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January 22, 2014

## **SENT VIA EMAIL AND U.S. MAIL**

Orange County Planning  
Attn: Mr. Ron Tippetts  
300 North Flower  
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615  
Comments on DEIR Population and Housing Section 4.11

Dear Mr. Tippetts:

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 Cielo Vista development project (“Cielo”). Specifically, the DEIR fails to adequately analyze the potential of the project to result in housing and population impacts and fails to accurately describe the existing housing and projected population in the County of Orange.

The DEIR makes reference to and is premised on the Regional Housing Needs Assessment (RHNA) “most recently adopted and approved” by the SCAG Regional Council on July 12, 2006, for the planning period from January 2006 through June 2014. However, in spite of the fact that the DEIR was issued in November 2013, it contains no report or analysis of the extent to which those needs have been met by projects completed or approved between 2006 and 2013 or proposed projects other than Esperanza Hills. In fact, the DEIR does not mention or factor into its analysis a number of pending projects in the immediate project vicinity. A list of these related projects is attached as Exhibit A. These omissions render the DEIR Population and Housing component outdated and incomplete.

Relevant, current information can be found with the County of Orange which is, by state law, required to periodically update the Housing Element of its General Plan. Importantly, the County utilizes the SCAG Regional Council’s RHNA as a starting point for its analysis. On March 22, 2011, the Housing Element was amended and thereafter certified by the California Department of Housing and Community Development on April 15, 2011.

The 2011 Housing Element update was supported by a table of “Net Remaining RNHA, 2010-2014-Orange County Unincorporated Area” that took into account projects that had been

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completed or approved between 2006 and 2009. Based on SCAG's RHNA figures relied upon in the DEIR, the table demonstrated that there were no "net remaining" housing needs for the above-median income category – in fact, there was a surplus of 2975 homes in that category. A second table of "Land Inventory vs. Net Remaining RHNA – Orange County Unincorporated Areas" indicated a surplus in both housing for both lower and above moderate income categories. The report concluded: "A comparison of these estimates with the County's remaining 2008-2014 RHNA need shows there is a significant amount of surplus capacity to meet the remaining need in the Lower and Above Moderate categories but there is a shortfall in the Moderate category." Copies of relevant portions of the Housing Element Final Draft January 27, 2011, are attached hereto as Exhibit B. The complete document can be found at [http://cams.ocgov.com/Web\\_Publisher/Agenda03\\_22\\_2011\\_files/images/O00811-000249E.PDF](http://cams.ocgov.com/Web_Publisher/Agenda03_22_2011_files/images/O00811-000249E.PDF).

The DEIR states that "[b]ecause Project housing price points are yet to be defined, the income subcategory for the Project's residences is to be determined." See p. 4.11-6 and -7 under findings of consistency. However, under SCAG 2012 RHNA standards cited in the agenda staff report for the Dec. 10, 2013, Orange County Board of Supervisors meeting, "Above Moderate" is calculated at over 120 percent of the Area Median Income which in 2013 for Orange County was \$87,200. [http://cams.ocgov.com/Web\\_Publisher/Agenda12\\_10\\_2013\\_files/images/O01413-001402E.PDF](http://cams.ocgov.com/Web_Publisher/Agenda12_10_2013_files/images/O01413-001402E.PDF)

In other words, the "Above Moderate" income housing category requires a household income of \$104,640. Given home values in the areas adjacent to the proposed development as well as lot sizes, the subject residences will in all likelihood be priced for sale to the buyers in the "Above Moderate" income category, a category which as of 2011 had a surplus of homes.

