

No decision on Lafayette's controversial 315 apartments; discussion continues



Image from City of Lafayette website

The proposed 315-apartment project would be located next to Hwy 24 south of Deer Hill Road and west of Pleasant Hill Road.

By Pippa Fisher

A marathon planning commission meeting to approve or deny the controversial Terraces development has been continued to mid-June.

The meeting went into the early hours as the commission heard close to 90 public comments reflecting both those for and against the development in almost equal numbers.

PC Chair Kristina Sturm said that given the lateness of the hour, it would be better to continue the discussion and vote at their regular June 15 meeting, which will be the third hearing on this application of the five total allowed by recent changes to legislation designed to encourage housing.

City staff was recommending approval at the May 18 virtual meeting. The commission heard from attorney Robert Hodil of Coblenz, Patch, Duffy and Bass – the outside counsel hired by the city – that under the recently-amended housing accountability act, in order to deny a project, the city would need to find “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, as they existed on the date the application was deemed complete.” Such findings, said Hodil, could not be made.

Hodil said that if the city were to be sued by the applicant for denying the project in violation of HAA, it could end up costing as much as \$15.75 million.

The Terraces, which if approved 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 including a dog park, playground, playing fields and a car park. 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 under the process agreement. The applicant is proposing that the provision of 20 percent of the units, 63 in total, will be affordable, offered at below-market-rates.

There have been many concerns by local residents about the traffic impacts of such a large development on the already “F” grade intersection of Pleasant Hill Road and Deer Hill Road, and the knock-on effect it could cause for the Pleasant Hill corridor. However, traffic studies done by traffic consultants TJKM showed, with proposed mitigation measures, no new significant impacts.

Of equal concern to some residents is the potential impact of building in the Very High Fire Severity Hazard Zone on evacuation, although according to the staff report, both the fire and police departments determined that an evacuation of the site would not cause delays for areas north of the property. Furthermore the fire department viewed the development as

an improvement over the existing conditions noting that it “will provide fire hydrants and sprinklers, a fire pump backup generator, compliant ingress/egress and landscaping that is irrigated and maintained regularly.”

Commissioner Farschad Farzan wanted further clarification on why TJKM had used 2013 data, rather than more recent data, and joined Commissioner Stephen LaBonge in wanting a clear statement from the fire department that the project would not endanger residents north of the development in an evacuation scenario. Contra Costa County Fire Protection District Deputy Fire Chief Aaron McAlister responded saying that the development has multiple fire stations that could respond, and noted its location near the highway. “If this development were at the end of a two-lane road ... I would say don't do it. That's not the case here.”

In his presentation Dave Baker, project manager for O'Brien Homes, drew attention to the mitigation measures proposed for traffic, including adding a trap lane to take traffic directly along Pleasant Hill Road to the freeway. The development would provide a shuttle to BART during commute hours. Baker also pointed to the benefits of such a housing project, bringing more affordable living to some of the workers at the 9,400 jobs in Lafayette without the loss of any jobs, and, given the proximity to schools and BART, the probability of having less cars on the road.

Save Lafayette founder Michael Griffiths continues to believe that more information is needed. “The commission needs much more complete information than the EIR addendum provides in regard to traffic congestion, wildfire risk and evacuation, emergency response time, air pollution, wildlife and scenic preservation,” said Griffiths in a statement after the meeting. “This underscores the need for a more substantial subsequent EIR.”

Lafayette resident Kristen Altbaum is also calling for a SEIR, noting that the Elite traffic review provided by SL, and SL's attorney Richard Drury's report citing what they say are new significant impacts, were not discussed. “Residents are hoping that the planning commissioners will regroup on June 15 realizing, at the bare minimum, that a subsequent EIR is just and warranted.”

“The city has not explained why it has not applied the 2015 General Plan and should not override the significant, unmitigated public health and safety risks,” Griffiths said.

Agreeing with several members of the PC who went on record with their feeling that these meetings should be postponed to a time after the shelter-in-place order is lifted and the city can hold face-to-face meetings – something that the city requested of the governor, but which is currently not allowed – Griffiths says the YouTube format doesn't work as an effective forum for dialogue.

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