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Planning commission approves Terraces, but saga far from over

By Pippa Fisher



The Lafayette planning commission voted to allow the development of this 22-acre site on Deer Hill Road for 315 apartments. Photo Pippa Fisher

the northeast end of the city since 2011 when the project was first proposed. They object to the increased traffic they say will impact them as they make their way through an already heavily-traveled corridor and could put lives in danger in the event of a fire evacuation, such as the city saw in October 2019.

The 2011 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 resumed the original application for the 315-unit apartment project under the process agreement. The project includes 20% of the units offered as low-income housing and as such has protection under the HAA.

LaBonge said he was frustrated that residents rejected the 44-home proposal. Several of the 35 people who made public comments also agreed on that point. Opponents were concerned about traffic impacts, and in an area designated as a High Fire Severity Zone, for potential emergency evacuation delays, as well as air quality, and construction noise impacts.

Northeast Lafayette for Reduced Traffic Founder Kristen Altbaum said she was concerned about the questions the commissioner had not asked - such as about how crosswalks full of elementary school children could realistically be safe while drivers were turning onto Deer Hill Road.

The commission heard from many people in favor of the project's potential to address the need for housing, and encourage diversity, notably many young people calling on the city to "seize the opportunity to push Lafayette forward," and decrying what one called the "growing exclusionary attitudes in Lafayette."

The commission also required several conditions, including working with the Design Review Commission to look at a change in placement of several of the buildings to make the visuals less imposing and for the shuttle bus service to BART to be expanded to include downtown. "If it's going forward we need to make it the best project ever," said Maggio.

Save Lafayette Founder Michael Griffiths said after the meeting that he was not surprised by the vote. "The planning commission was fed erroneous information and pressured to make a decision last night, so the 5-2 result was inevitable," he said.

Griffiths went on to warn that a similar decision by the city council on appeal would have a long-term disastrous impact for Lafayette citywide.

Byran Wenter, attorney for the applicant, said on behalf of his client after the meeting that they were grateful to the planning commission for their approval.

"After nine long years and every form of legal and political challenge, the commission recognized that the Housing Accountability Act required approval of the Terraces," said Wenter, adding, "The Terraces will add much-needed apartment housing to the community. Because of this vote, more people will be able to enjoy the benefits of living in Lafayette."

Wenter has previously warned that litigation could cost the city up to \$15.75 million if courts find the city acted in bad faith in denying the project.

The matter is expected to be appealed at the city council level within days.

With evident reluctance voiced by several commissioners, the planning commission voted 5-2 to approve the controversial 315-unit Terraces apartment complex, which is expected to be escalated to the Lafayette City Council on appeal during the next 14-day period.

At the conclusion of a seven-and-a-half hour meeting June 30, Commissioners Gary Huisingh, Karen Maggio, Greg Mason, Anna Radonich and Commission Chair Kristina Sturm all said they could not make the findings to deny the project under the Housing Accountability Act - a legislative act which has had the effect of stripping local control - even though they found the project not compliant with Lafayette's general plan or hillside ordinance.

Commissioner Stephen LaBonge and Vice Chair Farschad Farzan did not support the project, citing significant impacts to health and safety on the issues of traffic and wildfire.

Plans for the 22-acre lot on Deer Hill Road by the developer, O'Brien Homes, have been riling residents in

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