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**CALIFORNIA
RENTERS LEGAL
ADVOCACY AND
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CaRLA Steps in to Stop Santa Clara County NIMBY Downzoning

Oakland, CA – The California Renters Legal Advocacy and Education Fund (CaRLA) has stepped in to defend future university housing right outside of Stanford University in unincorporated Santa Clara County. On Thursday, September 15, 2022, CaRLA and co-petitioner Kenneth Shotts, a political scientist at Stanford, filed suit in Santa Clara County Superior Court to overturn the County’s illegal downzoning, which imposed restrictive development standards for the newly created Upper San Juan Residential District. These increased development standards pre-emptively preclude any “small-lot” developments, such as the ones under construction in the Cabrillo-Dolores Faculty Housing development approved in 2019. The Santa Clara ordinance is designed to ensure that this neighborhood remains single-family homes on very large lots – the type of housing that is the least affordable and accessible. CaRLA sees through the County’s ruse expressly created to appease wealthy homeowners who don’t want any new housing, and CaRLA has filed suit.

The Cabrillo-Dolores project, which builds seven houses on a two-acre site, was fiercely fought by a subset of neighboring Stanford faculty. Its approval led to the Board of Supervisors directing planning staff to find a way to downzone the district without upzoning another area to compensate, ignoring the requirements of SB 330, also known as the Housing Crisis Act of 2019 (HCA). The Board of Supervisors' new zoning designation for the neighborhood requires 30-ft front yard setbacks (from 25 ft previously), 100-ft lot width frontages (from zero), and a new 20% max building lot coverage for single-family dwellings and 35% for duplexes (from zero). Originally passed as SB 330 in 2019 and extended as SB 8 in 2021, the HCA makes it illegal for jurisdictions to enact residential zoning, planning, or development standards more restrictive than those in effect on January 1, 2018, regardless of whether the standards explicitly reduce permissible density in the area.

“The ordinance enacted by the Board of Supervisors in this case is exactly the type of action the Housing Crisis Act was intended to prevent,” says Dylan Casey, CaRLA Executive Director. “Local governments catering to NIMBYs enact layers and layers of barriers to housing with the effect of locking in what is already developed and, in many cases making the existing buildings illegal to build today. In this case, that means locking in fewer than two homes per acre of land.” Casey emphasizes, “Maintaining such a status quo is maintaining policies of exclusion and out-of-control housing costs. CaRLA is bringing this lawsuit to send the message that this status quo is both untenable and illegal. Cities and counties can no longer ignore the law because they don’t think anyone will challenge them.”

“We know the housing crisis has increasingly affected everyone’s lives, especially in the South Bay which has the worst housing shortage in the US. But not everyone wants solutions. We’re at a place where Milpitas is now asking people to rent rooms to teachers, while cities like San Jose are fighting teacher housing and now in Santa Clara County they’re fighting professors,” says Greg Magofña, CaRLA Director of Outreach. “This isn’t a case of people fighting some unknown enemy. These are faculty just like themselves. This is a pure case of ‘I got mine.’” Magofña adds, “This is another escalation in the long housing war between Stanford University and the County, which has led to the suffering not only of students and faculty, but also of everyday people in Santa Clara County and the broader region who

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already suffer an impossibly competitive housing market. CaRLA wouldn't normally pursue campus housing specifically, but this act by the County has implications for town-gown, or in this case town-county, relations up and down the state."

While certain neighbors, who are required to have ties to the university to live in the area, have been vociferously opposed to new development, Stanford alum and professor Ken Shotts has been a supporter of more housing. He has joined the CaRLA suit saying, "Even professors struggle with housing affordability, and the problem is much worse for most working people. Stanford ought to build more housing and the County should encourage construction of housing whenever possible. Instead, the County is requiring ultra-low-density housing, thereby contributing to the housing crisis. Anyone who can't afford housing in Silicon Valley should be outraged by local government regulations that mandate enormous lot sizes, whether in Atherton, Los Altos Hills, near Stanford, or any other town. It's particularly egregious that this action was taken by the County Board of Supervisors, which is supposed to represent the interests of all county residents, not just a small group of current property owners."

CaRLA is a 501c3 nonprofit whose mission is to increase the affordability and accessibility of housing in California by using legal advocacy and education to ensure cities comply with their own zoning ordinances and state housing law. Since 2015, CaRLA has successfully sued 10 California jurisdictions to defend housing, including Berkeley, Los Altos, San Mateo, San Francisco, Lafayette, Huntington Beach, and Rancho Palos Verdes.

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