

Court upholds city of Lafayette's approval of Terraces of Lafayette development

After more than two years of litigation, the city of Lafayette's approval of the Terraces of Lafayette development has been upheld by the State Court of Appeal. On Wednesday, Nov. 30, the Court of Appeal upheld the Superior Court's decision and found that the city's 2013 environmental review complied with the California Environmental Quality Act (CEQA) and that the city properly followed the Housing Accountability Act in approving the project.

In 2020, the city was sued by Save Lafayette, a citizens group, to overturn Lafayette's approval of the Terraces project on environmental and General Plan and zoning consistency issues. On Nov. 12, 2021, the Contra Costa County Superior Court upheld the city's approval of the Terraces of Lafayette (case #N20-1413). Save Lafayette appealed the Superior Court's decision. In the Nov. 30 ruling, the court held that the city had properly

followed the Housing Accountability Act by applying its general plan and zoning standards that were in effect when the application was deemed complete, and rejected all of Save Lafayette's CEQA challenges.

The Court of Appeal's opinion will become final after 30 days. "We are pleased that the Appellate Court has affirmed that the city complied with the California Environmental Quality Act in its environmental review of the development project," said Lafayette Mayor Teresa Geringer. Once finalized, the court's decision will allow O'Brien Land Company to proceed with the development of 315 for-rent apartments, including 63 below-market-rate units.

For more information, go to the city's website at <https://www.love-lafayette.org/terraces>.
- J. Wake

Development in downtown core

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While several community members offered suggestions involving pushing forward with the BART sites as part of the city's Housing Element, the majority of council members agreed that the potential of HCD rejecting the BART sites, and the greater potential of the denial resulting in the instigation of the Builder's Remedy - a housing development streamlining tool that provides developers the option to file an application for a housing development project with at least 20 percent affordable housing that is not in conformance with a jurisdiction's zoning or General Plan so long as the local government does not have a HCD-certified housing element - was too great a risk.

"If we include BART, odds would be HCD would reject it," Vice Mayor Carl Anduri said. "Our chances are extremely low of getting approval."

"I would appeal to the community; we don't want to be here," Council Member Wei-Tai Kwok said. "But the sooner we have a robust conversation about a Plan B the better."

Staff presented the council with two options: Option A: Downtown-Only (no BART, no DeSilva South), which involves more dramatic changes in density across the planning areas, ranging from 75 du/acre next to the highway to 40 and 35 du/acre in the downtown core and south of Mt. Diablo Boulevard. While this does involve some upzoning along Mt. Diablo Boulevard, staff finds this effectively mitigates some of the concerns raised by the Chamber and members of the public to safeguard small retail. One area in which HCD may challenge this option is regarding Affirmatively Furthering Fair Housing and the concentration of new below-market rate units proximate to the

freeway. This option meets the RHNA and provides for a buffer.

Option B: Downtown-Only (no BART, no DeSilva South) - Less Tiered creates a more uniform distribution of density across downtown planning areas. In this scenario, density is de-emphasized along the highway to mitigate locating the highest density housing along Highway 24. As a result, this option entails extending increased densities farther south of Mt. Diablo Boulevard.

Kwok preferred the more distributed version in Option B, since it seemed buildings in Option A would be taller and more expensive to build.

Anduri preferred Option A, so it would keep one-story retail in front and higher buildings behind: "We want to keep down the height of the boulevard as much as we can." Mayor Teresa Geringer preferred having development spread out more than in Option A, and Council Member Susan Candell preferred A over B.

Council Member Gina Dawson agreed, saying, "The goal of the Downtown Specific Plan is to create a more walkable downtown. I like Option A because it focuses that growth, but I should add that I don't like either option. We're between a rock and a hard place."

None of the council members liked the idea of building up downtown, and emotions were high during the 4.5-hour long discussion, but in the end, the majority agreed to move forward with Option A.

"I'm sick at what we're going to be doing to our downtown," Anduri said. "We need to start talking to BART and discussing the EIR, but this is more palatable than the Builder's Remedy."

"I'm so frustrated," Candell said. "Our community is going to slaughter us on this."



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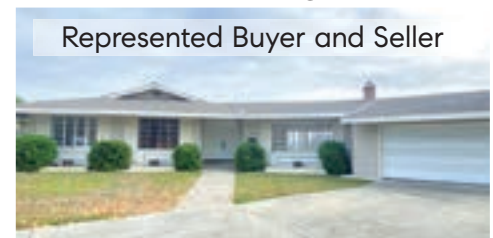
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Lafayette Public Meetings

City Council
Regular Meeting
Monday, Dec. 12, 7 p.m.
Teleconference via City of Lafayette's YouTube Channel:
<http://bit.ly/LoveLafayetteYouTube>

Planning Commission Meeting
Tuesday, Dec. 19, 7 p.m.
Teleconference Meeting via Love Lafayette YouTube
<http://bit.ly/LoveLafayetteYouTube>

Design Review
Wednesday, Dec. 14, 7 p.m. Zoom
Teleconference Meeting via Love Lafayette YouTube
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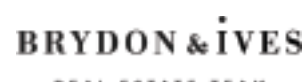


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