



## ORINDA

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## Orinda takes next step toward downtown development - RFP for Downtown Precise Plan

By Sora O'Doherty

Development of downtown Orinda has been on the front burner for some time now, with the focus being on the Streetscape Master Plan as developed by ConnectOrinda. While that project focuses only on public property, the city is now moving forward with a downtown precise plan that will address planning issues for private property. Together, the two plans will represent a comprehensive plan for downtown Orinda, according to the staff presentation by Drummond Buckley, director of planning and Adam Foster, senior planner.

The council had asked staff to come back to them to explain the difference between a downtown specific plan and a downtown precise plan. On Aug. 20, staff reported that they were willing to work on either, but preferred a precise plan because there are minimum

components for a specific plan while a precise plan is not defined by state law, and is, therefore, more flexible. The council agreed, and gave staff directions to draft a request for proposals.

The specific tasks for which consultant assistance is sought includes: community engagement as the city would like to hear from as many community members as possible, and build on momentum from ConnectOrinda and creation of the precise downtown plan. The city hopes to build consensus around a vision for downtown.

Research indicates that a programmatic environmental impact report, rather than a project EIR, would be required. A programmatic EIR would contain enough detail so that it could be relied upon for most development required under the plan. New and amended downtown policies and objectives may require revision of the city's general

plan. The development of amended standards will include topics such as residential density, building heights, and setback requirements.

The precise plan should also include objective design criteria, standards that involve no personal or subjective judgement. Such criteria are increasingly being required by the state. In addition, the city is seeking criteria for mixed use and apartments, for example, orientation of buildings that face San Pablo Creek, facade articulation, and streetscape relationship including renderings and sketches.

The RFP will include specific tasks to embrace the creek, further restoration, and support public access. The city is looking for new goals and objectives for the creek and how development relates to it. In addition, the precise plan should include development incentives for projects that embrace the

creek and further the goal of restoration. Potentially the plan may include a San Pablo Creek Overlay Zone for some parcels, establish objective design standards for creekside areas and support a future creekside trail and public access to the creek.

Interest in the development of San Pablo Creek has been one of the driving forces behind the urge to develop downtown Orinda. At the close of the Aug. 20 city council meeting Council Member Nick Kosla gave a report of his two-hour meeting with the city and the Friends of Orinda Creeks, who are working with consultant, FlowWest. One alternative treatment of the creek was discussed. The Friends of Orinda Creeks are excited about how the creeks can be incorporated into the precise plan, Kosla said. He said that he found it to be a productive meeting, and he thinks there will be another one in September or October.

## Green Infrastructure Plan adopted by Orinda

By Sora O'Doherty

The Orinda City Council unanimously adopted a Green Infrastructure Plan on Aug. 20. The plan, which the city asked staff to develop in 2017, was presented at the city council meeting by Associate Engineer Scott Christie and was developed in collaboration with the city's environmental consultants, Nichols Consulting Engineers, as well as other Contra Costa County municipalities.

What is green infrastructure? Essentially, Christie explained, it is taking stormwater runoff and

bringing it into soil and landscaping so that it gets treated to remove pollutants, including polychlorinated biphenols and mercury. The city is required to do this under its National Pollutant Discharge Elimination System permits, and had a deadline of Sept. 30. The methodology for the green infrastructure includes, for example, bioswales around town and in parking lots. Regulations require this kind of treatment for public and private infrastructure, but the city can only provide this on public lands, and can require compliance for new private

buildings and for redevelopment projects.

The plan is a long-term one, extending out to 2040. Christie said that staff do not think that Orinda can meet the goals of the program, because the city has very few, if any, old industrial sites. However the plan outlines a process for planning, designing and implementing the project to the year 2040 and provides for both public and private lands. The target treatment area for 2020 is 0.2 acres, rising to 1 acre for 2030 and jumping to 13.4 acres for the last year of the plan, 2040. "Our numbers," Christie said,

"are comparable to other cities." The overall cost of the plan is around \$2 million.

In response to a question from the council, Christie explained that where in the past the city was required to put in bioswales if the road was big enough, now the city is being asked to retrofit old roads.

In comments from the council, Council Member Amy Worth said that Orinda is a watershed so having a green

infrastructure is really important. She pointed out that such elements are already in place in Wilder, the newest development in Orinda. The council thanked staff for the thorough preparation of the green infrastructure plan, which, after being adopted, will be submitted with the NPDES Annual Report to the San Francisco Regional Water Quality Control Board.

