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Skinner letter prompts outrage

By Pippa Fisher



A letter to the mayor from State Sen. Nancy Skinner prompted outrage from at least one council member at the Jan. 13 Lafayette City Council meeting. The council postponed a decision on how to respond and continued the matter until the next meeting on Jan. 27.

Council Member Cam Burks said that he has never been more outraged as he referred to what he called the "height of abuse of power" from Skinner's "interference in an active land-use application."

In her Dec. 11 letter, Skinner reminded the mayor of several housing bills she authored, especially Senate Bill 330, which limits the authority of a local government to downzone to reduce the number of housing units allowed, specifically mentioning the controversial proposed development known as the Terraces. "The provisions of both SB 167 and SB 330 likely impact not only the Terraces project but any project consistent with local zoning." The letter ends, "Thank you for your consideration."

"I consider the senator's actions representative of the highest abuse of power of an elected official," says Burks. "Her ending statement in the letter, 'Thank you for your consideration,' implies that the city must approve the application in her 'opinion.' Indeed, she goes so far as to state in her letter actions that our city has taken in the past on land use, under our lawful right. The hubris is insulting, and the corresponding unethical corruption in my view is egregious."

Burks questioned whether the letter compromises the application now that an active member of the state legislature has "interfered and threatened action against our city if we deny the project." He stressed that he believes any reasonable person would absolutely consider that as implied in her letter and he called for "a formal council-backed ethics complaint to the California Department of Justice's Special Investigations Team; the State Senate Select Committee on Ethics; and possibly the U.S. Attorneys Office for the Northern District of California/U.S. Department of Justice's Public Corruption and Civil Rights Section - formal allegations of corruption and willful, with intent, unethical actions against a local jurisdiction."

Additionally Burks wants an investigation on how this letter came to be, saying that somebody, or possibly a group, had to lobby her to do this. "I'm particularly interested in understanding who engaged the senator to compel her to write this letter and I think our community absolutely deserves to know this," he said.

Burks expressed deep disappointment in both State Sen. Steve Glazer's and Assembly Member Rebecca Bauer-Kahan's silence on the letter. "Our representatives should be protecting us from this type of behavior from one of their colleagues," he said.

While Vice Mayor Susan Candell said she could not agree more and called for legal action, Council Member Teresa Gerringer took a more cautious approach, saying she would like more information especially from Robert Hodil, the outside attorney hired by the council to advise on the Terraces and who was not present at this meeting, specifically on any impact on the open application. Mayor Mike Anderson said that while he understood Burks' concerns, he too wanted more information before making any decision that could have "significant ramifications."

The Terraces, which would sit on a 22-acre parcel on Deer Hill Road, was first proposed in March 2011 but its application was suspended in 2014 in favor of alternative plans for a scaled back development of 44 single-family homes, and amenities. Local preservationist group Save Lafayette sued the city, resulting in a referendum on the future of the revised project. With the defeat of Measure L in 2018, the developer O'Brien Homes resumed the original application for the 315-unit apartment project and the city council rezoned the property to low-density single-family residential to bring it in line with the general plan.

A motion to continue the matter to the Jan. 27 agenda when Council Member Steven Bliss will also be present to weigh in, along with Hodil, was unanimous.

Note: The Terraces was on the agenda for the Jan. 21 Planning Commission and Transportation and Circulation Commission meeting, taking place after this issue of Lamorinda Weekly had gone to print.

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[back](#)

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