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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

DECLARATION OF KENNETH A. STAHL 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, Kenneth A. Stahl, declare the following:

1. I am an attorney with Miller Starr Regalia, and am the attorney for Intervenors YIMBY LAW and PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION) with respect to this matter. I have personal knowledge of the matters set forth herein and would and could competently testify thereto if called upon to do so.

2. As provided in California Code of Civil Procedure section 387(c), attached to this Declaration as **Exhibit 1** is the Intervenors' proposed answer in intervention.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 2nd day of July, 2021 at Lake Forest, California.

By: Kenneth Stahl
KENNETH A. STAHL

EXHIBIT 1

MATTHEW C. HENDERSON (Bar No. 229259)
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

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

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

[PROPOSED]
VERIFIED RESPONSE AND ANSWER OF REAL PARTIES IN INTEREST YIMBY LAW, PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION), AND CALIFORNIANS FOR HOMEOWNERSHIP, INC. TO PETITION FOR WRIT OF MANDATE FOR VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CALIFORNIA PLANNING LAWS

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

YIMBY LAW, PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION), AND CALIFORNIANS FOR HOMEOWNERSHIP, INC.,

Real Parties in Interest.

By leave of court, Intervenors YIMBY LAW, PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION), and CALIFORNIANS FOR HOMEOWNERSHIP, INC. (collectively "Intervenors") respond to and answer the Verified Petition for Writ of Mandate for Violation of the California Environmental Quality Act and California Planning Laws ("Petition") filed by Petitioner OLEN PROPERTIES CORP., a Florida corporation ("Petitioner"). Intervenors join with Respondents in opposing Petitioner's claims, alleging as follows:

FACTS WARRANTING INTERVENTION

1. In light of the severe housing shortage in southern California, the state recently mandated that the southern California region make plans to accommodate 1.3 million new homes over the next eight years. This mandate is part of the Regional Housing Needs Assessment and Allocation ("RHNA") process, which is the cornerstone of the state's effort to address its housing crisis. In short, the RHNA law requires cities and counties throughout the state to make plans to accommodate their regional share of the housing need at several different levels of affordability.

2. The Southern California Association of Governments ("SCAG"), which is the regional agency charged with distributing the 1.3 million new homes across the local governments in the southern California region, adopted a methodology that requires many affluent coastal cities such as Newport Beach to accommodate a much higher share of the regional need for housing over the next eight year period than they have in the past. Among other things, each jurisdiction is required to revise the "housing element" of its general plan by including an inventory of sites in the city that can realistically accommodate the city's share of the regional need over the next eight year period.

3. The City of Newport Beach ("City" or "Newport Beach") is an affluent coastal city in Orange county with proximity to jobs and good schools. For the current, eight-year RHNA cycle (2013-2021), Newport Beach was required to accommodate just 5 new homes. 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. The City's 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.

4. Over ten years ago, the City of Newport Beach approved and certified a full Environmental Impact Report ("EIR") for the Koll-Conexant Integrated Conceptual Development Plan ("ICDP"). The ICDP identified a 13-acre portion of the Koll Center Newport office park as appropriate for multi-family housing. The ICDP was intended to fulfill the purposes of the City's general plan land use element, which likewise calls for multi-family housing on this site. Pursuant to the ICDP, Real Party in Interest TPG proposed a project on the site called "The Residences at 4400 Von Karman" that includes up to 312 new homes, of which 13 are affordable to families with very low incomes, and a public park. The project complies with all the applicable standards in the ICDP. After an extensive process of public participation, in early 2021 the Newport Beach City Council approved the project. The City granted entitlements including approval of a Planned Community Development Plan Amendment, major site plan development review, an affordable housing implementation plan, and a development agreement, among others. The city also adopted an Addendum to the General Plan Update Program EIR and the Housing Element Initial Study/Negative Declaration for the project. The City's draft housing element sites analysis identifies the Residences at 4400 Von Karman as a project that is very likely to be developed during the next RHNA cycle and credits the 13 very low income homes towards its very-low income RHNA share.

5. YIMBY Law is a 501(c)(3) charitable non-profit organization dedicated to making housing more accessible and affordable by promoting and enforcing compliance with state

housing law in California. The voice of the housing consumer has 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 consumer. YIMBY Law's role is to provide that voice.

6. YIMBY Law enforces state laws such as RHNA and the Housing Accountability Act ("HAA") by advising agencies of their obligations under state law, and filing lawsuits against those agencies when they fail to comply. For example, YIMBY Law recently filed suit 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. YIMBY Law also brought suit against the city of Simi Valley for violating the HAA by failing to approve a senior housing project. In addition to its litigation work, YIMBY Law 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. In collaboration with People for Housing, YIMBY Law submitted a public comment letter on Newport Beach's draft housing element.

7. YIMBY Law is a strong supporter of the Residences at 4400 Von Karman project at issue in this litigation, and submitted a letter to the City Council expressing its support. 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. As described more fully in the letter of support, YIMBY Law advised the City Council that it was prohibited from disapproving the project under the HAA, because the project met all of the city's applicable objective development criteria.

8. 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.

9. People for Housing Orange County ("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.

10. 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.

11. People for Housing's members have experienced firsthand the devastating consequences of California's 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.

12. People for Housing seeks to address the root causes of the housing shortage that affects its 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. Its priorities include reforming zoning laws that restrict housing supply

and streamlining permitting processes to reduce housing costs. People for Housing was closely involved in implementing the 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.

13. Due to Newport Beach's status as 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, 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 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.

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

15. Californians for Homeownership ("Californians") 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).

16. 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"). 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.

17. In addition to this work, Californians monitors land use decisions statewide, and comments in favor of housing development projects for which state law mandates approval. Californians for Homeownership supported the Residences at 4400 Von Karman project through a letter to the City Council expressing its support.

18. YIMBY Law, People for Housing, and Californians have an interest in ensuring that sites designated for housing in a city's housing element and approved for housing will actually accommodate housing. If this lawsuit is successful, it will frustrate Newport Beach's ability to meet its RHNA goals, and undermine the work of groups like YIMBY Law, People for Housing, and Californians for Homeownership to ensure that high-opportunity cities such as Santa Monica accommodate their fair share of the regional need for housing.

INTERVENORS' RESPONSES TO THE ALLEGATIONS OF THE VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF

Intervenors hereby respond to the numbered paragraphs in the Verified Petition for Writ of Mandate and Complaint for Declaratory Relief on file in this action (Petition) as follows:

I. BACKGROUND

1. Answering the allegations set forth in Paragraph 1 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, Intervenors admit the City approved a 312 unit residential complex. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

2. Answering the allegations set forth in Paragraph 2 of the Petition, Intervenors admit that the project will be built in the existing common area of the Koll Center Business Park in the City. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

3. Answering the allegations set forth in Paragraph 3 of the Petition, Intervenors deny each and every, all and singular, of the allegations of such paragraph.

4. Answering the allegations set forth in Paragraph 4 of the Petition, Intervenors lack sufficient information and belief so as to enable them to admit these allegations, and on that basis deny each and every, all and singular, of said allegations.

5. Answering the allegations set forth in Paragraph 5 of the Petition, Intervenors admit that Real Party in Interest TPG sought and received approvals from the City for a five-story residential building consisting of 312 residential units to be constructed on the existing common area of the Koll Center, but lack sufficient information and belief so as to enable them to admit the remaining allegations of this paragraph, and on that basis deny each and every, all and singular, of said remaining allegations.

6. Answering the allegations set forth in Paragraph 6 of the Petition, Intervenors lack sufficient information and belief so as to enable them to admit these allegations, and on that basis deny each and every, all and singular, of said allegations.

7. Answering the allegations set forth in Paragraph 7 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

8. Answering the allegations set forth in Paragraph 8 of the Petition, Intervenors admit that an addendum based on a prior environmental impact report was prepared for the project and approved by the City. With respect to the remaining allegations of this paragraph, such allegations constitute argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

9. Answering the allegations set forth in Paragraph 9 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

II. THE PARTIES

10. Answering the allegations set forth in Paragraph 10 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

11. Answering the allegations set forth in Paragraph 11 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, Intervenors admit that the City is a municipal corporation organized under the laws of the State of California and that the City has land use and planning jurisdiction over the project. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

12. Answering the allegations set forth in Paragraph 12 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no

response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

13. Answering the allegations set forth in Paragraph 13 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

14. Answering the allegations set forth in Paragraph 14 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, Intervenors admit that TPG sought and obtained approval for the project. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

15. Answering the allegations set forth in Paragraph 15 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

16. Answering the allegations set forth in Paragraph 16 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

III. JURISDICTION AND VENUE

17. Answering the allegations set forth in Paragraph 17 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

18. Answering the allegations set forth in Paragraph 18 of the Petition, this

paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

IV. ALLEGATIONS OF COMPLIANCE WITH PRE-LITIGATION REQUIREMENTS

19. Answering the allegations set forth in Paragraph 19 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

20. Answering the allegations set forth in Paragraph 20 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

21. Answering the allegations set forth in Paragraph 21 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

22. Answering the allegations set forth in Paragraph 22 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

V. STATEMENT OF FACTS

23. Answering the allegations set forth in Paragraph 23 of the Petition, Intervenors admit TPG applied to the City for permits to construct the project, including approval of an addendum to a prior EIR. To the extent a further response to this paragraph is required,

Intervenors deny each and every allegation contained therein.

24. Answering the allegations set forth in Paragraph 24 of the Petition, Intervenors lack sufficient information and belief so as to enable them to admit these allegations, and on that basis deny each and every, all and singular, of said allegations.

25. Answering the allegations set forth in Paragraph 25 of the Petition, Intervenors lack sufficient information and belief so as to enable them to admit these allegations, and on that basis deny each and every, all and singular, of said allegations.

26. Answering the allegations set forth in Paragraph 26 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

27. Answering the allegations set forth in Paragraph 27 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

28. Answering the allegations set forth in Paragraph 28 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

29. Answering the allegations set forth in Paragraph 29 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced

documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

30. Answering the allegations set forth in Paragraph 30 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

31. Answering the allegations set forth in Paragraph 31 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

32. Answering the allegations set forth in Paragraph 32 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

33. Answering the allegations set forth in Paragraph 33 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

34. Answering the allegations set forth in Paragraph 34 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no

response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

VI. STANDARD OF REVIEW

35. Answering the allegations set forth in Paragraph 35 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

36. Answering the allegations set forth in Paragraph 36 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

VII. CEQA'S ROLE IN CITY'S LAND USE APPROVAL PROCESS

37. Answering the allegations set forth in Paragraph 37 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required.

38. Answering the allegations set forth in Paragraph 38 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required.

39. Answering the allegations set forth in Paragraph 39 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required.

40. Answering the allegations set forth in Paragraph 40 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required.

41. Answering the allegations set forth in Paragraph 41 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required.

42. Answering the allegations set forth in Paragraph 42 of the Petition, this

paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required.

43. Answering the allegations set forth in Paragraph 43 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required.

44. Answering the allegations set forth in Paragraph 44 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

VIII. FIRST CAUSE OF ACTION

45. Answering Paragraph 45 of the Petition, Intervenors incorporate by reference each and every denial, defense or objection contained in its preceding answers to all preceding paragraphs of the Petition, to the same extent that Petitioner has incorporated the preceding allegations of the Petition into the First Cause of Action of the Petition.

46. Answering the allegations set forth in Paragraph 46 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors admit that the project is a "project" under CEQA, that CEQA requires environmental review prior to the approval and implementation of the project, that the City is the lead agency under CEQA. Intervenors deny that the City has never conducted proper environmental review of the Project, and except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

47. Answering the allegations set forth in Paragraph 47 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors admit that the City determined that the project could be analyzed under an addendum rather than a

project-specific EIR or subsequent or supplemental EIR, but denies that such was improper. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

48. Answering the allegations set forth in Paragraph 48 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

49. Answering the allegations set forth in Paragraph 49 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors admit that the City approved the project with the use of an addendum. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

50. Answering the allegations set forth in Paragraph 50 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

51. Answering the allegations set forth in Paragraph 51 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

52. Answering the allegations set forth in Paragraph 52 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

53. Answering the allegations set forth in Paragraph 53 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no

response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

54. Answering the allegations set forth in Paragraph 54 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

55. Answering the allegations set forth in Paragraph 55 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

56. Answering the allegations set forth in Paragraph 56 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

57. Answering the allegations set forth in Paragraph 57 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

58. Answering the allegations set forth in Paragraph 58 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

59. Answering the allegations set forth in Paragraph 59 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors

lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

60. Answering the allegations set forth in Paragraph 60 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

61. Answering the allegations set forth in Paragraph 61 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

62. Answering the allegations set forth in Paragraph 62 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

63. Answering the allegations set forth in Paragraph 63 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

64. Answering the allegations set forth in Paragraph 64 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization.

65. Answering the allegations set forth in Paragraph 65 of the Petition, this

paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny that there are multiple failures in the traffic analysis.

66. Answering the allegations set forth in Paragraph 66 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

67. Answering the allegations set forth in Paragraph 67 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

68. Answering the allegations set forth in Paragraph 68 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization.

69. Answering the allegations set forth in Paragraph 69 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny that the addendum and traffic study are mistaken.

70. Answering the allegations set forth in Paragraph 70 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no

characterization. To the extent a further response to this paragraph is required, Intervenors deny that the addendum falsely concludes that the Project will have no cumulative impact on traffic, and deny that the addendum identified a significant impact.

71. Answering the allegations set forth in Paragraph 71 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

72. Answering the allegations set forth in Paragraph 72 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

73. Answering the allegations set forth in Paragraph 73 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny that the addendum fails to adequately analyze the impacts of construction traffic, but lack sufficient information and belief so as to enable them to admit the remaining allegations in this paragraph, and on that basis deny each and every allegation contained therein.

74. Answering the allegations set forth in Paragraph 74 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

75. Answering the allegations set forth in Paragraph 75 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

76. Answering the allegations set forth in Paragraph 76 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

77. Answering the allegations set forth in Paragraph 77 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

78. Answering the allegations set forth in Paragraph 78 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

79. Answering the allegations set forth in Paragraph 79 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization.

80. Answering the allegations set forth in Paragraph 80 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

81. Answering the allegations set forth in Paragraph 81 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this

paragraph, and on that basis deny each and every allegation contained therein.

82. Answering the allegations set forth in Paragraph 82 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

83. Answering the allegations set forth in Paragraph 83 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

84. Answering the allegations set forth in Paragraph 84 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

85. Answering the allegations set forth in Paragraph 85 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

86. Answering the allegations set forth in Paragraph 86 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

87. Answering the allegations set forth in Paragraph 87 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

88. Answering the allegations set forth in Paragraph 88 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

89. Answering the allegations set forth in Paragraph 89 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

90. Answering the allegations set forth in Paragraph 90 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

91. Answering the allegations set forth in Paragraph 91 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

92. Answering the allegations set forth in Paragraph 92 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

93. Answering the allegations set forth in Paragraph 93 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

94. Answering the allegations set forth in Paragraph 94 of the Petition, this

paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

95. Answering the allegations set forth in Paragraph 95 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

96. Answering the allegations set forth in Paragraph 96 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

97. Answering the allegations set forth in Paragraph 97 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

98. Answering the allegations set forth in Paragraph 98 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

99. Answering the allegations set forth in Paragraph 99 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

100. Answering the allegations set forth in Paragraph 100 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this

paragraph, and on that basis deny each and every allegation contained therein.

101. Answering the allegations set forth in Paragraph 101 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

102. Answering the allegations set forth in Paragraph 102 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

103. Answering the allegations set forth in Paragraph 103 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

104. Answering the allegations set forth in Paragraph 104 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

105. Answering the allegations set forth in Paragraph 105 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

106. Answering the allegations set forth in Paragraph 106 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no

response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

107. Answering the allegations set forth in Paragraph 107 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

108. Answering the allegations set forth in Paragraph 108 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

109. Answering the allegations set forth in Paragraph 109 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

110. Answering the allegations set forth in Paragraph 110 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

111. Answering the allegations set forth in Paragraph 111 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

112. Answering the allegations set forth in Paragraph 112 of the Petition, this

paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

113. Answering the allegations set forth in Paragraph 113 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

114. Answering the allegations set forth in Paragraph 114 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

115. Answering the allegations set forth in Paragraph 115 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

116. Answering the allegations set forth in Paragraph 116 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

117. Answering the allegations set forth in Paragraph 117 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this

paragraph, and on that basis deny each and every allegation contained therein.

118. Answering the allegations set forth in Paragraph 106 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

119. Answering the allegations set forth in Paragraph 119 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

120. Answering the allegations set forth in Paragraph 120 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

121. Answering the allegations set forth in Paragraph 121 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

122. Answering the allegations set forth in Paragraph 122 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

123. Answering the allegations set forth in Paragraph 123 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors

lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

124. Answering the allegations set forth in Paragraph 124 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

IX. SECOND CAUSE OF ACTION

125. Answering Paragraph 125 of the Petition, Intervenors incorporate by reference each and every denial, defense or objection contained in its preceding answers to all preceding paragraphs of the Petition, to the same extent that Petitioner has incorporated the preceding allegations of the Petition into the Second Cause of Action of the Petition.

126. Answering the allegations set forth in Paragraph 126 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors admit that the project is a "project" under CEQA, that CEQA requires environmental review prior to the approval and implementation of the project, that the City is the lead agency under CEQA. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

127. Answering the allegations set forth in Paragraph 127 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors admit that the City determined that the project could be analyzed under an addendum rather than a project-specific EIR or subsequent or supplemental EIR. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

128. Answering the allegations set forth in Paragraph 128 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors

deny each and every allegation contained therein.

129. Answering the allegations set forth in Paragraph 129 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors admit that the City approved the project with the use of an addendum. Except as so expressly admitted, Intervenors deny each and every allegation contained in this paragraph.

130. Answering the allegations set forth in Paragraph 130 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

131. Answering the allegations set forth in Paragraph 131 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

132. Answering the allegations set forth in Paragraph 132 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

133. Answering the allegations set forth in Paragraph 133 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

134. Answering the allegations set forth in Paragraph 134 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

135. Answering the allegations set forth in Paragraph 135 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

136. Answering the allegations set forth in Paragraph 136 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

137. Answering the allegations set forth in Paragraph 137 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

138. Answering the allegations set forth in Paragraph 138 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. Intervenors deny that the addendum falsely concludes that the Project will have no cumulative impact on traffic. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

139. Answering the allegations set forth in Paragraph 139 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

140. Answering the allegations set forth in Paragraph 140 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

141. Answering the allegations set forth in Paragraph 141 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

142. Answering the allegations set forth in Paragraph 142 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

143. Answering the allegations set forth in Paragraph 143 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

144. Answering the allegations set forth in Paragraph 144 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

145. Answering the allegations set forth in Paragraph 145 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

146. Answering the allegations set forth in Paragraph 146 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors

deny that the addendum is incorrect in its statement as to GHG impacts, or that this argument fails under CEQA.

147. Answering the allegations set forth in Paragraph 147 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

148. Answering the allegations set forth in Paragraph 148 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

149. Answering the allegations set forth in Paragraph 149 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

150. Answering the allegations set forth in Paragraph 150 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

151. Answering the allegations set forth in Paragraph 151 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced

documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

152. Answering the allegations set forth in Paragraph 152 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

153. Answering the allegations set forth in Paragraph 153 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

154. Answering the allegations set forth in Paragraph 154 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

155. Answering the allegations set forth in Paragraph 155 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

156. Answering the allegations set forth in Paragraph 156 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny

each and every allegation contained therein.

157. Answering the allegations set forth in Paragraph 157 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

158. Answering the allegations set forth in Paragraph 158 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny that the addendum's assertion that the impacts associated with air emissions will be less than significant and that there will be no substantial change from the previous analysis is false.

159. Answering the allegations set forth in Paragraph 159 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

160. Answering the allegations set forth in Paragraph 160 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

161. Answering the allegations set forth in Paragraph 161 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

162. Answering the allegations set forth in Paragraph 162 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

163. Answering the allegations set forth in Paragraph 163 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

164. Answering the allegations set forth in Paragraph 164 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

165. Answering the allegations set forth in Paragraph 165 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced

documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny that an EIR must be prepared for the Project, and as to the remaining allegations in this paragraph lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

166. Answering the allegations set forth in Paragraph 166 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

167. Answering the allegations set forth in Paragraph 167 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

168. Answering the allegations set forth in Paragraph 168 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

169. Answering the allegations set forth in Paragraph 169 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no

characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

170. Answering the allegations set forth in Paragraph 170 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

171. Answering the allegations set forth in Paragraph 171 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

172. Answering the allegations set forth in Paragraph 172 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

173. Answering the allegations set forth in Paragraph 173 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

174. Answering the allegations set forth in Paragraph 174 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

175. Answering the allegations set forth in Paragraph 175 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

176. Answering the allegations set forth in Paragraph 176 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

177. Answering the allegations set forth in Paragraph 177 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

178. Answering the allegations set forth in Paragraph 178 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

179. Answering the allegations set forth in Paragraph 179 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent such paragraph contains allegations of fact, the referenced documents and contents of the administrative record speak for themselves and require no characterization. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

180. Answering the allegations set forth in Paragraph 180 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

181. Answering the allegations set forth in Paragraph 181 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

182. Answering the allegations set forth in Paragraph 182 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors lack sufficient information and belief so as to enable them to admit the allegations in this paragraph, and on that basis deny each and every allegation contained therein.

