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## After 30 years, Wilder developer is finished, hiking trail staging area eliminated

By Sora O'Doherty



Photo Sora O'Doherty

The most contentious aspect of the ninth amendment to the Wilder Development Agreement (DA) addressed at the Orinda City Council meeting on Jan. 9 was the assignment of responsibility for a BART shuttle to the Wilder Owners Association (WOA). The developer, OGLLC, had declared in July, 2022, that they had run out of funds to complete the development. City staff have been working with the developer since then and a number of the remaining tasks were completed.

With the ninth amendment to the DA, the council agrees to end the developer OGLLC's obligations to complete the planned Red Hawk staging area for access to trails at the southern end of the valley and to leave the completion of sidewalks to the few homes, yet to be completed, that will need sidewalks on their property. There was no public objection to the changes, with the exception of the BART shuttle changes. The required

ordinances will be finalized at the next council meeting on Jan. 23.

Things have changed a lot since the first DA was adopted in 1994. At that time, it was thought that a bus shuttle to the Orinda BART Station would be an amenity, and perhaps an environmental advantage. However, since the development of non-polluting electric vehicles and the change in working habits brought about by the COVID-19 pandemic, there has been no demand for such a service. (Wilder students are served by the Lamorinda School Bus Program that transports students to Wagner Ranch Elementary School and Orinda Middle School on school days.)

The requirement to provide a shuttle had previously been delegated from the developer to the Wilder Owners Association (WOA), and public commenters objected to the removal of the obligation from the developer without also removing the obligation from the WOA. Bob Finch, vice-president of the WOA, in public comments, told the council that 94% of Wilder residents have no interest in using a shuttle. Maintaining the requirement for the WOA, even if the city manager says that the city is not asking that a shuttle be established, imposes an "unnecessary, undesirable, and financially untenable" burden on Wilder residents, he said.

Cathy Finch pointed to the many extra requirements that apply to Wilder residents, who pay over \$9,000 in assessment fees. She suggested the possibility that a shuttle would be used to access the Wilder playing fields, for which the city charges user fees. David Doupe, who also submitted written comments, added that half of Wilder residents own electric or hybrid vehicles and 85% have rooftop solar. Commenters requested that any reference to the shuttle be removed from the Wilder CC&Rs.

Tracey Borst and Robert Menicucci wrote to the council "in opposition to the amendment agreement that the HOA [sic] operate and maintain, at our expense, a shuttle service." They argued that it would be a real financial burden on homeowners, and mentioned that a poll of Wilder residents showed that the shuttle would not be used. David Doupe, Mark Ashby, John Steward and Cindy Grant also submitted written comments against the shuttle.

During council discussion, council members and Orinda city attorney Osa Wolff, struggled to come up with language to release the developer from the shuttle requirement, and agreed upon the following language: "As acknowledged in the 9th Amendment to this Agreement approved in 2024, Orinda Gateway, LLC is no longer responsible for implementing a BART/Downtown Shuttle Service between the Wilder Project and downtown Orinda, including the BART station. The parties acknowledge responsibility for the BART/Downtown Shuttle Service is limited to the Wilder Homeowners Association as described in Section 7.11 of the Declaration of Covenants, Conditions and Restrictions of Wilder."

Although the change does not remove the requirement of providing a shuttle from the WOA, council members did not suggest that there would be any immediate demand for a shuttle, but sought to provide for the possibility in the future.

The East Bay Regional Parks District indicated to the city that they did not oppose the elimination of the Red Tail Hawk Staging Area, but expressed interest in ensuring access to Wilder via the existing approved trail system to Sibley Volcanic Regional Preserve. According to the staff report, that would be accomplished by designating approximately 10 parking spaces in the Wilder Sports Complex lot for trail parking, with

appropriate signage. The Parks District is also exploring the possibility of assigning an existing deposit for a modular restroom structure to the nearby Old Tunnel Staging Area. Wilder resident David Korpi submitted written comments in favor of removing the Red Tail Hawk Staging Area, but expressing concern over how the area will be secured in the future.

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