

CITY OF LAGUNA HILLS



Supplemental Agenda Material Memo

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DATE: February 10, 2026

TO: City Council
City Staff

FROM: Jennifer Lowe, Community Development Director

SUBJECT: Planning Agency Regular Meeting Agenda Item 5.5.1 – Vesting Tentative Tract Map (VTTM)/Site Development Permit (SDP) No. USE-0211-2025 (23161 Mill Creek Drive/Toll Brothers/Khoshbin)

The conditions of approval in the draft resolution have been updated:

Condition No. 1 – Clarify the official applicant as Toll West Coast, LLC.

Condition No. 24 – Clarify date.

Condition No. 26 – Revised to state: *Prior to issuance of a building permit, Applicant shall provide evidence to the reasonable satisfaction of the Community Development Director that there are no easements (including, but not limited to, easements for reciprocal access and/or parking or utilities) that conflict with the proposed Project. This shall include providing such that it does not go beneath proposed structures*

Condition No. 34 – deleted.

Condition No. 39 (formerly No. 40) – Revised to state: *Roof mounted mechanical equipment shall be prohibited. Mechanical equipment shall be ground mounted to the rear or side yards of each unit. Roof mounted solar panels are excluded from this requirement.*

Condition No. 59 (formerly No. 60) – Revised to state: *Prior to the issuance of a Certificate of Use and Occupancy, all uplifted, subsided or severely worn curb, gutter and sidewalk that fronts the Project in the public right-of-way along Mill Creek shall be*

removed and replaced. This includes uplifted, subsided or severely worn curb and gutter and sidewalk that was in this condition prior to the start of construction. Limits of removal and replacement will not be marked out until immediately prior to occupancy so that all damage that occurred during construction can be included in the limits of replacement.

Condition No. 73 – deleted, as referenced in redline.

Condition No. 83 – deleted, as referenced in redline.

Conditions No. 82, 83, and 84 (formerly No. 85, 86, and 87) – change references from Moulton Niguel Water District to El Toro Water District.

Condition No. 85 (formerly No. 88) – remove reference to private streets.

RESOLUTION NO. PA2026-__

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING VESTING TENTATIVE TRACT MAP (VTTM)/ SITE DEVELOPMENT PERMIT (SDP) NO. USE-0211-2025, A REQUEST BY TOLL WEST COAST, LLC (TOLL BROTHERS) FOR APPROVAL OF A 36-UNIT RESIDENTIAL DEVELOPMENT ON AN APPROXIMATELY 2.44 ACRE PARCEL LOCATED AT 23161 MILL CREEK DRIVE (APN 588-142-07), AND FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO THE CLASS 32 EXEMPTION APPLICABLE TO INFILL DEVELOPMENT PROJECTS (14 CAL.CODE.REGS. SECTION 15332)

The Planning Agency of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, Toll West Coast, LLC (“Applicant”), commonly referred to as Toll Brothers, proposes to redevelop an approximate 2.44-acre parcel located at 23161 Mill Creek Drive in the City of Laguna Hills and identified as Assessor’s Parcel No. 588-142-07 (“Subject Property”), with a 36-unit residential development (“Project”). The Project will reserve two units for very low-income households, with the remaining 34 units being sold at market rate. The Vesting Tentative Map will allow a condominium (airspace) subdivision of the development to allow the units to be sold independently; and

WHEREAS, on December 18, 2024, the Applicant submitted a “preliminary application” to the City pursuant to Government Code Section 65941.1 for a housing development project consisting of 36 single family attached homes (18 buildings). Each unit was proposed with a two-car garage, and 10 open parking spaces were located throughout the site; and

WHEREAS, on January 30, 2025, the Applicant submitted a land use application to the City for the Project, which the City ultimately determined to be complete in accordance with Government Code Sections 65941.1(e) and 65943 after the submittal of additional information, documentation, and revisions; and

WHEREAS, the Project requires approval of a Site Development Permit and Vesting Tentative Tract Map; and

WHEREAS, the Project has been designed to incorporate certain waivers or reductions of development standards pursuant to the State Density Bonus Law (Government Code Section 65915); and

WHEREAS, the Applicant submitted a Class 32 CEQA Exemption Checklist pursuant to Section 15332 of Title 14 of the California Code of Regulations. The checklist demonstrates that the Project (1) is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulation; (2) is located on a project site of no more than five acres and substantially surrounded by urban uses; (3) is located on a project site that has no value as habitat for endangered, rare, or threatened species; (4) would not result in any significant traffic, noise, air quality, or water quality impacts; and (5) can be adequately served by all required utilities and public services. The checklist is supported by numerous technical environmental studies. The checklist was peer-reviewed by the City's environmental consultant, De Novo Planning Group, who concurred that the project meets the requirements for a Class 32 Exemption; and

WHEREAS, the Subject Property has a General Plan Land Use Designation of Mixed Use and a zoning designation of Mixed Use (MXU); and

WHEREAS, the Planning Agency has considered evidence and testimony presented by City staff, the Applicant, the public, and other interested parties at a duly noticed public hearing held on February 10, 2026; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That the Project is categorically exempt from CEQA pursuant to the Class 32 Exemption applicable to infill development projects (14 Cal. Code. Regs. Section 15332).

SECTION 3. That the conditions imposed on the Project are reasonable and do not reduce the density of the Project or render the Project infeasible.

SECTION 4. The Planning Agency hereby determines that the required findings by the City for approval of Vesting Tentative Tract Map/Site Development Permit No. USE-0211-2025 have been met and made as follows:

Vesting Tentative Tract Map

1. The proposed map is consistent with the Laguna Hills General Plan.

The proposed map will create a 36-unit condominium ~~(airspace)~~ subdivision on a 2.44-acre site. The Project site has a General Plan Land Use Designation of Mixed Use, which is implemented by the Mixed-Use (MXU) zoning district. The MXU zoning district permits residential density of up to 20 dwelling units per acre. The proposed condominium project would achieve a density of 14.8 dwelling units per acre, which is less than the maximum permitted density for the Property. The Subject Property is also within North Business Park future study area, which the General Plan identifies opportunities to redevelop and improve. The Project is consistent with the intent of the land use designation and future study area as it would redevelop the site and establish new residential uses in areas that also include goods and services. Furthermore, the Project would implement General Plan Policies LU-2.1, LU-3.2, and H-2.1.

2. The design and improvement of the proposed subdivision is consistent with the Laguna Hills General Plan.

The design and improvements of the proposed subdivision are consistent with the General Plan. The Project has a General Plan Land Use Designation of Mixed Use, which is intended to “provide for areas where a variety of goods and services can be obtained within an overall planned environment”. The Subject Property is also within North Business Park future study area, which the General Plan identifies opportunities to redevelop and improve. The Project is consistent with the intent of the land use designation and future study area as it would redevelop the site and establish new residential uses in areas that also include goods and services. Furthermore, the Project would implement General Plan Policies LU-2.1, LU-3.2, and H-2.1. The Subject Property is also suitable for the uses proposed, and the subdivision can be developed in compliance with the applicable zoning regulations. The Subject Property is located in the MXU zone, which establishes several development standards for

residential projects, including allowing residential developments of up to 20 dwelling units per acre. The Project meets these minimum standards, with exception to the waivers and reductions of development standards authorized by the State Density Bonus Law (Government Code Section 65915(e)). The Project is within the allowable density, and the Applicant has provided support to demonstrate that the waivers are required in order to construct the Project. With approval of the waivers the Project is in compliance with the Development Code. The site is physically suitable for the proposed type of development in that it is of a reasonable shape, size, and topography to accommodate a residential subdivision.

3. The requirements of the California Environmental Quality Act have been satisfied.

The Project has been reviewed for compliance with CEQA and has been found to be categorically exempt pursuant to Class 32 of the CEQA Guidelines, applicable to infill development projects (14 Cal. Code. Regs. § 15332). This Class 32 exemption satisfies all the requirements of CEQA.

4. The site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development. The maximum allowed density for the site is 20 units per acre, whereas the Project is proposed at 14.8 units per acre. As noted in the second finding above, the project complies with the requirements of the Zoning code. Inasmuch as the Project is within the allowable density and complies with the development standards, the Site is physically suitable for the proposed density.

5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. A biological resources report prepared for the site found that ornamental landscaping is located on the property. This landscaping does not serve as a sensitive natural community and does not support any special-status species. No special-status plants or animal species were observed on the Project Site.

