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City council to appeal planning commission decision on crosses property

By Pippa Fisher



Carol Reef, left, and Lynn MacMichael, right, brought poster boards to the Feb. 12 council meeting to illustrate the many people who value the crosses memorial. Photo Pippa Fisher

council meeting in order to preserve the applicant's due process rights. The city's appeal process under municipal code allows a city council member to request an appeal "if the decision is of such importance that it should be reviewed by the council."

Samson, while constrained within limited parameters, explained his view of that importance by saying that the property is located in the heart of the city and contains the crosses which are seen by thousands of people every day, both from the freeway and from BART. He said that it has been a site of public interest for more than 10 years and that as such any decision regarding use of land is by definition a decision of importance that should be decided by the city council.

Public speakers did not shy away from more detailed discussions of their concerns, however, pointing to damage to the environment and wildlife, loss of access for the public and potential for development. Lafayette resident Mike Munnelly spoke of an old adobe building on the land, which he said might possibly be the oldest house in Lafayette.

Happy Valley Improvement Association President Peter Clark said that the crosses are such a highly visible and widely recognized, distinct feature of the Lafayette landscape that they must be addressed in any discussion of what happens to this land. Clark also pointed to the current municipal code under which the signs are now illegal - since the memorial was created the city code has been changed to prevent future such installations.

Many spoke of their love for the crosses and what it has come to mean for so many, not just within Lafayette. Military veteran Fred Norman said although he lives in Pleasanton he volunteers with the crosses. "Here is a chance for Lafayette to do something on a world-wide scale; something to make it known as an area of peace," said Norman, warning, "Don't pass this up."

Council Member Mike Anderson asked several of the speakers how these concerns were linked to the plot line adjustment, making the point that the adjustment by itself has not allowed development or determined any next steps on the land.

While Council Member Mark Mitchell, and Vice Mayor Cam Burks supported Samson's request for appeal, Anderson said that he was very concerned.

Anderson said that redrawing the lot line has no connection to either the environment or the crosses themselves. He made it clear that he respects the crosses memorial but added, "I have a real problem with us taking this on with just the information that it's about the lot line."

The motion to grant the request for appeal and to bring the matter to be heard by the full city council was approved with three in favor and Anderson against. Mayor Don Tatzin had recused himself because he lives close to the land in question.

Charles Clark said after the meeting that he still didn't know what the basis was for this appeal.

The fate of the land that is home to the Lafayette crosses is once again on the table as the result of a request for appeal brought by a city council member.

The roughly 5-acre land in question lies opposite the BART station on Deerhill Road and includes two parcels - one vacant and one with two houses. On Jan. 16 the Planning Commission granted the landowner, Charles Clark, permission to reconfigure the property lines to result in one residence on each parcel. Clark, whose now-deceased mother Louise Clark started the crosses memorial as an anti-war protest with Jeff Heaton in 2006, wants the adjustment in order to make the properties easier to sell.

But now, as a result of a request for appeal brought by City Council Member Ivor Samson the matter will have to go before the city council in March.

Members of the city council were prohibited from discussing the merits of the case at the Feb. 12 city

"The planning commission decided in my favor unanimously, based on the fact that I am simply remedying the situation of these two houses being non-conforming with the city zoning (these two houses are currently on the same parcel) to the situation where each of the two houses is on its own parcel as is required for this R-10 zoning," commented Clark in an email.

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