



Orinda

Public Meetings

City Council

Tuesday, Oct. 16, 7 p.m.

Library Auditorium, Orinda Library

26 Orinda Way, Orinda, CA 94563

Planning Commission

Tuesday, Oct. 9, 7 p.m.

Library Auditorium, Orinda Library

26 Orinda Way, Orinda, CA 94563

Citizens' Infrastructure

Oversight Commission

Wednesday, Oct. 10, 7 p.m.

Sarge Littlehale Community Room,

22 Orinda Way, Orinda, CA 94563

School Board Meetings

Orinda Union School District

Monday, Oct. 8, 6 p.m.

Regular Board Meeting

8 Altarinda Rd., Orinda

www.orindaschools.org

See also AUHSD meeting page A2

Check online for agendas, meeting notes and announcements

City of Orinda:

www.cityoforinda.org

Phone (925) 253-4200

Chamber of Commerce:

www.orindachamber.org

The Orinda Association:

www.orindaassociation.org

Upcoming EFO fundraising Read-A-Thon

By Sora O'Doherty

Celebrate literacy with Orinda's first-ever all ages Read-A-Thon from Oct. 6-12. Sponsored by the Educational Foundation of Orinda and The Friends of the Orinda Library, the event is a fundraiser for the library as well as Orinda school libraries. Participants are asked to find sponsors who agree to donate for each minute read. There will be a variety of prizes for most minutes read and most money raised. Prizes range from gift cards to the Friends Bookstore to a hosted pool/pizza party for the children or for the adults a hosted

wine and dine dinner party with a famous local author. There will be special recognition for participants who spend time reading to others in the Orinda community, for example those in senior homes.

All participants must meet the Oct. 15 deadline – either online or by turning in their hard copy logs at the Orinda Library. All results received by Oct. 15 will be eligible for the awards ceremony later that week. For more information, visit the Orinda library or the website: <https://99pledges.com/fund/readorinda>.

Share your thoughts, insights and opinions with your community.
Send a letter to the editor: letters@lamorindaweekly.com

City Council pauses to consider action on trail easement and closure

By Sora O'Doherty

It was a packed house at the Sept. 17 Orinda City Council meeting, due to a controversy regarding a 10-foot-wide trail easement that runs across the parcel that is now 53 Rheem Blvd., providing a trail connection from Rheem Boulevard to Parkway Court. Letters received by neighbors in the area described the trail as having been used by children to walk to Glorieta Elementary School, as well as by neighbors and the general public, for more than 25 years.

A public trail easement was offered to the city in 2010 by the prior property owner, but on the recorded subdivision map, the city formally accepted the parcel map but rejected the offer of dedication of the trail easement. According to

the current owner of 53 Rheem, this, in effect, made the easement property private.

Kent DeSpain purchased the Rheem property in June 2015 and he stated at a Jan. 12, 2016 design review hearing, prior to building their home, that he had no intention of closing the trail. In a Sept. 13 letter to the council, DeSpain said he remembered four people who spoke about the trail at the January meeting. DeSpain, from San Francisco, said it was the first he had heard of a formal trail. "I recall being a little taken aback, but I quickly understood that as a new person in town and wanting to be a good neighbor, I said I had no intention of closing off the trail," DeSpain wrote.

At the Sept. 17 council meeting, DeSpain told the city council that he apologized for "this colossal mess." He said that he had been told many times that the easement and property was private. DeSpain

After moving into their home last May, the family experienced several incidents where people using the trail easement "have wandered into my backyard, and in one instance a man was talking to our two boys while we were inside the house," DeSpain wrote, adding that he began a conversation with the city in mid-August, but nothing happened.

Other issues arose, and the family erected a locked gate across the pathway on Sept. 1, preventing any public access.

At the Sept. 17 council meeting, DeSpain told the city council that he apologized for "this colossal mess." He said that he had been told many times that the easement and property was private. DeSpain

submitted a 2016 email from former Orinda Assistant Planner Daisy Allen in which she told him, "Your concerns are valid. You cannot legally be required to keep the trail open to the public. . . ." DeSpain said, "It's not the fault of this council or the current staff, and it's not our fault either."

According to the staff report from the Sept. 17 meeting, "The owner of Parcel 'A' (53 Rheem Blvd.) at the time did not challenge longstanding public access." Under state law, the report stated, the offer to dedicate the trail easement remained open and can be accepted by the city council by resolution at any time. DeSpain did not want the city to accept the trail easement, expressing concerns about public safety as well as privacy issues.

Of the 25 residents who spoke at the Sept. 17 council meeting, all but three supported the easement. Aaran Schultz, who served on the Parks and Rec Commission, supported the easement, and Randy Miller stressed that the planning commission had promised to keep the easement open and suggested that a privacy fence would solve the DeSpain's desire for privacy in their backyard. This idea was seconded by Connie Miller, who pointed to the easement from Martha Road to Overhill, which has fences on either side.

Many talked about how important the trail was to them, and how it had influenced the purchase of their homes. Several speakers said that they lived adjacent to the trail and found it to be an integral part of the neighborhood and talked about how they enjoyed interacting

with their neighbors walking to the path.