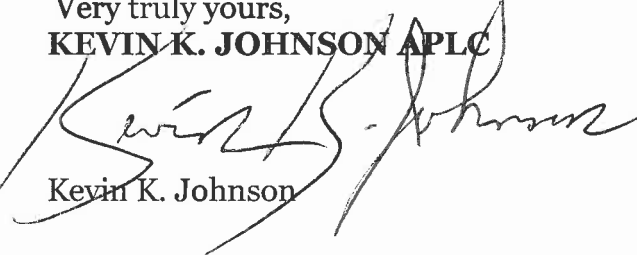
Orange County updated its Housing Element again in December 2013 and discussed housing inventory and projections. Relevant documents can be found at [http://cams.ocgov.com/Web\\_Publisher/Agenda12\\_10\\_2013\\_files/images/O01113-001402E.PDF](http://cams.ocgov.com/Web_Publisher/Agenda12_10_2013_files/images/O01113-001402E.PDF) and [http://cams.ocgov.com/Web\\_Publisher/Agenda12\\_10\\_2013\\_files/images/A13-001402.HTM](http://cams.ocgov.com/Web_Publisher/Agenda12_10_2013_files/images/A13-001402.HTM). This updated analysis noted that certain projects anticipated in 2011 had been held up by the slow housing market. The largest of these was "The Ranch Plan" planned community. As noted in the 2013 information, the slow housing market led to delays in planned construction so it remains unclear the extent to which the projections for Above Moderate housing are impacted on an ongoing basis.

To be adequate under CEQA, the DEIR should provide data and analysis of housing projects completed and approved since the initial figures upon which the document relies were issued. To the extent the DEIR relies on the Regional Housing Needs Assessment (RHNA) approved by the SCAG Regional Council on July 12, 2006, for the planning period from January 2006 through June 2014, updated information should be included in the DEIR. The changes between data used by the County for its 2011 amendments and its 2013 amendments to the Housing Element of its General Plan require an analysis of the status of approved but delayed projects. An evaluation of whether the Cielo Vista project is necessary to meet regional

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housing needs must focus on both 1) approved, completed and planned developments since the 2006 RHNA relied upon in the DEIR and 2) inclusion of the project in the Above Moderate housing category. Based on information relied on by the County in its Housing Element update processes, it seems likely that the project is not necessary to meet regional housing needs and conclusions in the DEIR to the contrary, including consistency conclusions (DEIR pp. 4.11-6, 7), are not supported by substantial evidence.

Very truly yours,  
**KEVIN K. JOHNSON APLC**



Kevin K. Johnson

Cc: Supervisor Todd Spitzer via email

# EXHIBIT A

## Projects within 5 miles of Cielo Vista/Esperanza Hills

### **Oakcrest Terrace**

Project Type: 69 affordable residential units  
Location: 22744 Eastpark Drive, Yorba Linda  
Lead Agency: City of Yorba Linda  
CEQA Status: MND  
Last Action: Comment period ended March 26, 2012

Learn More: <http://ci.yorba-linda.ca.us/index.php/city-departments/community-development?id=582:oakcrest-terrace-mitigation&catid=1>

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### **Mountain Park**

Project Type: 2500 homes on 3000 acres  
Location: South of the 91 / East of the 241  
Lead Agency: City of Anaheim  
CEQA Status: EIR  
Last Action: Approved in 2005

Learn More: <http://www.anaheim.net/article.asp?id=1225>

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### **Madrona (Canyon Crest)**

Project Type: 162 homes on 367 acres  
Location: Eastern Brea (off Carbon Canyon Road – Hwy 142)  
Lead Agency: City of Brea  
CEQA Status: FEIR released November 2012  
  
Last Action: Appeal Hearing 1/21/14

Learn More: <http://www.ci.brea.ca.us/index.aspx?NID=180>

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### **La Floresta**

Project Type: 398 SFD and 712 Multi-family on 120 acres  
Location: Imperial Highway and Valencia  
Lead Agency: City of Brea  
CEQA Status: FEIR released August 2008  
Last Action: Approved May 2010, Construction Occurring

Learn More: <http://www.ci.brea.ca.us/index.aspx?NID=180>

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**Foremost Community (Canyon Hills)**

