

R. Hewitt Pate
4136 Canyon Road
Lafayette, CA 94549
925-549-6791

Mr. Greg Wolff, Planner
Mr. Jonathan Fox, Assistant Planner
Design Review Commission
Lafayette, CA
gwolff@lovelafayette.org
jfox@lovelafayette.org
planner@lovelafayette.org

SS05-21 Erfani Study Session

Dear Mr. Wolff and Mr. Fox:

My wife Lindsey and I are the owners of 4136 Canyon Road, adjacent to the property at 4142 Canyon Road that is under contract for sale to Ari Erfani, and the subject of the scheduled May 26, 2021 Study Session. I write in conditional support of Ari's proposed project, but also to urge that the Commission grant Ari conditional approval for his project prior to July 1, 2021. This appears to be the only way to avoid the possibility of wasteful delay, unfairness, inconvenience, and expense related to the private single-lane road (a branch of Canyon Road labeled "Leach Drive") that is the sole means of access to my family's home and Ari's lot.

Let me say at the outset that Ari's project should have the Commission's prompt support. He proposes an attractive approximately 3000 square foot residence that will not be visible to any neighbor. It will be built on existing flat space, facilitating the relatively easy construction of a low-impact home without any significant removal of trees. Ari has committed to minimizing neighborhood disruption during construction. This project should not be controversial in any way, and my understanding is that other nearby neighbors support it as we do. The project is a significant commitment for Ari and his young family, and the Commission should want to help.

The key issue that requires the Commission's prompt attention involves Leach Drive. During several years of preparation by Bob and Norma Evans to build a new house at 4144 Canyon Road, both the Evanses and the Pates expended a lot of effort demonstrating to relevant authorities that they should not insist upon an unnecessary widening of Leach Drive. Original widening demands would have required substantial regrading, destruction of numerous old growth trees (which was opposed by the City of Lafayette), serious damage to the landscape and appearance of our property, and lengthy disruption of our access to our home. Ari has provided the Commission a copy of my August 10, 2019 letter, which summarizes my consistent position.

Bob Evans finally obtained agreement on an "AMM application" approach to Leach Drive that included widening and paving of a turnout on Leach Drive and expansion of the paved road at the entrances of 4136, 4142, and 4144. All neighbors earlier this year spent substantial amounts on grading and paving in accordance with the requirements of the AMM approach and in reliance on the approvals of that AMM. My attorney advised me at that time that the expenditures we made in reliance on the AMM created legally protectible rights against further

changes being ordered. Ari tells me that the Fire Marshal is prepared to approve Ari's project on the basis of the AMM, but that the Fire Marshal has stated that he may not be able to give this approval unless Ari is able to file for his building permits by July 1, which requires conditional approval from the Commission.

The bottom line is that we support Ari's project conditioned on his promises to us about project management and on Leach Drive remaining in the configuration set forth in the AMM approach. If the Commission will grant its conditional approval promptly, it appears this should pose no problem. More disruption of the newly expanded and repaved Leach Drive makes no sense, particularly when compared with projects on the back side of Canyon Road, which is narrower and more dangerous than Leach Drive could ever be. I see no alternative but to use all available means to oppose any project that includes the destructive widening of Leach Drive. At a minimum, the Commission should make it a priority to grant conditional approval by July 1 to avoid saddling the Erfani family with the large expense of unnecessary road reconstruction.

You have here a clear opportunity to facilitate a good project for a fine young family of prospective Lafayette residents who have been respectful and diligent in approaching the Commission. At the same time, you can protect both Ari's family and mine from unfair and unnecessary disruption and damage on Leach Drive.

Thank you for your consideration.

Yours respectfully,



R. Hewitt Pate