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Attorneys for Petitioner OLEN PROPERTIES CORP.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE – CIVIL COMPLEX

OLEN PROPERTIES CORP., a Florida corporation;,

Petitioner,

vs.

CITY OF NEWPORT BEACH, a municipal corporation; and DOES 1 through 10, inclusive,

Respondents.

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

Real Parties in Interest.

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

Assigned for all purposes to:
Hon. Kirk Nakamura

PETITIONER'S OBJECTIONS TO DECLARATIONS SUBMITTED IN SUPPORT OF MOTION TO INTERVENE

[Opposition to Motion to Intervene filed concurrently herewith]

Reservation No. 73559333

Date: August 5, 2021
Time: 2:00 p.m.
Dept.: CX103

Action Filed: March 16, 2021
Trial Date: None set

Petitioner object to the Defendant's evidence in support of their Motion to Intervene as follows:

DECLARATION OF ELIZABETH HANSBURG		
EVIDENCE	**OBJECTION**	**RULING**
1. "People for Housing is a grassroots non-profit dedicated to ending the housing shortage and increasing affordability across Orange County. The mission of People for Housing is to achieve lower rents and a more sustainable and prosperous region where people can afford to choose where they live and access quality jobs, transportation, schools and community resources. People for Housing achieves this mission through policy analysis, civic education, and political organizing. People of Housing is the leading voice in Orange county on pro-housing policy and home to a growing community of pro-housing social justice activists, researchers, and community leaders." (¶ 2.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
2. "People for Housing was founded in January 2017 as a project of a 501(c)(3) fiscal sponsor. Since January 2020, People for Housing has been organized as a chapter of YIMBY Action, a 501(c)(4) nonprofit organization consisting of over 1,000 pro-housing activists fighting for more inclusive housing policies and a future of abundant housing. Among other goals, YIMBY Action aims to increase the housing supply and lower housing costs in order to alleviate poverty, grow the economy, end homelessness, eliminate racial segregation and stop climate change. It seeks to accomplish these goals by, among other things, pushing local governments to approve more housing, streamlining land use regulation, and supporting legislation to reform zoning laws that restrict housing supply." (¶ 3.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled

3. "Decades of resistance to new housing in California, especially in coastal communities, have caused an enormous housing shortage throughout the state and particularly in Orange County. People for Housing's members have experienced firsthand the devastating consequences of this housing shortage. They have endured skyrocketing rents that made the cost of living unbearable, been forced to relocate to communities far from their jobs and schools, and delayed life decisions like marriage or having children because of housing insecurity. They have found homeownership unattainable and been shut out of communities with jobs and good schools." (¶ 4.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
4. "People for Housing and YIMBY Action seek to address the root causes of the housing shortage that affects their members by advocating for increased housing production, especially affordable housing production, and for policies that ensure every jurisdiction accommodates its fair share of the regional housing need. Our priorities include reforming zoning laws that restrict housing supply and streamlining permitting processes to reduce housing costs. People for Housing was closely involved in the Regional Housing Needs Assessment (RHNA) process in the southern California region. People for Housing's advocacy helped ensure that cities throughout the region, including cities in Orange County, will be required to plan for over 1.3 million homes over the next eight years, and that high-cost coastal cities will finally be required to accommodate their fair share of the regional need for housing. People for Housing has also been involved in The Campaign for Fair Housing Elements, a collaborative effort by housing	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled

advocates around the state organized by YIMBY Law to monitor and ensure cities' compliance with their RHNA obligations." (¶ 5.)		
5. "Newport Beach is a high-cost coastal city with proximity to good schools and jobs, as well as a city that has had minimal population growth for the last many years and virtually no new housing construction. Accordingly, it has been one of People for Housing's top priorities to ensure that Newport Beach increases its housing supply, especially its affordable housing supply, so that people of more modest means can afford to live there. People for Housing has been active in Newport Beach, advocating for many housing projects and participating in the city's housing element update process mandated by the RHNA law. Several members of People for Housing are Newport Beach residents. Many of them joined our movement because they desire to remain in Newport Beach, and fear that they might not be able to do so if the city continues to fail to produce housing. Other Newport Beach residents have joined because they recognize that the city suffers from a lack of affordable housing and they desire to see the city do more to accommodate its share of the need for affordable housing. Still other Newport Beach residents joined because they work in development adjacent fields and want to see more opportunities to build housing in coastal cities like Newport Beach.." (¶ 6.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
6. "In the upcoming 2021-2029 RHNA cycle, Newport Beach has been assigned a RHNA allocation 4,845 homes, including 1,456 very low-income homes and 930 low income homes. The city planning staff is currently drafting the needed updates to the city's housing element, and has posted on the city's website a draft housing element, including an analysis of sites that are	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors	_____ Sustained _____ Overruled

