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**Chamber of Commerce:**  
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**The Orinda Association:**  
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**City Council Regular Meeting:**  
 Tuesday, Sept. 6, 7 p.m.  
 By Teleconference Only  
**Planning Commission**  
 Tuesday, Sept. 13, 7 p.m.  
 By Teleconference Only  
**Supplemental Sales Tax Oversight Commission**  
 Wednesday, Sept. 14, 6:30 p.m.  
 By Teleconference Only

## City Council gives final approval to Vista Verde, new senior housing development

By Sora O'Doherty

The Orinda City Council listened to concerns expressed by neighbors of the new Vista Verde senior housing development at its meeting on Aug. 16. In response, the council asked the developer to work with the city to provide additional screening, particularly to protect the views of residents of nearby La Plaza Drive. However, as to concerns about pedestrian and bike safety at the intersection of Irwin Drive and Orinda Way, the council decided that problem was in the domain of the city itself and vowed to address the issue, without placing any requirements on the developer.

Like the Planning Commission, the City Council warmly welcomed the addition of 52 new low-income housing units in the develop-

ment, which was initiated and financed by Orinda Community Church, already the location of a second, larger senior housing development. The city's third senior housing development is also located on Irwin Drive, creating a real sense of community, according to Orinda Mayor Dennis Fay.

The applicant's presentation to the council was given by former mayor Victoria Smith.

Smith noted that the existing senior housing project on church property, Orinda Senior Village, has already served over 1,000 residents but currently has a waiting list of over five years, and sadly, Smith noted, some applicants never make it.

Community Church pastor Elizabeth Robinson, who previously worked with chronically unhoused people in Boulder, Colorado, told the

council that the congregation voted overwhelmingly to support this project, which, she said, "fits our mission."

Orinda Community Church continues to provide housing through the Winter Nights program and also works with Hope Solutions. In the Bay Area, Robinson noted, the fastest rising element of unhoused are seniors.

In public comments, the Wallace Family, who live at the end of Mira Loma, asked about an established walking trail which is highly utilized by the community. John Wiro, Vista Verde project manager, assured the council and the public that the development is protecting the trail. The use of the trail will continue and the trail as it crosses Vista Verde property will be improved, Wiro affirmed. Other public comments included residents of Watchwood Drive in Orinda Woods, but the council con-

sidered that the project would not have a negative impact on that community.

All of the city council members had words of praise for the development, with Fay very pleased to see that the project has architectural interest. Council Member Nick Kosla was delighted to see the inclusion of the first roof-top decks in Orinda and said that affordable housing designed by Dalan is really high quality, "pretty much as nice as it gets, and nicer than most market rate housing." Council Member Amy Worth expressed appreciation to the planning team and to Orinda Community Church. She noted that the unique aspect of this project is that it is self-financed and fully funded. "The project that is before us tonight will be delivered," she said.

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## Future of Wilder development discussed after receipt of surprising attorney letter

By Sora O'Doherty

Decades into the development of Wilder, at a time when all of the home lots have been sold and all but 10 homes have been built and occupied, the city of Orinda received a letter from an attorney saying that the developer "has no remaining resources or funds and that it is forced to halt further activities and initiate exiting the property." However, at the city council meeting on Aug. 16 representatives of Brooks Street, now the sole owner of Orinda Gate LLC (OGLLC), said that the letter was sent in error and that the company would still be working with the city on completing its responsibilities under the development agreement (DA). Then, apparently for the first time ever, the council voted unanimously to declare that OGLLC is not in compliance with the DA at the required annual review of the Wilder project.

The matter will, however, return to the city council on Sept. 27, with Brooks Street

promising to get more information to the council by Sept. 6. The council took the unusual step of finding OGLLC to have not complied in good faith with the DA following a number of revelations coming to the council's attention shortly before the Aug. 16 meeting after the regular agenda had already been published.

