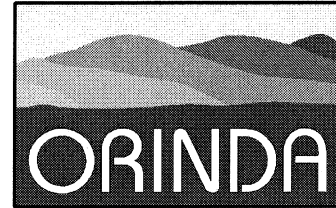


PLANNING COMMISSION STAFF REPORT

TO: Chair Orr and Members of the
Planning Commission



FROM: Emmanuel Ursu, Director of
Planning

SUBJECT: Review of Initial Study and Proposed Mitigated Negative
Declaration for the Eden Project.

RECOMMENATION: Approve Statement of Official Action 2001-026
Recommending the City Council Adopt the Mitigated
Negative Declaration and approve the Mitigation Monitoring
and Reporting Program for the Eden Housing, LLC project.

AGENDA ITEM: 6

DATE: November 9, 2010

BACKGROUND:

Staff prepared and distributed the attached Initial Study and proposed Mitigated Negative Declaration (IS/MND) for the Eden senior affordable housing project on the property at 2 Irwin Way. In accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, the IS/MND was made available for public comment between October 20, 2010 and November 9, 2010. Prior to acting on the land use policy amendments on the Eden project, the City Council is required to consider the Planning Commission's recommendation on the IS/MND and to adopt the IS/MND.

The IS/MND prepared for the Eden proposal is based on the General Plan and Zoning amendments and the conceptual development plans prepared by the applicant and will fulfill the requirements under CEQA for the pending design review applications to be considered by the Planning Commission.

SUMMARY:

Without mitigation measures, the project would potentially have significant temporary air quality impacts during demolition and construction as a result of the project's close proximity to sensitive receptors in Orinda Senior Village and the Orinda Community Park. To mitigate the impacts, compliance with Bay Area Air Quality Management District Regulation 11, Rule 2 is required. Details of the thresholds of significance, the potential impacts and the proposed mitigation measures are contained in the Air Quality

section of IS/MND found on pages IS-15 through IS-17. The project proponent has reviewed and agreed to implement the proposed mitigation measures.

NEXT STEPS:

Staff will present the Planning Commission's recommendations to the City Council for consideration and adoption at its November 16, 2010 hearing.

RECOMMENDATION:

Staff recommends that the Commission consider public comment and approve Statement of Official Action No. 2010-026 recommending the City Council adopt the Initial Study and Mitigated Negative Declaration for the Eden Housing project.

EXHIBITS:

Exhibit A: SOA 2010-026

Exhibit B: Initial Study and Proposed Mitigated Negative Declaration for the Eden Housing project



STATEMENT OF OFFICIAL ACTION 2010-026

CITY OF ORINDA PLANNING COMMISSION

November 9, 2010

**RECOMMENDATION TO ADOPT THE MITIGATED NEGATIVE
DECLARATION AND TO APPROVE THE
MITIGATION MONITORING AND REPORTING PROGRAM**

For The

**EDEN HOUSING, LLC PROJECT AND
ASSOCIATED LAND USE POLICY AMENDMENTS**

Project Location: 2, 10 and 20 Irwin Way

Applicant: Eden Housing

Project Planner: Emmanuel Ursu, Director of Planning

PART I – PROJECT DESCRIPTION

The City of Orinda (City) has prepared an Initial Study and proposed Mitigated Negative Declaration for the Eden Housing, LLC Affordable Senior Housing project. The Project includes:

1. conceptual development plans for 71 residences (70 one bedroom senior affordable units and one two bedroom manager's unit) on property at 2 Irwin Way;
2. conceptual development plans for a 10-space community parking lot on property at 10 Irwin Way;
3. amendment of the General Plan land use designation of the 2 Irwin Way site from Public and Semipublic to Residential: Multifamily;
4. amendment of the zoning of the 2 Irwin Way site from Public, Semipublic and Utility District to the Residential Medium-Density District; and
5. establishment of a Senior Housing Overlay District and development standards and application of this overlay district to 2 and 20 Irwin Way.

