

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
September 14, 2020

THE PLANNING COMMISSION MEETING WAS CONDUCTED TELEPHONICALLY VIA ZOOM. The public was able to participate by either calling in or sending an email.

CALL TO ORDER: Chair Nigsarian called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:37 p.m. The Commissioners, the public and Staff conducted the meeting telephonically through Zoom and live streamed through the City's YouTube social media site.

PLEDGE OF ALLEGIANCE: LED BY VICE CHAIR MANLEY

PRESENT: (via Zoom) COMMISSIONERS: NIGSARIAN
MANLEY
POWELL
MUNOZ
BERNIER

ABSENT: COMMISSIONERS: NONE

OTHERS PRESENT:

DIR. OF COMM. DEV.: HO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: LOPEZ
CITY ATTORNEY: SERITA YOUNG
CITY ATTORNEY: GINETTA GIOVINCO
METIS: LLOYD ZOLA
PLANNING COMMISSION SECRETARY: GONZALEZ
COMM. DEV. SECRETARY: LOPEZ
EXECUTIVE SECRETARY: HURT

PUBLIC COMMENT

The Chair asked if there was anyone on the teleconference or who had sent an email that wished to comment on any item not listed on the agenda.

Phone Number (714) 315-7828 wished to speak in reference to the Westridge Golf Course item. Chair Nigsarian asked they wait until the public hearing is opened for the item.

CONSENT CALENDAR

The Chair explained the Consent Calendar procedures. He asked if there were any members of the public on the phone conference, or who had sent an email, or any Commissioners that wished to have any item removed. There were none.

Moved by Commissioner Bernier (Abstained due to absence at August 10, 2020 meeting), seconded by Commissioner Powell, motion passed on a 4/1 vote to approve the Consent Calendar.

1. Approving the Planning Commission Meeting Minutes of August 10, 2020.

PUBLIC HEARINGS

1. Consideration of a request for Final Environmental Impact Report 18-01 (SCH No 2015111045); General Plan Amendment 18-01 to change the land use designation from Open Space to Low Density Residential (0-8 units/acre) for Planning Areas 2, 3 & 4; Amendment #3 to the La Habra Hills Specific Plan; Adoption of the Rancho La Habra Specific Plan; Zone 18-01 to change the land use designation from La Habra Hills Specific Plan to Rancho La Habra Specific Plan for the area occupied by the Westridge Golf Course; Vesting Tentative Tract Map 17845, Design Review 18-01 through 18-05 for Rancho La Habra Specific Plan Areas 1, 2, 3, 4, and 6; and Development Agreement 18-01 for the Rancho La Habra Specific Plan at 1400 South La Habra Hills Drive.

Planning Manager Ramsland presented the staff report to the Commission.

The Chair asked if any of the Commissioners had any questions.

Chair Nigsarian asked staff for clarification regarding the Community Financial District (CFD). He stated that it was his understanding it is not a standard Mello-Roos and that it may not be permanent. Planning Manager Ramsland explained that a CFD, also known as a Mello-Roos would be required to be voted on by all the affected property owners of that district. In this case, it would just be the developer, but there could be a vote in the future to remove it. He deferred to the Attorney for a more detailed answer.

City Attorney Ginetta Giovinco noted that Community Facilities District (CFD)/Mello-Roos is not part of the request before the Commission this evening for a recommendation and that the CFD will be a separate matter at a later date. Chairman Nigsarian stated he understands but expressed concern for the potential burden to the City to maintain the park/facilities. Ms. Giovinco stated she understood his concern but the specifics will be part of a separate action.

Chairman Nigsarian stated that the plan speaks to 402 units verses 448 as stated in the EIR, which originally included an area that could be 20,000 square feet of commercial or an additional 46 units. He noted that that option seems to have gone away and it is now all residential. Planning Manager Ramsland replied that the Applicant preferred the alternative after determining that the commercial option was not viable, and deferred further questions to the Applicant.

He then asked about conflicts with the Southern California Association of Governments' goals and policies. Mr. Ramsland asked for clarification on if he was referring to the RHNA numbers. Chair Nigsarian indicated that suburban development does not fit with their goals and policies. Planning Manager Ramsland responded that one of SCAG's goals is to mandate and enforce the regional housing needs assessment and that under those

requirements the City will be responsible to provide a total number of tentatively, 803 housing units.

Chair Nigsarian asked if the project was in conflict with SCAG goals for greenhouse emissions. Planning Manager Ramsland replied yes. He noted that it was part of the statement of overriding consideration that the environmental consultant was available to answer any questions regarding the details.

Chairman Nigsarian asked staff if the project is inconsistent with the General Plan at this point. Planning Manager Ramsland responded that was correct.

Chair Nigsarian asked about the concept of a mitigation bank and asked about the Applicant being able to buy land off site to mitigate the impact in La Habra, but that an impact would still exist in La Habra. Planning Manager Ramsland briefly explained the proposed mitigation.

Chairman Nigsarian noted the traffic analysis states 13 of the 32 intersections assessed will suffer impacts. Planning Manager Ramsland responded that was correct. The Chair then asked about the mitigation measures. Planning Manager Ramsland deferred the question to the City Traffic Engineer, Michael Plotnik.

Commissioner Bernier asked staff to provide more explanation of the CFD. Ms. Giovinco stated that it is a separate discretionary issue to go before the City Council at a later date if the item before them is approved. Commissioner Bernier asked if it was correct that improvements will be paid by the CFD/developer/residents. Planning Manager Ramsland stated that was correct.

Commissioner Munoz asked regarding the conservation area that is part of the project, who will be responsible for the administration, City or separate agreement. Planning Manager Ramsland stated it will be an agreement with Fish and Wildlife which will set the terms for the maintenance and that the City will not be maintaining it.

Mr. Lloyd Zola, representing METIS, provided a brief explanation stating the conservation area would be maintained by a non-profit and they would be subject to an agreement with California Department of Fish and Wildlife for the permanent maintenance of the area because it is a mitigation of impact to the existing deed restriction areas. There will be mitigation on-site and off-site and the City will not be responsible for the site because there will be requirements to maintain it at a certain quality of habitat in perpetuity. The requirement would not be handled by the HOA because they are not experts in maintaining this habitat, it would have to be a non-profit. Commissioner Munoz asked how this would be paid for. Mr. Zola explained it would be by an endowment for the long-term maintenance for that property.

Commissioner Munoz asked if there will be one HOA or separate ones for the area. City Attorney Giovinco deferred to the Applicant but her understanding is that it would be one HOA for the entire development.

Vice Chair Manley asked for explanation of RHNA numbers. Planning Manager Ramsland provided an explanation of the RHNA process and how the City's allocation was determined. He elaborated on the various income levels and the breakdown for each category. Vice Chair Manley asked where these proposed units would fall. Planning Manager Ramsland replied that they would all fall into the above moderate category.

Vice Chair Manley asked if based on the development agreement could the Applicant adjust the price of these units at any time and affect the numbers. Planning Manager Ramsland responded that once they were above moderate, there was no limit. If lower income categories were proposed, we could not change the numbers, and that these proposed units would all count towards the above moderate range. He added that the Applicant had proposed, in the development agreement, a \$1,000,000,000 cash payment as a contribution toward affordable housing.

Vice Chair Manley then asked about the General Plan Goal of 2.5 acres of park area per 1,000 residents, and how the City does not currently meet this goal. He asked if there were any other future park projects that the City was aware of. Planning Manager Ramsland responded no. Vice Chair Manley asked if it was true that this project would bring the number up to 2.7 acres. Planning Manager Ramsland responded yes.

Chair Nigsarian stated the Applicant will be providing a presentation.

Director Ho introduced the Applicant, Andrew Han, representing Lennar Homes to provide their presentation.

Before begging his presentation, Mr. Han noted that there were several points he would like to clarify, including the CFD, and the CDFW maintenance responsibility. He then made his presentation.

The Chair thanked Mr. Han for the presentation. He noted that he did not have any questions at this time and then asked the Commissioners if they had any questions of the Applicant.

Commissioner Bernier referred to Mr. Han's earlier comments of the 7,000 letters of support. She asked him if he is a resident of La Habra or if he knew the community well. Mr. Han responded that he grew up in the City of Diamond Bar and works in Irvine adding that he was familiar with the City. She then asked him if he knew the location of a number of different streets. Mr. Han responded he has heard of them but does not know where they are. Commissioner Bernier stated that she had reviewed the correspondence and that it appeared that a high percentage of those who support the project do not live in La Habra and appear to be from La Habra Heights or other cities outside the City of La Habra. She said it was great they are excited for the project but they are not our residents. She asked that he consider this when he discusses the people in support of the project.

Mr. Han responded that he will take that into consideration but noting they have spot checked the support letters and 97% live in La Habra and he would be happy to validate that.

Commissioner Bernier referred to the park and club house they will be deeding to the City and asked who would be paying for this, would it be the developer or from the Mello-Roos funds. Mr. Han stated it will be paid for through a Community Facility District (CFD). In the case that it is not approved then the developer would pay for the improvements and the cost for the improvements could be added to the price of the homes when being sold and secured by a lien of the land to the homeowners. Commissioner Bernier asked if they will provide that in writing. Mr. Han explained that the Developer will pay for the entire community and it will be reimbursed by either the CFD or the cost would be added to the price of the homes. Ultimately the homeowners will pay for it all.

Commissioner Bernier suggested that they have discussions at a later time so everyone has a good understanding of the CFD. Commissioner Bernier asked staff for direction if to continue with the discussion on the issue. Director Ho stated that there will be more robust discussions regarding the CFD when the item goes before the City Council and to move on with her questions.

Commissioner Bernier asked Mr. Han if he is a golfer which he replied he is not. She then explained that she and her family are avid golfers and that it is a game where you do not stay very long at one spot as the players move from one hole to the next. She noted that she had concerns if that area became a public park with the abandoned oil wells that will be underneath that proposed park. She expressed concern for the contamination of the soils and the safety of the public. She stated she did not see the EIR address this environmental issue. Mr. Han responded and pointed out where this issue was addressed.

Commissioner Bernier expressed that these all seemed to be high priced homes and she felt that if this was to be a project for the community that there should be more affordable units included. She asked him to explain why not more affordable units were provided in the project.

Mr. Han explained that the project included about 166 multi-family units which they would consider "work-force housing". These would be at the moderate price points in the market place and that he recognized that the larger homes will be at a higher price point. She stated that they are to be very expensive and she is concerned that they will not sell during this pandemic.

Commissioner Bernier stated to Mr. Han that they are contributing one million dollars to the community towards affordable housing which she noted comes out to approximately \$2,200 per home for affordable housing. She then directed a question to Director Ho that there was recently a housing development done on Beach Boulevard and asked how many homes were built and how much they paid towards affordable housing. Director Ho stated it was the Valentia homes where there were a little over 300 units in the development and that he did not recall the amount per unit paid towards affordable housing. Commissioner Bernier stated she recalled they paid \$10,000-\$15,000 per unit which is well above the estimated \$2,200 that Lennar is proposing per unit compared to the prices the homes will sell for.

Mr. Han suggested looking at the comprehensive package of \$40,000,000 as a whole. He said if the City prefers more affordable housing that they can negotiate, but that they have

detailed a maximum benefits package and to look at the entirety of the public benefits instead of isolating a per unit amount. Commissioner Bernier expressed she did not feel there was enough information of all the amenities they are proposing for the \$40,000,000 that the City will receive.

Chair Nigsarian backed up comments made by Commissioner Bernier regarding the 7,000 letters of support which he stated he looked at. As Commissioner Bernier previously stated, it was evident the 7,000 in support were from post cards that persons signed outside of stores, etc., that had been asked three questions: 1) high density yes/no, 2) schools yes/no, 3) road repairs yes/no and stated this card was disingenuous as these cards were asking for general questions and not specific to the Rancho La Habra project. He stated to Mr. Han that when assessing the quality of value of support, a hand-written letter would have more weight than signing a card they don't actually understand.