Further information on the city's green infrastructure plan can be found at <https://www.cityoforinda.org/405/Green-Infrastructure>

## Long-sought workshop on Orinda private roads may lead to progress

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Director of Public Works Larry Theis opened the workshop with a presentation about private roads in Orinda, reviewing the information that has been presented to the city council in several staff reports. Theis included some research he has collected about how other jurisdictions have dealt with the issue.

Orinda city attorney Osa Wolff also gave a short presentation addressing some of the legal issues that could arise should the city decide either to adopt private roads as public, or to maintain private roads in the same manner as public roads.

The presentation by the private roads residents was divided up between six speakers: Charles Porges, Bob de Oro, Steve Cohn, Joel Libove, Melissa Roeder, and Cathy Finch. Porges pointed out that all of the roads in Orinda were acquired from Contra Costa County in 1985 when the city incorporated. All of the roads were in poor condition at that time, but in 2012 the city passed taxes and bonds for the maintenance of the public roads only. Private road residents, who pay the same taxes, believe that wasn't fair. In addition, last year the council adopted a new fee, added to everybody's garbage bill, to provide more money to

fix the damage caused to public roads by heavy garbage trucks. Again, private road residents pay the same fees, but their streets obtain no benefit from the new revenue.

Road maintenance is a public service, Porges argued, and all roads provide benefits to the public. De Oro agreed that there is no difference between public and private roads, which provide access to residents, to emergency police and fire vehicles, and to utilities such as PG&E, EBMUD, and garbage trucks. He said that there is no difference between public and private residential streets. "We're all one city," he said, "no one should be excluded." Many of the email submissions echoed the same sentiment: public and private roads should receive the same treatment from the city.

Steve Cohn addressed the financial side of the issue: "How much will it cost to repair and maintain private roads, and how are we going to do it?" The costs could be amortized over many years, he said, and added that "most liability comes from poor maintenance of sewers and drains."

Libove agreed that public and private roads are identical, but, under the current law, it is almost impossible for private roads to be accepted because they

cannot meet standards that, he said, many public roads in Orinda cannot meet either. He suggested that any road currently private but accessible to the public should receive public maintenance.

"We can be an exemplary city," he urged.

Roeder pointed out that before 2012, all roads were treated equally in that no roads had any maintenance. Now, she said, 80% of the roads have maintenance and 20% do not. "It can be done gradually," she said, "there are many options." But, she warned, "no option is not an option." One of the big reasons why Roeder urges the city to accept the private roads is that, in the event of a catastrophe, the city has access to county, state, federal and FEMA funds that private residents do not. "We're all the public," she said, and all residents contribute tremendously to the city. There will be a lot more good will, she noted, if private roads are included.

Finch agreed that the city should work for 100% of its citizens, not 80%. Finch also stated that since incorporation in 1985 Orinda has accepted no public roads. She urged the city to treat private roads the same as public roads, and not to scrutinize their condition to

a greater degree than public roads were scrutinized before repairs were undertaken beginning in 2012. But she warned the city that it is going to need more money to maintain the public roads and to work on public sewers and drains, and that it will be difficult for the city to pass taxes or bonds without the vote of the 20% of its citizens who reside on private roads. However, she expressed support for the idea of attaching the maintenance of private roads to a ballot measure on sewer and drain financing.

In public comments, Leslie Wagstaff noted that her street, Mira Loma, is a private street but is used heavily by PG&E to access high voltage lines adjacent to the street. She also noted that there are many pedestrian connections between Lake Cascade and the commercial center of Orinda on publicly accessible paths.

Chuck Harris agreed that PG&E trucks destroy the roads. "Road maintenance is such a basic service," he added. A resident of Hilldale Road, which isn't even on the map, said that their private road is heavily used by PG&E to maintain installations behind their homes. Another person commented that it doesn't

seem fair that the \$645,000 collected from the garbage fees is used only on public roads, and not private roads, and Theis agreed that this argument often comes up.

Nick Waranoff argued that drains are a much more important issue than streets. The retired attorney spoke about a possible prescriptive easement for drains, and city attorney Wolff spoke about several cases that deal with such issues. There was a lot of discussion about drains, and the relationship between public and private drains and streets. The city was urged to treat all drains the same.

The facilitator summed up the issues that had been addressed at the workshop. These included the maintenance of private roads, the liability for catastrophic damage, and drainage issues. The city, he said, was concerned about financial commitment and liability but private road residents seek relief from the financial burden and see it as a fairness issue.

William Abriel ended the workshop on a conciliatory note. "It was brilliant of the city to get the public roads fixed," he said. "Now we would like to join you in moving forward."

For documents from the workshop, see <https://cityoforinda.box.com/s/ugh99xbr2yi1f3b83plug7mcn9y6rzt>