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## Orinda Housing Element Draft Headed to State for Initial Review

*By Laurie Snyder*

"I'm happy sending all the sites to HCD and pushing out the decision until we have a final EIR," said Orinda City Councilmember Dean Orr as the council's Dec. 9 meeting wound down. The 10th such public meeting that the city has held since June regarding revisions it is required by state law to make to the Housing Element of its General Plan, it was another lengthy affair.

City planning director Emmanuel Ursu again recapped the history of the recent update process, explaining that, after extensive public input, three possible alternatives for rezoning land to allow for potential new housing development were selected for analysis in the Environmental Impact Report (EIR). The ball fields at 40 Santa Maria Way (alternative one) could allow for 64 to 80 potential units of housing, a combination of lands used currently by three churches for parking (alternative two) could allow for up to 80 units, or a combination of the land currently used by the Orinda Community Church for its upper parking lot at 10 Irwin Way plus land used by businesses at 1 Orinda Way and 27 Orinda Way (alternative three) could allow for 80 units.

Or not. Because the state's shortfall provisions applied to the Housing Element adopted last year no longer apply, the city is now allowed to reduce the number of units that can be accommodated at the default density from 80 to 48. Plus, the city's role continues "to be limited to identifying sites and establishing zoning" that allows owners to develop housing. "Whether or not to develop the properties is entirely up to the property owners to decide. That is not a decision of the city. The city's role is to establish the rules for development, and then to review development proposals - if they are submitted - for consistency with the rules that have been established."

In response to a question posed by Mayor Steve Glazer regarding whether or not the city could submit its Housing Element draft to the state without selecting a specific candidate for rezoning, Ursu said yes.

"The existing zoning in place that was adopted through the fourth cycle Housing Element remains in place, and satisfies the city's obligation for zoning to meet the Regional Housing Needs Allocation." Orinda could simply "lay out all of the alternatives with the understanding that the city would select a final alternative at a later date prior to adoption of the document."

After council members received comment from 30 more community members and probed staff and the city's attorney with questions for more than an hour, that is exactly what the council decided to do. Staff will transmit the latest Housing Element draft to the state, and hopes to have comments back from the Department of Housing and Community Development in late February. In the interim, staff will work with representatives of Pacific Municipal Consultants to draft responses to the numerous public comments received regarding the draft Environmental Impact Report. Once HCD issues its comments, the city will then schedule another meeting to allow further public input. Staff hopes to send Orinda's revised draft back to HCD in March so that the finalized Housing Element can be adopted in April.

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