

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
EVA McCLINTOCK, CLERK

DIVISION 1

Los Angeles County Superior Court

CALIFORNIANS FOR HOMEOWNERSHIP, INC.,  
Plaintiff and Respondent,  
v.  
CITY OF LA CANADA FLINTRIDGE,  
Defendant and Appellant.  
B333151  
Los Angeles County Super. Ct. No. 23STCP00699

**\*\*\* REMITTITUR \*\*\***

I, Eva McClintock, Clerk of the Court of Appeal of the State of California, for the Second Appellate District, do hereby certify that the attached is a true and correct copy of the original order, opinion or decision entered in the above-entitled cause on December 27, 2024 and that this order, opinion or decision has now become final.

Californians for Homeownership, Inc. is awarded its costs on appeal.

Witness my hand and the seal of the Court  
affixed at my office this Feb 26, 2025

EVA McCLINTOCK, CLERK



by: A. Lopez,  
Deputy Clerk

cc: All Counsel (w/out attachment)  
File



FILED

Dec 27, 2024

EVA McCLINTOCK, Clerk

Angelica Lopez Deputy Clerk

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

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DIVISION ONE

CALIFORNIANS FOR  
HOMEOWNERSHIP, INC.,

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v.

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FLINTRIDGE,

Defendant and Appellant.

B333151

(Los Angeles County  
Super. Ct. No. 23STCP00699)

APPEAL from a judgment of the Superior Court of  
Los Angeles County, James C. Chalfant, Judge. Dismissed.

Glaser Weil Fink Howard Jordan & Shapiro, Peter C.  
Sheridan, Christopher L. Dacus; Aleshire & Wynder, Adrian R.  
Guerra, and Alison S. Flowers for Defendant and Appellant.

Matthew P. Gelfand and Allyson H. Richman for Plaintiff  
and Respondent.

Rob Bonta, Attorney General, Daniel A. Olivas, Assistant Attorney General, David Pai and Nina Lincoff, Deputy Attorneys General for the People, ex rel. Attorney General Rob Bonta, and the California Department of Housing and Community Development as Amici Curiae on behalf of Plaintiff and Respondent.

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The City of La Cañada Flintridge (the City) appeals from a judgment in favor of Californians for Homeownership, Inc., a California nonprofit public benefit corporation (CFH), directing the issuance of a writ of mandate compelling the City to complete rezoning required by the state’s Housing Element Law (Gov. Code, § 65580 et seq.).<sup>1</sup> While the appeal was pending, the City complied with the writ. As a result, there is no effective relief we can grant, and the appeal is moot. We reject the City’s argument that we should nevertheless address the merits of the appeal because it raises issues “of significant and continuing public interest” that are likely to recur. Accordingly, we dismiss the appeal.

**A. *Procedural Background***

CFH filed a petition for writ of mandate in the superior court alleging two causes of action. In the first cause of action, CFH alleged that the City’s housing element of its general plan does not substantially comply with the Housing Element Law. In the second cause of action, CFH alleged that the City had not

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<sup>1</sup> Subsequent unspecified statutory references are to the Government Code.

complied with rezoning requirements of the Housing Element Law. CFH sought a writ of mandate compelling the City to adopt a revised housing element and to complete required rezoning.

Pursuant to the trial court's direction, each side filed a motion for judgment pursuant to Code of Civil Procedure section 1094.

On July 11, 2023, the court held a hearing on the cross-motions for judgment. The court denied the motions as to the first cause of action because a factual issue remained that could not be resolved without trial. With respect to the second cause of action, the court explained that the City failed to adopt and submit its housing element to the Department of Housing and Community Development (HCD) on a timely basis and, pursuant to section 65588, subdivision (e)(4)(C)(iii), "the [C]ity's housing element will not be in substantial compliance with the Housing Element Law until the required rezoning is complete."

On September 5, 2023, the court entered its judgment directing that a writ of mandate issue requiring the City to complete the rezoning required by the Housing Element Law within 60 days and to file a return to the writ within 90 days.

