



City of La Habra Heights AGENDA REPORT

To: City Council For Meeting of: May 14, 2009

From: Kenneth Phung, City Planner ^{KP} Agenda Item.

Subject: Ordinance 2009-___ to amend Sections of Article 7 (*Development Code and Zoning Ordinance*), Article 8 (*Administrative Decision*), and Article 12 (*Definitions*) of the Municipal Code.

BACKGROUND:

On March 24, 2009 the Planning Commission voted 4-1 to approve Resolution 2009-01 to recommend to the City Council approval of the following Code Amendments, which have been in the works for over two years:

1. Amend Section 7.12.30.A to clarify landscape screening requirements for new structure and addition.
2. Exempt driveway hardscape and grading to 12-feet in width that is more than 35-feet beyond the point of access to the parcel (Section 7.14.40 H.)
3. Define minimum parcel dimensions for newly created lots (Section 7.14.40.W.)
4. Exempt agricultural uses from permanent graded area subject to a Standard Modification; and exempting pools from hardscape (Section 7.17.40.B.)
5. Exempt hardscape and grading for roads constructed within a driveway easement or private street to serve another parcel (Section 7.17.40 I.)
6. Amend Table 7-12 of the Residential Development Standards to include Standard Modification process for additional access points to a parcel (Section 7.19.80.)
7. Allow approval time limits of 2 years; additional one (1) year by staff; and one (1) year by Planning Commission (Section 8.3.50)
8. Delete View Corridor Definition from Section 12.2.10.
9. Amend Local and Primary View definitions from Section 12.2.10 to clarify view definition and identify procedure for appeal.
10. Amend definition of All Weather Surface as any driveway or road from every building to a public street which is suitable for use by fire apparatus (Section 12.2.10.)
11. Provide definition for agricultural grading, all weather surface, single-story structure, and story (Section 12.2.10.)

Some of the Code Amendments have even been heard by City Council. These amendments have not been finalized on account of a CEQA inquiry filed with the California Attorney General's

office. The City Attorney looked into the matter and determined that a “Negative Declaration” instead of a “Categorical Exemption” should have been used for the first round of Code Amendments prepared by the previous Planning Staff. Legal counsel made this recommendation out of an abundance of caution. Legal counsel also recommended that all the code changes be packaged together and reprocessed through CEQA for Planning Commission and the City Council approval. Legal counsel believed this was necessary since the amendments were integrally related. The specific wording for each of the Code Amendments can be found in the attached Ordinance 2009-____.

ENVIRONMENTAL DETERMINATION:

An Initial Study has been prepared for the proposed project, which determined that there is no substantial evidence of adverse environmental effects; therefore a Negative Declaration has been prepared.

RECOMMENDATIONS:

Introduce First Reading of Ordinance 2009-____ to approve the various Code Amendments found in Article 7, Article 8, and Article 12.

Attachments: City Council Ordinance 2009-____
Planning Commission Resolution 2009-01
Negative Declaration and Initial Study

CITY OF LA HABRA HEIGHTS

**CITY COUNCIL
ORDINANCE NO. 2009-__**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS AMENDING VARIOUS CODE SECTIONS OF ARTICLE 7 (DEVELOPMENT CODE AND ZONING ORDINANCE), ARTICLE 8 (ADMINISTRATIVE DECISION) AND ARTICLE 12 (DEFINITIONS) OF THE MUNICIPAL CODE

WHEREAS, the Planning Commission considered substantive amendments to Articles 7, 8 and 12 of the La Habra Heights Municipal Code at a duly noticed public hearing on March 24, 2009; and

WHEREAS, the Planning Commission heard and considered public testimony at the public hearing for the proposed amendments and made recommendation for the City Council's consideration; and

WHEREAS, on May 14, 2009, the City Council conducted a legally noticed public hearing on the proposed Code Amendments, and considered public testimony and materials in the staff report and accompanying plans, documents, and exhibits; and

WHEREAS, the City has complied with the California Environmental Quality Act.

THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS DOES ORDAIN AS FOLLOWS:

Section 1. Section 7.12.30 A of the La Habra Heights Municipal Code is hereby amended to read as follows:

“View Enhancement and Protection. Landscaping materials shall be located in such a manner as to lessen the visual impact of any new structure or addition by concealing the improvements from a public street. Protected views enjoyed by residents shall be protected from unnecessary/unreasonable obstruction by any new development’s structures or landscape elements.”