183. Answering the allegations set forth in Paragraph 183 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

184. Answering the allegations set forth in Paragraph 184 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

185. Answering the allegations set forth in Paragraph 185 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

X. THIRD CAUSE OF ACTION

186. Answering Paragraph 186 of the Petition, Intervenors incorporate by reference each and every denial, defense or objection contained in its preceding answers to all preceding paragraphs of the Petition, to the same extent that Petitioner has incorporated the preceding allegations of the Petition into the Third Cause of Action of the Petition.

187. Answering the allegations set forth in Paragraph 187 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

188. Answering the allegations set forth in Paragraph 188 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

189. Answering the allegations set forth in Paragraph 189 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

190. Answering the allegations set forth in Paragraph 190 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

191. Answering the allegations set forth in Paragraph 191 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

192. Answering the allegations set forth in Paragraph 192 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

193. Answering the allegations set forth in Paragraph 193 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

194. Answering the allegations set forth in Paragraph 194 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

195. Answering the allegations set forth in Paragraph 195 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

196. Answering the allegations set forth in Paragraph 196 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

197. Answering the allegations set forth in Paragraph 197 of the Petition, this paragraph sets forth argument, speculation, legal conclusions, and questions of law to which no response is required. To the extent a further response to this paragraph is required, Intervenors deny each and every allegation contained therein.

XI. RESPONSES TO PETITIONER'S PRAYER FOR RELIEF ON FIRST AND SECOND CAUSES OF ACTION.

198. Answering Paragraph 1 of the Petition's Prayer for Relief on the First and Second Causes of Action, Intervenors request this Court deny in its entirety Petitioner's request for a writ of mandate commanding the City and the City Council to take further actions to comply with the requirements of CEQA through the preparation of a subsequent or supplemental EIR.

199. Answering Paragraph 2 of the Petition's Prayer for Relief on the First and Second Causes of Action, Intervenors requests this Court deny in its entirety Petitioner's request

for a preliminary and/or permanent injunction prohibiting development of the site during the pendency of the action.

200. Answering Paragraph 3 of the Petition's Prayer for Relief on the First and Second Causes of Action, Intervenors requests this Court deny in its entirety Petitioner's request for costs of suit.

201. Answering Paragraph 4 of the Petition's Prayer for Relief on the First and Second Causes of Action, Intervenors requests this Court deny in its entirety Petitioner's request for attorneys' fees pursuant to Code of Civil Procedure section 1021.5

202. Answering Paragraph 5 of the Petition's Prayer for Relief on the First and Second Causes of Action, Intervenors requests this Court deny in its entirety Petitioner's request for attorneys' fees pursuant to Government Code section 800.

203. Answering Paragraph 6 of the Petition's Prayer for Relief on the First and Second Causes of Action, Intervenors requests this Court deny in its entirety Petitioner's request for any further or additional relief.

XII. RESPONSES TO PETITIONER'S PRAYER FOR RELIEF ON THIRD CAUSE OF ACTION.

204. Answering Paragraph 1 of the Petition's Prayer for Relief on the Third Cause of Action, Intervenors request this Court deny in its entirety Petitioner's request for a writ of mandate commanding the City and the City Council to take further actions to comply with the requirements of CEQA through the preparation of a subsequent or supplemental EIR.

205. Answering Paragraph 2 of the Petition's Prayer for Relief on the Third Cause of Action, Intervenors requests this Court deny in its entirety Petitioner's request for a preliminary and/or permanent injunction prohibiting development of the site during the pendency of the action.

206. Answering Paragraph 3 of the Petition's Prayer for Relief on the Third Cause of Action, Intervenors requests this Court deny in its entirety Petitioner's request for costs of suit.

207. Answering Paragraph 4 of the Petition's Prayer for Relief on the Third

Cause of Action, Intervenors requests this Court deny in its entirety Petitioner's request for attorneys' fees pursuant to Code of Civil Procedure section 1021.5

208. Answering Paragraph 5 of the Petition's Prayer for Relief on the Third Cause of Action, Intervenors requests this Court deny in its entirety Petitioner's request for attorneys' fees pursuant to Government Code section 800.

209. Answering Paragraph 6 of the Petition's Prayer for Relief on the Third Cause of Action, Intervenors requests this Court deny in its entirety Petitioner's request for any further or additional relief.

