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## Litigation Dilemma Over Wight House

*By Cathy Tyson*

The drama surrounding the controversial large home at the end of Monticello Road puts the Lafayette City Council in a very awkward position.

"The Wights have been very explicit; if we deny the project there will be litigation," said Council Member Don Tatzin, adding that based on correspondence from the neighbors "there is a reasonable basis to conclude that if we approve the project there will be litigation." He requested a closed session in the near future, to bring all the city council members up to speed and explore the issues.

With only three of the five city council members in attendance on March 23, they were hesitant to make a final decision, but Mayor Brandt Andersson did direct staff to prepare a revised Mitigated Negative Declaration and to make changes to the Construction Management Plan. All agreed that it would be best to review the findings at a later date when all five are present.

Neighbors continued to express their concern about vehicle traffic - preferring one vehicle at a time on the street, but the Construction Management Plan isn't entirely clear about the number of trips per day and applicability of restrictions for large or small trucks, as well as standard-sized car trips. Their preference is to avoid having multiple pickups lined up on Monticello, waiting for a large truck to descend the steep access road to the parcel. Flaggers are supposed to be regulating who is coming up and down, but there are still questions remaining about queuing up, vehicle count and more.

Peter Clark, president of the Happy Valley Improvement Association, found the potential approval of a 10,000-square-foot home on a protected ridgeline aggravating and noted, "Neighbors who attended the meeting sat in disgusted silence, too polite to shout out or throw things."

Urging the city council in a recent letter to deny the project, Colby Powell, with the support of over 110 Glen Neighborhood families stated, "I cannot fathom a reason why the city should allow construction of a 10,000-square-foot home on a ridgeline in Lafayette. I believe it's too large, and the extent of its impacts are not known."

"The property is not an island of stability in a sea of turbulence," said Donn Walklet, a neighbor who has a professional background in earth science, explaining that the parcel is in an area of highly unstable, steeply sloping hillsides.

Representing the Glen Neighborhood Association, attorney Edward Shaffer of the Archer Norris law firm, wrote a 14-page letter commenting on the project, pointing out an array of issues including CEQA - the California Environmental Quality Act - to defects in the Mitigated Negative Declaration and more.

Attorney David Bowie, who represents Steve and Linda Wight, didn't respond to requests for comment.

At the moment, it looks like there are no easy options for the all-volunteer city council. The one thing that is for sure is the drama will continue to play out, and not everyone will be happy with the outcome.

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