Section 2. Section 7.17.40 H of the La Habra Heights Municipal Code is hereby amended to read as follows:

"Access and Parking Surfaces. Except as follows, all streets, driveways and vehicle parking areas are considered to be hardscape and may not consist of gravel surfaces where the gravel may be transported into a public road:

1. The portion of a primary driveway up to 12 feet in width that is more than 35 feet beyond the point of access to the parcel from a public road shall not count as hardscape or graded area.
2. Required parking spaces that are constructed of pervious material, are outdoors and are not covered by any structure or improvement, shall not count as hardscape."

Section 3. Section 7.14.40 W is hereby added to the La Habra Heights Municipal Code to read as follows:

"Parcel Size and Dimensions. For newly created parcels, seventy-five (75) percent of that parcel's land area must conform to the minimum dimension requirements specified in Exhibit 7-12. For example, a portion of a one-acre parcel must have a minimum dimension of one-hundred and fifty (150) feet in all directions and must be at least seventy-five (75) percent of the parcel's land area (or $\frac{3}{4}$ of an acre)."

Section 4. Section 7.17.40 B of the La Habra Heights Municipal Code is hereby amended to read as follows:

"Allowable Maximum Permanent Graded and Hardscape Areas. Allowable permanent graded and hardscape area standards depend upon the size of the parcel as shown in Exhibit 7-13. Permanent graded or hardscape areas include areas such as driveways in accordance with the provisions of this Chapter. The area of a swimming pool capable of accepting at least $\frac{3}{4}$ of an inch of additional water shall not be considered hardscape and shall not be counted towards hardscape area.

1. With an approved Standards Modification, agricultural grading for orchards, groves or other agricultural plantings, which does not use retaining walls and is otherwise in conformance with the grading standards of this Chapter applicable to accessory uses, may be excluded in determining permanent graded area.
2. In order to utilize the exclusion provided in section 7.17.40 B.1., a permanent restrictive covenant, requiring that the designated area be limited in use to agricultural purposes only, must be recorded in the Office of the County Recorder against the property."

Section 5. Section 7.17.40 I. is hereby added to the La Habra Heights Municipal Code to read as follows:

“Any street, driveway or other road constructed within a driveway easement or private street to another parcel for the purpose of providing access to a public road shall not count towards hardscape or graded area.”

Section 6. Table 7-12 of Article 7 of the La Habra Heights Municipal Code is hereby amended by adding the following second row to the standard modification limits of the Parking and Access Standards:

Additional Access Points	Total of 2 access points on a single road	Total of 2 access points on two roads	Total of three or more access points on any road or roads
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Section 7. Section 8.3.50 of the La Habra Heights Municipal Code is hereby amended to read as follows:

“This section establishes time limits for Permits and the process for extensions thereof.

- A. Time Limits. Unless Conditions of Approval or other provisions of this Municipal Code establish a shorter or longer time limit, any permit not exercised within two (2) years of approval shall expire and become void.
- B. Extensions of Time. Upon request by the applicant, the City Manager, or the Community Development Director may extend the time for an approved permit for an additional period of up to one-year unless the terms of approval of the permit state otherwise. The Planning Commission may grant an additional one (1) year extension. The applicant shall submit a written request and applicable fees for an extension. The City Manager or Community Development Director shall then determine whether the permittee has made a good faith attempt to comply with the conditions of the permit. The burden of proof is on the permittee to establish that the permit should not expire.”

Section 8. Section 12.2.10 of Article 12 of the La Habra Heights Municipal Code is hereby amended to delete the definition of “View Corridor” in its entirety. -

~~View Corridor is a physical feature that allows relatively unobstructed views over distances of at least several hundred-~~

yards.-

- Section 9. Section 12.2.10 of Article 12 of the La Habra Heights Municipal Code is hereby amended by amending the definition of “Local View” to read as follows:

View, Local is any view of densely vegetated rolling hills, extensive natural terrain or open space. An “open space” shall not include vacant land that is developable under this Code.

- Section 10. Section 12.2.10 of Article 12 of the La Habra Heights Municipal Code is hereby amended by amending the definition of “Primary View” to read as follows:

“View, Primary means the most significant and impressive Distant View, as determined by the Community Development Director, from either the ground floor of the principal residence (or the primary living area, excluding bedrooms, if not located on the ground floor) or abutting outdoor deck or patio area at relatively the same elevation as the ground floor of the principal residence. The Community Development Director shall determine the Primary View by balancing the nature of the view to be protected and the importance of the area within the structure where the view is taken. The affected property owner shall be entitled to one Primary View; and once determined for a particular application, the Primary View may not be changed for any subsequent application. In the event the Community Development Director (CDD) and the affected property owner cannot agree on the Primary view, the CDD’s decision shall control and the affected property may appeal the decision by appealing the action taken on the application in accordance with the procedures found in Article 8 of the Municipal Code.”

