



Published September 30th, 2020

Next stop for Terraces apartments - in court

By Pippa Fisher

Local residents working to prevent the recently approved, highly controversial 315-unit apartment project on Deer Hill Road have taken their fight to the next level.

Save Lafayette, a preservationist grassroots group, filed its lawsuit against the city of Lafayette Sept. 23, challenging the city's Aug. 25 approval of the Terraces, under the California Environmental Quality Act. The lawsuit claims that the project's approval based on an addendum to a 2013 environmental impact report was unlawful under CEQA, and that the project violates the city's general plan and zoning requirements.

Save Lafayette, an outspoken opponent of the project since it was first proposed in 2011, claims that the addendum to the EIR was incomplete, erroneous and inadequate in its examination of the potential environmental impacts of the Terraces project, and said in a statement, "When those inadequacies and errors were brought to the city's attention through public comment and additional expert reports and testimony, the city ignored the additional information, accepted the addendum and approved the project anyway - clearly abusing its discretion."

The lawsuit is not a surprise to many following the decade-long saga, and it is not the first one brought by Save Lafayette in order to prevent the project.

The 315-apartment project, in 14 two- and three-story residential buildings on a 22-acre parcel on Deer Hill Road, adjacent to the freeway was 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. 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.

"We are disappointed that Save Lafayette continues to perpetuate its opposition despite the city's careful deliberations and decision, and in conflict with many Lafayette residents who spoke in favor of this new housing in the community," said Attorney Byran Wenter in a statement on behalf of O'Brien Homes. Wenter notes that Save Lafayette has opposed all development on this site for years and "single-handedly derailed a smaller, alternative project that many in Lafayette preferred."

"While Save Lafayette successfully caused the demise of that single-family project, they will not be successful opposing the apartment project," says Wenter. "Save Lafayette has raised nearly every imaginable reason to thwart the Terraces and its 63 units of affordable housing; its objections remain pretextual and devoid of credible evidence, and the Housing Accountability Act mandated the city's wise decision to approve the project."

Lafayette city spokesperson Jeff Heyman said that as of Sept. 25 the city had not yet been served, and the filing was not yet registered on the Court website.

Reach the reporter at: pippa@lamorindaweekly.com

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