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Council Resolves Zoning Issues

By Victor Ryerson

In anticipation of a prospective application to develop a parcel at 1 Wilder Road with an assisted living facility, the Orinda City Council has decided to retain the current Orinda Municipal Code requirement that each unit of a "congregate care" facility include a kitchen. The council also decided that the property, and all property in a Public, Semi-Public and Utility (PS) District, is subject to the property development standards applicable in the closest residential or downtown district, even though the closest such district is not "adjoining" the property in question. The development proposal was not before the council when it discussed these matters Aug. 18, and the proposal will ultimately be subject to public review and discussion under Orinda's design review, scenic corridor, use permit, and other standards.

"Congregate care facility," as one public speaker commented, may be considered an out-moded term in this day and age, because an entire spectrum of facilities from active seniors' residences to nursing homes fall within this rubric. Each is characterized by different kinds and amounts of assistance provided by the facility. Orinda's zoning law defines a congregate care residence as a facility that provides 24-hour nonmedical care of people in need of personal services, supervision or assistance "essential for sustaining the activities of daily living or for the protection of the individual." The code states that such a facility contains small individual units of usually one or two rooms with a small kitchen "allowing for independent living," but also common dining, housekeeping, recreational and social facilities – the controversy centered around

the individual kitchen requirement.

City staff recommended that the requirement be retained, but this elicited several public comments concerning the safety of incorporating any device that produces heat, even a microwave, in congregate care facilities such as "memory care" facilities. Such a facility cares for persons with conditions like dementia, and they are often unaware of the nature of what they are doing and may, for example, place a shoe in a microwave instead of food, creating a hazard. Although acknowledging that neighboring communities do not have the kitchen requirement in their zoning laws, the consensus of the council was not to amend the current Orinda zoning law and potentially create new problems of interpretation, but to continue to require a kitchen in each unit, even a minimal one,

as any potentially hazardous appliances could be disabled for safety's sake.

On the question of what quantitative development standards (for example, setbacks and building height requirements) apply to this PS district, the council faced the conundrum that Orinda's zoning law specifies that the standards be those required by the "closest adjoining residential or downtown district" regulations, but that there is no adjoining district. After briefly struggling with the issue, the council determined that in this instance – the only one like it in the city – the word "adjoining" should be ignored. This means that the property development standards of the Oak Springs district, RL-6, should apply. At a later date the matter will return for consideration of a formal clarifying amendment to the Orinda Municipal Code.

City Marks 30th Anniversary at Concerts in the Park



The City of Orinda had a brief ceremony to commemorate its 30th anniversary of cityhood at the Aug. 11 Concert in the Park. Current and former council members and founders assembled for the occasion. Mayor Dean Orr, far left, recognized the city's founders, accompanied, from left, by Vice-Mayor Victoria Smith, council members Eve Phillips and Darlene Gee, former council members Laura Abrams and Joyce

Hawkins, founder Marianne Aude, former council member Gregg Wheatland, and current council member Amy Worth. Following the ceremony members of the large audience were invited to help themselves to complimentary cupcakes and beach balls before the concert resumed.

Photo Victor Ryerson



ORINDA \$599,000
2/1. Nestled among the trees sits a charming home. A great alternative 2 condo lvg & no HOA's.
Shellie Kirby CalBRE#01251227



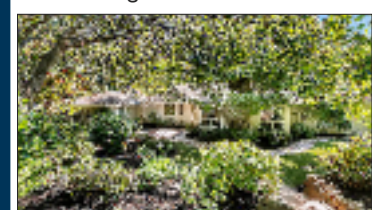
LAFAYETTE \$5,995,000
5/3. Broker Exclusive. Exquisite ranch hm on 1.08 acres. Newly remodeled kitchen. Expansive yard w/pool & tennis court.
Steve Stahle CalBRE#01861509



MORAGA \$850,000
4/2.2. 4 bdrm + loft, updated kitchen with dinette. Redone master bath. Back deck overlooks pond.
The Holcenberg Team CalBRE#01373412



ORINDA \$1,320,000
3/2.5. Absolute Luxury close to Downtown. Spectacular 3972 sqft picturesque home is its serene location.
Vlatka Bathgate CalBRE# 01390784



LAFAYETTE \$2,998,000
5/5.5. Happy Valley Estate: custom gardens, classic charm, superb craftsmanship, approx 1.03 acre
Finola Fellner CalBRE# 01428834

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ORINDA \$1,549,000
4/2.5. Stunning updated Mid-Century. Open floor plan, vaulted ceilings, large windows & views.
Finola Fellner CalBRE# 01428834



OAKLAND \$1,395,000
4/2.5. Stunning multi-lvl, vu's chef kitch, pvt, 2 Mstr suites, decks, H/W, yard, garage, CLEAN.
Tom Stack CalBRE# 01501769



ORINDA \$1,785,000
4/3.5. Remodeled & expanded. Open floor plan for easy living. Close to 12 years of Orinda Schools.
Laura Abrams CalBRE# 01272382



LAFAYETTE \$1,895,000
5/3. Spacious completely remodeled home on private acreage with stunning views. Ideal location.
Susan Schlicher CalBRE#01395579



ORINDA \$959,000
3/2. Meticulously remodeled w/superb finishes & attention to detail. Ideal location.
The Beaubelle Group CalBRE#00678426



ORINDA \$3,295,000
5/4.5. Breathtaking Mediterranean Estate with glorious Views, opulent paradise in the prestigious Glorietta vicinaje.
Vlatka Bathgate CalBRE# 01390784



LAFAYETTE \$1,500,000
4/2.5. Broker Exclusive. Extensively remodeled home. Hdwd flrs, chef's kit, private Mstr Ste, beautiful outdoor pavilion, lrg patio area.
Nancy Stryker CalBRE# 01290021

YOU'RE GOING TO WANT TO TAKE A CLOSER LOOK.

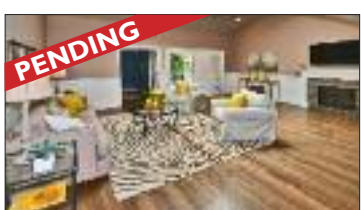
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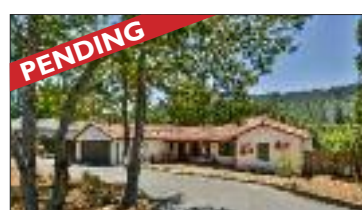
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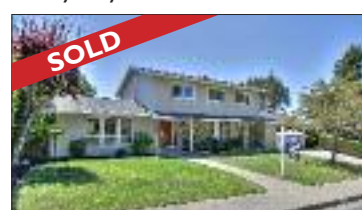
MORAGA \$1,099,000
5/4.5. Grand Mediterranean in coveted private court w/enormous great room. Close to park & schools.
Soraya Golesorkhi CalBRE# 01771736



MORAGA \$785,000
2/2. Country Club Charmer. Single lvl totally remodeled sophisticated twnhme. Highly sought after in MCC.
Susan Schlicher CalBRE# 01395579



ORINDA \$1,350,000
3/2.5. Lovely Orinda hacienda + modern baths, chef's kitchen/great room & pool on flat .5 acre.
The Hattersleys CalBRE# 01181995



MORAGA \$1,250,000
5/3. 2471 sf, formal living and dining, spacious master, .36 acre lot with pool, play structure.
Elena Hood CalBRE#01221247

5 Moraga Way | Orinda | 925.253.4600
2 Theatre Square, Suite 211 | Orinda | 925.253.6300

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