- Section 11. Section 12.2.10 of the La Habra Heights Municipal Code is hereby amended by adding the following definitions to read as follows:

"Agricultural Grading means grubbing, filling, tilling, terracing, trenching, excavation, installation of underground pipes, or any combination thereof for agricultural purposes, which does not require retaining walls or violate City, State, or Federal law.

All Weather Surface means any portion of a driveway or road from every building to a public street which is suitable for use by fire apparatus.

Single Story Structure means any structure wherein 75% of the

square footage is contained in a structure that is only one story in height.

Story is that portion of a building included between the upper surface of any floor and lower surface of the next floor or roof above."

Section 12. Should any provision of this Ordinance or its application to any person or property be found by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof shall be enforceable according to their terms and to that end the provisions of this Ordinance are severable.

Section 13. The City Council has reviewed and considered the environmental documentation and other information included in the staff reports prior to taking action on the Negative Declaration, and finds and determines that this Ordinance will not cause or create a significant adverse effect on the environment. The Negative Declaration reflects the independent judgment of the City Council. The City Council hereby adopts the negative declaration.

Section 14. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the City Council.

Section 15. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

PASSED, APPROVED AND ADOPTED, this 14th day of May, 2009.

Howard Vipperman, Mayor

ATTEST:

I, Shauna Clark, City Clerk of the City of La Habra Heights, California, do hereby certify that foregoing Ordinance was introduced at a regular meeting of the City Council of the City of La Habra Heights held on the 14th day of May, 2009, and was finally passed at a regular meeting of the City Council of the City of La Habra Heights held on the 14th day of May, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Shauna Clark, City Clerk

APPROVE AS TO FORM:

Sandra J. Levin, City Attorney

CITY OF LA HABRA HEIGHTS

**PLANNING COMMISSION
RESOLUTION NO. 2009-01**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA HEIGHTS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO ARTICLE 7 (DEVELOPMENT CODE AND ZONING ORDINANCE), ARTICLE 8 (ADMINISTRATIVE DECISION) AND ARTICLE 12 (DEFINITIONS).

WHEREAS, the City has, in the manner prescribed by law, prepared and circulated to the public and all appropriate agencies, an Initial Study and Negative Declaration (“the Negative Declaration”) with respect to the proposed Code amendments having a potential for impacts to the environment, with a comment period which extends from March 4, 2009 to March 23, 2009; and

WHEREAS, the City has noticed the public hearing for the proposed Code amendments as required by Government Code section 65090; and

WHEREAS, on **March 24, 2009**, the Planning Commission considered the proposed amendments, the Initial Study, and the Negative Declaration.

THE PLANNING COMMISSION OF THE CITY OF LA HABRA HEIGHTS DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

Section 1. Section 7.12.30 A of the La Habra Heights Municipal Code is hereby amended to read as follows:

“View Enhancement and Protection. Landscaping materials shall be located in such a manner as to lessen the visual impact of any new structure or addition by concealing the improvements from a public street. Protected views enjoyed by residents shall be protected from unnecessary/unreasonable obstruction by any new development’s structures or landscape elements.”

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2. Required parking spaces that are constructed of pervious material, are outdoors and are not covered by any structure or improvement, shall not count as hardscape."

Section 3. Section 7.14.40 W is hereby added to the La Habra Heights Municipal Code to read as follows:

"Parcel Size and Dimensions. For newly created parcels, seventy-five (75) percent of that parcel's land area must conform to the minimum dimension requirements specified in Exhibit 7-12. For example, a portion of a one-acre parcel must have a minimum dimension of one-hundred and fifty (150) feet in all directions and must be at least seventy-five (75) percent of the parcel's land area (or $\frac{3}{4}$ of an acre)."

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1. With an approved Standards Modification, agricultural grading for orchards, groves or other agricultural plantings, which does not use retaining walls and is otherwise in conformance with the grading standards of this Chapter applicable to accessory uses, may be excluded in determining permanent graded area.
2. In order to utilize the exclusion provided in section 7.17.40 B.1., a permanent restrictive covenant, requiring that the designated area be limited in use to agricultural purposes only, must be recorded in the Office of the County Recorder against the property."

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- B. Extensions of Time. Upon request by the applicant, the City Manager, or the Community Development Director may extend the time for an approved permit for an additional period of up to one-year unless the terms of approval of the permit state otherwise. The Planning Commission may grant an additional one (1) year extension. The applicant shall submit a written request and applicable fees for an extension. The City Manager or Community Development Director shall then determine whether the permittee has made a good faith attempt to comply with the conditions of the permit. The burden of proof is on the permittee to establish that the permit should not expire."

