

Clifford Tong

From: Clifford Tong [tong.cliff@gmail.com]
Sent: Friday, January 19, 2007 1:25 PM
To: planningcommission@lovelafayette.org
Cc: cityhall@lovelafayette.org; Greg Wolff; Niroop Srivatsa; LHC-Board@yahoogroups.com; Falk
Subject: Planning Commission 1/18/07 hearing on HDP97-06 ERIC STRAND

Dear Chairman Holt and Planning Commissioners,

I want to formally voice my opposition to your decision to abandon the 2000sf baseline to be used in evaluating the visual impact of Mr. Strand's proposed house. As you know, there was considerable time and thought that went into your May 2005 decision to impose this baseline in light of the extreme visibility of this lot - it is perhaps the most visible hillside lot in Lafayette. And yet the applicant has continually refused to abide by your instructions, which were to show a 2000sf (plus garage) initial design before attempting to justify larger ones. The process to start with a baseline design and increase it incrementally was agreed to by both the Commission and the applicant, and in my opinion, very reasonable.

This situation is disturbing from a number of aspects, chiefly:

1. The Commission appeared to abandon this process under direct threat of litigation by the applicant, who admitted that he had reserved funds for legal fees because the project was not economically viable at 2000sf, and urged the Commission to deny the application. While Chairman Holt did state that the economic viability of the project was not the concern of the Planning Commission, it certainly appeared to me that the Commission withered under this threat by abandoning the previously agreed-to process.
2. The tactics deployed by the applicant are almost an "instant replay" of those used by Paul Cocotis in getting his house approved on another highly visible lot in Burton Valley. In both cases, the architect was Tim Ward, a Design Review Commissioner. The Cocotis' application was heard by the City Council on appeal and councilmembers admitted that the approval process did not appear to work properly and that the Hillside Ordinance was compromised as a result.
3. It does appear to me that the Design Review Commission has abdicated any responsibility to enforce the Hillside Ordinance and any guidance the Planning Commission gives them to assist in that effort. That happened in both the Cocotis and Strand applications, and it appears the Planning Commission may be abdicating some of its responsibility by not forcing Strand to abide by its instructions and assuming the City Council will eventually hear this application on appeal.

I appreciate all the time and hard work you folks put in and you do the community a great service. The development approval process works properly an overwhelming majority of the time. It is in these difficult situations that the public questions the integrity of the process and city officials involved in it.

What this looks like is that the city is once again being pushed around by a developer and a Design Review Commissioner who are trying to make a mockery out of the Hillside Ordinance. I hope you will have the courage to deal with this difficult situation by reinstating the 2000sf baseline evaluation process and denying the application if Mr. Strand refuses to comply.

Sincerely,

Cliff Tong