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## Council Denies Neighbors' Appeal of Lot Line Adjustment

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A recent review of the City of Orinda's Planning Department found applications are moving through the system more quickly and efficiently than ever before, but 236 Lomas Contadas is a clear exception.

At its March 16th meeting, the City Council voted unanimously to deny the neighboring residents' [the Lomas Contadas Groundwater Protection Committee] appeal of the Planning Commission's decision to grant a lot line adjustment between the parcel at 236 Lomas Contadas and an adjacent vacant lot-the most recent action in a 3 1/2 year plus process that has included two lawsuits, multiple public hearings, and some contentious debate.

236 Lomas Contadas is located high in the hills about 1/2 mile from Tilden Golf Course and across the street from Grizzly Peak Stables. The semi-rural neighborhood is zoned very low density with a minimum lot size of 10 acres and has spectacular views of the ridgelines and valley below. However, the parcel at 236 Lomas Contadas, which is currently developed with a 1,500 square foot single-family residence, is slightly over 2 acres in size, and the adjoining triangular lot is a .66 acre parcel. The protracted application process started when the owner of both properties, Edward Vogt, requested that the line between the lots be adjusted to increase the buildable area on the vacant site and create two more equal-sized lots of 1.51 acres and 1.37 acres.

The City Council originally denied the lot line adjustment application in 2006. In turn Vogt sued the City, and in September of 2008, the court directed the City to revisit the decision noting that access to water and sewage disposal at the site should not be conditions to adjusting the lot line. Subsequently in December of 2009, the Planning Commission reviewed and approved the lot line adjustment with a 6-1 vote, and the Council most recently upheld this decision.

The Lomas Contadas Groundwater Protection Committee also sued the City in 2006 under the California Environmental Quality Act. Although the City had denied the lot line adjustment, the neighbors contested the City's negative declaration-the decision based on an initial study that the lot line adjustment would not have significant impact on the environment and does not require that an environmental impact report be prepared.

Access to an adequate water supply is the neighbors' primary environmental concern. Most of the homes in the immediate area of 236 Lomas Contadas rely on wells. Groundwater is in short supply and some are forced to truck water in during the dry months. In response to the Planning Commission's reversal, several neighbors addressed the City Council insisting that an environmental impact report (EIR) be prepared and the lot line adjustment denied. "An EIR must be prepared," stated appellant Carol Karp, "Once a negative declaration is certified, it is to end environmental concern." Neighbor Grace Adams, owner of the Little Farm which sits on 10 acres of land, concurred with the need for an EIR, "You can not give entitlements to others and take away what little water we have," said Adams.

In the end, the City Council members, who had each reviewed the volumes of documents related to the application, focused their comments on the appropriateness of the lot line adjustment. The property owner did not attend the public hearing on the appeal, and currently there is no proposal for a building or well at the vacant lot site. "At this point, we can not surmise what will be done on these parcels," stated Council Member Steve Glazer. Noting that the smaller vacant lot was already deemed buildable, Vice Mayor Victoria Smith stated, "I think the reconfiguration [of the lots] is consistent with the General Plan...It won't increase the number of lots or density in the neighborhood." Glazer added that while the Council was sensitive to the neighbors' concerns, the issue before the Council was the adjustment of the plot line, and that there will be many future opportunities to engage in the development process of this parcel.

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