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# Developers ask for extension despite lawsuit against city

Written by Ben Marrone / Sun Post Friday, 14 December 2007

MANTECA — As developers push ahead with a lawsuit against the city, city officials may try to bring an early end to the legal battle by holding out on some development requests.

Three developers that sued the city in August over fees on new housing projects asked the City Council next week to extend their homebuilding reservations in Manteca for two years.

In the face of falling home prices and a glut of unsold homes in the city, city officials decided to delay their subdivision plans to avoid putting more homes into an already soft market.

Though the council has tentatively agreed to offer extensions to any developer who asks for them, the fact that Morrison Homes, Standard Pacific and Woodside Homes are named as plaintiffs in a lawsuit against the city could affect their extension request. A hearing is scheduled for the council's Monday, Dec. 17, meeting.

Council members have met behind closed doors to discuss the lawsuit with developers before their past three meetings, according to public notices.

Three people who work closely with the city and local developers said they were asked to talk about using the extension request as a bargaining chip to get the developers to drop their lawsuit. However, those people refused to talk on the record, saying they didn't want to harm their future dealings with the city.

The lawsuit challenges a tenfold increase in the city's facilities fee meant to pay for new public buildings, which the developers claim is "excessive" and a violation of the city's charter.

San Francisco-based attorney David Lanferman, who represents all three developers in the lawsuit, confirmed that city negotiators had brought up the building reservation extension during the lawsuit negotiations, but he refused to give any details.

However, Lanferman did say that the city has decided not to base any extension requests on a dismissal of the lawsuit.

"It is my understanding that they are going to operate along the lines they have in the past and not try to require dismissal," Lanferman said. "The city has been represented by good professional city attorneys, and on both sides, we've been able to find common ground."



issue and separate that from the city's discretion on (homebuilding) allocations." If the city had tried to make such a condition, Lanferman said, it would be in violation of a state law.

"If a development fee is paid in protest, and if a developer seeks relief in court, then the local authority is not to retaliate," Lanferman said.

Council members refused to comment on the lawsuit, saying that doing so could jeopardize the negotiation process.

However, Councilman Jack Snyder said that he would probably grant the developers an extension on their building reservations, even in light of their lawsuit against the city.

"At this point, from what knowledge I have, I probably will support the extension," Snyder said. "I'm aware that they have a lawsuit, but it's probably going to go into mediation."

On the other hand, Councilman John Harris said, the developers' lawsuit "could throw a monkey wrench" into their extension request. He added that he would make a decision only after he read the full request.

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