

The Village at Laguna Hills

Attachment 12 Updated Proposed Resolution of Approval



RESOLUTION NO. PA2021-

A JOINT RESOLUTION OF THE PLANNING AGENCY AND CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT, MASTER SIGN PROGRAM, CONDITIONAL USE PERMIT, VESTING TENTATIVE TRACT MAP, DEVELOPMENT AGREEMENT, PRECISE PLAN NO. USE-0010-2019, A REQUEST BY MGP FUND X LAGUNA HILLS, LLC TO MODIFY THE PREVIOUSLY APPROVED FIVE LAGUNAS PROJECT TO CONTINUE TO REDEVELOP THE FORMER LAGUNA HILLS MALL SITE LOCATED AT 24155 LAGUNA HILLS MALL, AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

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

WHEREAS, MGP Fund X Laguna Hills, LLC ("Applicant") has filed an application for approval of land use entitlements in order to continue to redevelop the existing approximately 68-acre former Laguna Hills Mall property located at 24155 Laguna Hills Mall ("Project Site"). The irregularly-shaped Project Site is immediately west of I-5 and Avenida de la Carlota, south of El Toro Road, east of Calle de la Louisa, and north of Calle de los Caballeros and the Oakbrook Village Shopping Center; and

WHEREAS, on November 26, 2002, the City Council of the City of Laguna Hills adopted the Urban Village Specific Plan ("UVSP"). The development area covered by the UVSP ("UVSP area") consists of 240 acres bounded by Paseo de Valencia on the north and west, Los Alisos Boulevard on the south, and Interstate 5 (I-5) on the east. The UVSP regulates development within the Village Commercial area (which encompasses the UVSP area) of Laguna Hills. The purpose of the UVSP is to develop a community core in which a variety of public, regional commercial, recreational, and high-density residential uses work in concert to create an "urban village." The UVSP provides for a continuing mix of land uses, including retail, residential, hotel, medical offices, and general offices. The allowed development intensity in the Urban Village is regulated based on vehicle trip generation limits, not land use type or size of the project, and the UVSP provides for flexibility in development options and the mix of land uses, provided established anticipated aggregate vehicle trip limits generated by new development are not exceeded. The City implements this aspect of the UVSP through a vehicle trip budget debiting process, pursuant to which additional peak hour vehicle trips generated by each new development or redevelopment project are subtracted from the current aggregate total additional peak hour vehicle trips available to accommodate future new development in the UVSP area (the "Trip Budget Allocation"). Pursuant to the UVSP, applicants for new development projects are authorized to develop to the maximum intensity of their plans

upon verification that the vehicle trip generation impacts created by the new development will not exceed the remaining Trip Budget Allocation. Proposed developments in the UVSP area that seek to incorporate a mix of uses also require approval of a precise plan of development, which regulates the exact mix of uses within a development site in order to allow the community to assess potential impacts from the project and to provide a balance of uses and purposes that promote community image, reduce undesirable environmental consequences, and improve the fiscal abilities of the City to meet locally-expressed needs; and

WHEREAS, in July 2009, the City Council adopted the 2009 Comprehensive General Plan Update ("Update"). The Update identified the UVSP area for expansion/revitalization and increased commercial and residential development. In connection with approving the Update, the City prepared a Program Environmental Impact Report entitled "City of Laguna Hills General Plan Program Environmental Impact Report, June 2009, State Clearinghouse No. 20080811100" ("PEIR"). On July 14, 2009, the City Council certified the PEIR, adopted a Statement of Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring Program; and

WHEREAS, in April 2011, the City Council adopted the Urban Village Specific Plan Amendment ("UVSP Amendment") in order to implement the Update. The UVSP Amendment updated the UVSP to reflect the development intensification approved in the Update; modify the Trip Budget Allocation to 1,243 additional AM Peak Hour Trips and 2,272 additional PM Peak Hour Trips consistent with the Update; modify the development standards in the UVSP in order to integrate and improve internal consistency between the existing commercial and residential development standards; incorporate the mixed-use application process and development standards already contained in the City's Development Code; and update the Public Art section of the UVSP to clarify the management of the funds collected. On April 12, 2011, the City Council adopted an Addendum to the PEIR prepared in connection with adoption of the UVSP Amendment (the "First Addendum"); and

WHEREAS, in November, 2012, the Planning Agency and City Council approved the Oakbrook Village Shopping Center Redevelopment Project, which proposed the redevelopment of a portion of the Oakbrook Village shopping center that is south of the Project Site (and also within the UVSP) with a multi-phase mixed use project consisting of residential units, renovated and expanded retail uses, public open space, pedestrian pathways, and private and public infrastructure improvements, and adopted an Addendum to the PEIR prepared in connection with the approval ("Second Addendum"); and

WHEREAS, in March 2016, the Planning Agency and City Council approved Site Development Permit, Master Sign Program, Conditional Use Permit, Parking Use Permit, Vesting Tentative Tract Map, and Precise Plan No. 2-15-3114 for the Project Site, which authorized redevelopment of the existing Laguna Hills Mall and Project Site with a mixed-use retail and residential project branded "Five Lagunas." The Five Lagunas Project included a plan to convert a portion of the existing enclosed mall space

into a pedestrian-oriented, open-air experience with connectivity to surrounding commercial and residential uses; demolition and reconstruction of portions of the existing mall structure, with other portions of the mall remaining in place and undergoing extensive renovations with updated design; construction of a number of additional uses around the central mall building, consisting of additional retail offerings and dining locations; and high-density multifamily dwelling units within three apartment-style buildings, one of which also included ground floor retail uses. On March 22, 2016, the Planning Agency and City Council adopted an Addendum to the PEIR prepared in connection with approval of the Five Lagunas Project (the “Third Addendum”); and

WHEREAS, in 2018, the Planning Agency and City Council approved a modification to the Oakbrook Village Shopping Center Redevelopment Project to permit the construction of additional commercial/retail buildings and adopted an Addendum to the PEIR prepared in connection with the approval (the “Fourth Addendum”); and

WHEREAS, the Applicant now desires to modify the 2016 Five Lagunas Project through implementation of land use entitlements and a development agreement in order to continue to redevelop Project Site through the continued demolition and removal of the remaining portions of the Laguna Hills Mall structure and the construction of a new retail and entertainment core, perimeter commercial pads, office buildings, a hotel, multifamily housing, parking structures, a central communal open space (Village Park), and related amenities, rebranded as “The Village at Laguna Hills” (“Project”). The application (USE-0010-2019) includes the following discretionary permits: a Site Development Permit for new development, a Master Sign Program for various on-site signs, a Conditional Use Permit for a new health club facility and a hotel, a Conditional Use Permit to allow shared parking, a Vesting Tentative Tract Map to subdivide the Project Site into 16 lots, and a Precise Plan for mixed use development of the Project Site. The Applicant has also voluntarily applied for and requested the City enter into a statutory Development Agreement in conjunction with its application for approval of the foregoing discretionary permits, and the Planning Agency and City Council have considered approval of these permits and the related conditions of approval in conjunction with the proposed Development Agreement. The Village at Laguna Hills Project envisions a mixed-use urban village that includes a combination of high-density residential, retail, office, lodging, entertainment, and open space and recreation uses. Project implementation involves the following development activities: demolition of the existing and remaining mall building, a few free-standing building pads, and various hardscape improvements (e.g., paved parking areas, walkways); development of approximately 225,000 square feet of new retail building space to accommodate retail, services, restaurants, a health club, and a 50,000 square-foot, 1,200-seat theater; development of five multi-story residential buildings (one mixed-use retail/ residential building and four residential buildings) containing a total of 1,500 dwelling units and associated structured parking wrapped into the buildings; development of four, four-story commercial office buildings totaling approximately 465,000 square feet; development of a 150-room, five-story boutique hotel with ground-level retail space; development of a centralized Village Park; development of numerous vehicular access, circulation and parking improvements, including new driveways (signalized and non-signalized), private streets and drive aisles,

parking lots/areas, and parking spaces (perpendicular and parallel) along key streets; reconfiguration and enhancement of existing parking areas to remain; development of various site improvements that include the renovation of existing landscape areas and installation of new landscaping and pedestrian walkways and paths throughout the Project Site; removal, replacement and/or construction of utility systems (water, sewer, storm drain, and other public utilities) necessary to support the Project; and installation of signage, including free-standing, building, poll-mounted, regulatory, street identification, and numerous directional, wayfinding, and advertising signs. The Project is more fully described in the document entitled "Addendum to the City of Laguna Hills General Plan Update EIR Village at Laguna Hills Project March 2021 ("Fifth Addendum"), which is incorporated by this reference; and

WHEREAS, the Village at Laguna Hills Project is a modification of the Five Lagunas Project previously approved in 2016; and

WHEREAS, the continued redevelopment of the Project Site through modification of the 2016 Five Lagunas Project is subject to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, and California Code of Regulations, Title 14, Sections 15000 *et seq.* ("CEQA"); and

WHEREAS, the City of Laguna Hills, as lead agency, has evaluated the Project's potential environmental impacts and concluded that the Project will not result in any new significant effects or a substantial increase in the severity of previously identified significant impacts compared to the Five Lagunas Project. The applicable mitigation measures identified in the Third Addendum for the Five Lagunas Project are incorporated into the design of the Project or are imposed either as mitigation measures or as conditions of approval for the Project, or both, as appropriate. The City, therefore, has concluded that no further environmental review is required pursuant to Public Resources Code Sections 21166 and California Code of Regulations, Title 14, Sections 15162 and 15164; and

WHEREAS, a duly noticed public hearing regarding the Project was held on April 27, 2021 which was continued to June 24, 2021; and

WHEREAS, concurrently with adoption of this Resolution, the Planning Agency and City Council jointly adopted Resolution No. ____ making findings regarding the Project's potential environmental impacts and compliance with CEQA pursuant to Public Resources Code Section 21116 and California Code of Regulations, Title 14, Sections 15162 and 15164, and adopting the Fifth Addendum; and

WHEREAS, concurrently with adoption of this Resolution, the City Council, introduced and conducted the first reading of an Ordinance approving the proposed Development Agreement between the City of Laguna Hills and MGP FUND X LAGUNA HILLS, LLC for the Project.

NOW, THEREFORE, THE PLANNING AGENCY AND CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DO 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 required findings by the City for approval of USE-0010-2019 have been met and made as follows:

Site Development Permit

1. The site design complies with standards of the Development Code in that:

The Project is located within the Village Commercial zoning district and is subject to the provisions of the UVSP. As conditioned, the Project will be in conformance with the development standards for properties within the Village Commercial zone and UVSP area, including density, building FAR, landscape requirements, parking requirements, setbacks, building height, and other development standards required.

2. The site is suitable for the proposed development in that:

The Project Site presently consists of a vacant regional mall (with more than half of the mall building demolished), several outlying buildings, surface parking and drive aisles, and various hardscape and landscape improvements. The Project proposes to redevelop the Project Site into a mixed-use urban village that includes a combination of high-density residential, retail, office, lodging, entertainment, and open space and recreation uses, and to incorporate a network of pedestrian and bike-friendly paths throughout to serve the community's needs. The Project is consistent with the land use concept, design guidelines, and development standards in the UVSP and creates a village identity as envisioned in the UVSP.

The Project represents an increment of the total development anticipated in the UVSP as called for in the Update. From an environmental standpoint, the Project is also suitable for the site in that it would not result in any new significant impacts or a substantial increase in the severity of previously identified impacts as compared to the Five Lagunas Project in any environmental area including: aesthetics, air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, transportation and traffic, and utilities and service systems. Therefore, the Project will not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts to the neighborhoods surrounding the Project Site.

3. The Project is consistent with the City's General Plan and applicable design guidelines in that:

Within the General Plan Land Use Element, the Project Site is designated as “Village Commercial”, which is envisioned as a master planned area (UVSP area) containing specific design standards and policies that enhance the pedestrian and vehicle circulation within a currently developed area. The intent of this designation is to establish a community core where commercial, civic, and high-density residential uses would be appropriate. The area should contain enhanced pedestrian areas that conveniently link commercial, residential, and civic activity areas. Typical uses include those associated with large regional malls, as well as a medical center, financial institutions, institutional and government uses, auto-related services, community facilities, professional offices, and high-density residential uses.

The Project implements the General Plan vision for the UVSP by providing for redevelopment of the existing, but vacant regional mall with a mixed-use project that will create a new urban village that will offer an array of entertainment, retail, restaurant, lodging, and residential uses and activity; a Village Park and multiple gathering spaces; and improved pedestrian and bicycle links that connect to and integrate the Civic Center, hospital area, adjacent Oakbrook Village shopping center, and Laguna Hills Transit Center.

The General Plan Land Use Element also identifies the UVSP area as a "future study area" for which intensification and redevelopment was expected to occur. The Project implements the General Plan vision for the area by providing for redevelopment of the Project Site with a mix of new land uses with various intensities, without exceeding the AM and PM peak hour vehicle trip budgets established by the UVSP.

Further, per the 2014-2021 General Plan Housing Element, the Project Site is identified as a potential housing development area with development intensity between 30 to 50 dwelling units per acre. As proposed, the Project’s 1,500 residential units comply with the allowed development intensity and with the overall trip budget allocated to the UVSP area.

The proposed commercial, office, and hotel buildings illustrate a modern architectural style complementary to the proposed residential contemporary style. All proposed buildings will be of quality design, with strong and appropriately-scaled framework of architectural and landscape architectural elements and design that conform to the UVSP design guidelines. The massing of the buildings and landscaping within the Project Site will be designed to create a sense of unity. High-quality development features will be provided throughout the Project Site through site design (e.g., building orientation, screening and placement of service areas), architecture (e.g., mass, scale and form, style, material and color) and streetscape elements (e.g., lighting, street furnishings, paving materials). Project development will enhance and strengthen the character of the Project Site through landscaping, hardscape, and other improvements onsite and along the street edges.

The proposed Project is consistent with and help implement the following goals of the General Plan Land Use and Housing Elements:

- *Goal LU-1. Create diverse and vibrant activity centers and events that bring people together as a community.*
- *Goal LU-2. Ensure development is compatible and interdependent with neighboring uses*
- *Goal LU-3. Encourage infill development that involves the revitalization of property in an economically and environmentally sustainable manner.*
- *Goal LU-4. Place a high priority on design, architecture, and landscaping that reflect the community's identity and gracious lifestyle.*
- *Goal LU-6. Expand the variety of services, shopping, and entertainment opportunities in the community.*
- *Goal LU-7. Facilitate the creation and expansion of private sector businesses and associated local career choices for Laguna Hills residents.*
- *Goal H-2. Facilitate the development of a range of housing types, densities, and affordability levels to meet the diverse needs of the community for all economic levels and age groups and special needs groups.*

The proposed Project is also consistent with a number of policies set forth in the General Plan, including, but not limited to the following:

- Policy LU-1.1: Encourage new mixed-use developments in the Urban Village that complement and enhance Laguna Hills' existing community character.
 - Policy LU-1.2: Encourage the compatible integration of residential and service retail uses in proximity to job centers.
 - Policy LU-1.3: Promote intensified and revitalized land uses in the Urban Village within traffic, parking, and transit capabilities.
 - Policy LU-1.4: Promote walkability throughout the community through enhanced pedestrian amenities, attractive streetscapes, plazas, and civic gathering spaces.
 - Policy M-6.1: Reduce the amount of land devoted to parking, if feasible, by integrating multiple use and creative parking solutions that still provide adequate parking for all uses.
 - Policy M-6.3: Develop flexible and creative solutions for parking in the Urban Village that respect its proximity to transit and park and ride, and its mix of uses.
 - Policy M-6.4: Encourage parking in shared surface lots or parking structures to make the most efficient use of land.
 - Policy M-6.5: Identify solutions to neighborhood- and activity-specific parking issues through implementation of a broad range of parking management tools and strategies.
 - 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.
4. The site design and structural components are appropriate for the site and function of the proposed uses in that:

The proposed commercial, office, hotel and residential buildings will be of quality contemporary design with a strong and appropriately-scaled framework of

architectural and landscape architectural elements and design. The new buildings have been placed in a manner that meet the development standards and design guidelines of the UVSP, while making the best use of available space and maintaining a cohesive ‘flow’ between old and new portions of the Project Site. The massing of the buildings and landscaping will be designed to create a sense of unity. The proposed office parking structures would be internal to the Project Site and incorporate architectural elements and design features that provide visually-appealing elements and reduce the overall massing and scale of the structures. High-quality development features will be provided throughout the project site through site design (e.g., building orientation, screening and placement of service areas), architecture (e.g., mass, scale and form, style, material and color) and streetscape elements (e.g., lighting, paving materials). Project development will enhance and strengthen the character of the Project Site through the addition of landscaping, hardscape, a network of pedestrian pathways and bicycle lanes, and other improvements onsite and along the street edges.