Section 8. Section 12.2.10 of Article 12 of the La Habra Heights Municipal Code is hereby amended to delete the definition of “View Corridor” in its entirety.

~~View Corridor is a physical feature that allows relatively unobstructed views over distances of at least several hundred yards.~~

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Section 11. Section 12.2.10 of the La Habra Heights Municipal Code is hereby amended by adding the following definitions to read as follows:

"Agricultural Grading means grubbing, filling, tilling, terracing, trenching, excavation, installation of underground pipes, or any combination thereof for agricultural purposes, which does not require retaining walls or violate City, State, or Federal law.

All Weather Surface means any portion of a driveway or road from every building to a public street which is suitable for use by fire apparatus.

Single Story Structure means any structure wherein 75% of the square footage is contained in a structure that is only one story in height.

Story is that portion of a building included between the upper surface of any floor and lower surface of the next floor or roof above."

Section 12. *Severability*. Should any provision of this Resolution or its application to any person or property be found by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof shall be enforceable according to their terms and to that end the provisions of this Resolution are severable.

Section 13. *Adoption of Negative Declaration*. Based on the Negative Declaration, public comments, and the entire record before the Planning Commission, and for the reasons stated in the Negative Declaration, the Planning Commission finds that the proposed Code provisions as approved will have no significant impacts on the environment and do not have the potential to degrade the quality of the environment, reduce the fish and wildlife habitat, threaten plant, fish or wildlife species, or eliminate historical, archeological or cultural resources. The Code provisions will not have impacts that are cumulatively considerable nor will the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Section 14. *Construction.* This Resolution shall supersede and make void the following planning commission resolutions: **Resolutions 2008-01, 2008-02, 2008-03, 2008-04, 2008-05, 2008-10, 2008-12, 2008-13, and 2008-14.**

Section 15. *Effective Date.* This Resolution shall be effective immediately upon adoption.

APPROVED this 24th day of March 24, 2009

Larry Black, Chairman

ATTEST:

Kenneth Phung, Secretary

AYES:

NOES:

ABSENT:

ABSTAIN:

Kenneth Phung, City Planner

CITY OF La Habra Heights
NEGATIVE DECLARATION NO. 2009-01

Name, if any, and a brief description of project:

Amendments to Article 7 (*Development Code and Zoning Ordinance*), Article 8 (*Administrative Decision*) and Article 12 (*Definitions*) of the La Habra Heights Municipal Code consisting of the following:

1. Amend Section 7.12.30.A to clarify landscape screening requirements for new structure and addition.
2. Exempt driveway hardscape and grading to 12-feet in width that is more than 35-feet beyond the point of access to the parcel (Section 7.14.40 H.)
3. Define minimum parcel dimensions for newly created lots (Section 7.14.40.W.)
4. Exempt agricultural uses from permanent graded area subject to a Standard Modification; and exempting pools from hardscape (Section 7.17.40.B.)
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6. Amend Table 7-12 of the Residential Development Standards to include Standard Modification process for additional access points to a parcel (Section 7.19.80.)
7. Allow approval time limits of 2 years; additional one (1) year by staff; and one (1) year by Planning Commission (Section 8.3.50)
8. Delete View Corridor Definition from Section 12.2.10.
9. Amend Local and Primary View definitions from Section 12.2.10 to clarify view definition and identify procedure for appeal.
10. Amend definition of All Weather Surface as any driveway or road from every building to a public street which is suitable for use by fire apparatus (Section 12.2.10.)
11. Provide definition for agricultural grading, all weather surface, single-story structure, and story (Section 12.2.10.)

There is no physical development of any property associated with this project.

Location:

The proposed Amendments to the Municipal Code include the entire City of La Habra Heights as it pertains to new development projects throughout the City. The specific amendments pertain to Article 7, Article 8, and Article 12 (*Definitions*) of the Municipal Code.

Entity or person undertaking project:

- A. City of La Habra Heights
 B. Other (private)

Determination:

The Planning Staff on the basis of the Initial Study evaluation and the supporting documents for this proposed project does hereby determine that there is no substantial evidence the proposed project will have a significant effect on the environment. Therefore, a Negative Declaration has been prepared. The following is a brief statement of the reasons supporting the Planning Staff's findings:

The Initial Study for the proposed project did not identify any potentially significant adverse environmental impacts stemming from the proposed project.