Of the three speakers who were against the trail, Sally Kahn said she has lived at 51 Rheem since 1989. There was not a path until 2010, she said, adding that she had never been in favor of the path, although her children did use the path before 53 Rheem was built, "but we were right there, she said. "It wasn't like we had to walk across anybody else's property." She complained that the path is used at night, by bicycles, even motorized scooters. Her husband, Stuart Kahn, also opposes the trail.

Don Weston enjoyed walking his two daughters to school on the trail. "I've used it for 25 years," he said, "and as far as I know there have been no incidents." Several parents in their letters to the council cited concerns about safe routes to and from Glorieta with the path closed, and how Rheem Boulevard has no sidewalks and heavy traffic.

Leeann Brady, who has multiple sclerosis and gait and balance issues and has been walking the easement path for 15 years, wrote "with the trail gone I have to get in my car to drive somewhere to walk."

Naomi Greenstone asked the council to accept the easement, noting that its use can be limited by regulations prohibiting use at night, or by motorized vehicles. Dave Simon, who lives on Parkway Court on the other end of the trail, said that he supports the easement for public safety and convenience. "Easements have a place in our community," he said.

... continued on page A14

Lana Fitzpatrick

Top 100 Northern California

925.872.4660

lana@lanafitzpatrick.com

www.lanafitzpatrick.com

Cal DRE#01805218



By your side every step of the way

©2018 Coldwell Banker Real Estate LLC. All Rights Reserved. Coldwell Banker® is a registered trademark licensed to Coldwell Banker Real Estate LLC. An Equal Opportunity Company. Equal Housing Opportunity. Each Coldwell Banker Residential Brokerage Office is owned by a subsidiary of NRT LLC. Real estate agents affiliated with Coldwell Banker Residential Brokerage are independent contractor sales associates and are not employees of Coldwell Banker Real Estate LLC. Coldwell Banker Residential Brokerage and NRT LLC. CalBRE license #01908304.

Owner hopes for quick sale of Orinda eyesore

By Sora O'Doherty

Following a rather long and difficult path, the property at 6 Linda Vista in Orinda may soon be sold as a teardown. Built in 1939, the small two-story cottage occupied a wooded, nonconforming lot in the Orinda hills, on a little over a quarter of an acre. The home was occupied for many years by one owner, who passed away at the age of 93 in 2012. His estate sold the property to a local builder, Brian Purcell, who tried to redevelop the property with a large residence for his own family, but was faced with resistance from some of the neighbors, who objected to the plans.

Purcell says that even though other neighbors welcomed his plan, he did not submit the plan to the city for approval, owing to the resistance he had met. Instead Purcell sold it to a woman who thought she could redevelop it for sale.

The new owner, Anna Siu, began on a renovation, but had many problems. The building was taken down to the beams, and, as work failed to progress, the property fell into disrepair. The Linda Vista neighbors filed a petition with the city in April 2016, seeking redress for the public nuisance. Siu defaulted on her loan at the end of 2017 and the property was repossessed by Crosswind Venture Fund LP.

The property went to auction in January 2018, with a listed price of \$947,500, but failed to sell. According to neighbor Susan Lucier, the spokesperson for the Linda Vista neighbors, there is currently a \$1.4 million lien on the property, far in excess of the \$759,145 current assessed value of the property. The house sits now in a boarded up condition, a dangerous eyesore cordoned off by the city with chain link fence. Orinda has responded to requests from the neighborhood to address potential fire danger at the property.

Drummond Buckley, Orinda's planning director, summarized the history of 6 Linda Vista. "For a long time it was an 'active' construction site, although the construction was taking place very slowly. More recently the construction site was abandoned and the property changed hands. The



Purcell design rendering

Image provided



Current status

Photo Sora O'Doherty

new owners boarded up the unfinished structure as part of a nuisance abatement code enforcement case by the city. However they never got the required 'board up permit' from the County. We re-opened the case recently when we learned that neighbors are still very concerned."

The neighbors have filed complaints with the County Building Department, alleging that there are code enforcement issues with the property. The Lamorinda Weekly contacted the current owner and spoke with Doug Cochrane, VP

You Already Know Us ...

So let us help you sell your home!

Wondering about the value & cost of STAGING your home to sell? Our thoughts.... First of all staging is not always necessary! If the home is empty, in most cases it should be staged because empty rooms appear smaller & it helps prospective buyers visualize how to use a room. Staging cannot & is not intended to hide major defects or a home in poor condition. But it can enhance & update your home so buyers get more excited about it & possibly sell faster than a non-staged home. A staged home also allows for stronger marketing materials & photography.

Staging costs are usually by the month & based on the # of rooms. Many agents (including us) will pay a portion of staging costs. Call us and let us give you with an updated market valuation of your home!

Larry Duson 415-297-2680
larry.duson@dusonjoneshomes.com

Jeanne Jones 925-989-2262
jeanne.jones@dusonjoneshomes.com

