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Zoning of Deer Hill to be decided in referendum on June ballot

By Pippa Fisher

Lafayette will place a referendum on the ballot in June, effectively giving voters a say in the fate of the land on Deer Hill.

Illustrative site plan for the proposed development "Homes at Deer Hill" Photo provided

The State Appeals Court ruled on Feb. 21 in favor of the preservationist group known as Save Lafayette, overturning a previous ruling. Save Lafayette had brought the lawsuit to force the referendum over land use zoning in order to block the city's approval of a 44-home development, which they deemed too dense.

The city can now either appeal the decision at the state supreme court or place a referendum on the ballot to accept or repeal ordinance 641, adopted by the city in 2015 which changed the zoning on this parcel from administrative professional office to low density single family residential zoning, in order to make it consistent with the general plan.

Conversely, the city had faced a lawsuit over the same project from the San Francisco Bay Area Renters Federation who claimed the development was not dense enough. The city won that case in 2017.

In a meeting that went to midnight Feb. 26, city council members debated whether to place the referendum on the November ballot or whether to move forward with a ballot at a special election in June.

City Attorney Mala Subramanian explained that if voters chose to allow ordinance 641 to become effective, the developer would be able to move forward. Should the public choose to repeal the ordinance, the land use would keep the status quo of administrative/office zoning, theoretically allowing the developer to reactivate the application for the 315-unit apartment complex.

Save Lafayette spokesperson Michael Griffiths urged the council to slow down, saying that the group wants to work with the city for a "win, win, win." He said he believes they can work on an attractive solution but pointed out that "a positive outcome for all parties ... takes time" and urged the council to wait until November to put the referendum on the ballot.

The project manager for the Homes at Deer Hill Dave Baker also spoke. He told the council he would like to see an election as soon as possible.

Attorney for Save Lafayette Gary Garfinkle said the case is complicated enough as it is. "If you rush to put this on the June ballot you're inviting substantial complications," he warned.

Two members of the public spoke in favor of moving ahead in June, saying they value the amenities that are part and parcel of the proposed development - a dog park, tot-lot, ball-field and parking.

In the end the decision to put this to the voters in June was 4 to 1 in favor with Council Member Ivor Samson voting against it.

Conversation around ballot language continued at a special meeting March 2, to be continued to a further meeting March 7, in order to allow the public more time to evaluate the issues.

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back

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