Commissioner Munoz asked about the environmental super fund for the site and if there is any type of warranty if the project is approved and the park is deeded to the city. Mr. Han stated they stand behind what they build, providing a brief explanation of their warranties that for homes it is 10 years per state law and that this is not a super fund site.

Commissioner Munoz, refined his question. Based on the environmental history of this site, what assurances does the City have if there is an environmental problem. Mr. Han stated that it would be unlikely they would walk away from any problem and that they would be willing to discuss the issue further. Commissioner Munoz asked what was the warranty for the park amenities. Mr. Han stated that he believed it would be a period of one to two years but would need to check with his staff to make sure and will get back with the answer.

Commissioner Munoz asked why they preferred to pay the in-lieu fee instead of providing affordable housing on-site. Mr. Han explained that as they designed the project they evaluated what is the maximum amount of benefits the project can support. In this case the most valued element is a park, open space, and a community center. They provided market rate housing to support this and further elaborated on the pros and cons of the different types of benefits.

Vice Chair Manley noted that Rancho La Habra Specific Plan, planning area number 5, allowed for commercial or residential development, but they chose a residential component. He asked Mr. Han if he could elaborate as to why they preferred residential. Mr. Han explained they did their research on retail and that the study came back that there is little opportunity for retail at a price point that makes sense. Thus, the multi-family homes are a better use for the site. He also noted that the commercial use would equal more traffic. Vice Chair Manley commented his explanation was interesting to him.

Vice Chair Manley asked Mr. Han if he could share with the Commission the status of the discussion with the Department of Fish and Wildlife regarding the deed restrictions. Mr. Han briefly explained they are working with the agency on the restrictions but need to wait for the City to complete the general plan changes.

Vice Chair Manley commented that if the Commission were to feel there is a lack of affordable housing or a lack of community benefits as the project is written now, would

they be willing to revisit the issue. Mr. Han stated they have the best package possible but that the Planning Commission could make that recommendation to the City Council. That they are very much committed to pursuing this development to the end as they have spent five years on it and millions of dollars. That they will take any suggestions from them into consideration.

Chairman Nigsarian thanked Mr. Han and called for a 10-minute recess at 8:46 p.m. Chairman Nigsarian reconvened at 8:56 p.m. The Chair called role of the commission, everyone was present.

Chair Nigsarian began by announcing that after discussions during the break with the City Attorney, that all the comments in the chat portion shall be made part of the record and from this point forward that the chat section will be disabled. Anyone wishing to comment must direct their comments to the Commission.

The Chair then opened the public hearing and asked if there was anyone on the phone conference, or who had sent an email who wished to speak in favor of the request.

Mr. Kenneth Stahl stated he is a land use attorney and a professor that specializes in local government. He said he had previously submitted an eight-page letter in reference to RHNA and how it affects La Habra, including some consequences that may follow if Rancho La Habra is not approved and provided a brief overview of the contents of his letter.

Commissioner Bernier asked Director Ho what were the City's RHNA numbers. Director Ho responded that the designation for the next nine-year cycle is 803 with the possibility of an increase once the RHNA adoption process is complete.

Mr. Steve Lamat, Executive Officer, Home Building Industry Association, spoke in support of the project. Mr. Lamat commented that prior to the Covid pandemic there was a lack of housing and once over, there will be a crisis and expressed many will benefit from the rezone.

Mr. Jose Trinidad Castaneda expressed his support for the project. He stated he lives in the City of Fullerton but his family lives in the Coyote Hills and Sandlewood neighborhoods. Mr. Castaneda added that he currently works in the environmental services on a youth council relating to climate change. He added that he was the first who broke the news of the development and at that time he did not understand but now has a better understanding of the impacts.

Mr. Adam Buchbinder expressed his support for the project stating he felt there is a need for new housing.

Mr. Kyle Kelley identified himself as an affordable housing advocate. He stated that there is a need for multi-unit housing that is close to work and there is a concern there will not be enough housing for their children.

Mr. Adam Wood noted that the City must have a plan by next year on how the RHNA numbers will be accommodated in the Housing Element by October 2021 and this would be a great opportunity to comply with Sacramento's mandates.

Ms. Anakaren Cervantes resident at 1016 East Third Avenue, La Habra, resident for over 13 years, expressed her support for the project.

Ms. Elizabeth Hansburg resident of the City of Fullerton stated that she runs "Affordable Aide People of Housing in Orange County". She commented about new laws that allow property owners reuse property for housing. She expressed support for the project.

Mr. Max Ghenis works for a nonprofit stated there is not enough housing and expressed his support for the project.

Mr. Richard Nordsiek, resident of La Habra North Hills, stated that this is a great city and that he works in Fullerton. He expressed his support for the project. Mr. Nordsiek stated he recently met with planners in Fullerton and they were reviewing proposed three-story high-density homes and he would not want a high-density project for La Habra. He stated that considering the size of the development he felt there is more room on the table for public benefits and Commissioner Bernier brought up many good points.

Ms. Mindy Greenberg lives in Oxnard, she expressed her support for the project. Ms. Greenberg stated there is a severe housing shortage in California and that she did not feel this was a time to say no to this project and urged for the Commission's favorable consideration.

Ms. Juana Cervantes, resident of La Habra of 13 years, expressed her support of the project stating she has three children and the project would be good for their future.

A woman identifying herself as Ms. Cervantes' daughter made a statement that it is shameful that there were no translation services made available for participants.

There being no further speakers in support of the project, the Chair then asked if there was anyone who wished to speak in opposition to the request.

Ms. Jessica Esqueda, 530 Chestnut Street, La Habra, expressed her opposition to the project stating three main points for the Commissioners' consideration:

- School enrollment would increase with the proposed homes and that during this stressful time it would be added stress to educators, even though this may not happen for some time. She hoped the City had taken this into consideration for additional resources as part of this project.
- Police – current minimum requirement is of four officers on patrol each day for a population of 62,000 which would mean one officer for every 15,000 residents. That is inadequate for safety. With an increase of residents and housing, it would increase the number the officers needed and that resources should be taken into consideration.

- Greenhouse emissions and traffic- she asked if public transit has been discussed, stating that for the past two years she experienced difficulties getting to the transportation hub. She currently drives to the station then takes public transit to her work in Los Angeles.

Ms. Laura Rios, lives at 1310 West Lambert Road, La Habra, stated it was interesting to her that there were only two people in favor of the project that lived in La Habra. She expressed that she did not feel this community was the right community for this project and understands the need to create 803 homes but that this development is only addressing the requirements for the above moderate-income levels and asked about the other three categories. Ms. Rios stated that the proposed one-million-dollar donation for affordability couldn't even buy two homes in La Habra much less 100 plus affordable housing units and that to her it was disgraceful. She also shared that the proposed park that Commissioner Bernier mentioned contains toxic soil. She asked if this is where the City wanted their families and children to play. She added that the area has been flagged by EPA that this is cancerous material and this can be hazardous to people's health and was a horrible idea. She expressed her concerns with traffic and stated she lives very close to what she described as La Habra's worse zone of Imperial Highway and Idaho. She said that it was worse at Imperial Highway and Beach Boulevard which she compared to the 405 Freeway in the afternoon pre-Covid. She added that after the Valentia development it has become a nightmare. She expressed the project should be revamped to include more affordable housing instead of a few dollars (in-lieu fees) like what happened with the other developments and nothing happened.

Mr. Jimmy Andriole, 1009 North Cypress Street, La Habra, expressed he felt the developer was extremely offensive saying he is speaking for residents of La Habra when he isn't. But he and others are standing against this project. He commented that the Applicant stated in his presentation that the only ones in opposition are the residents from Westridge, but this is not true, he is a lifelong La Habra resident that does not live in Westridge, and is opposed. He expressed that more homes mean more traffic and no relaxing park or comfortable nooks to hang out in. It will be a frustrating experience for them when they travel from one side of La Habra to the other; it's not fun. More homes at a higher cost will not address the housing crisis here in La Habra and that it is shameful they consider this a project that can help, when they are going to be very expensive and not affordable for the citizens here. He stated that he hopes the Planning Commission thinks twice and stands up for the people of La Habra rather than the developer.

Mr. Rene Jimenez, 740 South Euclid Street, La Habra, wished to ask a question to the developer or anyone on the panel, he asked if the development of 2.71 acres of park per 1,000 residents counts for the total of the La Habra population and new residents. Chair Nigsarian stated to Mr. Jimenez that this is not the time for questions but he can reach out to staff at a later time. Mr. Jimenez then expressed that the proposed homes are being built on land that could be better utilized.

Mr. Joe Faust, 601 Sandlewood Street, La Habra, stated he has lived in the city for 50 years. He stated that eight neighbors told him that they were not notified of the hearing. He thanked Traffic Manager, Michael Plotnik and Director Ho who kept him informed. He stated that Sandlewood Avenue residents were not notified of the public hearing. He has

tracked the project as a professional engineer, having over 50 years of experience, worked on over 600 EIRs, and worked with the State. He mentioned that he has had his own business for 40 years as a consultant to many cities including La Habra for about 10 years. He stated that he had prepared a six-page letter with his comments on the project and was provided to the Commission for their review.

Director Ho interrupted to mentioned they were experiencing some technical difficulties and provided some direction to the audience.

Chairman Nigsarian commented that he guaranteed that all the Commissioners received and read his correspondence and no need for him to go through it all.

Mr. Faust discussed his perspective on the CEQA requirements regarding traffic measurements. He stated that the EIR is using a California Court of Appeals mute methodology, ICU or TCD as a basis for the traffic impacts and that this is not valid in CEQA. That LOS cannot be used for CEQA and he made these points in his written comments to the EIR.

Commissioner Bernier asked Mr. Faust how many hours he put into this issue. Mr. Faust stated over 260 hours. She asked him about his comments about the golf course. Mr. Faust explained he made 40-50 trips for the past one year and a half. He would drive through the parking lot and count cars between 11:00 a.m. and 12:00 p.m. and they averaged 100 cars or so. He opined that the golf course is doing well. He added that about five years ago the then manager told the City Council it was doing great. While it is true that golf has taken a dip over the whole country, based on his many observations of this site's parking lot, it is half full all of the time and that he would provide his data.

Commissioner Bernier asked him to further explain his comments on the intersection of Sandlewood and Euclid. Mr. Faust stated the project's main entrance will be at Sandlewood and Idaho. Sandlewood is also used as a cut through for traffic to Imperial Highway. He cannot believe traffic is down per the EIR on Imperial and Beach, that this has not been typical the last three years. He added that Sandlewood and Euclid is used for school traffic in the mornings and afternoons with the main entrance at Idaho.

Commissioner Bernier noted that in his document it states there are two streets said to be cul-de-sacs. Mr. Faust replied that the traffic study notes Walnut and Patwood as cul-de-sacs. Commissioner Bernier stated that Patwood is not a cul-de-sac and that there will definitely be traffic running through these streets. Mr. Faust explained there is a signal at Montwood and an intersection at Sandlewood to enter and exit her neighborhood. Mr. Faust stated the traffic study claims the capacity of Sandlewood or any other residential street are 6,000 trips per day which he said is ridiculous adding that the City has a traffic calming program and if any residential street had anything close to that there would be a traffic calming program to reduce the traffic. Commissioner Bernier thanked Mr. Faust for his time and making valid issues. A question was raised about Caltrans and the impacts to their intersections. Mr. Faust said the EIR shows La Habra does not have any agreements with surrounding cities.

Mr. Jim Kress, a 62 year La Habra resident, stated that he has seen lots of changes in the City. He stated he agrees with the comments about the traffic and that Sandlewood is used as a cut through route. That traffic is already bad and that the people who live in La Habra cannot afford to buy the proposed houses much less the current homes. He stated he is in opposition of the project.

Mr. Benjamin Fan said he appreciates what the residents have said especially Mr. Faust, who is fact based as a professional, as well as Commissioner Bernier for her questions and comments to the builder. He asked if all the Commissioners voting on this item own their homes and that they can get back to him at a later time.

