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# Wilder Owners Association sues city over memory care facility

By Sora O'Doherty

Shone Armstrong, the attorney for the Wilder Owners Association, filed a petition on March 9 for a writ of mandate in the superior court of Contra Costa County. The petition asks the court to set aside the city's approval of the Countryhouse Memory Care facility to be built at 1 Wilder Road by Agemark Corporation. 101 Upton Partners, LLC, and AMG & Associates LLC, are also named as

parties to the suit.

The Wilder Owners Association (WOA) maintains that the city has approved a development that violates the city's own general plan and municipal code in multiple ways, in addition to violating state law. The case maintains that the city improperly certified the environmental impact report for the project, which it alleges is inconsistent with the city's general plan.

The project has been in

the works for many years, and went through a number of reviews by the city that resulted in changes to arrive at the approved project that consists of 38 assisted living units in a one- to two-story, 32,084-square-foot congregate care facility on the lot between Wilder Road and Highway 24. Upon approval by the Orinda Planning Commission, the WOA appealed to the city council, which dismissed the appeal following a hearing on it in November 2020 that was

continued to January 2021.

The petition now filed opposes the project on many grounds, including that it violates the integrity of the open area beside Highway 24, which has been designated a scenic highway. Petitioners maintain that the project is inconsistent with the general plan and violates the California Environmental Quality Act.

The petition asks that the court issue a preemptory writ of mandate directing the city

to vacate and set aside their decision, issue a stay, a temporary restraining order, and injunctions restraining the respondents, which includes the builder, from moving forward with the development. The petition further seeks costs and attorney fees.

No hearing dates have been scheduled at this time. The petitioner has asked that the city prepare an administrative record of its actions to date.

# Orinda follows other Bay Area cities; combines housing element with downtown planning

By Sora O'Doherty

Given the overlap between the Orinda Downtown Precise Plan, being developed by staff, and the upcoming housing element, the city council agreed to streamline the process by combining certain elements of the two plans. This should result in some cost savings, but also in a de-

lay of completion of the DPP. The council also decided to expand its current downtown development subcommittee to additionally cover the housing element. The two council members who are currently on the downtown development subcommittee, Inga Miller and Nick Kosla, were willing to take on the additional HE work. The council also approved the request for proposals for a consultant on the draft housing element.

Orinda staff have been working on the DPP for some time now. The city initially thought to outsource the project, but failing to receive satisfactory responses to a request for proposals, it was decided that staff could undertake the work. The DPP is intended to establish objective building standards for downtown Orinda. The plan is part of an effort to develop Orinda's downtown but is also intended to put in place objective standards that would give the city some control in the event that California passes legislation remov-

ing some planning discretion from local government.

The state requires that the HE be updated every eight years, with each city, town and county receiving a new RHNA number (the Regional Housing Needs Allocation) or the number of new homes that must be planned for during the planning period. The current HE is the fifth cycle, adopted in May of 2015.

Orinda's RHNA number for the planning period 2015-23 was 227 units. The sixth cycle must be adopted by January 2023 for the planning period of 2023 through 2031. Orinda's draft RHNA number is 1,359 units, although a final number is expected later this year.

Staff suggested to the city council that because the elements of the HE and the DPP are either overlapping or complimentary, the two projects could be coordinated. In particular, the California Environmental Quality Act analysis and the safety element could be coordinated, and the downtown subcommittee could be expanded to

include the HE, in addition to the DPP. One CEQA analysis and one Environmental Impact Report will be less costly, without the risk of duplicate efforts, and housing opportunity sites for both the DPP and the HE could be coordinated.

The council agreed with staff. An RFP will be issued by the end of the month, and there will be a joint workshop of the city council and the planning commission on May 11 to include such topics as an introduction to the housing element, a more refined schedule for the HE and the DPP, and preliminary analysis of the RHNA units and sites inventory. The workshop will be led by Jennifer Gastelum of Placeworks, who is currently assisting the city with HE pre-work such as site analysis.

At an earlier meeting on April 13, Orinda Planning Director Drummond Buckley introduced the staff report. He explained that work on the DPP started in January of last year and completion was expected by the end of this year or early next year. Fol-

lowing the issuance of the RFP, staff expects a consultant to begin work late June or early July. Factoring in a potential four-month review period by the California Department of Housing and Community Development, the HE must be adopted by December 2022. New city manager David Biggs told the council that the consultant hired will stay up to date on legislation to watch for potential impacts on the HE.

In public comment, Nick Warranoff emphasized that coordinating the DPP with the HE was his idea. "Given the overwhelming clarity of the presentation, coordination is the better option," he said, adding, "One could be surprised that it took a private citizen to suggest it."

Mayor Amy Worth pointed out that the housing element is an unfunded state mandate, which means that while communities are required by the state to comply, they receive no funding to do so by the state.

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# Student activism welcomed by Orinda City Council; Styrofoam ban ordinance to follow

By Sora O'Doherty

A student group from Miramonte High School has been persistent in urging the Orinda City Council to ban Styrofoam takeout food and beverage containers, and the council has agreed to introduce an ordinance. The stu-

dents, including Devon Bradley, Sheng Shu, Leo Caradoza, Joseph Manio, and Alexis DeBusschere are members of the Miramonte Environmental Club that has been running a community-funded project launched last July to promote environmental sustainability and help restaurants during the pandemic. The group has been donating compostable takeout supplies to restaurants since July, and they believe they can continue to help restaurants until the proposed ban takes effect.

Styrofoam is not recyclable or compostable, decomposes in landfills, produced methane, and ends up in the ocean where it is consumed by animals that may eventually be consumed by people. There is an existing ban at the county level and 10 cities within the county also ban use of the material, including nearby Lafayette and Walnut Creek. The students propose that Orinda ban the retail use of Styrofoam takeout food containers

and cups, with some exceptions, including pre-packaged items, and Styrofoam ice chests.

In their presentation, the students said that Styrofoam contributes to the hole in the ozone layer and leaches into food from containers, especially when used for hot or fatty foods. This can lead to the consumption of styrene, a possible human carcinogen or neurotoxin. Only four restaurants were found to be using Styrofoam containers: Europa, Serika, Baja Cali and Sushi Island.

In response to a question from Mayor Amy Worth, the students talked about Project HEART, which stands for Help Environment Assist Restaurant Takeout. The project helps the restaurants by supplying compostable supplies, and the students believe that they could continue to help by supplying free supplies for a certain period using funds raised by their GoFundMe campaign.

All of the city council members commended the

students on their sustained effort. Members of the public, including Nick Waranoff and Latika Malkani, also praised the students and their project. Mayor Worth added her praise for Miramonte public speaking teacher Christine Plant who inspired the students. Waranoff offered to help draft the ordinance and Malkani offered to publicize the GoFundMe campaign. Senior Planner Adam Foster, who presented the staff report, told the council that he was working for the city of Lafayette at the time that they adopted their Styrofoam ban, and could work on developing the ordinance for Orinda, drawing from other local ordinances.

Council Member Nick Kosla wondered if the city could conduct a buy-back program to remove Styrofoam from the city, and if there is any safe way to dispose of it. Staff will bring the ordinance to a city council meeting for action soon.

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**City Council Regular Meeting:**  
 Tuesday, May 4, 7 p.m. By Teleconference Only

**Planning Commission**  
 Tuesday, May 11, 7 p.m. By Teleconference Only