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Planning Commission reapproves application for six residential condos on Mt. Diablo Boulevard

By Lou Fancher



Image provided

The five members of the Lafayette Planning Commission representing a quorum at a meeting Sept. 7 voted unanimously to reapprove an application from Nikhil Gera on behalf of Outdo 3742 Mount Diablo LLC to build six residential condominiums following the demolition of an existing office building on the site. The property at 3742 Mt. Diablo Blvd. is located behind the Woodbury Condominiums and can be accessed via Risa Road or Woodbury Road by passing through the Oak Hill West office complex.

The project involves tree removals and following initial review and California Environmental Quality Act ("CEQA") evaluation, was found to fall in accordance with zoning requirements. The development was previously approved by the commission in 2017 and again, in 2018. Those approvals and permits have expired, thus generating the applicant seeking reapprovals.

In a staff report from Assistant Planning Director Sarah Allen, city staff noted that "the structure is surrounded by development, is in an area already served by public services and the new use is consistent with the General Plan. There have been no modifications to the project

and as such no change in the CEQA determination, the project remains exempt." Additional notes confirm current building codes associated with the project remain unchanged. The property is not visible from Mt. Diablo Boulevard, and positioned behind the Woodbury buildings (56 condominium homes), the new construction has what the report defines as a "significant setback" from the street.

Nearby property owners within a 500-foot radius were notified about public hearings concerning the applicant's request for reapprovals. Three public comments were received, one each from Stephen A. Cowan, President of the Woodbury Homeowners Association; and Woodbury condominium residents Janet Vrcic and Roger Roe. Collectively, their concerns included potential damage during construction to Woodbury Road and a critical retaining wall, the use of hazardous materials and pollutants, debris falling on Woodbury condo units in close proximity, lighting, parking, and noise levels. Suggestions were made asserting the property owner secure adequate insurance to mitigate any damages realized during construction and requests for adequate assurances be offered in response to public concerns.

During the meeting, the applicant's opportunity to speak with the commission about the project and answer questions began with Gera preemptively answering a possible question about why the project had been delayed. Due to conditions related to construction that were made all the more critical and challenging during the pandemic, he said, "It seems like the world changed and I wasn't able to start or finish the building so I am seeking reapproval."

Those conditions in a changed world included lumber and other supply material costs that catapulted, delays in deliveries due to supply chain issues, increased expenses to ensure property safety equipment and precautions to meet COVID restrictions were instituted, and delays in the approval processes of planning commissions and in obtaining licensing/permits from city and state agencies.

Gera noted the new building's size and location - three stories, 2,000 sq. ft. footprint, and "70-odd feet" away from the Woodbury condominiums - and said coordinating with residents to minimize inconveniences and address their questions were his primary concerns. The easement for the retaining wall built by Woodbury Condominiums, he noted, has "very specific maintenance rules" that he is obligated and intends to meet. Communications in letters or emails and in conversations with residents he said demonstrate he and his developer are "fully cooperative with neighbors and cognizant of their needs."

Project Contractor Jeffrey Stone reiterated key points: the footprint size, space between the Woodbury condos and the project, and a building small enough that construction won't require the use of heavy craning/heavy equipment. A temporary fence will be constructed to provide dust control and a staging plan will cover flagging and construction-related traffic. Stone said he had "studied the wall carefully for particulars" and based on Diamond Construction's 38-year history, any harm or damage caused will be followed carefully on site and any neighboring improvements will leave them "better than we found them." Construction hours are 8 a.m. to 5 p.m., Monday through Saturday.

With no public comments arriving during the virtual meeting, Commissioner Gary Husingh said he has seen "through the roof" pricing experienced on projects he works on during his day job and therefore found it "totally reasonable that this project was put on hold during COVID."

Chair Farschad Farzan said he appreciated that Gera had talked to the Woodbury Condo neighbors directly, especially with the people who wrote in to submit public comment. Farzan applauded the action, encouraged other applicants to similarly engage with their communities, and said, "It helps projects to move along."

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