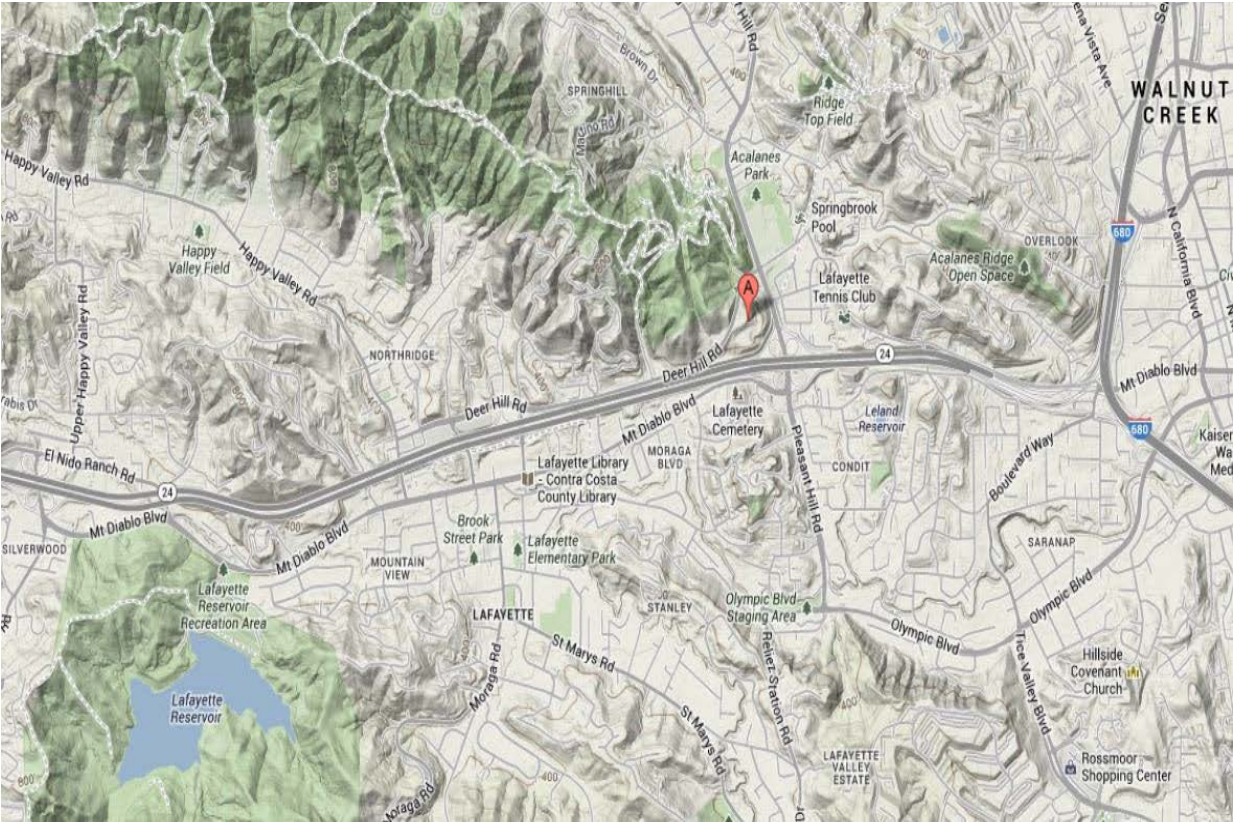




Terraces of Lafayette

Project Update

Project Location Map



Aerial Photo





Project History

Original – 2011

- Terraces of Lafayette
- 315 moderate-income apartments
- Project application deemed complete
- Certified Final Environmental Impact Report
- No Project decision


Alternative - 2013

- Homes at Deer Hill
- 44 single-family homes
- Supplemental EIR
- Alternative Process Agreement
- Project approved
- By referendum decision reversed




Resumed Project – 2018

- Project Alternative Process Agreement terminated.
- Terraces of Lafayette, Original Project resumed: 315 moderate-income apartments.
- Modifications: storm-water and roadway
- Applicant-prepared draft Addendum submitted.




When an EIR previously has been prepared for a project and time has passed or project changes have occurred, the lead agency has 3 possibilities for CEQA compliance:

- a) Rely on prior EIR with no further documentation, other than findings stating that the prior EIR provides adequate CEQA coverage.
- b) Prepare an Addendum to the prior EIR.
- c) Prepare a Subsequent or Supplemental EIR.



Public Resources Code Section 21166 and CEQA Guidelines Section 15162 provide that once an EIR has been certified, *no* subsequent or supplemental EIR shall be prepared for the project unless the lead agency determines, based on *substantial evidence*, one or more of the following:

- a) Substantial changes are proposed in the project that will require major revisions of the EIR;
- b) Substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions in the EIR; or
- c) New information of substantial importance that was not known and could not have been known at the time the EIR was certified as complete becomes available.