On October 10, 2023, the City filed a notice of appeal.

On October 31, 2023, the City filed a return to the writ stating that the City had adopted certain resolutions and ordinances, which, according to CFH, "completed the rezoning required under the writ of mandate."

After the record on appeal was filed, CFH filed a motion to dismiss the appeal.<sup>2</sup>

**B. *The Motion to Dismiss***

CFH contends the City’s post-appeal rezoning ordinance complies with the writ of mandate and that the appeal should therefore be dismissed as moot. We agree.

Courts are tasked with deciding “ ‘actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it.’ ” (*Consol. etc. Corp. v. United A. etc. Workers* (1946) 27 Cal.2d 859, 863.) Thus, “ ‘when, pending an appeal from the judgment of a lower court, and without any fault of the [respondent], an event occurs which renders it impossible for [the appellate] court, if it should decide the case in favor of [appellant], to grant [appellant] any effectual relief whatever, the court will not proceed to a formal judgment, but will dismiss the appeal.’ ” (*Ibid.*; accord, *In re D.P.* (2023) 14 Cal.5th 266, 276.) This rule applies in mandamus proceedings; when the party directed to comply with the writ appeals, then complies with the writ, the appeal becomes moot. (See *Building a Better Redondo, Inc. v. City of Redondo Beach* (2012) 203 Cal.App.4th 852, 866 (*Building a Better Redondo*) [“Appellant’s postjudgment acquiescence in the judgment rendered the issues raised in their appeal of the judgment moot”]; accord, *MHC*

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<sup>2</sup> The Attorney General and the HCD filed an amicus brief addressing the merits of the appeal. In their brief, however, amici state that they do not oppose the motion to dismiss.

*Operating Limited Partnership v. City of San Jose* (2003) 106 Cal.App.4th 204, 214.)

Here, the judgment directed the issuance of a writ compelling the City “to complete the rezoning required” by certain provisions of the Housing Element Law. The parties agree that the City has completed the required rezoning and complied with the writ. The City does not offer any explanation as to how a favorable decision in this court would provide any effective relief in this case; reversal of the judgment would not reverse the City’s rezoning. The appeal is therefore moot. (See *Building a Better Redondo, supra*, 203 Cal.App.4th at p. 866.)

The City, however, urges that we should exercise our discretion to consider the appeal because it raises an issue of broad public interest that is likely to recur.

If “an action involves a matter of continuing public interest and the issue is likely to recur, a court may exercise an inherent discretion to resolve that issue, even though an event occurring during its pendency would normally render the matter moot.” (*Liberty Mut. Ins. Co. v. Fales* (1973) 8 Cal.3d 712, 715–716; accord, *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 746–747.) Here, the City asserts that the application of section 65588, subdivision (e)(4)(C)(iii), conflicts with section 65860, subdivision (c). The purported conflict between these statutes, the City argues, “creates a ‘Catch 22’ trapping municipalities in an inescapable dilemma.”

The City states that the availability of housing is a matter of statewide importance and asserts that the issues it raises have a “clear relation to the provision of housing in California.” Such a generalized argument is not sufficient for us to exercise our

discretion to consider the merits of an appeal that is undisputedly moot.<sup>3</sup> The appeal is therefore dismissed.

**DISPOSITION**


The appeal is dismissed. Californians for Homeownership, Inc. is awarded its costs on appeal.

NOT TO BE PUBLISHED.

  
ROTHSCHILD, P. J.

We concur:

  
BENDIX, J.

  
M. KIM, J.

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<sup>3</sup> The City’s opposition to the motion to dismiss also refers to a “secondary issue” on appeal. This issue involves the interpretation of section 65583.4, subdivision (a), which created a narrow exception to the deadline for some local governments to adopt housing elements that substantially comply with the Housing Element Law. The City, however, fails to explain how this issue has broad public interest sufficient to justify its resolution in this case.