

SUBMITTED AT THE DAIS 9/20/2021
RE: CONSIDERATION ITEM 2.A

FAX COVER SHEET

TO

COMPANY

FAX NUMBER 15623834474

FROM JasonDeMille

DATE 2021-09-20 06:03:45 GMT+1

RE

COVER MESSAGE

BEWLEY LASSLEBEN & MILLER LLP

Legal Excellence Since 1888

13215 PENN STREET, SUITE 510, WHITTIER, CA 90602-1797 562.698.9771

JASON C. DEMILLE, ESQ.

CALIFORNIA STATE AND LOCAL TAX GROUP

JOSEPH A. VINATIERI LEIGHTON M. ANDERSON
JASON C. DEMILLE MICHAEL T. LEBEAU
PATRICIA VERDUGO

September 19, 2021

Via email to rgexec@aol.com

Also via fax to (562) 383-4474

Mayor Rose Espinoza
110 E. La Habra Blvd.
La Habra, CA 90631

Re: Proposal to Approve Neighborhood "C" Traffic Management Plan (Agenda Consideration Item No. 2A)

Dear Mayor Espinoza,

I write to express my opposition to the proposed Neighborhood "C" Traffic Management Plan. My opposition is based on the following:

1. Failure of the City to Give Residents Living Near Cypress the Opportunity to Participate in the Process.

I only recently learned of the proposed plan on the Nextdoor App. Although I live on the corner of Cypress St. and Magda Lane, I was not given notice of this traffic calming proposal, the opportunity to participate in it, nor were my neighbors on Magda and Walker Lanes, who were surprised to learn about it at our annual Street Association meeting on 9/18/21. For that matter, it appears that none of the residents living on Bishop Dr., West of Cypress, or the residents living in the former County Islands (Cypress/Terry, and the Magda/Walker and Canasta/Turndell portions of the former Hensel/Magda Island) appear to have been notified of this process, even though all of the residents are part of the City, and Cypress is the only artery into each neighborhood. (See boundaries identified in the Neighborhood C Draft Recommend Plan (hereinafter "Map") attached to Council Agenda as Attachment 1, exclusion of former County Islands and West Bishop.)

Based on the boundaries identified in the Map, notice and an opportunity to participate in the plan to "calm" traffic on Cypress was given to residents living as far away as Walnut. I question why residents living on or near Walnut, and are completely unconnected with Cypress, should participate in a matter affecting traffic on Cypress, when those of us living much closer to

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Thank you for your thoughtful consideration of this issue.⁵ We urge you to vote “no” on this proposal, and return it to staff with instructions to include all of the residents that live off of Cypress. This should be done in a new process in which everyone who lives near Cypress (not as far away as Walnut) is allowed to participate and vote in determining what, if any, “calming” measures should be implemented on this artery into our neighborhoods.

Very truly yours,

Jason C. DeMille

JASON C. DEMILLE
Direct Line: 562.907.2028
Direct Fax: 562.907.2019
e-mail: jason.demille@bewleylaw.com

JCD:jas

cc: Mayor Pro Tem Jose Medrano
Council Member Beamish
Council Member Gomez
Council Member Simonian
Council Member Shaw

⁵ I should note that while I would like to attend the City Council meeting, I will be unable to do so. My wife has compromised immunity and, particularly now, I try to avoid gatherings where I could potentially bring something home to infect her.

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- Because of the lack of parking, residents and visitors are always driving around trying to find vacant space on Cypress. Particularly problematic are vehicles carelessly U- turning in the intersections of Bishop and Cypress.
- People living in the apartment complex (and other rental properties) frequently stop or double park their cars in the middle of the street to drop off their groceries, laundry, wait for passengers, etc. It is not unusual for a vehicle to be double parked on each side of the street, causing through traffic to have to weave through these parked vehicles to proceed North or South on Cypress.
- Large delivery trucks park on the West side of Cypress as they make deliveries. This makes it very difficult to make right hand turns on Whittier Blvd. Just yesterday I noticed a large, new scrape on the curb. Someone thought they could squeeze through and damaged their vehicle.
- There is a never-ending stream of traffic that turns from Whittier Blvd. into the 7-11 shopping center, with no regard to traffic on Cypress, and little regard to pedestrian traffic.
- Finally, vehicles exiting from the 7-11 shopping center bully their way back on to Cypress, apparently believing they have the right of way when the southbound light is green and traffic is moving.