Project Type: 76 homes on 141 acres  
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)  
Lead Agency: City of Chino Hills  
CEQA Status: EIR approved 1987  
Last Action: Awaiting Tract Home Design Review by Planning Commission

Learn More: <http://www.chinohills.org/index.aspx?NID=847>

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**Pine Valley Estates**

Project Type: 98 homes on 192 acres  
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)  
Lead Agency: City of Chino Hills  
CEQA Status: Final Map Recorded 2009  
Last Action: Revised Design Review by Planning Commission approved 2009

Learn More: <http://www.chinohills.org/index.aspx?NID=847>

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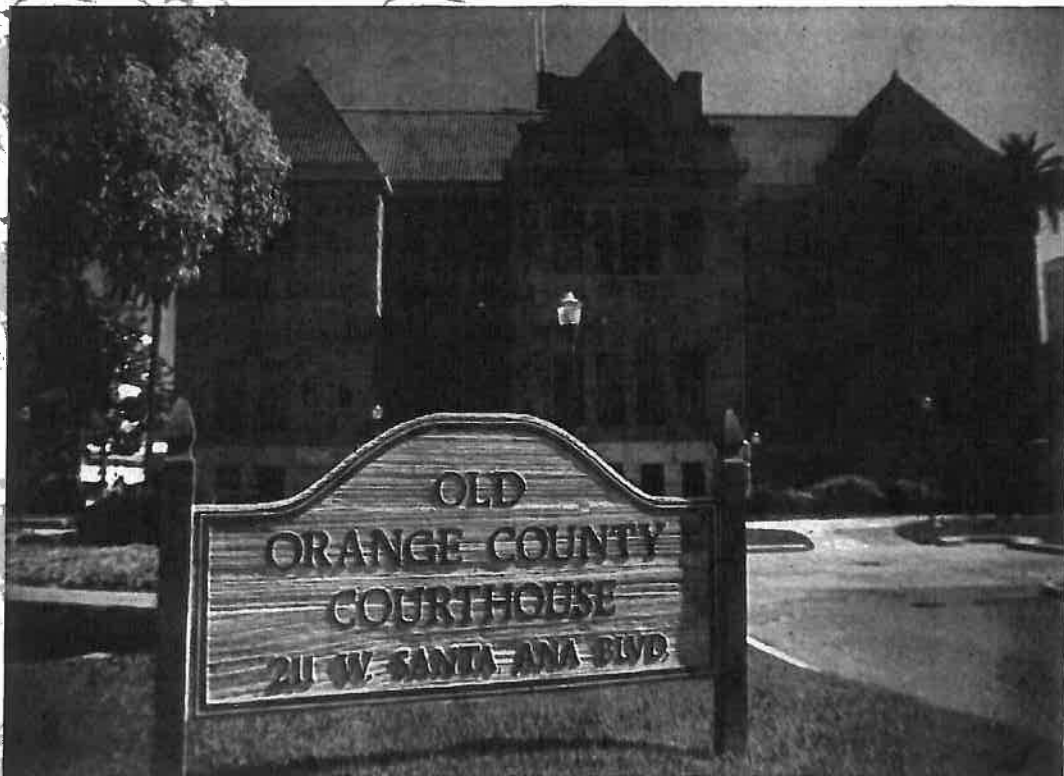
**Stonefield Development**

Project Type: 28 homes on 34 acres  
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)  
Lead Agency: City of Chino Hills  
CEQA Status: Website is unclear  
Last Action: Website is unclear

Learn More: <http://www.chinohills.org/index.aspx?NID=853>



# County of Orange



**HOUSING ELEMENT**

**Final Draft**

**January 27, 2011**

**Table X-42  
Net Remaining RHNA, 2010-2014 –  
Orange County Unincorporated Area**

	Income Category				Total
	VL	Low	Mid	Above	
RHNA (total)	1,777	1,445	1,597	3,159	7,978
Units Completed or Approved 2006-2009	265	316	27	7,347	7,955
RHNA (net remaining)	1,512	1,129	1,570 1,546	0 2,975	4,211