6. The design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems.

The design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems. The Project would replace the existing office building with a new 36-unit residential development. The demolition of the existing office building would be conducted in compliance with all applicable laws and regulations. An analysis of the Project completed as part of the Class 32 checklist demonstrates that the Project would not create significant impacts traffic, noise, air quality, or water quality. In addition, a health risk assessment was completed which concludes that Project construction would result in less than significant health risks. Finally, a Phase I Environmental Site Assessment was also submitted to the City which concluded that there were no recognized environmental conditions, controlled recognized environmental conditions, or historical recognized environmental conditions on the property. Accordingly, approval of the project would not create a serious public health problem to those who live and work in the area.

7. The design of the subdivision and the type of improvements proposed will not conflict with easements of record or established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public.

The design of the subdivision and the type of improvements proposed will not conflict with easements of record or established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. SCE maintains a six-foot wide easement that runs east to west from Mill Creek Drive to near the western property line for purposes of underground powerlines to serve the site. Prior to the issuance of building permits, the easement either be removed or amended to accommodate the Project site layout.

8. The design and improvement of the proposed subdivision is suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations.

The site is physically suitable for the proposed type of development. The Project Site is a 2.44-acre parcel that is currently improved with a multi-story office building. While some expansion of the building pad will occur, it will not result in off-site impacts. Furthermore, as noted in the other findings of this section, the Project is compliant with the General Plan, Development Code, and Objective Design Standards.

9. The design of the subdivision, to the extent feasible, does have allowance for future passive or natural heating and cooling opportunities.

The project would meet the applicable LPMC standards including setbacks and exceeds the minimum open space area, with exception to the modifications requested under the State Density Bonus law. This still would accommodate landscaping that can be provided throughout the site with adequate setbacks, which would provide for natural/passive cooling opportunities.

Furthermore, construction of the project shall be required to comply with the California Energy Commission's adopted Building Energy Efficient Standards that require the inclusion of energy conservation features in residential development, and to incorporate energy-saving design solutions to reduce energy consumption by at least 10 percent below the California Energy Code (Title 24, Part 6 of the California Code of Regulations, California Energy Efficiency Standards for Residential and Non-Residential Buildings). The proposed design of the subdivision provides for future passive or natural heating or cooling opportunities, to the extent feasible.

10. The design, density, and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs.

The subdivision creates a new high-density residential development within the General Plan Land Use Designation of Mixed Use and a zoning designation of Mixed Use (MXU), both of which promote the development of high-density residential structures. Even though the site is not identified in the Housing Element as an opportunity site for the development of housing, the project would still count towards meeting the City's assigned RHNA allocation. The location of the site is within an area with access to existing public services and there is no evidence the proposed density will create undue burdens on existing public services.

SECTION 5. In considering the Site Development Permit, the Planning Agency finds as follows:

1. That the site design complies with standards of the development code.

The site design complies with standards of the Development Code. The Subject Property is located in the MXU zone, which establishes several development standards for residential projects, including allowing residential developments of up to 20 dwelling units per acre. The Project meets these minimum standards, with exception to the waivers and reductions of development standards authorized by the State Density Bonus Law (Government Code Section 65915(e)). The Project is within the allowable density, and the Applicant has provided support to demonstrate that the waivers/reductions of development standards are required in order to construct the Project. With approval of the waivers the Project is in compliance with the Development Code.

2. That the site is suitable for the proposed development.

The site is suitable for the proposed development. The Project Site is a 2.44-acre parcel that is currently improved with a multi-story office building. While some expansion of the building pad will occur, it will not result in off-site impacts. Furthermore, as noted in the other findings of this section, the Project is compliant with the General Plan, Development Code, and Objective Design Standards.

3. That the project is consistent with the general plan and applicable design guidelines.

The project is consistent with the general plan and applicable design guidelines. The Project has a General Plan Land Use Designation of Mixed Use, which is intended to “provide for areas where a variety of goods and services can be obtained within an overall planned environment”. The Subject Property is also within North Business Park future study area, which the General Plan identifies opportunities to redevelop and improve. The Project is consistent with the intent of the land use designation and future study area as it would redevelop the site and establish new residential uses in areas that also include goods and services. Furthermore, the Project would implement the following General Plan policies:

Policy LU-2.1: Preserve the distinctive character of residential neighborhoods by applying adopted design standards to new renovation projects. The Project complies with the Objective Design Guidelines through providing a Mediterranean architectural style.

Policy LU-3.2: Encourage new development that uses land efficiently and offers flexibility to changing resident and shopping needs, contributing to the long-term vitality of the community. The current use of the property is office; however, demand for office space has declined over the past five years. The Project would provide 36 new residential units to support the City's growing demand for new homes.

Policy H-2.1: Provide opportunities for higher density residential development, mixed use residential/commercial development, and transit oriented development in appropriate areas of the City. The Project would provide a higher density residential development.

The Project is also subject to the City of Laguna Hills Objective Design Standards, which are intended to ensure harmonious development throughout the City. For the northern portion of the City, Spanish, Mediterranean, and Ranch style architecture is permitted. The Project would replace the current late modernism architecture with a Mediterranean architectural style. With exception of the permitted concessions and waivers authorized by the State Density ~~Bonus~~ Bonsu Law, the Project complies all Objective Design Standards.

4. That the site design and structural components are appropriate for the site and function of the proposed uses.

That the site design and structural components are appropriate for the site and function of the proposed uses. The Project consists of 36 units arranged in duplex style buildings. Each unit has a two-car enclosed garage with direct access to the common street and private open space. The site has been designed to function as a traditional single-family neighborhood while meeting modern site layout standards and not impacting surrounding properties.

SECTION 6. In addition to the foregoing, the facts and findings set forth in the staff report made a part of the record of the public hearing are hereby incorporated herein by this reference.

SECTION 7. Based upon the above findings, the Planning Agency of the City of Laguna Hills does hereby approve SDP/VTM No. USE-0211-2025, subject to the following conditions:

GENERAL

1. The following Conditions of Approval (“Conditions”) shall be binding and enforceable against, and, whenever used herein, the term “Applicant” shall mean and refer to, each of the following: the project applicant, Toll West Coast, LLC, ~~Toll Brothers~~, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns.
2. Unless the context dictates otherwise, whenever the term “this Permit” is used in the following Conditions of Approval, it shall collectively refer to USE-0211-2025 (SDP/VTM) approved pursuant to this Resolution. Failure to abide by and faithfully comply with all conditions of approval shall constitute grounds for revocation and/or termination of the Site Development Permit and Vesting Tentative Tract Map approved in conjunction with the Project, as applicable.
3. Unless the context dictates otherwise, whenever the term “Project” is used in the following Conditions of Approval, it shall collectively refer to the plans presented at the February 10, 2026, meeting of the Laguna Hills Planning Agency (Plan or Plans), and other studies and exhibits submitted to the City by the Applicant to depict the improvements to be constructed on the Applicant’s property, consisting of an approximately 2.44-acre parcel located at 23161 Mill Creek Drive (APN 588-142-07), as modified by these Conditions of Approval.
4. The application is a plan for location and design of uses, structures, features, and materials submitted by this application and shown on the approved plans. Development shall be consistent with the approved Plans, as modified by these Conditions of Approval, and all applicable architectural design guidelines and all other development standards specified in the Laguna Hills Municipal Code (“LHMC”). Any relocation, alteration, modification, or addition to any use, structure, feature, or material, not specifically approved shall require an application for a Changed Plan (CP) to USE-0211-2025 (SDP/VTM), unless the Community Development Director (“Director”) determines the proposed change is immaterial and consistent with the provisions and the spirit and intent of the original approval. The Director may approve minor modifications to these Conditions of Approval through the Changed Plan process.

