



Published May 24th, 2023

Orinda Council is interested in inclusionary housing ordinance, but not yet there

By Sora O'Doherty

After lengthy discussion, Orinda decided that it is not yet ready to join neighbors Lafayette, Moraga and Walnut Creek in adopting an inclusionary ordinance but does want to look at the matter further. Inclusionary housing programs are policies adopted by cities and counties in California to stimulate affordable housing production whenever new market-rate housing development occurs, according to the California Coalition for Rural Housing. An action item in the recently approved Housing Element said that the city would research acceptable methods of providing affordable housing.

The staff report on an inclusionary housing ordinance (IO) was introduced to the council by City Manager David Biggs. He explained that when redevelopment agencies went away between 2008 to 2011, California cities started adopting inclusionary ordinances. Currently, about half of California's cities have inclusionary ordinances.

In the past, Biggs said, the California Department of Housing and Community Development (HCD) had worried that IOs would dampen development. If an IO is too aggressive, for example, more than 15%, it would require review by HCD, and the state agency would look at it again later to determine if it was having a dampening effect on housing development.

During the wide-ranging discussions, Council Member Latika Malkani said she had mixed feelings. She wondered if Orinda has competitiveness to offer affordable housing, but didn't want the city to be an outlier, without an IO. She suggested forming an ad hoc committee to look into the issue.

Council Member Brandyn Iverson said that while she used to think that IOs were a good idea, she has changed her mind. She reviewed the history of housing development in Orinda since incorporation and expressed her belief that the city has had a healthy mix of affordable and market-rate development. "I'd like to see some actual projects come forward," she said, "before we add that constraint."

In public comment, frequent contributor Nick Warranoff said in a letter to the council that he has been urging adoption of an IO for a long time, and that he believed such an ordinance should apply both to properties that are developed for sale and for rent. He also said that an IO should be applicable regardless of whether or not a development invoked state density law. "My principal reason for this position is that the density bonus law is skewed towards the lowest income levels; i.e. developers get a disproportionately larger bonus for a small number of very low income units. As a result, many projects invoking the density bonus law do not include moderate income housing. Yet adding moderate income housing is important if we want to attract teachers, for example, as well as young families."

Council Member Darlene Gee agreed to further exploration. "I don't want us to stand out for the wrong reasons," she said, adding that she is very eager to learn more about the ordinances. Council Member Janet Riley said that she had been told by a developer that an inclusionary ordinance will not hurt the city. She suggested the city adopt an IO while retaining as much discretion as possible, adding that she is pro development: "That has to happen."

The council members expressed concerns that low-income housing would not support the city's desire to see increased retail activity. Gee agreed and also wondered if there is a way to discourage developers from building only small apartments to meet any affordability criteria. Biggs suggested that the city could offer incentives to developers, including a city density bonus and perhaps reduced parking requirements. However, while Mayor Inga Miller said that in lieu fees make sense, she wants to try not to create second class citizens by, for example, having housing without parking.

In addressing the issue of the availability of land for development, Miller said that recently one of the downtown property owners had reached out to her, which she found encouraging.

It was agreed that staff would work further to develop an IO, and would bring suggestions to the Downtown subcommittee, and later bring the matter back to the full council in late summer.

Reach the reporter at: sora@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA