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11  
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF LOS ANGELES

14 CALIFORNIA HOUSING DEFENSE  
FUND, a California nonprofit public  
15 benefit corporation,

16 Petitioner and Plaintiff,

17 v.

18 CITY OF LA CAÑADA FLINTRIDGE,

19 Respondent and Defendant,

20 600 FOOTHILL OWNER, LP, a limited  
21 partnership,

22 Real Party in Interest,

23 PEOPLE OF THE STATE OF  
CALIFORNIA, EX REL. ROB BONTA;  
24 CALIFORNIA DEPARTMENT OF  
HOUSING AND COMMUNITY  
25 DEVELOPMENT,

26 Petitioners-Intervenors.

Case No. 23STCP02614  
Related Case No. 23STCP02575

**PETITIONER CALIFORNIA  
HOUSING DEFENSE FUND'S  
RESPONSE TO MAY 27, 2025  
MINUTE ORDER**

Judge: Hon. Stephen I. Goorvitch  
Dept: 82  
Hearing Date: July 16, 2025

Trial Date: March 1, 2024  
Action Filed: July 25, 2023

1 On May 27, 2025, the Court entered a Minute Order requiring the Parties to meet and  
2 confer regarding Petitioner California Housing Defense Fund’s April 21, 2025 Objections to  
3 Respondent’s CEQA Statement and Request for Order to Show Cause. The Court’s May 27  
4 Minute Order also authorized CalHDF to file a “supplemental notice of the legal/statutory  
5 grounds” for its objections and requests for relief, and ordered further notice to the Court in the  
6 event the Parties resolve their dispute over CalHDF’s objections and requests for relief prior to  
7 June 23, 2025.

8 CalHDF hereby provides supplemental notice of the legal and statutory grounds for its  
9 objections and requests for relief. CalHDF further notifies the Court that CalHDF and the City  
10 have tentatively resolved one aspect of their dispute over CalHDF’s objections and requests for  
11 further relief, but that the Court should keep the July 16, 2025 hearing on calendar to consider  
12 CalHDF’s request for an order compelling compliance with Paragraph (3) of the Judgment in  
13 this case within 30 days.

14 **I. GROUNDS FOR CALHDF’S OBJECTIONS AND REQUESTED RELIEF**

15 CalHDF objected to the City’s court-ordered CEQA Statement on two grounds: (1) the  
16 Statement did not “identify[] the additional [environmental] review believed to be required and  
17 the applicable deadline(s) for completing that review” under CEQA and its implementing  
18 regulations, as required by Paragraph (3) of the Court’s April 5, 2024 Judgment in this case;  
19 and (2) the Statement disclosed an ongoing violation of the Housing Accountability Act  
20 (“HAA”) and Paragraph (2)(b) of the Judgment, arising from the City’s repeated demands that  
21 Real Party in Interest 600 Foothill Owner LP (“600 Foothill”) deposit more than \$300,000 with  
22 the City pursuant to a municipal ordinance the City adopted more than two and a half years  
23 after 600 Foothill filed its preliminary application for the builder’s remedy project at issue in  
24 this litigation. (See Gov. Code, §§ 65589.5(k)(1)(A)(III)(ia), (o)(1) [unambiguously  
25 prohibiting municipal actions that “require[] or attempt[] to require” that a housing  
26 development project “comply with an ordinance, policy, or standard not adopted and in effect  
27 when a preliminary application was submitted”]); Judgment ¶ 2(b) [requiring the City to  
28 process 600 Foothill’s application “in a manner that complies with the Housing Accountability

1 Act”].)

2 To remedy the City’s failure to comply with Paragraph (3) of the Judgment, CalHDF  
3 requested that the Court order the City to fully comply with Paragraph (3) within 30 days. This  
4 request for relief is premised on the Court’s statutory authority to “issue further orders as  
5 provided by law to ensure that the purposes of [the HAA] are fulfilled” (Gov. Code, §  
6 65589.5(k)(1)(C)) and to “make any orders necessary and proper for the complete enforcement  
7 of the writ” (Code Civ. Proc., § 1097). The request is also premised on CEQA’s requirement  
8 that a lead agency determine within 30 days what type of environmental review will be  
9 required for a project (if any), and the Court’s legal authority to grant relief in the nature of  
10 mandamus when a city fails to comply with the deadlines in CEQA and its implementing  
11 regulations. (See Pub. Res. Code, § 21080.2; *Sunset Drive Corp. v. City of Redlands* (1999) 73  
12 Cal.App.4th 215, 223.).

