

# Lafayette

# Lamorinda Community

# Lafayette

**Calendar**

**City Council** 7pm  
Community Center, Manzanita Room  
500 St Mary's Road  
Monday, July 13

**Planning Comm.** 7pm  
Community Center, Manzanita Room  
500 St Mary's Road  
Thursday, July 2

**Design Review** 7pm  
Community Center, Manzanita Room  
500 St Mary's Road  
Tuesday, July 7

**Senior Services** 3:00pm  
Community Center, Alder Room  
500 St Mary's Road  
Thursday, July 23

**City of Lafayette:**  
<http://www.ci.lafayette.ca.us>  
**Chamber of Commerce:**  
<http://www.lafayettechamber.org>



**Trek on a trip, 6/4/09** An unknown suspect entered a locked garage and took a Trek bike. The owner reported that upon going to the garage to put away some items after a 4 day trip, he noticed the bike was missing. No signs of forced entry. The bike was outfitted for triathlon racing and was valued at \$3500. Perfect bike for a fast getaway – no other bikes were taken from the garage.

**Not my keys, 6/4/09** A Lafayette resident reported finding a set of keys in her mailbox attached to a blue "polka dogs" key chain with one Toyota car key and one "Ace" house key. Maybe found by a helpful passerby who thought they belonged to her? The resident did not recognize the keys so she gave them to the police for safe keeping.

**Stolen Bike, 6/4/09** A bike managed to remove its lock and roll away from in front of Longs Drugs at 3623 Mt. Diablo Blvd. It probably had help, but there are no suspects. Estimated loss, \$1000.

**Check goes for a ride, 6/11/09** An elderly Lafayette resident reported a stolen check in the amount \$10,887. The check was in an envelope sitting on the back seat of his vehicle as he visited the Lafayette Library, Ace Hardware and Safeway on his way to the bank. While in the Safeway parking lot, he could not find the envelope. The check had already been endorsed by his wife, but not by him. Unfortunately for the check snatcher, the victim contacted the bank and stopped payment.

**Charming Architectural Retreat...**

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## City Sued by Property Owner

By Cathy Tyson

"It must be perfectly clear that this matter is not going away," said attorney David Bowie about the struggle to build on a very constrained lot at the corner of Sessions Road and Sierra Vista Way (in the February 18, 2008 edition of the Lamorinda Weekly.) Now he has filed a lawsuit against the City of Lafayette on behalf of his client, former Planning Commissioner Dick Holt, Managing Member of Lamorinda Properties LLC, after the final denial of his building application.

Just last month Bowie filed documents suing the City of Lafayette for a Writ of Mandamus and Complaint for Declaratory Relief and for Damages. For readers not familiar with a Writ of Mandamus, according to Wikipedia – it may be a command to do an administrative action or not to take a particular action, and it is supplemented by legal rights. In a nutshell, the court can overrule the City's decision, but the City can appeal.

At issue is the house that Holt would like to build on Lot 66 at the corner of Sessions Road and Sierra Vista Way. The steep, narrow lot is bisected by Sessions Road – the only access out for all uphill resi-

dents. An informal coalition of neighbors has been very vocal about their opposition to developing this lot from the beginning.

In February of this year the City Council denied with prejudice Lamorinda Properties' application for a Hillside Development Permit and for a Variance. Their reasoning was threefold: the Council decided that granting both would be a special privilege, and that protected trees would have to be removed to build on the only area suitable for construction, and finally that the 2,639 square foot proposed building is "deemed incompatible with surrounding features and other development within the Sierra Vista Way neighborhood," states the Complaint.

Concerns regarding unclear easements on the property have plagued this application from the start. City attorney Mala Subramanian decided that the easement issue was a private matter between the neighbors and Holt. Uphill neighbors assert they have a deeded property easement over under around and through the subject property that render it undevelopable.

"By completely disregarding the existence of the easements,

which are clearly documented in all our deeds, we believe the City Attorney made a grave error in her judgment in directing the City officials in the manner she did. If we look for the root cause of the situation that led to the current law suit, it is this error in the City Attorney's decision that clearly conflicted with the physical reality of the lot," said uphill neighbor Lakshman Watawala in a letter to the Mayor. "I am unsure as to what the neighbors can or should do with respect to the lawsuit to safeguard our rights on the lot. Again, we hope the City will aggressively defend the decisions made by the Planning Commission and the City Council."

