

## Introduction

The California Government Code Section 65302(a) mandates that local municipalities include within their General Plans a Land Use Element. The Government Code states the following:

*“The General Plan...[shall include a] Land Use Element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities and other categories of public and private uses of land. The Land Use Element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas...”*

This Land Use Element, together with the Land Use Plan (Exhibits 2-1 and 2-2) has the broadest scope of any of the required components of the General Plan. The Element plays a central role in correlating land use issues into a set of coherent policies. In addition to the requirements listed in the Government Code, above, the courts have indicated that, while the location of a particular land use may be expressed in general terms, a property owner must be able to identify the General Plan designation for his or her parcel from the land use diagram or map contained in the Land Use Element.

The City of La Habra Heights Land Use Element serves as the framework for the goals and policies contained in the other elements of this General Plan. The Government Code mandates that all elements within a general plan must be consistent with one another, and particularly notes in Section 65302(b) that all of the facilities treated in the Circulation Element must be

“correlated with the Land Use Element of the plan.” The primary implementation mechanism for the Land Use Element is the Zoning Ordinance. For this reason, Government Code Section 65860, requires consistency between local zoning ordinances and the general plans they implement.

### The Purpose of this Element

According to the State's planning laws, the purpose of the Land Use Element is to designate “the proposed general distribution and general location and extent of uses of the land.” The law goes on to state, “The obvious meaning of the term is that the General Plan should indicate the intended uses of the land rather than the actual use, which may or may not be at odds with the adopted land use policies and goals.”

## Issues & Policies

Through this Land Use Element, the City seeks to maintain and preserve the rural character of the community. A primary focus of this element is to preserve the existing amenities and character of the City while, at the same time, recognizing private property rights and the need to accommodate new residential development where such development is permitted.

### Issue – New Residential Development

Residential land uses are the predominant category of use within the City. Although La Habra Heights is a mature city, with most of the buildable lots already developed, there are still opportunities for new residential construction and replacement.

Continuing growth in the region, often within higher-density subdivisions, has made the contrasting rural amenities of La Habra Heights particularly desirable, and buildable lots command high prices. Expensive building sites make very large, very expensive houses economically feasible. The issue of “mansionization” (inappropriately scaled structures that dwarf their neighbors and

obliterate the contours of the natural landscape) must be addressed by the City, along with the more moderately sized and styled new homes.

**Goal 7.** Require that future residential development continues the present variety and diversity of structural design and appearance, maintains residents' privacy with large distances between houses, and is harmonious with natural settings.

**Land Use Element Policy 1.** New residential lots should only be allowed if it can be shown that the lot will not require significant variances to City ordinances.

**Land Use Element Policy 2.** Encourage the architecture of structures in the hillside areas to be consistent with the overall natural environmental qualities of the site. The architecture should meld itself to the topography rather than dominate it.

**Land Use Element Policy 3.** Houses that blend into the environment, that do not draw attention to themselves, and are not easily seen from public rights of way, will be favored during the permitting process.

**Land Use Element Policy 4.** No new structure shall exceed two stories (or 25 feet) in any single vertical plane.

**Land Use Element Policy 5.** Future hillside development will be permitted only if it involves minimal adverse impacts on the environment and natural topography, and does not affect natural ridgelines more than necessary to allow a reasonable economic use of privately held land.

**Land Use Element Policy 6.** Various proportional requirements such as floor area ratios, cubic content ratios, permeable soil area ratios, and other non-proportional requirements such as set-backs and screening shall be established and employed to ensure that residential structures are appropriately scaled to the lot on which they are located.

**Land Use Element Policy 7.** Landscaping plans for new residential development shall be required to ensure that the visual impact of new structures is softened by providing screening, privacy for adjoining structures, and preservation of the rural appearance of the community. Approved landscape plans shall be monitored to ensure they are implemented.

**Land Use Element Policy 8.** Views enjoyed by residents shall be protected from obstruction by any new development's structures or landscape elements.

**Land Use Element Policy 9.** All health and safety requirements noted in the Safety Element, the Noise Element, and the Circulation Element of this General Plan, and the ordinances that implement them, shall be observed and implemented in new residential development.

Zoning Tailored for "the Heights"

During the 1940's, suburban development began to encroach upon the rural character of the community. Several subdivisions were established with ¼-acre and ½-acre lots, much smaller than the typical lots found in "the heights." In addition, incompatible land uses, such as chicken farms and new oil wells were becoming an increased annoyance.

