

MINUTES
CITY COUNCIL OF THE CITY OF LA HABRA
ADJOURNED REGULAR MEETING
&
REGULAR MEETING

Monday, October 19, 2020

APPROVED: These Minutes were approved on May 17, 2021.

ADJOURNED REGULAR MEETING 5:30 P.M.: Cancelled

REGULAR MEETING 6:30 P.M.:

CALL TO ORDER: Mayor Beamish called the Regular Meeting of the City Council of the City of La Habra to order at 6:30 p.m. in the Council Chamber, located at 100 East La Habra Boulevard in La Habra, California.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Espinoza

COUNCILMEMBERS PRESENT: Mayor Beamish
Mayor Pro Tem Espinoza
Councilmember Gomez
Councilmember Medrano
Councilmember Shaw

COUNCILMEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: City Manager Sadro
City Attorney Jones
City Clerk Swindell
Assistant City Clerk Barone

CLOSED SESSION ANNOUNCEMENT: None

PROCLAMATIONS/PRESENTATIONS: None at this time.

PUBLIC COMMENTS:

Rob Medrano, Whittier resident, spoke regarding the audio recordings of comments made by Councilmember Shaw.

Maribel Lopez, La Habra resident, spoke regarding the modified public hearing process due to the COVID-19 pandemic, and requested that City Council have a telephonic option for the Rancho La Habra Public Hearing.

Mayor Beamish closed public comments at 6:39 p.m.

Mayor Beamish announced that City Council had received and read letters from those who could not attend regarding tonight's public hearing.

CONSENT CALENDAR:

Moved by Councilmember Gomez, seconded by Mayor Beamish, and CARRIED UNANIMOUSLY (5-0) TO APPROVE CONSENT CALENDAR ITEMS 1 THROUGH 6.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Beamish, Mayor Pro Tem Espinoza,
Councilmember Gomez, Councilmember Shaw, Councilmember Medrano

NOES: None

ABSENT: None

ABSTAIN: None

1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.

2. APPROVE CITY COUNCIL MINUTES

That the City Council approve City Council Minutes of:

A. September 21, 2010; and

B. October 5, 2020.

3. APPROVE THE EARLY HEAD START HEALTH CONSULTANT AGREEMENT FOR THE 2020-2021 SCHOOL YEAR

That the City Council approve and authorize the City Manager to execute an agreement with Vanessa Martinez, RN BSN, for consulting and health services as required for the Early Head Start program, at a rate of \$75 per hour, with 20 percent as in-kind donation to the program, for an adjusted rate of \$60 per hour, not to exceed 30 hours per month for the 2020-2021 school year.

4. APPROVE THE EARLY HEAD START MENTAL HEALTH CONSULTANT AGREEMENT FOR THE 2020-2021 SCHOOL YEAR

That the City Council approve and authorize the City Manager to execute an agreement with Rosa Santoyo for mental health services required for students and families enrolled in the Early Head Start program, at a cost of \$65 per hour, not to exceed 36 hours per month for the 2020-2021 school year.

5. APPROVE THE 2020-2021 OFFICE OF TRAFFIC SAFETY (OTS) GRANT - SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

That the City Council approve and authorize the Chief of Police to accept and execute an agreement with the State of California's Office of Traffic Safety (OTS) to accept the "Selective Traffic Enforcement Program" (STEP) grant funding in the amount of \$113,000 for overtime costs related to extra enforcement operations, collaborative Driving Under the Influence (DUI) operations, and Traffic Enforcement, travel, and training.

6. WARRANTS: APPROVE NOS. 00127346 THROUGH 00127517 TOTALING \$667,276.88 AND WIRE TRANSFER: APPROVE WIRE TRANSFER DATE 10/31/2020 TOTALING \$1,563,876.85

Approve Nos. 00127346 through 00127517 totaling \$667,276.88; and Approve Wire Transfer Date 10/31/2020 Totaling \$1,563,876.85.

CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:

PUBLIC HEARINGS:

City Attorney Jones recused himself from this item due to a conflict of interest arising out of the proximity of his personal residence to the project site, and he left the Council Chamber at 6:41 p.m. He announced that attorney Craig Steele, from the Law Firm of Richards, Watson & Gershon would be advising the City of La Habra's interest in this matter.

Councilmember Gomez stated that this item was one of the most important matter before City Council in years with organized groups on both sides of the issue. He noted his respect for the property owners and developer and their right to seek City Council's action; and the Citizen's group who have voiced their opposition. He added that both sides were entitled to a fair and unbiased hearing before City Council without conflict in the decision to be made. Councilmember Gomez proceeded to recuse himself from this item due to perceived employment and personal associations conflict of interests, and he left the dais at 6:43 p.m.

