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## Orinda Planning Commission approves Chevron project with creek access

By Sora O'Doherty



Rendering courtesy City of Orinda

The Orinda Planning Commission on Wednesday, July 12 approved a major development for downtown Orinda. In the works for some time, the renovation of the Chevron gas station on the corner of Orinda Way and Santa Maria Way, will see empty service bays converted to an Extra Mile convenience store, the addition of an electric vehicle charging station, and a deck overlooking San Pablo Creek, with creek access along the side of the station.

There were two controversies concerning this development. City staff recommended that the city of Orinda not accept ownership of the land behind the station, which Chevron wishes to donate to the city. The planning staff had recommended that the city take only an easement over the property to avoid potential liability issues. However, Chevron said that they would not agree to such an arrangement and that if the city did not accept the dedication of the property, Chevron would not allow access to San Pablo Creek over its property.

Having heard public comment on the issue of liability, and in consideration of Chevron's stated position, the commission voted to approve the project including the dedication of the creek and trail portion of the property to the city. This position was enthusiastically supported by The Friends of Orinda Creeks.

Another controversial issue has been the type of food to be offered at the Extra Mile convenience store. Planning staff had wanted to specify that the offerings contained "fresh and nutritious" food, but Chevron agreed to "fresh food" as an alternative, and offered evidence of the types of foods available at nearby Extra Mile shop in Walnut Creek, Pleasant Hill and Danville. Former Orinda mayor Laura Abrams opposed the project, both for reasons concerning the liability issue over the land dedication and the quality of the food that would be offered. In addition to written comments, Abrams appeared before the Commission and stated that she had not found the food offered in the Danville Extra Mile store to be fresh.

However, the public comments on the proposal were overwhelmingly positive. Speakers from The Friends of Orinda Creeks expressed their delight at the idea of making the creek more accessible to the public. The president of the Orinda Chamber of Commerce, Roy Hodgkinson, spoke at the meeting in full support of the proposal, saying it would "provide benefits to the community, will bring in people, will bring revitalization to the downtown." Hodgkinson said that the design is nice, and he particularly welcomed the EV charging station, noting that his friends drive to Walnut Creek to charge their vehicles, and while there they dine with friends. Hodgkinson believes that the Chevron station and convenience store will bring increased sales tax revenues to Orinda. "Finally," he said, "we have the creek." Hodgkinson concluded. "This is something that the community supports."

Bill Waterman, a board member of the Orinda Association, said that he was not speaking on behalf of the association, but noted that Chevron has supported Orinda events such as the car show and the Fourth of July parade. Waterman said that the Chevron service bays have been empty for over 20 years. "We have a ghost town," he proclaimed, and residents are frustrated because things aren't happening in Orinda. "The benefits far outweigh concerns about fresh food," he concluded. Jennifer Edmister, who described herself as a "recovering lawyer," said, "I'm not concerned about the quality of the food; I'm going to do my Thanksgiving shopping at the Farmers' Market." She lives close to the station and encouraged the commission to approve the proposal.

The liability issue was discussed at length. Planning Director Drummond Buckley explained the recommendation that the city refuse the transfer of ownership of the creek and trail property was based on staff's concerns about liability. "It's not just liability of the trail, it's liability of the creek itself, of the improvements that are in the creek," he said. "This particular parcel contains the outflow from where the creek goes underneath the freeway and the BART Station so there's a huge culvert that comes out right on this parcel, as well as concerns about liability from contaminants from the station itself leaking out onto the property. It's not just the trail issue; staff is concerned about the totality of the issues."

Commissioner Natalie Fay asked who has the liability for the creek now, and Buckley responded, Chevron. However, Commission Chair Willy Mautner opined that if Chevron dumped environmental contaminants, Chevron would be liable, and not the city. Public speakers also addressed the liability issue. Tom MacKinnon noted Orinda already owns a lot of land in the city and, in addition, he said that the city is already responsible for the channel itself. Brad McCullough agreed, asking, "Why shouldn't the city have liability for the public space?"

By a 5-1 vote, with Commissioner Ann Parnigoni voting no and Commissioner Lina Lee on an excused absence, the Commission adopted the proposal, eliminating the condition prohibiting transfer of ownership to the city, and agreeing to a simplified requirement that the convenience store have fresh food available. Any objectors to the Planning Commission action have 10 days to appeal to the city council.

The meeting, which was conducted in person and also on the Zoom meeting platform, was streamed

to YouTube and may be viewed at [www.youtube.com/live/6nqV\\_UDePUQ?feature=share](http://www.youtube.com/live/6nqV_UDePUQ?feature=share)

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