5. To the fullest extent permitted by law, the Applicant shall, at its sole cost and expense, protect, defend, indemnify, and hold harmless the City, its elected and appointed officers and officials, employees, agents, departments, agencies, authorized volunteers, consultants, attorneys, boards, commissions, and committees, and instrumentalities thereof ("Indemnitees"), from and against any and all claims, liabilities, losses, fines, demands, penalties, lawsuits, writs of mandamus, and any other claims or actions or proceedings of any kind whatsoever (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to, arbitrations, mediations, and other such procedures), judgments, orders and decisions (collectively "Claims" and "Actions"), brought against the Indemnitees, which seek to attack, challenge, modify, set aside, void, or annul any action of or any permit or approval issued by the Indemnitees (including actions approved by the voters of the City) for, in connection with, or concerning the approval of this Permit. It is expressly understood and agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the defense of the Indemnitees for the Claims and Actions, and that the Applicant shall promptly reimburse the City for all costs and expenses directly and necessarily incurred by the City in the course of the defense, including reasonable attorneys' fees. The City shall promptly notify the Applicant of any Claims and Actions brought against the Indemnitees and shall cooperate in the defense of any such Claims and Actions. If the Applicant fails to so defend the Claims and Actions, the City shall have the right but not the obligation to do so and, if it does, the Applicant shall promptly pay the City's full cost thereof.
6. Except as otherwise mandated by State law, and modified herein, approval of this Permit constitutes approval of the proposed Project only to the extent that it complies with the City's Development Code and any other applicable zoning regulations in effect as of December 18, 2024. Approval does not include any action or findings as to compliance or approval of the Project regarding any other applicable ordinance, regulation, or requirement.
7. Failure to abide by and faithfully comply with any and all Conditions of Approval shall constitute grounds for revocation of this Permit by the Laguna Hills Planning Agency.
8. The Applicant shall agree in writing to these conditions of approval within 30 days of the Planning Agency's approval.

9. The conditions of Project approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees. The Applicant is hereby notified that the 90-day period in which the Applicant may protest the fees, dedications, reservations, or exactions imposed on this Project through the Conditions of Approval, commencing from the date of approval of the Project, has begun. The Project is subject to the following development impact fees in effect as of December 18, 2024:
 - a. Park In-Lieu Fee of \$15,636 per unit pursuant to LHMC Chapter 8-06 and City Council Resolution No. 2018-11-13-3.
10. Pursuant to City Council Resolution No. 2017-07-11-2, the Applicant shall reimburse the City for any outstanding fees for processing of this Permit within 60 days of the Planning Agency's approval. The Applicant shall be responsible for payment of all applicable fees pertaining to development of the Project pursuant to the City's Comprehensive Fee Schedule. All outstanding fees and expenses shall be paid in full prior to a final inspection of the Project improvements.
11. Except as otherwise provided by State law, unless a time extension is granted pursuant to Laguna Hills Municipal Code Section 9-92.080(L) and/or the Subdivision Manual, this Permit shall expire and be of no further force or effect unless the Vesting Tentative Tract Map is recorded within two (2) years of the Planning Agency's approval. Once the Vesting Tentative Tract Map is recorded, this Permit shall expire if the subject development and construction necessary and incidental thereto is not initiated and commenced within one (1) year of the recordation date and thereafter diligently advanced until completion of the Project. In the event construction of the Project is commenced, but not diligently advanced until completion, the rights granted pursuant to this Permit shall expire if the building permits for the Project expire. Initiated and commenced is defined as issuance of a precise grading permit within two years of the date of approval of the Subject Project and commencement of grading prior to expiration of the grading permit, and subsequently, issuance of a building permit for the foundation of the building shell prior to the expiration of the grading permit and commencement of construction prior to expiration of the building permit.

12. Within 48 hours from project approval, the Applicant shall submit to the City a check in the amount of \$50.00, made payable to the Orange County Clerk-Recorder, for filing the Notice of Exemption.
13. The Applicant shall prepare the final Tract Map in conformance with the State's Subdivision Map Act, the County's map processing manual, and the City's municipal code, and as solely determined and approved by the City Engineer, which may require the posting of security instruments guaranteeing the construction of future improvements. The Applicant shall submit the final Tract Map for plan check to both the City Engineer and County Surveyor and pay all applicable plan check fees to both agencies. The Applicant shall submit a current title report, supporting documents, and traverse closure calculations for plan check.
14. A final Tract Map shall be recorded within two (2) years of February 10, 2026, that is substantial conformance with the Vesting Tentative Tract Map, unless the Applicant has filed a request for extension consistent with the provisions of City requirements and the California Subdivision Map Act.15.
15. The Applicant shall prepare the final Tract Map in conformance with the State's Subdivision Map Act, the County's map processing manual, and the City's municipal code, and as solely determined and approved by the City Engineer, which may require the posting of security instruments guaranteeing the construction of future improvements. The Applicant shall submit the final Tract Map for plan check to both the City Engineer and County Surveyor and pay all applicable plan check fees to both agencies. The Applicant shall submit a current title report, supporting documents, and traverse closure calculations for plan check.
16. Prior to the commencement of map checking, a deposit shall be posted for map check fees. Map check fees will be based on time and materials to be invoiced at the completion of the map check process. All map check fees shall be paid in full before the map will be sent to City Council for approval.
17. Following recordation of the final Tract Map, the Applicant shall provide the City with a duplicate Mylar and TIFF files of the recorded document.
18. Prior to the commencement of map checking, a deposit shall be posted for map check fees. Map check fees will be based on time and materials to be invoiced

at the completion of the map check process. All map check fees shall be paid in full before the map will be sent to City Council for approval.

19. Prior to the issuance of Certificate of Use and Occupancy, all survey monumentation shall be placed by a California Licensed Land Surveyor as required by and shown on the map.

PLANNING DIVISION

20. The Applicant shall maintain the Subject Property in compliance with property maintenance standards as set forth in LHMC Chapter 9-74. This includes prohibitions on outdoor storage and maintenance of the premises that cause obnoxious odors.
21. No permanent overhead utilities shall be installed.
22. Prior to issuance of any grading permits, the Applicant shall submit the Project's grading plan to the Community Development Director for review and approval. The grading plan shall be consistent with the architectural site plan as approved by this Permit to the reasonable satisfaction of the Community Development Director.
23. Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan to the Community Development Director for review and approval. The plan shall demonstrate compliance with the provisions of Laguna Hills Municipal Code Chapters 9-46 and 9-47 in effect on December 18, 2024, including sufficient wall screening, landscaping, planter size and shade trees along the site perimeter and within the Project parking lot, installation of "Smart" landscape irrigation controllers, low precipitation-rate sprinkler heads, and water efficient landscaping, as applicable.
24. Prior to the issuance of a building permit, the Applicant shall submit a final lighting and photometric plan to the Community Development Director for review and approval. The final lighting and photometric plan shall include repositioning and/or shielding of lights such that no portion of the site exceeds 0.3 footcandles at the property line. No lighting shall blink, flash, or be of unusually high intensity or brightness.
 - a. The Community Development Director may require additional lighting if lighting levels at approved pedestrian walkways and internal intersections

under construction are insufficient to comply with the requirements of LHMC Chapter 9-40 in effect on December 18, ~~2024~~2025, when completed.

- b. The plan shall include a photometric analysis of proposed lighting and shall comply with lighting requirements of the Laguna Hills Municipal Code, including that light and glare shall not be projected beyond the boundaries of the Subject Property. The City may withhold issuance of a Certificate of Use and Occupancy for any building or portion thereof if the lighting associated with such building has not been installed.
25. The Applicant shall comply with all temporary and permanent sign requirements of the City's Sign Ordinance, as specified in Laguna Hills Municipal Code Chapter 9-42 in effect on December 18, 2024. The Applicant shall not use or display any prohibited signs listed in LHMC Section 9-42.260.
26. Prior to issuance of a ~~building~~grading permit, Applicant shall provide evidence to the reasonable satisfaction of the Community Development Director that there are no easements (including, but not limited to, easements for reciprocal access and/or parking or utilities) that conflict with the proposed Project. This shall include providing such that it does not go beneath proposed structures.
27. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the Community Development Director and City Attorney for review and approval prior to the recordation of the final map, the cost of which shall be borne by the Applicant. Prior to the acceptance of the CC&Rs for review, the applicant shall submit a deposit in the amount as determined by the Community Development Director to cover the cost of said review. The Community Development Director may require replenishment of the deposit fund should the cost of reviewing the CC&Rs exceed the amount deposited. The CC&Rs shall be consistent with the Project approval, shall be enforceable by the City at their sole discretion, shall run with the land, shall bind all current and future owners and tenants of all or portions of the site, shall provide that a violation of the terms of the CC&Rs constitutes a violation of these conditions of approval, and shall not be modified or terminated without prior written approval from the City. The CC&Rs shall, at a minimum, include the following provisions:
- a. Detailed provisions pertaining to responsibilities for operating, funding, and maintaining of all commonly owned areas, landscaping, utilities, parking areas, streets, lighting, and all other structures.

