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**August 29, 2023**

**PRESS RELEASE #02-2023**

**FOR IMMEDIATE RELEASE**

**Subject: Court Upholds La Habra City Council’s Denial of Housing Project Proposed for Open Space Area and La Habra Voters’ Adoption of Measure X**

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The City of La Habra has won a significant victory in a developer’s lawsuit challenging the City Council’s 2020 denial of the “Rancho La Habra” project, a proposal to build 448 homes on the site of the existing Westridge Golf Course. The golf course is designated as “open space” in the La Habra General Plan. Following the project denial, and the subsequent La Habra voters’ adoption of Measure X, a measure that requires La Habra voter approval of certain land use decisions, Lennar Homes and the Kwon family, the developer and property owner (“petitioners”), filed a lawsuit to challenge the project denial, as well as the validity of Measure X.

Orange County Superior Court Judge Sheila Recio rejected the petitioners’ challenge to the City Council’s land use decisions and the adoption of Measure X, ruling in favor of the City in a decision dated August 29, 2023. Petitioners had argued that:

- 1) The City Council’s denial was tainted by the alleged “bias” of a councilmember;
- 2) The City Council lacked a basis to deny the project;
- 3) Voter approved Measure X was legally invalid as “spot zoning”; and,
- 4) The State’s housing crisis compelled the City Council to permit housing on the site, even though housing was not permitted by existing zoning at that location.

Repeatedly, in a five-page ruling, Judge Recio found no evidence to support the petitioners’ claims.

The first part of the petitioners’ lawsuit has been to challenge the City’s actions denying the project and the La Habra voters’ approval of Measure X. The second part of their lawsuit, which had been delayed pending a decision on the first part, is to seek damages for the actions challenged in the first part of their lawsuit. The City, however, believes that this ruling now renders moot the second part of the petitioner’s lawsuit and that it should be dismissed.

Please direct any inquiries regarding this matter to the City’s legal counsel, Craig Steele, at (213) 626-8484.

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