To reverse these trends, the Heights Association, under Wilbur Jadden petitioned the Los Angeles County Planning Commission to revise the local zoning to ensure that future development within "the Heights" would be orderly. The result of this effort is evident today with the RA-1 zoning that limits residential development to one-acre lots.

Issue – New Residential Development on Non-conforming Lots

Much of the development in the City of La Habra Heights occurred before incorporation. Many recorded lots within the City are smaller than the minimum one acre lot size. Owners of these lots must be accorded the right to use their

land, within certain constraints imposed by the City's minimal infrastructure.

**Goal 1.** Protect, preserve and enhance the residential rural character and individualistic lifestyle of La Habra Heights.

**Land Use Element Policy 10.** Lots that are smaller than one acre shall be required to meet established floor area ratios, setbacks, structural height limitations, screening, parking, operational leaching fields, and permeable surface standards.

**Land Use Element Policy 11.** A variance shall be required for the development of lots that are smaller than one acre and do not meet established performance standards. The legally noticed public hearing required for a variance will allow residents of nearby properties to work with the developer, planning officials, and staff to obtain optimum privacy, screening, and view preservation within the neighborhood.

**Land Use Element Policy 12.** Given the limited infrastructure available to serve residential development in the City, newly created lots must be at least one acre in size and a larger minimum applies for steeper land. It is also the policy of this General Plan to forbid residential development of previously undeveloped sites of less than one-half acre in size. Such sites typically lack sufficient area to allow a leach field to dispose of wastewater, and further development of such sites would generate disproportionate traffic demand on the City's rustic road system. Such few undeveloped lots of this minimal size as exist in the City were typically created for water tanks, antenna sites, and other utility infrastructure use. Therefore, their owners do not have reasonable investment-backed expectations in residential development of those sites, in any event. Accordingly, if any such site is to be developed an amendment to this General Plan must be processed to allow development. The amendment process should look to: (i) capacity of the site to handle waste water; (ii) availability of

sufficient road capacity to serve the land; (iii) sufficiency of other infrastructure to serve the site; (iv) any evidence submitted by the applicant which suggests that denial of development rights would work a taking or otherwise exceed the City's power; and (v) the goals and objectives of this General Plan, including preservation of residential privacy, community aesthetics, and preservation of private and public views.

**Land Use Element Policy 13.** All health and safety requirements noted in the Safety Element, the Noise Element, and the Circulation Element of this General Plan, and the ordinances that implement them, shall be observed and implemented when reviewing substandard lots for development.

### Issue – Grading & Landform

As buildable land becomes scarce within La Habra Heights, steep terrain on remaining lots offer a temptation to use mass grading techniques in order to provide pads for housing sites and accessory residential uses. The "mansionization" problem, cited earlier, requires larger pads resulting in grading that is ever more disruptive to natural land forms and their drainage.

**Goal 2.** Minimize alteration of the natural terrain.

**Land Use Element Policy 14.** Design all new development to minimize impacts on community character, surrounding neighborhood, and natural features.

**Land Use Element Policy 15.** Preserve natural drainage courses in their existing state where safe to do so.

**Land Use Element Policy 16.** Establish a gradual topographic transition between structures in all development. The appearance of overly large or stepped pads shall be prohibited. Contour grading with varying radii in vertical and horizontal planes shall be required.

**Land Use Element Policy 17.** Limit grading to that necessary for the house itself. Accessory structures shall be placed at varying distances and elevations from the house to minimize the size of the graded pad supporting the house and resultant unnatural linear features.

**Land Use Element Policy 18.** Use landform or contour grading to present a rounded or undulating natural appearance to blend in with the natural grade.

**Land Use Element Policy 19.** Prohibit hillside grading and development practices that damage the integrity of hillside areas in order to provide off-site views.

**Land Use Element Policy 20.** Landscape all graded slopes to control erosion and restore the look of the natural terrain.

**Land Use Element Policy 21.** The City shall consider implementing a site plan review process of all proposed new structures in order to allow for alternatives in the placement of the structure and other development within the lot that will minimize the need for grading and the alteration of the natural topography in order to meet the goals of this General Plan.

**Land Use Element Policy 22.** The height, length and extent of retaining walls shall be limited. Upon completion, approved retaining walls shall be screened with landscaping.

**Land Use Element Policy 23.** All proposed development within a geologic hazard special study area must undergo an engineering study performed by a registered engineer concerning the potential impact of soil instability, liquefaction, and landslide and seismic potential.

