

# The Village at Laguna Hills

## Attachment 13 Updated Proposed Resolution of Approval Fifth Addendum



RESOLUTION NO. \_\_\_\_\_

A JOINT RESOLUTION OF THE PLANNING AGENCY AND THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING THE FIFTH ADDENDUM TO THE 2009 GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT AS PREVIOUSLY ADDENDED FOR THE FIVE LAGUNAS PROJECT AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE VILLAGE AT LAGUNA HILLS PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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 ("Developer") initiated an application with the City of Laguna Hills ("City") for approval of land use entitlements in order to continue to redevelop the existing approximately 68-acre former Laguna Hills Mall site generally located along the southerly side of El Toro Road and the westerly side of Avenida de la Carlota in the City of Laguna Hills (the "Property") through the continued demolition and removal 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, (the "Project"); and,

WHEREAS, the City Council serves as, and is, the Planning Agency of the City pursuant to Government Code Section 65100; and,

WHEREAS, in June 2009, in connection with an update to the General Plan ("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 and adopted a Statement of Findings of Fact, a Statement of Overriding Considerations and Mitigation Monitoring Program. The City filed a Notice of Determination on July 15, 2009; and,

WHEREAS, on April 12, 2011, the City Council adopted an Addendum to the PEIR ("First Addendum") prepared in connection with the adoption of an amendment to the Urban Village Specific Plan ("Specific Plan Amendment"); and,

WHEREAS, on November 12, 2012, the City Council adopted an Addendum to the PEIR ("Second Addendum") prepared in connection with approval of the Oakbrook Village Shopping Center Redevelopment Project; and,

WHEREAS, on March 22, 2016, the City Council adopted an Addendum to

the PEIR ("Third Addendum") prepared in connection with approval of 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 Property, which authorized redevelopment of the existing Laguna Hills Mall with a mixed-use retail and residential project named as the "Five Lagunas Project"; and,

WHEREAS, on April 10, 2018, the City Council adopted an Addendum to the PEIR ("Fourth Addendum") prepared in connection with approval of modifications to the Oakbrook Village Shopping Center Redevelopment Project; 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 Laguna Hills Mall 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 has determined that the Project will not: (1) result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts as compared to the environmental impacts of the Five Lagunas Project that were examined in the Third Addendum; or (2) require any new mitigation measures or alternatives. 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 prepared a Fifth Addendum to the PEIR for the Project (the "Fifth Addendum") pursuant to Public Resources Code Sections 21166 and CEQA Guidelines Sections 15162 and 15164; and,

WHEREAS, on \_\_\_\_\_, 2021, the City caused public notice to be given of the City Council's intention to consider adoption of the Fifth Addendum for the Project, and on April 27, 2021, the City Council held a public hearing on adoption of the Fifth Addendum, and continued the public hearing to June 24, 2021; and,

WHEREAS, the City Council has considered the Fifth Addendum along with the PEIR as previously addended for the Five Lagunas Project in the Third Addendum pursuant to CEQA Guidelines Section 15164(d).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City Council has independently considered the Fifth Addendum, along with the PEIR as previously addended for the Five Lagunas Project, and finds that no further environmental documentation is permitted or required because: (i) there are no substantial changes in the Project requiring major revisions of the PEIR as previously addended due to the involvement of new significant environmental effects or a substantial

increase in the severity of previously identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the Project is being undertaken which will require major revisions of the PEIR as previously addended for the Five Lagunas Project due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was addended for the Five Lagunas Project, showing that: (a) the Project will have one or more significant effects not discussed in the PEIR as previously addended for the Five Lagunas Project; (b) significant effects previously examined will be substantially more severe than shown in the PEIR as previously addended for the Five Lagunas Project; (c) mitigation measures or alternatives previously found not feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the mitigation measures or alternatives have not been adopted; or (d) mitigation measures or alternatives considerably different from those analyzed in the PEIR as previously addended for the Five Lagunas Project would substantially reduce one or more significant effects on the environment, but those mitigation measures or alternatives have not been adopted. (Public Resources Code § 21166 and CEQA Guidelines §§ 15162 and 15164.)

SECTION 2. The Fifth Addendum attached hereto as Exhibit "A" is hereby adopted.

SECTION 3. The City Council finds that the above recitations are true and correct and constitute the findings of the City Council and Planning Agency in this case.

SECTION 4. The Community Development Director is hereby directed and authorized to cause a Notice of Determination to be filed and posted pursuant to Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094(a) within five (5) days after the adoption of the ordinance approving the Development Agreement for the Project.

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 \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
ERICA PEZOLD, MAYOR

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 Ordinance No. \_\_\_\_\_ was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2021, and that thereafter, said ordinance was duly adopted and passed at a Regular Meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

\_\_\_\_\_  
MELISSA AU-YEUNG, CITY CLERK