The California Supreme Court has affirmed that: "[o]nce a project has been subject to environmental review and approval, section 21166 and CEQA Guidelines section 15162 limit the circumstances under which [an SEIR] must be prepared." *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.*, 1 Cal. 5th 937 (2016).


Another recent case, *Save Our Heritage Organization v. City of San Diego* (Oct. 24, 2018), explained that "Section 21166 effectively creates a presumption against further environmental review after a project has been previously subjected to environmental review. "



A change in the circumstances under which a project is being undertaken requires preparation of an SEIR only if all four of the following conditions are found to exist


- a) The change in circumstances is substantial;
- b) The change involves new or a substantial increase in the severity of significant environmental impacts;
- c) The change will require major revisions based on the new or more severe impacts;
- d) The impacts were not covered in the previous EIR.

The focus of the inquiry is not on the nature, scope, or extent of the changed circumstances, but on whether they would result in new significant project impacts.



New information, which was not known and could not have been known at the time the EIR was certified requires an SEIR only if it shows that:

- a) The project will have significant effects not evaluated in the prior EIR;
- b) Significant effects previously examined will be substantially more severe; or
- c) Mitigation measures or alternatives considerably different from those analyzed in the EIR, or which were previously found infeasible, but which are in fact feasible, would substantially reduce significant effects, but the project sponsor declines to adopt them.



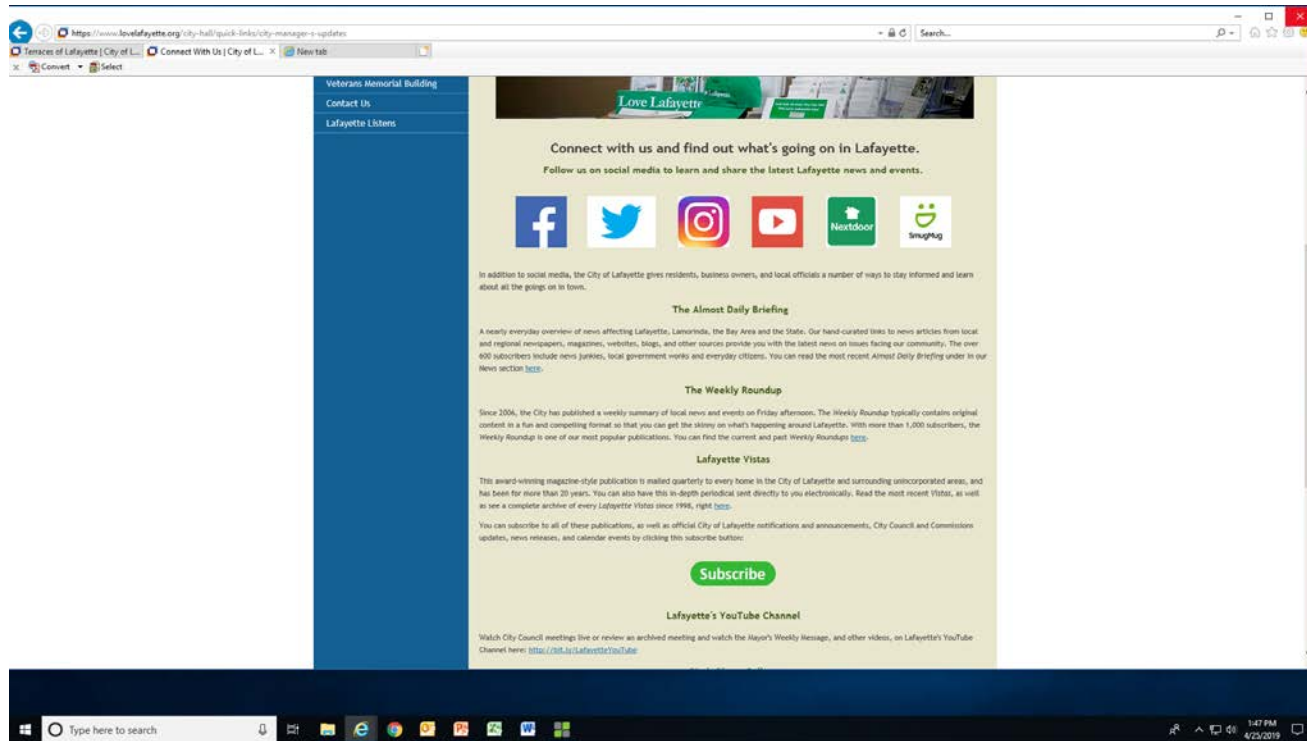
An Addendum must be prepared if there are some necessary changes or additions to the prior EIR, but none of the conditions described in Sections 21166 or 15162 calling for preparation of an SEIR have occurred. (CEQA Guidelines § 15164(a)).



