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## Orinda's Draft Housing Element Finally Heading to End Zone?

By Laurie Snyder

The Orinda Planning Commission recently moved the ball forward on Orinda's Housing Element with its recommendation to the City Council to adopt the most recent version of the document - draft five - as well as the Initial Study and Mitigated Negative Declaration, Zoning Ordinance text, and General Plan and map amendments associated with the Element. The Oct. 29 commission meeting was the first of the latest public hearings to help Orindans achieve dialogue with state and local officials regarding the creation of a Housing Element for Orinda's General Plan.

With the civic equivalent of a two minute warning looming, time is of the essence. Orinda must obtain certification from the California Department of Housing and Community Development by Jan. 31, 2014. Failure to do so puts the city at risk of losing significant transportation and planning dollars.

The second of the hearings will be held before the City Council on Nov. 19 at 7 p.m. If approved by council members, staff would then immediately send the Element to the HCD for review.

"We're the last city of 19 cities in this county that doesn't have a certified housing element," noted planning commission chair Carlos Baltodano, who described the housing element review process undertaken by the city these last several years as "arduous." He added, "We've had a lot of input from people to get to this point."

The audience included faces familiar to those who have attended earlier City Council meetings on the matter: Chris Engl, Vince and Janet Maiorana, Bruce London, Owen Murphy, Ann O'Connell Nye, and Chet Martine. Engl, an Orinda Watch leader, asked for still more wording to be removed from the latest draft and continued to question the plan to adjust zoning on 3.2 acres at the Santa Maria Church.

According to the staff report, one way that Orinda may demonstrate to the state that it has an adequate land supply to meet its Regional Housing Needs Allocation is to "zone land for multi-family development and take advantage of a 'safe harbor' in the law that deems certain densities as appropriate to accommodate housing for lower income households." This does not mean that the city will require development in these rezoned areas, just that it is showing the state that there is land available for development.

Orinda and other suburban areas qualify for this safe harbor "in the law where land is zoned for at least 20 housing units per acre." However, despite this provision, "HCD staff has taken the position that zoning to allow only one specific number of units on a site (i.e. 64 units on a 3.2-acre site) constitutes a governmental constraint to the development of housing and therefore a range of density of development is required in the applicable zoning standards." And that is why the city decided to adjust the zoning to 20-25 units per acre on the 3.2 Santa Maria acres.

Baltodano noted that leaders of the Oakland Archdiocese, which manages the Santa Maria property, had been concerned about the proposed zoning, but said those concerns were dispelled following a meeting between Archdiocese representatives and city leaders. Still, Engl and Orinda Watch wanted commissioners to ask the City Council to request an opinion from the Attorney General regarding HCD's determination. City staff stressed, once again, that no development is actually planned for Santa Maria.

The lengthiest commission deliberations, however, were reserved for the Initial Study and Mitigated Negative Declaration. Noting that staff had made "a valiant effort" to consider every possible impact of the Element, City Attorney Osa Wolff advised commissioners of their obligation - "to evaluate reasonably foreseeable events." Commissioners tweaked wording and even debated punctuation and formatting before finally recommending that the City Council adopt the items.

The public comment period for the Initial Study and Mitigated Declaration, which began Oct. 25, continues through Nov. 19. Copies of the Element and related documents with the commissioners' Oct. 29 revisions will be made available on the city's website. Residents wishing to provide input should send their written comments to Christina Ratcliffe at CRatcliffe@cityoforinda.org, or via U.S. mail: City of Orinda Planning Department, 22 Orinda Way, Orinda, CA 94563.

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