He asked that if the community overly disagrees with the project, if there will be an opportunity for the public to vote. Mr. Fan stated he had emailed the Commissioners data he pulled from the City and that over the past five years crime has increased in La Habra and he was not sure if it is because of the increase of the residents in La Habra and would like to find out. He continued that traffic congestion concerns have already been mentioned but that he hasn't heard mention of the overcrowding from retail centers more specifically from the Costco site and wondered if it was due to new development.

He spoke to the affordable housing comments made by Lennar earlier. He stated he comes from a finance background and in speaking with colleagues who are bankers they explained that as bankers in recent years it is more profitable to build luxury homes instead of affordable housing. Lennar is a public company, they are responsible for their shareholders and care about their bottom line and care little about anything else. Mr. Fan added that although they build affordable homes, he wanted to have it on record that the intention to build more luxury homes is more beneficial to the firm.

He noted that due to the contamination issue, Lennar or any builder will have a hard time getting approval or financing by a bank because of the environmental issues, so they decided not to build on that land, instead converting it for public use. Lastly, he expressed the presentation by Lennar was time excessive and asked if the statements made are fact based or opinion based.

Chair Nigsarian thanked the speaker and that this evening's format would not include any exchanges and suggested he email his questions directly to staff for response.

Mr. Jon Shardlow, land use lawyer representing "Save La Habra", stated he had sent a letter and will not address those items but would comment on the statements made earlier with respect to the RHNA numbers. He felt they were scare tactics and that the law does not require the City to reallocate open space for residential use. He stated that previous comments referencing RHNA numbers and statements made, may not be accurate and suggested that the Commissioners consult with the City attorney, and listen to the residents and the EIR.

Dr. Ed Reicks, 1861 South Floyd Court, La Habra, stated that he is the original resident in Phase 1 and was calling to state his opposition to the project. He thanked Commissioner Bernier for her concise statements. He made the point that there is eight to nine years to

solve the 803-unit problem and suggested to think about it for seven years, since the open space cannot be replaced.

He suggested the City take their time and not let Lennar's greed get to us and make the correct decision. He reiterated the Applicant's comments of building a park for families to enjoy and it will take at least six years for the first home to be sold. Dr. Reicks extended an invitation to all to go up to see the park Lennar built for them. He stated it is on the corner of Idaho Street and Risner Way that is surrounded by a gully that if children fall into they could die. It is also right on Idaho Street with no gate or fence, no toys, no swings, no slide. He stated there are 400 homes and they were given "this skimpy little park" and asked if they believed they will do anything different for the new homes. He asked that they all look at the beautiful guard shacks they built which have never opened and have been locked for 21 years. He stated it was because Lennar forgot to place toilets and that without toilets the City of La Habra does not allow them to be occupied. When they asked Lennar to add toilets they were told it would be too expensive and that this is who we are dealing with. He wished to end his call by stating the concern for the air quality and health effects will be made worse by Lennar building homes.

Ms. Christine Cook, resident of La Habra, stated she would be incorporating her parents' letter as well. Her father is 86 years old and they all are opposed to the re-zoning of the golf course and could not imagine living the next six years, if he has that time of life, in misery of possible construction six days a week. That Lennar wants to make money with no concerns for the citizens of La Habra and they will pass the cost of the community facilities district known as Mello-Roos to the citizens as they want to make money and wipe their hands and walk away.

She stated they do not want their area polluted during the preparation of the site and during the construction for years and after. They live in the Westridge Community and have enjoyed a breeze for the past 20 years. She feels that they will be expected to close their windows, run the air conditioning, and drain their pool because it will be constantly dirty and that their back yards will basically be full of a plume of polluted and toxic air.

That many of the residents enjoy walking daily and not sure how this will be safe and it will not be safe for wildlife, don't want to lose the third entrance to Westridge they consider a safety issue.

Her father was in a severe accident on Hillsborough at Beach Boulevard when someone ran a red light on Beach Boulevard at 50 plus miles per hour and totaled his car. Living on Magnum Court above Beach Boulevard they frequently hear car noises, racing and accidents on Beach Boulevard and that there is no planned mitigation to the significant traffic problem in La Habra or in the surrounding areas.

They have concerns with the safety of existing homes on Magnum Court in general as most of the homes have significant structural issues, moving back yards, cracks on their home and that she has replaced their pool plaster four times, pilons have been drilled through their homes to stabilize it from shifting and breaking and she is concerned that moving the earth below to clean up drainage will undermine the poorly designed slopes that their homes are built on. That their home is situated on expansive soil with oil deposits

in the ground. That eight years after moving in they had to retrofit their back yard at a cost of \$200,000 to stabilize the soil.

It was their understanding that the golf course was built because of the oil deposits in the ground made the area unsuitable for building homes at that time and that it is still not suitable now if 20 feet of top soil needs to be moved. Their soil is saturated with water due to the oil underneath them, called liquefaction zone, their house has the potential to slide in an earthquake and asked what mitigations are being taken to prevent this from happening. They are afraid their home can end up on top of another home.

Other concerns are with the current resources of the City, noting the recent two days of high heat and so many homes lost power and found that to be unacceptable. She wondered what would happen adding an additional 1,100 homes, she used that number because of the West Coyote Hills in Fullerton and the possibility of added homes in that area.

She felt there is a problem with their water and wondered why the water department has had to constantly flow the water out of the fire hydrant at Westridge. They have had water backing up into their pool and instantly turning it green which they had to drain. They were told they can only water their yard two days a week but recently received a letter that they can water three days a week.

She stated she does not like the fact there will be building where there is an earthquake fault as they all had significant damage to their homes six years ago. That they like their quiet life in La Habra and do not wish Lennar getting away with destroying the natural wildlife and removing the current deed restrictions.

She added that the park built by the developer or Lennar that is called Vista Del Valle park was 9.7 acres of nothing with nothing special. She stated she does not see them building anything special in the future.

She expressed her fear that they will change their mind and not build commercial, instead a lot more apartments or townhouses along Beach Boulevard because it makes money. After reading the development agreement, she is not happy it states Lennar wished to retain the development rights for the next 15 years which they can further develop or over develop for 15 years and once the time passes and things begin to break they walk away leaving the HOA to pay for everything.

She doesn't like that they will have a CFD to pay for the improvements and pass the costs to the residents or the City. She has an issue with the soil management, grading and utilities excavation, soil containing petroleum, and that the project site was an oil field and not compatible with residential development. Disturbing the soil will spread contamination all around including our back yard for years.

She expressed her concerns regarding the Fish and Wildlife letter. Stating it does not agree with the project area which noted a refuge for many species of birds, which she named and which she sees often. She is concerned for the wildlife and the impact it will have on the approximately 300 acres of land noting that this is a critical habitat for

endangered bird species such as gnatcatchers. She added that the golf course has served as their habitat in southern California. They have signs in their area not to disturb them. She also noted there are no plans for the mammal movement between project sites, no appropriate fire management plan, no mention of defensible fire. She asked the Commission to think about the project and consider that the support letters are not from residents.

Ms. April Sandoval, who lives at 2611 West Pendleton Lane, La Habra Hillsborough community, located west of Beach Boulevard, stated that the building on the golf course will be an enormous environmental impact to her family and asked if noise pollution was given any consideration when reviewing the effects to the community.

Regarding the speaker from Oxnard speaking about the benefits to the City about affordable housing being a benefit, she commented that no one hears that many people are choosing to move because of COVID and overcrowding. And that people outside of the community do not have any idea of the impact to the community. The additional units will be a huge impact to the community and wildlife. She explained when there is construction nearby there is an increase in rodents going into homes. She also stated that it is unfortunate there is not an opportunity for a large part of the community to express their opinions since they do not have the freedom to communicate due to lack of translation services. She stated she felt there were trust issues not only with Lennar but also with the way the City is governed.

Chair Nigsarian then asked how many more persons were on the cue to speak. Secretary Lopez stated there were ten more persons waiting. Ms. Serita Young suggested the Chair consider the time for added speakers and developer's rebuttal time as it is typical for due process.

The Chair then took roll from Commissioners if they wished to continue the public hearing to tomorrow.

The Chair asked for a formal motion.

Moved by Chairman Nigsarian, seconded by Vice Chairman Manley, unanimously approved to continue the public hearing to Tuesday, September 15, 2020 at 6:30 p.m.

Adjourned 10:52 p.m. to Tuesday, September 15, 2020 at 6:30 p.m.

Respectfully Submitted,

Carmen Gonzalez Avila
Planning Commission Secretary

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
September 15, 2020

THE PLANNING COMMISSION MEETING WAS CONDUCTED TELEPHONICALLY VIA ZOOM. The public was able to participate by either calling in or sending an email.

CALL TO ORDER: Chair Nigsarian called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:32 p.m. The Commissioners, the public and Staff conducted the meeting telephonically through Zoom and live streamed through the City's YouTube media site.

PLEDGE OF ALLEGIANCE: LED BY COMMISSIONER BERNIER

PRESENT: (via Zoom) COMMISSIONERS: NIGSARIAN
MANLEY
POWELL
MUNOZ
BERNIER

ABSENT: COMMISSIONERS: NONE

OTHERS PRESENT:

DIR. OF COMM. DEV.: HO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: D. LOPEZ
CITY ATTORNEY: DAVID SNOW
CITY ATTORNEY: GINETTA GIOVINCO
METIS: LLOYD ZOLA
PLANNING COMMISSION SECRETARY: GONZALEZ
COMM. DEV. SECRETARY: V. LOPEZ
EXECUTIVE SECRETARY: HURT

CONTINUED PUBLIC HEARING

1. Consideration of a request for Final Environmental Impact Report 18-01 (SCH No 2015111045); General Plan Amendment 18-01 to change the land use designation from Open Space to Low Density Residential (0-8 units/acre) for Planning Areas 2, 3 & 4; Amendment #3 to the La Habra Hills Specific Plan; Adoption of the Rancho La Habra Specific Plan; Zone 18-01 to change the land use designation from La Habra Hills Specific Plan to Rancho La Habra Specific Plan for the area occupied by the Westridge Golf Course; Vesting Tentative Tract Map 17845, Design Review 18-01 through 18-05 for Rancho La Habra Specific Plan Areas 1, 2, 3, 4, and 6; and Development Agreement 18-01 for the Rancho La Habra Specific Plan at 1400 South La Habra Hills Drive.

Chair Nigsarian explained the hearing would pick up where it left off last night, which were comments from persons that wished to speak in opposition to the project. He also noted that due to some technical issues from the previous night's (September 14, 2020) meeting,

anyone who wished to speak on the project and were unable to connect, both in favor and opposition, would be heard at the end of those speaking in opposition.

He noted that anyone that wished to speak would be allowed to do so and there is no time limit placed on speaking, but asked the speakers to keep their comments to new information. He stated that he would like to see the public hearing adjourned tonight by 10:30 p.m., but will go later if necessary. He will continue the meeting to tomorrow night, if needed.

He stated that any correspondence received after 5:00 p.m. today would be added into the record and that after that the applicant would have the opportunity for rebuttal. Upon completion of the applicant's rebuttal the public hearing would be closed and the Commission would deliberate. He asked for the first speaker.

While Staff was queueing up the speakers, Andrew Ho, Director of Community Development, introduced the City's legal counsel from Richards Watson Gershon (RWG) present this evening; Mr. David Snow and Ms. Ginetta Giovinco.

Mr. James Lees, 2140 South Earl Court, La Habra, opened his comments by questioning the validity of the methods used by Lennar in collecting their letters of support. He stated that he believes they are creating a false narrative for the Commission and Council. He next addressed traffic issues and the significant and unavoidable impacts to intersections around the project and concurred with Mr. Faust's comments.

He also expressed his concerns on overcrowding of the City and that the proposed project would make excessive demands on City resources that the current residents will be left to pay far into the future.

He then spoke to the City's RHNA numbers and expressed his belief that they were doable without the Rancho La Habra project. He added that this project is not providing decent money for affordable housing.

He expressed his concern for the air and soil pollution that Commissioner Bernier expressed concerns about. He added that he also believed that wildlife will be damaged even if replacement land is purchased.