City Councilmember Shaw stated that he had reviewed correspondence received questioning his participation in this public hearing, and for the record he stated that he would consider this matter in an impartial manner with an open mind.

Mayor Beamish spoke regarding meeting decorum, and indicated that anyone who becomes abusive or displays inappropriate public behavior will be told to stop speaking and leave the Council Chamber. He indicated that the meeting would conclude at 10:30 p.m. based upon the Governing Body Public Meeting Policy and would be continued to the next available meeting time in the Council Chamber if the meeting was not concluded this evening. He added that following public testimony, staff would summarize the number of pieces of correspondence received since 5:00 p.m. and have been submitted at the dais for the record. He stated that the applicant would then have time for a rebuttal, then the public hearing would be closed, and City Council would enter into discussion and provide directions to staff accordingly.

1. CONSIDERATION OF THE PROPOSED RANCHO LA HABRA RESIDENTIAL DEVELOPMENT PROJECT AT 1400 SOUTH LA HABRA HILLS DRIVE, TO INCLUDE:

- DRAFT ENVIRONMENTAL IMPACT REPORT;
- GENERAL PLAN AMENDMENT 18-01 TO CHANGE THE LAND USE DESIGNATION FROM OPEN SPACE TO RESIDENTIAL MULTI-FAMILY 1 FOR PLANNING AREA 1 (15-245 UNITS/ACRE), LOW DENSITY RESIDENTIAL (0-8 UNITS/ACRE) FOR PLANNING AREAS 2, 3 & 4, AND TO MIXED USE 1 FOR PLANNING AREA 5 OF THE RANCHO LA HABRA SPECIFIC PLAN;
- THE ADOPTION OF THE RANCHO LA HABRA SPECIFIC PLAN;
- AMENDMENT #3 TO THE LA HABRA HILLS SPECIFIC PLAN;

- ZONE CHANGE 18-01 FROM LA HABRA HILLS SPECIFIC PLAN TO RANCHO LA HABRA SPECIFIC PLAN FOR THE AREA OCCUPIED BY THE WESTRIDGE GOLF COURSE;
- DESIGN REVIEW 18-01 THROUGH 18-05 FOR RANCHO LA HABRA SPECIFIC PLAN AREAS 1, 2, 3, 4, 6, AND 7;
- DEVELOPMENT AGREEMENT 18-01 FOR THE RANCHO LA HABRA SPECIFIC PLAN; AND
- AN APPEAL OF THE DENIAL OF VESTING TENTATIVE TRACT MAP 17845

Planning Manager Ramsland stated that the staff report was modified slightly from the report given to the Planning Commission to address comments/questions raised during that public hearing. He gave a PowerPoint presentation regarding the proposed Rancho La Habra project; which included:

- Rancho La Habra Background – Home Builders, and stated the following to answer a question regarding the following four different areas of open space as part of the La Habra Hills Specific Plan: Vista del Valle Park which is approximately 18.5-acres; a second area that was not usable, but housed a reservoir and a fire station which is approximately 8-acres; a third open space area which was an interactive nature area which is 1.3-acres; and a fourth area of open space with a trail system, but was closed by the City due to safety concerns. He reviewed the background of 556-homes that had been previously built by different developers in the area.
- Rancho La Habra Location
- Rancho La Habra Land Use Map
- Rancho La Habra Overview of Planning Areas highlighting locations of entrances to each of the neighborhoods.
- Rancho La Habra Planning Areas 1 and 5.
- Rancho La Habra Planning Area 2.
- Rancho La Habra Planning Area 3.
- Rancho La Habra Planning Area 4.
- Rancho La Habra Planning Area 6.
- Rancho La Habra Requested Actions.
- Rancho La Habra Environmental Impact Report - noting its history.
- General Plan 2035 Amendment and the necessity to change the Land Use Designation to approve the proposed project. General Plan amendments may be approved periodically to respond to changing community needs, and issues to consider.
- Rancho La Habra Additional Approval Requests.
- Rancho La Habra Amendment to the La Habra Hills Specific Plan
- Rancho La Habra Zone Change – if the proposed amendment to the General Plan 2035 is approved then the proposed zone change could be approved.
- Rancho La Habra Specific Plan – specific plans could be adopted for the systematic implementation of the General Plan amendment.
- Rancho La Habra Design Review.
- Rancho La Habra Vesting Tentative Tract Map – Planning Commission denied the request, applicant has appealed the decision, and findings to approve can be made only if the General Plan Amendment and Zone Change are approved first.