**Land Use Element Policy 24.** All future lot splits shall be required to prove compliance with City ordinances in addition to compatibility with the slope density requirement.

**Land Use Element Policy 25.** Development in areas of local flooding must show adequacy of liquid waste disposal systems in times of high water table.

Issue –Nonconforming Residential Use

Many of the homes in La Habra Heights were constructed before the City was incorporated and were not subject to the development regulations adopted after incorporation. As a result, many older homes in the City are nonconforming uses, which can limit remodeling or improvement options for affected homeowners.

**Goal 1.** Protect, preserve and enhance the residential rural character and individualistic lifestyle of La Habra Heights.

**Land Use Element Policy 26.** Eliminate the termination dates for nonconforming residential properties, so that nonconforming residential uses can continue in perpetuity.

**Land Use Element Policy 27.** Permit remodeling, expansion, and/or improvement of nonconforming residential structures so long as the nonconforming standard is not measurably extended by the requested changes. Should major extensions of the existing nonconforming standard be requested, those extensions shall be subject to review by the procedures for variance established by the State of California. The intent of this policy is to allow remodeling within the current dimensions of the existing nonconforming structure but require those projects that expand beyond the current nonconforming structure's dimensions to receive the full scrutiny and enforcement of the legally established planning process. An example of the kind of request that would "push the envelope" would be the replacement of a single story nonconforming structure with a two story nonconforming structure.

**Land Use Element Policy 28.** Require that permits for significant remodeling, expansion

and/or improvement for non-conforming residential properties are subject to the same requirements as other structural remodeling permits, including adequate fire flow, cesspool or septic tank inspection, fire retarding sprinkler systems, etc.

### Maintenance of the Rural Atmosphere through Specific Plans

In 1987 the La Habra Heights City Council amended the Zoning Ordinance to require the preparation of a "specific plan" for any development consisting of 10 or acres. A specific plan is a planning tool established by state law as a means to create development standards and other requirements that are unique to a particular area. The specific plan, in effect, becomes the zoning for that area in which it is applicable. The City, through this process, will establish requirements that will protect the property owner's rights, while ensuring that specific amenities (open space, views, etc) are maintained.

### Issue – Significant Remodeling of Existing Structures

As property in La Habra Heights increases in value, remodels, tear-downs, and other means of increasing the value or utility of structures in accord with the increasing value of their sites become more frequent. In many cases, structures that have been enlarged or replaced altogether do not represent an improvement to the neighborhood, as observed by adjoining property owners.

**Land Use Element Policy 29.** When a remodeling or rebuilding site plan fails to meet any performance standard a variance shall be required so that, during the public hearing, adjoining property owners can work with the petitioning property owner, planning officials and staff, to ensure that the proposed structure is compatible with neighborhood scale, privacy, view preservation and other amenities valued by residents.

**Land Use Element Policy 30.** Requests for significant rebuilding or remodeling permits shall include a landscape plan designed to

soften the visual impact of the altered structure.

**Land Use Element Policy 31.** All health and safety requirements noted in the Safety Element, the Noise Element, and the Circulation Element of this General Plan, and the ordinances that implement them, shall be observed and implemented in remodeling existing residences.

### Issue –Open Space for Resource Production

Open Space devoted to resource production includes a number of larger sites located throughout the City. They have long been the sites of producing natural gas and oil wells and it is anticipated that that use will remain for the next ten to fifteen years. At such time as the resource is depleted, so that it is uneconomical to continue production, the property owners may request a change of land use designation and its implementing zoning. As it now exists, such land is not suitable for residential uses and must be cleaned or "remediated" before it is safe for human habitation. State law mandates the necessary procedures to convert the natural gas and oil well sites to other uses.

One of the largest sites designated as Open Space-Resource includes a 99-acre parcel owned by Southern California Gas Company (SCG). This property is located in the northwesterly corner of the City. Currently, natural gas production or storage at this site is minimal, and other uses are being considered. A portion of the SCG property, 29 acres, is leased to the City of Whittier to form part of Murphy Ranch Park. SCG property is also leased to the Highland Riders on a year-to-year basis for their use of the Los Palomas Riding ring.

**Land Use Element Policy 32.** At such time as oil or natural gas production is dwindling to uneconomical returns, the City shall contact appropriate State agencies to determine mandated procedures to remediate the land designated as "Open-Space-Resource."

**Land Use Element Policy 33.** At such time as the State of California or other appropriate authorities pronounce the land designated as "Open Space-Resource" as being remediated so that it is suitable for alternative uses, the City shall consider requests for a General Plan amendment and rezoning from the owners of such properties.