suitable and likely to be developed for housing to accommodate some share of the city's RHNA allocation of 4,845 new homes." (¶ 7.)	bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	
7. "SCAG 6th Cycle Final RHNA Allocation Plan, available at: https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-proposed-final-allocation-plan.pdf?1614911196" (¶ 7, fn 1.)	Irrelevant (Evid. Code § 210); lacks foundation (Evid. Code §§ 403, 405), and hearsay (Evid. Code § 1200). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
8. "City of Newport Beach Draft Housing Element March 10, 2021, available at: https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan-update/housing-element-screencheck-draft-march-10-2020; Appendix B: Sites Analysis, available at: https://www.newportbeachca.gov/PLN/Housing_Element_Update/March_10_2021_Draft/AppendixBSites_Analysis.pdf" (¶ 7, fn 2.)	Irrelevant (Evid. Code § 210); lacks foundation (Evid. Code §§ 403, 405), and hearsay (Evid. Code § 1200). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of	_____ Sustained _____ Overruled

	parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	
9. "The city's draft housing element sites analysis identifies the recently approved Residences at 4400 Von Karman project as a project that is very likely to be developed during the next planning cycle. The project provides 312 homes, including 13 homes that are affordable for very-low income families. The project is consistent with all the applicable objective standards in the city's general plan as well as the Koll-Conexant Integrated Conceptual Development Plan ("ICDP"), both of which were approved with a full Environmental Impact Report ("EIR") more than a decade ago. The city's draft housing element sites analysis credits those 13 homes towards its RHNA share of 1,456 very low-income homes for the upcoming cycle. (Appendix B: Sites Analysis at B-4; B-17.)" (¶ 8.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
10. "People for Housing has been active in Newport Beach's housing element update process. We were invited to participate in stakeholder meetings with city staff as part of that process. We also collaborated with YIMBY Law's Campaign for Fair Housing Elements to submit public comments on the current draft of the city's housing element." (¶ 9.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the	_____ Sustained _____ Overruled

	Motion.	
11. "If the lawsuit is successful, it will frustrate Newport Beach's ability to meet its RHNA goals, and undermine the work of groups like People for Housing to ensure that high-opportunity cities like Newport Beach accommodate their fair share of the regional need for housing. It will also ensure that People for Housing's members continue to suffer from the negative consequences of the housing shortage, and prevent People for Housing's members from enjoying the many benefits of the project. The project location is a commercial area that is one of the few places where approving new housing is politically feasible in Newport Beach, because it is not near existing residential neighborhoods. If housing cannot even get built there, where it has been part of the General Plan for over 10 years, then there is very little hope that Newport Beach will be able to build housing anywhere, and the entire housing element process will be meaningless. (¶ 11.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled

DECLARATION OF SONJA TRAUSS

EVIDENCE	**OBJECTION**	**RULING**
14. "California is suffering from a housing supply shortage of epic proportions. Among the major causes of this shortage are the failure of local governments to approve enough new housing, especially affordable housing, to meet demand, and resistance to new housing by neighboring homeowners. Californians have experienced firsthand the devastating consequences of this housing shortage. They have endured skyrocketing rents that made the cost of living unbearable, been forced to relocate to communities far from their jobs and schools, and delayed life decisions like marriage or having children	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported	_____ Sustained _____ Overruled

because of housing insecurity. They have found homeownership unattainable and been shut out of communities with jobs and good schools." (¶ 2.)	locations for residential housing have zero relevance to the Motion.	
15. "Fortunately, California has several state laws that seek to overcome local resistance to new housing and increase the housing supply at all levels of affordability, including the Housing Element or Regional Housing Needs Assessment/Allocation (RHNA) law, the Housing Accountability Act (HAA), and others. But these laws only matter if someone is willing and able to enforce them. That is YIMBY Law's mission. YIMBY Law is a 501(c)(3) charitable non-profit organization dedicated to make housing more accessible and affordable by promoting and enforcing compliance with state housing law in California. YIMBY Law enforces state laws such as those mentioned above by advising agencies of their obligations under state law, and filing lawsuits against those agencies when they fail to comply. Examples of some of our recent cases include litigation against the city of Simi Valley for denying a residential care facility for seniors in violation of the HAA, and litigation against the state Department of Housing and Community Development for assigning a Regional Housing Need Assessment for the San Francisco Bay Area that is too low, in violation of state law." (¶ 3.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Indeed, none of the statutes cited by Intervenors apply to this CEQA challenge. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
16. "The voices of families in need of housing have traditionally been absent and ignored in litigation involving housing and environmental issues, as developers, cities, and neighborhood groups litigate their respective concerns while no one speaks for the people in need of housing. YIMBY Law's role is to provide that voice." (¶ 4.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled

17. "As part of the RHNA process, every local government in California is required to make plans to accommodate its fair share of the regional need for affordable housing in the "housing element" of its general plan. YIMBY Law organizes and provides technical assistance to pro-housing activists all over California who are interested in advocating for housing elements that realistically plan for housing, and that distribute affordable and dense housing equitably across cities. We also organized the Campaign for Fair Housing Elements, a collaborative effort by housing advocates around the state to monitor and ensure cities' compliance with their RHNA obligations." (¶ 5.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Indeed, none of the statutes cited by Intervenors apply to this CEQA challenge. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
18. "Even when cities are willing and able to meet their obligations under state law and provide needed housing, their compliance may still be frustrated if neighboring homeowners or others can block or delay housing projects by strategically using laws such as the California Environmental Quality Act ("CEQA"). For instance, cities may plan to entitle housing on certain sites to meet their Regional Housing Needs Allocations, only to then face CEQA lawsuits seeking to block housing on those same sites. It is documented that CEQA lawsuits are often used to obstruct dense housing projects, especially in job centers. These lawsuits threaten to undermine efforts of the state legislature to increase the housing supply generally and to concentrate housing in areas that are job centers." (¶ 6.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
19. "Newport Beach is a high-cost coastal city in Orange County, with proximity to jobs and good schools. In the upcoming 2021-2029 RHNA cycle, Newport Beach has been assigned a RHNA allocation of 4,845 homes, including 1,456 very low-income homes and 930 low-income homes. As part of the RHNA process,	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis	_____ Sustained _____

Newport Beach is required to identify sites in the city that can accommodate all of these homes. The city planning staff is currently drafting the needed updates to the city's housing element, and has posted on the city's website a draft housing element, including an analysis of sites that are suitable and likely to be developed for housing to accommodate some share of the city's RHNA allocation of 4,845 new homes." (¶ 7.)	of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	Overruled
20. "SCAG 6th Cycle Final RHNA Allocation Plan, available at: https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-proposed-final-allocation-plan.pdf?1614023284." (¶ 7, fn 1.)	Irrelevant (Evid. Code § 210); lacks foundation (Evid. Code §§ 403, 405), and hearsay (Evid. Code § 1200). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
21. "City of Newport Beach Draft Housing Element March 10, 2021, available at: https://www.newportbeachca.gov/government/departments/planning-division/general-plan-codes-and-regulations/general-plan-update/housing-element-screencheck-draft-march-10-2020; Appendix B: Site Analysis; available at https://www.newportbeachca.gov/PLN/Housing_Element_Update/March_10_2021_Draft/AppendixBSites_Analysis.pdf." (¶ 7, fn. 2.)	Irrelevant (Evid. Code § 210); lacks foundation (Evid. Code §§ 403, 405), and hearsay (Evid. Code § 1200). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to	_____ Sustained _____ Overruled

	the Motion.	
22. "The city's draft housing element sites analysis identifies the recently approved Residences at 4400 Von Karman project as a project that is very likely to be developed during the next planning cycle. The project provides 312 homes, including 13 homes that are affordable for very-low income families. The project is consistent with all the applicable objective standards in the city's general plan as well as the Koll-Conexant Integrated Conceptual Development Plan ("ICDP"), both of which were approved with a full Environmental Impact Report ("EIR") more than a decade ago. The city's draft housing element sites analysis credits the project's 13 very-low homes towards its RHNA share of 1,456 very low-income homes for the upcoming cycle. (Appendix B: Sites Analysis at B-4; B-17.)" (¶ 8.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	
23. "Through our Campaign for Fair Housing Elements, YIMBY Law participated in Newport Beach's housing element update process. We collaborated with People for Housing Orange County to submit public comments on the current draft of the city's housing element." (¶ 9.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	
24. "YIMBY Law's mission is to protect the integrity of the RHNA process and to ensure that cities comply with the HAA by approving housing projects that meet all of their applicable objective criteria." (¶ 10.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring	

	nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	
25. "YIMBY Law has an interest in ensuring that sites designated for housing in a city's housing element and compliant with all of a city's applicable objective development standards will actually accommodate housing. If this lawsuit is successful, it will frustrate Newport Beach's ability to meet its RHNA goals, frustrate the aim of the HAA to ensure that compliant projects are approved, and undermine the work of groups like YIMBY Law to ensure that high-opportunity cities such as Newport Beach accommodate their fair share of the regional need for housing." (¶ 11.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. In fact, it appears that Intervenors believe that their interests trump the law (CEQA). Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	

