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Orinda City Council Adopts Housing Element

By Laurie Snyder

Kicking off the main item on the Orinda City Council's Nov. 19 agenda, planning director Emmanuel Ursu presented the Planning Commission's Oct. 29 recommendation that the City Council adopt Housing Element 2007-2014 (draft 5, revised), along with related zoning matters and an Initial Study and Mitigated Negative Declaration covering environmental issues related to the housing element - a segment of the General Plan which California cities are legally required to have and review. According to the staff report, the "Initial Study determined that the project will have a less than significant impact."

Additionally, Ursu conveyed a California Department of Housing and Community Development email in which HCD personnel "responded to a question posed by Orinda Watch, regarding the default density and HCD's insistence on a density range." HCD's legal counsel and the head of the division which reviews housing elements "indicated that a density range is required to comply with the provisions of state law."

Ursu then addressed concerns from Santa Maria parishioners and the church's parochial administrator, Father Robert Herbst. Stressing again that "the property owner decides whether or not they will develop the property or continue to use it for the purposes for which they have historically used the property," Ursu said the proposed zoning change "would not result in anybody coming and taking that property to develop it." In response, Herbst said "there are no plans to build anything on that space other than those small structures that are required to maintain the space as a viable multi-purpose sports field."

Observing apparent contradictions between the priest's words and what Diocesan leaders have told staff, Councilmember Steve Glazer asked for confirmation "that there's nothing that is in this rezoning that requires you to do anything different than what you're currently doing on the property." Herbst quietly said, "Right."

The anxiety that "somebody from the outside could come in and do something to that property against the church's wishes," was "coming from parishioners who see that this is an opening of a door," said Herbst. "There are concerns that it's not the city, necessarily ... but other entities seeing this as a prime zoned area."

Mild tension then morphed into ugliness as comments by Arthur Roth moved from a depiction of council members' behavior as "ruthless and dishonorable" into a lengthy back-and-forth with Glazer. Ignoring mayor Amy Worth's signal that his three minutes were up, he attempted to proceed before interruption by Glazer asking whether he might ask Roth a question. Roth angrily refused, he said, because Glazer minimized perceived threats to Santa Maria. Roth then shocked attendees by asking, "Were I to put a gun at your chest would that be a threat?" Asked where in the Housing Element it said high density housing would be brought to Orinda, Roth parried. "I don't have it in front of me, but I'm happy to sit down with you at any time, and with the attorneys that we're assembling, and with the law firm that we're thinking of bringing in for the recall."

Conversely, a resident who first lived in Orinda in 1954 and returned to care for a parent, said she just wanted the City Council to know that as someone "concerned about climate change and thinks that land use planning is an essential component of reducing our greenhouse gas emissions, I would like to be proud of Orinda doing its part to create more affordable housing and to create less vehicle miles traveled. So, if the housing element is helping to move us in that direction, I think that's a good thing."

Council members each commented on the significant public input received. Glazer said the city was able to develop an advocacy-neutral document incorporating much of that feedback. "We've heard tonight that, although not everyone thinks that this housing element is necessarily what they would like to see," said Councilmember Victoria Smith, that some do "now think this is a sufficient document."

Worth thanked residents for their suggestions, "many of which we were able to incorporate and still have a plan that will enable Orinda to have a certified housing element that complies with state law, and also states the goals for our community."

The City Council unanimously approved both the Housing Element and the Initial Study and Mitigated Negative Declaration.

Reach the reporter at: laurie@lamorindaweekly.com

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