**Early Community Concerns with Oil Production**

Prior to the 1940's, the local oil companies had limited success in finding oil in "the Heights." However, in 1948 Union Oil "struck oil" at the Sansinena #15 well. The oil companies quickly began to expand extraction efforts and the potential for unrestricted drilling threatened the quality of life in the area. In response to this potential threat, the Heights Association formed an "oil well drilling committee" that reviewed all zoning exceptions and helped to establish requirements governing the installation of new wells.

The efforts seemed to pay off as was pointed out in a 1957 Los Angeles Times article entitled "This is an Oil Field?" The follow-up article answered the question by stating..."Yes, one of the major producing fields in California, producing nearly 11,000 barrels a day from 150 wells, and there isn't a well in sight."

**Land Use Element Policy 37.** All health and safety requirements noted in the Safety Element, the Noise Element, and the Circulation Element of this General Plan and the ordinances that implement them shall be observed and implemented in recreational facilities development.

Issue – Open Space for Conservation

Approximately 20% of the City's land area is land owned by the Puente Hills Landfill Native Habitat Preservation Authority. The Authority is funded by a portion of the tipping fees collected at the Puente Hills landfill. The Authority's property in La Habra Heights is part of a wildlife corridor that extends from the San Gabriel River to the Cleveland National Forest, and will persist if dedicated links of open space can continue to be acquired for natural conservation purposes.

These properties are valued by residents as beautiful sites for walking, bicycle riding or horseback riding. However, the first priority in its management must be natural conservation considerations. Conventional active recreational use may not be permitted when conditions warrant closing the area to the public.

Issue –Open Space for Recreation

Open Space for Recreation is made up of the Hacienda Golf Club and the Las Palomas riding ring, which are member-supported recreational facilities, and the City Park.

**Land Use Element Policy 34.** Restrict the minimum lot size for recreational facilities of any kind to one acre.

**Land Use Element Policy 35.** Protect and preserve the three existing recreational resources within the City: the Hacienda Golf Club, the Las Palomas Riding Ring, and the City Park.

**Land Use Element Policy 36.** New recreational facilities on undeveloped open space land shall be limited to passive recreation.

**Land Use Element Policy 38.** Preservation of the Puente Hills Landfill Native Habitat Preservation Authority's conservation area and its plant and animal communities in their natural state shall continue to be an important City objective.

**Land Use Element Policy 39.** The City shall support the designation of lands as open space for conservation, (Open Space-Conservation) at such time as additional areas are acquired and dedicated to that purpose.

**Land Use Element Policy 40.** Properties that adjoin the existing preserves shall be developed with consideration for prevention of adverse impacts upon the preserved plant and animal communities as shown on the Conservation Overlay. (Exhibit 2-2).

### Preservation of the Puente Hills

The Puente Hills Landfill Native Habitat Preservation Authority is a joint powers agency that was founded in 1994. The Habitat Authority's purpose is to acquire, restore, and maintain open space in the Puente Hills to permanently protect natural habitat. The acquisition of these open space lands are financed from a mitigation fund generated by "tipping" fees collected at the Puente Hills Landfill. As of February 2002, more than 2,800 acres of open space had been acquired and reserved for the enjoyment of future generations. Those areas of La Habra Heights included within this larger preservation area are noted in Exhibit 2-1. This 31-mile long corridor is one of the most biologically diverse areas in the nation and one of the most threatened.

### Issue – Institutional Land Uses

Institutional land uses include those uses that are neither residential nor public facilities. They are private or quasi-public facilities. The uses provide services to individuals that can include educational, religious, cultural, recreational and licensed residential care facilities for seniors or children. In many cases, more than one of these services are offered at the same location. Institutional uses do not include commercial or industrial activities, which are not permitted in La Habra Heights.

**Land Use Element Policy 41.** The minimum lot size for an institutional use is five acres.

**Land Use Element Policy 42.** For the safety of residents, institutional staff, and clients, all institutional uses must be located in an overlay zone which is located beside parts of Harbor Boulevard (refer to Exhibit 2-1).

**Land Use Element Policy 43.** Because of infrastructure constraints, only community-serving institutions will be permitted in the City: regional or larger entities' operations are prohibited.

**Land Use Element Policy 44.** All institutional structures must be visually compatible with their neighborhood, approved after site plan review, and must meet, and

sometimes exceed, all the performance standards required for residential structures in relation to floor area ratio, proportional permeable land surfaces, screening, view preservation, on-site parking, landscaping and all other requirements appropriate to the institutional use.