- Rancho La Habra Development Agreement – Since the written staff report was prepared, the applicant has presented a modified Development Agreement that they will be presenting to City Council (subject to a separate discretionary approval process).
- Planning Commission Hearing review from September 14 – 17, 2020, including 76 individuals who addressed the Commission, 10,012 (281 duplicates) written comments - 7,502 in support and 2,229 in opposition. Since this meeting and before this meeting, an addition 8, 480 plus letters had been received – over 5,000 were in favor and 3,000 were opposed, and another 100 or so emails were forwarded today for the City Council's consideration. The Planning Commission's actions were reviewed and minutes made available to the City Council.
- Rancho La Habra Conclusion and Recommendation

City Council questions and discussion included: Development Agreement modifications by the applicant; explanation and process regarding the proposed Community Facilities District and consequences for the developer if not approved; California Fish and Wildlife current restrictions on the land; deed restrictions on the property; clarification whether the project was incompatible with Southern California Association of Government (SCAG) increased housing density policies and goals which are encouraged by cities to comply, but up to each city where to place the units; achievement of Regional Housing Needs Assessment (RHNA) housing units if this proposed project was not approved; confirmation the Housing Element process was beginning, that the City has 8 years to meet RHNA numbers, Staff stated they could answer now if City can reach the RHNA numbers; General Plan 2035 amendments; confirmation that City staff did not approach the owner of the property regarding this type of development or push for a change in the land use designation; clarification that the applicant applied for the change in land use designation and project, and staff was required to process the application; confirmation that the land value determination was based on the potential of the number of units if the parkland was developed as housing and the community benefit would be; value of the land as a park of around \$40,000 per acre for a total value of \$5.2 million; the revised Development Agreement flexibility regarding funding and Affordable Housing contribution amounts; confirmation that the park at Idaho Street and Lambert Street was included in the calculated park acreage; verification that the former oil wells on the property would be disclosed to the property owner, but not the specific location on the property, but would be explored by staff with the applicant; soil excavation standards, mitigation of the contaminated soil, and potential future liability and health concerns; confirmation that the soil was not characterized as hazardous; request to verify contamination testing done; announcement of a United Parcel Service (UPS) package being received with letters enclosed; petition gathering process and addresses with fraudulent signatures; confirmation that signatures/names were not thoroughly authenticated to addresses on petitions by the Building Industry Association (BIA); verification that some of the signature gatherers were paid and that those who signed a petition were not paid; walking trail path design; and confirmation that the environmentally protected area was not included in the community benefits to the City because it would not be deeded to the City.

Attorney Craig Steele, with the Law Firm of Richards, Watson and Gershon, indicated that the Government Code provided that the City would be immune from liability for the issuance of a permit for the project, so any health risks associated with development on private property would be between the seller of the property and the future buyer of the home.

Mayor Beamish thanked staff for their hard work the last five years.

RECESS: Mayor Beamish called a recess at 7:32 p.m.

RECONVENE: City Council reconvened at 7:44 p.m. All Councilmembers were present with the exception of Councilmember Gomez who previously recused himself from this item.

Mayor Beamish opened the public hearing at 7:44 p.m. He invited the applicant to testify.

Applicant Jeremy Parness, Southern California Division President for Lennar Homes, thanked City Council for their time and effort, and the City's commitment to this process. He noted that questions had been answered and would be answered, and misconceptions to be cleared up. Mr. Parness played a video from the Kwon family, owners of the Westridge Golf Course property, that expressed the following: financial challenges of the operation and maintenance of the golf course on the property, the decrease in the trend of those playing golf, previous consideration of building a hotel on the property to increase revenue, which was not fiscally feasible; talks with Mr. Peterson of Standard Pacific Homes for them to purchase the property for a residential development; Standard Pacific Homes merged to become CalAtlantic Homes; CalAtlantic Homes was later purchased by Lennar; the 7-year approval/study process with the City; change in density of the project from 750-homes to 443-homes; confirmation the Kwon family could not accept any further contract modifications; negative campaign efforts; the effects on golf play due to the COVID-19 pandemic; and request for City Council support of the proposed project.

Jeremy Parness stated Lennar Homes' core values of quality, value, and integrity. He expressed pride that the Kwon family chose to enter into an agreement with Lennar Homes. He noted the aesthetics, economics, and possible revenue to the City from the proposed project. He acknowledged the concerns of those in opposition to the proposed project.

Gary Jones, Lennar Homes representative, spoke about the vision and principles that the proposed Rancho La Habra plan/project would provide to the community with a PowerPoint presentation. He discussed the water conservation measures to be made and the savings of water compared to what is currently is being used by Westridge golf course.

Dennis Boratynec, Soils Engineer with LGC Geotechnical, spoke regarding grading and soils work; soil samples, investigation and remediation; capped and abandoned oil wells; geotechnical analysis; and confirmation the property was not a Superfund site. He noted that LGC Geotechnical had fully complied with all regulations.

