

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