



MORAGA

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No movement to remove blight at 90 Greenfield Drive in Moraga



A state of disrepair at 90 Greenfield Dr.

Photo Vera Kochan

By Vera Kochan

For nearly three years residents in the vicinity of 90 Greenfield Drive have had to put up with a visual blight and fire hazard pertaining to a house that is currently in a state of disrepair and apparent abandonment.

Planning Department Director Derek Farmer made a quick presentation to the town council during the Oct. 23 meeting requesting the members to consider a resolution declaring the Greenfield property a public nuisance and asking for the allocation of \$15,000 from the general fund reserves to abate the visual blight.

The \$15,000 would include legal fees of roughly \$5,000 to \$7,000 to proceed with the abatement and an additional \$6,000 to have a contractor make exterior repairs to the house.

The 1,786-square-foot property was built in 1972. The original owner sold it to an individual who, according to neighbors, had plans to flip the house for resale. The town had issued a building permit to the new owner in 2015 for various repairs to include new windows and doors, a rear deck replacement and new stairs to the front porch. While some repairs have been made, for the most part the house remains in a state of incomplete construction.

The property owner is currently in violation of several municipal codes, including overgrown vegetation, possibility of vermin, appearance of abandonment, safety hazards and lack of proper approvals and permits.

Between 2016-18, the town has issued seven administrative citations to the property owner including partial payment of fines. The town has also issued two Notice and Order to Abate, one

in June 2018 and another one year later.

The Moraga-Orinda Fire District has also issued citations to the property owner for lack of weed abatement. In the process MOFD discovered that the property is in foreclosure.

During the public comment portion of the council meeting, neighbors on either side of 90 Greenfield Drive complained about the fire hazards the property poses to the immediate area.

Moraga's legal counsel obtained information regarding the property's bank and tax liens totaling nearly \$1.5 million. Mayor Roger Wykle acknowledged that in its current condition the property wouldn't come close to fetching that amount of money, in which case, Farmer acceded that there was almost no chance the town would recover its \$15,000 cost to abate.

The town council unanimously voted not to adopt the resolution to provide funds to abate the nuisance. However, it directed staff to revisit the situation in early 2020 with a progress report regarding the property's foreclosure status.

Rheem sinkhole property owner appeals abatement notice

By Vera Kochan

At a special Moraga Town Council meeting on Oct. 30, Stars Holding Co., LLC, property owner of 398 Rheem Blvd., made an appeal regarding the Notice and Order to Abate Violations.

The town states: the sinkhole is an Attractive Nuisance; the sinkhole and unstable ground are located in a driveway and walkway which present a public safety hazard; and the sinkhole and the failing stormwater pipe are an obstruction of watercourses.

In a Notice of Appeal letter to the town dated Sept. 23 by David M. Sternberg & Associates, the property owner's attorney, the violations and appeals were addressed as such:

The appellants asserted that the sinkhole is not an attractive nuisance because it has been appropriately fenced, and the public is, therefore, protected; that the sinkhole is in the process of being repaired and that the fencing is appropriate until the repair is finalized; and that the sinkhole has been temporarily shored and appropriately fenced while all repairs are made.

Sternberg, the lead attorney, added an "Objection to Timeframe" given by the town to perform repairs. "The required timeframe is, in general, a good plan of action, but the times are too short because of the extensive problem and the necessary coordination in attempting to obtain funds to repair the sinkhole in the light of

the fact that it may be the responsibility of the Town of Moraga, East Bay Municipal Utility District, the Up-Slope Owners who have directed the waters into the subject property, and others. The adjacent sinkhole took over two years to repair."

The town of Moraga provided testimony from three witnesses during the hearing to back up the claims behind the violations. Public Works Director Edric Kwan had stated that during a recent visit to the property with the shopping center's contractor he witnessed the ground "flexing" as the contractor jumped up and down to demonstrate the instability of the situation.

Senior Project Manager Robin Lee of Schaaf and



Photo Vera Kochan

Contractor access for sinkhole inspections and repairs

Wheeler, Moraga's on-call civil engineering firm, testified about the temporary structural supports that are holding up the pipe. "We would recommend moving them. When the higher flows come through those supports are going to act like bridge piers, and they're going to collect debris, so you also have a potential of flooding upstream. If they collect too much debris and then the force of water is very strong, those pipes are likely going to get knocked out and wash away."

Kwan verified that the temporary bypass pipes were washed away during the May storms and their locations within the system are not known.

Moraga Police Chief Jon King explained that his day shift officers are "constantly moving people away" from the fence surrounding the sinkhole area. Adults and kids have taken selfies in front of the sinkhole or have climbed the fence surrounding it for a better picture.

Mayor Roger Wykle asked

for clarification of easement regarding the stormwater pipe. Assistant Town Attorney Denise Bazzano replied, "The town's position is that the pipe belongs to the property owner, in this case Stars Holding Co., LLC. The town does not have any easement to enter onto the property. The town has not maintained that storm drain pipe. The town has not undertaken any repairs of the storm drain pipe in the past. The town's position is that this pipe belongs to the property owner."

Sternberg requested that the town council stay the abatement order so that his client may continue to raise funds and hire someone appropriate to fix the sinkhole.

The town council unanimously affirmed to adopt the resolution upholding the Notice and Order to Abate the Violations based upon all of the presented findings, but extended the effective date to begin after Nov. 13, the date of the next council meeting.



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Town Council
 Wednesday, Nov. 13, 7 p.m.
 Wednesday, Nov. 27, 7 p.m.
 Council Chambers and Community Meeting Room, 335 Rheem Blvd.

Planning Commission
 Monday, Nov. 18, 7 p.m.
 Council Chambers and Community Meeting Room, 335 Rheem Blvd.

Park and Recreation Commission
 Tuesday, Nov. 19, 7 p.m.
 Council Chambers and Community Meeting Room, 335 Rheem Blvd.

Moraga School District Board Meetings
 Thursday, Dec. 10, 7 p.m.
 Joaquin Moraga Intermediate School Auditorium, 1010 Camino Pablo, Moraga
 www.moraga.k12.ca.us
 See also AUHSD meeting page A2