Tony Bomkamp, Project Biologist, with Glen Lukos Associates discussed the evaluation of the property habitat and species in regards to habitat preservation and creation; meetings with the Department of Fish and Wildlife, and the existing deed restrictions on the property and vacation of the same.

David Obitz, with KTG Architects and Planners, discussed the land plan which included 55 percent open space and 45 percent residential, the potential of the proposed project; the change in land density the last 6 years; a review of golf course reuse in nearby cities with higher densities of units built; proposed density was compatible with surrounding neighborhoods; and 40-acres of the total of 80-acres of open space available for the public to use free of charge; and single-family detached and multi-family neighborhood designs and square footage.

Gary Jones introduced Patrick Murphy, Landscape Architect, presented the proposed new park, play areas, community trails, and community center.

RECESS: Mayor Beamish called a recess at 8:42 p.m.

RECONVENE: City Council reconvened at 8:46 p.m. All Councilmembers were present with the exception of Councilmember Gomez who previously recused himself from this item.

Brian Bens, Vice President of Land Development at Lennar Homes, addressed the soils management, rough grading schedule, operation, and infrastructure development. He noted that they would be compliant with South Coast Air Quality Management District's (SCAQMD) Rule 403 regarding fugitive dust; which are measures to be implemented, and that the soil was crude oil impacted and was not deemed hazardous. He stated that the site would be inspected daily.

Kuda Wekwete, Financial Consultant with David Tausig and Associates, spoke regarding the fiscal benefits of the project for the school districts including: school fees from new students and ongoing revenues from daily attendance; local school district share of property taxes; and one-time school fees for construction use. He stated that the City would benefit fiscally from public benefits, annual and one-time revenues to the General Fund, and compared them to the current revenue received from the Westridge Golf Course.

Gary Jones reiterated the fiscal benefits to the City of La Habra from the proposed project in more detail; including net fiscal benefits. He discussed potential benefits for local businesses, and an increase in jobs due to the potential construction of the proposed project.

Rich Baretto, Principal with LLG Traffic Engineering, spoke regarding potential traffic impacts in the City of La Habra including: Residential Option Project Traffic Generation Forecast showing the increase in daily residential trips; the potential commercial trip component; comparison of the proposed project to that of a grocery store; mitigation of projected traffic through adjacent multiple access points at the proposed project; and the location of the proposed project to the major streets of Beach Boulevard and Imperial Highway.

Gary Jones discussed: traffic mitigation; future Regional Housing Needs Assessment (RHNA) requirements in La Habra; Westridge Homeowners' Association (HOA) concerns; disinformation disseminated; and he showed a video of Westridge resident David Ross who spoke in support of the proposed Rancho La Habra project and private property rights. He noted community outreach and support accomplished by Lennar and identified its partners in support of the proposed project.

Steve Lamont, Executive Representative of the Building Industry Association (BIAOC) of Southern California, Orange County Chapter, presented a PowerPoint presentation regarding the state of housing in the State and in Orange County specifically. He showed a video of supporters of the proposed project.

Mr. Parness thanked the City Council for their time and patience, and stated that the proposed project could be very beneficial to the city.

Mayor Beamish announced that the meeting this evening would conclude at 10:30 p.m.

Mayor Beamish opened the hearing for public comment at 10:00 p.m.

The following spoke in support of this item:

- Robert Apodaca, Oakland, representing California Community Builders, United Latinos Vote, and California Infill Federation
- Eric Ocampo, President of the La Habra Police Officers Association
- Ken Jackson, La Habra, Kwon Family advisor and spoke on their behalf
- Elizabeth Hansburg, Fullerton, People for Housing Orange County
- Adam Wood, Irvine, Building Industry Legal Defense Foundation
- Jennifer Ward, Senior Vice President of Government Affairs for the Orange County Business Council (OCBC)
- Anakaren Cervantes
- Jonathan Hughes
- Joyce Leonard, Real Estate Broker and spoke on behalf of the Orange County Association of Realtors
- Ken Stahl, Newport Beach, Land Use Attorney and Law Professor

At approximately 10:30 p.m. Mayor Beamish confirmed that there were additional speakers that support the proposed project and announced that the hearing would be continued.

Craig Steele, attorney with Richards, Watson and Gershon instructed that for the record Mayor Beamish needed to state that the Public Hearing would remain open and that the meeting would be continued.

Mayor Beamish adjourned the City Council meeting at 10:40 p.m., with the public hearing remaining open, to Tuesday, October 20, 2020, at 6:30 p.m., 100 East La Habra Boulevard, in the City Council Chamber.

Respectfully submitted,

Laurie Swindell, CMC
City Clerk