The new left hand turn light from Whittier to Cypress does nothing to improve any of these problems. It is only a matter of time before there is a serious accident again at this intersection.

Because of this, I avoid driving through this intersection when I can. I cut-through Neighborhood C and take an alternative route to Whittier Blvd. In my opinion, the route I drive is much less traveled, much less congested, much less confusing, and much safer. This is part of the reason I oppose the proposed right-hand turn restrictions. It forces all traffic, including residential traffic, to a very dangerous intersection.

4. Conclusion.

To conclude, there are problems on Cypress that need to be addressed (i.e. speeding and the congestion issues at the Whittier/Cypress intersection). However, those problems cannot be addressed by excluding the residents of La Habra that live off of Cypress from the process of discussing the issues, proposing solutions, and voting on the plan. Moreover, the plan must adhere to and be consistent with the City's NTMP, employing non-physical measures first before more restrictive measures are employed.

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requires enforcement during time of restriction to be effective; may divert a traffic problem to another street.” (p. 40.)

The Toolbox Guidelines state that “the first solutions to consider should be Non-Physical Measures, such as signs and markings, since these devices can increase driver awareness and are relatively inexpensive.”

The proposed traffic calming for Cypress calls for the installation of two speed lumps; the installation of no right-hand turn restrictions at Bonnie, Capella and Bishop, ostensibly to prevent cut-through traffic in Neighborhood C caused by people trying to avoid the speed lumps, forcing all traffic to the Cypress/Whittier intersection; and the installation of a speed feedback sign South of Bishop.

My wife and I have lived in our home for a little more than seven years. In all of that time, we cannot recall ever having seen a patrol car on the street enforcing traffic laws. It seems that the proposed plan has failed to consider the least intrusive measures, i.e. the non-physical measures/devices in the Toolbox (enforcement, more visible signage, speed legends, the use of stop signs, etc.)³ in favor of employing the more restrictive and more aggressive devices. It also seems odd that enforcement will be used to enforce right hand turn restrictions when it has not been used to enforce speeding. That appears to me to be a backwards way to address a speeding issue. It also unfairly penalizes City residents who have legitimate business making right hand turns on these streets which is unrelated to “lump avoidance.”

I can support the use of non-physical devices to try to reduce speeding on Cypress. But until there has been a serious effort in this regard, I cannot support the proposed action.⁴

3. What Really Needs Calming is the Intersection at Cypress and Whittier.

When I raised the proposed traffic calming at our Street Association meeting, the common response was that the Cypress/Whittier intersection needed to “calmed” because it is dangerous. It is dangerous for the following reasons:

- There is inadequate parking available at Cypress Villa Apartments, and other rental properties. Cars line both sides of the street night and day, from just above Whittier Blvd. to Bishop Dr.

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The Council should stop this procedure from going forward until all La Habran's living off from Cypress have an opportunity to have a voice in any plans for traffic calming for Cypress and vote in a matter that affects our lives.¹

2. The Proposed Traffic Calming for Cypress is Inconsistent with the City's NTMP.

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The new left hand turn light from Whittier to Cypress does nothing to improve any of these problems. It is only a matter of time before there is a serious accident again at this intersection.

Because of this, I avoid driving through this intersection when I can. I cut-through Neighborhood C and take an alternative route to Whittier Blvd. In my opinion, the route I drive is much less traveled, much less congested, much less confusing, and much safer. This is part of the reason I oppose the proposed right-hand turn restrictions. It forces all traffic, including residential traffic, to a very dangerous intersection.

4. Conclusion.

To conclude, there are problems on Cypress that need to be addressed (i.e. speeding and the congestion issues at the Whittier/Cypress intersection). However, those problems cannot be addressed by excluding the residents of La Habra that live off of Cypress from the process of discussing the issues, proposing solutions, and voting on the plan. Moreover, the plan must adhere to and be consistent with the City's NTMP, employing non-physical measures first before more restrictive measures are employed.

Council Member Gomez
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Thank you for your thoughtful consideration of this issue.⁵ We urge you to vote “no” on this proposal, and return it to staff with instructions to include all of the residents that live off of Cypress. This should be done in a new process in which everyone who lives near Cypress (not as far away as Walnut) is allowed to participate and vote in determining what, if any, “calming” measures should be implemented on this artery into our neighborhoods.

