

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DENYING: (1) GENERAL PLAN AMENDMENT 18-01 TO CHANGE THE LAND USE DESIGNATION FROM OPEN SPACE TO RESIDENTIAL MULTI-FAMILY 1 (15-24 UNITS/ACRE) FOR PLANNING AREA 1, TO LOW DENSITY RESIDENTIAL (0-8 UNIT/ACRE) FOR PLANNING AREAS 2, 3 AND 4, AND TO MIXED USE 1 FOR PLANNING AREA 5, ALL OF THE RANCHO LA HABRA SPECIFIC PLAN, ALONG WITH 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; (6) DEVELOPMENT AGREEMENT 18-01 FOR THE RANCHO LA HABRA SPECIFIC PLAN AT 1400 SOUTH LA HABRA HILLS DRIVE ; AND (7) THE APPEAL OF THE PLANNING COMMISSION’S DENIAL OF VESTING TENTATIVE TRACT MAP 17845; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, CalAtlantic Homes, and its successor-in-interest, Lennar Homes, with the written authorization of the property owner (“Applicant”), applied for (1) General Plan Amendment 18-01 to change the Land Use Designation from Open Space to Residential Multi-Family 1 (15-24 units/acre) for Planning Area 1, to Low Density Residential (0-8 units/acre) for Planning Areas 2, 3 & 4, and to Mixed Use 1 for Planning Area 5, all of the proposed Rancho La Habra Specific Plan; (2) Zone Change 18-01, amending the official land use zoning map to remove 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; (6) Development Agreement 18-01 for the Rancho La Habra Specific Plan; and (7) Vesting Tentative Tract Map 17845, all for the project generally known as Rancho La Habra and located at 1400 South La Habra Hills Drive (collectively, the “Project”); and

WHEREAS, the Project proposes to change the land use designation and zoning for the purpose of developing up to 448 residential units (277 single-family homes and 171 multi-family dwelling units); and

WHEREAS, the Project applications were processed in the time and manner prescribed by state and local law; and

WHEREAS, the proposed Rancho La Habra Specific Plan establishes a design review process, which was processed concurrently with the proposed Rancho La Habra Specific Plan; and

WHEREAS, an Environmental Impact Report (SCH No. 20151110945) was prepared for the Project; and

WHEREAS, notice of a public hearing before the Planning Commission of the City of La Habra regarding the Project and all requested entitlements was published in the *Orange County Register* on September 4, 2020, was mailed to all property owners in the City of La Habra, and was posted as required by state and local law; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing which commenced on September 14, 2020 and continued at adjourned meetings of the Planning Commission on September 15 and September 16, 2020, at which time interested parties, including the Applicant, had an opportunity to and did testify either in support of, or in opposition to, the Project; and

WHEREAS, the Planning Commission considered all of the staff reports, testimony, and comments received regarding the Project prior to and at the public hearing, and on September 17, 2020, the Planning Commission adopted Resolution No. 20-30 recommending to the City Council denial of General Plan Amendment No. 18-01, Zone Change 18-01, Amendment #3 to the La Habra Hills Specific Plan, adoption of the Rancho La Habra Specific Plan, Design Review 18-01 through 18-05, and Development Agreement No. 18-01; and

WHEREAS, on September 17, 2020, the Planning Commission also adopted Resolution No. 20-31 denying Vesting Tentative Tract Map 17845; and

WHEREAS, on September 23, 2020, the Applicant filed an appeal of the Planning Commission's denial of Vesting Tentative Tract Map 17845; and

WHEREAS, notice of a public hearing before the City Council of the City of La Habra regarding the Project and all requested entitlements was published in the *Orange County Register* on October 9, 2020, was mailed to all property owners in the City of La Habra, and was posted as required by state and local law; and

WHEREAS, the City Council conducted a duly noticed public hearing which commenced on October 19, 2020 and continued at adjourned meetings of the City Council on October 20 and October 21, 2020, at which time interested parties, including the Applicant, had an opportunity to and did testify either in support of, or in opposition to, the Project; and

WHEREAS, the City Council has considered all of the staff reports, testimony, and comments received regarding the Project prior to and at the public hearing; and

WHEREAS, all legal preconditions to the adoption of this Resolution have occurred;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA ("CITY COUNCIL") DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

**SECTION 1: PROCEDURAL FINDINGS**

a) All of the above Recitals are true and correct, and are hereby incorporated by this reference as though set forth in full.

**SECTION 2: DENIAL OF GENERAL PLAN AMENDMENT 18-01**

The City Council denies General Plan Amendment 18-01 and instead retains the existing Open Space land use designation on the Project site, based on the following:

a) The proposed General Plan Amendment is not consistent with the overall vision statement, goals, and policies of the General Plan, which retains an Open Space designation for the property, as reflected in the most recent General Plan update adopted on January 21, 2014.

b) Conversion of the property from an open space use to the land uses contemplated by the Project is not consistent with the City's land use planning goals.

c) The proposed General Plan Amendment would not maintain the appropriate balance of land uses within the City.

d) The proposed General Plan Amendment to accommodate the Project's proposed more intense land uses has the potential to create adverse impacts on the community, including in the areas of traffic, air quality, noise, and loss of recreation opportunities.