Sources:  
SCAG 7/2007  
Appendix A, Table A-2; County of Orange/OC Planning, 5/2010

***b. Inventory of Vacant & Underutilized Land***

**NEW MASTER-PLANNED COMMUNITIES**

During the past 40 years the majority of development in unincorporated Orange County has occurred in major landholdings under the planned community concept. Most of these areas were incorporated into new cities between 1988 and 2001, including Mission Viejo (1988), Dana Point (1989), Laguna Niguel (1989), Lake Forest (1991), Laguna Hills (1991), Laguna Woods (1999), Rancho Santa Margarita (2000), and Aliso Viejo (2001). Most of these areas were originally approved as planned communities in unincorporated Orange County.

Only one planned community in the unincorporated area – The Ranch Plan – has a significant amount of land remaining to be developed during this Housing Element timeframe. Located in southeastern portion of the County east of Rancho Santa Margarita, Mission Viejo and San Juan Capistrano, The Ranch Plan was approved in 2004 with a maximum of 14,000 residential units. It is expected to be the final large landholding that will be developed in unincorporated Orange County since all other significant undeveloped parcels are located within cities, regional parks or the Cleveland National Forest.

As part of the General Plan amendment, Planned Community (zone change) and development agreement for The Ranch Plan, the property owner is required to dedicate 60 acres of land to the County for affordable housing development. Based on a typical density of 30 units per acre, it is anticipated that 1,800 lower-income units will ultimately be produced in The Ranch Plan Planned Community. Additional discussion of The Ranch Plan is provided in Appendix B – Land Inventory.

**Table X-43  
Land Inventory vs. Net Remaining RHNA –  
Orange County Unincorporated Area**

Category	Total Units	Income Category		
		Lower	Moderate	Above Moderate
Completed and approved projects (see Tables A-2 and B-1)	1,795	581	27	1,187
The Ranch Plan Planned Community	6,952*	792*	0	6,160*
Housing Opportunities Overlay Zone**	2,039	2,039	0	0
Other underutilized sites	824		824	
<b>Total Land Inventory</b>	<b>11,610</b>	<b>3,412</b>	<b>851</b>	<b>7,347</b>
RHNA Need (2006-2014)	7,978	3,222	1,597	3,159
<b>Surplus (Deficit)</b>	<b>3,632</b>	<b>190</b>	<b>(746)</b>	<b>4,188</b>

\*Totals reflect approved RHNA assumptions for the current planning period (44% of approved zoning entitlements).  
 \*\*Including both the original Overlay Zone and the Arterial Highway Expansion Area (see Appendix B)  
 Sources: OC Planning (5/2010); SCAG (7/2007)

A comparison of these estimates with the County’s remaining 2008-2014 RHNA need shows that there is a significant amount of surplus capacity to meet the remaining need in the Lower and Above Moderate categories but there is a shortfall in the Moderate category. The Housing Action Plan (Section 5) contains a discussion of programs and policies to encourage and facilitate housing production, with particular emphasis on the lower-income categories.

**Financial Resources**

*a. Federal Resources*

**HOME FUNDS**

The Home Investment Partnership (HOME) Program is a federal program, created as a result of the National Housing Affordability Act of 1990. Under HOME, HUD awards funds to localities on the basis of a formula that takes into account tightness of the local housing market, inadequate housing, poverty and housing production costs. Localities must qualify for at least \$500,000, based on HUD’s distribution formula, to receive direct allocation of funds, or can apply to the state or combine with adjacent jurisdictions.

HOME funding is provided to jurisdictions to assist either rental housing or home ownership through acquisition, construction, reconstruction, and/or rehabilitation of affordable housing. Also possible is tenant based rental assistance, property