Very truly yours,

Jason C. DeMille

JASON C. DEMILLE
Direct Line: 562.907.2028
Direct Fax: 562.907.2019
e-mail: jason.demille@bewleylaw.com

JCD:jas

cc: Mayor Rose Espinoza
Mayor Pro Tem Medrano
Council Member Beamish
Council Member Simonian
Council Member Shaw

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FAX COVER SHEET

TO

COMPANY

FAX NUMBER 15623834474

FROM JasonDeMille

DATE 2021-09-20 06:08:21 GMT+1

RE

COVER MESSAGE

BEWLEY LASSLEBEN & MILLER LLP

Legal Excellence Since 1888

13215 PENN STREET, SUITE 510, WHITTIER, CA 90602-1797 562.698.9771

JASON C. DEMILLE, ESQ.

CALIFORNIA STATE AND LOCAL TAX GROUP

JOSEPH A. VINATIERI LEIGHTON M. ANDERSON
JASON C. DEMILLE MICHAEL T. LEBEAU
PATRICIA VERDUGO

September 19, 2021

Via email to: timcshawjr@gmail.com

Also via fax to (562) 383-4474

Tim Shaw
110 E. La Habra Blvd.
La Habra, CA 90631

Re: Proposal to Approve Neighborhood "C" Traffic Management Plan (Agenda Consideration Item No. 2A)

Dear Council Member Shaw,

I write to express my opposition to the proposed Neighborhood "C" Traffic Management Plan. My opposition is based on the following:

1. Failure of the City to Give Residents Living Near Cypress the Opportunity to Participate in the Process.

I only recently learned of the proposed plan on the Nextdoor App. Although I live on the corner of Cypress St. and Magda Lane, I was not given notice of this traffic calming proposal, the opportunity to participate in it, nor were my neighbors on Magda and Walker Lanes, who were surprised to learn about it at our annual Street Association meeting on 9/18/21. For that matter, it appears that none of the residents living on Bishop Dr., West of Cypress, or the residents living in the former County Islands (Cypress/Terry, and the Magda/Walker and Canasta/Turdell portions of the former Hensel/Magda Island) appear to have been notified of this process, even though all of the residents are part of the City, and Cypress is the only artery into each neighborhood. (See boundaries identified in the Neighborhood C Draft Recommend Plan (hereinafter "Map") attached to Council Agenda as Attachment 1, exclusion of former County Islands and West Bishop.)

Based on the boundaries identified in the Map, notice and an opportunity to participate in the plan to "calm" traffic on Cypress was given to residents living as far away as Walnut. I question why residents living on or near Walnut, and are completely unconnected with Cypress, should participate in a matter affecting traffic on Cypress, when those of us living much closer to

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Cypress, and who actually use the street, were not given such an opportunity. This is fundamentally wrong.

The Council should stop this procedure from going forward until all La Habran's living off from Cypress have an opportunity to have a voice in any plans for traffic calming for Cypress and vote in a matter that affects our lives.¹

2. The Proposed Traffic Calming for Cypress is Inconsistent with the City's NTMP.

I agree that there is a speeding issue on Cypress and something should be done to address it. But the policy objectives of the City's NTMP, to rely on non-physical devices, such as enforcement before employing more intrusive devices, such as speed lumps and turn movement restrictions, has been ignored.

For example: NTMP, Chapter 3, "Traffic Calming Toolbox" groups traffic management devices into three categories: non-physical devices, less intrusive devices (which includes vertical, narrowing and horizontal devices) and more aggressive devices.

Non-physical devices are described as "any measure that does not require physical changes to the roadway. Non-physical devices are intended to increase drivers' awareness of surroundings and influence driver behavior without physical devices." Non-physical devices include: "Targeted Speed Enforcement, Radar Trailer, Speed Feedback Sign, Centerline/Edgeline Lane Striping, Optical Speed Bar, Signage, Speed Legend, Centerline Botts Dots." (p. 12.) The devices are variously described on pages 13-16.