Master Sign Program

1. That the design and application of the sign criteria required by the development code are satisfied by the proposed sign program.

The City's Development Code provides for deviations from the standard sign criteria subject to the approval of a Master Sign Program by the Planning Agency. The Project's Master Sign Program ("MSP") proposes a variety of signs and monuments that are unique and both enrich the visual quality of the development and interest to the pedestrian environment. The proposed sizes and locations of the signs reinforce the contemporary character of the Project and are appropriate for this type of development.

2. That the sign program provides a compatible and harmonious design between advertising, landscaping, and building design.

The MSP is a comprehensive signage program designed to complement the proposed redevelopment Project by promoting a compatible and harmonious design between advertising, landscaping, and building design. The sign program is an integral part of the Project site's architectural features and crafted to complement the new buildings and landscaping in a manner consistent with the UVSP.

Freestanding signs will be finished in materials that are consistent with the major project entry and secondary entry features along El Toro Road in the Urban Village area and will complement the buildings on site, and will be placed in landscaped areas that will accent the signs. Wall signs make use of quality materials and construction and are proportional to the building façade to which they are attached. Therefore, the sign program provides a compatible and harmonious design between advertising, landscaping, and building design.

Conditional Use Permit (Health Club and Hotel)

1. The proposed use is consistent with the General Plan in that:

The General Plan Land Use Element designates the Project Site “Village Commercial” and the Project Site is located within the UVSP. The purpose of the Village Commercial land use designation is to develop a community core in which a variety of public, regional commercial, recreational, and high-density residential uses work in concert to create an urban village with uses interconnected through safe pedestrian pathways. A health club is consistent with the concept of an integrated urban village wherein residents and visitors engage in recreational activities and physical exercise. The health club promotes interaction among the various surrounding uses and provides an opportunity for residents and visitors to pursue fitness and other health-related activities in the same location where they shop, work, and/or live. A hotel is also consistent with the concept of an integrated urban village as it provides a means for guests to not only enjoy the amenities and services offered by the hotel, but also the array of entertainment, retail, restaurant uses throughout the Project Site. The hotel also provides an opportunity for its guests and workers to engage with Project residents and visitors and enjoy the open space and recreation uses offered in the Village Park.

2. The nature, condition and development of adjacent uses, buildings and structures have been considered and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures in that:

The proposed health club and hotel would be integrated components of the Project meeting the needs of both the local residential and business communities, as well as the local need for lodging uses. The proposed site design integrates pedestrian pathways providing safe and convenient access to the health club and hotel and connectivity to the surrounding areas, contributing to the overall health, vitality, and sense of community. The health club and hotel, together with other proposed uses, will provide a strong community connection with emphasis on the creation of new community gathering areas and recreational and lodging opportunities that contribute to the quality of life for the residents of Laguna Hills and the region. The health club and hotel will be included within new buildings and will not have any adverse effect on, or be materially detrimental to, the adjacent uses, buildings, or structures.

3. The proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity in that:

The Project Site comprises 68 acres and overall Project development includes a combination of high-density residential, retail, office, lodging, entertainment, and open space and recreation uses. All buildings and uses, including the health club and hotel, will comply with all design guidelines and land use and development standards (e.g., building setbacks and height) of the UVSP, applicable development standards of the City’s Development Code. The health club and hotel will be well connected to surrounding retail, commercial, and residential uses through pedestrian

pathways and parking facilities integrating with the existing and planned uses in the vicinity.

4. All required development standards prescribed by the Laguna Hills Development Code can be achieved in that:

The Project is located within the Village Commercial zoning district and is subject to the provisions of the UVSP. The health club and hotel will developed be consistent with the land use and development standards and design guidelines of the UVSP, and with the applicable development standards of the City's Development Code. Parking requirements will be satisfied pursuant to a shared parking approach authorized by Chapter 9-44 and Section V of the UVSP.

5. The conditions and limitations placed upon the use are necessary to ensure compatibility with adjacent or abutting uses and the preservation of the public peace, safety, and welfare in that:

The health club and hotel will comply with the General Plan, the UVSP, and all relevant portions of the City's Development Code. The conditions imposed herein are intended to maintain continued functionality of the health club and hotel while ensuring compatibility with adjacent uses and the preservation of the public peace, safety, and welfare. Condition of Approval No. 37 requires the owner(s) of the Project Site to enter into and record a Covenant Agreement to ensure the Project Site, including the health club and hotel components, is adequately maintained and operated as an integrated development.

Parking Use Permit

1. The proposed joint parking permit is consistent with the intent and purpose of the development code in that:

The purpose and intent of the Development Code (Chapter 9-44) is to ensure that all land uses provide safe access and onsite circulation with adequate off-street parking and loading facilities. By establishing required parking ratios for different types of commercial uses, the Development Code intends to anticipate the amount of parking that will be needed to adequately serve proposed uses, thereby ensuring parking availability and relative ease of parking for patrons, which is consistent with goals of the General Plan. Although slightly fewer parking spaces are proposed to serve the commercial components of the Project than would otherwise be required under a strict application of the parking ratios listed in the Development Code, the Applicant has demonstrated through completion of a shared parking analysis that adequate parking exists for all proposed uses on the site, thereby meeting the intent of the Development Code in establishing parking standards. A total of 3,126 commercial parking spaces are proposed. While strict application of the City parking code ratios would require 3,432 spaces for the proposed commercial uses, existing demand

and future development are expected to result in an actual maximum peak demand of 2,814 spaces (occurring at 1:00 P.M.) under weekday conditions and 1,702 spaces (occurring at 1:00 P.M.) under weekend conditions, corresponding to a surplus of 312 and 1,424 spaces, respectively. Resident-dedicated parking spaces in excess of the number required under the Development Code will be provided in parking structures within each residential building.

2. The joint parking use permit provides a reasonable and enforceable means for all uses to share parking facilities in that:

Based on Section 9-44.050 of the Municipal Code, and as manifested in the shared parking analysis, the proposed Project includes 99,305 square feet of retail, 10,125 square feet of fine dining restaurants, 15,000 square feet of family restaurants, 35,570 square feet of fast-food restaurants, a 40,000 square foot health club, a 50,000 square foot cinema with 1,200 seats, a 150 room hotel, and 465,000 square feet of general office, which will be served by a 745 space five-level parking structure, a 937 space 4-level parking structure, and 1,444 parking spaces in numerous parking lots and along privately owned streets throughout the Project Site. In addition, the Project includes 2,813 residential parking spaces that will be in parking structures within each residential building to serve exclusively the 1,500 residential units proposed. The conditions of approval require the Applicant to implement a City approved Parking Management Plan to address potential parking issues prior to implementing shared parking. Further To ensure sufficient parking is maintained in the event of a change in the mix of non-residential uses on the Project Site, a condition has been included that authorizes the Community Development Director to require the preparation an updated shared parking analysis and implementation of any changes to the Project parking and circulation determined to be necessary.

3. The requirement for parking established by the joint parking use permit shall assure that parking demands for the participating uses are continually met:

The parking study conducted for the Project demonstrates that with the current proposed mix of uses, there is adequate parking for all uses, even at expected peak periods. To ensure sufficient parking is maintained in the event of a change in the mix of non-residential uses on the Project Site, a condition has been included that authorizes the Community Development Director to require the preparation an updated shared parking analysis and implementation of any changes to the Project parking and circulation determined to be necessary. This will allow the Community Development Director to ensure consistency with the established joint use parking permit, thereby assuring that parking demands continue to be met for all uses on the subject site.

4. All the findings in support of a conditional use permit

(1) The proposed use is consistent with the General Plan in that:

The General Plan supports shared parking so as to make the most efficient use of available land by integrating multiple uses and creative parking solutions that provide adequate parking for all uses. Further, the General Plan encourages the use of innovative parking management solutions to avoid excessive parking requirements in areas that are highly walkable and well served by transit.

Per the shared parking analysis prepared by Linscott Law & Greenspan, the Applicant has demonstrated that adequate parking will be provided for all proposed commercial uses on the project site.

Supplementary to the use of shared parking, the development utilizes innovative parking solutions that incorporates a network of pedestrian and bike-friendly paths throughout to make efficient use of the site with access to surrounding areas. Additionally, the nearby City of Laguna Woods provides shuttle services for their residents to the project site and public transit bus service is provided in the project area by the Orange County Transportation Authority (OCTA).

(2) The nature, condition and development of adjacent uses, buildings and structures have been considered and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures in that:

The shared parking is an integrated component of the project and has been designed to supplement and enhance the multiple commercial uses proposed for the site. Per the shared parking analysis, the Applicant has demonstrated that the proposed site can accommodate enough parking to serve the existing and proposed uses on the subject site. Therefore, the parking use permit will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

(3) The proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity in that:

The Applicant has demonstrated that the proposed site can accommodate enough parking to serve the existing and proposed uses on the subject site. Furthermore, the parking will not only be sufficient in size, but will be improved in quality due to attractive pedestrian connections, paseos, pedestrian plazas, design, and landscaping. For

instance, pedestrian enhancements along all streets, specifically the Village Drive, pedestrian connections to the MemorialCare Saddleback Medical Center and offices across Calle de la Louisa, and pedestrian connections to the abutting Oakbrook Village mixed-use center demonstrate the integration between uses and properties envisioned by the UVSP.

- (4) That all required development standards prescribed by this code can be achieved in that:

The project includes a total of 3,126 shared commercial parking spaces and 2,813 parking spaces strictly for residential uses. (The required residential parking will be gated off from the retail area and is not included in the shared parking request.) The Development Code sets forth parking ratios for individual uses. While the site would be slightly deficient in parking if each commercial use was considered by itself, the Code allows for shared use of parking facilities on sites containing multiple uses such as the proposed Project. Specifically, because more than 20 percent of the GLA within the Project Site results in restaurant, entertainment, or cinema use, the UVSP shared parking model must be applied in estimating the parking needs for the non-residential components of the Project. While strict application of the stand-alone parking ratios in the Development Code would require 3,432 parking spaces, the shared parking analysis determined that the future supply of 3,126 spaces for commercial uses will be adequate in meeting the Project's non-residential parking requirements. Further, the analysis determined that peak parking demand would result in a demand for 2,814 spaces (occurring at 1:00 P.M.) under weekday conditions and 1,702 spaces (occurring at 1:00 P.M.) under weekend conditions for non-residential, corresponding to a surplus of 312 and 1,424 spaces respectively.

- (5) The conditions and limitations placed upon the use are necessary to insure compatibility with adjacent or abutting uses and the preservation of the public peace, safety, and welfare in that:

The conditions imposed on the parking use permit, including but not limited to Conditions 27, 28, and 29 are intended to maintain continued functionality of the parking use plan thereby insuring compatibility with adjacent uses and the preservation of public peace, safety, and welfare.

Vesting Tentative Tract Map

1. The proposed subdivision is consistent with the General Plan and Urban Village Specific Plan in that:

The General Plan identifies the Project Site as a "future study area," in which intensification and redevelopment were expected to occur, and the site is designated in the General Plan Housing Element as a potential site for housing opportunities. The Project implements the General Plan vision for the Future Study Area by redeveloping the existing site with a mix of new land uses with various intensities, without exceeding the AM and PM peak hour vehicle trip budgets established by the UVSP. Likewise, the Project is consistent with the UVSP in that a mixed-use development is identified as the preferred land use for the Project Site in the UVSP. A trip budget assessment was conducted, given the Project's location within the UVSP area. After debiting all development projects that have been approved since the June 2009 General Plan Update, the remaining UVSP trip budgets (as of September 2020) are 335 AM peak hour trips and 1,680 PM peak hour trips. Subtracting the net Project AM peak hours trips (119 AM peak hour trips) and adding the net Project PM peak hour trips (910 PM peak hour trips) from the available UVSP trip budgets yields a residual UVSP trip budget after implementation of the Project of 216 AM peak hour trips and 2,590 PM peak hour trips, which is more than enough AM and PM Peak Hour Trips to support the Project.

2. The design or improvement of the proposed subdivision is consistent with the General Plan and Urban Village Specific Plan in that:

The Project includes improvements such as a pedestrian-oriented Main Street promenade, pedestrian plazas and the Village Park, various pedestrian paseos and pathways, open space amenities, entry features and signage, public art, architectural design, and landscaping that are consistent with the UVSP land use and development standards and design guidelines. Given the Project's mixed-use urban village design—which includes a combination of high-density residential, retail, office, lodging, entertainment, and open space and recreation uses—the Project promotes smart growth and infill development, which are concepts that have been incorporated into the General Plan and UVSP.

3. The site is physically suitable for the type of development in that:

The Project Site comprises 68 acres, is relatively flat and bounded by two major arterial streets, a private street, and a private driveway, and is physically suitable for the proposed mix of land uses. The Project Site presently consists of a vacant regional mall (with more than half of the mall building demolished) originally developed in 1973, several outlying buildings, surface parking and drive aisles, and various hardscape and landscape improvements. The site is currently underutilized and mostly vacant, and the buildings and overall site design do not reflect consumer demand for retail centers or the character of the surrounding uses and communities. These conditions provide the perfect opportunity for redevelopment of the Project Site, which will enhance the community character, optimize City investments in infrastructure and community facilities, increase employment opportunities and tax revenues, ensure the long-term viability of the Project Site, and promote a more a pedestrian- and bicycle-friendly environment.

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

The Project includes the construction of 1,500 residential dwelling units on five lots (Lots 11 through 15/16). Lot 11 comprises 4.6 acres and 230 dwelling units, for a density of 50 dwelling units per acre (du/ac); Lot 12 comprises 6.0 acres and 300 dwelling units, for a density of 50 du/ac; Lot 13 comprises 6.76 acres and 337 dwelling units, for a density of 49.9 du/ac; Lot 14 comprises 5.51 acres and 275 dwelling units, for a density of 49.9 du/ac; and Lots 15 and 16 are comprised of 7.17 acres and 358 dwelling units, for a density of 49.9 du/ac. The proposed residential density meets the General Plan and the UVSP density standard of 30 to 50 DUs/AC. In addition to allowable density, the Project is regulated based on vehicle trip generation limits to ensure that the City's Mobility Element Level of Service (LOS) Standard "D" is not exceeded at any of the intersections within the area (with the exception of Congestion Management Plan [CMP] intersections for which LOS "E" is the minimum acceptable LOS) and that the Project does not exceed the overall AM and PM peak hour vehicle trips allowed within the UVSP area. With integration of the Project traffic-related improvements designed as a part of the Project—which include lane geometry, driveway reconfiguration, median modifications, and signalization—the Existing Plus Project and Year 2024 Cumulative Plus Project scenarios are not expected to cause significant traffic impacts at any of the 61 intersections or at any of the freeway mainline segments analyzed. Further, after debiting all development projects that have been approved since the June 2009 General Plan Update, the remaining UVSP trip budgets (as of September 2020) are 335 AM peak hour trips and 1,680 PM peak hour trips. Subtracting the net Project AM peak hours trips (119 AM peak hour trips) and adding the net Project PM peak hour trips (910 PM peak hour trips) from the available UVSP trip budgets yields a residual UVSP trip budget after implementation of the Project of 216 AM peak hour trips and 2,590 PM peak hour trips, which is more than enough AM and PM Peak Hour Trips to support the Project. Also, all utilities are available to serve the Project Site, and adequate street access is provided.

