

CITY OF LA HABRA HEIGHTS

MINUTES OF A SPECIAL MEETING OF THE LA HABRA HEIGHTS

CITY COUNCIL

October 2, 2003

OPENING CEREMONIES

1. CALL MEETING TO ORDER

Mayor Stan Carroll called the Special Meeting of the La Habra Heights City Council to order at 7:09 p. m. at the Community Center, 1245 N. Hacienda Road, La Habra Heights, California.

2. ROLL CALL

Those present: Mayor Stan Carroll, Mayor Pro Tem Ed Borrowe, Councilmember Bruce Douglas, Councilmember Fred Klein, and Councilmember Tela Millsap. Also present City Manager John Hendrickson, Interim Community Development Director Sandra Massa-Lavitt, City Attorney Michael Colantuono and General Plan Consultant Marc Blodgett.

3. FLAG SALUTE

Georgia Drakos led the flag salute.

PUBLIC COMMENTS ON MATTERS ON THE AGENDA AND NOT ON AGENDA

Mayor Carroll reminded everyone of the upcoming Dinner/Dance of November 7, 2003.

John Beau, Casalero – spoke regarding Land Use Policies; GPAC Policy #5 brings forth the ridgeline issue; he was opposed to the ridgeline issue; did his own ridgeline survey and did not find any ridgeline that was substantial enough to be included; asked which ridgeline was the City really concerned about preserving; spoke regarding GPAC Policy 57 and Planning Commission Policy 52; didn't understand the roadside viewing.

Norm Zezula, Canonita – spoke regarding space, privacy, horizon of trees, mountains and green valleys; the current draft of the General Plan imposes strong and specific mandatory restrictions on the low landers to protect the views of the high landers but doesn't require them to do anything in return.

Ann Eaton, Hacienda – spoke regarding septic systems.

Rick Martin, Reposado – asked within the Land Use Element any place where the remodeling guidelines have been relaxed; spoke regarding the ridgeline overlay that went away and then was applied to the entire community; asked how that came about; spoke regarding open space.

PUBLIC HEARINGS

4. GENERAL PLAN ENVIRONMENTAL IMPACT REPORT

Mayor Carroll asked if anyone wished to speak on this item, seeing none he moved on to the General Plan discussion.

5. CONTINUE COUNCIL DISCUSSION REGARDING THE GENERAL PLAN BEGINNING WITH CIRCULATION ELEMENT NUMBER 80.

Mayor Carroll stated the City Council would begin the discussion with Circulation Policy 80.

Circulation Element

Policy 80

Mayor Carroll stated he would like to see this whole section deleted from the General Plan; didn't feel it gave any direction to future City Councils nor would it lead to adoption of any ordinances.

Mayor Carroll moved to delete Policy 80. Motion died for lack of a second.

Mayor Pro Tem Borrowe suggested changing the word implement to "Consider".

Mr. Hendrickson referred the City Council to Circulation Policy 16, which they did approve.

Mayor Carroll renewed his motion to delete Policy 80. **Seconded by Mayor Pro Tem Borrowe.**

After discussion Mayor Pro Tem Borrowe withdrew his second.

Motion died for lack of a second.

Mayor Pro Tem Borrowe moved to change the word implement to "Consider" and approve the policy as amended. **Seconded by Commissioner Douglas.** Ayes: 5-0.

Environmental Resource Management Element

Policy 8

Mayor Carroll recommended the City Council wait to discuss this item until the City Attorney arrived.

GPAC Policy 7

Mayor Pro Tem Borrowe moved to reinstate GPAC Policy 7. Motion died for lack of a second.

Mayor Carroll felt this policy was too restrictive.

Commissioner Douglas stated the ordinance needs to be updated; felt the Planning Commission's version would put a little more discretion in what is going to happen rather than reiterating the existing law.

Policy 12

Mayor Pro Tem Borrowe stated he preferred the GPAC policy.

Mayor Carroll stated he did not feel the City should single out ridgelines; didn't want to place an additional burden on those that own property on what is defined as a ridgeline; all lots should be treated equally.

Councilmember Douglas stated this policy will not do any damage; didn't feel it was onerous; happy with ERME 12 the way it is.

Mayor Carroll felt you need to look at the total picture, not just the ridgeline.

Mayor Pro Tem Borrowe stated 66% of those surveyed did not want to see big stuff on the ridgelines.

Mayor Carroll felt all property should be treated equally.

Mayor Pro Tem Borrowe moved at accept GPAC Policy 12 as it was originally written. Motion died for lack of a second.

Mayor Pro Tem Borrowe moved to amend the Planning Commission version to read as follows "All future development must have minimal adverse impacts on the environment and natural topography, and should not affect natural surroundings, including ridgelines, more than necessary to allow an economically viable use of privately held land." Motion died for lack of a second.

