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## Quest for Dream House Approval Continues

*By Cathy Tyson*

Linda and Steve Wight have been on a seven-year quest for a permit allowing their dream home to be built. At the Feb. 9 Lafayette City Council meeting, it was apparent that there had been a change of heart with city council members about the proposed 10,000-square-foot home on 13.66 acres at the end of Monticello Road, which looked like the permit would be denied after years of hearings. The wheels of city government grind slowly especially for a building within the Hillside Overlay District, which requires both a Phase I approval about siting and massing and Phase II which evaluates the design and impacts of the project. In preparation for their December 2014 meeting, a denial resolution for a Phase II Hillside Development Permit was ready to go, attached to the staff report. The denial resolution preparation was the result of the Sept. 22, 2014 hearing, which culminated with a vote of four against and one in favor of the home. The matter dragged on into the new year; it was continued three times, to address legal concerns, to review grading information and to look into comments by Lafayette's attorney.

At the February 2015 city council meeting, attorney for the applicants, David Bowie, obviously disagreed with the still pending denial resolution and pointed out that the project meets the criteria for approval, explaining that "the Phase I application requires all the findings be actually made. This council made those findings." He added, "I think there's a real problem with that."

Arguing that the required amount of grading had been minimized as much as possible, and that the applicants had agreed to monitoring and mitigation for the amount of traffic, additionally because only a small portion of the large site is being developed, the applicants have not violated the city's design guidelines. Bowie calls the home a "perfectly acceptable project" with "no impacts on anyone off-site," adding it "really meets every single one of your requirements."

"We've spent considerable time with our attorneys discussing this application," explained then Mayor Don Tatzin at the Dec. 2, 2014 council meeting. "As a result of those discussions, I've concluded the best course of action is to investigate further what conditions would reduce the impacts of the project that we included in the Phase I approval, to an acceptable level."

Tatzin acknowledged that he still has concerns about the impacts of the project, specifically excessive grading and roughly 5,000 truck trips through the narrow residential Monticello Road. He and fellow council members expressed the hope that they can work cooperatively with the applicant and the public.

While the project still hasn't been officially approved, it's clear that the denial was not approved. Procedurally the council is taking steps to update the mitigated negative declaration. Once that is complete it will go back to the council to flesh out the conditions of approval, which include public input.

Throughout the entire process, residents who live on Monticello and in surrounding areas have consistently urged the council to deny the project, asking it to consider the narrow roadway with no sidewalks and lots of kids, diesel particulate matter and noise pollution for the estimated two years of construction, which in their opinion is hazardous.

Some of the neighbors are so concerned they pitched in to hire their own attorney to join the fray. Edward Shaffer of Archer Norris is representing the Glen Road Neighborhood Association. He sees many significant impacts of the project.

The Wight's journey started with an application for a 5,900-square-foot home by a different architect, which was approved back in the spring of 2008. They let that approval expire and endeavored to apply for a Phase I permit for a substantially larger home in 2011. After initially being denied for the Phase I permit by the planning commission in March of 2012, the property owners appealed the decision and asked for a de novo public hearing later that month. In July of 2012 the city council voted to uphold the applicant's appeal and approved the Phase II made clear that the Phase II permit application would be reviewed on its own merits.

An open letter from Peter Clark, president of the Happy Valley Improvement Association, presented

at the February city council meeting speculated about the reasoning behind the council's about face: "One possibility is the fear of losing a costly lawsuit." He concludes, "Happy Valley residents pay enormous amounts of state and local taxes; while we know that the city gets little of it back, we think that going to court to deny special land use privilege to a litigious few is an excellent use of our tax dollars."

Calls to the senior planner and Lafayette's city attorney, as well as David Bowie, attorney for the applicants were not returned. Going forward, the comment period for the Mitigated Negative Declaration was extended; it will be on the council's agenda March 9 and again on March 23.

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

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