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Appeal Overruled for Las Huertas House

By Cathy Tyson

A majority of Planning Commissioners were not able to agree with the appeal of neighbors regarding a proposed home on Las Huertas Road who had hoped to send the project back to the Design Review Committee (DRC) to further reduce its size. Back in March, after roughly two years of design changes with the DRC, the Malinovsky family home was ultimately approved after significant adjustments in size and mass. The final version is well under the city height limit of 35 feet and has more than minimum setbacks from the street.

Planning Commissioners had asked for more information about the relative size and mass of homes in the immediate neighborhood in March, before making a final decision. City staff had time to examine Contra Costa County Assessors Records and verify front yard setbacks, coming to the conclusion there is "a variety of development in the neighborhood," said Assistant Planner Michael Cass at the May 7 Planning Commission meeting.

Across the street neighbor, Isabelle Ord argued that the proposed project was just not compatible with the neighborhood. "We are concerned that although there have been a lot of changes, they are not material changes. This will be one of the tallest homes and have the smallest setback in the neighborhood." Her father Ed Ord focused on privacy, adding "it will tower over our house."

Commissioner Tom Chastain cast his vote based on the suitability of the proposed home in the neighborhood context. "My sense is there's no real consistency in the neighborhood - there are different styles throughout." He voted to deny the appeal and uphold the original Design Review Committee approval.

A majority of Commissioners agreed. "We don't have an ordinance that says thou shalt not see your neighbor's house," noted Commissioner Will Lovitt - a sentiment that has come up many times over the years.

Vlad Malinovsky had reached out for input from surrounding neighbors early on in the process and received some constructive feedback. "We feel that the Ords are exceeding the norm of how most of us view our homes in relationship to our neighborhood," said Malinovsky. "They seem to feel more entitled to the space of their neighbor's properties than the rest of us do in a neighborhood sense."

Reach the reporter at: cathy@lamorindaweekly.com

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