He also commented that the developer is in a hurry to have the project approved prior to the November election and that they do not care about the citizens of the City that get the long-term problems. He believed that when the City creates a park there will be a problem of homeless people living there. He stated that many residents came to La Habra because it is a small city and the general plan as approved promoted it as such. He stated the commenters who spoke in favor of the project do not live in La Habra and that it's a, "do it in your back yard not in my yard" idea. He concluded that the Council should put off a decision on the project until after the election and let the people decide.

Ms. Julie Lomeli stated that she and her husband had sent an email which addressed many of the issues that have been raised by previous speakers, however, she wished to address two items. She questioned the validity of the letters in support of the project. She then referred to the Valencia development and noted they were glad it was approved

because it improved the City, but that would not be the case with the golf course. She asked the Chair if she could pass the phone to her husband.

Chairman Nigsarian asked the Attorney if it was okay for the caller to pass the call on to her husband to speak. Attorney Snow stated it would be okay.

Mr. Victor Lomeli stated that during COVID, traffic has been mild at the Beach Boulevard and Imperial Highway intersection, but would return to being congested when everyone returns to work. He stated that golf may be down nationally but that Westridge is doing well and he said that he needs to make reservations three days in advance to play there. He asked the Commission not to make the mistake for our future and stated that there are more people against, than in favor of this project.

Ms. Angela Caldera, Ryan Avenue, La Habra, stated that she moved to La Habra to escape a city of high density, no parking and traffic. She noted that in that city a golf course had been developed with a hotel and banquet rooms but retained the golf course and open space. She continued that she loves nature and openness and that was why she moved to La Habra, she stated that she believes Lennar did fear mongering during their comments the night before and that the decision by the Planning Commission on this project is a serious one. She stated that the Planning Commission should look at other places for development and that the Commission has an obligation and an opportunity to keep this open space and that there are many other things that can be done to improve the community for its residents but not building homes.

Mr. Robert Medrano, an East Whittier resident, addressed the Planning Commission. He noted that they have a difficult job and commended them on their public service. He noted he and his wife do about 80% of their shopping in La Habra because Whittier does not have the big anchor stores. He commented that the traffic before COVID, was horrendous and that he can't imagine adding traffic from 450 additional homes. He commented that occasionally he and his neighbors go elsewhere because of the traffic and that if the homes are built this would happen more often which will hurt more than help business in La Habra. He opined that the average household in east Whittier/Friendly Hills/La Mirada, spends on the average of \$1,000 in La Habra a year and that with 10,000 households that would cost the City millions in lost revenue. He concluded by stating that everyone who wants the project are either affiliates or special interests or are a few residents with interest. This will hurt the City by creating traffic and congestion.

Mr. Julie Edwards, 528 South Walnut Street, La Habra, stated that she is opposed to this project for all the reasons that have been previously stated by others regarding traffic. She also expressed concerns regarding lack of City resources for fire and police, and noted she is frequently told there are not enough officers available and that they will get to them when they can, she said that by adding more residents it will add to the problem. She also expressed concern regarding soil contamination from the previous oil field operations and that digging up the soil and putting dust into the air would be a bad idea. She closed by expressing her concerns about overcrowding.

Ms. Randi Hetrick commented she was on hold the night before and appreciated that the meeting was continued to this evening. She commented she lives near Toledo and Beach and was not happy when Costco was opened, and that the proposed project would be

“insult to injury”. Traffic is bad and she finds it difficult to navigate the intersections already. She has an issue with changing the zoning and stated that many other cities have more parks and open space than La Habra. She expressed how she loves the open space and believes it uplifts La Habra and that it is unfair to the homeowners who purchased homes with golf course views and will now have houses there.

Ms. Jody Wickersham stated she has seen La Habra turn from a very small rural community to a metropolis. She expresses her concern about animals and the way the City handles animal control and wondered what they would do about coyotes when they are displaced. She suggested postponing the project until there can be a live meeting instead of Zoom stating that there are people in La Habra that do not have access or know how to use it. She expressed that she did not think there was enough input to allow Lennar to wipe out the little bit of open space land left. We should appreciate what we have and not allow Lennar to take it out. She stated her concerns with traffic and that she can't imagine adding 400 or so more cars. She concluded by saying she has lived here a long time and seen La Habra go downhill and felt that if Lennar is building more housing, then she would have to move out and that she didn't move to the La Habra to be pushed around by developers.

Ms. Laura Rodriguez, 718 West Fourth Avenue, La Habra, stated she had previously lived in Los Angeles County which is very congested and did not have many parks available. She came to La Habra to enjoy the ability to walk to school and interact with the neighbors which have become family. She spoke about her neighborhood (El Campo) and the neighbors. She said she was very disappointed and offended that in the Lennar presentation, Mr. Han stated they were coming to build a “community”. She said there is already a community here, noting the Corn Festival, and local churches, such as Our Lady of Guadalupe Church, who are supportive and give to the community and cited examples of programs to help people during the COVID problems. She stated she lives with her parents and that she would need a second income to afford a home in or around her area. She added that her community was concerned with the additional traffic, and by saying that the developer didn't have any concern about the loss of open space and building more homes and destroying the golf course it will make it more unlikely for people to spend time in La Habra. We care about our community we want La Habra to have roots, for all to be together and supportive.

Mr. Pankaj Mehta, said that he understood that it was the City's duty to review development proposals for improvements to the City. But there is a right way and not so right way to consider proposals. He commented that he had heard emotions in the pleas from citizens as well as neighborhoods surrounding City of La Habra. He concurred with Mr. Lees' comments. He really would like City officials to consider this decision. He indicated that he hoped they would make the appropriate decision.

Ms. Darna Magpayo stated she missed the meeting yesterday because she was unable to use Zoom and wondered how many others missed it as well. She is deeply concerned and has several questions of the Rancho project and asked why it would it be in the best interest of the City of La Habra to continue the Rancho La Habra project.

She stated that the City of La Habra's web site states we need to protect and preserve open space and asked that we support and defend this as it is part of the La Habra mission

statement. She believes that to re-zone the current open space that is Westridge would not align with that statement. Recreational areas bring joy, enhances the way of life and are a beautiful point of pride for the citizens of La Habra which is consistent with these statements.

She expressed concerns with the points made in the EIR regarding the significant and unavoidable impacts. She stated that she had contacted officials from the Department of Wildlife to question if the project potentially violates the current deed restrictions under the previous La Habra Specific Plan. She indicated that the department shared their concerns regarding the area. She noted that she cannot understand why the City Council would rezone this site knowing it is not beneficial to the residents.

She added that this is the last open space in the City and it should not be destroyed and that although the property is privately owned, it was enjoyed by all, noted that the driving range is always busy. She was uncertain how the builder could say that the golf course's future was already decided, and she was nervous as to how they could decide that. She noted that when building West Hills and Westridge in the La Habra Specific Plan, that open space was removed and she thought that the golf course and trails were promised as open spaces in exchange for the homes; it is not right to change that now. She added that the trails are there but she cannot remember when they have been opened or maintained and that they have been locked and inaccessible for years. They will do the same with the new trails. She hoped the City listens to the residents and considers those that could not communicate because they cannot use or access Zoom. She concluded, please follow what your website says and make a choice that benefits all and that preserves their future.

Ms. Cyndy Scotti, La Habra resident, stated she had previously lived in West Los Angeles and moved here because there was less traffic. She added she was unable to get on-line last night and may repeat traffic issues that were previously addressed. She also brought up the topic of toxic soil. She stated that disturbing the soil was not safe. She said that within a year of buying their property she was diagnosed with lupus and on her street, there were two more people that were diagnosed with autoimmune disease, which has caused her to question the soil in the original Westridge development. She opined that there may be more people in the community dealing with the same medical issue. Also, she didn't know if the integrity of the soil was discussed last night. She said a neighbor who moved in after them wished to build a pool and they were designated to one area on their property because they were on a capped oil well. She was sure there are more capped oil wells in the area proposed. She concluded that we have lots of concerned citizens and we need open space more than ever.

Mr. Cliff Schellenger stated he lives in the Country Hills West neighborhood and that many have spoken eloquently about the things that make La Habra special. He expressed concerns about traffic on Beach Boulevard and was also concerned that Sandlewood Avenue will become a major cut through road to avoid Imperial Highway and would have negative impact on the schools. He opined that they would be able to drive to Brea quicker, with less traffic. He suggested that tax revenue will decrease because no one will want to fight the traffic to get to Walmart anymore. He also expressed his concern with the displacement of wildlife. He is currently fighting a rat problem because wildlife is being displaced and that he regularly sees coyotes. He also expressed his concern about water usage and property values. He concluded that the COVID virus has taught everyone that

the denser the population the worse the infection rate and cited New York and Los Angeles as examples. He ended by saying that while COVID may go away another illness may be on the way.

Ms. Shelley Yoo, 331 Sandlewood, stated that she opposes the project and that she concurs with the other people who have eloquently spoken on all the reasons why this is a negative project. She stated as a resident of La Habra that she felt disrespected by Lennar's presentation and found it condescending. She stated she appreciates the Planning Commission listening and made a plea to preserve open space. If there is no other place to see beauty and it is taken away La Habra will become like other cities in Orange County.

She asked to be permitted to read a letter from her neighbor Ms. Bella Tan who lives at 1240 Raintree Drive, La Habra. In the letter Ms. Tan expressed that she is an unhappy tax payer who moved in to the City many years ago to enjoy the fresh air, instead of smoke and smog; that a factor in purchasing her home here was due to the nice City and the open space. She pleaded to please hear the voices of the community and not build all the homes. Ms. Yoo asked the Commission to please read the letters submitted and consider the future for the City.

Chair Nigsarian called a recess at 8:02 p.m. for 10 minutes and reconvened at 8:12 p.m.

Chair then asked staff for an update on number of callers on hold who wish to address the Commission. Staff indicated there were currently eight persons.

Ms. Dani Cardenas stated she lives behind Costco and she opposes the project. She pointed out that the people who were in favor of the project live outside of the City with one as far as Oxnard and to not believe what was said. She praised Commissioner Bernier for making great points and asking good questions. She expressed her concerns with traffic and the time it takes her to take her children to school; that the school system could not accommodate additional children; and concerns for the toxic soils under the proposed park. She asked how this will impact the police and fire departments since she attended a meeting when a police officer stated there is limited man power. She concluded that in the last few years there has been enough building in La Habra and strongly opposes the proposed project.

Ms. Edith Castillo commented she lives in the camp and has lived all over the U.S.A. but chose to return to La Habra to raise her family and expressed she is proud to live in the City. She commented that the applicant had made baseless accusations of nimbyism and that his comments were patronizing and condescending and that he underestimated the intelligence of the residents of La Habra. She opined that it was ironic that Lennar had been doing intensive community outreach for the past two years and yet after all their work they were unable to get the community on board to come to speak in favor of the project, but did get someone from Oxnard and Irvine.

She stated she is not against development but that she is opposed to the fact the City of La Habra continues to short change its residents and that we should be getting a more robust community benefits fund from Lennar or any developer who comes to develop in La Habra. Ms. Castillo stated she attended a City Council meeting to oppose a project on

Monte Vista Avenue and that the City got nothing but reduced parking and reduced affordable housing units. She stated that she understands the Planning Commissioners are not elected but that they also work for the citizens and is grateful they listen. She expressed appreciation that Commissioner Bernier was incredibly prepared and asked the right questions and was representing the community.

She expressed her concerns regarding increased traffic and pollution, and concurred with the comments made by Mr. Foust earlier. She also expressed concerns regarding the contaminated soils and believed that cancer would occur as it had in the Brownfield sites she had worked at in Detroit. She asked not to short change the community and not to build without having proper mitigation strategies in place.

Mrs. Amy Williams stated she and her husband recently moved to the City because they felt it was a community-oriented city and as a young couple they enjoyed seeing lots of open space and liked that La Habra High School has an agriculture program which is awesome as many schools in other Orange County cities do not. She felt that this project has La Habra going the wrong direction into a more congested and crowded city as opposed to a community-oriented city. She concurred with the comments of the previous speakers on great reasons why not to move forward with the project. She concluded that they are interested in staying for long time but if it becomes congested like Los Angeles they will think otherwise.

Mr. Tim Blaine, 1800 South Watson Street, La Habra, said that the reason he moved to La Habra was to raise his family. He recounted a story of speaking with then Mayor Steve Anderson about the Westridge Development before buying a home there. That was one of the reasons he decided to invest in La Habra and move his family up to Westridge, paying a premium of over \$100,000 for the lot. He recalled that he had been told by Planning Staff many years ago that he would never have neighbors in his back yard, but now the City wants to re-zone the last green belt in La Habra. He also expressed his concerns about traffic and his commute time from his business that is located in Brea.

He stated that there are no more opportunities for greenbelts once the golf course is gone and there is no bringing them back. He added that the developer is trying to take the land which was given from the previous project. He recounted that he had attended a City Council meeting in which they discussed the budget and the projected budget short fall within two years. He stated "it becomes dollars and cents as I see it". But the dollars and cents to people who live here doesn't make sense. He hoped the Planning Commission listened to all the voters and not the pocket book and allow the citizens of La Habra to continue living the life they enjoy. He then stated that if this goes through he will leave La Habra since the traffic problem can't be mitigated.

Mr. Gerard Rudd, lives in Country Hills West, stated that he has seen many developments and changes on Imperial Highway over the years and they have created high traffic problems and that this project will create a more extreme traffic problem. He stated there are other properties in La Habra that are undeveloped that could be used for smaller projects that would not impact one area so significantly and help retain the small-town feel.

Ms. Kanwal Cheema, a resident in the Westridge Community, noted that all previous speakers already mentioned the items she was concerned about and she wanted to reinforce their thoughts in opposition to the project.

Mr. Robert Biddlecombe, Greenbrier Lane, La Habra, noted that he has seen many changes since he has lived here and believes the quality of life has gone down due to traffic and overcrowding in the past several years. He noted that his commute time has increased by 50% within the last ten years due to gridlock traffic on Beach Boulevard mornings and evenings. He felt that this made it unsafe to either ride a bike or walk in the area. He complained about the noise and air quality of the existing conditions and also expressed concerns for disturbing the contaminated soil. Lastly, he commented on what he felt was dishonesty on behalf of the developer in how the project was presented.

Mr. John Draxler, County Hills East, La Habra, stated that he had not intended to speak but that he felt compelled based on previous speakers. He said that most of his concerns had been covered by previous speakers but he was disturbed by Lennar's presentation which he felt was condescending and dismissive of the residents and misrepresented the RHNA situation. He noted that the callers in favor of the project were mostly out of town professionals and he noticed the call-ins have been mostly against the project. He also questioned the questionnaire used to document the support of the project. He closed by stating his opposition to the project and that he thinks there are many open questions and issues to be resolved before the Commission could decide.

Mr. Robert Enriquez, 528 South Walnut Street, La Habra. He stated that he is not directly affected, other than traffic, but his issue is the "misappropriation of funds". He inferred that the City was taking on this project for the purpose of gaining revenue, but that current City funds were being misused and cited examples of increased City workers at a disproportionate rate to the population; and lack of infrastructure maintenance. He stated that the City will create more projects to create more revenue and asked where does the money go. He spoke about the "cemented drainage ditch along Imperial Highway" (Coyote Creek) and how in the past he had suggested that it should be covered to have a green belt but was told it can't be done. But noted that they covered the ditch between Imperial Junior High and Woodlake Village and that it was okay to cover it to build 100 units to create revenue but not to create a green belt for a nice buffer for all the residents from noise and smell. He stated he believes that yet again somebody has been paid off and had received money for their campaign funds and the project will get through.

Ms. Gabriela Garcia, 761 Amber Lane, La Habra, stated that she is opposed to the project for the many reasons that have already been given. She spoke to the large number of letters that had been received in support of the project and the number of people at the meeting in opposition. She opined that they suggest there is stronger support for the project than against, and that was just a lie. She concluded that the applicant is trying to make them feel scared and to believe this is the only option for the future of the property, but it is not.

The Chairman noted that we were approaching the meeting's curfew, but there may be an opportunity for speakers to continue speaking tomorrow if they were not done by 10:30 p.m.

Ms. Sue Ham, resident of La Habra, spoke about the slope adjacent to the Rancho La Habra development and identified the potential for slope failure. She felt that the EIR failed to address this risk properly. She also expressed concerns with six to seven years of construction and the disturbance of the contaminated soil and the health risks to her husband, for those visiting the area and for the health of future residents. She asked how the City could be so irresponsible. She commended Commissioner Bernier for her questions and stated that the citizens place their trust on the Planning Commission for the safety of its residents.

Mr. Robert Hughes, La Habra resident, expressed concerns with the applicant's presentation on water use for the golf course and that he disagreed with the water usage number presented. He was also concerned about wildlife displacement and did not want to see their habitat taken away. He also expressed concerns about the traffic increases that would occur. He was happy La Habra was far from the freeway and thanks to the planning there are nice stores, entertainment and great restaurants here locally, but there is too much density and the Commission should deny this project.

Ms. Carol Hansen, La Habra resident, stated that she is against the project. She specifically expressed concerns about traffic, pollution, overcrowding and loss of wildlife. She was concerned that the project would displace coyotes and send them into the adjacent residential neighborhoods and that their children and small pets would be at risk. She felt that the City is becoming way too overcrowded.

Ms. Andria Sandoval, stated she is opposed to the proposed development due to the already mentioned negative impacts of traffic to the community. She also expressed concerns with impacts to air quality and the added potential increase of pesticides and herbicides used for the new housing landscaping that will run into the storm drains and eventually to the ocean. She reiterated the other speaker's concerns with the toxic soil that is under the golf course. She opined that La Habra does not have the infrastructure to support the potential hundreds of new residents this development will bring and with disasters, such as earthquake, water and power, police services and road repairs, all areas of services are stretched too thin. And as evidenced by the COVID virus, the residents couldn't purchase essential supplies and with the increase demand of potentially thousands of new residents, it will make things worse. She implored the Commission to reconsider the project and research other alternatives for land use of the Westridge Golf Course such as a regional park and hoped the Planning Commission will make the right decision for current and all future residents.

Mr. Greg Jones, stated that this is a deed restrictive property and that this existing La Habra Hills project was approved based on granting this golf course for open public space. So that to come back now is "double dipping". Mr. Jones hopes that the Commission continues to support the community and honor the previous agreements to remain as intended and join the Fish and Wildlife Game Department to preserve this asset that will never be replaced. He stated that there is huge profit that can be made by them if the use is changed, but that the property could be used as a public golf course and still be very profitable. That just because it cannot make the projected margin they wish to achieve does not mean that it is not a valuable asset the way it is currently structured. He commended the opposition, particularly Mr. Joe Faust in the amount of time he has put in

to presenting their case. That he thinks it is clear that Mr. Andrew Han, of Lennar, is not local and does not know the area and the value open space views have to residents.

Ms. Dolores Elsesser, Greenbrier Lane, La Habra, expressed concerns over the proposed project and said that she is unhappy they are now trying to double dip and want to build housing, on land that was promised for the golf course. She was particularly concerned with the loss of open space, since she had lived here many years and has seen all the open space go away. She expressed her distrust of the developer and indicated that his presentation was misleading with regards to the open space being provided. She was also concerned that the traffic had increased to the point that it takes her three light cycles to get through Beach and Imperial. She felt that they are overtaxing the public services such as the fire, police, and EMTs because no one can get through due to the congestion.

Mr. Rafael Garcia, Westridge resident, commented that in speaking with his neighbors, which are mostly seniors, he discovered that in many cases this is their second or third home and that they saved and sacrificed and paid a premium (\$100,000) to live on the golf course. And that this was their reward for working their entire lives. He expressed that it is disgraceful that Lennar, 20 years later, has their hand out again and will ruin the golden years of his neighbors. He added that it is wrong that they do this twice and asked the City leaders to honor the original promise of the original owners.

Ms. Jennifer Champagne, Chantry Drive, La Habra, stated that her family chose their home for a variety of reasons including the commute time. She complained that it had grown from 25 minutes up to 1 ½ hours due to the traffic bottle neck at Beach Boulevard and Rosecrans going to Beach and Imperial. She asked who would be responsible for possible law suits because of the toxic land that will be disturbed during construction, and stated that it should not be disturbed. She commented on the golf course operation and opined that their business was doing bad since the business owners have done nothing to promote it. She stated that there has been a significant decrease in the number of children in families since the 1950's and that this is part of the deception moving this project and that the Commission should take the environment into consideration. She concluded that she loves La Habra as is and there is such a thing as over developing.

Mr. Teveyn Manchan, 1230 West Lambert Road, La Habra, stated that he had seen lots of changes in La Habra, and concurred with all the previous comments about traffic. He noted that there have been comments made comparing La Habra to other cities, but that La Habra is not like other cities that is why people love to live here. He added that those other cities have areas to expand and install all the infrastructure to support those homes. He opined that the City Council have made up their minds a long time ago and that they need to stand up for the residents. He also spoke to Lennar's presentation and the letters in support and how he feels that it has all been dishonest. He concluded that they are counting on the Commission to listen to the opponents of the project.

Ms. Diane Alba, La Habra resident, stated that she has seen many changes in La Habra and like many of her neighbors that she understands the need for progress but that 450 homes are more than what the City can take. She also expressed that it was bothersome what Lennar has done with the letters on their website with paid people that come from out of town and they have not been honest with the petition. She asked the Commission to really listen to their voices and that it affects their lives when they decide on this project.

Ms. Mecki Grothues, 951 Teakwood Avenue, La Habra, said she has seen many changes over the years especially with development to the south part of the City close to Fullerton. She noted that it took half a year to move the dirt with constant dirt and smell in the air when the current neighborhood was built. She also commented on how bad the traffic is and that she has to use different routes to get out of her neighborhood.

Mr. Simon Chan, Westridge resident, commented that he has been commuting from Hacienda Heights to Orange County along Beach Boulevard for the last 20 years. He has seen many changes in the City both good and bad, but there has been an increase with pollution and traffic. He continued that now we have a developer who comes in to offer a new development, and offers to give something back. That he doesn't think it's a good idea to listen to the developer but to listen to neighbors and that it would be best to postpone to November to leave it up to the residents who know best.

Chairman Nigsarian asked to take a recess at 9:59 p.m. and reconvened at 10:04 p.m.

Ms. Charlene Martin, Greenbrier Lane, La Habra, stated that she understands progress but at what cost. She was concerned with the loss of open space and the displacement of wildlife due to the loss of their habitat. She added that residents of La Habra are speaking loudly and she hopes their voices are heard. They love the City and asked to please keep it that way.

Mr. Alex Kim, Pine Place, stated that he can see the golf course from his bedroom and that he moved here because of the open space and that his expectation was that it was here to stay. He didn't realize this meeting was occurring until yesterday when he received an email and wondered how many more residents did not know about this. He stated that he had heard the streets will stay the same and with more homes that does not make sense. He couldn't imagine adding more homes and many more residents.

Mr. Victor Perez, La Habra resident, stated that he and his brother-in-law who lives a few houses down the street are opposed to the proposed development. He expressed concerns with disturbing the soil and digging sewer lines which he said will put contaminated dust into the air which will hurt the people that live in the City. He asked why the City is considering this project 49 days before a vote on Measure X, and why they are pushing this through.

Ms. Diane Dominguez, La Habra resident, stated that she is not directly impacted by the project, but as a resident of La Habra she has great concern of the impact of this development to this community and that if it goes through that the density will be a huge impact on the City. She expressed concerns about the lack of open space, impacts on wildlife, police and fire services and the City's infrastructure. She hopes the City Council will re-think this and will make an informed decision for the long-term impact and leave the open space, possibly as a regional park.