- b. Attach, incorporate, and require compliance with the Conditions of Approval by the individual property owners.
- c. Detailed provisions pertaining to responsibilities for operating, funding, and maintaining the water quality BMPs required per the WQMP and implementation of the approved O&M Plan.
- d. Require that each two-car garage maintain a 20' by 20' open area from floor to ceiling for the parking of two motor vehicles, except as otherwise preempted by State law.
- e. Include enforceable parking requirements consistent with any applicable City Code provisions (like parking of recreational vehicles, etc.).
- f. Limit placement of trash bins in front of the residences to pick-up days only.
- g. Prohibit short term rentals, time shares, and fractional ownership of units.
- h. Allow the City, at the City's sole discretion, to enforce provisions of the CC&Rs, conditions of approval, and all City codes against individual property owners and the HOA.
- i. Require City approval for any amendments or termination of the CC&Rs.
- j. Initial purchasers of each unit shall improve the private open space within six months of closing of the initial sale of the property. Improvements shall consist of landscape, hardscape, or a combination thereof.

BUILDING DIVISION

28. The Applicant shall be responsible for ensuring all applicable building permits are obtained for any activity requiring a permit. Construction shall comply with the 2025 California Building, Plumbing, Mechanical, Electrical, and Green Building Codes, as may be amended, or the applicable California Building Code in effect at the time of building permit issuance. Any required documents submitted for the purpose of building permit issuance shall be accurately labeled and reflect all work to the reasonable satisfaction of the Community Development Director.

29. At the time of document submittal for permit issuance, the Applicant shall demonstrate compliance with California Disabled Accessibility requirements, as required by Chapter 11 of the California Building Code if applicable.
30. The Applicant shall comply with all general construction water quality requirements, as required by the LHMC 5-36.
31. Prior to issuance of any building permit, the Applicant shall submit to the Community Development Director all required approvals from the Orange County Fire Authority.
32. Prior to issuance of any permit for the demolition of the existing building, or other improvements on the site, the Applicant shall submit to the Community Development Director evidence of all required approvals from South Coast Air Quality Management District or provide verification of plan submittal, as applicable.
33. The Applicant shall demonstrate compliance with all applicable building energy efficiency standards established by the California Energy Commission that are in effect at the time of the issuance of any permit.
- ~~34. The Project shall comply with LHMC Chapter 5-28 (Smoking and Sale of Tobacco Products). Required signage and notices shall be installed prior to the issuance of a Certificate of Use and Occupancy and commencement of any use.~~
- ~~35.~~34. During construction, adequate emergency access shall be maintained to the site at all times in accordance with any requirements of the Orange County Fire Authority (OCFA).
- ~~36.~~35. Prior to the commencement of any work, the Applicant shall provide a contact number to the Community Development Director for the public to call concerning dust, noise, or other construction-related impacts. The information shall also be posted on site in a manner approved by the Community Development Director.

ORANGE COUNTY FIRE AUTHORITY (OCFA)

- ~~37.~~36. Prior to OCFA clearance of a final map or issuance of a precise grading permit or a building permit, if a grading permit is not required, the Applicant shall

submit a fire master plan to OCFA for review and approval (Service Code PR145).

~~38-37.~~ Prior to issuance of a precise grading permit or a building permit, if a grading permit is not required, the Applicant shall submit plans for the gates to OCFA for review and approval (Service Code PR180).

~~39-38.~~ Prior to the issuance of a building permit, the Applicant shall submit the following to OCFA for review and approval:

- a. Underground piping for private hydrants and fire sprinkler systems if present (Service Codes PR470-PR475)
- b. Fire sprinkler system (Service Codes PR400-PR465)

MECHANICAL EQUIPMENT

~~40-39.~~ Roof mounted mechanical equipment shall be prohibited. Mechanical equipment shall be ground mounted to the rear or side yards of each unit. Roof mounted solar panels are excluded from this requirement.

PUBLIC WORKS DEPARTMENT

~~41-40.~~ Prior to the issuance of any grading permit or building permit, security instruments shall be posted guaranteeing construction of on-site and off-site improvements in accordance with LHMC Section 10-16.300, and these Conditions of Approval. Security instruments shall include a grading bond and a landscape bond, unless the latter is waived by the Community Development Director.

~~42-41.~~ Prior to the issuance of a Certificate of Use and Occupancy, the applicant shall pay for all required geotechnical testing services for improvements in the public right-of-way, which shall be invoiced by the City based on time and materials. These fees will be in addition to all applicable encroachment, grading, subdivision, etc. inspection fees. These fees must be paid in full prior to release of any grading bonds.

~~43-42.~~ Prior to the issuance of a building permit, the Applicant shall submit a grading and erosion control plan for any on-site drive aisle, parking space, sidewalk and/or other hardscape improvements. As applicable, the grading plan shall

show the construction of all curb and gutter, asphalt and concrete pavement, sidewalk, storm drain, sewer and water systems (for reference only) and other improvements, and must include a horizontal control plan.

~~44.43.~~ Prior to release of any grading bonds, the Project improvements must be completed to the reasonable satisfaction of the City Engineer. This includes completion of all punch list items, approved mylar as-builts, underground inspections (for storm drain systems, if any), required paperwork (such as soils reports, certifications, etc.). All associated permits will be considered active, until all items (including paperwork) have been completed to the reasonable satisfaction of the City Engineer. All permits must be current (not expired) at time of bond release. The Applicant is advised that there may be permit renewal fees if said permits have expired prior to completion of all above listed items.

~~45.44.~~ All grading and storm drain plans shall be prepared on City standard ARCH D size sheets by a licensed civil engineer and shall be submitted to the City Engineer for approval. All landscaping plans shall be prepared on City standard ARCH D size sheets by a licensed landscape architect and shall be submitted to the City Engineer for approval. All plans must be in substantial conformance with the approved site/concept plans. Plan check and inspection fees shall be paid by the Applicant in accordance with the City's fee schedule.

~~46.45.~~ Prior to the release of any grading bonds, all grading, storm drain, and landscaping plans associated with the Project shall be as-built upon completion of the Project. Once the as-built drawings are approved, the Applicant shall provide the City with a duplicate mylar of the plans and scanned PDF or TIFF files of all plans.

~~47.46.~~ Prior to the issuance of a precise grading permit, all on-site improvement construction (parking lots, sidewalks, ramps, grading) shall be bonded for with the precise grading plan and permit.

~~48.47.~~ Prior to the issuance of any grading permit, erosion control, demolition, and earth moving work shall be bonded for with the rough or precise grading plan and permit, whichever occurs first.

~~49.48.~~ Prior to work in the public right-of-way, an encroachment permit shall first be obtained from the City Engineer. The City Engineer at his sole discretion may require the posting of an encroachment permit bond to guarantee the completion of work in the public right-of-way.

PUBLIC WORKS DESIGN CONDITIONS

~~50-49.~~ Grading of the Subject Property shall be in accordance with the City of Laguna Hills Grading Code and Manual and to the reasonable satisfaction of the City Engineer. Any grading required outside of the Project boundaries will require either slope easements or right-of-entry letters from the adjacent property owners.

~~51-50.~~ Prior to the issuance of a grading permit, the following on site (private property) improvements shall be designed in a manner meeting the approval of the City Engineer in conformance with Laguna Hills Municipal Code Section 10-16.020:

- a. All provisions for surface drainage.
- b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.
- c. All structural pavement sections for on-site and off-site streets, including all newly constructed or reconstructed parking lots, shall be submitted to and approved by the City Engineer. The soils engineer shall submit pavement section recommendations based on "R" Value analysis of the subgrade soils and approved City traffic indices. In no event shall the minimum pavement sections be less than the City's engineering standard plan minimum pavement sections.

~~52-51.~~ Prior to the issuance of any grading permit, the Applicant shall provide a Certified Access Specialist (CASP) report reviewing existing pathways, sidewalks and access ramps for both on-site access and adjacent to the site access along the accessible pathways for compliance with the Americans with Disabilities Act (ADA) for approval by the City Engineer and the Building Official. Accessible pathways shall not include a path within any drive aisle, except as necessary to cross a drive aisle at 90° to the drive aisle. The CASp report shall include an implementation plan to correct all deficiencies noted and as reasonably approved by the City Engineer and the Building Official.

