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Planning Commission not yet ready to approve Chevron changes, although supportive of project

By Sora O'Doherty



Rendering of view from Orinda Way Image provided

access from Orinda Way down to the creek.

Vice Chair Willy Mautner presided over the meeting, with Commissioners Robert Hubner, Marian Jelinek and Lina Lee present. Chair Ann Parnigoni and Commissioner John Smith had excused absences. Former Commissioner Brandyn Iverson, who has been elected to the Orinda City Council, had been asked to recuse herself, so that she can vote on the Chevron application when it comes before the City Council.

Contract planner Richard Smeaton explained to the commission that the applicant was seeking a zoning text amendment for the convenience market, was offering part of the parcel that includes a portion of San Pablo creek to the city without charge and would provide an access easement over their land from Orinda Way down to the creek. However, the easement is dependent upon the city accepting title of the property; if the city declines, Chevron will not offer the easement to what would still be their private property. This was one of the issues that concerned the commission, as city staff recommend that the city not accept the title to the property.

The commission had other concerns, although the members present expressed their support for the project, subject to being able to resolve some issues. One matter of concern is that the proposed observation deck requires the approval of the California Department of Fish and Wildlife, which has not yet been obtained.

Another issue is that Orinda staff proposed that the wording of the ordinance be amended to include the requirement that food offered in the convenience store be "fresh and nutritious." While Chevron presented photographs of other ExtraMile convenience stores showing salads, sandwiches, fruit, juices, milk and an array of other foods on shelves and in refrigerators and freezers, Planning Director Drummond Buckley worried that without the addition of the words "fresh and nutritious" Chevron could change to selling nothing but "chips and beer." The continuance will permit the company to work with the city to see if some other form of wording can be agreed upon.

The commissioners were pretty much in agreement that they would like to see improvements in the design. Design concerns included the various facades of the building, the canopies, and the use of trellises, in addition to thoughts that the property would actually be improved by not taking out two trees as proposed. Chevron architect Gary Serling agreed to work on the design with the city. "This is a special project," he said, "and we want to make the city proud."

There were public comments both in favor and against the proposed project. Former Orinda Mayor Laura Abrams spoke against the project, at both meetings on Nov. 22 and 29. Although she said that she is a creek supporter, she criticized the proposed creek observation deck. "It is a very busy intersection," she said, and "hardly a pleasant place to sit and view the creek."

Nick Warranoff opposed the project, referring to its "extortionate nature" over the issue of land title. He claimed, "If Chevron is able to unload this parcel, it will reduce its property tax," and cited convenience stores as crime magnets.

Other creek supporters were very excited about the project. Cinda MacKinnon of Friends of Orinda Creeks praised Chevron for offering the city land free of charge, saying it set a welcome precedent and that the

The Orinda Planning Commission tried to hold a meeting on Nov. 22, but, for the first time, technology issues forced the meeting to be continued. When they met on Nov. 29, the commission found that they were still not ready to approve the proposed project for the Chevron station at the corner of Orinda Way and Santa Maria Way, and, after extensive discussion, again continued the matter. The applicant, Chevron, agreed to come back to the Commission at a date in the future, and to work with the city on elements of concern.

The Chevron station occupies the northwest corner of the intersection, and the property includes a portion of San Pablo Creek which Chevron wants to donate to the city. The plan also includes converting service bays that have been unused for many years to a 24-hour convenience store, the addition of a charging station for electric vehicles, an observation deck that would overlook the creek, and an easement that would give the public

former city manager had encouraged property owners to act in this way. "If the city rejects this offer," she said, "it will be the second time the city has refused riparian land free of charge for creek restoration." She countered arguments about the service bays, noting that they have been defunct for a long time and are not coming back. As for the sale of alcohol, MacKinnon as well as others including some of the commissioners dismissed concerns, as alcohol is already available for purchase at other Orinda locations including BevMo, Rite Aid, and Safeway. Michael Bowen, also of the Friends of Orinda Creeks, said that Chevron has been a valued partner. "We hope developers in the future will look to this as an example."

Roy Hodgkinson, president of the Orinda Chamber of Commerce, praised the proposal as the first to enhance retail in Orinda. He suggested that the project responds to residents' desire for more retail in Orinda and "for enhanced creek access." The proposal, he continued, was unique because "we don't have new businesses, we have barely been able to get commercial owners to reface their buildings."

Retired real estate attorney Jennifer Edmister also praised the proposal. "It's a deal worth doing," she suggested, with a "bigger upside than its downside." Steve Berg, a 28-year resident of Orinda was also in favor. "We want creek access, to reuse and refurbish old buildings, to increase sales tax revenue and reduce sales tax leakage, to have a walkable downtown, and this project accomplishes those things," he said.

The proposal, with many drawings and photographs, is available in the Planning Commission's Agenda Packet, available from the city of Orinda website.

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[back](#)

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