

Dept 85

FILED
Superior Court of California
County of Los Angeles

AUG 19 2022

Sherri R. Carter, Executive Officer/Clerk of Court
By: J. De Luna, Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

CALIFORNIANS FOR
HOMEOWNERSHIP, INC., a California
nonprofit public benefit corporation,

Petitioner,

v.

CITY OF SOUTH PASADENA,

Respondent.

Case No. 22STCP01388

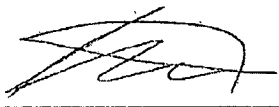
**STIPULATION FOR ENTRY OF
JUDGMENT; [~~PROPOSED~~] ORDER**

Assigned for all purposes to:
Hon. James Chalfant (Dept. 85)

Petition Filed: April 18, 2022

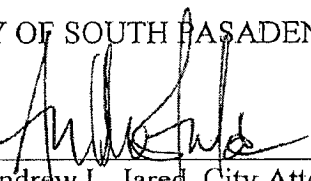
Petitioner CALIFORNIANS FOR HOMEOWNERSHIP, INC. and Respondent CITY OF SOUTH PASADENA, by and through their respective counsel of record, and in accordance with the settlement agreement entered into by the parties, hereby stipulate to entry of the Stipulated Judgment attached hereto as Exhibit A.

DATED: August 15, 2022 CALIFORNIANS FOR HOMEOWNERSHIP, INC.

By: 
Matthew P. Gelfand

Attorneys for Petitioner Californians for Homeownership, Inc.

DATED: August 18, 2022 CITY OF SOUTH PASADENA

By: 
Andrew L. Jared, City Attorney

Attorneys for Respondent City of South Pasadena

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[PROPOSED] ORDER

Having considered the Stipulation for Entry of Judgment and the Stipulated Judgment, and for good cause shown, IT IS HEREBY ORDERED that:

1. The Clerk is ordered to enter the Stipulated Judgment as the Judgment in this matter; and
2. The trial scheduled in this matter on October 11, 2022 is vacated.

DATED: 8/19/22



Hon. James C. Chalfant

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EXHIBIT A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
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CALIFORNIANS FOR
HOMEOWNERSHIP, INC., a California
nonprofit public benefit corporation,

Petitioner,

v.

CITY OF SOUTH PASADENA,

Respondent.

Case No. 22STCP01388

~~PROPOSED~~ STIPULATED JUDGMENT

Assigned for all purposes to:
Hon. James Chalfant (Dept. 85)

Petition Filed: April 18, 2022

Pursuant to the Stipulation for Entry of a Stipulated Judgment submitted by Petitioner CALIFORNIANS FOR HOMEOWNERSHIP, INC ("Californians") and Respondent CITY OF SOUTH PASADENA (the "City"), and pursuant to the Court's power under Code of Civil Procedure Section 664.6:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of Petitioner and against Respondent based on the following findings:

(1) The City did not adopt the sixth cycle update to its housing element by the October 15, 2021 statutory deadline for doing so;

(2) The timeline on which the California Department of Housing and Community Development ("HCD") and the Southern California Association of Governments ("SCAG") allocated the number of housing units the City must accommodate in its sixth cycle revision of the housing

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1 element has made it difficult for the City to timely update its housing element;

2 (3) Government Code Section 65754, subdivision (b), requires any judgment in favor of a
3 petitioner, which finds that the housing element does not substantially comply with the requirements
4 of state law, must order the local jurisdiction to bring its housing element into compliance with those
5 requirements within 120 days and bring its zoning ordinance into consistency with the updated housing
6 element within 120 days thereafter;

7 (4) Government Code Section 65759, subdivision (a), provides that, with limited exceptions,
8 the California Environmental Quality Act does not apply to any action necessary to bring a city's
9 housing element into compliance with a court order or judgment entered under Article 14 of Chapter 3
10 of Division 1 of Title 7 of the Government Code;

11 (5) Government Code Section 65759, subdivision (b), provides that, upon good cause shown,
12 the court can extend the time required for a local jurisdiction to bring its housing element into
13 compliance by way of two extensions of time, not to exceed a total of 240 days;