Mayor Pro Tem Borrowe moved to amend the Planning Commission version to read as follows "Future development must have minimal adverse impacts on the environment and natural topography, and should not affect natural surroundings, including ridgelines, more than necessary to allow an economically viable use of privately held land." Motion died for lack of a second.

Mayor Carroll moved to amend the Planning Commission version deleting the words "including ridgelines". Motion died for lack of a second.

The City Council by consensus accepted this policy as it was written.

GPAC Policy 18

Councilmember Douglas moved to go back to the GPAC Policy 18. **Seconded by Mayor Pro Tem Borrowe.**

Mr. Blodgett explained why the Planning Commission changed the wording to evaluate rather than actively pursue.

Mayor Carroll called for the question. Ayes 3-2. Noes Klein and Carroll

Policy 8

Mayor Carroll took the City Council back to Policy 8 now that the City Attorney had arrived.

Mr. Colantuono stated generally the way you accomplish a balance is to restrict our analysis to species of concern and even with respect to species of concern to allow them to be disturbed provided that there is mitigation for that impact; one formula is no net loss; the language he suggested was "The City will strive to ensure that protected animals species and sensitive native plant communities are not illegally destroyed as a consequence of any new development or urban activity."

Councilmember Douglas moved to accept the policy as amended by Mr. Colantuono. **Seconded by Councilmember Millsap.** Ayes 5-0.

Policy 19

Mayor Pro Tem Borrowe moved to replace this policy with the GPAC policy.

Commissioner Douglas liked the word pursue rather than evaluate.

Mr. Blodgett stated the Planning Commission felt there was a fiscal concern for the City.

Mayor Carroll stated he liked the more conservative approach to evaluate.

Commissioner Douglas seconded the motion and instructed staff to ensure it is clear in the implementation plan. Ayes 3-2 Noes Carroll, Klein.

Policy 30

Mr. Blodgett stated the City Council directed staff to clarify what active recreational use meant and revise the language. He recommended the following language "All undeveloped land in the City approved for future recreational use shall be reserved for those activities that are not intrusive on adjacent properties."

Mr. Colantuono stated the City Council may want to consider a policy that read "Lands developed for recreation uses have the potential to cause land use incompatibility and adverse environmental impacts given the low intensity nature of the community according the policy of the City prefers recreational uses such as those that presently exist, horse corrals, riding trails,

hiking trails and the like and disfavors improved recreational uses that require hard courts, parking lots, stadiums and the like.”

The consensus of the City Council was to continue this item for staff’s review.

Policy 34

Mayor Pro Tem Borrowe moved to amend the policy to read “Take reasonable measures to preserve scenic views for all residents”. Motion died for lack of a second.

The consensus of the City Council is for the policy to remain as is.

Page 3-8 Open Space Conservation (0-3)

Mayor Carroll suggested deleting the last sentence, which reads, “The existing Los Angeles Significant Ecological Area (SEA) is also included within the land use designation.”

Mr. Blodgett recommended given the amount of protection through the Habitat Authority, the protection is already there, the SEA boundaries may change, didn’t see an advantage or disadvantage of have the SEA boundaries on the map, almost 30% of the City is already protected; he stated it could potentially cloud policy down the road; by removing that sentence we are saying the City of La Habra Heights or its Land Use Plan and through the other policies contained within it is providing that protection.

Mayor Carroll moved to delete the last sentence, which reads, “The existing Los Angeles Significant Ecological Area (SEA) is also included within the land use designation.” **Seconded by Councilmember Klein.** Ayes: 5-0

ERME Policy 30

Mr. Colantuono suggested the following language “The development of recreational uses in the City has the potential to be incompatible with existing residential and other uses of land within the City and to cause adverse and environmental impacts including noise, light, glare and traffic. Accordingly the City prefers recreational uses such as those now present in the City including trails, equestrian facilities, green spaces and the like and disfavors recreational uses which requires substantial alterations of the land or substantial construction such as sports fields and courts, large parking lots, stadium seating and the like.”

Councilmember Millsap moved to accept Mr. Colantuono’s rewording of Policy 30. **Seconded by Councilmember Klein.** Ayes: 4-1 Abstain Douglas

Land Use Element

Policy 1

Mayor Pro Tem Borrowe felt the Planning Commission version was too broad; he felt historically the City rarely considers the General Plan Goals.

Mayor Pro Tem Borrowe moved to return to the GPAC version to read as follows “New residential lots should only be allowed if it can be shown that the lot will not require significant variance to the City Ordinances, its General Plan and the General Plan Goals.” Motion died for lack of a second.

Councilmember Douglas moved to delete the word “residential”. Motion died for lack of a second.

