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Wilder Owners Association sues city over memory care facility

By Sora O'Doherty

Shona Armstrong, the attorney for the Wilder Owners Association, filed a petition on March 9 for a writ of mandate in the superior court of Contra Costa County. The petition asks the court to set aside the city's approval of the Countryhouse Memory Care facility to be built at 1 Wilder Road by Agemark Corporation. 101 Upton Partners, LLC, and AMG & Associates LLC, are also named as parties to the suit.

The Wilder Owners Association (WOA) maintains that the city has approved a development that violates the city's own general plan and municipal code in multiple ways, in addition to violating state law. The case maintains that the city improperly certified the environmental impact report for the project, which it alleges is inconsistent with the city's general plan.

The project has been in the works for many years, and went through a number of reviews by the city that resulted in changes to arrive at the approved project that consists of 38 assisted living units in a one- to two-story, 32,084-square-foot congregate care facility on the lot between Wilder Road and Highway 24. Upon approval by the Orinda Planning Commission, the WOA appealed to the city council, which dismissed the appeal following a hearing on it in November 2020 that was continued to January 2021.

The petition now filed opposes the project on many grounds, including that it violates the integrity of the open area beside Highway 24, which has been designated a scenic highway. Petitioners maintain that the project is inconsistent with the general plan and violates the California Environmental Quality Act.

The petition asks that the court issue a preemptory writ of mandate directing the city to vacate and set aside their decision, issue a stay, a temporary restraining order, and injunctions restraining the respondents, which includes the builder, from moving forward with the development. The petition further seeks costs and attorney fees.

No hearing dates have been scheduled at this time. The petitioner has asked that the city prepare an administrative record of its actions to date.

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