14 (6) Good cause exists to grant the City additional time to meet the requirements of Government
15 Code Section 65754, which additional time is necessary to allow the City to develop a draft housing
16 element that is likely to be certified by HCD; and

17 (7) The parties have agreed to the entry of this judgment because they wish to avoid the time
18 and expense of litigation, so as to avoid wasting taxpayer money on unnecessary litigation.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

20 (1) The City shall abide by the following schedule with respect to its housing element:

- 21 a. The City shall prepare and submit a revised draft housing element to HCD by
22 September 15, 2022 (the "September Draft").
- 23 b. In the event that HCD determines that the September Draft meets the standards of state
24 law and is eligible for certification, or promises certification conditioned on changes
25 agreed to by the City in advance, the City shall adopt its housing element within 30
26 days after notification by HCD.
- 27 c. In the event that HCD determines that the September Draft requires modifications to
28 meet the standards of state law, the City shall prepare and submit a revised draft housing

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- 1 element to HCD within 45 days after notification by HCD.
- 2 d. In the event that HCD determines that the subsequent draft meets the standards of state
- 3 law and is eligible for certification, or promises certification conditioned on changes
- 4 agreed to by the City in advance, the City shall adopt its housing element within 30
- 5 days after notification by HCD.
- 6 e. In the event that HCD determines that the subsequent draft requires modifications to
- 7 meet the standards of state law, the City shall prepare and submit a revised draft housing
- 8 element to HCD within 45 days after notification by HCD.
- 9 f. In no event shall the City adopt its updated sixth cycle housing element later than May
- 10 31, 2023;

11 (2) The City shall complete all rezoning of property contemplated in the housing element
12 within 120 days of its adoption of the housing element. For purposes of this section, rezoning of
13 property shall not include any action required to be put to the vote of the electorate to consider repeal of
14 the City's 45-foot height limit or any subsequent required action should such measure fail to bring the
15 housing element into compliance;

16 (3) Consistent with Government Code Section 65759, the City shall be exempt from
17 compliance with CEQA in connection with all of the actions it is required to undertake pursuant to the
18 preceding paragraphs, if it complies with the requirements of Section 65759;


19 (4) Because the City has not had an adopted sixth cycle housing element, starting on October
20 15, 2021, the City shall not use the provisions in subdivision (d)(1) or (d)(5) of Government Code
21 Section 65589.5 to disapprove a housing development project that qualifies for approval under
22 subdivision (d) of that section—that is, a project in which either (A) at least 20 percent of the total
23 units shall be sold or rented to lower income households, as defined in Health and Safety Code Section
24 50079.5, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate
25 income as defined in Health and Safety Code Section 50093, or persons and families of middle income,
26 as defined in Government Code Section 65008—or to condition the approval of such a project in a
27 manner that renders it infeasible for development for the use of very low, low-, or moderate-income
28 households, or an emergency shelter, including through the use of design review standards; and

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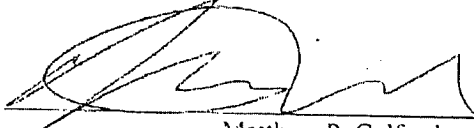
(5) The Court shall retain jurisdiction over this action and the Parties thereto until the terms of this Judgment are fulfilled.

Dated: 8/21/2022, 2022



JAMES C. CHALFANT

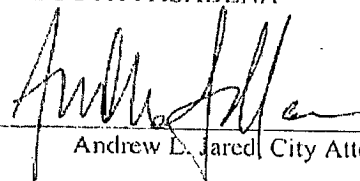
Respectfully submitted this 15th day of August, 2022
CALIFORNIANS FOR HOMEOWNERSHIP, INC.



Matthew P. Gelfand

Attorneys for Petitioner CALIFORNIANS FOR HOMEOWNERSHIP, INC.

CITY OF SOUTH PASADENA



Andrew D. Jared, City Attorney

Attorneys for Petitioner CITY OF SOUTH PASADENA

08/22/2022