DECLARATION OF MATTHEW GELFAND

EVIDENCE	**OBJECTION**	**RULING**
26. "For decades, California has experienced a significant housing access and affordability crisis. In recent years, this crisis has reached historic proportions. As a result of the housing affordability crisis, younger Californians are being denied the opportunities for housing security and homeownership that were afforded to previous generations. Families across economic strata are being forced to rent rather than experience the wealth-building	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an	_____ Sustained _____ Overruled

benefits of homeownership. Many middle and lower income families devote more than half of their take-home pay to rent, leaving little money to pay for transportation, food, healthcare and other necessities. Unable to set aside money for savings, these families are also at risk of losing their housing in the event of a medical issue, car trouble, or other personal emergency." (¶ 3.)	opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	
27. "This crisis is driven in significant part by efforts by incumbent residents and property owners in many of California's cities and counties to exclude new housing development. The term "NIMBY"—or "Not in My Backyard"—is used to describe these efforts. NIMBYism is used across California to delay, reject, and downsize housing development projects, especially projects that might increase access to affordable housing. NIMBY efforts are the natural consequence of California's land use system, which disfavors the development of housing and creates outsized opportunities for residents to oppose housing. Whatever the realities, residents often believe that new housing will tax limited city resources, create crowded conditions, and threaten the character of residential neighborhoods. Housing projects with affordable housing components can draw especially strong opposition, driven by residents' perceptions of low-income individuals." (¶ 4.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Indeed, none of the statutes cited by Intervenors apply to this CEQA challenge. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
28. "The voices of those in need of housing, by contrast, are systematically ignored. Potential future housing occupants—job-seekers from elsewhere in the state or country, the minor children of local residents, and those forced to commute from far-flung parts of the region due to the lack of affordable housing, among others—have no vote in local elections. And landowners who are interested in developing housing are no better off, because owning that land does not entitle them to vote in local elections." (¶ 5.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled

29. "Over the last five decades, the Legislature has increasingly sought to address the power imbalance at play in local housing policy. The most important state policy addressing the housing crisis is the Regional Housing Needs Allocation ("RHNA") and Housing Element system. The RHNA system is a process for assessing and allocating housing targets on a periodic basis, generally every eight years. Each locality is tasked with developing an action plan (the Housing Element) to enact land use policies that will produce enough housing to meet its RHNA goals. The Housing Element must provide an inventory of sites available for residential development and assess constraints and market realities that affect the likely development activity at those sites. Localities must make changes to their land use rules, including by rezoning land, if needed to enable housing sufficient to meet their RHNA goals." (¶ 6.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Indeed, none of the statutes cited by Intervenors apply to this CEQA challenge. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
30. "The RHNA and Housing Element laws are effective at eliminating straightforward, explicit efforts to limit housing production. But because local governments control most of the RHNA and Housing Element planning process, the process requires their good faith cooperation to succeed. Instead, many have worked to undermine it. In recent years, the Legislature has responded with an expansive package of housing-related bills. Among these were key enhancements to the Housing Accountability Act. First passed in the 1980s, the Act aims to eliminate local project-specific vetoes by limiting the right of localities to reject zoning-complaint housing development projects. In 2017 the Legislature enhanced the Act by adding additional penalties for non-compliance, changing the burdens and standards of proof, and providing a statutory right of action for nonprofit organizations to sue to enforce the law." (¶ 7.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
31. "Even when cities are willing and able to meet their obligations under state law and provide needed housing, their compliance may still be frustrated if neighboring homeowners or others can block or delay housing projects by	Irrelevant (Evid. Code § 210); lacks foundation (Evid. Code §§ 403, 405); and argumentative. Contrary to Intervenors false claim, Petitioner has not challenged	_____ Sustained

strategically using laws such as the California Environmental Quality Act ("CEQA"). For instance, cities may plan to entitle housing on certain sites to meet their Regional Housing Needs Allocations, only to then face CEQA lawsuits seeking to block housing on those same sites. It is documented that CEQA lawsuits are often used to obstruct housing projects, especially in job centers. These lawsuits threaten to undermine efforts of the state legislature to increase the housing supply generally and to concentrate housing in areas that are job centers." (¶ 8.)	any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Overruled
32. "This is such a lawsuit. The Petitioner is a self-interested neighboring property owner seeking to expand its private property rights, not a legitimate environmental group seeking to further a public environmental interest." (¶ 9.)	Irrelevant (Evid. Code § 210); lacks foundation (Evid. Code §§ 403, 405), and argumentative. Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled
33. "Californians for Homeownership is a 501(c)(3) non-profit charity that was founded in 2018 to address California's housing crisis by supporting the production and availability of housing affordable to families at all income levels. It does this work on behalf of the Californians who are impacted most by California's affordable housing crisis, including the potential residents of unbuilt developments (for both rental and ownership housing)." (¶ 10.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported	_____ Sustained _____ Overruled