In the Complaint, Bowie claims, "The City has abused its discretion and acted in excess of its authority with respect to the denial of the Lamorinda's Application for Hillside Development Permit and Variance. The actions of the City have deprived Lamorinda of fundamental vested rights and the City's decision is contrary to the weight of the evidence presented."

As of press time, City Attorney Subramanian had no comment. A response from Lafayette is expected before the July 5 filing deadline.

## Wonderful Opportunity in Lafayette Woodlands...

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## Lafayette Considers Green Building Ordinance

By Cathy Tyson

If the Planning Commission and City Council adopt the suggestions of the Environmental Task Force on a proposed Green Building Ordinance, future remodelers and home builders will have to abide by certain "Build it Green" guidelines. For example, a new single family residence must get a minimum of 50 points on the green point scale. In categories ranging from site, foundation, landscaping, building envelope, insulation, HVAC, appliances and more – each green measure is assigned a point value, based on its benefits. Points can be given on the choice of a particular kind of toilet or using renewable flooring. Remodeling projects that are less than 500 square feet must submit a GreenPoint Existing home checklist with plans.

This is part of the City of Lafayette Environmental Strategy that was adopted in November of 2006. "One of the tasks for the Environmental Task Force is to initiate the development of City guidelines and incentives for sustainable building practices and a green building ordinance," notes a staff report on the matter prepared by Senior Planner Greg Wolff.

In a recent presentation by the Environmental Task Force to the Design Review Commission, the Draft Green Building Ordinance Proposal was uniformly well received. "You don't have to bend over back-

wards to reach the 50 point level. There's a large menu of choices, pick what you like," said Commissioner Tom Lee. "It does seem pretty reasonable, our office has been using these processes pretty consistently," said Vice Chair Andre Ptaszynski.

The goal here is to encourage homeowners to explore design and material alternatives, and to be smart options from the beginning of a project. According to Environmental Task Force member Tom Chastain, "It's about fundamentally good architecture. My own sense is that it starts to make people much more aware of the choices they're making." He also feels there should be adjustment for house size, the larger the footprint of the house the greater the responsibility of the owner.

While the program is not punitive, there will be costs associated with becoming Green-Rated. The proposed fee is \$400 for a single family residence plus a GreenRaters verification fee; considerably cheaper than becoming LEED (Leadership in Energy and Environmental Design) certified.

The timing couldn't be better, since California Code of Regulations Title 24 which regulates building efficiency standards will become stricter in August of this year. The Draft Green Building Ordinance Proposal still has a few hoops to jump through before it's enacted.

## Route #25 Seeks Riders

By Jonathan Seclow

The Central Contra Costa Transit Authority (CCCTA) now offers County Connection bus service straight through downtown Lafayette. The new route 25 starts from the Lafayette BART station and travels down Mt. Diablo Boulevard until it gets to Pleasant Hill Road. From there it takes Highway 24 to the Walnut Creek BART station.

The hour-long loop starts at 7:30 AM and runs until 6:30 PM. It leaves the Walnut Creek BART station on the hour and the Lafayette station on the half-hour.

According to Leah Greenblatt, Lafayette's Transportation Planner, the primary function of the new route is to help employees on Lafayette's east side commute to work.

"Before this route, it was very difficult for people who worked in east Lafayette to get to work on public transportation," Greenblatt said. "We frequently get calls from employers in that part of town asking how their employees can get to work on public transportation or where their employees can park for free. Now

those workers don't need to drive to work."

Greenblatt also encourages residents who might otherwise drive on the same route to consider the bus as a way to save money and to help the environment.

While the route serves an important purpose, it has yet to see many riders. Greenblatt said that it often takes time for residents and commuters to become aware of a new route.

"The city wants to see it utilized. We want to promote it," she said.

Jay Lifson, the CEO of the Lafayette Chamber of Commerce stressed the need for more riders. According to him, the route is up for review in December, at which point the CCCTA will decide whether or not to continue the service.

"If ridership doesn't increase by the end of the year, the route is in danger of being cancelled," said Lifson.

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