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MATTHEW C. HENDERSON (Bar No. 229259)
KENNETH A. STAHL (Bar No. 326495)
MILLER STARR REGALIA
A Professional Law Corporation
1331 N. California Blvd., Fifth Floor
Walnut Creek, California 94596
Telephone: 925 935 9400
Facsimile: 925 933 4126
Email: matthew.henderson@msrlegal.com
ken.stahl@msrlegal.com

Attorneys for Intervenors YIMBY LAW and PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION)

CALIFORNIANS FOR HOMEOWNERSHIP, INC.
MATTHEW P. GELFAND (Bar No. 297910)
525 S. Virgil Avenue
Los Angeles, CA 90020
Telephone: 213 739 8206
Facsimile: 213 480 7724
Email: matt@caforhomes.org

Attorneys for Intervenor CALIFORNIANS FOR HOMEOWNERSHIP, INC.

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

DECLARATION OF ELIZABETH HANSBURG IN SUPPORT OF YIMBY LAW, PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION), AND CALIFORNIANS FOR HOMEOWNERSHIP, INC.'S MOTION 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.

I, Elizabeth Hansburg, declare:

1. I am the executive director of People for Housing Orange County (a Chapter of YIMBY Action) ("People for Housing,") which seeks to intervene in this matter. I have personal knowledge of the facts stated below, and if called upon as a witness, I could and would testify as follows:

2. People for Housing is a grassroots non-profit organization dedicated to ending the housing shortage and increasing housing 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 for 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.

3. 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.

4. 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.

5. 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 advocates around the state organized by YIMBY Law to monitor and ensure cities' compliance with their RHNA obligations.

6. 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.

7. 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.[1] 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.[2]

8. 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.)

9. 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. YIMBY Law's letter is attached as Exhibit 1 to Sonja Trauss's declaration.

10. People for Housing is a strong supporter of the Residences at 4400 Von

[1] 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

[2] 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.

Karman project at issue in this litigation, and submitted a letter to the city council expressing its support. As described more fully in the letter, attached as **Exhibit 1**, People for Housing supported the project because it would bring much needed housing opportunities to the city of Newport Beach, including affordable housing, with minimal impacts on current residents. The project would alleviate the housing crisis that affects People for Housing's members and help meet the city's RHNA obligations. As the letter further details, People for Housing considers it absolutely critical to addressing the state's housing crisis that projects like this one that were proposed and approved pursuant to a comprehensive plan with a full EIR over a decade ago be able to move forward without meritless CEQA litigation.

11. The present lawsuit seeks to invalidate the city's approval of the Residences at 4400 Von Karman project. 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.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own personal knowledge and that this declaration was executed on June 18, 2021, at Fullerton, California.

By: Elizabeth Hansburg

Elizabeth Hansburg
Executive Director, People for Housing Orange County (a Chapter of YIMBY Action)

EXHIBIT 1

People for Housing OC
P.O. Box 6942
Fullerton, CA 92834

PeopleForHousing.org
OCYimby.org

January 6, 2021

Mayor Brad Avery
City of Newport Beach
100 Civic Center Drive
Newport Beach CA 92625

Re: Residences at 4400 Von Karman - SUPPORT

Dear Mayor Brad Avery and Members of the City Council,

People for Housing Orange County is a Chapter of the YIMBY Action Network, a non-profit organization that works to build welcoming communities where everyone can thrive. We are the voice of Orange County residents who understand the future of Orange County is tied to building sufficient housing to meet the needs of current and future residents. We have reviewed the proposal for the Residences at 4400 Von Karman within the Koll Center and believe that City Council should approve without delay.

The project site is within the Airport Business Area Integrated Conceptual Development Plan (ICDP) a Mixed-Use District, that was approved ten years ago. The General Plan land use category, Mixed-Use Horizontal 2 (MU-H2), provides for a horizontal intermixing of uses that may include multi-family residential, vertical mixed-use buildings, and ancillary neighborhood uses alongside regional commercial office. The Residences at 4400 Von Karman project implements what the ICDP approved with a full EIR almost a decade ago. It is critical to implement approved plans like the ICDP to increase housing supply.

The Residences project brings much-needed very-low-income homes to Newport Beach. As the Council is aware, SCAG has issued the draft RHNA, and the city must plan for approximately 4,834 new housing units in the 6thcycle, 30% of which must be very-low-income. The Residences project will help the city meet these RHNA goals, and also create a new, public park that will be built and maintained by the project.

This project maintains current parking availability during and after construction. Other concerns, such as the views from office tenants' private windows, are not CEQA issues and do not warrant mitigation. Lastly, the private agreements for the maintenance of common areas should not be used to delay or derail the city's approval of the new housing provided by this project.

The biggest benefit of the project is new housing itself, including affordable housing. The Residences at 4400 Von Karman brings new housing opportunities to Newport Beach with minimal impact on current residents. It creates a new neighborhood where residents can build community and enjoy the high quality of life in Newport Beach. For these reasons, the city council should approve the project without delay.

Respectfully yours,
Elizabeth Hansburg
Co-Founder & Executive Director