

Holland & Knight

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Holland & Knight Achieves Favorable Settlement for Habitat for Humanity in Legal Battle over Proposed Affordable Housing Development

SAN FRANCISCO (July 26, 2018) – Holland & Knight, acting as pro bono legal counsel, has achieved a favorable settlement for Habitat for Humanity Greater San Francisco in a challenge to a proposed 20-unit affordable development in downtown Redwood City, Calif. The settlement, approved by the Redwood City Council on July 23, resolves a challenge that has cost Habitat for Humanity millions of dollars in increased construction costs. The case had been scheduled for trial in October.

The petitioners, attorneys who own a two-story single family home on the same block that they use as law offices, filed a lawsuit under the California Environmental Quality Act (CEQA) after the Redwood City Council unanimously denied its appeal of the project approvals on May 22, 2017. The petitioners objected to the building's height, which they said was incompatible with the area and also could block sunlight in their office windows. However, the six-story project is only half of the allowable height for the site and complies with Redwood City's General Plan and Downtown Precise Plan, which establishes its vision for the future of the downtown area. In addition, architect studies showed no substantial change to sunlight on the petitioners' building.

Initially, the petitioners demanded that Habitat for Humanity remove two floors from the building, which would have rendered the project infeasible. As documented in a [recent story](#) on National Public Radio, the same petitioners had challenged several other developments on the same block and had successfully forced those developers to make substantial changes to their projects, causing one to abandon its plans.

“Too often, CEQA lawsuits are being used to block affordable housing projects under the guise of protecting the environment. This type of CEQA litigation abuse is worsening the state's housing crisis, which is particularly severe in Silicon Valley where Redwood City is located,” said Tamsen Plume, the Holland & Knight partner who led the team and is a member of the Habitat for Humanity Great San Francisco's board of directors. “We are pleased to have settled this case and avoided any more delay and uncertainty for this desperately-needed affordable housing. I look forward to attending the key ceremony for 20 deserving Habitat families.”

“These types of lawsuits seek to intimidate developers by driving up costs and crippling the economic viability of affordable housing,” said Maureen Sedonaen, CEO of Habitat for Humanity Greater San Francisco. “All too frequently developers are forced to abandon projects or, worse, forgo pursuing opportunities for affordable homebuilding altogether because of the ease with which they can be delayed with litigation. The invaluable pro bono support of Holland & Knight meant we were able to effectively fight on behalf of our project and the 20 families who will move in to these homes.”

The project includes 20 permanently below market rate, for-sale units ranging from one to three bedrooms in a building that will sit on what is now a vacant 5,000 square-foot lot. Habitat for Humanity Greater San Francisco sells affordable homes to low-income households within San Mateo, San Francisco and Marin Counties. Approved homeowners qualify for a monthly housing payment (mortgage, property tax, insurance, HOA fee—if applicable) equal to 30 percent of their gross monthly income with no down payment. Since 1989, Habitat for Humanity has built 248 homes within the tri-county area.

In addition to Ms. Plume, the Holland & Knight team included partners Jennifer Hernandez and Charles Coleman and associate Genna Yarkin. All are based in the firm's San Francisco office.

About Habitat for Humanity Greater San Francisco: Habitat for Humanity Greater San Francisco builds and sustains affordable homeownership opportunities for families in Marin, San Francisco and San Mateo counties. In partnership with thousands of annual volunteers, local families, donors, civic leaders and engaged residents, this combined community effort helps provide a critical path to financial security and generational stability for families and neighborhoods across the Bay Area. Learn more at www.habitatgsf.org.

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