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Deer Hill Adversaries Will Get Day in Court

By Cathy Tyson



Site for the controversial Deer Hill development. Photo C. Tyson

Council asked staff to talk with the developer to see if they could come up with something more amenable for the community, the city, as well as the developer. The discussions resulted in the alternative project, now called the Homes at Deer Hill which features 44-single family homes, along with a number of public amenities: a sports field, kids' playground, dog park and parking lot.

Not everyone loved the new revised project. The city is being sued by two entities that could not see the alternative project more differently.

Save Lafayette is a grassroots effort lead by local resident Michael Griffiths who sees the city's roads, schools and transportation strained by development. Scores of signatures on a petition were gathered for a referendum that would give voters the opportunity to vote on whether the development's benefits outweighed the impacts.

The petition sought to change the zoning from the current Administrative/Professional Office to Single Family Homes Residential-20, a move that would significantly reduce the amount of housing that could be built on the site.

According to City Attorney Mala Subramanian, "The city refused to place Save Lafayette's referendum on the basis that the referendum, if successful, would result in an illegal inconsistency between the city's restored zoning scheme (Administrative/Professional Office zoning) and the city's General Plan designation for the Homes at Deer Hill Project parcel (Low Density Single Family Residential)."

"We hope to prevail," said Griffiths, optimistic that the judge will rescind the city's decision, mitigate the project or put it to a vote for residents to decide. He sees numerous conflicts of interest and calls the process rife with "smoke and mirrors."

The matter will be heard by Judge George Spanos at 9 a.m. in Contra Costa Superior Court in Martinez on June 24 and is open to the public.

A pair of opponents with deeply opposing views on the controversial 44- unit Homes at Deer Hill development will finally have their respective days in court at the end of June. One group wants less housing, the other wants more.

Since the original application from O'Brien Land Company for 315 moderate-income apartments was made in 2011, there has been a substantial amount of unrest about development on the 22-acre hillside near Acalanes High School.

Public hearings brought forth a tsunami of angry residents in 2013, very unhappy about the proposed project that would have brought hundreds of apartments in 14 multi-story clustered buildings to a prominent bucolic hillside.

Responding to fuming residents, the Lafayette City Council asked staff to talk with the developer to see if they could come up with something more amenable for the community, the city, as well as the developer. The discussions resulted in the alternative project, now called the Homes at Deer Hill which features 44-single family homes, along with a number of public amenities: a sports field, kids' playground, dog park and parking lot.

The opposite is true of activist Sonja Trauss, head of San Francisco Bay Area Renters Federation, more commonly known as SF BARF. Her group would like to see more housing throughout the San Francisco Bay Area. SF BARF's motto: YIMBY - Yes in My Backyard, in order to have an increase in the Bay Area's housing supply.

"This is a microcosm of the housing problem" said Trauss of the Lafayette legal action. "I'm looking forward to it, I'd love for people to come (to the hearing)." She's hoping to organize an event in the future called "Why are we suing you?" to focus on the importance of adequate housing along with questions and answers.

They are suing the wrong suburb, said City Manager Steven Falk in an essay that was published in the online Weekly Roundup and picked up by a number of newspapers. He argued that when it comes to delivering downtown housing, Lafayette is among the most progressive suburbs in the Bay Area with a General Plan that encourages multi-family residential units downtown, and requires developers of large projects to make 15 to 20 percent of their units affordable to people with low and moderate incomes. What's more, the city spent \$5 million over the last ten years on subsidized and affordable housing - one example being Eden Housing's Belle Terre project on Mt. Diablo Blvd., which has 45 units for low income senior citizens.

"SF BARF claims that the city violated the California Housing Accountability Act by choosing to develop the Homes at Deer Hill Project in lieu of the Terraces of Lafayette Apartment Project, a 315-unit apartment complex at the Deer Hill Road site," said Subramanian.

She explains that the "city maintains that the act does not apply because the city never formally disapproved the Terraces of Lafayette Apartment Project nor approved the Deer Hill Project on the condition of lower density, either of which is necessary to constitute a violation of the act."

Lawyers representing the developer, O'Brien Homes and land owner Anna Maria Dettmer, along with attorneys representing the city of Lafayette, have filed a joint motion to dismiss this action. Residents can attend this hearing at 9 a.m. on June 29 before Judge Judith Craddick in Contra Costa Superior Court, Martinez.

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