	locations for residential housing have zero relevance to the Motion.	
34. "To advance this mission, Californians' primary activity is impact litigation to enforce state housing laws and to curtail exclusionary and obstructive zoning and land use practices. One critical element of its work is the systematic statewide enforcement of critical housing laws, such the laws regarding RHNA and Housing Elements and the laws streamlining the approval of accessory dwelling units ("ADUs")." (¶ 11.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	
35. "From 2019 through early 2021, it engaged in pre-litigation correspondence during the ADU ordinance development process in at least 150 cities and counties, obtaining changes to unlawful provisions in over 100 and suing two. Starting in 2021, it has begun a similar statewide enforcement program for the Housing Element laws, which implement the state's RHNA system." (¶ 12.)	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	
36. "Californians has worked extensively in Orange County. For example, in Californians for Homeownership v. City of Huntington Beach, Case No. 30-2019-01107760-CU-WM-CJC, it sued under the Housing Accountability Act to overturn the unlawful denial of a mixed-income housing development in the City of Huntington Beach. It has also used the threat of litigation to	Irrelevant (Evid. Code § 210); and lacks foundation (Evid. Code §§ 403, 405). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400	

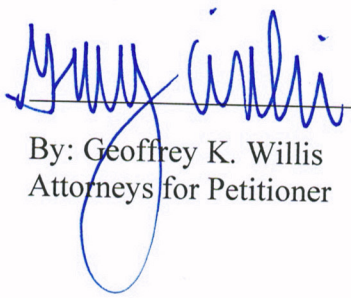
halt the adoption of an unlawful ADU ordinance in the City of Irvine." (¶ 14.)	Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	

EXHIBITS

EVIDENCE	**OBJECTION**	**RULING**
21. Exhibit 1 to Trauss Declaration	Irrelevant (Evid. Code § 210); lacks foundation (Evid. Code §§ 403, 405), and hearsay (Evid. Code § 1200). Contrary to Intervenors false claim, Petitioner has not challenged any aspect of the affordable housing part of the City's flawed environmental analysis of The Residences at 4400 Von Karman Project. Accordingly, Intervenors bring nothing to the action except an opportunity to increase the number of parties and pages of briefs to attack and smear Petitioner. Moreover, the political climate and purported locations for residential housing have zero relevance to the Motion.	_____ Sustained _____ Overruled

Dated: July 22. 2021

Law Offices of Geoffrey Willis



By: Geoffrey K. Willis
Attorneys for Petitioner

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is Law Offices of Geoffrey Willis, 9891 Irvine Center Drive, Suite 200, Irvine, California 92618.

On July 22, 2021, I served the following described as:

PETITIONER'S OBJECTIONS TO DECLARATIONS SUBMITTED IN SUPPORT OF MOTION TO INTERVENE

on the interested parties in this by having a copy sent to the address listed below:

Ginetta L. Giovinco Richards, Watson & Gershon 350 S. Grand Ave., 37th Floor Los Angeles, CA 90071 Tel.: (213) 626-8484 email: ggiovinco@rwglaw.com Attorneys for Respondent City of Newport Beach	Jennifer L. Hernandez Holland & Knight LLP 50 California St., Suite 2800 San Francisco, CA 94111 Tel.: (415) 743-6927 email: jennifer.hernandez@hklaw.com Attorneys for Real Party in Interest TPG (KCN) Acquisition, LLC
Matthew C. Henderson Miller Starr Regalia 1331 N. California Walnut Creek, CA 94596 Tel.: (925) 935-9400 email: matthew.henderson@msrlegal.com Attorneys for Interveners YIMY Law and People for Housing Orange County	Matthew P. Gelfand Californians for Homeownership, Inc. 525 S. Virgil Ave. Los Angeles, CA 90020 Tel.: (213) 739-8206 email: matt@caforhomes.org Attorneys for Intervener Californians for Homeownership, Inc.

[] **(BY U.S. MAIL)**: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[✔] **(BY EMAIL)**: The foregoing document(s) were served via electronic mail to the email address(es) listed above. The transmissions were made without any errors being noted in our office's email program.

[✔] **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 22, 2021, at Dana Point, California.

Madison Killebrew

Madison Killebrew