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February 3, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Public Works/Orange County Planning
Attn: Kevin Canning, Contract Planner
300 N. Flower
P.O. Box 4048
Santa Ana, CA 92702-4048

Re: Esperanza Hills Project – Draft Environmental Impact Report, EIR No. 616
Comments on DEIR Population and Housing Section 5.11

Dear Mr. Canning:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the deficiencies in the Draft Environmental Impact Report (“DEIR”) prepared for the Esperanza Hills development project (“Esperanza Hills”). Specifically, the DEIR fails to adequately analyze the potential of the sub-division to result in housing and population impacts and fails to accurately describe the existing and projected housing needs in the County of Orange and City of Yorba Linda. The type of housing proposed for Esperanza Hills -- Above Moderate Income – is simply not needed in this region.

The DEIR identifies the proposed sub-division as providing “larger homes on large lots” for those residents with Above Moderate Income, defined by the State of California as more than 120% of Average Mean Income which in 2013 for Orange County was \$87,200. See DEIR at page 5-490. However, the analysis of housing needs is not limited to that category, and, in fact, the information provided in the DEIR indicates that there is a surplus of housing in the Above Moderate Income category.

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County of Orange Analysis:

Table 5-11-4 of the DEIR (page 5-486) sets forth the projected Regional Housing Growth Needs, 2006-2104, indicating that the unincorporated areas of the county would require 3,159 Above Moderate Income units during the relevant time period. **More importantly, however, Table 5-11-5 of the DEIR (page 5-489) shows the Net Remaining Regional Housing Needs Analysis, 2010-2014. That table demonstrates that between 2006-2009, 7,347 Above Moderate units were completed or approved resulting in a substantial surplus of housing of approximately 4100 residences in that category.**

The DEIR also discusses the updated 5th Cycle Regional Housing Needs Assessment Final Allocation Plan for 2014-2021 (see Table 5-11-16 of DEIR, page 5-490) indicating that unincorporated areas of the County will require 2,174 Above Moderate units during that time period. However, that table fails to consider those units already approved or planned. The County's September 2013 draft update to its Housing Element included Table B-3, attached hereto as Exhibit 1, "Land Inventory Summary vs. RHNA". According to OC Planning 2013, all needs for "Above Moderate" units in unincorporated areas of the County will be met – and dramatically exceeded – by The Ranch Plan planned community which will provide 5,160 units. In fact, the September 2013 draft of the Housing Element update states, "A comparison of these estimates [land inventory vs. RHNA] with the County's RHNA need shows that there is adequate capacity to accommodate the level of need in all income categories for the planning period." See Exhibit 2 attached hereto.

City of Yorba Linda Analysis:

In recognition of the probable annexation of the area into the City of Yorba Linda, the DEIR also provides limited information regarding the City's RHNA. The DEIR states that, "The City's 2008-2014 Housing Element notes a deficit of 757 units allocated by the RHNA." (page 5-492) yet the Housing Element actually shows that in the Above Moderate category of the 796 units allocated, 404 were issued building permits between 2006 and 2008 and an additional 1079 were considered "entitled" including Vista Del Verde (449 units) and North Yorba Linda Estates (630 units). See Yorba Linda 2008-2014 Housing Element, page IV-11, Table IV-2 Summary of Yorba Linda Plan Compared to RHNA 2008-2014. See Exhibit 3 hereto. The "deficit" exists only in the categories of Very Low, Low and Moderate housing units.

Based on the 5th Cycle RHNA, the DEIR at Table 5-11-6, page 5-490, projects that from 2014 – 2021, only 270 "Above Moderate" units are deemed needed. Esperanza Hills alone

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proposes construction of 340 "Above Moderate" units during that time period with an additional 112 units proposed for the adjacent Cielo Vista project. See DEIR, Table 5-11-7, page 5-491.

Table 5-11-8, page 5-492, lists additional sub-divisionss within a two-mile radius of Esperanza Hills and includes 689 more single-family residences. While the categorization of those units as "Above Moderate" or other categories is unknown, evaluation of whether they would further contribute to a surplus of "Above Moderate" units in the City of Yorba Linda should be required. For example, North Yorba Linda Estates is, according to the Housing Element, an "Above Moderate" project with at 364 single family residences still to be built.

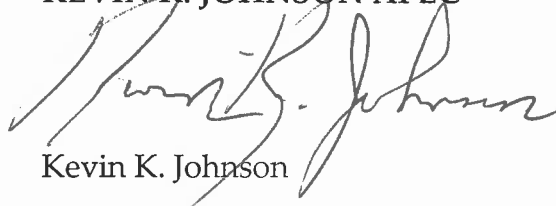
Conclusion:

The DEIR purports to demonstrate that both the County of Orange and the City of Yorba Linda need the housing provided by Esperanza Hills. In fact, the information cited by the DEIR and additional information from the same sources concretely show that any need for "Above Moderate" housing units is more than adequately met by existing and other entitled projects. The relevant threshold of significance – inducing substantial population growth -- would clearly be significantly impacted.

The DEIR's conclusion of no such significant impact is directly contradicted by the document's own facts and cited studies. The DEIR needs to be revised and re-circulated with the new document addressing mitigation measures for the significant impacts associated with the building more "Above Moderate" units in the region. Furthermore, proposals for other subdivisions – those already approved and those still in the process of seeking approvals – must be considered.

Esperanza Hills is not necessary to meet regional housing needs and conclusions in the DEIR to the contrary are not supported by substantial evidence.

Very truly yours,
KEVIN K. JOHNSON APLC



Kevin K. Johnson

cc: Supervisor Todd Spitzer via email