~~53-52.~~ Prior to the issuance of a Certificate of Use and Occupancy, any sidewalk or pathway not in compliance with ADA standards and the CASp report, as approved by the City Engineer and the Building Official, shall be reconstructed to the City's standards.

~~54-53.~~ Prior to the issuance of a precise grading permit, a horizontal control plan showing dimensioning of drive aisle, driveway, parking stall, and hardscape improvements shall be prepared for review and approval by the City Engineer. Minimum dimensions for drive aisles, driveways, and parking stalls shall adhere to City engineering standard plans and the Municipal Code. The City of Laguna Hills has adopted County of Orange Public Works Standard Plans as its engineering standard plans.

~~55-54.~~ Prior to the issuance of a Certificate of Use and Occupancy, the Applicant shall demonstrate to the reasonable satisfaction of the City Engineer that a corner cut-off area is created at the intersection of each driveway serving the Project and a public street that satisfies the requirements of LHMC Section 9-40.160 or otherwise provides traffic vision clearance meeting the corner vision clearance requirements set forth in the California Department of Transportation Highway Design Manual or other applicable published public safety standard.

~~56-55.~~ Prior to the issuance of a building permit, the Applicant shall provide plans demonstrating compliance with Laguna Hills Municipal Code Section 9-40.200 (Undergrounding of utilities) which states, in pertinent part: "Utilities shall be placed underground. If an above-ground electrical transformer is located outdoors on any site, it shall be screened from view with a solid wall and landscaping and not located in any setback area."

PUBLIC WORKS CONSTRUCTION CONDITIONS

~~57-56.~~ Perimeter fencing shall be installed that has green screen material or approved equal. The fence/screen material shall be properly maintained and be free of rips, tears, fraying, graffiti, and any other damage or vandalism.

~~58-57.~~ The Applicant shall comply with all requirements of the Orange County Stormwater Program "Construction Runoff Guidance Manual" during the construction of the Project. The requirements contained in this manual shall be incorporated into the grading plans.

~~59-58.~~ All concrete (including sidewalk) that comes in contact with native soils shall contain Type V cement.

~~60-59.~~ Prior to the issuance of a Certificate of Use and Occupancy, all uplifted, subsided or severely worn curb, gutter and sidewalk that fronts the Project in

the public right-of-way along ~~Mill Creek McIntyre Street~~ shall be removed and replaced. This includes uplifted, subsided or severely worn curb and gutter and sidewalk that was in this condition prior to the start of construction. Limits of removal and replacement will not be marked out until immediately prior to occupancy so that all damage that occurred during construction can be included in the limits of replacement.

~~61-60.~~ Prior to the issuance of a Certificate of Use and Occupancy, all City Street pavement restorations shall be completed to the reasonable satisfaction of the City Engineer.

~~62-61.~~ If any asphalt pavement cuts are made into existing City roadways, the subject roadway shall be ground down and overlaid from the gutter line to the centerline or median of the roadway for any cuts made in that portion of the roadway, and to the reasonable satisfaction of the City Engineer.

~~63-62.~~ During the course of the Project construction, no public streets shall be utilized for temporary storage of any construction materials and no vehicles shall be off-loaded of deliveries or filled with materials on any public street.

~~64-63.~~ Prior to the issuance of any grading permits, a haul route plan for all exports/imports from/to the site shall be submitted for review and approval by, and to the reasonable satisfaction of, the City Engineer. The haul route shall not utilize any arterial highway prior to 9:00 am or after 4:00 pm daily. In addition, a construction vehicle routing plan shall be submitted for review and approval by, and to the reasonable satisfaction of, the City Engineer prior to any demolition or construction work.

~~65-64.~~ During the course of Project construction, no construction equipment traffic shall access or depart the site during morning or evening traffic peak periods, which are 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday.

~~66-65.~~ During the course of Project construction, the Applicant shall adhere to Laguna Hills Municipal Code provisions limiting hours of construction. Pursuant to LHMC Section 5-24.070, activities associated with construction or grading that generate noise levels in excess of those set forth in LHMC Chapter 5-24 shall not take place between the hours of eight p.m. and seven a.m. on weekdays, including Saturday, or at any time on Sunday or a federal holiday.

~~67-66.~~ The Applicant shall comply with all applicable laws, regulations, and provisions of the City of Laguna Hills Municipal Code including, without limitation:

- d. South Coast Air Quality Management District (SCAQMD) Rule 403 regarding fugitive dust control.
- e. SCAQMD Rule 1113: Architectural Coatings and Rule 1143: Consumer Paint Thinners & Multi-Purpose Solvents requiring low or zero VOC coatings and thinners.
- f. California Air Resources Board, California Code of Regulations, Title 13, Sections 2480 and 2485 limiting diesel engine idling for commercial vehicles and school buses.
- g. California Department of Resources Recycling and Recovery (CalRecycle), Senate Bill 1383 regarding landfill waste diversion.
- h. California Department of Industrial Relations and California Division of Occupational Safety and Health (Cal/OSHA), California Code of Regulations, Title 8, regarding the maintenance of construction equipment.
- i. U.S. Code, Title 16, Sections 703-712; California Fish and Wildlife Code Sections 3503.5, 3511, and 3515; and the California Migratory Bird Protection Act regarding migratory birds.
- j. City of Laguna Hills Municipal Code, Chapter 5-24, Noise Control.
- k. City of Laguna Hills Tree Preservation Ordinance (Policy No. 315).
- l. California Code of Regulations, title 14, Section 4308, regarding the protection of archeological and historic objects.
- m. California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 regarding the inadvertent discovery of human remains during construction.
- n. The requirements of the National Pollution Discharge Elimination System (NPDES), as implemented through Municipal Code Chapter 5-36, regarding water quality.

PUBLIC WORKS DRAINAGE AND HYDROLOGY CONDITIONS

~~68-67.~~ In accordance with Laguna Hills Municipal Code Section 10-16.340, which requires conformance with the Grading Manual, prior to the issuance of a grading permit, a hydrology and hydraulic study (including off-site areas affecting the development) shall be prepared by a qualified civil engineer and approved by the City Engineer. The report shall include detailed drainage studies indicating how the grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

~~69-68.~~ Prior to the issuance of grading permits or the approval of improvement plans, a recorded drainage acceptance letter for any concentration or increase of drainage runoff to adjacent properties shall be required.

~~70-69.~~ All storm drain systems shall be designed and constructed in accordance with the County of Orange Local Drainage Manual, Orange County Public Works Standard Plans, and applicable City standard engineering plans.

~~71-70.~~ Prior to the issuance of a Certificate of Use and Occupancy, any storm drains modified by the Project, if any, shall be inspected by the County of Orange Underground Inspection Team (the City will arrange for the inspection). There will be additional fees for this inspection.

PUBLIC WORKS SOLID WASTE AND RECYCLING CONDITIONS

~~72-71.~~ The Applicant shall comply with all requirements set forth in Laguna Hills Municipal Code Chapter 5-32.210 and 5-48 (Construction and Demolition Waste Recycling Program) and related CalRecycle regulations. Prior to issuance of building permits, the Applicant shall submit and obtain approval of a waste reduction and recycling plan as prescribed by the C&D Compliance Official and submit all applicable fees and security deposits.

~~73. Prior to the issuance of a building permit, the Applicant shall provide for review and approval by the City Engineer a trash and recycling plan detailing the expected trash and recycled material volume produced by the Project. Accordingly, all existing and proposed trash bin enclosures shall be sized to accommodate the required number of trash and recycling bins as required by~~

~~the plan. At a minimum, any trash bin enclosure shall be built according to the City's standard engineering plan, which requires a floor drain connected to the sanitary sewer system and a solid roof to prevent rain water intrusion, and shall accommodate one three-yard trash bin and one three-yard recycling bin (approximate dimensions 40" wide x 82" long) and one organics recycling cart (approximate dimensions 30" wide x 36" long) and enough room for personnel to access the trash bins. No trash bin shall be located outside an enclosure approved by the Community Development Director. If, at any time in the future it is determined by the Public Works Director that the trash enclosure is inadequate, the property owner at its expense shall expand the trash enclosure to accommodate extra bins as evidenced by operations or shall order more frequent trash and recycling bin pick-ups. All trash, storage of cartons, containers, and other discarded items shall be screened from public view at all times. LHMC Section 5-32.040 requires that the storage and collection of mixed solid waste and divertable materials be within enclosures.~~

74.72. Prior to the issuance of a Certificate of Use and Occupancy, in accordance with Section 5-32.100 of the Laguna Hills Municipal Code, the applicant shall subscribe to the City's franchise waste hauler's organics recycling service as required by State Senate Bill 1383. Further information can be found here: <https://lagunahillsca.gov/210/Recycling-For-Residents>.