Less intrusive devices include speed lumps (p. 17), the disadvantages of which are "vehicles with wide wheelbase[s] can pass through the lump using the wheel cut-outs; increased noise; aesthetics; signs may be unwelcome by adjacent residents." (p. 19.)²

More aggressive devices include turn-movement restrictions such no right-hand turn restrictions, the disadvantages of which are "restrictions apply to resident and non-residents;

¹ When I learned of the process, I submitted a letter with my comments to Traffic Manager Michael Plotnik on September 1, 2021. On September 8, Mr. Plotnik responded by email that my comments would be considered, and in a separate email indicated my address had been added to the Neighborhood C mailing list and attached a September 6, letter to Neighborhood C residents advising that the plan had been approved and would be considered by the City Council on September 20. The City Attorney's office also contacted me, confirming I would receive future notice, but advised since the plan had been approved, I would need to raise my concerns at the City Council meeting. Due to the timing, I doubt my comments were seriously considered. Indeed, Chapter 2 of the City's Neighborhood Traffic Management Program ("NTMP"), states that "the survey process identifies the opinions of those within the study area and does not include opinions of those from outside of the study area." (p. 8.) This language suggests that since my address was not originally considered to be part of the study area, my comments regarding the proposal, even though my home is on the corner of Cypress, was deemed irrelevant.

² Of course, there are other disadvantages that have caused cities such as Huntington Beach not to use them. See https://www.huntingtonbeachca.gov/government/departments/public_works/transportation/safety/speed-zones-speed-humps.cfm, including delay to emergency services. <http://www.lsia.net/news/2018/1/13/speed-humps-pros-cons>.

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Page 3

requires enforcement during time of restriction to be effective; may divert a traffic problem to another street.” (p. 40.)

The Toolbox Guidelines state that “the first solutions to consider should be Non-Physical Measures, such as signs and markings, since these devices can increase driver awareness and are relatively inexpensive.”

The proposed traffic calming for Cypress calls for the installation of two speed lumps; the installation of no right-hand turn restrictions at Bonnie, Capella and Bishop, ostensibly to prevent cut-through traffic in Neighborhood C caused by people trying to avoid the speed lumps, forcing all traffic to the Cypress/Whittier intersection; and the installation of a speed feedback sign South of Bishop.

My wife and I have lived in our home for a little more than seven years. In all of that time, we cannot recall ever having seen a patrol car on the street enforcing traffic laws. It seems that the proposed plan has failed to consider the least intrusive measures, i.e. the non-physical measures/devices in the Toolbox (enforcement, more visible signage, speed legends, the use of stop signs, etc.)³ in favor of employing the more restrictive and more aggressive devices. It also seems odd that enforcement will be used to enforce right hand turn restrictions when it has not been used to enforce speeding. That appears to me to be a backwards way to address a speeding issue. It also unfairly penalizes City residents who have legitimate business making right hand turns on these streets which is unrelated to “lump avoidance.”

I can support the use of non-physical devices to try to reduce speeding on Cypress. But until there has been a serious effort in this regard, I cannot support the proposed action.⁴

3. What Really Needs Calming is the Intersection at Cypress and Whittier.

When I raised the proposed traffic calming at our Street Association meeting, the common response was that the Cypress/Whittier intersection needed to “calmed” because it is dangerous. It is dangerous for the following reasons:

- There is inadequate parking available at Cypress Villa Apartments, and other rental properties. Cars line both sides of the street night and day, from just above Whittier Blvd. to Bishop Dr.

³ The map contains a comment to the effect that the installation of a stop sign is outside of the scop of the traffic calming program. That seems to be a defect in the program. Installation of stop sign at Bishop and Cypress would not stop speeding, but it would likely assist in slowing speeds and in helping residents of the neighborhoods turn on to Cypress.

⁴ Speed lumps on Cypress is not consistent with concerns expressed by Council members about the danger of fire in the Heights. The annexation was justified to obtain water resources to fight a fire should one happen in the Northern part of the City. If a fire were to break out in the Heights, one of the only evacuation routes is Cypress. Speed lumps would create a safety risk and would impede evacuation of not only La Habra residents, but those living in La Habra Heights as well.

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- Because of the lack of parking, residents and visitors are always driving around trying to find vacant space on Cypress. Particularly problematic are vehicles carelessly U- turning in the intersections of Bishop and Cypress.
- People living in the apartment complex (and other rental properties) frequently stop or double park their cars in the middle of the street to drop off their groceries, laundry, wait for passengers, etc. It is not unusual for a vehicle to be double parked on each side of the street, causing through traffic to have to weave through these parked vehicles to proceed North or South on Cypress.
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The new left hand turn light from Whittier to Cypress does nothing to improve any of these problems. It is only a matter of time before there is a serious accident again at this intersection.

Because of this, I avoid driving through this intersection when I can. I cut-through Neighborhood C and take an alternative route to Whittier Blvd. In my opinion, the route I drive is much less traveled, much less congested, much less confusing, and much safer. This is part of the reason I oppose the proposed right-hand turn restrictions. It forces all traffic, including residential traffic, to a very dangerous intersection.

4. Conclusion.

To conclude, there are problems on Cypress that need to be addressed (i.e. speeding and the congestion issues at the Whittier/Cypress intersection). However, those problems cannot be addressed by excluding the residents of La Habra that live off of Cypress from the process of discussing the issues, proposing solutions, and voting on the plan. Moreover, the plan must adhere to and be consistent with the City's NTMP, employing non-physical measures first before more restrictive measures are employed.

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Thank you for your thoughtful consideration of this issue.⁵ We urge you to vote “no” on this proposal, and return it to staff with instructions to include all of the residents that live off of Cypress. This should be done in a new process in which everyone who lives near Cypress (not as far away as Walnut) is allowed to participate and vote in determining what, if any, “calming” measures should be implemented on this artery into our neighborhoods.

Very truly yours,

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Direct Line: 562.907.2028
Direct Fax: 562.907.2019
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JCD:jas

cc: Mayor Rose Espinoza
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Council Member Beamish
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FAX COVER SHEET

TO

COMPANY

FAX NUMBER 15623834474

FROM JasonDeMille

DATE 2021-09-20 06:11:35 GMT+1

RE

COVER MESSAGE

BEWLEY LASSLEBEN & MILLER LLP

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JASON C. DEMILLE, ESQ.

CALIFORNIA STATE AND LOCAL TAX GROUP

JOSEPH A. VINATIERI LEIGHTON M. ANDERSON
JASON C. DEMILLE MICHAEL T. LEBEAU
PATRICIA VERDUGO

September 19, 2021

Via email to: gsteves@roadrunner.com

Also via fax to (562) 383-4474

La Habra City Council Member
Steve Simonian
110 E. La Habra Blvd.
La Habra, CA 90631

Re: Proposal to Approve Neighborhood "C" Traffic Management Plan (Agenda Consideration Item No. 2A)

Dear Council Member Simonian,

I write to express my opposition to the proposed Neighborhood "C" Traffic Management Plan. My opposition is based on the following:

1. Failure of the City to Give Residents Living Near Cypress the Opportunity to Participate in the Process.

I only recently learned of the proposed plan on the Nextdoor App. Although I live on the corner of Cypress St. and Magda Lane, I was not given notice of this traffic calming proposal, the opportunity to participate in it, nor were my neighbors on Magda and Walker Lanes, who were surprised to learn about it at our annual Street Association meeting on 9/18/21. For that matter, it appears that none of the residents living on Bishop Dr., West of Cypress, or the residents living in the former County Islands (Cypress/Terry, and the Magda/Walker and Canasta/Turdell portions of the former Hensel/Magda Island) appear to have been notified of this process, even though all of the residents are part of the City, and Cypress is the only artery into each neighborhood. (See boundaries identified in the Neighborhood C Draft Recommend Plan (hereinafter "Map") attached to Council Agenda as Attachment 1, exclusion of former County Islands and West Bishop.)

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Cypress, and who actually use the street, were not given such an opportunity. This is fundamentally wrong.

The Council should stop this procedure from going forward until all La Habran's living off from Cypress have an opportunity to have a voice in any plans for traffic calming for Cypress and vote in a matter that affects our lives.¹

2. The Proposed Traffic Calming for Cypress is Inconsistent with the City's NTMP.

I agree that there is a speeding issue on Cypress and something should be done to address it. But the policy objectives of the City's NTMP, to rely on non-physical devices, such as enforcement before employing more intrusive devices, such as speed lumps and turn movement restrictions, has been ignored.

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Council Member Simonian
September 19, 2021
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Council Member Simonian
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Jason C. DeMille

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cc: Mayor Rose Espinoza
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