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Neighbors Win - Divisive Permit Denied

By Cathy Tyson



Sessions Road neighbors celebrate the Lafayette City Council's decision Photo Cathy Tyson

After more than two years of public meetings, the controversial development permit application of Lot 66 at the corner of Sessions Road and Sierra Vista Way by former Planning Commissioner Dick Holt was denied, to the great relief of many happy would-be neighbors. Large contingents of them were present to once again lobby their side of the issue. Council Members were torn between the claims from the applicant's attorney and equally persuasive arguments from disgruntled neighbors and elder statesman, former Mayor and Citizen of the Year, Ned Robinson.

The denial was based upon failure to follow specific size reduction instructions. At a December City Council meeting the applicant was advised to "reduce the building gross square footage to be more consistent with that of the Sierra Vista Way neighborhood which averages 2,400 square feet." Although the square footage was reduced from 2,898 to 2,639, Mayor Tatzin stated that was not enough and with agreement from the other Council Members moved to deny the application.

From the beginning, this story took on a life of its own. Many neighbors felt that the City Attorney should not have deemed the lot buildable in the first place and that the original application was filled with errors. "It should not be upon these two dozen homeowners to have to defend their deeded easements at great expense simply because Holt was able to manipulate his erroneous application

through the Planning Department," said Pam Swarts.

There were additional concerns by other Council Members about opposing claims around easements, obtaining clear title and removing trees. Council Member Brandt Andersson, alluding to the low sales price, \$20,000, "suggests it is unbuildable."

Attorney for the applicant David Bowie asserted that "there is no rational reason to impose additional restrictions." Land owner Dick Holt stated, "I am convinced I have a legal right to develop this property."

Angry neighbors clearly disagreed and felt considering Holt's former position on the Planning Commission, that he was getting special privileges. Adjacent uphill neighbor Lakshman Watawala read from the deed to his property, "This is very clear: 'From the top of the road all the way to the bottom, a non-exclusive easement over, under, around and through lot 66.' If this is not clear, I don't know what is." He added that all of his Sessions Road neighbors have similar language on their deeds.

Former Mayor, long time resident and retired real estate attorney Ned Robinson urged the Council, "You should recognize this easement. The people uphill could not have built with out this easement."

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