has pre-determined that such uses are consistent with the General Plan."

Many more arguments were made by residents opposed to the project, from the uselessness of the store, to its potential detrimental economic impact on the town.

"Can Dollar Tree really be made compatible with neighboring stores?" asked Lynn Davis, who also stated that current Rheem tenants are highly rated as retailers while Dollar Tree is regularly listed among the 10 least desirable stores to have in a shopping center.

Tom Wellbrook, who tried unsuccessfully to open a satellite health care clinic at Rheem because of high rental rates, said, "The thought that we are going to change the character and the quality of (Moraga's environment) over a few tax neutral revenue streams is really unfortunate and I hope that someone on this town council can go through the General Plan and find a loophole."

"How can we protect ourselves against this declining spiral of retail?" asked Douglas Jones.

"The Town Council is elected to do what the people want," wrote Laura Beckner behind her speaker card. "Now you have before you citizens who have not been given a voice; that is not democratic," added resident Ann Obsitnik.

During rebuttal time, Council member Howard Harpham asked the resident appellants if the fact that they were told at a later date that they could file an appeal had been detrimental to their preparation and wondered if they needed more time. After a few seconds of pondering the appellants agreed and requested more time.

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