75.73. Prior to the issuance a grading permit, the Applicant shall provide a will serve letter from the City's franchise solid waste hauler demonstrating that the site and proposed plan of development will allow the franchise solid waste hauler to service the Project.

PUBLIC WORKS STORM WATER / WATER QUALITY CONDITIONS

76.74. All projects, in conjunction with a grading permit, require the preparation of an erosion control plan in conformance with the City of Laguna Hills Grading and Excavation Code. All erosion control plans shall incorporate Best Management Practices to the maximum extent possible. In addition, erosion control shall be implemented during construction year-round.

77.75. Prior to the issuance of any grading permit, evidence that proper clearances have been obtained from the San Diego Regional Water Quality Control Board such as the filing of a Notice of Intent to Discharge, shall be provided to the City Engineer. If a permit is required, the Applicant will be required to prepare a Storm Water Pollution Prevention Plan.

~~78-76.~~ Prior to the issuance of a Certificate of Use and Occupancy, "No Dumping - Drains to Ocean" shall be stenciled directly above any inlets or an approved stencil shall be used to paint this message on inlets.

~~79-77.~~ Prior to issuance of any precise grading permit, a Water Quality Management Plan (WQMP) shall be approved by the City Engineer. The WQMP shall be prepared in conformance with the City's WQMP Instructions and Template. The project design and construction shall comply with the requirements of the latest edition of the City's National Pollutant Discharge Elimination System (NPDES) Permit issued by the San Diego Regional Water Quality Control Board. Copies of the Permit may be downloaded from the Water Board's website at www.waterboards.ca.gov/sandiego. This order and the City's NPDES Local Implementation Plan (LIP) require the City to classify this Project as a priority project. The Applicant will be responsible for complying with the "priority development project" requirements of this Permit, which requires the Project to incorporate source control BMPs and structural treatment BMPs. The Applicant is advised that there are additional plan check fees for the review of this document.

~~80-78.~~ Prior to the issuance of a Certificate of Use and Occupancy, all water runoff from the site (including sheet flow), including existing areas, shall be required to be filtered with a water quality device approved by the City Engineer, prior to the discharge of the water to the street gutter or storm drain system. This may require the installation of trench drains the entire width of the entrances to collect and treat sheet flow leaving the site.

~~81-79.~~ Prior to the issuance of a Certificate of Use and Occupancy, the property owner shall furnish a recorded copy of a Maintenance Agreement outlining post construction Best Management Practices (BMP's) in accordance with the County of Orange Drainage Area Management Plan Appendix for New Development. The following non-structural BMP's are required to be implemented by the current property owner, and all subsequent property owners to satisfy National Pollution Discharge Elimination System requirements and requirements outlined in the Orange County Drainage Area Management Plan. A copy of these conditions of approval shall be provided to all subsequent property owners. The following BMP's will be required:

- a. Storage and Repair of Motor Vehicles - The property owner shall not allow motor vehicles stored on the premises to be washed on site, unless a car

wash facility is proposed that is connected to the sanitary sewer system. Motor vehicles may be lightly rinsed (with no detergents, soaps, or surfactants) provided that de-ionized water is used sparingly and any runoff is diverted to a landscaped area or collected on-site and disposed of into the sanitary sewer system. Vehicles parked at this facility that show evidence of leaking fluids must be stored with drip pans located to catch the leakage and protected from mixing with stormwater. All hazardous pollutants spilled from stored vehicles shall be cleaned and picked up immediately with an appropriate "dry method" absorbent material and disposed of properly. All spills must be contained and cleaned up on the premises.

- b. Litter Control - The property owner will be required to implement trash management and litter control procedures in the common areas aimed at reducing pollution of drainage water. The property owner may contract with their landscape maintenance firm to provide this service with the regularly scheduled maintenance, which should consist of litter patrol, emptying of trash receptacles in common areas, and noting trash disposal violations and reporting the violations to the property owner for investigation.
- c. Trash Enclosures and Dumpsters - The property owner shall post signs on trash enclosure gates that state "Keep Dumpster Lids Closed." The property owner will monitor dumpster usage such that dumpsters are not overfilled and the dumpster lids can close completely. The property owner shall increase the trash pickup schedule as necessary to prevent dumpsters from overfilling.
- d. Landscape Maintenance - Ongoing maintenance must be consistent with the City's adopted water conservation ordinance, plus fertilizer and pesticide usage consistent with the "County Management Guidelines for Use and Fertilizers and Pesticides." Landscaping irrigation systems shall be adjusted and properly maintained to prevent over spray runoffs.
- e. Green Waste Disposal - Green waste shall not be blown or swept into, or disposed of, in the street, gutter, public right-of-way, or storm drain catch basins or inlets. Leaf blowers, if used, shall be used to move green waste into piles so they can be swept and picked up and disposed of in green waste recycling containers.

- f. Employee Training - The property owner shall prepare a training manual(s) for existing and future employees. The manual should include information on non-point source pollution and how to use proper Best Management Practices (BMPs) to minimize runoff pollutants. Training shall be provided upon hire and at regular intervals thereafter.
- g. Catch Basin/Inlet Inspection - The property owner must inspect all catch basins/inlets on site and clean the catch basins, if necessary, prior to the storm season (no later than October 15 each year).
- h. Lot/Street Sweeping - The property owner must sweep outdoor lots regularly (minimum monthly), and prior to the storm season (no later than October 15 each year). Sweeping shall be done with a vacuum-type sweeper. Under no circumstances are outdoor areas/lots to be rinsed or washed with water unless said rinse/wash water is collected and disposed of properly (i.e. into the sewer).
- i. Catch Basin Stenciling - All catch basins/inlets/outlets on site must be marked using the City's "No Dumping - Drains to Ocean" curb marker or stenciled using an approved stencil shall be used to paint this message on the top of curb directly above the inlet, and on one side of the curb face. Labeling for catch basins is to be inspected regularly and maintained so as to be reasonably legible at all times. The inspection and maintenance is to be performed by the property owner. This stencil is to alert the public/employees to the destination of pollutants discharged into the storm water.
- j. BMP Maintenance - The property owner shall be responsible for implementation of each non-structural BMP and regularly scheduled cleaning of all BMP structural facilities (catch basin, storm drains, trash enclosures, etc.).
- k. Title 22 CCR Compliance - The property owner must comply with Title 22 of the California Code of Regulations and relevant sections of the California Health and Safety Code regarding hazardous waste management, which will be enforced by County Environmental Health on behalf of the State.
- l. Haz-Mat Disclosure Compliance - The property owner shall comply with County and City ordinances.

m. Uniform Fire Code Implementation - The property owner shall comply with Article 80 of the Uniform Fire Code.

n. Spill Response Plan/Kit- The property owner shall develop a spill response plan and maintain a spill response kit on site. Employees shall be properly trained to use the spill response kit. Owner shall maintain absorbent materials in the spill response kit to adequately contain any spills that can be anticipated (i.e. oil drips, engine coolant, etc.).

~~82-80.~~ Prior to the issuance of a precise grading permit, the Applicant shall provide plans and supporting documentation for the review and approval of the City Engineer showing that areas requiring regular washing/cleaning (including dumpster areas) are isolated from the storm drain system. No discharge from such areas shall be allowed into the storm drains. This plan may be incorporated into the WQMP.

~~83. Prior to the issuance of a precise grading permit, the design plans shall include a solid roof over any proposed loading dock(s) and any drains within the proposed loading dock(s) shall be connected to the sanitary sewer system as required by the City's Best Management Practices (BMP) Design Manual dated August 31, 2019, and approved by the California Regional Water Quality Control Board, San Diego Region.~~

~~84-81.~~ Prior to the issuance of a Certificate of Use and Occupancy, catch basin filters shall be installed on all catch basins which drain the subject site, including any existing catch basins. Specification sheets shall be submitted to the City Engineer for approval prior to the installation of the filters.