Ms. Adrienne Lee, Westridge area resident, stated she and her family are all opposed to the proposed project. She stated she has empathy for the housing crisis but that we cannot neglect the impact to the environment, as it cannot be reversed. She is specifically concerned about the disturbance of habitat for the coyotes and that the project will cause

harm and destruction to the ecology of that area that many residents enjoy. That once the fragile ecology is disturbed we will never get it back. She urged all to deeply consider this.

Ms. Judy Scott, La Habra resident, stated that Mr. Lee had addressed many of her concerns including traffic. She specifically expressed concerns about disturbing the soil. She noted that her husband worked at the Chevron Laboratories for many years and felt that there is something going on in the soil because they had a number of cases of brain tumors before they closed the facility. She concluded that it will really impact the community in La Habra to have more houses.

Mr. Al Mason, stated that the reason the golf course was approved was because it was a suitable use for the land. He questioned the potential toxicity of the former Chevron site. He said that the soil should remain undisturbed. He also express concerns with traffic.

Chairman Nigsarian explained that the time may come to continue the meeting, as it may not be possible to finish and that he would take one more caller before determining how the remainder of the meeting will proceed.

Ms. Maribelle Lopez, 1821 South Ford Court, La Habra, requested to read a letter from Mr. Lee Quarnstrom 80-year-old resident, 701 La Vereda Drive. The Chairman indicated that it would be allowed.

Mr. Quarnstrom wrote that he and his wife were concerned with public open space preservation. He indicated that they had seen the City grow from a lovely comfortable city to an overcrowded suburb with little or no character, and an urbanized cluster now of townhouses that might someday become overcrowded slums. He expressed his concerns for loss of open space and lack of water. He noted that La Habra has gone through droughts over the years and residents have dutifully cut back on all forms of water use with now the City Council is mocking our preservation efforts by allowing hundreds of new high-density residential building that will house thousands of new residents who will also need to use our precious water. That they will also require more fire and police services, they will create more traffic and use other City resources. He added they will be sending more kids to school and they will be looking for public parks to gather in and open space to congregate to keep their sanity in a City where the City Council feels intent to fill every vacant space with high density buildings. He urged the City to allow the people to be able to vote on Measure X to make the choice in November to give the people a chance to express the will of the people and not the City big wigs. He ended by writing that he hopes the City stops trying to "ram rod this development down their throats".

Ms. Lopez then expressed her thoughts on the proposed project. She appealed to the Planning Commission, as well as to the City Council members to listen to the thousands of constituents that have made their voices heard and who wish to preserve the City. She stated that she is concerned building on the golf course, which is land that was never intended for homes due to the toxic soil. She added that is why it was zoned for open space and ended up a golf course. That to put houses on this land would be irresponsible and not to mention a hazard for the air quality of the community.

Ms. Lopez then read the section of the EIR that referred to the air quality management plan for the south coast basin and greenhouse gas emissions. She expressed she is very

concerned about how this project will impact health, particularly those that suffer from respiratory diseases. She added that the air pollution of the building and construction over the next six years will affect not only the limited surrounding area but also surrounding cities. She said there is no need for an increase of toxins and that there is a need for space with trees and adequate fresh air. Additionally, she stated that this method of having a hearing is discriminatory to people who do not have the ability, knowledge or technology or means to participate in such an important meeting and that the City Council needs to postpone to allow a fair option for all La Habra residents to be allowed to have an in-person meeting.

Chair Nigsarian stated we still had to read the written correspondence into the record, which would take approximately thirty minutes, the rebuttal of the applicant and other speakers remaining. He stated there is a need to continue the meeting. He directed the audience to raise their hand on the system (Zoom) for staff to take note for them to be allowed to speak at the next meeting. He noted that no additional speakers would be allowed after that.

Director Ho stated that staff will take a screen shot of the list of speakers with their hands raised. He counted 16 speakers to speak tomorrow.

Chair Nigsarian thanked staff and asked for a motion to continue the meeting to the next day.

Moved by Chairman Nigsarian, seconded by Vice Chair Manley, and carried unanimously to continue the public hearing to Wednesday, September 16, 2020 at 6:30 p.m. via Zoom.

Adjournment 10:42 p.m. to Wednesday, September 16, 2020 at 6:30 p.m.

Respectfully Submitted,

Carmen Gonzalez Avila
Planning Commission Secretary

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
September 16, 2020

THE PLANNING COMMISSION MEETING WAS CONDUCTED TELEPHONICALLY VIA ZOOM. The public was able to participate by either calling in or sending an email.

CALL TO ORDER: Chair Nigsarian called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:30 p.m. The Commissioners, the public and Staff conducted the meeting telephonically through Zoom and live streamed through YouTube.

PLEDGE OF ALLEGIANCE: LED BY COMMISSIONER POWELL

PRESENT: (via Zoom) COMMISSIONERS: NIGSARIAN
MANLEY
POWELL
MUNOZ
BERNIER

ABSENT: COMMISSIONERS: NONE

OTHERS PRESENT:

DIR. OF COMM. DEV.: HO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: LOPEZ
CITY ATTORNEY: SERITA YOUNG
CITY ATTORNEY: GINETTA GIOVINCO
METIS: LLOYD ZOLA
PLANNING COMMISSION SECRETARY: GONZALEZ
COMM. DEV. SECRETARY: LOPEZ
EXECUTIVE SECRETARY: HURT

CONTINUED PUBLIC HEARING

The Chair reconvened the public hearing on the Rancho La Habra Project.

1. Consideration of a request for Final Environmental Impact Report 18-01 (SCH No 2015111045); General Plan Amendment 18-01 to change the land use designation from Open Space to Low Density Residential (0-8 units/acre) for Planning Areas 2, 3 & 4; Amendment #3 to the La Habra Hills Specific Plan; Adoption of the Rancho La Habra Specific Plan; Zone 18-01 to change the land use designation from La Habra Hills Specific Plan to Rancho La Habra Specific Plan for the area occupied by the Westridge Golf Course; Vesting Tentative Tract Map 17845, Design Review 18-01 through 18-05 for

Rancho La Habra Specific Plan Areas 1, 2, 3, 4, and 6; and Development Agreement 18-01 for the Rancho La Habra Specific Plan at 1400 South La Habra Hills Drive.

The Chair explained how the meeting would be conducted for the evening. He indicated that those speakers who were on the cue to speak at the close of last night's meeting would be allowed to speak and that no additional speakers will be permitted. Following public testimony, the staff would summarize any correspondence received since 5:00 p.m. for the record, and then the Applicant will have an opportunity for rebuttal after which we will close the public hearing. He continued that following the close of public hearing the Commission will enter into deliberations.

Director Ho introduced the City's Special Council Ginetta Giovinco and Serita Young from Richards Watson Gershon.

Ms. Young stated that all were welcomed to speak and were not given any time limits. She indicated that the project had been adequately deliberate, after 8 or more hours of public testimony and that reasonable time management to limit further testimony after yesterday's meeting was permissible.

She reminded the Commission that their role in this project is to make a recommendation to the City Council who will hold another public hearing on the matter and that the public would have additional opportunities to speak on the project.

Chair Nigsarian stated they would continue with the speakers in the order from the waiting list from last night. He asked staff to commence with the next speaker.

Mr. CJ Lees, Chief Development Officer of the Westridge Community Association and volunteer for the Political Action Save La Habra, has been involved for many years because of the industry he works in. He stated he was the former head of land development with Walt Disney Development. Mr. Lees stated he has volunteered his time helping the residents in dealing with this project and that all these folks have expressed themselves well and that they put together a ballot initiative to be voted on in November. He expressed his concerns that this hearing was taking place now when the vote on the initiative was weeks away and that the citizens would voice their vote on what is being decided this evening. That they are concerned as they heard from community members and the frustration there was no closed hearing, no motion yesterday evening or vote on the public hearing.

He stated that it was unfortunate that the meeting was closed to any more speakers, since he believed there were many others to speak. He pointed out that the City chose this type of forum (Zoom) noting that the county changed the guidelines and that the City could have had an in person hearing to listen to all the folks but chose not to do that. Given the many issues, he opined that many residents are hurt and mad. Don't be surprised if they take it out on the Council Members in the upcoming election.

Mr. Lees discussed Lennar's conduct on this proposal and what they had done in the 1990's where they sold a plan to a different Council to build houses and a buffer zone or green belt that was intended to maintain green space between the residents and the shopping district. He discussed the methods and marketing they used when they sold homes and opined that the buyer thought they would benefit but that it never works out with companies such as Lennar. He stated that zoning is the highest promise a city gives to its residents and to have this changed by this developer, it is just so they can get another round of profits.

Chair Nigsarian asked Mr. Lees to focus his comments to the project itself.

Mr. Lees stated the citizens became concerned when Lennar sent a letter to the community with comments about the golf course failing and closing. He said the golf course has never closed and has been busy and he heard the prices have even gone up. Mr. Lees expressed that there were many misrepresentations made by the Lennar. That they were told by Lennar that there is nothing they could do, but the citizens began an initiative process for ballot Measure X and that everyone on the call, except for two, get to vote on this. Mr. Lees then stated that this was the power of the people in its purist form and that they took thousands of signatures to qualify the initiative. He speculated that the developer went to the City Council to say that if they put the initiative on the ballot that they will sue the City. And that it was placed on the ballot and nothing happened.

Chair Nigsarian interrupted Mr. Lees who had been speaking for 20 minutes and asked him to try to be concise. That he focus on the specifics of the project. Mr. Lees questioned why the Chair did not interrupt the other speakers. Mr. Lees then commented on comments on the Measure X and the misleading comments from the developer and affects to the wildlife.

City Attorney Young interrupted Mr. Lees and asked if there were any issues that have not been already brought up by other speakers. Mr. Lees stated that his comments are related to the development and will make it brief. City Attorney Young asked that he make comments brief.

Ms. Darlene Alquiza, referred to comments made by other speakers the day before regarding the toxicity of the land. She stated that she was originally going to speak about the problems of additional traffic however, she spoke on open space and the toxicity of the soil.

She noted that there were studies on children that show that there is a direct correlation between the amount of open space available and how they develop. And that the biggest factor in determining outcomes of children is the size of the parks that are available to them. She stated her belief that it should stay a golf course as it is the safest use of a toxic land because golfers are constantly moving and not spending as many hours there as children would. She stated that the Commission gets to decide on whether or not people will get to live on this land which is considered toxic. She commented she has an advanced degree in human development with special interest in epigenetics and that there

is a finding in science proving that the environment has impact on genetic expression and what one is exposed to affects in a genetic level. She said, imagine the impacts of this decision, of families living on toxic land, playing barefoot on their lawn, dogs smelling the toxic dirt, or if families will be able to plant gardens.

She asked the Commission to consider that when making their decision, that toxic substances do not dissipate over time and stated that it could cause cancer and other illnesses.

Mrs. Shavan Brown, 841 Sandlewood, La Habra, stated that she is also speaking on behalf of her mother Ms. Ruth Brown stating that she did not receive notification regarding the meeting and had only heard about it from a neighbor. She said that she can understand the format for the hearing, due to the pandemic, but felt that the meeting should have been put off until later so that the elderly residents that are not technically savvy could also participate and voice their opinion. She added that many neighbors had asked her to speak on their behalf. Ms. Brown expressed her opposition to the request. She noted that she had seen many changes in the City over the years, some good, some really bad.

That she shares concerns on issues that have already been voiced. She specifically was concerned about the impact on water use, with the drought; and with traffic impacts at Euclid and Imperial, and on Sandlewood where they are currently experiencing problems with parents picking up their kids from the school. She also expressed her concerns with power outages and poor internet service that new homes would bring, along with increase of use of the post office, Police and Fire Departments. She opined that she doesn't see how the City will have more funds to hire more Police and Firemen to deal with the increase of residents. Ms. Brown asked if the City has already decided with regards to this project and why it is so rushed.

Mr. Greg Jones, of Jones Real Estate, stated that the Burch Ford properties were available for affordable housing and that the current zoning of the property would allow such use at a density of up to 50 units per acre. He noted that there are other parcels of property available within the City that were potentially available for housing, including those properties that are less than an acre, but could be considered. He stated his belief that there are alternative properties and alternative solutions.

