

# Terraces of Lafayette (Deer Hill)



## Project Summary

In March 2011, the O'Brien Land Company (the "Developer") submitted to the City of Lafayette an application for a project known as the Terraces of Lafayette (the "Project"). The application was for 315 moderate-income apartments on a 22-acre parcel located at the southwest corner of Deer Hill Road and Pleasant Hill Road. At the time, the parcel was zoned APO, for professional offices and multifamily residential units, with a density of up to 35 dwelling units per acre. The Project was deemed complete by the City in July 2011, and a final Environmental Impact Report was certified by the City Council in August 2013.

Hoping to address community concerns about the Project, the City, in December 2013, introduced an alternative known as Homes at Deer Hill ("Project Alternative"). This alternative was thought to be more in keeping with Lafayette's semi-rural character, and would build 44 single-family homes, a community park with a multi-purpose athletic field, playground, a dog park and a parking lot. In 2014, the City and the Developer entered into a Project Alternative Process Agreement suspending the Terraces Project until the Homes at Deer Hill Project Alternative could be reviewed by the City. The agreement also held that if the Homes at Deer Hill project alternative was not approved by the City, or if the approval was overturned by appeal or referendum, the Developer maintained the right to resume the original Terraces of Lafayette Project.

A Supplemental Environmental Impact Report was prepared and certified, and in September 2015, the City Council approved the Homes at Deer Hill Project Alternative. The General Plan designation for the subject property was changed from Administrative Professional Office (APO) to Low Density Single Family Residential (SFR-LD) by City Council Resolution 2015-51. The Council also adopted Ordinance 641, which, in part, rezoned the property to Single Family Residential District (R-20) and to Planned Unit Development (P1). This resulted in down-zoning of the property from more than 700 units to 44 units.

A citizens group known as Save Lafayette sued the City in 2016. The lawsuit called for the City to either place a referendum concerning the Project on the ballot or rescind Ordinance 641, described above. The trial court found in the City's favor, but the Court of Appeals overturned the trial court ruling and the City placed a referendum, Measure L, on the June 5, 2018 ballot. Measure L asked residents to vote yes or no on the Homes at Deer Hill Project Alternative. Measure L failed and the approval of the Homes at Deer Hill was reversed.

On June 15, 2018 the Developer formally asked the City to end the 2014 suspension and resume processing the original 2011 Terraces of Lafayette Project. Processing of the original 2011 application by the City of Lafayette is currently underway. On Monday, April 29, 2019 a joint meeting of the City Council and Planning Commission was held where staff provided an update on the status of the application. The staff report and attachments (including public comment letters) may be accessed [here](#); staff's digital presentation can be viewed [here](#). The video of the April 29<sup>th</sup> City Council and Planning Commission special meeting is available on the City of Lafayette's YouTube channel [here](#). The applicant's representative presented an annotated Site Plan exhibit of proposed changes; this

graphic is available [here](#). At the conclusion of the meeting, staff was directed by Council to hire Impact Sciences to complete an environmental review under CEQA of the 2011 Terraces of Lafayette project. The Planning Commission requested that upon completion of the CEQA determination, the Project go to the Transportation and Circulation Commission for review before returning to the Planning Commission on the merits of the Project. You can find information and documents for the original 2011 project [here](#).

As several years have passed since the Terraces of Lafayette Environmental Impact Report ("EIR") was certified in August 2013, additional environmental review under the California Environmental Quality Act ("CEQA") is proceeding. You can read more about the process and view documents [here](#).

The Project was reviewed at five public hearings in 2020. Click [here](#) to view the meeting dates, agendas, minutes, and staff reports. Correspondence can be found [here](#) and public comments submitted after June 2018 can be found [here](#).

## Public Hearings

The Planning Commission and Transportation & Circulation Commission held a joint session public hearing on January 21, 2020. You can find the agenda, staff report, minutes and meeting audio on the City's Public Meetings web page [here](#). On May 18, 2020 the Planning Commission held a nearly-seven-hour public hearing which concluded with the Commission voting to continue the matter, directing staff to provide additional information regarding traffic impact analysis and potential impacts on emergency evacuations.

The Planning Commission met again on June 30, 2020; the materials for that meeting can be found [here](#). After 7-1/2 hours of staff and consultant presentation, public comment and deliberation, the Planning Commission approved the Project. You can view the meeting on the City's YouTube Channel [here](#). The CEQA Notice of Determination and Addendum to the Certified Environmental Impact Report can be found [here](#).

The Planning Commission's decision was appealed by Council Member Burks and thus the full City Council held a public hearing on the Project on August 10, 2020 (YouTube vide [here](#)). The staff report and meeting materials can be found [here](#). After more than nine hours of presentations, public comments, and deliberations, the City Council continued the matter to August 24, 2020 for further discussion.

The City Council held its second public hearing on the Project on August 24, 2020 (YouTube video [here](#)). The staff report and meeting materials can be found [here](#). After nearly nine hours of presentations, public comments, and deliberations, the City Council approved the project, subject to 56 conditions and 35 pages of mitigation measures.

## Save Lafayette Lawsuit

In September 2020, Save Lafayette, a citizens group, sued the City in Contra Costa County Superior Court (case #N20-1413) to overturn the approval, in an effort to stop the Terraces project on environmental and General Plan consistency issues.

After over a year of litigation, on November 12, 2021, the Superior Court upheld the City of Lafayette's approval of the Terraces of Lafayette. In its ruling, the Court rejected claims by Save Lafayette and found that the City's environmental review complied with the California Environmental Quality Act (CEQA) and that the Terraces project was consistent with the City's General Plan. The Court's ruling will become final unless Save Lafayette appeals within 60 days following the notice of entry of judgment.

If you have any questions, please contact Greg Wolff, (925) 299-3204.