**SECTION 3: DENIAL OF ZONE CHANGE 18-01**

Pursuant to Municipal Code section 18.78.060, and consistent with the Planning Commission's recommendation, the City Council denies Zone Change 18-01 and instead retains the existing Open Space land use designation on the Project site, based on the following:

- a) Absent the requested General Plan Amendment, adoption of the requested Zone Change would create an impermissible inconsistency with the General Plan and residential uses are not currently allowed on the Project site.
- b) The City Council has denied the requested General Plan Amendment.

**SECTION 4: DENIAL OF AMENDMENT #3 TO THE LA HABRA HILLS SPECIFIC PLAN**

The City Council denies Amendment #3 to the La Habra Hills Specific Plan, based on the following:

- a) Absent the requested General Plan Amendment, adoption of the requested Amendment #3 to the La Habra Hills Specific Plan would create an impermissible inconsistency with the General Plan and residential uses are not currently allowed on the Project site.
- b) The City Council has denied the requested General Plan Amendment.

**SECTION 5: DENIAL OF THE RANCHO LA HABRA SPECIFIC PLAN**

The City Council denies adoption of the Rancho La Habra Specific Plan, based on the following:

- a) Absent the requested General Plan Amendment, adoption of the Rancho a Habra Specific Plan would create an impermissible inconsistency with the General Plan and residential uses are not currently allowed on the Project site.
- b) The City Council has denied the requested General Plan Amendment.

**SECTION 6: DENIAL OF DESIGN REVIEW 18-01 THROUGH 18-05**

Pursuant to Municipal Code section 18.68.050, the City Council denies Design Review 18-01 through 18-05, based on the following:

- a) Absent the requested General Plan Amendment, Zone Change, and adoption of the Rancho La Habra Specific Plan, adoption of Design Review 18-01 through 18-05 would create an impermissible inconsistency with the General Plan and Project site's zoning designation and residential uses are not currently allowed on the Project site.
- b) The City Council has denied the requested General Plan Amendment, Zone Change, and adoption of the Rancho La Habra Specific Plan.

- c) As a result, findings required for approval of the requested Design Reviews cannot be made.

**SECTION 7: DENIAL OF DEVELOPMENT AGREEMENT 18-01**

Pursuant to Government Code section 65867.5, the City Council hereby denies Development Agreement 18-01, based on the following:

- a) The proposed Development Agreement 18-01 is not consistent with the existing General Plan and the existing La Habra Hills Specific Plan, and residential uses are not currently allowed on the Project site.
- b) The City Council has denied the requested General Plan Amendment and Amendment #3 to the La Habra Hills Specific Plan, and all other requested land use entitlements necessary to proceed with the Project.

**SECTION 8: DENIAL OF APPEAL FROM PLANNING COMMISSION'S DENIAL OF VESTING TENTATIVE TRACT MAP 17845**

Pursuant to Municipal Code section 17.08.150, the City Council hereby denies the Applicant's appeal from the Planning Commission's denial of Vesting Tentative Tract Map (VTTM) 17845, based on the following:

- a) Absent the requested General Plan Amendment, Amendment #3 to the La Habra Hills Specific Plan, and Zone Change, approval of the VTTM would create an impermissible inconsistency with the General Plan and the Project site's zoning designation and residential uses are not currently allowed on the Project site.
- b) The City Council has denied the requested General Plan Amendment, Amendment #3 to the La Habra Hills Specific Plan, and Zone Change.
- c) As a result, findings required for approval of the requested VTTM cannot be made.

**SECTION 9: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING**

The City Council hereby finds that denial of the Project is exempt from environmental review pursuant to Public Resources Code section 21080(b)(5), as the California Environmental Quality Act does not apply to projects that a public agency rejects or disapproves.

**SECTION 10: CERTIFICATION OF RESOLUTION**

The City Clerk shall certify to the adoption of this Resolution.

**SECTION 11: EFFECTIVE DATE**

This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of La Habra held on 2nd day of November 2020.

\_\_\_\_\_  
Tom Beamish, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Swindell, CMC  
City Clerk

STATE OF CALIFORNIA )  
CITY OF LA HABRA ) ss  
COUNTY OF ORANGE )

I, Laurie Swindell, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. \_\_\_\_\_ introduced and adopted at a regular meeting of the City Council of the City of La Habra held on the 2nd day of November 2020, by the following vote.

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

Said Resolution has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Laurie Swindell, CMC  
City Clerk