Mrs. Marie Laveaga, Kinley Street, La Habra, stated she is the President of the La Habra Chamber of Commerce. She commented that at the time the Chair closed the public hearing the previous evenings, there were at least seven business owners who wished to speak in support of the project. That they raised their hands but were not called upon.

Chair Nigsarian explained that on Monday evening, they provided the time for those who wished to speak in support and when he asked if there were additional speakers no further speakers raised their hands and so they moved on to speakers in opposition. He noted that the Commission had received communication that some were unable to connect, and that he took the extra step to allow for those who wished to speak in support, to speak after the opposition's speakers last night.

He understands her concerns, but he has given supporters two opportunities to speak and asked her to limit her comments to the specifics of the project. He added that he cannot add anymore speakers beyond those on the list from last night's meeting. Ms. Laveaga stated that many had hung up after they closed the hearing.

Ms. Laveaga stated that she is in support of this project. Having 400 plus homes in La Habra would bring business to our community, the businesses need that extra income. She stated that those in support of the project were encountering hostility from the opposition and that this has caused many business owners to shy away. As examples, she stated that within the chat during the meeting, she was accused of being "bought off" which she expressed she resented and that another business owner received a threatening letter. Ms. Laveaga commented that there is no need for threats, lying and accusations.

Additionally, she said that she has been in the community for 34 years and enjoys a very comfortable life in La Habra and that spending a few extra minutes or seconds at an intersection to bring in extra business to the community is not much to ask of her. That she will still enjoys the community and enjoys all the amenities stating "...we are not back 30 years ago, we got to move on, grow, develop and bring strength to the community. We are part of Orange County we've got to act like Orange County... act like a little fish in a big pond. Let's grow, let's develop..." She continued that this would help the City bring property tax sales, and money to the community and for those reasons she is very supportive of the development.

She is an outdoors, active person and not a golfer, which is too slow for her, so that presently she cannot use the golf course. That she uses it for business events once a year and other than that she does not. That she is excited about the proposed trails and parks and maybe they are not elite parks as some in opposition have suggested but with the pictures she has seen, she expressed that they look like something she would use, that her family would use. That there are a lot of amenities she is excited about like the new club house and other things this project is offering that she personally is excited about.

Ms. Laveaga asked if she could read some comments from other supporters. Chairman Nigsarian said it should be fine if they were brief. Ms. Laveaga then read a few of the comments she received. She also noted she received two letters she would like to read. City Attorney Young asked that she summarize those comments. Ms. Laveaga then summarized letters she received from Juan Guerrero, and David Ross. Director Ho stated that staff had received the letters and had forwarded them to the Commission.

Ms. Monica Faith, stated she is a former resident of La Habra and moved to Brea four years ago because of no affordable housing available. She expressed it was the best decision of her life. She added they are in an area where there is plenty of open space with large parks down the street and that she is very happy with the decision. She expressed she misses La Habra and loves it and it holds a special place in her heart. She would eventually like to move back but there are no open spaces in La Habra for them to

go and the largest park in the City is La Bonita which is mostly baseball fields. She asked where are their children supposed to play, where are they supposed to go? That this will be the only city that does not have a golf course, the only one that doesn't have a regional park or a larger park for kids with lots of play grounds. Ms. Faith wished to reiterate that this is La Habra's last open space and once built on there will be nothing left. She expressed that it is sad and asked that the Commission consider that.

Ms. Lena Adamo, stated she lives on Wilshire Avenue near Beach and Lambert. She stated she agrees with the comments they have stated the last two nights. That she has lived in La Habra the last eight years and has noticed an increase in the population and traffic over the last three years and that the City is already too crowded. Ms. Adamo stated that she chose to move to La Habra for the peaceful, rural nature and that it was away from the freeways but close to shopping and the medical facilities. She stated "I am a concerned resident and a nurse of 39 years and has witnessed accidents on Beach Boulevard, increase in crime and homelessness and fear these issues will continue to expand if they are not addressed and stopped now." She pleaded to City Officials and City Planners to take heed of their concerns.

Mr. Peter Cruz, lives on Las Lomas Street, La Habra, stated translation services should be available for residents so all can have access and was also concerned with using the Zoom meeting format. He said its important especially for the older residents to be able to participate. He said that he wished to add some points not covered in his letter he previously submitted for the Commission. He noted that many of the issues the residents have shared were related to how they would manage the long-term issues of the general plan, as it relates to the business community and revitalization efforts they would like to see versus not having housing. He stated that he opposes the proposed project on the basis of open space and environmental issues. He stated that the irreversibility of it is a problem for him and that we should respect the open spaces and listen to the residents that live there which will be impacted the most.

He stated that he noticed that none of the City Council Members live near the proposed development, and felt there was an issue about how the citizens are being represented or underrepresented in different parts of the City and that maybe council districts were needed. And he believes that the Save La Habra group are upset because they are not receiving the representation they need. He added that this was the first time he heard of a public hearing in his neighborhood of Las Lomas and lays the responsibility on the City Council to more effectively reach out and communicate with residents about development projects. He stated that there is a need for a park to solve the park deficiency found in the general plan.

He wanted to point out to those listening, that signatories of individuals against Measure X, have made a point to say this is an undesirable development. He noted some of the other "potential" types of projects that have been mentioned that could be placed here instead of housing were just scare tactics by those in favor of the project.

Mr. Cruz stated that he respects the Commission for how they have been dealing with the process for the last three days, and that he hopes they give everyone equal time. He said that the lady from the Chamber of Commerce was out of order as it was not her time to speak. However, he appreciated having a public hearing without a time limit on speakers and that it is important for the listeners to hear all that's going on.

Mr. Benjamin Fan, stated that he believed that one Commissioner could have a possible conflict of interest in terms of making a recommendation or approval by being a real estate professional, that moving forward there will be more homes to sell and that could be an issue if residents find out.

Mr. James Bailey, stated that he was speaking on behalf of himself, his wife, and his son. He said that they were opposed to this residential development due to the negative impact on traffic, public services and the drain on precious resources along with many other consequences. Mr. Bailey expressed he did not think this was prudent given the current worldwide pandemic and similar crises that may follow to promote higher population density and less open spaces. In addition, he said this is too important of an issue to be without a face to face hearing and placing reliance on Zoom or other technology for which many residents are not familiar or proficient and it does not allow for full participation by all affected people. He questioned the validity of the letters of support and opined that the description presented to the signers was misleading. He questioned the timing of the hearings and to let the electorate decide by voting on Measure X.

The Chair then stated they will summarize the written comments and read them into the record after the break. He called for a break at 8:01 p.m. Commissioners reconvened at 8:06 p.m. and asked staff if there were any written comments to read into the record. There were none. The Chair then stated this was the time allowed for the Applicant to provide a rebuttal.

Community Development Director Ho introduced Mr. Andrew Han representing Lennar.

Mr. Andrew Han presented a rebuttal to the issues that had been raised by project opponents during the public hearing. He addressed what he felt were misconceptions about the project and many false statements that needed to be addressed. He addressed the comments that had been raised that Lennar was the master developer of Westridge who reneged on promises. He stated for the record that they were just one of the builders of some of the homes after the project had been fully entitled.

In response to the comments that the project was being pushed on the City, he noted that it had been a collaborative effort with the City and noted that the design of the proposed project had been thoroughly reviewed by City Staff and its experts to assure that it is a quality project and would be the best fit for the community both environmentally and economically. He noted that the terms of the development agreement reflected those

requirements imposed on them. (It should be noted that the development agreement represented their last, best and final offer to the City. City Staff had asked for more).

In response to the many comments regarding overbuilding and the desire to have no more growth in the City, Mr. Han reminded the Commission that housing demand is not going away and that if this project was denied the City would experience growth elsewhere in the City. He noted that this is an opportunity to select quality development that was thoughtful, mitigated and provided robust public benefits.

He presented to the Commission topics where he felt factually incorrect statements had been made by opponents of the project or where clarification was necessary. His PowerPoint slide listed these eight items:

1. Petitions Represent La Habra Support
2. New City park is safe and has been studied extensively
3. New City park is the outcome of extensive multi-year collaboration with the City
4. La Habra tax payers are protected from CFD and Habitat Conservation area
5. Lennar will waive our right to refund of fair share contributions to neighboring cities
6. SB743 analysis is not necessary or appropriate; traffic studies underwent rigorous and multiple reviews and meet CEQA requirements
7. Rancho La Habra generates positive fiscal impacts
8. Public benefits package equal \$90,300 per home

The PowerPoint presentation was presented by Mr. Han and his experts; Dennis Boratynec (Geotechnical Engineer), Pat Murphy (Landscape Architect), Greg Sanders (Attorney – CFD and conservation areas and traffic laws) and Gary Jones (Vice President-Land Acquisition-fiscal benefits and impacts).

After Lennar's comments, the Chair closed the Public Hearing and asked if there were any additional staff comments. Lloyd Zola, the City's consultant that prepared the EIR, expanded and clarified on the traffic mitigation measures, requirements related to California Fish and Wildlife for the conservation area and the management of the contaminated soils. He noted the area in the EIR where these issues had been addressed and briefly discussed the mitigation measures that had been created to address these issues.

He also addressed a letter that had been received during the Public Hearing from the firm of Cotton Shires regarding slope instability. This comment had also been received during the review period for the recirculated EIR. It was regarding key buttresses that had been placed at the site of an old landslide. It will need to be removed during grading. The issue had been addressed and additional mitigation measures had been created in the recirculated EIR and included in the mitigation monitoring plan to ensure slope stability.

After the close of the Public Hearing the Commission discussed the proposed project. Chair Nigsarian's opening remarks were in response to Mr. Han's comment about the Applicant and the City working collaboratively. He stated that it was true and that anytime any applicant makes an application with the City it is by definition a collaborative effort. He also addressed the comments from some of the speakers about the timing of the hearings. He stated that the City is required to process these applications in an expeditious manner and deliberate way and that the timing is not subjective and that the City processes the application without any undo or unjustified delays. He thanked all of the speakers for their participation and for caring about their community.

With regards to the project he commented that overall it is a beautifully designed project with attractive homes and amenities. He noted that the proposed dedications provide a high value to the City and they benefit the entire community. However, he was concerned with the impacts of the project to the City overall and the permanent loss of about 64 acres of open space. He questioned if this was "the best project at this time for this place", is this the highest and best use of the property.

He pointed out that the project as proposed, is in conflict with the current General Plan, AQMD standards, greenhouse gas requirements, SCAG goals and policies and that it is not in total agreement with Fish and Wildlife. He added that the project will add over 4,000 cars to an area already saturated with traffic, with no solutions to reduce traffic now or in the future. He opined that a smaller project that would have included a 9-hole golf course may have been a better fit. He stated that he did not start the hearing with any preconceived ideas, and that after reviewing all of the documentation and listening to the public testimony he believes that this is not "the highest and best use of the land."

Commissioner Munoz concurred with the Chair's statement that the project has many good points and thanked the community for coming out and voicing their opinions. His concerns with the project centered on three things, density, open space and affordability. He stated that looking at those things he did not feel that the project provided a good balance. He noted that Beach Boulevard was a state route and acknowledged that while it is congested, it can support higher densities in that area, but that a more balanced project would have been better. He added that the community is going to change and grow in the future. He invited the public to participate in the upcoming Housing Element update and to voice their opinions to help direct where and how we will grow. He did caution everyone that we have to plan for 800 units during the next cycle and with all the State regulations we may not have as much control as we would like.

Vice Chair Manley stated that he believes that this is not a black and white project. He acknowledged that this has been in the works for a long time and had garnered both support and opposition in the community. He said that he was in support of the proposed General Plan Amendment, but only if there were some modifications to the design.

He noted that the Commission had heard testimony at length that golf play is down and courses are struggling and closing. He continued that the arguments did not seem so much on the closing of the golf course as much as it was on the rezone of open space and other concerns with the development. He stated that in addition to golf play being down we need to recognize that a housing crisis exists especially in California and that this project would address the crises and help the City meet its housing obligations.

