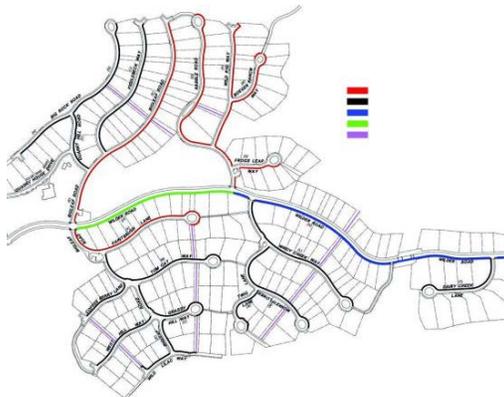




Published March 7th, 2018

Wilder Development Agreement Amendment approved by council, but not by residents

By Sora O'Doherty



Site plan provided

property owner, OG Property Owner, LLC.

Some Wilder residents were frustrated by a change to the Wilder Development Agreement that will, if finalized on March 20, authorize the developer to eliminate planned walkways to offset losses caused by the installation of noncompliant sidewalks in other parts of the development.

Originally, pathways beside the streets in Wilder were to be constructed of decomposed granite, but that was later changed to asphalt. The builders, however, thought that asphalt was not a good choice for long-term maintenance and instead installed cement sidewalks on many streets, which was verbally approved by the city planning department. While the 3-foot sidewalks comply with the federal Americans with Disabilities Act, they fail to meet the accessibility requirements of the California Building Code, so they must be removed and replaced with 4-foot wide sidewalks at the expense of the

Reached after the meeting, Bruce Yamamoto, Wilder project manager for OGLLC, estimated the costs involved to remove the constructed 3-foot sidewalks and replace them with 4-foot sidewalks at between \$160,000 to \$200,000. If you include necessary landscaping replacement, and construction of the 6-foot section on Wilder Road, overall costs rise to around \$700,000. To construct sidewalks on the streets proposed for sidewalk elimination would cost nearly an additional \$400,000 to \$500,000, Yamamoto estimated.

Since having no sidewalks does not violate either the CDC or the ADA and is consistent with Orinda's "semi-rural" character, eliminating further sidewalks was proposed, with the exception of a 6-foot wide sidewalk on Wilder Road, the subdivision's public collector street. Opinions from various groups were gathered prior to proposing the pathway or sidewalk elimination. According to Planning Director Drummond Buckley, the modified circulation plan has the support of the Wilder Homeowner's Association, the Moraga-Orinda Fire District, the Orinda Police Department and the East Bay Regional Park District. Developer Scott Goldy agreed that everybody is concerned with safety, but stated that they sought a lot of advice that supported the proposed changes. The Planning Commission, however, split 2-2 on the sidewalk issue.

A number of current Wilder residents attended the Feb. 20 city council meeting to ask that the elimination of sidewalks not be approved, citing extra property taxes that residents pay, a hefty special assessment for amenities that other Orinda residents do not pay, safety concerns, and prior commitments made by the developer. Christophe and Sophie Davis, aged 9 and 7, appealed to the council to support sidewalks and their father Vincent felt compelled to speak up as well. Mark Bresnik said that he is a doctor of infectious diseases, and sees sidewalks as necessary measures to prevent accidents. He drew an analogy to seat belt laws: the risk of accidents may be low, but the degree of harm would be high. Bresnik and Madelyn Mallory also submitted extensive written comments in favor of sidewalks, as did other Wilder residents.

Explaining the rationale behind the sidewalk elimination proposal, Yamamoto said Wilder was always planned to be a semirural community under a dark sky ordinance, with no streetlights on the private roads, only at major intersections. Most of the streets for which sidewalk elimination is proposed are dead end cul-de-sacs, while most of the streets that lead down to Wilder Road are in the section that will have sidewalks. Further, he emphasized that few of the lots on the sidewalk-elimination streets have been sold, and that the vendors are engaging in full disclosure to potential buyers. Davidon only recently started selling homes, and have obtained signed disclosures from all their buyers. Taylor Morrison has thus far only sold on Wilder Road, which will have a sidewalk on one side.

Mayor Amy Worth voted against the DA amendment. Vice Mayor Inga Miller voted in favor, but strongly favored sidewalks. She noted that sidewalks were never planned for Wilder and that sidewalks are not consistent with Orinda's semi-rural environment, but added that "semi-rural is a thing of the past. .

"People want sidewalks," she concluded.

There was some disagreement about whether or not all of the residents on Frog's Leap Way agreed that they wanted the nonconforming sidewalk removed but no replacement provided, and Council Member Dean Orr wanted that to be clarified. Otherwise, Orr was completely satisfied that sidewalks could safely be

eliminated, citing the low level of traffic expected on the residential streets. Darlene Gee agreed that it isn't a large safety hazard and viewed the solution as reasonable. She also said that she could see how residents might feel that things had been misrepresented, but that, she said, was between the homeowners and the developer.

The matter was placed on the consent calendar for March 20. Residents gathered outside after the meeting were told by the mayor that if they object to the matter on the consent calendar, it will be pulled for further discussion, according to Ben Zarrin, a real estate agent and developer and a resident of Wilder, who was contacted by the Lamorinda Weekly after the meeting. Wilder residents have been meeting to see how they can best advance their desire to have sidewalks in the entire Wilder area, which they believe are an important safety factor for the neighborhood. Residents hope that with more time they can negotiate a solution with the developer that will be a win-win: sidewalks that the community wants and a way to reduce the financial impact on the developer.

In its report to the city council, staff said that residents have expressed that streets are particularly unsafe at night, because the private streets in Wilder do not have any streetlights. Nevertheless, staff concluded that the elimination of sidewalks in parts of Wilder will not constitute a safety hazard.

Shuttles

Less contentious amendments included removing the requirement for school shuttles, leaving that issue up to the residents' homeowners association, and removing the requirement that BART shuttles also stop at school bus stops. The council also agreed to extend the start of the BART shuttle until the level of homes ready for occupancy reaches 200, rather than the existing requirement of 100. The planning commission recommended keeping the school shuttle requirement.

Art & Garden Center, playfields

The eighth development agreement sets revised opening dates for the Art & Garden Center and playfields 4 and 5 to June 1, a year after the previously set opening dates. The reasons for the delay were listed as significant rain coupled with low temperatures, a significant amount of rock that delayed site grading, and the requirement of a new fire hydrant, among others. The DA also corrects the previous amendment that had stated that playfield 4 would have lighting; in fact, it won't.

Accessory Dwelling Units

Provisions for accessory dwelling units will be updated to conform to changes in state law and applicable city code changes made in response. State law changes were made last year to encourage the provision of additional housing, given the scarcity of housing units available.

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