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Appeal Fails to Halt New Home on Oak Flat Road

By Sora O'Doherty

A new single family home at 7 Oak Flat Road survived an appeal by neighbors, who contested the planning commission approval.

While expressing sensitivity to the neighbors' concerns about their privacy, the Orinda City Council on May 31 found that the proposed home was particularly well designed to accommodate a very difficult site. The house, designed by Talon Design Group, comprises three segments that conform to the curve of the cul-de-sac. The lot is steeply sloped and heavily wooded.

The appellant, Trenor Askew, lives in the neighboring property. Other neighbors who live on Oak Flat Road, as well as the occupants of 18 Charles Hill Road, the property that is down the hill from the proposed new home, spoke in opposition to the approval. The main complaint was that the new construction would intrude on their privacy, and that the proposal violated the city's applicable goals, policies and requirements. But city council staff found that the proposal for the most part complied with the requirements and policies, subject to the council's discretion and review.

The Askews complained that the new house interfered with their peaceful enjoyment of their home, particularly as to their kitchen and main outside living area. But the council felt that there was sufficient distance at 50 feet between the two homes, that the new home had only small bathroom windows on the side facing the Askews and that the house would be well screened by plantings. The main living areas and decks of the new house face away from the neighbors in a different direction. The neighbor who resides down the hill on Charles Hill Road complained that the occupants of the new home would be able to look into their bathroom windows, but the council felt that since the houses will be 105 feet apart and the intervening hill is heavily wooded, this would not be a problem.

Council member Dean Orr praised the design, which he said reduces the home's footprint, allowing it to follow the contours around the cul-de-sac. The pods all step down in plane, creating a true split level with lots of articulation, and decks further enhance the design. The home retains as much of the hillside in its natural form as possible and preserves the heavy oak canopy. In fact, Orr noted that it was remarkable that the building could be accomplished with the removal of only five trees. Orr also liked the pallet of rich materials for the red cedar shingled craftsman style building. He noted that at 4,170 adjusted square feet, the home could be smaller, but could also be larger and concluded that the design supports the size.

Council member Darlene Gee pointed out that the site was clearly extremely difficult and that the home is very well designed for all the conditions. She could find nothing that did not comply with requirements and found the design very thoughtfully put together and would not have major impacts on neighbors.

Mayor Victoria Smith said she was impressed by its narrow footprint. The decks minimize the impact of the home on the privacy of the neighbors and the design maintains the existing tree canopy. She did support the request of the appellants that any air conditioning unit not be situated on the side facing them, and the council agreed to amend the approval to include that condition.

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