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

The Project Site presently consists of a vacant regional mall (with more than half of the mall building demolished), several outlying buildings, surface parking and drive aisles, and various hardscape and landscape improvements; there is no fish or wildlife habitat on, adjacent to, or within vicinity of the Project Site. The Project's potential environmental impacts were analyzed and it was determined that the Project will not result in any new significant impacts, or an increase in the severity of previously identified significant impacts compared to the Five Lagunas Project. No natural biological resources or communities existed on or in the vicinity of the Project Site when the Five Lagunas Project was approved and no such resources exist at the present time since the site conditions have not changed.

6. The design of the subdivision or type of improvements is not likely to cause serious public health problems in that:

The Project improvements have been designed in accordance with all applicable codes and standards. The design of the proposed land division will not cause public health problems since the proposed parcels are similar to other commercial and residential parcels adjacent to the site that are similarly served by existing improved roads and utilities.

7. The design of the subdivision or the type of improvements will not conflict with easements, 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 in that:

The project will impact existing water lines and easements used by the El Toro Water District (ETWD) in providing water to the general area. However, conditions of approval require the Applicant to design, relocate, and build these facilities to the satisfaction of ETWD to ensure adequate water service is provided to the Project Site as well as any other areas adjacent to the site that might utilize the existing facilities. Further, prior to the approval of the final map(s), the Applicant is required to design water lines and associated infrastructure in accordance with ETWD standards and specifications.

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

The design and orientation of buildings to be constructed as part of the subdivision improvements provide the opportunity for passive and/or natural heating and cooling to be provided. For example, proposed buildings will have substantial vertical and horizontal separation between existing buildings in the area and proposed building onsite so that the installation of future solar improvements can occur. Also, buildings with sun-facing exposures are provided shade with canopies and overhangs. Dwelling unit structures that are part of the subdivision include opportunities for natural ventilation.

9. 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 in that:

The Project will result in housing production well in excess of the City's 2014-2021 regional housing needs assessment allocation of two dwelling units. The type of housing stock proposed will increase the supply of studios, one-, two-, and three-bedroom multi-family units for rent, a type of housing in limited availability within the community but in high demand in south Orange County. The Project provides a compact mixed-use housing development within an existing underutilized and mostly vacant retail shopping center that is already served by existing infrastructure and

other public services. The Project location and design maximize the efficiency at which public agencies provide services to the area because of its high-density compact design. The design takes advantage of existing in-place public services and utilities that already serve the area.

10. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board in that:

The conditions of approval for on- and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded. Additionally, it has been determined that the Project will not result in new significant impacts or an increase in the severity of previously identified significant impacts related to utilities and service systems, including wastewater, as compared to the Five Lagunas Project.

Precise Plan

1. The plan and the uses proposed are consistent with the General Plan in that:

Within the General Plan, the site is designated as "Village Commercial" and is envisioned as a master planned area (USVP area) containing specific design standards and policies that enhance the pedestrian and vehicle circulation within a currently developed area. Typical uses in the Village Commercial land use designation include those associated with large regional malls, as well as a medical center, financial institutions, institutional and government uses, auto-related services, community facilities, professional offices, and residential uses.

The Project implements the General Plan vision for the UVSP by providing for redevelopment of the existing, but vacant regional mall with a mixed-use project that will create a new urban village that will offer an array of entertainment, retail, restaurant, lodging, and residential uses and activity; a Village Park and multiple gathering spaces; and improved pedestrian and bicycle links that connect to and integrate the Civic Center, hospital area, and Laguna Hills Transit Center.

The General Plan also identifies the Project Site as a "future study area" for which intensification and redevelopment was expected to occur. The Project implements the General Plan vision for the area by providing for redevelopment of the Project Site with a mix of new land uses with various intensities, without exceeding the AM and PM peak hour vehicle trip budgets established by the UVSP

Further, per the 2014-2021 General Plan Housing Element, the Project Site is identified as a potential housing development area with development intensity between 30 to 50 dwelling units per acre. As proposed, the Project's 1,500 residential units comply with the allowed development intensity and with the overall trip budget allocated to the UVSP area.

2. The proposed plan is consistent with adopted development standards for the area in which proposed in that:

As conditioned, the Project meets all of the development standards of the UVSP including lot size, lot width, lot depth, lot coverage, density, building height, open space and amenities, landscape coverage, parking (with approval of a CUP), and signage (with approval of an MSP).

3. The plan promotes community image and enhances compatibility of uses in the plan area in that:

The proposed commercial, office, hotel and residential buildings will be of quality contemporary design with a strong and appropriately-scaled framework of architectural and landscape architectural elements and design. The new buildings have been placed in a manner that meet the development standards and design guidelines of the UVSP, while making the best use of available space and maintaining a cohesive 'flow' between old and new portions of the Project Site. The massing of the buildings and landscaping will be designed to create a sense of unity. The proposed office parking structures would be internal to the Project Site and incorporate architectural elements and design features that provide visually-appealing elements and reduce the overall massing and scale of the structures. High-quality development features will be provided throughout the project site through site design (e.g., building orientation, screening and placement of service areas), architecture (e.g., mass, scale and form, style, material and color) and streetscape elements (e.g., lighting, paving materials). Landscaping used in strategic places will help define the character of the edges, Main Street, paseos, parking lots, and adjacent roadways. Taken collectively, the architectural and landscape design features of the Project promote community image and enhance compatibility of uses in the plan area as envisioned in the UVSP.

4. The plan will reduce undesirable environmental consequences while improving economic needs of the area and community in that:

The Project is a mixed-use infill project that enhances community character, optimizes City investments in infrastructure and community facilities, supports increased transit use, promotes a more walkable environment within its portion of the UVSP, and implements General Plan and UVSP policies for the area. The Project includes a mix of retail, office, lodging, entertainment uses that will bring additional revenue and employment opportunities. The City prepared a fiscal impact analysis to estimate the increase in recurring revenues to the City once the Project is built out, which predicts that the Project will result in an additional \$1.3 Million per year in revenue to the City once the Project is fully operational. Additionally, as stated in the General Plan, infill projects reduce vehicle trips and associated air pollution, increase housing diversity, and enhance retail viability. The project will add 1,500 dwelling units within close proximity to job centers, shopping opportunities, health facilities, and existing transit infrastructure.

5. The plan is sufficiently detailed to ensure design values and controls needed to achieve a balance and integration of uses in that:

The Project as reflected in the proposed precise development plan combines retail, residential, office, lodging, dining, entertainment, and open space and recreational uses that greatly increase the balance of land uses in the project area. By integrating these compatible uses in proximity to one another, the Project creates a place for residents of Laguna Hills to live, work, shop, and play. The key to successful mixed-use projects is creating pedestrian-friendly environments, with connections to neighboring uses through the use of trails, pathways, bikeways, and safe crosswalks. The Project achieves this through the provision of a centralized Village Park that helps integrate the proposed mix of uses by providing an open space and recreational area that serves all uses and users of the Project. Additionally, the project includes a number of pedestrian and bicycle facilities, including the Main Street promenade, office boardwalk, and a network of paseos and pathways that connects the various commercial, office and residential uses to each other and to several smaller public spaces integrated into the Project Site, as well as to offsite uses and areas such as the Civic Center to the north, hospital and medical offices to the west, Oakbrook Village and Villa Valencia to the south, and Avenida de la Carlota to the east.

SECTION 3. The facts and findings set forth in the staff report made a part of the record of the public hearing is hereby incorporated herein by this reference.

SECTION 4. Based upon the above findings, the Planning Agency and City Council of the City of Laguna Hills do hereby approve USE-0010-2019 subject to the following conditions:

GENERAL CONDITIONS

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, MGP FUND X LAGUNA HILLS, LLC., 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-0010-2019 (SDPM/MSP/CUP/PUP/TTM/PREC/DEVA) 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, the Master Sign Program, the Conditional Use Permits, the Parking Use Permit, the Vesting Tentative Tract Map, and/or the Precise Plan 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 dated March 26, 2021 (Plan or Plans), studies and exhibits submitted to the City by the Applicant to depict the improvements to be constructed on the Applicant’s property, consisting of approximately 68 acres located at 24155 Laguna Hills Mall (the “Subject Property”) as part of the Project, as modified by these Conditions of Approval.

4. Notwithstanding Conditions 5 and 9, as a condition of approval of this Permit, 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.

5. Pursuant to the Development Agreement, that certain Site Development Permit, Master Sign Program, Conditional Use Permit, Parking Use Permit, Vesting Tentative Tract Map, and Precise Plan No. 2-15-3114 approved by the City on March 22, 2016, as amended (“The 2016 Five Lagunas Entitlements”), and all of Applicant’s rights thereunder, whether vested or not, shall terminate and become null, void, and of no further force and effect at such time as all of the following have occurred: (i) the Development Agreement and the Ordinance adopting the Development Agreement have each taken effect and are no longer subject to referendum; (ii) the times for appeal of the City’s approval of this Permit and the Development Agreement have expired; (iii) all appeals, if any, by persons or entities other than Applicant of the City’s approval of this Permit and the Development Agreement have been heard and denied; (iv) the times in which to

- bring a legal challenge to the City's approval of this Permit and/or the Development Agreement have expired; and (v) any litigation filed attacking the City's approval of this Permit, the Project, or this Development Agreement has been finally resolved such that this Permit remains in full force and effect and the time in which to appeal has expired
6. Prior to the adoption of the Ordinance approving the Development Agreement the Applicant shall agree in writing to these Conditions of Approval.
 7. The Community Development Director may administratively approve minor deviations to the Project subject to the limitations established by Laguna Hills Municipal Code (LHMC) Section 9-92.080(G), provided that: 1) no increase in the intensity of uses approved by this Permit is proposed; 2) the deviation will not result in a violation of the requirements of Title 9 or the Urban Village Specific Plan (UVSP); and 3) the deviation will not result in environmental impacts beyond those analyzed in the Fifth Addendum (March 2021) to the City of Laguna Hills General Plan Update EIR – State Clearinghouse No. 20080811100.
 8. Pursuant to City Council Resolution No. 2016-09-13-4, the Applicant shall reimburse the City for any outstanding staff time spent on the processing of this Permit within 60 days of the Planning Agency's / City Council's approval.
 9. The life of this Permit shall be conterminous with the term of the Development Agreement. However, the authorizations and the conditions of this Permit shall continue to apply to uses commenced and improvements completed while the Permit was valid.
 10. 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 Determination.
 11. 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.
 12. 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.
 13. 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.
14. For each grading permit issued by the Public Services Director, prior to the issuance of the permit, the Applicant shall submit the rough and precise grading plans to the Community Development Director for review and approval. Approved grading plans and approved architectural site plans shall reasonably match.
 15. For all buildings, the Applicant shall provide final exterior colors and materials information sheets to the Community Development Director for review and approval prior to the issuance of building permits. The approved final colors and materials shall conform to the approved plans submitted in support of this Permit, and shall be reflected on plans submitted for building permit.
 16. This Permit does not include the approval of construction of vertical improvements for Pad 2 (Pad 2 is located at the southeast corner of The Village Drive and El Toro Road). Prior to the issuance of a grading permit for Pad 2, which is an approved building pad that is authorized to accommodate a 7,900 square foot commercial building, Applicant shall obtain City approval of a Site Development Permit pursuant to the requirements of the UVSP which shall be processed in accordance with the provisions of LHMC Chapter 9-92. The Site Development Permit for Pad 2 shall be consistent with the requirements of the UVSP and this Permit.
 17. 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 causes obnoxious odors.
 18. No permanent overhead utilities shall be installed.

PERIODIC REVIEW

19. Annually, not less than forty-five (45) days nor more than ninety (90) days prior to the anniversary of the Development Agreement Date, the Applicant shall submit evidence to the City's Community Development Director demonstrating its good faith compliance with the terms and conditions of the Development Agreement pursuant to the requirements of LHMC 9-84.060 and the Development Agreement.

FINAL MAP APPROVAL PRIOR TO BUILDING PERMIT

20. Prior to the issuance of a building permit for any proposed building, the Applicant shall obtain Final Map approval from the City Council for the proposed lot on which a proposed building permit is requested and shall record the Final Map. Evidence of Final Map recordation shall be provided to the Public Services Director and Community Development Director prior to the issuance of the requested building permit.

DISTRICT SEQUENCING PLAN

21. The Applicant's Plans include "District Sequencing Plans", the purpose of which is to separate the Project into specific development areas (hereinafter "Districts") for the purpose of identifying an orderly and efficient manner in which build out of the Project is anticipated to occur, since the Project could be built over an extended period of time. Pursuant to this Condition of Approval, the District Sequencing Plan shall be revised as follows, and submitted to the Community Development Director and Public Services Director for review and approval prior to the issuance of any permits:
- a. A portion of the Village Drive, as depicted by the Plans, may be partially completed with the build out of the Central Retail District. However, no later than the 7th anniversary of the approval of this Permit, the Applicant shall obtain the necessary permits to complete construction of The Village Drive as depicted in the Plans, and shall complete the improvements no later than the 8th anniversary of the approval of this Permit. The Applicant shall not be entitled to any further building permits for vertical construction after the 8th anniversary of this Permit until the improvements required by this condition are completed.
 - b. Should the Applicant obtain a building permit for any residential building in the Southern Residential district prior to the completion of the Site Improvements in the Central Residential District or the Central Retail District, no certificate of occupancy shall be issued until all Site Improvements in the Central Retail District, Central Residential District and Southern Residential District are completed, except as provided for in Condition 26.
 - c. Should the Applicant obtain a building permit for any building in the Northern Office District prior to the completion of the Site Improvements in the Central Retail District, Southern Office District and Central Office District, the Applicant shall complete all of the Site Improvements contiguous to the Northern Office District, including Calle Zocalo, the extension of Calle De La Magdalena, and the proposed extension of Calle De La Plata Drive from Calle Zocalo to Avenida De La Carlota prior to the issuance of a certificate of occupancy for any building in the Northern Office District.
 - d. Should the Applicant obtain a building permit for any building in the Central Office District or the Southern Office District prior to the completion of the Site Improvements in the Central Retail District or Central Residential District, the Applicant shall complete all of the Site Improvements contiguous to both the Central Office District or the Southern Office District, including Calle Zocalo and the proposed extension of Calle De La Plata Drive from Calle Zocalo to Avenida De La Carlota, prior to the issuance of a certificate of occupancy for any building in either the Central Office District

or the Southern Office District.

- e. Should the Applicant obtain building permits for any combination of office or residential buildings that result in the issuance of at least three building permits, the Applicant shall commence the construction of Calle Zocalo in its entirety prior to the issuance of a fourth building permit for any combination of office or residential buildings. The Applicant shall not be entitled to a certificate of occupancy for the building associated with the fourth building permit issued (either office or residential) until the Site Improvements required to construct Calle Zocalo have been completed.

TEMPORARY SITE ACCESS AND PARKING PLAN

22. Prior to the issuance of the first building permit within a District, the Applicant shall provide a plan that demonstrates how existing tenants to remain in operation during Project construction will maintain adequate parking and parking lot circulation in addition to vehicle and pedestrian access. The plan shall ensure each building maintains the following: 1) adequate site access (vehicular and pedestrian); 2) adequate parking; 3) access to public and private transportation facilities; and 4) utility services. In approving the plan, the Public Services Director and Community Development Director may consider the historical vehicular and pedestrian connections between the Subject Property and adjacent properties, and the location of existing signalized driveway entrances/ exits. The Applicant shall ensure improvements to remain, or any new improvements required in the approved plan, are maintained in a safe condition for the use of vehicles and pedestrians for as long as the improvements are needed to serve affected buildings until the Project is completed. No new signalized driveway entrances/ exits shall be required as part of such plan. Prior to City approval of the plan, the Applicant shall obtain approval of the Orange County Fire Authority (OCFA) and provide proof of OCFA approval to the Community Development Director. As reasonably determined by the Community Development Director and Public Services Director, the plan shall be implemented and periodically updated prior to the approval of every subsequent demolition, grading, or building permit requested by the Applicant within a District until all Site Improvements are completed, or as otherwise permitted by Condition 26. Further, adjustments to the location of the visual barrier required by Condition 82 shall also be made subject to the reasonable review and approval of the Directors prior to the issuance of every grading or building permit.

