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Hurry Up and Wait at City Council Meeting Lawyers for Terraces project ask for a change in protocol

By Cathy Tyson

"We'd like a streamlined, expeditious process that is fundamentally fair," said David Bowie, one of the attorneys for the project applicant, regarding the Terraces Project on Pleasant Hill Road near Acalanes.

What Bowie and fellow attorney Allan Moore—who together represent the landowners, the Anna Marie Dettmer Family Trust and the O'Brien Land Company, LLC—would like and what the city council may offer could be two entirely different things.

It's a little convoluted, but the attorneys would like to defer the certification of the environmental impact report to later in the review process. Bowie claims the process has been so expensive and time consuming that they would prefer to move on to hearings on the merits of the project—specifically an alternative project that could clarify a number of the issues raised.

How did the city of Lafayette get to this point? On March 4, the Environmental Impact Report prepared by The Planning Center / Design, Community and Environment (DC&E) and paid for by the potential developer of the parcel was certified by the Planning Commission. Just two weeks later, on March 18, attorneys representing the applicants (the AMD Family Trust and the O'Brien Land Company) appealed that decision.

On April 29 the City Council held a new public hearing to consider the appeal; at that time the council requested a laundry list of additional information on everything from soup to nuts from the EIR consultant and the applicants. To accommodate this request, those involved had until the June 24 council meeting to flesh out specific answers to these questions.

Some of the key issues included changes made by city staff to what the attorneys claimed were expert conclusions, traffic impacts, loss of mature oak trees, grading and much more.

City staff recommended that none of the additional information provided "necessitates changes to the Final EIR or indicates that the EIR is inadequate," and suggested denying the appeal.

A full house of concerned citizens made their discomfort with the project known at the June 24 meeting. "This emperor has no clothes, this is a horrible project," said Eliot Hudson. Other attendees chimed in about traffic impacts, possible earthquake worries and beyond.

Despite assurances from the developer about the ancillary benefits of the project, including a new bicycle path, installation of sidewalks on Pleasant Hill Road, and adding another lane to accommodate traffic, residents weren't buying it, and at points laughed at testimony from experts.

Bowie asked about deferring certification to later in the process, citing insufficient factual evidence to document the EIR's significant and unavoidable impacts on the Terraces' proposed 315-unit development.

Ultimately he asked the City Council to either remove the impact findings or table the EIR as the project makes headway through the planning process on its merits alone. "We disagree with some of those impacts. We think you can adopt the EIR without certifying those particular conclusions," said Bowie.

Towards the end of the meeting, Mayor Mike Anderson asked the consultant who prepared the EIR, Steve Noack, about the alleged changes in the document. "Absolutely we stand behind this...it is always an interactive process," he replied.

For now it looks like the City Council isn't budging - they closed the meeting with requests for more information and plans to reconvene again on Aug. 12.

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[back](#)

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