

Published October 28th, 2009

House Declared a Nuisance

By Sophie Braccini



316 Calle La Montana Photo Sophie Braccini

The Campolindo Homeowner's Association (CHA) has had it with the home located at 316 Calle La Montana. CHA's members believe that the property represents a hazard for the neighborhood and recently contacted the Town of Moraga in order to have it declared a nuisance, the first step before abating it. On October 14th they got their wish at the Town Council meeting.

In September of this year, in response to a neighbor's complaint, members of the Town's staff inspected the unoccupied property. They noted several potential hazards. Among them, they reported that the dry grass in the rear yard constitutes a fire hazard; that couches and other furniture strewn about the property covered in mold and animal feces constitute a potential health hazard, as well as rodents and rodent feces they found on the property; and that abandoned vehicles which people are stripping for parts are a health hazard and a safety hazard.

"This is a threat to the safety of our community and it decreases the value of neighboring properties," said Irene Gessling, President of the CHA, "in 2006 the owner's son came, but he never completed what he had started. The Association asks for an emergency abatement."

Lori Salamack, Moraga's Planning Director, reported to the Council

regarding this case and indicated that the owner had not responded to the letter sent by the Town after the September inspection, but that there was hope that the owner could be reached and the matter solved.

"Four years ago, the Town Council commenced the Nuisance Abatement proceedings at 316 Calle la Montana and thereafter the conditions constituting a nuisance were resolved," Salamack explained. The owner resided in Kuwait at the time and her son took charge of the remediation.

Standard procedure gives the owner a chance to appeal the nuisance decision and show cause as to why the nuisance should not be abated. Should the Council uphold the abatement decision, the owner would have 30 days to take care of the nuisance herself; if that doesn't happen, the Town can proceed with the abatement.

"I don't like rats," stated Council Member Karen Mendonca, who asked, "How could we do it faster?" Town Attorney James Atencio answered, "If there is an immediate danger you could do it."

Council Member Mike Metcalf was in favor of prompt action: "This property is disgusting; we can't allow such a thing in our town. Why not an emergency here and now? And level the ground very fast."

Atencio reminded the Council that declaring an emergency requires some legal steps. "If you want an emergency resolution you need evidence and language," he said. Council Member Harpham agreed, "We can declare a nuisance tonight, but we do not have enough documentation to declare the emergency abatement."

The Council concluded by voting in favor of the nuisance declaration and instructing staff to bring back the file, possibly as soon as its next meeting on October 28th, so emergency procedures can be discussed.

If the town decides to abate, it has a couple of options. "One option would be to gut the building, another would be to demolish it," said Salamack, "but that could be more expensive for the Town." The Town can recover the cost of nuisance abatement through a special assessment on the property.

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