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30-2021-01185991-CU-WM-CXC - ROA # 57 - DAVID H. YAMASAKI, Clerk of the Court By Olga Lopez, Deputy Clerk.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE - CIVIL COMPLEX

OLEN PROPERTIES CORP., a Florida corporation,

Petitioner,

v.

CITY OF NEWPORT BEACH, and DOES 1-10, inclusive,

Respondents.

TPG (KCN) ACQUISITION, LLC, a Delaware limited liability company, and DOES 11-20, inclusive,

Real Parties in Interest.

Case No. 30-2021-01185991-CU-WM-CXC

ASSIGNED FOR ALL PURPOSES TO:
HON. KIRK H. NAKAMURA
DEPARTMENT CX-103

NOTICE OF MOTION AND MOTION OF YIMBY LAW, PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION), AND CALIFORNIANS FOR HOMEOWNERSHIP, INC. FOR LEAVE TO INTERVENE AS REAL PARTIES IN INTEREST

Date: August 5, 2021
Time: 2:00 p.m.
Dept.: CX-103

Reservation No.: 73559333

Action Filed: February 25, 2021
Trial Date: None Set.

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on **August 5, 2021, at 2:00 p.m**., or as soon thereafter as the matter may be heard, in Department CX-103 of the above-entitled Court, Intervenors YIMBY LAW, PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION), and CALIFORNIANS FOR HOMEOWNERSHIP, INC. ("Intervenors") will and hereby do move for an order of this Court for leave to (1) intervene as real parties in interest under Code of Civil Procedure section 387, and (2) file an answer in intervention in this action, a copy of which Proposed Answer is attached to the Declaration of Kenneth A. Stahl as **Exhibit 1** and incorporated by this reference.

The grounds for this motion are that the intervenors are directly and immediately affected by this action. The intervenors are nonprofit public interest organizations that work to make housing more affordable through organizing, policy advocacy, education, and litigation. They have a particular interest in addressing the statewide shortage of housing at all income levels, and have dedicated considerable efforts to ensuring that high-cost coastal cities like Newport Beach provide their fair share of the regional need for housing. As part of its fair share obligation, Newport Beach has designated the project site as issue in this case as appropriate for market-rate and affordable housing, and approved a housing development on the site. Now, petitioner seeks to reverse that approval. If petitioner is successful, intervenors' work to address the housing crisis will be undermined and the families in need of housing who depend on their advocacy will continue to suffer from the effects of the housing shortage, including high rents, long commutes, and unattainable home ownership. For these reasons, and because intervention will not enlarge the issues in the case and the petitioner will not be prejudiced in any way, the court should permit the intervention.

The motion will be based on this notice of motion and motion, on the accompanying memorandum of points and authorities and Request for Judicial Notice filed concurrently herewith, on the Declarations of Sonja Trauss, Elizabeth Hansburg, Matthew P. Gelfand and Kenneth A. Stahl filed concurrently herewith, on the oral arguments of counsel, on the papers, pleadings, and evidence on file with the Court, and on such other and further matters as

the Court may wish to consider at the hearing of this matter.

Dated: July 2, 2021

MILLER STARR REGALIA

By: 

MATTHEW C. HENDERSON
KENNETH A. STAHL
Attorneys for Intervenors YIMBY LAW and PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION)

Dated: July 2, 2021

CALIFORNIANS FOR HOMEOWNERSHIP, INC.

By: 

MATTHEW P. GELFAND
Attorneys for Intervenors CALIFORNIANS FOR HOMEOWNERSHIP, INC