PUBLIC WORKS WATER, SEWER, AND UTILITIES CONDITIONS

~~85-82.~~ The Applicant shall complete all improvements and comply with requirements of the ~~El Toro Water District~~Moulton-Niguel Water District, as set forth in its letter dated February 29, 2024, and/or any subsequent analysis performed by the Water District (Exhibit C). Prior to the issuance of any building permit or grading permit, Applicant shall provide evidence to the City of the Water District's concurrence that all of its requirements to provide water and sewer service to the Project have been satisfied. Prior to the issuance of a precise grading permit, water and sewer improvement plans shall be approved by the appropriate water district and the City Engineer. All water and sewer facilities shall be constructed in accordance with the appropriate agency's

specifications, with all incidental fees paid by the Applicant. These facilities shall be dedicated to the appropriate water district by the Applicant to the reasonable satisfaction of the City Engineer.

~~86-83.~~ On-site water and sewer facilities that will not be maintained by El Toro Water District ~~Moulton-Niguel Water District~~ shall be plan checked and inspected by the City's Building Department. All fees shall be paid in accordance with the City's fee schedule.

~~87-84.~~ Any above ground valve assemblies or back-flow devices shall be placed on private property and an easement dedicated to El Toro Water District ~~Moulton-Niguel Water District~~.

~~88-85.~~ Prior to the issuance of a Certificate of Use and Occupancy, any damage, either structural or aesthetic, to any public ~~and/or private streets~~ as a result of utility connections to service the Project shall be repaired by the Applicant to the reasonable satisfaction of the City Engineer. The improvements will not be accepted by the City until the necessary repairs are completed.

~~89-86.~~ Any above ground utility cabinets shall be placed on private property and an easement dedicated to the appropriate utility company (if required).

~~90-87.~~ No above ground utility structures, cabinets, pipes, or valves shall be constructed within the public right-of-way.

PUBLIC WORKS LANDSCAPING-RELATED CONDITIONS

~~91-88.~~ The maintenance of any landscaping between the curb and the right-of-way line of any street abutting the parcel shall be the responsibility of the owner of that parcel, unless a recognized association or district has assumed responsibility for said maintenance.

~~92-89.~~ All landscape plans shall reflect all improvements shown on the final approved grading plans and building plans including, but not limited to, improvements such as ramps, walkways, driveways, planter areas, fire access lanes, ingress and egress to buildings, and appurtenances constructed to support the use of any improvements such as gates, handrails, fences, or walls.

TRAFFIC AND PARKING CONDITIONS

93-90. Prior to the issuance of a precise grading permit, a plan for the placement and installation of traffic signing, pavement delineation, and other traffic devices on the subject property shall be prepared for review and approval by the City Engineer. Parking stalls shall be sized and striped according to City engineering standard plans and the Municipal Code, and stop signs along with stop legend bar shall be provided at all locations as specified by the City Engineer. The City of Laguna Hills has adopted County of Orange Public Works Standard Plans as its engineering standard plans.

CONSTRUCTION ACCESS

94-91. During construction of the Project, the Applicant shall maintain adequate site vehicular and pedestrian ingress and egress for customers of adjacent commercial uses and utilize temporary directional signage in the public right-of-way as needed to the reasonable satisfaction of the Public Works Director and Community Development Director. Required directional signage shall comply with City standards and specifications, including but not limited to, the CalTrans design manual, the California Manual of Uniform Traffic Control Devices, and/or as recommended by the American Association of State Highway and Transportation Officials (AASHTO). Required private directional signage shall be provided as appropriate at the reasonable discretion of the Community Development Director.

95-92. During any construction, adequate emergency access for police, fire, and paramedic vehicles, to the standards of, and approval of, the OCFA, shall be maintained on the Subject Property at all times.

96-93. Prior to the issuance of any demolition, grading, building or other permit within a District, the Applicant shall submit a construction staging plan to the Community Development Director identifying areas to be used for equipment and material storage, placement of construction trailers, portable restrooms, delivery areas for loading and unloading of materials and equipment, construction waste diversion processing, and construction employee parking. The Applicant shall periodically submit an updated construction staging plan, as needed and/or when reasonably requested by the Community Development Director. Appropriate pedestrian and vehicular safety barriers shall be installed in all areas as required by the Community Development Director prior to the issuance of permits. In addition, prior to the issuance of any permits within a District, an on-site pedestrian and vehicle parking circulation plan shall be submitted to the City for review and approval by the Public Services Director

and Community Development Director identifying pedestrian and vehicle access, including temporary parking for disabled patrons for businesses that will remain open during construction.

97.94. During the course of construction, the Applicant shall immediately respond to requests made by a City inspector to reasonably resolve any public safety or access issues identified during the work. Modifications to an approved construction staging plan shall be made when requested by a City inspector within 48 hours, or as soon as possible as determined by the Community Development Director.

AFFORDABLE HOUSING OBLIGATIONS

98.95. At Applicant's request, Applicant has been granted reduced parking ratios, an incentive/concession and multiple waivers or modifications of applicable development standards pursuant to the State Density Bonus Law (Government Code section 65915). To comply with the provisions of Government Code section 65915, the Applicant has offered to, and shall, reserve at least two (2) dwelling units in the project for initial occupancy by very low-income households. The following requirements apply with respect to the affordable units.

- a. The Applicant shall verify and certify that the initial buyer(s) of each affordable unit are very low-income households and shall require the initial buyer(s) of each affordable unit to occupy the affordable unit at all times until resale of the affordable unit.
- b. In order to enable the City to adequately enforce the proposed income restrictions and the continued affordability of the affordable units, the property owner(s) shall enter into and record an affordable housing regulatory agreement ("regulatory agreement") with the City, in a form acceptable to the City Manager, which satisfies the criteria set forth in subdivision (c) of Government Code section 65915. The regulatory agreement shall be approved by the City and recorded prior to final map approval. The City Manager shall be authorized to enter into and implement the regulatory agreement on behalf of the City. The regulatory agreement shall be prepared by the City at the Applicant's expense. Unless otherwise provided by State law or determined by the City Manager, the regulatory agreement shall include provisions addressing or providing for the following:

- i. The regulatory agreement shall identify which units will be reserved for the affordable households. The specific units to be reserved shall be subject to City approval.
- ii. The regulatory agreement shall require the affordable units to be constructed concurrently with or prior to the market rate units.
- iii. The regulatory agreement shall include uniform provisions governing Applicant's development of the project and the affordable units. The interior and exterior appearance, entrances to the units, and other architectural features of the units will vary within the project, but within the range of a common architectural theme. Within that range, the exterior appearance, entrances, and other architectural features and the interior features, fixtures, and amenities of each affordable unit shall be indistinguishable from those of the market rate units of the same size, model, and/or plan type, provided, however, that a buyer of a market rate unit may elect and pay for upgrades or improvements that are not included in the purchase price for a unit of the same price for a unit of the same size and model and thus not necessarily included in a corresponding affordable unit. Finishes and features shall be durable, of good quality, and consistent with contemporary standards for new housing.
- iv. The regulatory agreement shall require that the owners and occupants of each affordable unit shall be provided or have access to the same amenities as the owners and occupants of the market rate units.
- v. The regulatory agreement shall include uniform provisions requiring the buyer(s) of each affordable unit meet the applicable income and eligibility requirements established for the affordable unit and occupy the affordable unit at all times until resale of the affordable unit.
- vi. The regulatory agreement shall contain provisions satisfying the criteria set forth in paragraph (2) of subdivision (c) of Government Code Section 65915. The regulatory agreement shall also require the initial purchaser and, if applicable, each subsequent purchaser, of an affordable unit, to execute and/or record one or more agreements and/or restrictive covenants benefiting and enforceable by the City, which address, among other things, the purchaser's

obligations pertaining to certification of income, financing or refinancing of the unit, occupancy of the unit, property maintenance, insurance, periodic certification of compliance with applicable agreement terms, and re-sale of the unit (collectively, "Homebuyer Documents"). Homebuyer Documents may include, without limitation promissory notes, deeds of trust, reimbursement agreements, option agreements, equity sharing agreements, and/or other covenants and regulatory documents necessary to ensure continued compliance with pertinent provisions of applicable law, conditions of approval, and the regulatory agreement for the required affordability period.