Mayor Pro Tem Borrowe moved accept the Planning Commission version, delete the word “residential” and remove “substantial”. To read as follows “ New lots should only be considered if it could be shown that the development of each lot will be in conformance with City Ordinances and its General Plan Goals.” **Seconded by Councilmember Millsap.** Ayes: 3-2 Noes Carroll and Klein.

Policy 2

Mayor Pro Tem Borrowe felt the GPAC policy was stronger and more consistent with what they are trying to do. **Mayor Pro Tem Borrowe moved to accept** the GPAC version. Motion died for lack of a second.

It was the consensus of the City Council to accept the policy as it was written.

Policy 3

Councilmember Douglas asked how this would be implemented.

Mr. Blodgett stated you will need a zoning ordinance that is inclusive of hillside grading; some type of neighborhood compatibility performance standard; at minimum you will need performance standards in your zoning ordinance that would identify what is and is not compatible or how that is determined; it could broaden the scope and role of the Planning Commission or create a Design Review Committee.

It was the consensus of the City Council to accept this policy as it was written.

Policy 4

Councilmember Klein asked about basement.

Mr. Colantuono suggested rewording the policy to read, “No new structures shall exceed two above grade stories in any single vertical plane.

Councilmember Klein moved to accept the policy as amended. **Seconded by Councilmember Douglas.** Ayes: 5-0.

Policy 7

It was the consensus of the City council to accept this policy as it was written.

Policy 8

Mayor Pro Tem Borrowe stated he pulled this because significant and primary don't say anything. **Mayor Pro Tem Borrowe moved** to delete the words significant and primary. Motion died for lack of a second.

Mr. Colantuono stated this policy differs from your current ordinances as it adds "local hills and valleys"; it protects views from landscape elements which your existing policy does not do; you have also added "to the fullest extent"; he felt this was a more forceful protection of views that you have had to date.

It was the consensus of the City Council to accept this policy as it was written.

Policy 10

Ms. Massa-Lavitt felt this policy was a little overreaching; it can be specified in an ordinance how you want to enforce something like that.

Mr. Blodgett stated in most cases you wouldn't allow parking in the setback area.

Ms. Massa-Lavitt suggested, "A landscape buffer should be required for parking areas in new residential development."

Mayor Carroll moved to accept Ms. Massa-Lavitt wording of the policy. **Seconded by Councilmember Millsap.** AYES: 4-1 NOES Borrowe.

Councilmember Douglas and Mr. Colantuono agreed the word residential should be struck from the policy.

It was the consensus of the City Council to strike the word residential in Policy 10.

Mayor Carroll stated the City Council would continue with Land Use Policy 11 at their next meeting.

CONTINUED PUBLIC COMMENTS ON MATTERS ON THE AGENDA AND NOT ON THE AGENDA

Michael Bagwell, Dorothea – spoke regarding the development project at 707 Dorothea; thanked the City Council for their time and effort; encouraged the City Council to reject the application and hoped they would take the leadership role in ensuring the public safety; the 20 foot cut below Cypress; the mudflows on Dorothea Road; erosion control is not in place; the safety of the Keystone wall; felt there has been no progress on this case since the June 24th meeting.

Mr. Colantuono explained the Brown Act and how the information Mr. Bagwell presented needs to be presented for the Council to act on this.

John Beau, Casalero – supported Mr. Bagwell’s comments; it is a monster that needs to be stopped; submitted comments to the EIR, he understood they will be published in the back of the EIR or would he get a letter back from somebody; how does he know what is going on.

Mr. Blodgett stated all of the letter received were included in the Environmental Impact Report verbatim; each point that was raised staff prepared a response to; the challenge is as the City Council deliberates on these policies our responses may change, so we must wait until this process is complete that.

Ms. Massa-Lavitt stated the property owner of 707 Dorothea has been notified and we understand from his engineer that he has nearly completed an erosion control plan and should have it in the office by Monday morning; and the erosion control devices in place by October 15th.

Mr. Colantuono stated staff has told him in writing that if he does have it done by the 15th of October, the City will be doing the erosion control and sending him a bill.

Norm Zezula, Canonita – stated spoke regarding traffic safety; public opinion should be the determining factor on aesthetic issues.

Rick Martin, Reposado – spoke regarding the article in the Top of the Heights Newsletter and the changing of the falsified minutes; spoke regarding racial remarks; asked again about where the relaxed guidelines are in the General Plan.

Councilmember Klein moved to continue the EIR and further discussion on the General Plan to the next Special Meeting of October 16, 2003 at 7:00 p.m. **Seconded by Mayor Carroll.** AYES: 5-0.

ADJOURNMENT

Mayor Pro Tem Borrowe moved to adjourn the meeting at 10:00 p.m. to the Special City Council Meeting of October 16, 2003. **Seconded by Councilmember Millsap** and approved as follows:

AYES: Borrowe, Carroll, Douglas, Klein and Millsap
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

City Clerk