**Land Use Element Policy 45.** Failure to meet any performance standard in development of new, or in the expansion of existing, institutional uses shall require a public-noticed hearing for a variance or conditional use permit.

**Land Use Element Policy 46.** Only on-site signs identifying institutional uses are permitted: such signs shall be in accordance with the City's sign ordinance.

**Land Use Element Policy 47.** All health and safety requirements noted in the Safety Element, the Noise Element, and the Circulation Element of this General Plan, and the ordinances that implement them, shall be observed and implemented in developing new, or remodeling existing institutional structures.

### Issue – Public Facilities

There are two categories of public facilities in La Habra Heights. One category includes facilities that are directly under the control of the people of the City: the City Hall, the Community Center, and the Fire Department. The other category is composed of public facilities answerable to non-local mandates; these include the Water District facilities, portions of the "antenna farm" and the power transmission sites in the northerly portion of the City. Additional facilities for which local control is presently limited by state and federal law are the cellular towers, located on the grounds of the Hacienda Golf Club and Water Department property on Hacienda Road. Other pole-mounted communications devices are too small to be noted on the Land Use Diagram.

Locally controlled properties, the first category, are managed directly by the City and because they are public property, need no ordinances to

direct their use to public purpose in order to serve the public interest. In the second category, State and Federal local authority has limited the local control enunciated in local ordinances as to limited activities of other government agencies and public utilities. Some communications devices are unsightly when they appear as paddles suspended from roadside telephone poles, towers inappropriately looming over residential areas, or cabinets situated on the ground near utility poles without benefit of screening or landscaping. Although federal law has limited most local control of such facilities, many companies and agencies responsible for these structures are amenable to working with local governments to address local concerns for aesthetics and other considerations.

**Land Use Element Policy 48.** The City of La Habra Heights shall work with property owners and communications companies in designing and locating communications facilities, and shall regulate these facilities to the extent provided by law.

The La Habra Heights County Water District was formed as a separate governmental entity approved by the Los Angeles County Local Area Formation Commission in 1976, two years before the incorporation of the City. Because these two governments have always been separated and because there may be dis-economies and other disadvantages to operating two separate entities with redundant facilities, equipment, staff and administration serving essentially identical area and people, investigation of the unification of the City and Water District should be pursued.

**Land Use Element Policy 49.** The La Habra Heights City Council, working with the La Habra Heights County Water District, shall appoint a committee formed of knowledgeable citizens charged with assessing the advantages and disadvantages of unification of the two entities and report their findings to the City and to the Water District for appropriate action.

Birth of a Vision

In 1919, much of the land in what is now La Habra Heights, was acquired by Edwin G. Hart. Mr. Hart's vision for his 3,000-acre land-holding was to subdivide the area into large, five-acre lots that would contain abundant avocado groves. Mr. Hart believed that, over time, the area's amenities would attract prominent families into the area who would ultimately convert the avocado groves into well-manicured estates.

Issue – Citywide Issues

This section of the Land Use Element contains policies that address a number of diverse Citywide issues that include specific plans, the preservation of dark skies and views, annexation, and surface drainage.

Specific plans were originated by the State of California as one means of implementing General Plans and, as noted in Section 65454 of *The Planning and Zoning Law of California*, "No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan." In La Habra Heights, specific plans are required when large parcels of land are to be developed, or when the property contains environmentally sensitive resources. Parcels in excess of ten acres in area are mandated for specific plan review and are identified in Exhibit 2-1.

**Land Use Element Policy 50.** Specific plans shall adhere strictly to the performance standards, view preservation, and other development requirements set forth in this General Plan and the ordinances that implement it.

**Land Use Element Policy 51.** Any specific plan under consideration by the City shall be prepared, adopted and amended in the same manner as the General Plan, with the requisite public notices, hearings and procedures that are required for the adoption of the General Plan.

**Land Use Element Policy 52.** Current City requirements for specific plan designation on large areas of undeveloped land shall continue to be enforced. For this purpose, a Specific Plan overlay zone shall be established which shall include, but not limit parcels, now known to require Specific Plans.

**Land Use Element Policy 53.** All institutional structures must be visually compatible with their neighborhood, approved after site plan review, and must meet, and sometimes exceed, all the performance standards required for residential structures in relation to floor area ratio, proportional permeable land surfaces, screening, view preservation, on-site parking, landscaping and all other requirements appropriate to the institutional use.

