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Council Denies Appeal, Approves J&J Ranch Subdivision Plan

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Proposed site Map data Google, overlay Tentative Map J&J Ranch Subdivision 9271, Rev. 6-18-13 courtesy City of Orinda website

After taking a second look at the environmental impact report (EIR) and subdivision map for the development of 13 home sites surrounding the Moraga Adobe, the Orinda City Council has denied an appeal of the previous planning commission approval by three neighboring homeowners. The council's action clears the way for the developer, J&J Ranch Partners, to move forward with the process of seeking further approvals required to build the homes, and for restoring and using the historic adobe.

The discussion during the long Oct. 20 meeting focused on specific challenges to the adequacy of the EIR and complaints by members of the public at the meeting. The large group was composed of local residents who showed up to speak. The council had little difficulty accepting the city staff's responses to a number of alleged inadequacies of the environmental review, but two aspects of the plan emerged as particular concerns.

One issue was the selection of the vehicular entry to the subdivision. The developer's plan calls for access via the northwesterly end of Donna Maria Way between El Camino Moraga and Adobe Lane, the new road on the subdivision property. One group of neighbors challenged this choice, favoring instead Alternative 5, a shorter route to Adobe Lane via Donna Maria Way East. However, that entry crosses Moraga Creek and associated riparian wetlands, and the council rejected the choice in favor of the planned route as the environmentally superior alternative.

The second issue, which emerged for the first time at this hearing, was a challenge by owners along Donna Maria to widening certain portions of the road to 20 feet in order comply with fire code requirements. This requirement was recently called to the attention of the developer and the city by the fire marshal. A number of affected owners, whose road frontage would have to be widened by one to three feet, object that this would be an impermissible use of an easement created along the private road when it was laid out 50 years ago. The issue may be litigated by the developer and the homeowners, causing Council Member Eve Phillips to cast the lone vote against approval to avoid the appearance of "giving tacit approval for the easement" pending resolution of the dispute. Several other council members referred to the easement issue in explaining their reasons for voting to approve the project, but were not troubled by the existence of the controversy and expressed their overall support for the project plan and EIR as a whole.

Mayor Dean Orr particularly stressed the amount of work that went into providing for preservation of the Moraga Adobe as "worth noting," and praised the preservation of nearly 40 percent of the property as a scenic easement as "not a small deal."

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