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Orinda City Council tweaks accessible parking in Theatre District

By Sora O'Doherty

The Orinda City Council took a look at existing accessible public parking in the Theatre District as a matter initiated on Oct. 3, and, as a result, decided to try to eliminate one accessible space on Bryant Way and attempt to add another on Moraga Way. The issue was brought to the council's attention on Sept. 5 by a

member of the public. The staff report was presented to the council by Scott Christie, Director of Public Works.

In the past, the Theatre District had a total of five accessible parking spaces. Accessible parking spaces are those that are designed to make parking easier under the Americans with Disabilities

Act, and have to meet certain requirements under the act. For example, accessible parking spaces must be at least 96 inches wide with a 60-inch-wide access aisle.

Some of Orinda's public accessible parking spaces did not meet all of the requirements. For example, there was an accessible space in front of the building that now houses Peet's Coffee and Nation's Hamburgers. But the space wasn't conforming because it did not have the required access aisle, so the city removed it, following a claim and settled litigation. Similar reasoning applied to the removal of another accessible parking space near 39 Moraga Way. Both spaces were re-

moved in 2016.

Currently, there is an accessible parking space on Bryant Way, along the north side of Theatre Square. It is a parallel parking space, and does not have an access aisle. Behind the space there is a driveway, which can be used for access but might present a dangerous conflict between use for access for a disabled person and vehicular access. For this reason, the city council decided that it would be better to convert this space to a regular parking space.

To avoid reducing the total number of public accessible parking spaces in the Theatre District, the council would like staff to try to find another place where a fully compliant

accessible parking space can be placed, understanding that to create an accessible parking space will mean taking up two parking spaces: one for the accessible parking space and another for the access aisle.

There are currently 584 off-street parking spaces in the Theatre District, of which 20 are accessible, representing 3% of the spaces. The minimum requirement under the ADA is 2%, which would be only 12 parking spaces.

As for on-street parking, there is a total of 97 spaces, three of which are accessible, representing 3%. Much of the accessible parking in the Theatre District is located in private parking lots, for which the city is not responsible.

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Litigation may be brewing over Patrick Lane lot split

By Sora O'Doherty

A complicated set of facts have led the Orinda City Council on Sept. 19 in closed session to consider whether the city will be sued if it authorizes a lot split under a state law known as SB 9. It appears that the city might also be sued if they refuse to grant the applicant's request for a lot split of lot 6 on Patrick Lane.

Ellis Raskin, an attorney representing the existing residents of Patrick Lane, submitted a letter to the city attorney dated Sept. 7, threatening litigation if the urban lot split is approved. Linda Klein, an attorney representing the applicant, submitted an email to the city attorney dated Sept. 13, threatening litigation if the urban lot split is not approved. This correspondence has been made available for public inspection.

SB 9 was adopted by California as a way of increasing housing in the state. The law provides for lot splits with only ministerial approval, meaning that cities and towns have little discretion in granting requests for lot split, provided the property meets certain basic requirements. The bill summary suggests that the following conditions could make a parcel unqualified for a lot split: examples of conditions that may

disqualify a project from using SB 9 include the presence of farmland, wetlands, fire hazard areas, earthquake hazard areas, flood risk areas, conservation areas, wildlife habitat areas, or conservation easements.

The complication in the Patrick Lane application is that some of the residents of the street allege that a scenic easement governs the lots and means that the lot cannot meet the basic requirements. However, the scenic easements were not actually recorded, and it is unknown if that is because of an oversight or because they were not accepted at the time of their creation. The other residents of Patrick Lane argue that lands subject to conservation easements are not eligible for SB 9 splits, and that the scenic easements are essentially conservation easements.

According to Orinda Planning Director Drummond Buckley, lot splits have two phases, the tentative parcel map and the (final) parcel map. For SB 9 lot splits, the tentative map is reviewed and, if compliant, approved ministerially by staff and the final map is reviewed and, if compliant, approved by the city council. For an SB 9 lot split, neither staff nor the city council have discretion to deny the

application if the map complies with all objective standards. The final map needs to be consistent with the tentative map. While the tentative parcel map for 6 Patrick Lane has been approved, the final parcel map has not been acted upon by the city council yet.

The property in question consists of 1.21 acres of undeveloped land at 6 Patrick Lane, sold in June 2021 for \$949,000. Owner Randy Miller, contacted by the Lamorinda Weekly, said that he is a real estate developer, and bought the land before SB 9 was passed.

His intention was to build a house for his family and an accessory dwelling unit (ADU). But in the two and half years since he bought, costs rose 20 to 25% he said, and interest rates effectively doubled. He has proposed the lot split to allow him to build a house for his family and another house to sell to another family.

Miller, who is currently renting a home in Orinda, believes that there is no scenic easement, and, even if there were, that the law exempts conservation easements but not scenic easements. "It's super unfortunate and uncomfortable," Miller concluded, "but I don't know what to do. We bought a really beautiful lot and I'd like to build a home for my family."

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Recycle Smart updates Orinda City Council on recent service issues

By Sora O'Doherty

Recycle Smart Executive Director David Kreuger addressed the Orinda City Council on Oct. 3, promising that new garbage trucks are ordered and on the way to address service issues that have occurred recently. Recycle Smart is a Joint Powers Authority whose contract with the city of Orinda is coming up for renewal.

Smart has a staff of five people, and tries to make sure that everyone is in compliance with the many laws that govern solid waste disposal. They manage the service contracts with Mt. Diablo Resource Recovery and Republic Services, that actually performs the collection of trash and recycling.

Kreuger said that Recycle

... continued on Page A10

	<p>City Council Regular Meeting: Tuesday, Oct. 17, 7 p.m. Planning Comm.: Wednesday, Oct. 18, 7 p.m.</p>	<p>Supplemental Sales Tax Oversight Commission Wednesday, Oct. 11, 6:30 p.m. Sarge Littlehale Community Room, 22 Orinda Way</p>
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