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Appeal of Terraces Environmental Report Denied

By Cathy Tyson

It was a late night for members of the Lafayette City Council, which had a number of other pressing items including the Burton Valley chip seal project on the agenda Aug. 12 before it could make a final decision on the appeal of the environmental impact report for the Terraces of Lafayette project.

It was the City Council's third meeting on this issue. Attorneys for the landowner and developer had appealed the planning commission's March 4 decision to certify the Environmental Impact Report on the proposed 315-unit multi-family housing project located near Acalanes High School. The council first discussed the appeal in April and requested additional information from the applicant, the city staff and the EIR consultant. That review of information took a while - it came back to the City Council again in June. The bottom line Aug. 12 was the City Council found that the Environmental Impact Report had been prepared properly according to CEQA, the California Environmental Quality Act, so the report was certified.

Attorneys Allan Moore, who spoke at the hearing, and David Bowie represent the landowner and developer. Moore said he was "disappointed" explaining, "The city has forgotten the purpose of CEQA," that's it's not merely to identify impacts but to look at feasible alternatives, ultimately to protect the environment. He claimed none of the "boatload" of new material that was provided in the recent request for more information identifies alternatives or mitigation measures.

Moore argued that city staff changed conclusions in the environmental impact report about the Terrace's project impacts, and that the city was working on down-zoning the parcel when development paperwork was submitted. After many of the usual public comments regarding traffic, pollution and more, 13-year-old Kenny Workman took the podium. After confessing that "everyone here has more experience than me" he pointed out that kids his age see "a corporate entity seeking profits" and a decline in the quality of local schools with packed classrooms.

Apologizing for the length of his remarks in advance, Councilmember Don Tatzin expressed concern about the 13 significant environmental impacts that were noted in the report. "I believe those conclusions are valid." He specifically detailed the extent of his concerns about many items including the amount of grading necessary, the traffic study, ridge line issues, and addressed the applicant's claim of delays. "There has been no effort by the city to draw out the process," he said.

Councilmember Brandt Andersson agreed, saying his colleague's comments were "well thought out and reflect the reality of the situation." Mayor Mike Anderson added, "The record will be clear. We really tried our best to be fair and thorough in assessing the appeal."

A unanimous vote followed that adopted the resolution affirming the Planning Commission's decision, denying the appeal, certifying the Final Environmental Impact Report complies with the requirements of CEQA.

The next step in the process is a review of the merits of the project that will play out over the next few months. Stay tuned for all the Terraces news by visiting the city's website at www.lovelafayette.org, and click on the blue "Hot topics" box for updates and links to the entire environmental impact report.

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[back](#)

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