A copy of the Initial Study may be obtained at:

City of La Habra Heights, Community Development Department
1245 N. Hacienda Road
La Habra Heights, CA 90631
Phone: (562) 694-6302

Date of Planning Commission Public Hearing: March 24, 2009

CITY OF LA HABRA HEIGHTS

DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

1245 N. HACIENDA ROAD, LA HABRA HEIGHTS, CA 90631

TEL.: (562) 694-6302 FAX: (562) 690-5010

Environmental Checklist

Project Name and Number	Municipal Code amendments(<i>aka project</i>)
Lead Agency Name and Address	City of La Habra Heights, Community Development Department Planning Division, 1245 N. Hacienda Rd., La Habra, CA 90631
Contact Person and Phone Number	Kenneth Phung, Consultant City Planner 562-694-6302
Project Location	The proposed amendments to the Municipal Code include the entire City of La Habra Heights as it pertains to new development projects throughout the City. The specific amendments pertain to Article 7 (<i>Development Code and Zoning Ordinance</i>), Article 8 (<i>Administrative Decision</i>), and Article 12 (<i>Definitions</i>) of the Municipal Code.
Project Sponsor's Name and Address	City of La Habra Heights, Development Services Department, Planning Division, 1245 N. Hacienda Road, La Habra Heights, CA 90631
General Plan Land Use Designation	N/A. The proposed project would not revise the designation of any public rights-of-way in the City, none of which are designated with a particular land use classification.
Zoning	N/A. The proposed project would not revise the designation of any public rights-of-way in the City, all of which are un-zoned.
Description of Project	<p>Consideration of amendments to Article 7 (<i>Development Code and Zoning Ordinance</i>), Article 8 (<i>Administrative Decision</i>), and Article 12 (<i>Definitions</i>) of the Municipal Code (<i>aka "project"</i>) consisting of the following:</p> <ol style="list-style-type: none"> 1. Amend Section 7.12.30.A to clarify landscape screening requirements for new structure and addition. 2. Exempt driveway hardscape and grading to 12-feet in width that is more than 35-feet beyond the point of access to the parcel (Section 7.14.40 H.) 3. Define minimum parcel dimensions for newly created lots (Section 7.14.40.W.) 4. Exempt agricultural uses from permanent graded area subject to a Standard Modification; and exempting pools from hardscape (Section 7.17.40.B.) 5. Exempt hardscape and grading for roads constructed within a driveway easement or private street to serve another parcel (Section 7.17.40 I.) 6. Amend Table 7-12 of the Residential Development Standards to include Standard Modification process for additional access points to a parcel (Section 7.19.80.) 7. Allow approval time limits of 2 years; additional one (1) year by staff; and one (1) year by Planning Commission (Section 8.3.50) 8. Delete View Corridor Definition from Section 12.2.10. 9. Amend Local and Primary View definitions from Section 12.2.10 to clarify view definition and identify procedure for appeal 10. Amend definition of All Weather Surface as any driveway or road from every building to a public street which is suitable for use by fire apparatus (Section 12.2.10.)

	11 Provide definition for agricultural grading, all weather surface, single-story structure, and story (Section 12.2.10.) There is no physical development of any property associated with this project.
Other public agency approvals	N/A

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Land Use Planning	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population and Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Geology and Siesmicity	<input type="checkbox"/>	Utilities and Service Systems
<input type="checkbox"/>	Water	<input type="checkbox"/>	Aesthetics
<input type="checkbox"/>	Air Quality	<input type="checkbox"/>	Cultural Resources
<input type="checkbox"/>	Transportation/Circulation	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Agricultural Resources
<input type="checkbox"/>	Energy and Mineral Resources	<input type="checkbox"/>	Mandatory Findings of Significance
<input type="checkbox"/>	Hazards	>	None

Determination
(To be completed by the lead agency)

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kenneth Phung
City Planner

January 7, 2009
Date

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Land Use and Planning. Would the project:					
a.	Physically divide an established community?				X
b.	Conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigation an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
Comments					
1.a, b	The proposed amendments make no amendments to the roadway network and Truck Route designations. The intent of these revisions is to amend sections of the Municipal Code to clarify and include language in the development code to facilitate the development process. Therefore, the proposed amendments would not divide any established communities or conflict with any land use policies. (Source: 1, 2)				
1.c.	The northern portion of La Habra Heights has 720 acres zoned Open-Space Conservation owned and managed by the Puente Hills Habitat Authority. The land use designation is devoted to conservation of natural vegetation and wildlife. The proposed amendments would not result in any physical development within this area. Therefore, no significant impacts are anticipated. (Source: 1)				
2. POPULATION AND HOUSING. Would the project:					
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Comments					
2.a.	The proposed amendments to the Municipal Code make no corrections to the roadway network and do not revise the truck route designations. The intent of these revisions is to clarify and include language in the development code to facilitate the development process only. The proposed amendments do not create new parcels of land and would therefore not be seen as growth inducing. (Source: 1, 2)				
2. b, c	The proposed amendments to the Municipal Code would not affect any planned and existing street rights-of-way. No housing or people will be displaced, so no significant impacts are anticipated. (Source: 2)				
3. GEOLOGY AND SOILS. Would the project?					

