

February 1, 2012

***UPDATED* FAQ (Frequently Asked Questions) about the proposed community parking relating to the new Irwin Way Affordable Senior Housing**

1. Why does the Church Council think this is important for OCC?

First, we seek to be instruments of God's justice and mercy in the world. The cause of affordable housing with dignity has been part of our mission, and the church is committed to direct engagement, welcoming the less affluent as neighbors in our community. As part of OCC's commitment to inclusion and diversity we are pleased that our involvement in OSV and the new housing project provides an outreach to elders, and their families, from a wide spectrum of backgrounds and cultures, modeling God's love to many who would otherwise be excluded from the Orinda community. Facilitating affordable housing is in our calling.

Second, we wish to promote the use of Community Park and its facilities for rest and recreation, music, drama, and children's play. This engages the community in enjoyment of each other's company and enjoyment of God's creation.

Third, the parking utilizes an underused part of our campus, relatively far removed from the core of our church activities, to provide a visible and tangible benefit for the greater community. This strengthens our connections to our neighbors and our city.

Finally, through our cooperation with the City of Orinda and Eden Housing, LLC, we have negotiated additions to the design that benefit OCC, TOPS, Holden High School and OSV, and are able to gain needed site improvements whose costs would otherwise be borne by OCC.

The overarching consideration of the council has been to choose the action that best demonstrates God's love. OCC is not simply a benevolent society, or a cultural club that gathers to enjoy music in a beautiful building, but a community of God's people working to carry out God's will in the world.

2. How did OCC get involved in this at all?

The proposed project began because the new Wilder development places the City of Orinda out of compliance with state and federal affordable housing guidelines required to continue receiving funding for local road repair and maintenance (currently valued at \$300,000 annually). As part of remediation for the Wilder project, the city envisioned a smaller companion facility to OSV that could be located on the vacated site of the old library. OCC was contacted as a representative of the neighbors of the new project, and Frank Baldwin served on the city committee that recommended Eden Housing as the senior housing developer. Frank, with support and consultation of the church council, advocated throughout the city planning process for the interests of OCC, our neighbors, and our tenants. After due

consideration, the church council determined that the parking lot on our lower hillside would be in the best interests of all concerned, and authorized further negotiations leading to mutually satisfactory construction and lease agreements.

3. Why a parking lot?

The senior housing facility must be large enough to be financially viable (i.e., 67 units). Even on this modest scale (OSV is 150 units) it will eliminate the old library parking lot used by visitors to Orinda Community Park. Consequently, the City has required Eden Housing to mitigate this loss by providing alternate parking. The council views this as a mission opportunity, to use OCC resources to facilitate affordable senior housing in our community.

4. What would be involved with a lease agreement?

If agreement is reached among the three parties, OCC will eventually have two agreements: one with Eden Housing and the other with the City. Under the first, Eden, entirely at its own cost, will construct the parking lot and make related site improvements in accordance with the requirements of the Orinda Municipal Code and the provisions negotiated with OCC. Under the second, OCC will lease the land to the City of Orinda and the City will maintain the parking lot for the duration of the lease.

5. What would be the value of the lease to OCC?

Due to City budget constraints and the fact that the new affordable senior housing will be revenue neutral, there will not be cash payments associated with this lease agreement. However, in addition to the community and mission values described above, OCC will receive a number of desirable in-kind benefits from the parking lot construction, including:

- A sidewalk will be constructed on the north side of Irwin Way connecting Orinda Way with the new parking area as well as the existing church lot used by Holden High School
- The difficult entrance to the Holden High School parking lot would be improved
- A number of the large aging Monterey Pines on the lower hillside and a several other smaller trees and shrubs will be removed
- The Holden parking lot will be resurfaced and re-striped

Eden Housing estimates its *marginal* cost to implement these improvements, including the new community parking area itself, at \$150,000.

6. Doesn't the City have millions of dollars from the Wilder development?

No matter how much the City may wish otherwise, money that comes to them is often encumbered at its source. For example, the Wilder developers were required to pay Orinda a

substantial amount that was earmarked for City improvements within the new development, as well as the two million dollars that must be spent for affordable housing. The reality is that none of this, however, is available to pay a cash lease to OCC.

