



**Independent, locally owned and operated!**

www.lamorindaweekly.com 925-377-0977

Published June 19th, 2013

## Property Rights Prevail Over Vintage Adobe Home

By Cathy Tyson

With very little fanfare, the recent lot line adjustment approved by the Lafayette Planning Commission on June 3 was the final blow to the vintage Monterey Colonial home on Las Huertas Road. Because the lot line change met all the zoning requirements and would create two one-acre parcels - the change is consistent with city regulations and in keeping with the other parcels in the area; "both lots exceed the minimum square footage requirement before and after the lot line revisions" noted the staff report. After a handful of neighbors spoke up to support the new owners and the lot revision, it was unanimously approved by the commission, even though Chair Karen Maggio commented, "it pulls at my heartstrings."

"It was inevitable," said Vlad Malinovsky, who grew up on Las Huertas, "opponents need to accept reality and get away from the fantasy world they've created." Since the home changed hands, there's been friction between supporters who would have liked to preserve the home and the current owners' desire to build a new structure. The estate of former long-term owners, the Stolley family, sold the adobe home built in 1936 to Charles and Desine Rosson, who live not far from the subject property, and wanted to stay in the neighborhood. The home had seen some upgrades over the years, but much of the exterior structure is made of unreinforced adobe bricks usually made of a composite of clay, water and straw-the Rossons believed that to be a safety concern in the event of an earthquake.

Supporters of preserving the home started a grassroots social media campaign with a Facebook page called "Save Lafayette's History" that stated, "It would be a tragedy to lose such a beautiful part of Lafayette's history - together we can save this home;" they also eventually sought to obtain historic landmark status for the property.

While the Facebook page garnered some "likes" and comments from more than a dozen readers, unfortunately that wasn't enough to sway the commission on the lot line issue or the Lafayette City Council on granting landmark status. In the end, cooler heads prevailed and after a neighborhood meeting, many residents supported the project. Supporters stayed up well past their bedtimes to comment on the key issue, the historical status of the home at the May 28 city council meeting. Realtor Dana Green spoke up on behalf of her clients the Rossons, "I'd like to set the record straight and provide my opinion." She discussed the due diligence of the buyers, working with contractors and inspectors, "it became apparent that it would not be cost effective to keep the project in the current form." Mary McCosker and the board of the Historical Society stated their case in a letter to the council nominating the home for designation as a historical landmark and pointed out the reasons why it qualifies, spelling out specific benchmarks about how the home and the original owner significantly contributed to the history of Lafayette.

Although some of the conditions could arguably be met, Senior Planner Christine Sinnette pointed out that the objections of the property owners should be considered in this case - the home was sold without any restrictions or limitations, to take into account a possible historic landmark status, at a fair market price. Attorney David Bowie representing the Rossons called it a fundamental fairness issue. The prior owners could have pursued obtaining historical status, but they didn't conclude the process - he claimed it is unfair to "make it historical at my clients' expense."

Ultimately the City Council voted to deny the landmark status, sighting the previous owner's option to pursue the designation, as well as Bowie's legal argument that a house can't be put on the historic register without the consent of the property owner. Bowie called it a "haphazard nomination at best," and added the home "simply doesn't meet the criteria."

Reach the reporter at: [cathy@lamorindaweekly.com](mailto:cathy@lamorindaweekly.com)

[back](#)

Copyright © Lamorinda Weekly, Moraga CA