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Expose people or property to substantial adverse effects, including a risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii)	Strong seismic ground shaking?				X
iii)	Seismic-related ground failure, including liquefaction?				X
iv)	Landslides?				X
b.	Result in substantial soil erosion or the loss of topsoil?			X	
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d.	Be located on expansive soil, as defined by the Uniform Building Code (1994), creating risks to life or property?			X	
e.	Have soil incapable of supporting septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
Comments					
3.a.i-ii	Portions of the City of La Habra Heights are within the Alquist-Priolo Studies Zone, Potential Flood Zones, Earthquake-Induced landslides Susceptible area and Liquefaction Susceptible area, which would be subject to surface rupture. However, any potentially significant impacts to ground surfaces will be mitigated through construction techniques, as set forth in the Municipal Code. Therefore, no significant impacts are anticipated. (Source: 1, 2)				
3.a.ii	The City of La Habra Heights is within an area of moderate potential of ground shaking. Any potentially significant impacts will be mitigated through construction techniques, consistent with the Municipal Code. Therefore, no significant impacts are anticipated. (Source: 1, 2)				
3.a.iii	Liquefaction occurs when loose saturated cohesionless soils are subject to ground shaking during an earthquake of large magnitude. This generally occurs when the water table is less than 30 feet below ground surface. Any potentially significant impacts from liquefaction will be mitigated through construction techniques, consistent with the Municipal Code. (Source: 1, 2)				
3.a.iv	Surface elevations in the City of La Habra Heights along the proposed truck routes do not contain rock outcroppings or other significant landforms large enough to create a strong risk of landslides. Therefore, no significant impacts are anticipated. (Source: 1, 2)				

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3.b, c and d	Several of the proposed amendments will exempt hardscape and grading for extended driveways, gradable area for agricultural uses, and hardscape for pools at time of development. At this time there are no projects associated with these proposed amendments. When the proposed amendments are in effect and a developer plan to utilize these exemptions, the proposed project would require environmental evaluation as with any other development regardless of the proposed amendments. These environmental analyses includes a soils report, hydrology report or special studies as appropriate (i.e., biological, Phase 1, etc.) to evaluate the soil type, risks from liquefaction, subsidence, unstable or expansive soils, and existing hydrologic condition to determine the appropriate project design (i.e., driveway concrete thickness, material, etc.) for incorporation into a Water Quality Management Plan or SUSMP as applicable to the satisfaction of the City Engineer and the State of California Regional Water Quality Control Board to prevent and control the entry of pollutants from storm runoff into the City's storm drain system or adjacent properties, and to maintain historical drainage condition to mitigate any impact to less than significant. No project can be constructed without being first designed in accordance to and to the satisfaction of the City Engineer and the State of California Regional Water Quality Control Board. Therefore, less than significant impacts are anticipated. (Source: 1, 2)				
3.e.	No development is proposed as part of this project. Therefore, no impact is anticipated. (Source: 1, 2)				
4. HYDROLOGY AND WATER QUALITY. Would the project:					
a.	Violate any water quality standards or waste discharge requirements?			X	
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?			X	
d.	Substantially alter the drainage pattern of the site or area, including alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e.	Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f.	Otherwise substantially degrade water quality?				X
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Inundation by seiche, tsunami, or mudflow?				X
Comment					
4.a-j	<p>Several of the proposed amendments will exempt hardscape and grading for extended driveways, gradable area for agricultural uses, and hardscape for pools at time of development. At this time there are no projects associated with these proposed amendments. When the proposed amendments are in effect and a developer plan to utilize these exemptions, the proposed project would require environmental evaluation as with any other development regardless of the proposed amendments. These environmental analyses includes a soils report, hydrology report or special studies as appropriate (i.e., biological, Phase 1, etc.) to evaluate the soil type, risks from liquefaction, subsidence, unstable or expansive soils, and existing hydrologic condition to determine the appropriate project design (i.e., driveway concrete thickness, material, etc.) for incorporation into a Water Quality Management Plan or SUSMP as applicable to the satisfaction of the City Engineer and the State of California Regional Water Quality Control Board to prevent and control the entry of pollutants from storm runoff into the City's storm drain system or adjacent properties, and to maintain historical drainage condition to mitigate any impact to less than significant. No project can be constructed without being first designed in accordance to and to the satisfaction of the City Engineer and the State of California Regional Water Quality Control Board. Therefore, less than significant impacts are anticipated regarding water quality, ground water supply, drainage, run off, or flooding. (Source: 1, 2)</p>				
<p>5. AIR QUALITY. Where available, the significance criteria established by the applicable quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>					
a.	Conflict with or obstruct implementation of the applicable air quality plan?			X	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
d.	Expose sensitive receptors to substantial pollutant concentrations?				X
e.	Create objectionable odors affecting a substantial number of people?				X