He stated that from a land use perspective, he believes this project is consistent with elements of the General Plan, and that one of their most integral parts of their job as a Commission is to look at it from that perspective. The proposed General Plan Amendment would not create any disjointed land use patterns as it is adjacent to other housing and it would also help the City achieve its goal of reaching 2.5 acres of park land per 1,000 residents, that currently no plans are in place to reach that goal, and in fact, this project would exceed that goal. It would also generate a community benefits package that exceeds \$40 million.

He continued that, he had heard significant testimony both in favor and opposition to the project both inside and outside of the community. Including residents of the Westridge neighborhood in support. People that love our City both long term and newer residents have testified that they love living here and raising their family here. But, when their children grow up, where do they go? Families living in the community and surrounding areas that desire to be part of La Habra, have nowhere to go.

He noted that the project includes 125 multifamily units, homes that average between 1,600 and 2,000 square feet that would sell for around \$609,000. He continued that there are only two housing units available in this range in La Habra right now. He pointed out that these would be affordable to a number of La Habra residents, where the average income is \$76,000.

With regard to traffic he pointed out that the EIR indicated around 4,000 new vehicle trips a day which is about a 3 to 4% increase on surrounding intersections. He added that California's population has grown at about 7% so that if you look at this contextually it does not seem that bad. He reiterated that the project includes public benefits that include the use of the club house as a community center, \$1.5 million in cash for community needs, and \$1 million for affordable housing.

He closed by saying that he would like to see the project modified to include a mix of housing types with a mix of smaller units at a lower price point. As La Habra grows into the future the housing crisis is real.

Commissioner Powell's opening remarks were related to the issue of integrity and how he was troubled by the comments made during public comments that this project was a done deal. He noted that as the senior serving member of the Commission he has been aware

of this project since before the current Community Development Director's tenure with the City. He commented that at no time had Council Members, Commissioners, or staff members suggested how he should vote on any project, but instead had been encouraged to do what he felt was right. He said that Council Members past and present have always demonstrated high integrity and he is sure they will do the right thing in this matter. He reminded the audience that the Commissioners are just volunteer citizens trying to review and assess what is best for this area and the community.

As for the proposed project he began by saying that he had live in La Habra a long time and like many of the speakers has seen many changes as the City has grown, and that there will be more as the City continues to grow. He agreed with Commissioner Manley with regards to traffic. He continued that we have known for some time that the majority of the traffic in the City is cut-through traffic from residents of other cities passing through La Habra to get to the freeways that surround us. He pointed out that this is out of the City's control but that many people at Caltrans and the City have been trying in good faith to mitigate the problem. He spoke briefly about neighborhood traffic calming measures.

He also agreed with Commissioner Manley that there is a housing shortage, particularly in the affordable range and that it is so limited in our City it is a bad comment on the community.

Items on this specific project that troubled him were the 6-year build out period and what that is going to look like and how it would affect the surrounding neighborhoods; the hazardous material and how they would be abated in a safe and effective way, and again the traffic and cut- through traffic that could result in the surrounding neighborhood. He stated that he was partially in favor of affordable housing, but that short of that he would not be able to support this project at this time.

Commissioner Bernier was originally called on to speak earlier but had asked to go last. When it was her turn to speak she indicated that she wished to go last so that she could hear what her colleagues had to say, since they had not been able to discuss it due to the Brown Act requirement.

She agreed with Vice Chair Manley that we need affordable housing, and concurred with Commissioner Munoz that there is no way around that. We will be tasked to address it moving forward.

She agreed with Commissioner Powell that traffic is a hard thing. She indicated that she has gone through many projects during her five years on the Commission and that she analyzes all of them for what we need in the community. "This is our job and we don't take it lightly". She noted that the Commissioners are all volunteer residents, some who have lived here many decades.

She summed up by saying that she feels there was room where this project could be better, but that she had a hard time with the environmental impact of this project and would have to vote no.

The Chair asked for a motion.

Moved by Commissioner Bernier, seconded by Commissioner Munoz, approving a motion of the Planning Commission of the City of La Habra directing staff to prepare a resolution for Commission consideration recommending that the City Council Deny General Plan Amendment 18-01.

The roll call vote was as follows:

AYES: COMMISSIONERS: BERNIER, MUNOZ, POWELL, NIGSARIAN
NOES: COMMISSIONERS: MANLEY
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Moved by Commissioner Powell, seconded by Commissioner Bernier, approving a motion of the Planning Commission of the City of La Habra directing staff to prepare a resolution for the Commission consideration not certifying the FEIR and recommending that the City Council also not certify the FEIR and determine the project exemptions based on the denial of the project (SCH #2015111045).

The roll call vote was as follows:

AYES: COMMISSIONERS: POWELL, BERNIER, MUNOZ, NIGSARIAN
NOES: COMMISSIONERS: MANLEY
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Moved by Chair Nigsarian, seconded by Commissioner Powell, approving a motion of the Planning Commission of the City of La Habra directing staff to prepare a resolution for Commission consideration recommending that the City Council deny Amendment #3 to the La Habra Hills Specific Plan.

The roll call vote was as follows:

AYES: COMMISSIONERS: NIGSARIAN, POWELL, MUNOZ, MANLEY, BERNIER
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Moved by Commissioner Munoz, seconded by Commissioner Bernier, approving a motion of the Planning Commission of the City of La Habra directing staff to prepare a resolution for Commission consideration recommending that the City Council not adopt the Rancho La Habra Specific Plan.

The roll call vote was as follows:

AYES: COMMISSIONERS: MUNOZ, BERNIER, POWELL, MANLEY, NIGSARIAN
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Moved by Commissioner Bernier, seconded by Commissioner Munoz, approving a motion of the Planning Commission of the City of La Habra directing staff to prepare a resolution for Commission consideration recommending that the City Council Deny Zone Change 18-01 changing the zone from La Habra Hills Specific Plan to Rancho La Habra Specific Plan.

The roll call vote was as follows:

AYES: COMMISSIONERS: BERNIER, MUNOZ, POWELL, MANLEY, NIGSARIAN
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Moved by Chair Nigsarian, seconded by Commissioner Bernier, approving a motion of the Planning Commission of the City of La Habra directing staff to prepare a resolution for Commission consideration denying vesting Tentative Tract Map 17845.

The roll call vote was as follows:

AYES: COMMISSIONERS: NIGSARIAN, BERNIER, MUNOZ, POWELL, MANLEY
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Moved by Commissioner Powell, seconded by Commissioner Munoz, approving a motion of the Planning Commission of the City of La Habra directing staff to prepare a resolution for Commission consideration recommending that the City Council deny Design Review 18-01 through 18-05 for Rancho La Habra Specific Plan areas 1, 2, 3, 4, 6, and 7.

The roll call vote was as follows:

AYES: COMMISSIONERS: POWELL, MUNOZ, BERNIER, MANELY, NIGSARIAN
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Moved by Commissioner Munoz, seconded by Bernier, approving a motion of the Planning Commission of the City of La Habra directing staff to prepare a resolution for Commission consideration recommending that the City Council deny Development Agreement 18-01.

The roll call vote was as follows:

AYES: COMMISSIONERS: MUNOZ, BERNIER, POWELL, MANLEY, NIGSARIAN
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Staff directed Chair to adjourn to Thursday, September 17, 2020 at 6:00 p.m. to allow staff to bring forward resolutions for their consideration and vote.

Adjournment 10:17 p.m. to Thursday, September 17, 2020 at 6:00 p.m.

Respectfully Submitted,

Carmen Gonzalez Avila
Planning Commission Secretary

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
September 17, 2020

THE PLANNING COMMISSION MEETING WAS CONDUCTED TELEPHONICALLY VIA ZOOM. The public was able to participate by either calling in or sending an email.

CALL TO ORDER: Chair Nigsarian called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:00 p.m. The Commissioners, the public and Staff conducted the meeting telephonically through Zoom and live streamed through the City's YouTube social media site.

PLEDGE OF ALLEGIANCE: LED BY COMMISSIONER MUNOZ

PRESENT: (via Zoom) COMMISSIONERS: NIGSARIAN
MANLEY
POWELL
MUNOZ
BERNIER

ABSENT: COMMISSIONERS: NONE

OTHERS PRESENT:
DIR. OF COMM. DEV.: HO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: D. LOPEZ
CITY ATTORNEY: SERITA YOUNG
CITY ATTORNEY: GINETTA GIOVINCO
METIS: LLOYD ZOLA
PLANNING COMMISSION SECRETARY: GONZALEZ
COMM. DEV. SECRETARY: V. LOPEZ
EXECUTIVE SECRETARY: HURT

CONTINUED PUBLIC HEARING

The Chair reconvened the public hearing on the Rancho La Habra Project.

1. Consideration of a request for Final Environmental Impact Report 18-01 (SCH No 2015111045); General Plan Amendment 18-01 to change the land use designation from Open Space to Low Density Residential (0-8 units/acre) for Planning Areas 2, 3 & 4; Amendment #3 to the La Habra Hills Specific Plan; Adoption of the Rancho La Habra Specific Plan; Zone 18-01 to change the land use designation from La Habra Hills Specific

Plan to Rancho La Habra Specific Plan for the area occupied by the Westridge Golf Course; Vesting Tentative Tract Map 17845, Design Review 18-01 through 18-05 for Rancho La Habra Specific Plan Areas 1, 2, 3, 4, and 6; and Development Agreement 18-01 for the Rancho La Habra Specific Plan at 1400 South La Habra Hills Drive.

The Chair stated that he would entertain a motion.

Moved by Commissioner Bernier, seconded by Commissioner Powell, APPROVING RESOLUTION NO. 20-31 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL DENY: (1) GENERAL PLAN AMENDMENT 18-01 TO RECLASSIFY THE LAND USE DESIGNATION OF THE AREA CURRENTLY OCCUPIED BY THE "WESTRIDGE GOLF COURSE" FROM OPEN SPACE TO LOW DENSITY (0-8 UNIT/ACRE) RESIDENTIAL FOR PLANNING AREAS 2,3 AND 4, AND MIXED USE 1 FOR PLANNING AREA 1 AND 5, OF THE RANCHO LA HABRA SPECIFIC PLAN, ALONG WITH THE TEXT AMENDMENTS TO CHAPTER 2, COMMUNITY DEVELOPMENT, CHAPTER 5, COMMUNITY SERVICES, CHAPTER 6, CONSERVATION/NATURAL RESOURCES; (2) ZONE CHANGE 18-01 AMENDING THE OFFICIAL LAND USE ZONING MAP BY REMOVING THE AREA GENERALLY KNOWN AS "THE WESTRIDGE GOLF COURSE" FROM THE LA HABRA HILLS SPECIFIC PLAN AND ADOPTING THE RANCHO LA HABRA SPECIFIC PLAN AS THE LAND USE DESIGNATION FOR THE SUBJECT SITE; (3) AMENDMENT #3 TO THE LA HABRA HILLS SPECIFIC PLAN; (4) ADOPTION OF THE RANCHO LA HABRA SPECIFIC PLAN; (5) DESIGN REVIEW 18-01 THROUGH 18-05 FOR RANCHO LA HABRA SPECIFIC PLAN AREAS 1, 2, 3, 4, 6, AND 7; AND (6) DEVELOPMENT AGREEMENT 18-01 FOR THE RANCHO LA HABRA SPECIFIC PLAN AT 1400 SOUTH LA HABRA HILLS DRIVE; AND FIND THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The roll call vote was as follows:

AYES: COMMISSIONERS:BERNIER, POWELL, MUNOZ NIGSARIAN
NOES: COMMISSIONERS: MANLEY
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Moved by Commissioner Munoz, seconded by Commissioner Powell, APPROVING RESOLUTION NO. 20-32 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA DENYING VESTING TENTATIVE TRACT MAP 17845 AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The roll call vote was as follows:

AYES: COMMISSIONERS:MUNOZ, POWELL, BERNIER, MANLEY, NIGSARIAN

NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Adjournment 6:09 p.m.

Respectfully Submitted,

Carmen Gonzalez Avila
Planning Commission Secretary