

# Candidates for Orinda City Council comment on current issues

By Sora O'Doherty



Dennis Fay



Kathleen Jenkins



Nick Kosla



Eve Phillips



Amy Worth

The Lamorinda Weekly posed questions about issues that are likely to come before the Orinda City Council during its upcoming term to the five candidates running to fill the three positions that are on the ballot in November: Amy Worth, Eve Phillips, Nick Kosla, Kathleen Jenkins, and Dennis Fay. Owing to space limitations, candidates were limited to only 50 words per answer. Their responses to each question are below, in reverse alphabetical order.

**1) Downtown Development: What are your thoughts about the future of downtown Orinda?**

**Worth:** There are many possibilities for Orinda's "living room." With robust community engagement, we can make a local-serving, unique downtown. We are engaged in community discussion about the Crossroads and the Village. Many things are possible, including housing, enhanced retail and restaurants. Now is the time to make downtown serve Orinda's future needs.

**Phillips:** I'd like to see the downtown better meet the needs of our Orinda community. Common requests I hear (and want to facilitate) include: fill the empty lots and buildings; improve (or at least retain) parking; attract restaurant and grocery options; and maintain the family-friendly appeal.

**Kosla:** There is widespread support for a more vibrant, convenient and revitalized downtown; with more retail options, community-gathering spots and a restored creek. These goals are consistent with our "village character." If Orinda does not address the deteriorating state of downtown soon, the state will do it for us in a one-size-fits-all solution.

**Jenkins:** Any downtown project should be collaborative, rigorous, and community-driven to determine future direction and be reflective of the entire community's desired changes. There is an expressed desire for more vibrant social settings, such as upscale restaurants, outdoor seating, and family recreational amenities, all of which is compliant with our General Plan.

**Fay:** First, local control of land use is paramount – no state control. I hear all the time that Orindans wish they had more in-town shopping, dining and entertainment. I'd work to promote businesses that attract activity, like the Orinda Theatre and seek uses for vacant buildings – all without sacrificing Orinda's small town character.

**2) Accessory Structures: A law that allowed accessory structures to be built within 5 feet of the property line is currently stayed. What adjustments, if any, should be enacted?**

**Worth:** Options might include restricting accessory structures to required side and rear yard setbacks in underlying zones, lowering the maximum height, and/or requiring design review (or neighbor sign-off as a precondition of avoiding design review). Planning staff will bring the options to the Planning Commission, then to the City Council for action, at noticed public meetings.

**Phillips:** Our City statutes should reflect the will and expectations of our residents. In this case, neighbors felt that accessory structures were allowed in such a way that was inconsistent with what was anticipated. We need to ensure that our laws in fact meet the community's expectations.

**Kosla:** State law increasingly is limiting local regulation of ac-

cessory structures. Orinda has to comply but also ensure that they do not unduly interfere with neighbors' enjoyment of their own property. We should ensure that well-planned and designed accessory structures run smoothly through the permitting process, while minimizing the impact to neighbors.

**Jenkins:** California Laws AB 2299, SB1069/SB2406 effective Jan. 1, 2017 mandate local jurisdictions adopt state standards on ADUs. As ADUs can be allowed or even avoided through an ancillary and separate discretionary process in areas with health and safety risks, I agree with extending Emergency Ordinance 18-10 to resolve such issues.

**Fay:** This issue seems to be the result of a particular situation. The Orinda City Council has placed a moratorium on accessory structures while the matter is being studied by staff. I would await the staff analysis before forming a firm position on the matter.

**3) Gun Safety: Many Orindans have expressed a desire for the city to enact some form of gun control legislation, in particular two proposed ordinances dealing with safe gun storage and gun dealers. What is your position?**

**Worth:** Public safety is a high priority for me. We must ensure that Orinda is a safe place. The Council is exploring options for increased gun safety. At a recent meeting, there was significant public input. Possible ordinances will return to the Council at a publicly noticed meeting in October for an open, thorough discussion before any ordinance or city policies are adopted.

**Phillips:** While we all want to keep our community safe from gun violence, we need to ensure any ordinance we enact will actually solve the problem and in a Constitutional manner. I look forward to future discussion on this topic to do the right thing for Orinda.

**Kosla:** Gun safety is critical; weapons should be stored safely and Orinda should have a say over what products are sold here. In assessing proposed ordinances, we need to ensure that any they do not open the city to undue litigation risk. We also must ensure that local police are able to enforce the ordinances.

**Jenkins:** State of California Law succinctly defines Criminal Storage of handguns as set forth in Penal Code 25100; 25105. Consideration of additional restrictive language put forth by any local ordinance should be compared to State law for possible liability issues before being contemplated for Orinda.

**Fay:** I support sensible gun safety legislation. Gun locks are an effective way of preventing someone from causing injury, on purpose or accidentally. The Orinda Police Department offers free gun locks/cables. Regarding the two ordinances being considered by the city, they may not be perfect but you must start somewhere.

**4) Private Roads: Orinda appears to have a somewhat unusual situation with the proportion of private roads in the city. Residents are concerned that they are not receiving equal treatment for their taxes, and are also afraid what might happen in a disaster, similar to the Miner Road sinkhole. Do you have any suggestions how the city could handle this issue?**

**Worth:** Under current policy,

to be considered for public adoption, a street must be brought up to standard. There is a process to assist private road owners with long term self-funded maintenance via establishment of benefit assessment districts. I support this process which provides maintenance options, while limiting Orinda's financial and liability exposure.

**Phillips:** Being a private road resident (and thus recused currently from this topic), I am sympathetic to their frustrations. But the city is not in a financial position to take on private roads; we do not yet even have enough funding to maintain the public roads we have today.

**Kosla:** Adopting private roads into the public domain would require careful legal and financial analysis, as the city would assume the costs of maintenance and potential liability. We should explore

what options we have to continue to study this issue; including harnessing the professional expertise within our community to assist us.

**Jenkins:** The city council voted to rescind/supersede Resolution 56-90 with Resolution 59-18 with the caveat that those with private road may file for inclusion into the public maintenance road program if roads meet the General Plan 2.3.2, paragraph g., "voluntary dedication

of private streets will be considered on a case-by-case basis."

**Fay:** As a member of the Citizens Infrastructure Oversight Commission, I made the motion recommending a task force to review the private roads matter. I stand by this recommendation; it is the best way for all parties to understand the facts. The recently adopted city policy is unlikely to satisfy the private roads interests.

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