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	
Comments					
5.a-e	<p>The proposed amendments would amend the Municipal Code, and would not make any corrections to the roadway network and revise the Truck Route designations. The intent of these revisions is to clarify and include language in the development code to facilitate the development process only.</p> <p>The potential to generate significant greenhouse gas emissions is less than significant as the code amendments would essentially only allow additional hardscape and gradable area primarily to unique lot situation in the City. Greenhouse gas emissions on the other hand are caused by population growth, deforestation, factory farming, and widespread use of:</p> <ol style="list-style-type: none"> 1. Fossil fuels causing significant release of carbon dioxide released into the atmosphere by the burning of solid waste, wood and wood products, and fossil fuels i.e., oil natural gas, and coal; 2. Nitrous oxide emissions occurring during various agricultural and industrial processes, and when solid waste or fossil fuels are burned, and; 3. Methane emitted when organic waste decomposes, whether in landfills or in connection with livestock farming, and during the production and transport of fossil fuels. <p>The code amendments are not generally related to activities that cause global warming nor will it cause significant amount of construction on single-family lot. Therefore, less than significant impacts to global warming are anticipated.</p>				
6. TRANSPORTATION/TRAFFIC. Would the project:					
a.	Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?)			X	
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?				X
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
Comments:					

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
6.a b	No street segments will be modified by the proposed amendments. However, several of the proposed amendments exempting hardscape and grading for extended driveways, gradable area for agricultural uses, and hardscape for pools at time of development may increase some additional vehicle trips. The amount of vehicle trips would not be significant enough to create congestions within the City's street network. Standard conditions of approval consisting of submitting a truck route plan to be reviewed by the City Engineer and Planning will minimize impacts to City streets. Therefore, less than significant impacts are anticipated. (Source: 1, 2)				
6.c-g	The proposed project will not result in a change in air traffic patterns and will not create any safety risks to air traffic. There is no development associated with the proposed amendments and nothing that would increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses, result in inadequate emergency access, parking shortages, or conflicts with adopted policies, plans, or programs supporting alternative transportation. Therefore, no significant impacts are expected and no mitigation is required. (Source: 1, 2)				
7. BIOLOGICAL RESOURCES: Would the project:					
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in plans, policies, or regulations, or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service?			X	
b.	Have a substantial adverse effect on any riparian habitat or other sensitive community identified in local or regional plans, policies, and regulations or by the California Dept. of Fish and Game or US Fish and Wildlife Service?			X	
c.	Have a substantial adverse effect of federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy?				X
f.	Conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
Comments:					
7.a-f	The proposed amendments would amend the Municipal Code, and does not contain a physical project. The intent of these revisions is to clarify and include language in the development code to facilitate the development process only. Therefore no impacts are expected and no mitigation is required. Potential impacts to special status species will be evaluated at such time that a physical project is proposed. (Source: 1, 2)				

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
8. MINERAL RESOURCES. Would the project:					
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Comments:					
8.a.b.	The proposed amendments would amend the Municipal Code, and does not contain a physical project. The intent of these revisions is to clarify and include language in the development code to facilitate the development process only. No development or new right of way is proposed that would affect mineral resources. No impacts are expected and no mitigation is required. (Source: 1, 2)				
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a.	Create a significant hazard to the public or the environment through the routine transportation, use, or disposal of hazardous materials?				X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or toxic waste within one-quarter mile of an existing or proposed school site?				X
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles or a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where				X

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
residences are intermixed with wildlands?					
Comments:					
9.a-h	The proposed amendments would amend the Municipal Code, and does not contain a physical project. The intent of these revisions is to clarify and include language in the development code to facilitate the development process only. The proposed project will not interfere with adopted emergency response or evacuation plans, or include the transportation of hazardous materials. Therefore, no impact is expected and no mitigation is required. (Source: 1, 2)				
10. NOISE. Would the project result in:					
a.	Exposure of people to severe noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b.	Exposure of persons to or generation of excessive groundborne vibration or ground-borne noise levels?				X
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Comments:					
10.a-f	The proposed amendments to amend the Municipal Code would not affect the noise levels within the City Limits. The proposed amendments do not have the potential to affect the noise element of the General Plan. Therefore, no significant impacts are expected and no mitigation measures are required. (Source: 1)				
11. PUBLIC SERVICES: Would the proposal have an effect upon, or result in a need for new or altered Government services in any of the following areas:					
11.a.	Would the project result in substantial adverse physical impacts associated with the new or altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?				X