- vii. The regulatory agreement shall contain provisions requiring the owner: (a) to prepare and obtain the City's approval of a marketing program for the sale of the affordable units to qualified purchasers prior to the issuance of a certificate of occupancy for any portion of the project; (b) to thereafter market the affordable units in accordance with the marketing program; and (c) to provide the City with periodic reports with respect to the leasing or sale of the affordable units. Except as otherwise approved by the City, the marketing program shall include, without limitation: (i) a plan for and detailed description of how the owner will solicit and identify potential qualified purchasers for the affordable units; (ii) a description of the process the owner will implement to evaluate and select qualified purchasers for the affordable units; (iii) the form of the purchase and sale agreement the owner proposes to enter into with qualified purchasers; (iv) copies of forms, disclosures, and other documents owner intends to provide to qualified purchasers; and (v) such other information reasonable requested or required by the City.
- viii. The regulatory agreement shall contain a provision requiring the owner or successors in interest to reimburse the City for the estimated reasonable costs incurred by the City: (i) to monitor the owner's compliance with, and to otherwise administer, the regulatory agreement, prior to the initial sale of each affordable unit, and (ii) to monitor each subsequent purchaser's compliance with, and to administer, the homebuyer documents following the initial sale of each affordable unit.
- ix. The regulatory agreement shall require the owner, at its expense, to defend (with counsel acceptable to City and subject to approval by

owner), indemnify, and hold harmless City, and its officers, agents, employees and representatives from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' fees, expert witness fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature arising out of or in connection with owner's failure to perform its obligations under the agreement, the owner's ownership or operation of the site, or the development of the project, except for such liability arising from the gross negligence or willful misconduct of City.

- c. The regulatory agreement shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof. In no event shall the regulatory agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien or encumbrance whatsoever for the entire term of the required covenants.
- d. The Applicant shall reimburse the City for the actual fees and costs incurred by the City in conjunction with negotiation and preparation of the regulatory agreement and homebuyer documents, review of the initial marketing plan required as part of the regulatory agreement, review and confirmation that potential purchasers of the affordable units meet the applicable income qualifications, and the preparation of escrow instructions and all associated escrow costs associated with execution and recordation of the homebuyer documents. Prior to the City commencing preparation of a regulatory agreement, the Applicant shall execute a reimbursement agreement with the City, in a form approved by the City Attorney, and provide a deposit in an amount equal to the estimated reasonable cost to be incurred by the City for the aforementioned items, as determined by the City Manager in his or her reasonable discretion.

PASSED, APPROVED, AND ADOPTED this 10th day of February, 2026.

DON CASKEY, CHAIR

ATTEST:

JENNIFER LEE, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Jennifer Lee, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution
No. _____ adopted by the Planning Agency of the City of Laguna Hills,
California, at a Regular Meeting thereof held on the 10th day of February, 2026, by the
following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JENNIFER LEE, CITY CLERK

From: Ana Gromis <agromis@biasc.org>
Sent: Wednesday, February 4, 2026 4:04 PM
To: Jennifer Lee; Kayle McDonald
Cc: City Council
Subject: BIAOC Letter of Support for Housing in Laguna Hills
Attachments: Mill Creek _Letter of Support _ 2_4_26.pdf

Good Afternoon Mayor Caskey, Mayor Pro Tem Mathis, and Members of the Council,

Please see the attached correspondence on behalf of BIAOC, expressing our strong support of the application before you for duplexes at 23161 Mill Creek Road.

We appreciate your consideration of this request and look forward to collaborating with the City of Laguna Hills on future housing opportunities.

Thank you,

Ana



Ana Gromis

Vice President of Government Affairs

Building Industry Association of Southern
California, Inc.

Email: agromis@biasc.org

ph: (951) 756-5813 w: biasc.org

San Bernardino County • Los Angeles/Ventura County •
Orange County • Riverside County • Coachella Valley



BUILDING INDUSTRY OF SOUTHERN CALIFORNIA, ORANGE COUNTY CHAPTER

February 4, 2026

Mayor Don Caskey
City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653

RE: Support of Housing in Laguna Hills – Community at 23161 Mill Creek Road

Dear Mayor Caskey, Mayor Pro Tem Mathis, and Members of the Council,

On behalf of the Orange County Chapter of the Building Industry Association of Southern California (BIAOC), representing hundreds of home builders, trade partners, and suppliers throughout the region, we write to express our strong support for the proposed housing development at 23161 Mill Creek Road in the City of Laguna Hills.

The application before you represents an important step toward addressing the City's housing needs by helping to combat the ongoing housing shortage and providing much-needed homes for the community. This thoughtfully designed project would deliver 36 duplex units -34 market-rate and 2 affordable -on an underutilized commercial site, advancing Laguna Hills' long-term housing goals while making efficient and responsible use of land.

This location exemplifies the type of redevelopment and neighborhood revitalization envisioned in adopted planning policies by replacing aging commercial infrastructure with much-needed housing. The proposed development reflects a context-sensitive approach, with a density and product type that are compatible with the surrounding area. The gated community design includes private backyards for each unit, limits building height to an average of approximately 38 feet, and incorporates high-quality architecture that complements the character of the neighborhood.

Importantly, these homes will provide a meaningful opportunity for younger families and working residents to attain homeownership in Laguna Hills, helping to sustain a diverse, vibrant, and economically healthy community.

For these reasons, we respectfully request your support of the proposed application and urge the City Council to allow this project to move forward. At a critical time of limited housing supply, approving this development will help bring much-needed homes to the market while remaining consistent with the City's adopted plans and policies.

Thank you for your time and thoughtful consideration. Should you have any questions regarding this letter, please do not hesitate to contact me at agromis@biasc.org or (949) 777-3856.

Sincerely,

Ana Gromis
Vice President of Government Affairs
Building Industry Association of Southern California

Kayle McDonald

From: James Lloyd <james@calhdf.org>
Sent: Tuesday, February 10, 2026 1:52 PM
To: City Council; Public Comments
Cc: CD USER; Joe Ames; Greg Simonian (woodruff.law); Joshua Sweeney; Don Caskey; Jared Mathis; Erica Pezold; Dave Wheeler; Jennifer Lee
Subject: public comment re item 5.5.1 for tonight's Council meeting
Attachments: Laguna Hills- 23161 Mill Creek Drive- HAA.pdf

Dear Laguna Hills City Council,

The California Housing Defense Fund ("CalHDF") submits the attached public comment re item 5.5.1 for tonight's Council meeting, the proposed 36-unit housing development project at 23161 Mill Creek Drive, which includes 2 very low-income units.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org
CalHDF is grant & donation funded
Donate today - <https://calhdf.org/donate/>



Feb 10, 2026

City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653

Re: Housing Development Project at 23161 Mill Creek Drive

By email: ccouncil@lagunahillsCA.gov; publiccomments@lagunahillsCA.gov

Cc: cd@lagunahillsca.gov; james@lagunahillsca.gov; gsimonian@woodruff.law;
jsweeney@lagunahillsca.gov; dcaskey@lagunahillsca.gov;
jmathis@lagunahillsca.gov; epezold@lagunahillsca.gov;
dwheeler@lagunahillsca.gov; jlee@lagunahillsca.gov;

Dear Laguna Hills City Council,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 36-unit housing development project at 23161 Mill Creek Drive, which includes 2 very low-income units. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), AB 130, and California Environmental Quality Act (“CEQA”) guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project’s density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit, and it complies with local zoning code and the City’s general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov. Code, § 65589.5, subd. (j)(3)). The HAA’s protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct “a thorough analysis of the economic, social, and environmental effects of the action.” (*Id.* at subd. (b).)

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to walls and windows; setbacks; building separation; private open space; pedestrian connections; pedestrian pathway amenities; pedestrian pathways; street width; guard gate stacking width; short term bicycle parking; long term bicycle parking; fence, wall and hedge development standards; wall and fencing visual interests; active uses floor to floor height; massing; stepbacks; window alignment; entrance types; parking & access; height; end units; required design elements for roofs; and active frontages. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Furthermore, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to section 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Furthermore, the project is eligible for a statutory exemption from CEQA pursuant to AB 130. Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state’s homelessness crisis; it will increase the city’s tax base; it will bring

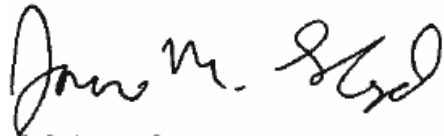
new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations