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Housing Element Plan Nearing Approval

By Cathy Tyson

It seems like a simple concept: all municipalities in California need to make plans to accommodate future growth for all income levels. But for a vocal minority of residents, having a certified Housing Element was going to "destroy our way of life" and create "stack and pack housing downtown."

Planning director Emmanuel Ursu stated at the June 18 meeting of the Orinda City Council that, for the first time ever, Orinda had received tentative approval of its Housing Element for the cycle that runs from 2007 to 2014. Getting to this point wasn't easy—there have been a considerable number of meetings dating back to 2009. State law requires that cities have a plan in place for their fair share of housing. For Orinda that number is 218 units, according to the Association of Bay Area Governments and what they call the Regional Housing Needs Assessment; 173 of those units are slated for low and moderate income categories.

It is important to note that the city is not in the development business and that to satisfy the state requirement, Orinda only has to provide the opportunity—via appropriate zoning—for land that could potentially be used for those units. It would be up to a developer to determine whether to go forward with a project. Even if a developer had interest, there are existing stringent planning requirements that still have to be met.

Ursu calmly elucidated the two main characteristics of the Housing Element that have garnered much misinformation: the plan does not require the city to change any residential zoning in the downtown area and there is no change to allowable building heights and current setback requirements.

The only zoning change is for one site, a 3.2 acre vacant parcel, formerly baseball fields behind the Santa Maria church, which is currently zoned for six to 10 units per acre. The city will propose a change in the zoning of just that piece of land to accommodate up to 20 units per acre, a requirement for the state to approve the plan.

Councilmember Victoria Smith sought perspective in asking about the potential for senior housing on the parcel – if a developer was interested in doing so, the allowable zoning could be 38 units per acre.

"Adoption of the Housing Element is not optional, it's required by state law," said Ursu. Compliance is a prerequisite for the city to receive state transportation funds from Measure C and Measure J that total hundreds of thousands of dollars earmarked for maintaining roads. Non-compliance could also put the city at risk for lawsuits by fair housing advocates.

Responding to several public comments about allegedly ruining the semi-rural character of the city, Councilmember Sue Severson said, "I live here, I support preserving the quality of life in Orinda." As a former school board member, she tried to reassure the audience that schools can adequately handle a perceived bump in enrollment. Severson said that the schools have a history of working with the city and they already have projections for future enrollment. She encouraged staff to move forward to meet Orinda's legal obligations.

Many speakers emphasized a need to push back against ABAG regulations. "We have pushed back," said Councilmember Steve Glazer. "The challenge is to have a civil and constructive conversation." He politely disagreed with some of the sweeping statements that have circulated and clarified for the record, "The HCD (Housing and Community Development - the department that is in charge of the Housing Element) doesn't bind this city to anything - we have every right to push back. There is no suggestion that we're ever going to change the zoning downtown." He strongly suggested residents be careful with their language and keep discussions on point.

Residents interested in reading the complete second draft of the Housing Element for HCD review prepared June 3 should visit www.cityoforinda.org where a link will be posted for easy access to the report and associated documents. Councilmember Dean Orr called it "a huge step forward" from previous housing elements, "a cohesive document with a clear story."

The entire report is available to the public for a two-month review period; it will go back to the council sometime in August. Mayor Amy Worth told staff to include all the documents and correspondence related to the Housing Element. The Housing Element is a separate entity from Plan Bay Area, a state-mandated, long range transportation, housing and land use effort among the counties of the Bay Area to create a more sustainable future.

Reach the reporter at: cathy@lamorindaweekly.com

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