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
11.b.	Fire protection?				X
11.c.	Police protection?				X
11.d.	Schools?				X
11.e.	Parks?				X
11.f.	Other public facilities?				X
Comments:					
11.a-f	The proposed amendments to amend the Municipal Code do not have the potential to affect governmental services or create a need for new facilities, in excess of those previously considered by the General Plan. The intent of these revisions is to clarify and include language in the development code to facilitate the development process only. Therefore, no impacts are anticipated and no mitigation measures are required. (Source: 1)				
12. UTILITIES AND SERVICE SYSTEMS: Would the project:					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e.	Result in a determination by the wastewater treatment provider, which serves the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X
Comments:					
12.a-g	There is no physical development associated with these amendments, so no wastewater would be generated. Likewise the project would not affect storm water drainage facilities, water supplies, waste water treatment facilities, landfills or regulations pertaining to solid waste. Therefore, no significant impacts are expected and no mitigation measures are required. (Source: 1)				
13. AESTHETICS. Would the project:					
13.a.	Have a substantial adverse effect on a scenic vista?			X	
13.b.	Substantially damage scenic resources, including, but not			X	

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
	limited to, trees, rock outcropping, and historic building within a state scenic highway?				
13.c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
13.d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X
Comments:					
13.a-c	There is no physical development associated with these amendments so no impact to historic buildings or scenic resources is expected. The code amendments pertaining to the view sections of the code will help clarify the view definition, and the procedures to appeal view concerns. Therefore, less than significant aesthetic impacts are anticipated. (Source: 1)				
13.d.	There is no physical development associated with these amendments. At the time of a physical development, glare or light will be evaluated at that time. Therefore, no significant effects from light and glare are anticipated. (Source: 1, 2)				
14. CULTURAL RESOURCES. Would the project:					
14.a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 1506.5?				X
14.b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 1506.5?				X
14.c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
14.d.	Disturb any human remains, including those interred outside of formal cemeteries?				X
Comments:					
14.a-d	The proposed amendments would amend the Municipal Code, and does not contain a physical project. The intent of these revisions is to clarify and include language in the development code to facilitate the development process only. No development or grading is proposed at this time. At such time that a physical project is proposed, additional environmental review may be conducted as appropriate including surveys for historic, archaeological, and paleontological resources. Therefore, no impacts are anticipated. (Source: 1)				
15. RECREATION. Would the project:					
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Comments:					
15.a.	As discussed above, there is no development associated with these amendments, so impacts to recreational resources are not expected. No mitigation measures are required. (Source: 1)				
15.b.	No additional recreational facilities are required, nor is there any need for expanded or re-constructed facilities with the proposed amendments. No mitigation is required. (Source: 1)				
16. AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
16.a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
16.b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
16.c.	Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
Comments					
16.a-c	The proposed amendments would amend the Municipal Code as discussed above. There is no development associated with this proposal so impacts to agricultural resources are not expected. It does not include any development or grading. Therefore, no impacts are anticipated and no mitigation is required. (Source: 1)				
17. MANDATORY FINDINGS OF SIGNIFICANCE:					
17.a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
17.b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)?			X	
17.c.	Does the project have environmental effects that will cause substantial adverse effects on human beings.			X	

Issues and Supporting Information Sources		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
either directly or indirectly?					
Comments					
17.a,b & c	<p>There is no development associated with the proposed amendments at this time. Therefore, no potentially significant adverse impacts to fish and wildlife, no cumulative impacts, and no adverse impacts on human beings have been identified.</p> <p>At time of development appropriate environmental evaluation and project review will be required as with any other development regardless of the proposed amendments. These environmental analyses includes a soils report, hydrology report or special studies as appropriate (i.e., biological, Phase 1, etc.) to evaluate the soil type, risks from liquefaction, subsidence, unstable or expansive soils, and existing hydrologic condition to determine the appropriate project design. In addition, a truck route plan is required as standard Conditions of Approval to be reviewed by the City Engineer and Planning to minimize any impacts to City streets. Therefore, less than significant impacts are anticipated.</p>				

SOURCES

1. City of La Habra Heights General Plan
2. City of La Habra Heights Zoning Ordinance
3. Federal Emergency Management Agency Flood Insurance Rate Map
4. South Coast Air Quality Management District CEQA Air Quality Handbook.