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Judge rules in favor of city's position in lawsuit on Deer Hill housing development

By Pippa Fisher

A San Francisco-based housing advocate group suffered a setback in a recent Contra Costa Superior Court ruling regarding the potential development at Deer Hill in Lafayette.

Judge Judith Craddick denied the writ of mandate requested by Sonja Trauss on behalf of the San Francisco Bay Area Renters Federation (SFBARF), an organization that seeks to increase the amount of rental housing across the Bay Area, in a lawsuit accusing the city of violating the state Housing Accountability Act.

The lawsuit concerning the 22-acres at Deer Hill claimed that by approving the lesser development of 44 single-family homes, down from the original plans for 315 multifamily units known as the Terraces, the city was in violation of the HAA and had coerced the developer to scale back the scope of the plans.

However the judge found that "...the fact that the developer has maintained that the decision to suspend the Terraces and move forward with Deer Hill was voluntary, the petition is denied."

"We're extremely pleased with the judge's decision," said Lafayette City Manager Steven Falk. "Lafayette supports smart growth, not indiscriminate growth. In this case, the city and the developer agreed to work together on a more suitable plan for that parcel. That's good government."

Trauss said that the HAA doesn't exist to protect developers; that it's meant to protect the larger number of renters that are excluded from living in Lafayette. "We still have another course of action we may pursue," she said. "By excluding 700 renters in favor of 44 homeowners, Lafayette violated Californians Fair Housing and Employment Act."

They have 20 days in which to appeal Craddick's decision.

Falk says that the city is doing its fair share to address the region's housing shortage. He points out that more than 500 multifamily units have been developed in the past seven years or are in the planning stages with more than a quarter of Lafayette's housing in rental units. "SFBARF is intent on 'suing the suburbs' over the housing crunch. In this case, they sued the wrong suburb."

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