The residents of La Habra Heights have declared themselves to be opposed to street lights and other artificially illuminated intrusions on the majesty of moon, stars and the clouds of infinity above us in the night skies.

**Land Use Element Policy 54.** Artificial lighting illuminating sports courts, household perimeters, residences, driveways, or other residential or institutional facilities must be extinguished by 10:00 P.M.

**Land Use Element Policy 55.** Allow an ordinance, when a nuisance is detected, to require the residents committing the nuisance to extinguish exterior lighting after 10:00 p.m.

**Land Use Element Policy 56.** Review site plans for lot development to require automatic timer shut-off switches for exterior lighting.

**Preserving the Night-Sky**

The night skies of the Southern California region are among the most "light-polluted" skies in the world. The International Dark Skies Association, an organization initially founded by amateur astronomers, has outlined simple ways a homeowner can reduce light pollution. While the local night skies may not be suitable for "deep sky" astronomy, they are certainly unique in terms of the lack of glare and spill-over lighting found in the adjacent communities.

Many homes in La Habra Heights have magnificent views of the San Gabriel Valley and mountains to the north, or the coastal plain and the Pacific Ocean to the south and west. Others have more moderately expansive views of local valleys, ridges, and hillsides. In every case these views are cherished. Views not only add to the value of the homeowner's pleasure in his/her residence, but also add to the monetary value of the property.

**Land Use Element Policy 57.** No new structure shall be permitted that significantly obstructs an existing view from a residence or a roadside. Similarly, landscape plans submitted as required in other provisions of the element shall be reviewed to prevent of significant view obstruction to neighbors.

Landscaping can screen obtrusive structures, provide privacy and soften the impact of new development but, as it develops and grows, planting can also obscure the views that were once enjoyed by owners of existing residences.

**Land Use Element Policy 58.** The City shall attempt to mitigate and mediate between property owners of obtrusive landscaping and those who claim a loss of views due to the growth of landscaping materials. If the conflicts of landscaping materials and view preservation cannot be resolved by the City and the parties at issue, resolution must be remanded to the courts of justice in the State of California, with the City of La Habra Heights taking no further part in the dispute, other than provision of the specific ordinance establishing the cause of action.

At the time of incorporation of the City of La Habra Heights, one small segment of the southeast portion of the City was excluded from the boundaries of the City. This exclusion reflected political conflicts of that time which have since been resolved. Subsequent to incorporation, this segment of excluded residences has enjoyed the services of the City, although it is not now a part of the incorporated area. In view of equity considerations, as well as a rational boundary for the City of La Habra

Heights, it is recommended the City consider that the excluded area be annexed to the City of La Habra Heights.

**Land Use Element Policy 59.** The City of La Habra Heights should consider petitioning the Local Area Formation Commission to approve the annexation of the excluded street, Pine Edge Drive, and the properties abutting it and properties to the east as shown in Exhibit 2-1, to the City of La Habra Heights.

The Federal Emergency Management Agency (FEMA) maintains an inventory of all areas in the nation that are subject to flooding. La Habra Heights is not listed in FEMA data, indicating that flooding has not been a serious problem in the City. There are areas in the City, however, subject to ponding during and after severe rain storms; these areas are, and will continue to be, subject to measures to improve drainage. For further detail, please refer to the Safety Element and the Safety Plan (Exhibit 5-1) (map) included in the Element.

### Issue – The Region

La Habra Heights is fortunate to be adjacent to areas of open space on its north, east and west boundaries. Although the City has never formally sought to establish spheres of influence outside its borders, it is vitally concerned with the preservation of those areas, or the mitigation of the impact of their development on the natural environment and the ecology of the region and the lifestyles and values of the residents of La Habra Heights.

**Land Use Element Policy 60.** Protect the ecology of wildlife habitat and natural conservation areas within open space areas adjacent to La Habra Heights.

**Land Use Element Policy 61.** When large tracts are to be developed adjacent to La Habra Heights attempt to, require that the least intensive, lowest density development occur in those areas adjacent to, and visible from, La Habra Heights so that the City's

community and neighborhood character is preserved.

### Issue – The State

The City of La Habra Heights is aware that this revised General Plan, once adopted by the City Council, will become the City's "constitution". The framework of goals and policies will determine the local laws, or ordinances, which implement it, thus controlling the physical changes occurring in the City for years to come. The City's annual reports to the State of California on the status of the La Habra Heights General Plan and its implementation are viewed as important milestones in the City's progress into its desired future.