XII. GENERAL DENIAL

210. Unless, and except as, specifically and expressly admitted above, Intervenors deny each and every, all and singular, of the allegations set forth in the entire Petition.

211. WHEREFORE, Intervenors pray for judgment as hereinafter set forth.

XIII. AFFIRMATIVE DEFENSES

212. As a first, separate affirmative defense, Intervenors allege that all of Petitioner's causes of actions and claims for relief fail to state facts sufficient to constitute a cause of action against the City and Does 1 through 10, inclusive (collectively "Respondents").

213. As a second, separate affirmative defense, Intervenors allege that Petitioner lack standing to prosecute any of Petitioner's causes of action and claims for relief in this action.

214. As a third, separate affirmative defense, Intervenors allege that Petitioner failed to exhaust administrative remedies, as required to maintain any of its causes of action and claims for relief in this action.

215. As a fourth, separate affirmative defense, Intervenors allege that this Court lacks jurisdiction to hear any of Petitioner's causes of action or claims for relief in this action.

216. As a fifth, separate affirmative defense, Intervenors allege that Petitioner is barred from maintaining any of its causes of action or claims for relief by the doctrine of laches, insofar as it has failed to comply with applicable law in the filing and prosecution of this action.

217. As a sixth, separate affirmative defense, Intervenors allege that all of Petitioner's causes of action and claims for relief are barred by applicable statutes of limitation.

218. As a seventh, separate affirmative defense, Intervenors allege that Respondents committed no prejudicial error.

219. As an eighth separate affirmative defense, Intervenors allege that all of Petitioner's causes of action and claims for relief are barred, in whole or in part, by the doctrine of waiver.

220. As a ninth separate affirmative defense, Intervenors allege that all of Petitioner's causes of action and claims for relief are barred, in whole or in part, by the doctrines of estoppel or quasi-estoppel.

221. As a tenth separate affirmative defense, Intervenors allege that all of Petitioner's causes of action, claims for relief, and prayers for equitable relief are barred because Petitioner has an adequate remedy at law.

222. As an eleventh, separate affirmative defense, Intervenors allege that the Petition improperly seeks to control the exercise of discretion of various public agencies and to compel the exercise of discretion in a particular manner.

223. As a twelfth, separate affirmative defense, Intervenors allege that the relief that the Petition seeks, if granted, would not confer a public benefit.

224. As a thirteenth, separate affirmative defense, Intervenors allege that the Petition and each cause of action are set forth in conclusory or uncertain terms, thereby precluding Intervenors from fully anticipating all affirmative defenses that may be applicable; accordingly, the right to add additional defenses is hereby reserved.

PRAYER FOR RELIEF

WHEREFORE, INTERVENORS pray that judgement be entered as follows:

1. That the Petition, and all relief requested therein, be denied and dismissed with prejudice in its entirety;

2. That Petitioner take nothing by its Petition, and that judgment be entered in favor of Respondents, Real Party, and Intervenors, and against Petitioner;

3. That Intervenors be awarded their attorney fees and costs of suit; and

4. For such further relief as may be just and proper.

Dated: July 2, 2021

MILLER STARR REGALIA

By: 

MATTHEW C. HENDERSON
KENNETH A. STAHL
Attorneys for Real Parties 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 Real Party CALIFORNIANS FOR HOMEOWNERSHIP, INC.

VERIFICATION

I, Matthew Henderson, declare:

1. I am an attorney at law duly licensed to practice before the courts of the State of California, and I am a shareholder with Miller Starr Regalia, attorneys for Intervenors in the above-entitled action and as such, I am authorized to make this verification pursuant to Code of Civil Procedure section 446, subdivision (a).

2. Intervenors YIMBY Law and People for Housing Orange County have their principal places of business outside the County of Contra Costa, and as such are absent from the County of Contra Costa, in which Miller Starr Regalia has its principal office.

3. I have read the foregoing document entitled VERIFIED RESPONSE AND ANSWER OF REAL PARTIES IN INTEREST YIMBY LAW, PEOPLE FOR HOUSING ORANGE COUNTY (A CHAPTER OF YIMBY ACTION), AND CALIFORNIANS FOR HOMEOWNERSHIP, INC. TO PETITION FOR WRIT OF MANDATE FOR VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CALIFORNIA PLANNING LAWS and know the contents thereof. I am informed and believe the matters therein to be true and on that ground allege that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 2, 2021, at Walnut Creek, California.



Matthew C. Henderson