The resolution, which serves as the city's notice of default, lays out the history of the relationship between the city and OGLLC from the time that both parties entered into the Second Amendment and Restatement of the Development and Pre-Annexation Agreement for Gateway Valley, now known as the Development Agreement. Since 2005, there have been six amendments to the DA.

The city found that, although OGLLC had been given a number of extensions to provide its annual review report to the city, OGLLC failed to comply by not providing its report to the city manager before he was required to prepare the staff report for the Aug. 16 meeting. OGLLC did provide its draft report on Aug. 12, backdated to July 29. The report does not, according to the resolution, "fully address all the areas of concern detailed in the August 5, 2022 staff report and leaves open questions regarding OGLLC's intent/ability to comply fully with its obligations under the DA."

The resolution notes other areas of concern, including that OGLLC appears to have, without notice to or approval by the city, unilaterally reduced insurance coverage required by the city, and allowed a transfer to Brookside Land Company LLC of the interests of Farallon Capital Partners, Greenfield Partners, and Cherokee Investment Partners, leaving Brookside as the sole member of OGLLC.

A letter sent to Fran Lay-

ton, the Orinda city attorney who has been dealing with the Wilder development, said that OGLLC had incurred "staggering financial losses," and that "overall, ownership entities have lost over \$250 million in developing Wilder." The letter, sent by Ira Lebovic of Plante Lebovic LLP, who represent OGLLC, also cited the 2021 death of Scott Goldie, a long-time business partner and principal in charge of the Wilder project, as further stressing OGLLC's limited resources. The letter stated that OGLLC has no remaining resources and is unable to secure additional loans in light of current economic conditions. The letter sought a meeting with the city to discuss OGLLC's immediate exit from the Wilder development with no further activity, exoneration of outstanding performance bonds and conveyance of applicable parcels to the East Bay Regional Park District (EBRPD), the East Bay Municipal Utilities District (EBMUD), and the Geologic Hazard Abatement District (GHAD).

In the supplemental staff report to the council submitted by City Manager David Biggs, the council was told that staff was and is understandably concerned the OGLLC is out of funds without having completed all of its obligations under the DA, including the completion of the red tail hawk staging area, and closure of the soil disposal area. Staff was also concerned about OGLLC's failure to comply with the requirements of the DA regarding insurance and reimbursement of the city, and failure to comply with the DA requirements for transferring entities.

Michael Olsen addressed the council on behalf of OGLLC. He said that OGLLC has begun working with city staff and the city attorney and will report back to the city council on Sept. 6. Bruce Yamamoto of Brooks Street, now

the sole OGLLC entity, said that OGLLC had also been caught by surprise. While committed to finishing the project, Yamamoto acknowledged that there are financial constraints.

Olsen told the council, "The letter was a mistake, frankly. We didn't intend to draw a line in the sand, but that's what it did and we are sorry about that and we are trying to correct the purpose of that letter and work with the staff and the agencies." He added, "The letter was a knee jerk reaction and we are working diligently to try to rectify that."

Michael Mohler of Brooks Street told the council, "I want to back up Michael Olsen and Bruce Yamamoto. We did run out of money. The letter was mistimed. I deserve most of the blame for that and I accept that." He said that they could have done better and committed to working with city staff to come back with some positive steps by Sept. 6. "Will everybody walk away feeling like they got 110%? I don't think so," he added, explaining, "The loss of Scott Goldie last year threw our northern California operations into a tailspin."

Council Member Darlene Gee spoke first during council discussion, and the other council members agreed with her. "I would like to say to everyone in the Wilder community that this is important and we will see it through," she began, adding, "I want to see this resolved well for both Wilder residents and for the community at large."

Council Member Amy Worth added that she appreciated comments from residents and the representatives of the developer; "It is such a high priority to us to complete the commitments to the residents," she said. Vice Mayor Inga Miller added, "Our commitments in Wilder are very important. I look forward to people coming to the table."

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