City Addendum Review

- Impact Sciences, pre-approved consultant, conducted adequacy review.
- No substantial project changes or changed circumstances, Addendum rather than Supplemental EIR appropriate.
- Applicant-prepared draft Addendum inadequate requiring substantial revisions and additional technical analysis.

Staying Informed

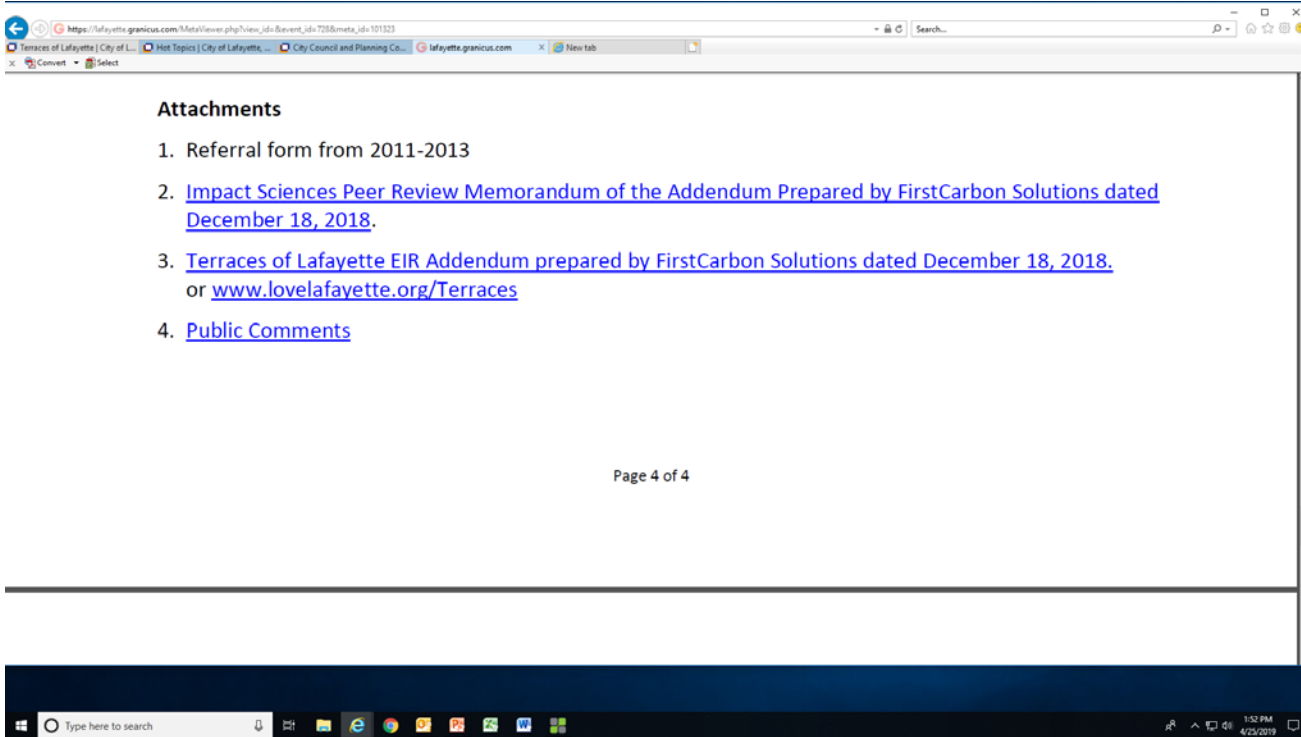


Dedicated Project Page

www.lovelafayette.org/terraces



Public Notice & Comments



The screenshot shows a web browser window with the following content:

Attachments

1. Referral form from 2011-2013
2. [Impact Sciences Peer Review Memorandum of the Addendum Prepared by FirstCarbon Solutions dated December 18, 2018.](#)
3. [Terraces of Lafayette EIR Addendum prepared by FirstCarbon Solutions dated December 18, 2018.](#) or www.lovelafayette.org/Terraces
4. [Public Comments](#)

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The browser's address bar shows the URL: https://lafayette.granicus.com/MapView.php?view_id=8&event_id=728&meta_id=101323. The taskbar at the bottom shows the Windows search bar and various application icons, with the system tray displaying the time as 1:52 PM on 4/23/2019.



Recommendation

- Questions of staff.
- Applicant presentation (including proposed changes).
- Public comment period.
- Applicant rebuttal period.
- PC - Refer Project to the Transportation & Circulation Commission.
- CC - Direct staff to proceed with hiring Impact Sciences to prepare the Addendum for the Project.

