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## Controversial apartments get the green light

By Pippa Fisher



The future site of the Terraces of Lafayette Photo Pippa Fisher

The Lafayette city council voted 4-1, with Council Member Susan Candell against, giving the go-ahead with several conditions of approval to the highly controversial 315-unit apartments known as the Terraces, in the early hours of Aug. 25 at the conclusion of an eight-hour meeting.

The council had met for close to 10 hours previously two weeks before, hearing the matter on appeal called for by Council Member Cam Burks, following approval by the planning commission.

The application proposes 315 apartments, in 14 two- and three-story residential buildings on a 22-acre parcel on Deer Hill Road, adjacent to the freeway. First proposed in 2011, the application was suspended in 2014 in favor of alternative plans for a scaled back development of 44 single-family homes. 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 project includes 20% (63 units) offered as low-income housing and as such has protection under the Housing Accountability Act.

Council members took the opportunity to hear from and ask questions of city staff, the police chief, and the traffic consultants. Indeed many questions focused on a fire evacuation scenario and the reliability of the traffic reports, but as the council weighed up the factors, they were very much mindful of HAA laws, which Bryan Wenter, Attorney for the developer, pointed out "mandates approval."

The decade of meetings, lawsuits and controversy, which has garnered national attention at times, holding Lafayette up as a poster-child for NIMBY-ism, has been very divisive for the city. This was certainly clear from the 30 public comments, equally split both in favor of and against the project.

Those for the project spoke of the much-needed low-income housing this would provide, the diversity they say it would bring and suggested the council should examine how history will judge them whilst those against the apartments urged leaders not to add extra traffic, with one speaker suggesting Deer Hill Road would be a "funnel of death." On an evening thick with smoke from 300 fires blazing across California, a fire evacuation seemed to be on everyone's minds.

And it was with fire in mind that Candell said she could not support putting high density housing in a high fire zone. "I'm really concerned," she said.

Burks also grappled with risks. He agreed however with Mayor Mike Anderson, Council Member Teresa Gerringer and Council Member Steven Bliss, in their confidence in testimony from the fire and police chiefs on safety. Burks said that it would take combined leadership to get through some significant risk.

"We need to be very clear and demanding in that regard," said Burks. The council all agreed to work closely with fire and police departments in the area of wildfire safety across the city.

A statement from Dennis O'Brien said, "We are enormously grateful to the many supporters in the community who spoke in favor of this important project, city staff for their years of hard work, and the council for their confidence in us in the face of relentless pressure. Although it has been frustrating to see this project take nearly a decade to obtain approval, we are happy that we have finally reached that point, and we look forward to our project becoming a part of the Lafayette community."

Following the meeting Jeremy Levine of Inclusive Lafayette, an organization that supports the Terraces, said that he was impressed by the council's civil discourse.

"I am confident the council has made the best decision for Lafayette's long-term future. State law created a set of incentives that meant we could not afford the risk of denying the proposal or demanding more review of any kind," said Levine. "Fortunately, most of the council deferred to the expertise of our excellent city staff, particularly Greg Wolff and Rob Hodil, in order to guide their decision."

Levine says, "Everyone can agree that traffic and fire risk along Pleasant Hill Road is frustrating and terrifying, but, after nine years of research, no evidence that would stand up in a court of law suggests the Terraces will negatively impact fire evacuation times. Virtually all other concerns brought up by the opposition have become legally irrelevant."

Anderson said after the meeting that he was very pleased with the large degree of public participation in the Terraces of Lafayette appeal procedure and the thorough deliberations of the city council that highlighted the safety of the residents in the area, while balancing the options and potential legal liabilities to make the best, although not unanimous decision, concluding a nine-year-long planning process.

It may be the end of the planning process, but it is unlikely an end to the controversy.

Pointing to what Michael Griffiths of Save Lafayette calls "erroneous and unsubstantiated statements" made by the city's own consultants, he says that verbal opinions without basis were accepted as fact while proven findings of outside experts on traffic, air pollution and wildlife were virtually ignored.

"The council further ignored the true findings of its own traffic and pollution studies while accepting

erroneous and unsubstantiated statements, made by those same consultants," says Griffiths. "The city staff and attorney had previously kept the pressure on the planning commission by making false and/or irrelevant statements to the commission."

"So how was it that the four council members saw fit to approve the project four to one?" asks Griffiths. "A good question, which will be resolved in the courts over the coming months and years."

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[back](#)

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