**Land Use Element Policy 62.** The City shall file reports with the City Council, the State of California Office of Planning and Research and any other appropriate governing bodies identifying the status of our General Plan and its implementation as required by law.

### Land Use Plan

La Habra Heights is a small, 6.39 square mile community of singular natural beauty. The views of green hills and generous open spaces filled with trees, shrubs, grasslands and thriving wildlife stand in sharp contrast to the dense suburban development increasing within neighboring cities. Maintaining that contrast and protecting the natural environment with which the City has been endowed is a major concern of this Land Use Element.

In 2000 there were 1,951 housing units in La Habra Heights, according to the U.S. Census. The General Plan Housing Element of 2002 estimates that a maximum of 386 additional housing units may be added to the City's housing stock, based on buildable acreage available for development. More probably, due to topographical constraints, only an additional 200 units can be added to the City's housing stock. Based on existing land use designations

and development, the City is now over 90% developed. In response to this developmental maturity, the Land Use Element establishes guiding policies for the maintenance, preservation, and improvement of the City as it now exists, with equal or greater emphasis than is given to policies designed to affect future development.

Land uses in La Habra Heights are quite simple compared to other municipalities which contain an array of residential, commercial and industrial areas, with permutations of densities, building intensities, and permitted and prohibited uses within each area, and with buffers and screening between the land uses. In La Habra Heights there are basically only four categories of land uses; residential, open space, public facilities, and institutional. This lack of land use complexity allows a concentration in depth on issues of concern to City residents. Wildlife welfare or maintaining dark skies at night are issues which might be considered too detailed for other cities' General Plans, but they are appropriate for La Habra Height's General Plan because they are issues of significance to local residents.

There are a number of constraints to future development in La Habra Heights. In addition to the high proportion of developed lots and large areas of dedicated open space, earthquake fault lines and very steep slopes in many areas of the City preclude new construction. Infrastructure capacity is also a significant and economically non-remediable constraint. Further, wildfire vulnerability and expansive soils affect building materials and methods that can be approved for use in the City. In this regard, the Safety Element of this General Plan must be closely related to the Land Use Element.

## Land Use Designations

The Land Use Map Diagram, Exhibit 2-1 displays the land use designations allowed in this plan. The City's zoning ordinance will be in accord with these designations. The land use designations indicate the nature, density and intensity of development permitted for each land use category. Table 2-1 below summarizes the various land use designations and indicates the applicable standards. As is evident from examination of both the Table below and the Land Use Maps (Exhibits 2-1 and 2-2), the great majority of the City is reserved for lower density residential development for the reasons cited previously.

**Table 2-1  
Land Use Designations and Standards (Base Land Use Designations)**

General Plan	Zoning Designation	Development Intensity Standard	Population Density Standard	Land Area
RA 1 – Residential Agriculture	Residential Agricultural	1 or fewer units/gross acre	3 persons/acre	2,570.03 acres
I- Institutional	I - Institutional	1 or fewer units/ gross acres	NA	20.68 acres
PF - Public Facilities	PF - Public Facilities	1 or fewer units/gross acre	NA	15.27 acres
O-1 Resource	O-1 Resource Production	0	NA	208.21-acres
O-2 Recreation	O-2 Recreation	0	NA	166.21-acres
O-3 Conservation	O-3 Conservation	0	NA	720.07-acres

Source: City of La Habra Heights. 2002

Population Density & Development Intensity

State planning law requires that land uses identified on a land use map or diagram indicate standards for *development intensity* and *population density*. The purpose of the requirement is to aid in the understanding of the type and extent of development contemplated for each land use designation depicted on the land use map.

*Development Intensity* may be described in different ways. In the La Habra Heights General Plan, the residential development intensities are defined as the number of units per acre. For non-residential development, intensity standards rely on a floor area ratio, or FAR, which is simply the ratio of a building's floor area to the lot area on which the building is located. This standard applies to the Institutional and Public Facilities designation.

*Population density* is typically applied to residential land use designations to enable decision-makers to understand the potential population associated with the land use plan's implementation. Population density is typically derived by multiplying the number of housing units permitted under a particular land use designation by the average household size of the community.

