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Lawsuit Against the City of Lafayette

By Cathy Tyson

At the Sept. 14 city council meeting in closed session, which is not open to the public, city council members held a conference with legal counsel about a recently filed action by a group of residents called Save Lafayette. The group is suing the city along with the developer O'Brien Land Company and property owner Anna Maria Dettmer. The matter argues that the certification of the environmental report prepared for the Homes at Deer Hill was flawed.

Also at issue is the group's opposition to the requested amendment to the General Plan that allows a zoning change permitting lower density development with a maximum of two homes per acre, instead of the prior zoning classification of APO (administrative/office professional) uses, which allows up to 35 dwelling units per acre.

At the same city council meeting, Ordinance 641, which covers a number of items related to the Homes at Deer Hill including the zoning change, was officially adopted.

Ironically, the ordinance explains the zoning amendment as follows: "This lower density and change to single family residential, better protects the character of neighboring residential neighborhoods and is consistent with the pattern of single family development north of Highway 24. ... The change also better preserves the scenic quality and natural environment with a less intense potential for development."

Lafayette resident Michael Griffiths is spearheading the grassroots Save Lafayette effort. Aiming to retain Lafayette's charm, he and a group of like-minded residents banded together, and filed this suit on Sept. 8, seeking to protect the town's semi-rural character.

Their goal is to give the community a voice in the process to achieve a better use of the property. The group feels the city council has ignored public comment, and is biased and one-sided. "When government fails to protect its citizens, then those citizens must act to protect their community. We are doing so by the only means left available to us, namely corrective action," said Griffiths in a statement. "Save Lafayette's position regarding the Homes at Deer Hill project is that the current combination of homes and huge sports complex has far too many negative impacts upon the surrounding community and city as a whole."

Negative impacts such as severe traffic congestion, destruction of the hillsides, harmful air quality on residents and the violation of the city's General Plan and Hillside Ordinance "need to be adequately mitigated and corrected by the city, not ignored by citing other so-called benefits," he added.

In addition to the lawsuit, the group is planning on gathering signatures on a referendum petition, to pause the development while city leaders reconsider their approval or bring the matter to voters. Save Lafayette would need to collect signatures from 10 percent of voters within a 30-day time frame.

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