7. What matters are being negotiated?

Larry Shepp, church counsel and chair of the Finance and Operations Commission, is our primary authorized representative in the on-going negotiations with Eden Housing and the City of Orinda. Recognized issues include the following:

- The City customarily enters into leases of long duration (50 years, for example). OCC wants a shorter lease period, in order to preserve our flexibility with regard to any potential re-use of this land in the future.
- OCC is interested in ensuring that concepts of sustainability and low environmental impact are incorporated into this project as much as possible. Both Eden Housing and the City of Orinda profess to be committed to these standards as well.
- OCC wants to make sure that the church is fully indemnified against any loss associated with the parking lot, either during its construction or in operation under terms of the lease.
- Provision for the maintenance of utilities serving the parking lot will be negotiated. OCC expects the City to provide electricity to the site for low-impact lighting. OCC's existing irrigation system – rerouted and improved as necessary by Eden Housing – will continue to serve the lower hillside.
- The extremely-desirable sidewalk on the north side of Irwin Way may require the dedication of a narrow strip of church property for this purpose.

8. Why didn't I hear about this before?

The planning and negotiations were publicized through several public meetings held at the church and reported in the local newspapers, as well as through our normal church channels (the *Neighbor*, bulletin board displays and informational handouts, and a well-attended after-church information meeting, but the council had relatively little feedback from the congregation. As substantially more detailed plans have become available over the past summer, the council and church staff have advocated an even more aggressive effort to make these details widely known in the congregation and provide opportunities for questions, comments and suggestions.

9. What about the alternative of adding more diagonal parking on the street?

The idea of adding diagonal parking on Orinda Way was carefully studied by the City and the developer, with the conclusion being that there were too many problems and objections involved to make this a practical option.

10. What about environmental impact? Shouldn't an environmental impact statement be required?

According to the Staff Report to the Planning Commission, "A Mitigated Negative Declaration (MND) was prepared for the project and adopted in compliance with the California Environmental Quality Act (CEQA) by the City Council on November 28, 2010." As an integral component of the affordable senior housing project, the proposed parking area is consistent with the MND.

11. What about the Americans with Disabilities Act (ADA)? Doesn't the steepness of the sidewalk grade on Irwin Way rule out ADA-compliant access to the parking lot?

ADA compliance requires every *facility* to have sufficient accessible parking, not that every parking space or every path be accessible. Every facility served by the parking area has handicapped parking available elsewhere. Community Park already has several handicapped parking spaces available in front of the Community Center (and more could easily be added in this vicinity). The Senior Housing facility itself will have adequate ADA-compliant parking available for residents and staff in its basement parking area. So the project does in fact comply with the requirements of ADA.

12. What happens if we don't let the parking lot be built?

Plans for this additional affordable senior housing in Orinda have been underway for years. Millions of dollars of public money and the efforts of hundreds of people are involved. Eden Housing's permit from the City of Orinda to build the housing on the old library site includes parking mitigation on OCC property. OCC has a stake in this project, and we have agreed in good faith to on-going negotiations that we believe can be satisfactorily concluded to the benefit of all concerned.

Our withdrawal from the affordable senior housing project almost certainly would not stop construction of the new affordable senior housing as approved by the City. The housing would still be built, only without OCC's cooperation; possibly with the street parking option on Orinda Way, or possibly without alternate provision for community parking.

13. How and when will a final decision be made about this lease?

If the City decides to continue negotiations, and if satisfactory terms are reached, the council will have the responsibility to approve or reject the lease agreement, in consultation with the congregation. The Bylaws of Orinda Community Church place the responsibility for negotiating and approving leases on the Church Council, as advised by the Finance and Operations Commission. Through notices in *The Neighbor*, informational meetings and printed materials such as this we hope to give members many opportunities to learn about the proposed project, to raise questions and make suggestions. The council will continue to seek the wisdom of everyone in the congregation and aim to have all viewpoints publicly discussed and examined.