

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

Central Justice Center  
700 W. Civic Center Drive  
Santa Ana, CA 92702

**SHORT TITLE:** Californians for Homeownership, Inc. vs. City of Huntington Beach**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC  
SERVICE****CASE NUMBER:**  
**30-2019-01107760-CU-WM-CJC**

I certify that I am not a party to this cause. I certify that the following document(s), Minute Order dated 10/04/21, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on October 4, 2021, at 8:42:00 AM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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Clerk of the Court, by: Schallie Valencia, Deputy

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 10/04/2021

TIME: 08:30:00 AM

DEPT: C21

JUDICIAL OFFICER PRESIDING: Deborah Servino

CLERK: Schallie Valencia

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2019-01107760-CU-WM-CJC** CASE INIT.DATE: 10/28/2019

CASE TITLE: **Californians for Homeownership, Inc. vs. City of Huntington Beach**

CASE CATEGORY: Civil - Unlimited      CASE TYPE: Writ of Mandate

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EVENT ID/DOCUMENT ID: 73619955

**EVENT TYPE:** Under Submission Ruling

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**APPEARANCES**

There are no appearances by any party.

The Court, having taken the above-entitled matter under submission on October 1, 2021, and having fully considered the arguments of all parties, both written and oral, now rules as follows:

**NOTICE OF RULING:**

Petitioner Californians for Homeownership, Inc. moves to vacate the judgment, or alternatively for a new trial. The motion to vacate the judgment is granted.

Code of Civil Procedure section 663 provides in relevant part:

A judgment or decree, when based upon a decision by the court . . . , may, upon motion of the party aggrieved, be set aside and vacated by the same court, and another and different judgment entered, for either of the following causes, materially affecting the substantial rights of the party and entitling the party to a different judgment:

1. Incorrect or erroneous legal basis for the decision, not consistent with or not supported by the facts; and in such case when the judgment is set aside, the statement of decision shall be amended and corrected.

(Code Civ. Proc., § 663.)

The court has broad power to change its findings and modify its judgment to serve the ends of justice while avoiding the necessity, delay, and expense of a new trial or an appeal. (Cf. *Spier v. Lang* (1935) 4 Cal.2d 711, 714; *Solorza v. Park Water Co.* (1948) 86 Cal.App.2d 653, 663.) A motion to vacate judgment in a mandamus action is appropriate. (See, e.g., *Glen Hill Farm, LLC v. California Horse Racing Bd.* (2010) 189 Cal.App.4th 1296, 1302.)

The Court issued its ruling on Petitioner's motion to issue writ of mandate on August 4, 2021. Prior to the

hearing on the motions to vacate judgment and for a new trial, an opinion was filed in *California Renters Legal Advocacy and Education Fund v. City of San Mateo* (Sept. 10, 2021, A159320 & A159658) \_\_\_ Cal.App.4th \_\_\_ [2021 D.A.R. 9574]. Based upon the new case, it appears that the Court's judgment denying the petition for writ of mandate was erroneous as a matter of law. As set forth in a separately filed statement of decision, Respondent City of Huntington Beach did not proceed in the manner required by law in denying approval of the project. Accordingly, the motion to vacate the judgment is granted. The August 12, 2021 amended judgment is hereby vacated.

The Court's ruling on the motion to vacate the judgment renders moot the motion for new trial.

The Clerk is ordered to give notice of the ruling.