CONSTRUCTION OF STREET AND SITE IMPROVEMENTS

23. Unless the context dictates otherwise, whenever a Condition herein requires the Applicant to construct and/ or install a street segment, such construction and/ or installation shall include travel lanes, sidewalks, bike lanes, parking, enhanced paving, street and pedestrian lighting, and landscaping as depicted on the Plans, consistent with the approved District Sequencing Plan described in Condition of

Approval 21. Further, unless the context dictates otherwise, whenever a Condition herein requires the Applicant to construct and/ or install "Site Improvements", such construction and/ or installation shall include but not be limited to perimeter and interior parking lot landscaping and irrigation, pedestrian walkways, parking lot and pedestrian lighting, parking and their associated aisles, water quality and hydromodification improvements, and signs and entry features.

24. Except as provided for in Condition 26, prior to the issuance of the first building shell final or first certificate occupancy for any building in any District, whichever occurs first, the Applicant shall complete construction of the Site Improvements within the District as depicted in the approved Plans. Improvements to be constructed by the Applicant in conjunction with the construction of Calle de Los Caballeros between Calle de La Louisa and Avenida de la Carlota shall include, without limitation, drive aisles, bike lanes, bike paths, pedestrian walkways, crosswalks, lighting, landscaping, irrigation, signage, crosswalks, and ADA access improvements adjacent to the boundary between and/or connecting the Subject Property and the Oakbrook Village Shopping Center ("Oakbrook Village") property (including bike and pedestrian connections at the existing vehicular connection between the two properties and a pedestrian walkway that connects the Oakbrook Village property with the Laguna Hills Transportation Center) (collectively, the "coordinated improvements"). The coordinated improvements are intended to create coordinated and compatible linkages between the Subject Property and the Oakbrook Village property. Prior to the approval of grading or site improvement plans pertaining to Calle de Los Caballeros, the Applicant shall use reasonable commercial efforts to coordinate the planning, design, construction, and installation of the coordinated improvements with the owner(s) of the Oakbrook Village property and shall work with the Community Development Director and Public Services Director to facilitate such coordination. To the extent reasonably feasible, colors, materials, finishes, textures, concrete or concrete paver patterns (or similar materials), landscape planting palette, landscape design, plant spacing, and ground cover materials to be used in coordinated improvements shall match those to be constructed or installed on the portions of the Oakbrook Village property adjacent to the Subject Property. All coordinated improvements shall be depicted on Project improvement plans and shall be reviewed and approved by the Community Development Director prior to their construction or installation. The Community Development Director shall have the discretion to approve Applicant requested modifications to the planned vehicular, bicycle, and/or pedestrian connections or other coordinated improvements depicted on the Plans and/or to extend the time for the Applicant to complete construction and/or installation of any coordinated improvements to the extent reasonably necessary to facilitate coordination with the construction and/or installation of corresponding adjacent improvements on the Oakbrook Village property. In the event the time for Applicant to complete coordinated improvements is extended, the Applicant may install such temporary sidewalk, lighting, private street, or other improvements needed to ensure adequate interim access within the Subject Property and/or to the Oakbrook Village property, subject to the review and reasonable approval of the

Community Development Director. Approved temporary improvements shall be removed or modified to conform to the final approved coordinated improvements on or before the approved extended date for completion of the construction or installation of the coordinated improvements. In complying with this condition, the Applicant shall only be responsible for improvements on the Subject Property.

25. Prior to the issuance of a certificate of occupancy for the Hotel, the Applicant shall complete construction of all of the Site Improvements associated with the Hotel District subject to the review and approval of the Community Development Director and Public Services Director.
26. Except as otherwise provided in these Conditions, no certificate of occupancy for any building shall be issued if required Site Improvements depicted on approved plans are incomplete within the District where the building is located. In Districts with multiple buildings, the Applicant may delay completion of the Site Improvements when only one building within the District is completed, provided that the internal streets within the District are complete, along with the required Site Improvements necessary to serve the building for which a certificate of occupancy has been requested, subject to the reasonable satisfaction of the Community Development Director and Public Services Director. As an alternative to completing the other required Site Improvements, parking areas and other areas designated for required Site Improvements not constructed shall be upgraded through the completion of interim improvements, to include, but not be limited to, parking lot re-surfacing, new parking lot striping, renovation of existing landscaping areas, and updated parking lot lighting photometry, to current standards to the reasonable satisfaction of the Community Development Director. However, such interim improvements may be deferred, postponed or otherwise not required in the reasonable discretion of the Community Development Director, provided the Applicant has commenced construction of a new building and the location of the interim improvements would also be the location of the new building and/or Site Improvements required to serve the new building. For purposes of this condition, "commenced construction" means construction and installation of a building foundation that is included as an element of construction for a building permit for vertical construction. Failure of the Applicant to construct the new building described above and its associated Site Improvements shall not excuse the Applicant from providing the interim improvements. The exceptions described herein shall not apply to the Village Park located in the Central Retail District, which shall be completed prior to the issuance of the first certificate of occupancy for new construction in the District.

PARKING

27. For purposes of the Project Parking Use Permit the Applicant has represented that the non-residential uses of the Project will include the following:
 - a. 250,000 SF GLA of shopping center/mall uses, consisting of:
 - i. 99,305 SF GLA of retail

- ii. 60,695 SF GLA of restaurants
- iii. 40,000 SF GLA for a health club
- iv. 50,000 SF GLA for a 1,200-seat cinema
- b. Up to a 150-room hotel
- c. 465,000 SF GFA of general office

If at any time in the future, the Community Development Director determines, in his or her reasonable application of the requirements of the Parking Use Permit, that a parking and circulation study is necessary to address parking and/or circulation issues relative to any change in any use or any portion of any use (i.e., a change in the mix of non-residential uses depicted above) in the Project, the Applicant shall, at its sole cost and expense, be responsible for the cost of a parking and circulation study prepared by a licensed/ registered traffic engineer. The Applicant shall, at its sole cost and expense, be responsible for implementation costs of any reasonable changes to Project parking and circulation deemed appropriate by the Community Development Director related to such impacts based on the findings of such study. If required by the Community Development Director, the Applicant shall provide funds to the City to allow the City to retain a licensed/ registered traffic engineer to review any studies prepared by the Applicant to satisfy this condition. The amount paid to the City by the Applicant shall be in accordance with a written proposal obtained by the City pursuant to its Purchasing Ordinance.

28. For each increment of development, the Applicant shall provide no less than the required parking in accordance with the requirements of the UVSP (Section V-Parking) as modified by these conditions of approval. The Applicant may construct interim parking areas on undeveloped portions of the site provided the interim parking areas comply with the requirements of the UVSP. For non-residential development and uses, at the issuance of every building permit or change in use or occupancy, the Applicant shall provide proof of compliance with the City's parking requirements to the Community Development Director utilizing the parking methodologies permitted within the UVSP for non-residential uses, (i.e. the "Consolidated Parking Ratio for shopping Centers" or "Shared Parking Model"). Residential uses shall provide all required parking in accordance with the requirements of the City's Development Code. The Applicant shall propose and implement parking enforcement measures to ensure that parking spaces required for non-residential uses remain available to employees, patrons, and guests of the approved retail, restaurant, hotel, health club, cinema, and office uses on the Property, and that such parking spaces are not utilized as either (1) additional residential parking by residents or guests of the residential buildings on the Property, or (2) additional parking for employees, patrons, patients, or visitors of the adjacent Saddleback Medical Center on the Property. Such measures may include, without limitation, enforceable parking use or duration restrictions, posting of signage to enable towing of unauthorized vehicles consistent with California Vehicle Code Section 22658, the employment of on-site parking control personnel, and/or other measures reasonably determined by the Community Development

Director to be sufficient to ensure non-residential parking spaces on the Property remain available for the non-residential uses and are not improperly utilized by employees, patrons, patients, or visitors of the adjacent Saddleback Medical Center. Such implementation measures shall be included in the Covenant Agreement required by Condition 37.

29. Prior to the implementation of any shared parking on the Subject Property, the Applicant shall prepare a Parking Management Plan for review and reasonable approval by the Public Services Director and the Community Development Director. The Parking Management Plan shall include the following strategies at a minimum.
- a. Valet service for the hotel, retail, and restaurants;
 - b. Manage employee demand in more remote parking areas through an employee parking permit program;
 - c. Coordinate special events;
 - d. Install electronic parking counters and board in the new parking structures;
 - e. Add signage prohibiting hospital and other medical office parkers from parking on site;
 - f. Designate pick-up/drop-off areas on site;
 - g. Designate shuttle stops on site (that serve Laguna Woods, Laguna Hills Transportation Center, hospital, and medical office); and,
 - h. Provide bicycle racks, bike share facilities, and EV charging stations on site.
 - i. Reasonable and effective parking enforcement measures to ensure the required parking spaces intended to serve the non-residential uses on the Property remain available to employees, patrons, and guests of the approved retail, restaurant, hotel, health club, cinema and office uses on the Property, and that such parking spaces are not utilized as either (1) additional residential parking by residents or guests of the residential buildings on the Property, or (2) additional parking for employees, patrons, patients, or visitors of the adjacent Saddleback Medical Center on the Property. The Applicant will install signage in compliance with California Vehicle Code Section 22658 notifying the public that public parking is prohibited, and that vehicles parked in violation of the posted parking requirements will be towed at the vehicle owner's expense. Posted signage will make clear that owners and visitors of residential buildings are prohibited from parking in commercial spaces.
 - j. Parking, with the exception of valet parking, will be free of charge to retail customers.

The Parking Management Plan shall include a description of how each strategy will be implemented, and include details describing when and how the strategies will be implemented including days of the week, time of day, locations, equipment and/ or personnel to be included, permanent and temporary fixtures, and any other information determined by the Community Development Director to be necessary.

LANDSCAPING

30. Prior to the issuance of the first building permit within a District, the Applicant shall submit a final landscape and irrigation plan for the District to the Community Development Director for review and approval. The District landscape design shall include any improvements the Applicant and Chief of Police Services mutually agree upon that improve pedestrian safety in Project open space areas accessible to the public (i.e. unrestricted access areas) using the principles of Crime Prevention Through Environmental Design (CPTED). Examples of design features to be considered can include, but not be limited to, low walls, steps, raised landscape planters, art, boulders, bollards, berms, and water features. Prior to the construction of any Site Improvements in the Southern Office District, the final landscape and irrigation plans for the Southern Office District shall be modified to be consistent with the Revised Parking Layout Concept (Attachment 8 of the June 24, 2021 staff report for USE-0010-2019) to the reasonable satisfaction of the Community Development Director.
31. If applicable, for any building permit issued, the Applicant shall pay the full cost for the City to retain a licensed/ registered landscape architect to review the Applicant's proposed landscape and irrigation plans, and inspect the Applicant-installed landscaping to ensure compliance with the approved Project landscaped plans. The amount paid by the Applicant shall be in accordance with a written proposal obtained by the City pursuant to its Purchasing Ordinance. The Applicant shall pay the actual cost of the landscape plan check and inspection services to the City within 30 days of being invoiced by the City for such services.

PUBLIC ART

32. Applicant shall furnish Public Art in connection with the Project, and/or pay a Public Art In-lieu Fee, pursuant to the terms of the Development Agreement ("Owner's Public Art Obligation"). Pursuant to the UVSP, the minimum aggregate value of Owner's Public Art Obligation shall be one-half percent (0.5%) of the total aggregate construction costs of the Project, which will be based on the valuation as determined by the City's Community Development Director and indicated on the building applications submitted in order to obtain permits for construction of the Project components. Pursuant to the Development Agreement, Six Hundred Fifty Thousand Dollars (\$650,000) of Owner's Public Art Obligation will be satisfied by: (a) a Three Hundred Thousand Dollar (\$300,000) credit for Public Art In-lieu Fees previously paid by the Applicant in conjunction with the 2016 Five Lagunas Project; and (b) a Public Art In-lieu Fee payment of Three Hundred Fifty Thousand Dollar (\$350,000) within ninety (90) days of the effective date of the Development Agreement. Pursuant to the Development Agreement, that portion of Owner's Public Art Obligation that exceeds Six Hundred Fifty Thousand Dollars (\$650,000) must be satisfied through the provision of actual Public Art on the Subject Property, as approved by the City, and may not be satisfied through contribution to the City's Public Art In-Lieu Fund. Allowable expenses, construction and material standards, and general location restrictions for all Public Art shall be as set forth in the "Public

Art” provisions of Section V, at pages 39-40, of the Specific Plan. The City shall have the right to approve, in advance, the proposed type, size, art medium, location, and content of all Public Art proposed to be constructed or installed in satisfaction of Owner’s Public Art Obligation. The timing, procedures and requirements for preparation, submittal, review, and approval of plans and specifications for all Public Art shall be as specified in Exhibit H to the Development Agreement.

33. Prior to the issuance of the first building permit within a District, the Applicant shall submit a final landscape and irrigation plan for the District to the Community Development Director for review and approval. The plan shall demonstrate compliance with LHMC Chapter 9-46 (Landscaping Standards and Guidelines) and LHMC Chapter 9-47 (Landscape Water Efficiency), as may be amended from time to time, including installation of “Smart” landscape irrigation controllers, low precipitation-rate sprinkler heads, and water efficient landscaping, as applicable; and the requirements of the UVSP. Trees installed shall be a minimum one-inch caliper unless otherwise specified in the UVSP. Final landscape and irrigation plans shall include information on minimum spacing between all plant materials except for trees, which shall be planted as indicated on the preliminary landscape plan at a minimum. Upon final inspection of the installed landscaping, the Applicant shall provide additional plant material if approved landscaping is not installed using the correct plant spacing on the approved landscape plan. Final landscape plans shall integrate any future approved art pieces, or other public art from the Project’s Public Art Program, in a manner consistent with the Development Agreement.

LIGHTING

34. Prior to the issuance of the first building permit within a District, the Applicant shall submit a lighting and photometric plan to the Community Development Director for review and approval. The Community Development Director may require additional lighting located in an adjoining District if lighting levels at approved pedestrian walkways and internal intersections within the District under construction are insufficient to comply with the requirements of LHMC Chapter 9-40 when completed. Pedestrian and parking lot lighting poles and fixture types shall be consistent with the types depicted in the Urban Village Specific Plan or as otherwise approved by the Community Development Director. 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. Light fixtures used shall be consistent with Project architecture as reasonably determined by the Community Development Director. The City may withhold issuance of a certificate of occupancy for any building or portion thereof if the lighting associated with such building has not been installed. For parking areas permitted pursuant to the approved Temporary Site Access and Parking Plan, lighting levels shall be consistent with full build out of the Subject Property on the approved Project Photometric plan.

35. Prior to the commencement of construction of any on-site street, the Applicant shall submit a final lighting and photometric plan to the Community Development Director and Public Services Director for review and approval depicting the design and location of vehicle and pedestrian lighting to be installed. Street light poles and fixture types shall be consistent with the types depicted in the UVSP or as otherwise approved by the Community Development Director and Public Service Director. 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.
36. Outdoor security and other lighting shall be designed and maintained so as not to illuminate beyond the Subject Property. All exterior lights shall be focused inward and away from surrounding uses and adjacent residential properties.