The Planning Commission of the City of Orinda (Planning Commission) has before it the following proposed recommendations to the City Council: (1) amendment of the General Plan land use designation of 2 Irwin Way from Public and Semipublic to Residential: Multifamily, (2) rezoning of 2 Irwin Way from Public, Semipublic, and Utility District to Residential Medium-Density District, and (3) establishing a Senior Housing Overlay District with applicable development standards to be applied to 2 and 20 Irwin Way. A design review application for

the proposed affordable senior housing project will be considered after the land use policy amendments are considered by the City Council and the project proponent submits revised and complete plans for design review.

PART II- ENVIRONMENTAL REVIEW PROCESS

The City of Orinda provided notification on June 30, 2010 to the list of Native American individuals/organizations that may have knowledge of cultural resources in the Project area per the requirements of Government Code section 65352.3, but no additional cultural resources were identified through this process.

The City prepared an Initial Study and proposed Mitigated Negative Declaration (IS/MND) for the Project, which was available for public comment from October 20, 2010 to November 9, 2010. The general public was advised of the availability of the IS/MND through direct mailing pursuant to CEQA Guidelines Section 15072(B)(3). In addition, copies of the IS/MND were made available at the City of Orinda Planning Department, on the City's website at www.cityoforinda.org and were provided to interested parties.

On November 9, 2010, the public comment period on the IS/MND was closed and the City's Planning Commission considered the IS/MND.

PART III –RECOMMENDATION OF THE ORINDA PLANNING COMMISSION TO THE CITY COUNCIL TO ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND TO APPROVE THE MMRP

Pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") and CEQA Guidelines, title 14, California Code of Regulations, section 15000 et seq., the Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration prepared by the City of Orinda and approve the Mitigation Monitoring and Reporting Program ("MMRP"), which sets forth the measures required to mitigate or avoid any potentially significant environmental impacts caused by the Project. A copy of the MMRP is on file in the City's Planning Department. The Planning Commission certifies that the IS/MND was presented to the Planning Commission and that the Planning Commission reviewed and considered the information contained in the IS/MND in making its recommendation to the City Council. In the Planning Commission's independent judgment, the IS/MND is complete, correct, and adequate and complies with the requirements of CEQA. The evidence before the Planning Commission supports the IS/MND's conclusion that the Project, as proposed, mitigated, and conditioned, will have no significant effect on the environment.

The Planning Commission further recommends that the City Council consider its recommendation on the IS/MND prior to acting on the General Plan and Zoning amendments for the Project.

The Planning Commission of the City of Orinda at a regular meeting on November 9, 2010 recommended that the City Council adopt the IS/MND, approve the MMRP for the Project, and consider the Planning Commission's recommendation prior to acting on the General Plan and Zoning amendments for the Project, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

RECUES: COMMISSIONERS:

ATTEST:

Emmanuel Ursu, Director of Planning

EXHIBITS

A. Mitigation Monitoring and Reporting Program

**Mitigation Monitoring and Reporting Program
Eden Housing, LLC Affordable Senior Housing Project at 2 Irwin Way**

This Mitigation Monitoring and Reporting Program (MMRP) reflects the development application submitted by Eden Housing, LLC in December 2009 which includes:

1. conceptual development plans for 71 residences (70 one bedroom senior affordable units and one two bedroom manager's unit) on property at 2 Irwin Way;
2. conceptual development plans for a 10-space community parking lot on property at 10 Irwin Way;
3. amendment of the General Plan land use designation of the 2 Irwin Way site from Public and Semipublic to Residential: Multifamily;
4. amendment of the zoning of the 2 Irwin Way site from Public, Semipublic and Utility District to the Residential Medium-Density District; and
5. establishment of a Senior Housing Overlay District and development standards and application of this overlay district to 2 and 20 Irwin Way.

This MMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The MMRP lists mitigation measures recommended in the Mitigated Negative Declaration and identifies mitigation monitoring requirements.

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
Consistent with guidance from the BAAQMD, the following actions shall be required of demolition and construction contracts and specifications for the project.	Project applicant shall ensure language on construction documents	City of Orinda	Prior to issuance of first demolition or grading permit
<ol style="list-style-type: none"> 1) Water all active construction areas as needed to control fugitive dust. 2) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. 3) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. 4) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites. 5) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. 6) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). 7) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.) 8) Install sandbags or other erosion control measures to prevent silt runoff to public roadways. 9) Replant vegetation in disturbed areas as quickly as possible. 			