Residential-Agricultural Land Use Designation

All new rural residential lots are required to be one to five acres in size; larger lots are required for building sites in areas of steeper slope terrain. Most dwelling units within the City are single-family detached units. Prior to 1949 second units or "guest houses" were not prohibited and some indeterminate number of guest houses are located in the City. The 1949 zoning established by Los Angeles County prohibited any further construction of second units. While some clandestine second units have been constructed since that time, new second units should continue to be prohibited because of physical constraints of septic capacity, roadway capacity and domestic and fire flow water capacity.

Other permitted accessory buildings in the Residential-Agriculture (RA) designated area include not only the usual gazebos, garages, and gardening sheds, but barns, stables, and

other structures accessory to agricultural activities.

No commercial or industrial uses are allowed in the City. Home occupations for business are permitted when it is determined that the occupation will not increase traffic or noise in the neighborhood, consistent with licensing or ordinances adopted by the City. Issues concerning development of nonconforming lots of less than one acre were discussed previously under Issues and Policies section. The rationale for the lower densities (one acre per lot) is based on sound planning practice. The Housing Element emphasizes the constraints to higher density residential development that are present in the community. These constraints include a number of health and safety-related factors including topography, seismic hazards, and the potential for wildfire. A designated Alquist-Priolo Special Studies Zone crosses the center of the City in an west to east orientation. This zone corresponds to the fault trace of the Whittier Fault, a fault that is considered to be active. Under the zone requirements, special consideration must be taken when building any habitable structures along the fault trace.

Institutional Land Use Designation

Institutional uses may include educational, health, religious, and cultural activities. Recreational activities are generally compatible with institutional uses and are often part of such uses. These private and quasi-public institutions are permitted only in areas served by the single arterial highway within the City. This restriction will ensure the safety and convenience of the employees, clients, or members of these institutions, and residents who live on narrow country roads and lanes which cannot handle institutional traffic. Institutional uses must be limited to local service; regional or larger operations that cannot be supported by City infrastructure. Residential use is permitted within institutional areas.

### Public Facilities

The Public Facilities land use designation provides for a variety of local public facilities, which serve the community. These facilities include, among others, the Community Center, City Hall, the Fire Department Headquarters building, the Water District offices and other Water District properties. Present and planned public facilities included in this designation applies to those municipal facilities in service to the residents of La Habra Heights. Public Facilities locations are shown on the Land Use Diagram.

### Open Space

There are three categories of Open Space in La Habra Heights: Open Space-Resource (O-1), Open Space-Recreation (O-2), and Open Space-Conservation (O-3). Each of the open space designations are discussed in this section. Open Space-Resource (O-1) includes sites located throughout the City that contain producing natural gas and oil wells and their support facilities. At such time as the resources are depleted and after an area has been remediated to restore its suitability for a different use, it is expected that a request for a change in the General Plan land use designation will be entertained by the City.

The Open Space-Recreation (O-2) category includes the golf course at Hacienda Country Club, the City Park, and other facilities.

Open Space-Conservation (O-3) is mainly dedicated to the protection of the 600 acres owned by the Puente Hills Native Habitat Preservation Authority, a wildlife corridor and natural conservation area. At such time as other conservation areas are established or expanded in the City, it is expected that this land use designation will be accorded those areas as well. The Open Space-Conservation land use designation is designed to conserve the natural vegetation and wild life associated with the

natural environments of the Puente Hills region of Southern California. Within the lands designated as Open Space-Conservation, the beneficial preservation and maintenance of all components of the natural environment shall be the mandated first priority to be considered in any issues involving these areas.

### General Plan Land Use Map

The location and distribution of the various land use categories provided under this Land Use Element are depicted in Exhibits 2-1 and 2-2. There is considerable debate regarding the level of detail required for a land use map. A 1984 Attorney General's opinion stated that "the California Government Code does not require a land use element diagram to be a parcel-specific map." The Attorney General went on to state,

*"...rather, a diagram indicating the general locations illustrating the policies of the General Plan is sufficient. Regardless of the level of detail, the courts have indicated that the map or diagram should be of sufficient detail to permit those individuals using the map to be able to reach a consensus regarding the land use designation for a given parcel or property."*

As a result, the land uses depicted in Exhibits 2-1 and 2-2 have been drawn to correspond with the City's zoning map. The Land Use Plan provided in Exhibits 2-1 and 2-2 depicts the categories of land use described previously. In addition, the map indicates the location and extent of the various overlay designations including the Prominent Significant Ridgeline Overlay (refer to Land Use Element Policy 5), Conservation Overlay (Land Use Element Policy 40), the Institutional Overlay (Land Use Element Policy 42), and the parcels that will be subject to existing requirements of the Specific Plan Overlay designation.

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