COVENANT AGREEMENT

37. The approved Project is a single, integrated mixed-use development consisting of a mix of residential, retail, hotel, restaurant, health club, cinema, and office uses, and related interconnected vehicular and pedestrian facilities, parking facilities, public plazas and open spaces, landscape areas, water features, and public art , on approximately 68 acres of property comprised of several contiguous, but separate, legal parcels and includes approval of a precise plan of development for the entire 68 acre development in accordance with the requirements of the Urban Village Specific Plan. Accordingly, simultaneously with the recordation of a Final Map, MGP FUND X LAGUNA HILLS, LLC and/or any successor owner of any portion of the Subject Property shall enter into and record a single Covenant Agreement (or other appropriate document acceptable to the City) with the City in a form approved by the City Attorney and City Manager. The City Manager shall be authorized to execute the Covenant Agreement on behalf of the City. The Covenant Agreement shall be recorded prior to the issuance of any certificates of occupancy. Evidence of the recordation of the agreement shall be provided to the City prior to the issuance of any certificate of occupancy. The Applicant shall provide City with a current title report and/or other evidence satisfactory to the City evidencing title ownership of any portion of the Subject Property at the time of recordation of the Covenant Agreement. The Applicant shall reimburse the City for all legal costs incurred by the City associated with implementation of and/or compliance with this condition.

At a minimum, the Covenant Agreement shall:

- Run with the land and be binding upon all current and future owners and tenants of any portion the Subject Property and their respective heirs, successors, and assignees;

- Evidence and provide record notice of the approved precise plan for development of all portions of the Subject Property as depicted on the plans and specifications submitted to the City in conjunction with this Permit;
- Require all portions of the Subject Property to be developed, used, and maintained in a manner consistent with this Permit, as it may be amended from time to time, and the pertinent specifications and standards contained in these Conditions of Approval, the UVSP, and the City's Development Code;
- Provide for, or reference and incorporate, all current or future reciprocal access and parking easements between and amongst the various parcels on the Subject Property that are necessary to implement the integrated mixed-use development reflected in the approved precise plan of development, including all fire lanes as required by the Orange County Fire Authority (OCFA);
- Establish maintenance standards acceptable to the City for all exterior Project components and areas of the Subject Property and adjacent portions of the right-of-way which Applicant is required to maintain pursuant to these Conditions, including, but not limited to, vehicular, bicycle and pedestrian facilities, parkways, parking facilities, public plazas and open spaces, landscape areas, furniture and shade structures, water features, public art, signage, bus shelters, utilities, sanitary sewer facilities, and storm water drainage devices, and provide for the allocation of responsibility for maintenance of such components and areas in compliance with such standards and the funding thereof;
- Include provisions identifying an entity or entities responsible for ongoing implementation and funding of the Operations and Maintenance (O&M) Plan associated with the Water Quality Management Plan (WQMP) for the Project and compliance with the LHMC Chapter 5-36 and other applicable National Pollutant Discharge Elimination System (NPDES) regulations;
- Provide that the Covenant Agreement may not be substantively amended or terminated without prior written City approval;
- Provide that the City may, but shall not be obligated to, enforce the provisions of the Covenant Agreement; and
- Address and assign responsibility for compliance with Covenant Agreement should portions of the Subject Property be, or in the future come, under separate ownership.

BUILDING CODE REQUIREMENTS

38. The Applicant shall be responsible for ensuring all applicable building permits are obtained for any activity requiring a permit. Construction shall comply with the 2019 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.

39. Prior to issuance of any building permit, the Applicant shall submit to the Community Development Director all required approvals from the Orange County Health Department.
40. Prior to issuance of each building permit, the Applicant shall submit to the Community Development Director all required approvals from the Orange County Fire Authority.
41. Prior to issuance of each building permit for the demolition of any existing building, 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.
42. Prior to issuance of each building permit, the Applicant shall submit a Construction and Demolition Waste Recycling Program application to the Community Development Director, if applicable, as required by LHMC Chapter 5-48.
43. 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.

BUS FACILITIES

44. Prior to the construction of improvements on Calle de la Louisa, the Applicant shall work with the Orange County Transportation Authority (OCTA) and provide bus stops along Calle de la Louisa, as requested by OCTA or City. Bus stop locations for OCTA facilities shall be constructed in accordance with the OCTA standards. The Applicant shall provide bus stop furniture to the reasonable satisfaction of the Community Development Director and Public Services Director to include, but not be limited to, benches, trash receptacles and shade opportunities that will be maintained by the Applicant.
45. Prior to the issuance of a grading permit in each District, the Applicant shall prepare and submit plans for the review and reasonable approval of the Community Development Director and the Public Services Director demonstrating the ability of the Project to provide private bus stops, turn out lanes and related improvements for bus service access to the Subject Property during construction, without causing an impediment to traffic lanes, bicycle lanes or pedestrian facilities. At least one (1) permanent private bus stop shall be provided located on the west side of the Village Park. Other proposed permanent bus stops shall be provided with furniture to include, but not be limited to, benches, trash receptacles and shade structures, canopies, and/or landscaping that provide pedestrian shade. Proposed private bus stops shall be maintained by the Applicant. The features in the approved plans shall be installed concurrently with the construction of Site Improvements, and shall be constructed to the reasonable satisfaction of the Community Development Director and Public Services Director. Prior to issuance of a Certificate of

Occupancy for the Cinema/ Anchor 1/2 building or final inspection of the Village Park, whichever occurs first, the private bus stop located on the west side of the Village Park shall be constructed, inclusive of furniture, trash receptacles and shade opportunities.

46. Prior to the issuance of the a certificate of occupancy for the third Residential Building or the first certificate of occupancy for the first Office Building, the Applicant shall reconstruct the OCTA El Toro Road Bus Stop, on the southerly side of El Toro Road easterly of Paseo de Valencia, to accommodate future projected ridership needs based on full Project buildout, to the reasonable satisfaction of the Public Services Director and OCTA, inclusive of street furniture, benches, waste receptacles, bicycle racks, shade structure, lighting and landscaping.

SIGNS

47. Lighted signs shall comply with LHMC Section 9-42.060 (lighting requirements).
48. No permit shall be issued for Sign Type A-1 or A-3 until after the first building permit for a tenant improvement is issued for the Anchor 1/ 2/ Cinema building shell (as identified on the approved Plan).
49. Prior to the issuance of the first building shell final or certificate of occupancy for new buildings in the El Toro Pad District, the Applicant shall design and construct a Perimeter Entry Feature for the southwest corner of El Toro Road and Avenida de la Carlota and on the second entry drive southbound on Avenida de la Carlota as shown on Figures 21 and 25 of the UVSP. Ledge stone used for the project shall be Bear Canyon ledge stone, or equivalent. Ledge stone shall be installed in a dry-stack application (no visible mortar joints). Construction plans shall denote the approved material. Plans are subject to the review and reasonable approval of the Community Development Director and Public Services Director.
50. The enhancement of the Entry Monuments, consisting of walls, pilasters, lighting and architectural elements on the southerly side of El Toro Road, on either side of Regional Center Drive, included within the Project Master Sign Program, shall require, in addition to any other permits, a Public Property Encroachment Permit issued by the Public Services Director prior to performing any work. The Applicant shall repair any damages incurred to the City maintained landscaping and irrigation at these locations as a result of the enhancements and shall maintain the new signage features to the reasonable satisfaction of the Public Services Director.
51. Except as otherwise approved by the Community Development Director, Directional Signage (Signs B1-B5) in the Project Master Sign Program shall be included as part of the completion of Site Improvements required in a District. The Community Development Director may exercise discretion in the timing of the installation of Directional Signage to accommodate construction of buildings,

landscaping, and walkways located in close proximity to proposed signage, provided Directional Signage is not required for emergency access, in which case the requirements of the Orange County Fire Authority (if any) shall be met. Directional Signage to be installed in the Village Park shall be installed concurrently with the completion of the park improvements.

52. The 13' x 60' west facing wall sign depicted in Detail 3 on Page 092 of the Plans shall only be lit through indirect illumination (no interior sign illumination). Colors and materials of the indirect lighting fixtures shall be approved by the Community Development Director prior to the issuance of a sign permit for the proposed sign.

DIGITAL DISPLAY

53. The proposed 46' 9" x 24' digital display depicted on Page RT 2.04 of the Plans (Digital Display) is subject to the following requirements:
 - a. For the purposes of this condition of approval, Digital Display shall mean the approximately 1,128 square foot digital screen located on the south elevation of the Cinema/ Anchor 1/2 building facing the Village Park.
 - b. Prior to issuance of building permits for the Digital Display, the Community Development Director shall review and approve the design/materials, location, and operational details (e.g., illumination, maintenance plan, sound system, etc.).
 - c. Digital Display Illumination Measurement Criteria: The illuminance of the digital display shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the Digital Display off, and again with the Digital Display displaying a white image for full color capable Digital Display. All measurements shall be taken perpendicular to the face of the Digital Display. The Community Development Director shall have the authority to review and approve proposed illumination for compliance with these conditions of approval and the Municipal Code, and may modify the illumination standards referenced herein provided that the illuminance measurements are prepared by a qualified engineer.
 - d. Illumination Limits: The difference between the off and solid-measurements using the Digital Display Illumination Measurement Criteria shall not exceed 0.3 foot-candles.
 - e. Dimming Capabilities: The Digital Display shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
 - f. City Content: From time to time the City may request, and Owner shall reasonably allow, the City to place content on the sign free of charge on a space available basis not to exceed five (5) percent of total operating hours of the sign.
 - g. Operating Hours: The operation of the Digital Display shall be prohibited between the hours of 10:00 pm to 7:00 am. Additional operating hours may

be granted in conjunction with a request for a Temporary Use Permit for outdoor events pursuant to LHMC Chapter 9-62.

- h. Maintenance: The Digital Display shall be properly maintained. Defective parts shall be replaced. The Community Development Director shall have the authority to order Applicant to repair the Digital Display if it is found to be defective, damaged, or substantially deteriorated, as established by visual inspection.

PARK FEES

54. Payment of the City's public park in-lieu fees shall be made by the Applicant as required by the terms and conditions of the Development Agreement. Otherwise, payment of the City's public park in-lieu fees shall be made by the Applicant pursuant to LHMC Chapter 8-06.

PUBLIC SAFETY

55. Prior to the issuance of a permit for the construction of any surface or structured parking, the Applicant shall confer with Orange County Sheriff's Department (OCSD) to identify the locations of preferential parking for police vehicles. Up to two (2) designated parking spaces for police vehicles shall be provided on each parcel subject to the approval of OCSD, including corresponding signage identifying the spaces for emergency vehicle parking only, which shall be subject to the approval of the Community Development Director. The number of spaces required for each parcel may be reduced or eliminated subject to the review and approval of the Chief of Police Services.
56. For any vehicle or pedestrian gate limiting access to any portion of the site, the Applicant shall install a limited access device allowing emergency access to OCFA and OCSD. Such vehicle and pedestrian gates shall be reviewed and approved by OCFA and OCSD prior to the issuance of a building permit for conformance with the respective agencies' requirements for limited access devices.
57. The Applicant shall comply with all requirements of OCFA which are attached to this resolution as Exhibit A, which conditions are incorporated herein by reference.

PUBLIC SERVICES

58. No work shall be performed within the public right-of-way by the Applicant or its agents until a public property encroachment permit is issued by the Public Services Director and applicable fees have been paid.
59. Construction equipment and materials deliveries shall not access or depart the Subject Property during morning or evening 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. The Applicant shall provide a construction vehicle equipment and materials delivery routing plan for approval by the Public Services Director prior to any demolition, grading or construction work. The El Toro Road at I-5 Interchange shall not be utilized as a primary access point for construction vehicles equipment and materials delivery. El Toro Road shall not be utilized as a project access by any construction equipment. No work that may interfere with traffic flow along El Toro Road and/or access to the I-5, as determined by the Public Services Director, shall occur during the month of December of each calendar year.

60. It shall be the Applicant's responsibility to protect-in-place all existing public improvements. The Applicant shall repair or replace, to the reasonable satisfaction of the Public Services Director, any public improvements that are damaged, removed or destroyed as a result of the Project construction. Such replacement or repair work shall be implemented within 10 working days of notice by City and, in any event, shall be completed prior to issuance of any further certificates of occupancy.
61. All public improvements shall be constructed and completed to the reasonable satisfaction of the Public Services Director prior to the recordation of the first Final Map, or on a schedule as otherwise described herein, or the Applicant shall enter into the City's form Subdivision Improvement Agreement, including the posting of securities to guarantee the completion of the public improvements on a schedule as approved by the Public Services Director, and all as approved by the City Attorney and Public Services Director.
62. Final Maps shall be prepared in accordance with City, County, and State requirements, standards, and laws. The Applicant shall submit each Final Map for plan check to both the Public Services Director 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. Prior to recordation of any Final Map, for existing easements that directly conflict with future building locations, the Applicant shall provide executed quit claim, plat and legal extinguishment documents in recordable form to the reasonable satisfaction of the Community Development Director and Public Services Director. The approved executed extinguishment documents shall be recorded prior to building permit issuance and following removal of facilities that conflict with future building locations. Following the recordation of each Final Map, the Applicant shall provide the City with both an electronic copy, in a form acceptable to the Public Services Director, and a duplicate Mylar of the recorded Map.
63. The Applicant shall be limited to no more than six (6) phased Final Maps. Each Final Map shall substantially conform to the requirements of the approved Vesting Tentative Map as determined by the Public Services Director.

64. Any existing survey monumentation disturbed, destroyed, or removed during construction shall be restored by a California Licensed Land Surveyor, and Corner Records shall be filed with the Public Services Director and County Surveyor, within 180 days of disturbance of the monument, in accordance with State Law and standards of the County Surveyor.
65. The Applicant shall prepare and submit rough and precise grading plans, drainage improvement plans, site improvement plans and Storm Water Pollution Prevention Plan/Erosion Control Plans, under the supervision of a State of California licensed/registered civil engineer, on 24"x 36" sheets at a scale acceptable to Public Services Director. Final plan sheets shall be printed on Mylar. Upon completion of construction, the Applicant shall provide the City with drawings of record in both an electronic copy, in a form acceptable to the Public Services Director, and a duplicate Mylar of the plans.
66. All grading plans shall be designed and all grading shall be performed in accordance with the City's Grading and Excavation Code and grading plan checklist. The applicable grading plan shall be approved by the Public Services Director prior to the issuance of any building permits for any new buildings on the Subject Property.
67. Concurrently with the submittal of any grading plan, a separate hydrology and hydraulic analysis report, in accordance with the then current County of Orange Hydrology Manual, for the Subject Property shall be provided to the Public Services Director for review and approval. The grading plan shall include a drainage plan, which shall provide 100-year storm protection at one foot below all finished floor elevations, collect 25-year storm flows in sump conditions into drainage devices and collect 10-year storm flows in all other cases into drainage devices, not including the required hydromodification retention of flows. During 100-year storm events, one travel lane in each direction on primary internal access roads shall be free of inundation, open and passable as approved by the Public Services Director. No onsite development shall impede the functionality of any existing drainage devices in the public right of way. The hydraulic analysis shall demonstrate the above specifications are met. No concentrated drainage shall be allowed onto public driveways or sidewalks and stormwater drainage shall be conveyed to the storm drain system prior to crossing of the public right of way.
68. Prior to the issuance of the last certificate of occupancy within a District, all existing private storm drain pipes of 18" diameter or greater to remain in place upon the completion of all Site Improvements in each District shall be inspected, photographed/videotaped and logged by the Applicant as to their condition, including but not limited non-destructive testing, to confirm their ability to support live and dead loads of the planned development and identify the long term viability of the existing drainage systems to function as designed. The design Civil Engineer and/or Soils/Materials Engineer shall attest to the condition of these drainage systems and submit their findings to the Public Services Director for review and

approval. Prior to the issuance of each certificate of occupancy for any buildings on the portion of the Subject Property covered by the applicable grading permit, any storm drain pipes, private or public, determined by the Public Services Director to not meet current standards shall be removed and replaced, or rehabilitated, to the reasonable satisfaction of the Public Services Director.

69. The planned relocation of a portion of the 66" storm drain lines, as identified on the approved Plans, necessary to avoid conflict with Office Buildings 1-4, shall be accomplished such that the existing drainage patterns shall not be disturbed. The existing 66" storm drain line shall remain operational while the new storm drain alignment is constructed. The disconnection of the existing 66" storm drain line shall not occur between the months of October to April in any given year and shall not occur otherwise if there is a prediction of any precipitation within seven days of, or during, the planned disconnection of said 66" storm drain line. The connection of the existing 66" storm drain line to the relocated and new 66" storm drain line shall be fully completed within fourteen (14) calendar days. The 66" storm drain shall continue to accept public and private storm waters as it currently is configured and convey said water without disruption of the hydraulic grade line from the easterly boundary of the Project to Aliso Creek. Upon completion of the new 66" storm drain line located on the Subject Property, the Applicant shall have this storm drain system inspected, cleaned, and repaired, as needed, from the easterly boundary of the Subject Property to Paseo de Valencia.
70. Prior to the issuance of a building permit for any building, the Applicant shall demonstrate to the reasonable satisfaction of the Public Services Director that adequate building setbacks have been provided allowing construction excavation/access to, and maintenance of, private storm drains. Building setbacks may range from a minimum of 15' to an estimated maximum of 25' in width, depending upon the size and depth of the storm drain pipes, to the reasonable satisfaction of the Public Services Director.
71. Concurrently with the submittal of any grading plan, the Applicant shall submit a Final Geotechnical report prepared by a State of California registered/ licensed Engineering Geologist for approval by the Public Services Director. The report shall include an evaluation of area geology, onsite soils, and earthquake potential and provide recommendations on pavement sections, building foundations, water table impacts, and a discussion of the functionality of the hydromodification and water quality features relating to infiltration rates.
72. All new parking lots, drive aisles, and private streets shall be constructed of asphalt concrete over crushed aggregate base over subgrade, or equal, and compacted to a relative compaction of 95% or as required by the soils engineer of record in the Final Geotechnical Report. The structural pavement thickness shall be equivalent to no less than 4" AC over 6" AB, or more, for drive aisles, and 4" AC over 4" AB for all other areas, or more, as required by the soils engineer of record and approved by the Public Services Director.

73. The final street improvement/grading plans involving Calle de la Louisa shall include a northerly bound lane transition beginning at Calle de la Plata, on a minimum basis of a 25:1 ratio for each foot of lane shift, to the reasonable satisfaction of the Public Services Director.
74. The intersection of Calle de la Plata at Calle de la Louisa shall be modified to directly align the centerline of Calle de la Plata on either side of Calle de la Louisa, taking into account the existing median island on the westerly side of this intersection, and include one westerly bound left turn lane and one westerly bound through/right turn lane, each with a minimum 100' lane length, not including transitions, to the reasonable satisfaction of the Public Services Director.
75. The intersection of Health Center Drive at Calle de la Louisa shall be modified to directly align the centerline of Health Center Drive on either side of Calle de la Louisa, taking into account the existing median island on the westerly side of the intersection, and include one westerly bound left turn lane and one westerly bound through/right turn lane, each with a minimum 100' lane length, not including transitions, to the reasonable satisfaction of the Public Services Director.
76. Any street improvement lane transitions utilized on the Subject Property shall be on the basis of a minimum 25:1 ratio for each foot of lane transition, or greater, matching the anticipated prevailing speed of traffic for the ratio value to one, to fully align the traffic lanes to the reasonable satisfaction of the Public Services Director.
77. The Project, as hereby approved, does not trigger payment of the traffic impact mitigation fee in accordance with Chapter 9-102 of the Laguna Hills Municipal Code. If, however, there are future amendments or modifications to the Project, prior to issuance of any building permits, the Applicant shall, pursuant to Chapter 9-102, pay a traffic impact mitigation fee, if applicable.
78. Prior to the issuance of any building permit, the Applicant shall pay, and provide City with evidence of payment of, all fees required by public agencies other than the City, whether or not collected by the City, including, but not limited to, the fees imposed pursuant to the County of Orange's major thoroughfare and bridge fee programs known as the Coastal Area Road Improvements and Traffic Signal (CARITS) program, and the Moulton Parkway/Laguna Niguel (MP/LN) programs, and by OCFA, the El Toro Water District (ETWD), the San Joaquin Hills Transportation Corridor Agency, and the Saddleback Valley Unified School District.
79. Concurrently with the submittal of any grading plan and prior to issuance of each grading permit, the Applicant shall submit for review and approval by the Public Services Director a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on-site to control

predictable pollutant run-off. This WQMP shall identify Low Impact Development (LID) BMPs and routine structural and non-structural measures specified in the current Orange County Drainage Area Management Plan (DAMP) and the San Diego Regional Water Quality Control Board (SDRWQCB) requirements applicable to each parcel under development. This WQMP shall:

- a. Address site design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas, conserving natural areas, preserving trees, and retaining existing site hydrology to the maximum extent practicable;
 - b. Replicate the pre-development hydrologic functions through site preservation, infiltration, retention, detention, evapotranspiration, and filtration treatment systems (hydromodification).
 - c. Incorporate applicable routine source control BMPs as defined in the DAMP and provide a detailed description of their implementation;
 - d. Incorporate applicable treatment control BMPs as defined in the DAMP;
 - e. Implement Low Impact Development (LID) BMPs to reduce runoff to the maximum extent practicable.
 - f. Include full capture trash and debris systems consistent with SDRWQCB Order No. R9-2017-0077 (or as may be amended) and per the approval of the Public Services Director.
 - g. Include an Operation and Maintenance (O & M) plan that identifies the mechanism(s) by which long-term O & M of all post construction BMPs will be provided and funded, the schedule for O & M and the responsible party for the O & M.
 - h. Conform to hydromodification criteria. The Applicant shall document compliance with hydromodification criteria by providing calculations consistent with the Grading Plan and WQMP and in accordance with the SDRWQCB NPDES Order No. R9-2013-0001, Section E.3.c(2), as amended by Order Nos. R9-2015-0001 and R9-2015-0100, or as may be superseded or further amended. Hydromodification calculations shall only be made by using the South Orange County Hydrology Model as provided by the County of Orange.
80. Prior to issuance of the first grading permit, the Applicant shall submit a copy of the State issued Notice of Intent (NOI) indicating that coverage has been obtained under the National Pollutant Discharge Elimination System (NPDES) State General Permit for Storm Water Discharges Associated with Construction Activity

from the State Water Resources Control Board. Evidence that the NOI has been obtained shall be submitted to the Public Services Department. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the Subject Property and be available for City review on request. In addition, the Applicant shall include notes on the grading plans indicating that the Project will be implemented in compliance with the Statewide Permit for General Construction Activities.

81. The Applicant shall oversee, irrigate, and/ or treat with a dust palliative any soil on the Subject Property exposed as a result of any demolition work and/or grading work, and which is not otherwise undergoing continuous construction for any 45-day period, such that blowing wind shall not generate soil movement of any kind. The growth of any plant material on any land not undergoing continuous construction shall always be controlled to a height of not more than 12 inches.
82. Consistent with the approved District Sequencing Plan, within 30 days of Project Approval the Applicant shall install a visual barrier facing all public streets, or install other comparable perimeter screening materials subject to the reasonable satisfaction of the Community Development Director and Public Services Director. At the reasonable request of the Community Development Director, the Applicant shall integrate temporary intermittent landscape planters into the design of the visual barrier to be constructed.
83. Each underground storm water storage device subject to traffic loads shall meet American Association of State Highway and Transportation Officials (AASHTO) H20 loading standards or higher, as may be amended, as recommended by the soils engineer of record and to the reasonable satisfaction of the Public Services Director.
84. Prior to the issuance of the first grading permit, the Applicant shall pay the City the full cost to purchase and install new debris gates and full capture trash screens to fit into existing catch basins, for all existing catch basin inlets serving Avenida de la Carlota and El Toro Road along the frontage of the Project, as determined by the reasonable discretion of the Public Services Director, to include the following:
 - a. Catch Basin #97 located on the southerly side of El Toro Road approximately 152' westerly of the centerline of Avenida de la Carlota.
 - b. Catch Basin #61 located on the westerly side of Avenida de la Carlota approximately 709' southerly of the centerline of Plaza Lane / Project Driveway (private street intersection).
 - c. Catch Basin #178 located on the westerly side of Avenida de la Carlota approximately 448' northerly of the centerline of Oakbrook Village (private street intersection).
85. The Applicant shall install debris gates and full capture trash screens into all private catch basin inlets within the Subject Property simultaneously with the completion

of Site Improvements within a District being improved, but not later than the issuance of the first certificate of occupancy of any building in a District. The Applicant shall include the regularly scheduled maintenance and cleaning of these private devices in the WQMP, all in accordance with the then current standards of the State of California Water Resources Control Board and the City of Laguna Hills.

86. Prior to the issuance of the third certificate of occupancy for any combination of Residential and/or Office Buildings (i.e. three residential buildings, two residential buildings and one office building, three office buildings, etc.), the Applicant shall prepare a current Traffic Signal Warrant Analysis following the procedures in the Caltrans Traffic Manual for the proposed new traffic signal at the intersection of Avenida de la Carlota and the extension of Health Center Drive (Intersection 35 referenced in the "Traffic Impact Analysis for the Village at Laguna Hills" dated September 1, 2020, in Section 6.0 Site Access) and submit it for review and approval by the Director of Public Services. If the traffic signal has not as yet met warrants, the Applicant shall repeat the Traffic Signal Warrant Analysis upon the issuance of the certificate of occupancy of each additional Residential or Office Building. If the traffic signal is deemed to be warranted, within six months of said Warrant Analysis approval, the Applicant shall prepare the design of the Traffic Signal by a State of California Licensed/ Registered Civil Engineer or Traffic Engineer and submit the plans to the Director of Public Services for review and approval. Within six months of the approval of said Traffic Signal design, the Applicant shall construct and install said Traffic Signal and all ancillary improvements and equipment to the reasonable satisfaction of the Director of Public Services. Prior to the completion of construction of the Traffic Signal, if needed, the Applicant shall dedicate a traffic signal maintenance easement for any traffic signal equipment located on the Subject Property.
87. Prior to the issuance of the final certificate of occupancy for the fourth Residential Building, the Applicant shall cause a Traffic Signal Warrant Analysis to be performed by a State of California Licensed/Registered Civil Engineer or Traffic Engineer to determine if the intersection of Paseo de Valencia at Calle de los Caballeros should be converted to a fully operational intersection and be provided with a traffic signal. If said Warrant Analysis does not meet at least one Warrant by this initial analysis, the Warrant Analysis shall be repeated prior to the issuance of the final certificate of occupancy for the final Residential Building and be submitted to the Public Services Director for review. If the Traffic Signal is now warranted, the City will reasonably evaluate if alternative traffic controls, other than a traffic signal, can be implemented to address the traffic conditions. However, if as reasonably determined by the Public Services Director the traffic signal is appropriate to address the traffic conditions, the Applicant shall contribute a pro-rata share of funding for the full cost of the design and construction of said signal and related ancillary improvements and equipment (as specified in Condition No. 88). Prior to the issuance of any further certificates of occupancy, Applicant shall deposit with the City an amount equal to the Project's pro-rata share of traffic contribution to the intersection of the cost of such design and construction, as

reasonably determined by the Public Services Director. In the event the Project's pro-rata share of the full documented cost to design, construct, and install the signal and related improvements and equipment exceeds the amount of the deposit, Applicant shall pay City the difference within thirty (30) days of written request by City. In the event the Project's pro-rata share of the full documented cost to design, construct, and install the signal and related improvements and equipment is less than the amount of the deposit, City shall refund Applicant the difference within thirty (30) days after completion of the construction and installation of the signal and all related improvements and equipment, as evidenced by a notice of completion issued by the City.

88. The design of any new traffic signals shall be to the standards of the City of Laguna Hills and Caltrans Standard Plans and Specifications and shall include, but not be limited to, City required LED illuminated street name signs, hard wire fiber optic interconnection and communication equipment to all adjacent traffic signals, City selected traffic signal controller, City selected video detection equipment, City selected emergency vehicle preemption equipment, ADA accessibility improvements, and any other necessary ancillary improvements as determined by the Public Services Director. The Applicant shall provide the City the full cost to purchase the traffic signal controller, video detection equipment and emergency vehicle preemption equipment in advance of the Applicant's proposed construction. The schedule for the installation of said signals shall be subject to the reasonable discretion of the Public Services Director.
89. As reasonably determined by the Public Services Director, the Applicant shall be responsible for funding, in advance, the full cost of the purchase and installation by City of specified vehicular video detection equipment for retrofit of the Avenida de la Carlota at Plaza Lane / Plaza Drive traffic signal in accordance with City standards. The Applicant shall provide the City the full cost to purchase and install the equipment, prior to the issuance of the first certificate of occupancy for any building within the El Toro Pad District.
90. As reasonably determined by the Public Services Director the Applicant shall fund, in advance, the full cost of the replacement of the existing illuminated street name signs on existing traffic signals to match the new street name designations serving access to the Subject Property. Such illuminated street name signs shall be replaced with LED illuminated street name signs as selected by City. The Applicant shall provide the City the full cost to purchase and install the signs, as determined in the reasonable discretion of the Public Services Director, prior to the issuance of the first certificate of occupancy for any building within the El Toro Pad District.
91. The Applicant shall be responsible for funding, in advance, the full cost of replacement of any City Wayfinding signage to be modified from "Laguna Hills Mall" to "Village at Laguna Hills", or any other City approved Project name, at any location at which the name change is required. The Applicant shall deposit with the City an amount equal to the full cost to manufacture and install all such signs, as

reasonably determined by the Public Services Director. In the event the full documented cost to manufacture and install said signs exceeds the amount of the deposit, Applicant shall pay City the difference within thirty (30) days of a written request by City. In the event the full documented cost to manufacture and install said signs is less than the amount of the deposit, City shall refund Applicant the difference within thirty (30) days after installation of the last such sign. The Applicant's deposit shall be made prior to the issuance of the first certificate of occupancy for any building located within the El Toro Pad District.

92. The Project's southerly driveway access to Avenida de la Carlota (the extension of Calle de Los Caballeros, a private drive) shall be constructed as a right turn in and right turn out only driveway. No left turn access at this location shall be allowed.
93. Prior to the issuance of the first certificate of occupancy for any building within the El Toro Pad District, or one year from the State's substantial completion of the westerly widening of Avenida de la Carlota associated with the Interstate 5 Segment 3 project, as reasonably determined by the Public Services Director, whichever occurs first, the Applicant shall construct the enhanced parkway along Avenida de la Carlota, from El Toro Road to Plaza Lane/Project Driveway, consistent with the UVSP, to the City's standards and specifications. The construction of these improvements shall include, as needed, the construction of retaining walls and pedestrian barriers at the top of the retaining wall and the modification, relocation and/or addition of Southern California Edison (SCE) street lighting, including the payment of fees to SCE. The construction of these improvements shall maintain the current Orange County Transportation Authority (OCTA) bus stop within the limits of this work. The Applicant shall dedicate a landscape and/or pedestrian access easement to the City for any area described herein not already included within the public right of way by an instrument in a form acceptable to the Public Services Director and City Attorney. The electrical meter and water meters serving the landscape areas described herein shall be separated from any other Project landscaping. The enhanced parkway improvement shall be designed and constructed to the reasonable satisfaction of the Community Development Director and Public Services Director and shall be maintained by the Applicant in a first class condition similar to the condition on the completion of the original construction and/or installation, reasonable wear and tear excepted, and in a manner and condition consistent with similarly situated developments in the UVSP area, as reasonably determined by the Public Services Director.
94. Prior to (a) the issuance of the first Office Building certificate of occupancy, or (b) one year from the State's substantial completion of the westerly widening of Avenida de la Carlota associated with the Interstate 5 Segment 3 project, or (c) the completion of the required components of Phase One (as defined in the Development Agreement), whichever occurs first, as reasonably determined by the Public Services Director, the Applicant shall construct the enhanced parkway along the westerly side of Avenida de la Carlota from Plaza Lane / Project Driveway to the southern Project boundary, consistent with the UVSP, including

the modification, relocation and/or addition of Southern California Edison (SCE) street lighting to the reasonable satisfaction of the Public Services Director, including the payment of fees to SCE, within the public right of way, to the City's standards and specifications, except as noted herein. The Applicant shall dedicate a landscape and/or pedestrian access easement to the City for any area described herein not already included within the public right of way, by an instrument in a form acceptable to the Public Services Director and City Attorney. The electrical meter and water meters serving the landscaping areas described herein shall be separate from any other Project improvements. The enhanced parkway improvement shall be designed and constructed to the reasonable satisfaction of the Community Development Director and Public Services Director and shall be maintained by the Applicant in a first class condition similar to the condition on the completion of the original construction and/or installation, reasonable wear and tear excepted, and in a manner and condition consistent with similarly situated developments in the UVSP area, as reasonably determined by the Public Services Director. In consideration of the existing driveway to/from Avenida de la Carlota (located approximately 300 feet from the south property line) within the Southern Office District being utilized for interim access to the Project, the enhanced parkway improvements impacting the driveway can be deferred until said driveway is removed from service. In addition, the enhanced parkway improvements at the intersection of Avenida de la Carlota and Calle de los Caballeros can be deferred until such time as the intersection is improved as required by any Condition requiring the construction of the Site Improvements in the Southern Residential District.

95. The Applicant shall dedicate a landscape maintenance easement to City to coincide with and matching the rear curb line of the corner Entry Monuments at the Subject Property's entrance on the southerly side of El Toro Road at Regional Center Drive. Such dedication shall be reflected on the applicable Final Map or in a separate dedication instrument in a form approved by the City Attorney and Public Services Director, to be recorded prior to the issuance of a certificate of occupancy for any building.
96. All of the existing and new Project entrances to the Subject Property along Avenida De La Carlota shall be reconstructed/constructed such that they are at 90 degrees to the centerline of Avenida de la Carlota and shall be brought up to current ADA ramp and sidewalk standards to the reasonable satisfaction of the Public Services Director, utilizing Armor Tile blue cast-in-place detectable warning surfaces at ramps.
97. Within one-year of the completion of the Avenida de la Carlota enhanced parkway improvements described herein (COA Nos. 93 and 94), the Applicant shall design and construct a 0.15' asphalt concrete overlay over the entire width of Avenida de la Carlota, from El Toro Road to the southerly Subject Property boundary. Said design shall include removal and replacement of deteriorated pavement, crack sealing, cold-planing, the pavement overlay, striping and advance traffic signal

loop detector replacements as designed by a State of California registered/licensed Civil Engineer to the reasonable satisfaction of the Public Services Director. The Applicant may, at its option, fund the full cost necessary for the City to perform this work. The terms for payment to City for performance of the work shall be within the reasonable discretion of the Public Services Director. Upon completion of the asphalt concrete overlay described herein, no further utility excavations or storm drain modifications shall be allowed within Avenida de la Carlota for a period of five years. Notwithstanding this five-year limitation on excavations, if there is no alternative to a critically necessary excavation as reasonably determined by the Director of Public Services, the Applicant shall construct and implement enhanced pavement repairs to restore the like new condition of the pavement following completion of the excavation. The enhanced pavement repairs shall, at a minimum, consist of the cold plane of 0.17' asphalt concrete for a total distance of 100', 50' beyond either side of the excavation location, from curb to the closest full lane width of the excavation location to the reasonable satisfaction of the Director of Public Services.

98. Except as otherwise provided in these Conditions, no work, excavations, or construction activity of any nature, either in, on, or under El Toro Road shall be permitted in conjunction with construction of the Project.
99. For every grading permit requested, prior to the issuance of said permit the Applicant shall provide an Americans with Disabilities Act (ADA) accessibility review for compliance with all applicable state and federal accessibility statutes, regulations and standards to the reasonable satisfaction of the Public Services Director. In addition, the accessibility review shall depict compliance with California Disabled Accessibility requirements as required by Chapter 11 of the California Building Code (as may be amended, or the applicable California Building Code in effect at the time of a request for building permit application). The accessibility review shall include all existing and future public and private sidewalks, walkways, pathways, access ramps hand rails and all other ADA regulated facilities for the area of the Property for which a grading permit is requested. The public streets to be included in this review are the southerly side of El Toro Road and the westerly side of Avenida de la Carlota coincident with all the Project boundaries. The report shall be prepared by a professional whose expertise lies in the field and shall include an implementation plan to correct all deficiencies noted as approved by the Public Services Director and Community Development Director. The Applicant shall install, construct or reconstruct to the City's standards and reasonable satisfaction of the Public Services Director, any existing public and private facilities identified in the accessibility review that are not in compliance with ADA standards, prior to the issuance of any certificate of occupancy. In complying with this condition, the Applicant may prepare a "CASp Masterplan" subject to the review and approval of the Community Development Director and Public Services Director. The Directors shall refer to the CASp Masterplan to determine the extent of existing improvements to be protected in place during construction that should be modified to join with new ADA improvements. Accessibility improvements which

are the subject of a grading or building permit shall be constructed and installed prior to grading plan close out, issuance of a building shell final, or certificate of occupancy for a tenant improvement, (depending on the type of permit requested by the Applicant).

100. Prior to the issuance of any grading permit, the Applicant shall demonstrate to the reasonable satisfaction of the Public Services Director that all on-site access routes are capable of accommodating all truck access and truck turning radii.
101. The Applicant shall indicate on all grading and/or street improvement plans the location of bicycle pathways and lanes throughout the Project site, as depicted on the Bicycle Connectivity Plan (Sheet L5.11 of the Plans), including but not limited to connectivity to Oakbrook Village, to the reasonable satisfaction of the Public Services Director and Community Development Director. Approved bicycle pathways and lanes shall be constructed to the reasonable satisfaction of the Public Services Director and completed concurrently with construction of related street improvements.
102. Within each District, prior to the issuance of a certificate of occupancy for any building, or issuance of a building permit final (or similar approval) for a Site Improvement building permit, the Applicant shall demonstrate compliance with the applicable WQMP to the reasonable satisfaction of the Public Services Director, including:
 - a. Demonstrates that all LID, hydromodification, and other structural BMPs described in the WQMP have been implemented, constructed, and installed in conformance with approved plans and specifications;
 - b. Demonstrates that the Applicant has complied with and/or is prepared to implement all non-structural BMPs described in the WQMP;
 - c. Demonstrates that an adequate number of copies of the Project's approved WQMP are available for the future occupants;
 - d. Demonstrates that the Applicant has agreed to and recorded the Covenant Agreement, CC&R's, another agreement, or another legal instrument approved by the City Attorney that shall require the property owner, successors, tenants (if applicable), and assigns to fund, operate and maintain in perpetuity the post-construction BMPs described in the WQMP.
103. Should any grading, site or public improvement work require inspection services during non-standard City working hours and days, the Applicant shall be required to make payment of a daily fee per the City's adopted fee schedule for each day of the work prior to the work being performed, subject to the availability of City

inspection personnel to provide the necessary inspection.

EL TORO WATER DISTRICT

104. For each Final Map approval requested by the Applicant, the Applicant shall comply with the requirements of the ETWD, including but not limited to, design of new water lines, sewers, and storm drains, and relocation of existing easements for which ETWD is a lienholder, successor in interest, assignee, or otherwise the legal beneficiary for the requested Final Map. The Applicant shall provide proof of compliance with the requirements of ETWD to the Public Services Director and Community Development Director prior to City Council approval of the requested Final Map.
105. For each Final Map filed, the Applicant shall obtain a “Will Serve” letter from ETWD prior to the approval of the Final Map. Existing water lines and sewer lines on the Subject Property shall be relocated to the satisfaction of ETWD. For existing easements to be vacated, the Applicant shall demonstrate the manner in which the easements will be vacated through separate instrument(s) upon completion of any new infrastructure construction and existing infrastructure removal. Prior to the issuance of building permits the aforementioned easements shall be vacated.
106. The Applicant shall design and secure, to the satisfaction of ETWD to ensure adequate water service is provided to the Project as well as any other areas adjacent to the Project that currently utilize the existing facilities that are located within the Subject Property. For each Final Map requested by the Applicant, the Applicant shall provide evidence to the Public Services Director prior to Final Map approval by the City Council that it has complied with all requirements of ETWD.
107. For each grading and building permit requested, prior to the issuance of any permits, the Applicant shall provide evidence of design approval of all required water and sewer improvements from ETWD to the reasonable satisfaction of the Public Services Director and Community Development Director.
108. Prior to the issuance of any building shell final or certificate of occupancy for any building, all water and sewer improvements serving the subject building shall be constructed to the satisfaction of ETWD and the reasonable satisfaction of the Public Services Director and Community Development Director.
109. Prior to the issuance of a building permit for any new building, or approval of a change in use for an existing building, the Applicant shall obtain a “Will Serve” letter from ETWD. The Applicant shall provide to the Community Development Director evidence of ETWD’s issuance of a “Will Serve” letter for the new building or use.
110. Water lines shall be sized to accommodate the total domestic requirements and

fire-flow requirements of OCFA.

CONSTRUCTION ACCESS

111. During construction of the Project, the Applicant shall maintain adequate site vehicular and pedestrian ingress and egress for customers and utilize temporary directional signage in the public right-of-way as needed to the reasonable satisfaction of the Public Services 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.
112. 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.
113. 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.
114. 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.

PARKING STRUCTURES

115. Parking structures shall be designed to include pavement treatments/materials or finishing techniques that reduce noise generated by automobile tire squeal. All pavement treatments and materials shall be subject to the reasonable approval of

the Community Development Director prior to building permit issuance for any parking structure.

116. For Parking Structures A and B, construction shall include an electronic parking data display board at each entrance identifying available parking spaces, which is subject to the reasonable approval of the Community Development Director. Equipment for this requirement shall be shown on the parking structure plans approved as part of the issuance of a building permit and completed prior to the issuance of a certificate of occupancy for the parking structure for which the certificate of occupancy is requested.
117. Prior to building permit issuance for each parking structure, the Applicant shall confer with OCSD to identify features consistent with best practices identified in “Crime Prevention Through Environmental Design in Parking Facilities” or other standards acceptable to OCSD that could be incorporated into the parking structure for which a building permit is requested.

MECHANICAL EQUIPMENT

118. Mechanical equipment, storage, trash areas, and utilities installed at ground level shall be architecturally screened by a solid or semi-solid material from public view to the reasonable satisfaction of the Community Development Director. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground. For rooftop mechanical equipment, building parapet walls shall be at least as high as the equipment and vents installed on each building. For any roof-top equipment, in lieu of fully screening the equipment, the Applicant may provide a “line of sight” study to the Director that indicates no screening is required given the location of mechanical equipment on the roof of a building relative to one or more viewpoints within the Project (as reasonably determined by the Community Development Director) at finished grade. Roof mounted solar panels are excluded from this requirement so long as the overall height of the equipment is as close to the height of building parapet walls as possible, or where integrated into an accessory building such as a roof top carport.

RESIDENTIAL BUILDINGS

119. Prior to the issuance of a building permit for any Residential Building, the Applicant shall provide final details and specifications identifying the amenities of all outdoor landscaped courtyards and pool courtyards to the Community Development Director for review and approval. The building plans shall label the location of pools, spas, cabanas, barbeques, fire pits, wet bars, seating areas and other amenities as depicted on the Plans.

STREET FURNITURE

120. Within any District, prior to the issuance of the first building permit, the Applicant shall submit a final street furniture plan (site location, specification sheets, dimensions, and materials board) to the Community Development Director and Public Services Director for review and approval for the District in its entirety as modified by Condition 26. Such plan shall include pet waste stations, benches, water fountains, free standing landscape planters, trash receptacles, tree grates, bike racks, bollards, shade structures, and light poles and fixtures consistent with the UVSP or as otherwise approved.
121. Unless specified otherwise in these Conditions, the timing of the installation of pet waste stations, benches, water fountains, free standing landscape planters, trash receptacles, tree grates, bike racks, bollards, shade structures and light poles identified in an approved final street furniture plan shall be installed to the reasonable satisfaction of the Community Development Director and Public Services Director.

OUTDOOR DINING

122. To ensure adequate accessibility, and pedestrian safety and security, for any restaurant use with a designated outdoor dining or patio area, the Applicant shall provide an outdoor dining/ patio plan for review and approval by the Community Development Director prior to the issuance of building permits for the use depicting the size of the space, number of chairs and tables, and separation between public areas and the patio area. Where outdoor service of alcohol is proposed, the Applicant shall provide a barrier a minimum of 42-inches in height and of a length necessary to delineate the public areas from the outdoor dining/patio area subject to the approval of the Community Development Director and the Department of Alcoholic Beverage Control (“ABC”) prior to commencement of alcohol service in outdoor dining/patio areas. All requirements of the Community Development Director and ABC shall be implemented prior to the commencement of the restaurant use.

SOLID WASTE

123. Prior to the issuance of any building permits for the Project, the Applicant shall submit a Waste Management Plan that includes the specifications for the collection and diversion of municipal solid waste, recycling, and organic materials at the Project. The plan shall be reviewed and approved by the Community Development Director and shall demonstrate conformance with the requirements of the City’s Municipal Code and state law, and shall specifically address the state-mandated diversion requirements set forth in AB939, AB 341, AB 1826, AB 827 and the regulations implementing SB 1383 (California Code of Regulations Title 14, Division 7, Chapter 3). The Waste Management Plan shall include the following elements and demonstrate compliance with the conditions provided below:
 - a. Locations and dimensions of bin/cart storage areas, and/or the bin(s)

- cart(s) designated enclosure areas.
 - b. Projected weights and volumes of the following material streams using the conversion factors provided in this section:
 - i. Recyclables (as defined by AB 341, including recoverable paper, cardboard, plastic, metal, etc.)
 - ii. Organic materials (as defined by AB 1826/SB1383, including food scraps, landscaping waste, wood waste, and food-soiled paper),
 - iii. Municipal solid waste (MSW or trash).
 - c. Proposed service levels, including type of waste container (MSW, recycling, or organics material), size of container, and frequency of collection.
 - d. Demonstration that adequate clearance is provided for the waste and recycling hauler vehicle to safely and efficiently service the carts/bins/receptacles.
 - e. Demonstrated paths of residents/tenants depositing of designated materials into the correct cart/bin and sufficient storage enclosure areas for containment until collection.
 - f. If underground and/or garage areas are designated enclosure/aggregation points, those areas need to be accessible for movement, placement and storage of bins/containers for waste, recyclables, and organic materials. Adequate space needs to be provided for safely accessing containers for service by the collection company and not require movement of carts/bins more than 25 feet to the location of the collection vehicle on level access with no inclines.
 - g. Location requirements for tenants' trash enclosures shall be subject to state issued guidelines or requirements, if any. If chutes are utilized for multifamily properties, all SB 1383 mandated three bin/cart types (MSW, recyclables, organics) will be adjacent to each other and in sufficient quantity to handle each of the specific material types without causing an overflow into one of the other material types. No more than a 20% level of cross contamination between the three material types shall be permitted. If chutes are utilized to convey the materials there will be a designated chute for each (MSW, recyclables, and organics.)
 - h. Any generator (business) that elects to self-haul its own recyclables or organics, must demonstrate a diversion level as required by CalRecycle regulations governing all diversion legislation.
124. The enclosures and or storage areas shall have adequate space to accommodate containerization of the projected levels of the three materials streams generated by the Project (recyclables, organic waste, and municipal solid waste). The Waste Management Plan shall include projected weights and volumes of generation for each business type at the Project (retail, restaurant, residential, hotel, office, etc.) calculated using the generation and density factors shown in Tables 1 and 2 below. In addition, using the factors in Tables 1 & 2 below, the Waste Management Plan shall show adequate dedicated space in the recyclable, organics, and trash storage areas to ensure that all applicable state mandated diversion requirements

are met. Any deviation from the standards in Table 1 shall need specific approval from the City staff overseeing the permit application and approval. All enclosures shall be covered, include an inlet/drain to the sanitary sewer system, and shall prohibit any liquids from leaving the site or entering a storm drain. Please refer to the City's 'Covered Trash Enclosure Detail' (<https://www.ci.laguna-hills.ca.us/DocumentCenter/View/373/Trash-Enclosure-Detail-PDF>) for further guidance.

**Table 1.
Generation Rates and Material Stream Percentages per Business Type**

	Project Generation Rates	Waste Generation Rates by Material Stream*		
		MSW	Recyclables	Food Scraps
For retail establishments* :	3,250 lbs. per 1000 sq. ft. per year	25%	70%	5%
For restaurants*:	6,483 lbs. per employee per year or 1825 lbs. per 1000 sq. foot per year	20%	35%	45%
For multi-family housing units**:	2,278 lbs. per unit per year	35%	45%	20%
Office*	2,190 lbs. per 1,000 sq. feet per year	25%	70%	5%
Hotel*	1,460 lbs. per room per year	20%	35%	45%

Table 2. Density Factors for Material Streams (used to convert weight to volume)

Density Factors (in lbs. per cubic yard)***	
Dry MSW - retail	80
MSW - residential	100
Commercial Mixed Recycling	40
Residential Mixed Recycling	45
Food Scraps	500
Green waste	110

Sources:

*CalRecycle Targeted Statewide Waste Characterization Study: Waste Disposal and Diversion Findings for Selected Industry Groups;

**Multi-family generation rates found in multi-family units in Mission Viejo;

***CR&R 2015 annual route audit results in Laguna Hills and weigh-based field audits;

Example 1: How to Calculate Projected Weekly Waste Generation:

Step 1: Determine total annual waste generation based on business use and square footage. If the applicant's project will have 10,000 square feet of retail business use, the applicant would calculate the total generation per year of waste materials. In this case, using the 'Project Generation Rates' value for retail in Table 1, the retail space would generate a projected 3,250 lbs. per 1000 square feet, or 32,500 lbs. per year of waste for a 10,000 square foot retail space. Applicant will calculate generation rates by waste stream in Step 2.

Step 2: Calculate projected annual material weights by stream.

Next, the applicant would apply the values of 'Waste Generation Rates by Material Stream' to this annual generation projection to determine the weights of each stream that are expected to be generated each year. For the retail space, applicant would multiply the total projected weight generation by the percentages included in Table 1. The applicant can project the following weights:

- 8,125 lbs. of MSW per year (32,500 lbs. of waste per year x 25% MSW coefficient);
- 22,750 lbs. of recyclables per year (32,500 lbs. of waste per year x 70% recyclables coefficient);
- 1,635 lbs. of organic materials per year (32,500 lbs. of waste per year x 5% organics coefficient).

Step 3. Convert projected material weights into weekly volumes.

To convert weights of projected material streams into volumes, the applicant will divide the projected annual weights of each material generated by the material density factors in Table 2. For the retail space example, the applicant would project the following weekly generation volumes:

- 101.5 cubic yards per year of MSW (8,125 lbs. of MSW per year divided by 80 lbs. per cubic yard) divided by 52 weeks per year equals **2 cubic yards per week of MSW generation**
- 568.75 cubic yards per year of recycling (22,750 lbs. of recyclables per year divided by 40 lbs. per cubic yard) divided by 52 weeks per year equals **11 cubic yards per week of recyclables generation**
- 3.25 cubic yards per year of organic materials (1,625 lbs. of organic materials per year divided by 500 lbs. per cubic yard) divided by 52 weeks per year equals **.0625 cubic yards per week of organic materials generation.**

125. The Applicant shall demonstrate in its Waste Management Plan that any recycling and/or trash areas used on site to consolidate materials shall provide adequate square footage and clearance within the recycling/ trash area to safely service receptacles, and that will not require staging or handling of materials that may obstruct pedestrian walkways, bike paths, on-site vehicle circulation, or otherwise create adverse conditions on the Project resulting from the handling of containers outside of enclosure areas resulting in noise disturbances, odors, or outdoor storage.
126. Diagram 1 and Table 3 below provides photos and dimensions for MSW, recycling, and organics recycling containers provided by the City's franchised hauler. These bin dimensions can be used to ensure there is adequate space in the enclosure to containerize the projected volumes that will be generated by the Project.

CONTAINER SIZES AND COLORS

<p>CART SIZES</p> <p>64 GALLON 41.75"h x 24.25"w x 31.75"d*</p> <p>96 GALLON 43.25"h x 29.75"w x 35.25"d*</p> <p>GREEN ORGANICS /FOOD SCRAP RECYCLING CART</p> <p>64 GALLON 41.75"h x 24.25"w x 31.75"d*</p>	<p>BLACK WASTE CART</p> 	<p>BLUE RECYCLE CART</p> 	
	<p>GREEN ORGANICS /FOOD SCRAP RECYCLING CART</p> 		

<p>BIN SIZES</p> <p>2-Yard 3-Yard 4-Yard</p>	<p>BLACK TRASH BIN</p> 	<p>BLUE RECYCLE BIN</p> 	
	<p>SPLIT BIN</p> 	<p>FOOD SCRAP BIN</p> 	

* CONTAINERS MAY VARY IN SIZE

Diagram 1 – Carts and Bins Available for Project

Table 3: Bin Dimensions and Material Stream Availability

Container	Width	Depth	Height	Cubic Yards	Streams Available
64-gallon	24.25"	31.75"	41.75"	0.3	MSW, Recycling, Organics
96-gallon	29.75"	32.25"	43.25"	0.5	MSW, Recycling
2-yard	7'	3'6"	3'10"	2	MSW, Recycling, Organics
3-yard	7'	4'	4'	3	MSW, Recycling

4-yard	7'	5'6"	5'	4	MSW, Recycling
3-yard split	7'	4'	4'	1.5 yd for each stream, 3 yd bin total	MSW, Recycling
4-yard split	7'	5'6"	5'	2 for each stream, 4 total	MSW, Recycling

Example 2: How to determine containers sizes and frequency needed to adequately containerize projected materials generations

Step 1: Determine appropriate container size and frequency needed. Using the weekly projected generation levels calculated in example 1, the applicant projects that the 10,000 square foot retail operation will generate approximately 2 cubic yards per week of MSW, 11 cubic yards per week of recyclables, and 0.0625 cubic yards per week of organic materials. Using the bin sizes in Diagram 1 and Table 3, identify the needed frequency and size of containers. In this case, the applicant would likely need the following service configurations:

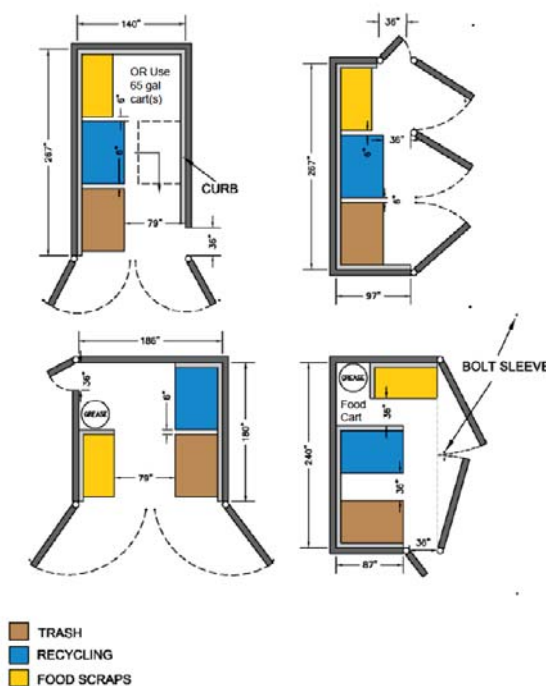
- **MSW Service Needs:** One 2-yard MSW dumpster serviced one day per week (2 yards of weekly MSW service matches the projected MSW generation levels of 2 cubic yards per week). Applicant may opt for one 3-yard bin serviced 1 day per week to allow for a slight volume buffer for high-waste-volume events, such as the holiday shopping season.
- **Recycling Service Needs:** One 4-yard recycling dumpster serviced 3 days per week or 1 3-yard recycling dumpster serviced 4 days per week (12 yards of weekly recycling service exceeds the projected recycling generation levels of 11 cubic yards per week).
- **Organic Material Recycling Service Needs:** One 64-gal organics cart serviced 1 day per week (0.3 yards of weekly organics recycling service exceeds the projected organics generation levels of 0.0625 cubic yards per week).

Step 2: Determine approximate footprint of needed service equipment. Using the bin and cart dimensions included in Table 3, determine the size of the enclosure space needed to accommodate the projected number of MSW, recycling, and organics containers calculated in Step 1. Diagram 2 includes some examples of bin configurations for the applicant’s consideration. For example, a 10,000 square foot retail space would have to provide an enclosure plan to the City that could house one (1) 2-yard MSW dumpster with a 7’x3.5’ footprint; one (1) 3-yard recycling dumpster with a 7’x4’ footprint; and one (1) 64-gallon organics receptacle with a 24.25” x 31.75” footprint. The enclosure would also need to require room for users to easily access each bin type and or the hauler to service each container. **Note:** the applicant’s retail business or project may require more or less dedicated capacity and enclosure space than the above example.

127. For enclosures servicing all SB 1383 identified three material streams (MSW, Recyclable Materials, organics materials, and a cooking oil/grease tank if the location generates oil and grease), Diagram 2 below provides suggested enclosure

configurations to house bins or 65-gallon food scrap carts, as necessary to serve the Project. The Waste Management Plan shall also incorporate the ability to accommodate seasonal changes and any future changes in types of tenants that may increase the amount of material generated. Applicant may need enclosures with space for more than 1 of each recycling, organics, and MSW bin, depending on projected material volume generation. If feasible, one or two 65-gallon food scrap carts could be substituted in for a food scrap bin. It is the applicants' responsibility to provide enclosure plans that provide adequate space for projected generation levels and that are in compliance with the City's design standards.

Diagram 2: Possible Enclosure Configurations for 3 Waste Streams

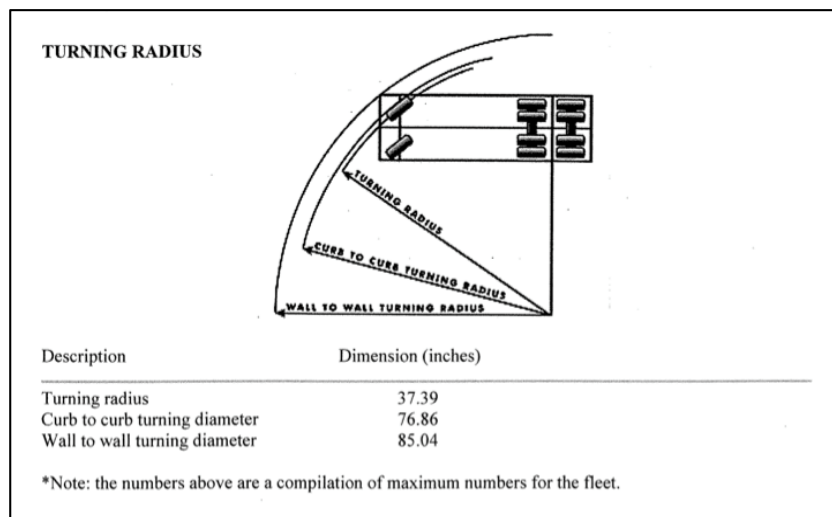


ALL FIGURES INCLUDE TWO 4 CUBIC YARD DUMPSTERS AND ONE 2 CUBIC YARD DUMPSTER.
GREASE BARREL MEASURES 36" IN DIAMETER. DIMENSIONS TO INSIDE WALLS. NOTE: 65 gal FOOD CART
Dimension equal to grease barrel

128. The figures provided in Table 1 provide annualized generation rates and do not take into account seasonal fluctuations in waste and recyclables generation volumes that may especially impact retail, multi-family, and hospitality business uses. The volume of recyclables and waste generated fluctuates over the course of the year. For retail and hospitality uses, peak generation occurs October through January and potentially June – August. For multi-family, generation will peak around all holiday seasons and usually tends to be higher during winter months when compared to summer months. The tables provided assume that annualized figures. Enclosures will need to be able to accommodate larger bins or additional pick-ups to avoid bin overfilling during peak seasons. For retail and hospitality business uses, the applicant shall demonstrate that a volume capacity increase of 30% can be obtained through either 1) adding additional collection containers to the enclosures used by retail generators or by 2) increasing collection frequency of existing collection containers in the enclosures used by retail generators without

having to place containers outside of the enclosure or expanding the enclosure. For multi-family uses, the applicant shall demonstrate that a volume capacity increase of 20% can be obtained through either 1) adding additional collection containers to the enclosures used by multi-family generators or by 2) increasing collection frequency of existing collection containers in the enclosures used by multi-family generators without having to place containers outside of the enclosure or expanding the enclosure.

129. To ensure service vehicles can access Project waste facilities, service areas intended to be serviced by vehicles shall provide the following turning radius requirements and be able to accommodate the following truck dimensions:
- The turning radius shall be adequate for a 3-axle truck. The overall length, including the forks is 36 feet. Construction plans shall include the appropriate details prior to the issuance of building permits.
 - The following truck turning dimensions shall be used as depicted in the diagram below.



130. The Project shall provide adequate space for both the receiver and the compaction equipment. The chart below provides the clearances required for compactors.

Required Clearances for Compactors	
Vertical (Approach & Exit)	14' high
Vertical (Rails raised w/compactor)	25' high
Lateral	2' around compactor
Service Area Length	75' long

131. For all compactors used on-site, the Applicant shall meet the manufacturer's recommended specifications for minimum dimensions required to operate the equipment. If none are listed, the Applicant may use the following as a guide subject to the review and approval of the Community Development Director:

Front Load Truck Emptied Compactor Dimensions*			
Compactor Size	Height	Width	Depth
2 yds.	8.5'	8'	5'
3 yds.	7'	8'	7'
4 yds.	8'	8'	9'

132. In addition to the City's standard requirements that provide for trash enclosures to be covered with an in-place constructed roof, the Applicant shall ensure that enclosure roof heights do not obstruct direct collection truck access to bins and that each enclosure include an inlet/drain to the sanitary sewer system for any liquids or leakage from the bins.
133. The Applicant shall install signage in all enclosures to indicate the type of material that can be disposed of in the bin. Signage for multifamily portion of project shall comply with residential requirements of SB 1383. Signage for commercial portions of the project will comply with the commercial requirements of SB 1383.
134. The Applicant will reasonably cooperate with the City in providing information for the City's annual reporting to CalRecycle on the Project's collective SB 1383 recycling programs and efforts.
135. The Applicant will implement all diversion programs that are required by statutory requirements and will cooperate with the city in overseeing and maintaining programs as required by SB 1383 in the Project.
136. The Applicant will conform to the provisions of the City's SB 1383 Mandatory Commercial and Residential Recycling Ordinance.

REMEDICATION

137. Any and all contamination identified in the Phase I Environmental Site Assessment completed in July of 2020 for the Project, or encountered during construction of

the Project, shall be remediated as required by all applicable federal, state and local laws and regulations.

MITIGATION MEASURES

138. The Applicant shall comply with all mitigation measures applicable to the Project as set forth in the Mitigation Monitoring and Reporting Program attached to these Conditions as Exhibit B.

SECTION 5. This Resolution shall take effect upon adoption by the City Council of an Ordinance approving the proposed Development Agreement for the Project.

PASSED, APPROVED, AND ADOPTED this 27th day of April, 2021.

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

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

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. PA2021- adopted by the Planning Agency and City Council of the City of Laguna Hills, California, at a Regular Meeting thereof held on the 27th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MELISSA AU-YEUNG, CITY CLERK