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Plan Bay Area Riles Some Orinda Residents

By Laurie Snyder



Orinda residents and others from around the Bay Area continue to fill the Orinda Library Auditorium for the special city council meeting May 13. Photo Ohlen Alexander

by Orinda Watch was directed to the council in advance, along with roughly 60 letters and emails—all are posted on the city's website.

More than 100 Orindans attended the May 13 meeting - some came to support the plan, others to oppose it - but there were also non-Orindans such as Peter Singleton of Bay Area Citizens (bayareacitizens.com) and others with ties to the Citizens' Alliance for Property Rights (proprights.com) and Save El Sobrante (saveelsobrante.com). Many - pro and against - opted for civil discourse; some listened only during presentations by like-minded speakers; several residents expressed discomfort at hoots, disruptive clapping and verbal attacks on city leaders, staff and even a Miramonte High School student who rose to speak.

How Did We Get Here?

Since 1969, the State of California has mandated "that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community." Per the May 13 Orinda staff report, California "law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development." Cities are also required, every five to eight years, to update their general plan housing elements. Each city must show "that there is adequate land zoned for residential development to meet [its] 'fair share' of the projected regional housing need," and must submit its housing element to the California Department of Housing and Community Development to ensure compliance with the law. Although the city believes its housing element complies with the requirements of the state law, Orinda has never received HCD certification.

What Does This Have to Do with Plan Bay Area?

In 2008, the passage of California Senate Bill 375 mandated "development of a Sustainable Communities Strategy (SCS) for all metropolitan regions in California." Each region must "provide a new 25-year land use strategy ... that is realistic and identifies areas to accommodate all of the region's population," and must also "forecast a land use pattern ... integrated with the transportation system, reduced greenhouse gas (GHG) emissions from automobiles and light trucks," which will be measured against the regional target for GHG emissions as established by the California Air Resources Board.

In the Bay Area, the Association of Bay Area Governments and Metropolitan Transportation Commission "have joint responsibility for preparing the SCS, dubbed Plan Bay Area" because they are the state-designated regional authorities responsible for planning housing and transportation.

How did Orinda Respond?

The city of Orinda, over the course of the review process, asked ABAG and MTC to change their plans. City letters date June 2011, January 2012 and September 2012 noted that Orinda's 1987 General Plan projected 1,366 fewer housing units at build-out than ABAG-MTC estimates - and said Orinda's "land use policies allow a maximum of 580 units in the downtown, not 1,498 as envisioned [by those agencies]." City leaders also advised ABAG-MTC that a "Transit Town Center PDA [Priority Development Area] designation was not appropriate for Orinda" because "the guidelines pertaining to the number of households, housing density, and commercial floor area ratio were too

A glossy flyer with an Association of Bay Area Governments logo alerted Orindans to a "town hall" at the Lafayette Veterans' Memorial Building. Robo-calls warned of "a plan to bring massive high density apartment complexes to downtown Orinda." Neighbor to neighbor emails prophesied an Orinda forced to rezone large portions of the downtown area to low income housing, with retail on the ground floor in structures that could be up to 55 feet high.

After months of being on the receiving end of maddening missives, Orindans recently expressed fears to the Orinda City Council regarding the impact "Plan Bay Area" may have, and also demonstrated concern and confusion over the jumble of development-related state laws with which Californians must comply.

The simmering discontent began during the public forum of a more than four-hour-long council meeting May 7. Rusty Snow, of the citizens' group Orinda Watch, and 13 others criticized Plan Bay Area and its draft Environmental Impact Report. Deanna Engl, Kathleen Jenkins, Bill Legler, Bruce London, Heather Pruet, and 2012 city council candidate Linda Delehunt were among those who commented.

Then, the kettle of concern boiled over at a specially scheduled council session a few days later. A lengthy report

aggressive."

Eventually, Orinda secured figures consistent with the growth projections of the city's 1987 general plan, according to Planning Director Emmanuel Ursu, and has made reasonable progress toward meeting its required housing numbers. Downtown Orinda is considered only a potential PDA because it is not zoned to accommodate the development characteristics of the PDA designation.

At the May 13 Meeting

Council members sought to ease residents' fears. Steve Glazer observed that there is no application currently before the city to increase building heights, and reminded residents of the lengthy public review procedures that would kick in should such a proposal be made. Leaders also tried to reassure those worried about a loss of local control under Plan Bay Area, stating that "the decision whether or not the city chooses to adopt land use policies that are consistent with those of the PDA 'Place Type' assigned to Orinda is left to local decision makers."

At the end of the three-hour meeting, the council directed staff to contact ABAG-MTC to, among other things, request an extension of the draft EIR comment period and present copies of residents' correspondence.

Visit the city's website to sign up for email alerts about council meetings and newsletters for updates about planning, public safety and other important topics. While online, check out council meeting staff reports and minutes, and listen to the audio recordings of council meetings.

Orinda Watch Delivers Message to Orinda City Council

"We're into local control," said Rusty Snow recently. Snow, of Snow Property Company in Orinda, is one of the organizers of Orinda Watch, a citizens group urging residents to learn about Plan Bay Area.

Prior to Orinda's May 13 city council meeting, Orinda Watch distributed a lengthy report disputing that plan's assumptions. Unsure to what extent the city council had reviewed PBA's related draft Environmental Impact Report and mindful of a May 16 deadline for public comment, Orinda Watch mobilized its supporters. "Our concern is - does the city have a responsibility to protect the citizens to really get into this and review it carefully," observed Snow. "What type of people would they need to review it ... are they qualified ... the city staff and council, or would they need to get transportation experts?"

According to Snow, Orinda Watch has hundreds of people on its mailing list with 10 to 20 organizers, including Orinda residents Chris Engl and Alvin Ziegler. Its membership includes Menlo Park attorney Peter Singleton who founded Bay Area Citizens, a group described by Snow as "a separate entity." On its website (orindawatch.org) Orinda Watch asks supporters to donate to Bay Area Citizens, which uses the Lafayette UPS Store as its mailing address but involves, Singleton said, members from "all around the Bay Area."

Singleton has spoken out against Plan Bay Area in Marin, Danville and Pleasanton, where he also endorsed David Miller, a Tea Party candidate for that community's May 7 city council election.

"He's hired experts," said Snow of Singleton. "They have actually prepared reports that are reflected in our Orinda Watch report that was submitted to the city of Orinda on May 10... We're really trying to make sure our information is accurate."

One section includes an assessment of PBA's conformity analysis by Thomas A. Rubin, an Oakland-based mass transit consultant and a policy author for the libertarian Reason Foundation (reason.org). Although Orinda Watch's full report is too long to address in the short space of this article, key points stand out:

"The Plan's transit elements will not increase ridership, will not reduce greenhouse gases (GHGs), and will do nothing to help lower income citizens who are dependent on transit for their personal mobility.... [PBA] ignores the one form of transportation subsidies that are proven to increase transit usage ... lowering fares and increasing service quality."

"The Plan's mandate requiring that 80% of all new housing in the Bay Area be built in high density, multistory, multifamily attached units near mass transit in suburban and urban downtowns will not reduce GHGs."

Orinda Watch contends that ABAG and MTC used only results favorable to PBA in analyzing the impacts of state Clean Car standards on PBA and would like approval of the plan delayed until all material concerns about the process and substance of the plan have been fully addressed.

If everybody gets together and votes for high density, Snow said, that's fine; but citizens should be able to make decisions about what's happening in their town.

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