13 To remedy the City’s ongoing violation of HAA subdivisions (k)(1)(A)(III)(ia) and  
14 (o)(1) and Paragraph (2)(b) of the Judgment, meanwhile, CalHDF requested that the Court  
15 issue an Order to Show Cause why it should not order the City to pay the mandatory fines  
16 required by the HAA “upon a determination that the local agency has failed to comply with the  
17 order or judgment.” (Gov. Code, § 65589.5(k)(1)(B).) This request was premised on the  
18 Court’s inherent case-management authority and the Court’s mandatory duties under the HAA  
19 to “retain jurisdiction to ensure that its order or judgment is carried out” and impose fines in  
20 the event it “determin[es]” that the City “failed to comply with the order or judgment.” (Gov.  
21 Code, §§ 65589.5(k)(1)(A)(ii), (k)(1)(B); Judgment ¶ 2(b).)

22 **II. CALHDF AND THE CITY HAVE PARTIALLY RESOLVED THEIR DISPUTE**  
23 **OVER CALHDF’S OBJECTIONS AND REQUESTS FOR RELIEF, BUT THE**  
24 **JULY 16, 2025 HEARING SHOULD REMAIN ON CALENDAR FOR THE**  
**TIME BEING.**

25 Pursuant to the Court’s May 27 Minute Order, the Parties met and conferred about  
26 CalHDF’s objections and requests for relief on June 4, 2025. During this meeting, counsel for  
27 the City represented to CalHDF that (1) the City will no longer require or attempt to require  
28 that 600 Foothill deposit more than \$300,000 in exchange for the City taking initial steps to

1 comply with the Judgment, and (2) in the time since CalHDF filed its objections, the City has  
2 initiated a process to determine whether the Project is exempt from CEQA.

3 In light of these representations, CalHDF does not currently intend to seek further relief  
4 relating to the City’s demands that 600 Foothill submit a deposit of more than \$300,000.  
5 CalHDF reserves all rights to renew its request for monetary penalties in relation to these  
6 demands in the event the City again reverses course and requires or attempts to require that 600  
7 Foothill comply with ordinances and policies that were not adopted and in effect at the time  
8 600 Foothill submitted its preliminary application in November 2022.

9 CalHDF also acknowledges the City’s representations about its initial steps to determine  
10 the Project’s eligibility for one or more CEQA exemptions. However, because the City has not  
11 yet complied with (or even committed to a schedule for complying with) the Judgment, the  
12 hearing currently scheduled for July 16, 2025 should remain on calendar so the Court can  
13 consider CalHDF’s request for an order requiring compliance with Paragraph (3) of the  
14 Judgment within 30 days. CalHDF reserves any and all rights to seek further relief as  
15 appropriate to ensure the purposes of the HAA are fulfilled and the writ is fully enforced in this  
16 case. (See Gov. Code, § 65589.5(k); Code Civ. Proc., § 1097.)

17  
18 DATED: June 9, 2025

Respectfully submitted,

19 ROSEN BIEN GALVAN & GRUNFELD LLP

20  
21 By: /s/ Alexander Gourse  
22 Alexander Gourse

23 Attorneys for Petitioner and Plaintiff  
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**PROOF OF SERVICE**

**California Housing Defense Fund v. City of La Cañada Flintridge  
Case No. 23STCP02614**

**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is 101 Mission Street, Sixth Floor, San Francisco, CA 94105-1738.

On June 9, 2025, along with an *unsigned* copy of this proof of service, I served true copies of the following document(s) described as:

**PETITIONER CALIFORNIA HOUSING DEFENSE FUND’S RESPONSE TO  
MAY 27, 2025 MINUTE ORDER**

on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address szhu@rbgg.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 9, 2025, at San Francisco, California.

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Sherry Zhu

1 **SERVICE LIST**  
2 **California Housing Defense Fund v. City of La Cañada Flintridge**  
3 **Case No. 23STCP02614**

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