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Published May 6th, 2015

## Moraga Town Center Developer Threatens MOFD

*By Nick Marnell*

Newport Beach-based City Ventures, LLC, developer of the proposed Moraga Town Center Homes project, warned the Moraga-Orinda Fire District that it will pursue "any and all relief that may be available" against the district if it continues to oppose the development, which is to be built on property adjacent to the district's training facility at fire station 41. In an April 8 letter from the company's law firm to the MOFD board and Fire Chief Stephen Healy, City Ventures accused the district of trying to intentionally devalue the property by raising illegitimate concerns about the project for the purpose of acquiring the property under eminent domain; the company said it viewed the district's actions as constituting an inverse condemnation of the property. "If the district wants to condemn the property then they should just go ahead and do it," said Charity Wagner, City Ventures' director of development.

"That is not the intent of MOFD," said Alex Evans, district board president.

MOFD has long been concerned about the compatibility of residential units built adjacent to its training facility. In a 2008 letter from district counsel regarding the Moraga Center Specific Plan, MOFD alerted the town that "The station's operation and noise may not be compatible with the proposed residential use."

The district again informed the town in 2014 of its concerns regarding the close proximity of the Town Center residential units to its training facility. MOFD cited noise during necessary night drills; water from fire hoses traveling across the property line; and privacy issues, since six of the proposed units have rear windows that face the training facility. The district also asked that a deed restriction be recorded on each home in the project, outlining and serving notice of the training facility activity and fire station operations.

In a letter to Moraga city manager Jill Keimach, district counsel said that MOFD has no intention of either acquiring any portion of the Town Center property or devaluing the property for purposes of acquiring it. At its April 29 meeting the MOFD board prepared a letter to the Moraga town council, stressing that the district remains opposed to the Town Center project because of the incompatibility with its training facility.

Director Fred Weil said that he favored structuring the letter around existing general plan policy.

"It's helpful to us, and it's going to be helpful to the council, to be able to look at a vision of the general plan and say, 'Does this project meet this policy statement?'" said Weil. "Grant the appeal if it doesn't meet it and go back and try again." Three Moraga residents, including one-time MOFD director Dick Olsen, filed an appeal against the Town Center project because, among other reasons, it did not conform to the Moraga General Plan. Their appeal, continued twice from Jan. 28, is to be heard May 13.

The board voted 4-0 in favor of presenting the letter to the town council at the May 13 council meeting, with Evans abstaining. "I don't completely agree with the board's position on this," he said. "But I'm not going to vote no and try to undermine it." He would not elaborate later on what specifically he didn't agree with. "I'm not going to get into that," said Evans, nor would he comment on why he opposed the board's action in general.

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[back](#)

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