



CITY OF LAGUNA HILLS

June 17, 2024

VIA E-MAIL & USPS

Nick Buchanan
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**SUBJECT: SITE DEVELOPMENT PERMIT NO. 0147-2023 (LA PAZ VILLAGE SENIOR LIVING)
GOVERNMENT CODE §65589.5(j)(2) 60-DAY NOTICE**

Dear Mr. Buchanan,

On December 14, 2022, La Paz Village Investors, LLC (the "Applicant") submitted a preliminary application for a housing development project at 25250-25254 La Paz Road (APN No. 620-211-17), consisting of 190 age-restricted multiple-family residential units (167,866 square feet of residential uses and 18,611 square feet of nonresidential uses). On June 12, 2023, the Applicant submitted a formal application to the City for the proposed La Paz Village Senior Living Project (the "proposed Project"). The proposed Project submitted generally consists of 180 age-restricted multiple-family residential units within an approximately 61-foot tall, six-story building. The Project includes 250 parking spaces, all of which are contained in a new two-level, partially-subterranean parking structure. The 208,555-square-foot building would require the demolition of an existing 28,780-square foot commercial retail building and associated parking lot.

On July 11, 2023, the City's Community Development Director provided notice to the Applicant that the application was incomplete. On September 22, 2023, the City received supplemental application materials from the Applicant for the proposed Project. On October 19, 2023, the City's Community Development Director provided notice to the Applicant that the supplemented application remained incomplete. On December 5, 2023, the City received supplemental application materials from the Applicant for the proposed Project. On December 22, 2023, the City's Community Development Director provided notice to the Applicant that the supplemented application remained incomplete. On March 20, 2024, the City received supplemental application materials from the Applicant for the proposed Project. On April 18, 2024, the City's Community Development Director deemed the subject application complete.

The Applicant has requested approval of the following discretionary land use entitlements for the proposed Project:

- Approval of a Site Development Permit to demolish an existing 28,780-square foot commercial retail building and surface parking to develop the site with a new structure containing a new 180-unit residential building over a two-level parking structure.

The Housing Accountability Act, at Government Code §65589.5 (j)(2)(A)(ii), states in pertinent part:

“If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity...within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.”

City staff has reviewed the application materials submitted and compared them to potentially applicable City plans, programs, policies, ordinances, standards, and requirements in effect as of December 14, 2022. In accordance with Government Code Section 65589.5(j)(2)(A), City staff has identified several City plans, programs, policies, ordinances, standards, and requirements with which the proposed Project is, or potentially is, inconsistent, not in compliance, or not in conformity. Following is an explanation of the reason or reasons the proposed Project is, or potentially is, inconsistent, not in compliance, or not in conformity with the identified City plans, programs, policies, ordinances, standards, and requirements. City staff has divided the explanations into two categories, both assuming and not assuming the “Builder’s Remedy” applies and prevents the City from applying the applicable General Plan and zoning standards, as Applicant contends, since the City’s decision as to whether such does or does not apply will be made by the City Council when appropriate.

The so-called “Builder’s Remedy” found in subdivision (d)(5) of section 65589.5 of the Government Code has been asserted by Applicant to make inapplicable the City’s General Plan and Zoning/Development Code limitations and restrictions as they may have existed at the time of Applicant’s preliminary application (see, e.g., Applicant Counsel’s March 20, 2024 letter, pages 1-2).

I. ASSUMING THE PROJECT IS A “BUILDER’S REMEDY” PROJECT AS APPLICANT CONTENDS

Laguna Hills Municipal Code (“LHMC”) Standards That Apply to All Development Projects in All Zoning Districts

1. LHMC Section 9-40.160 (Sight vision area) requires a corner cut-off area to be provided at the intersection of all streets for the purpose of maintaining adequate sight distance and provides that the triangle formed shall have a minimum dimension on the legs of fifteen (15) feet. The plans submitted by the Applicant do not identify the corner cutoff areas for the two driveways on McIntyre street, and, as a result, City staff cannot verify whether or not this requirement is met. The proposed Project is thus potentially inconsistent with corner cut-off requirement. Please identify the sight vision area on the plans.
2. LHMC Section 9-40.170 (Lighting) provides as follows: “Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel,

and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use served. Security lighting shall be provided at all entrances/exits.” The plans submitted by the Applicant show two 16-foot tall lampposts located along the southerly driveway of the Project site, adjacent to single-family homes, which are identified on the plans as generating a lighting intensity of between 7.0 – 9.6 footcandles at the property line (Sheet 7 of the Preliminary Lighting Layout Plan). Based on their size, location, orientation, and light output, it appears that these lights will result (absent some corrective measures) in glare and light of unusual high intensity and brightness outside of the boundaries of the proposed Project site on or as viewed from the adjoining single-family homes / parcels at the southern driveway of the Project. However, additional information is needed to fully evaluate these impacts. Therefore, the proposed Project is potentially inconsistent with the requirements set forth in LHMC Section 9-40-170. Please provide photometric/footcandle information for the rear yards of two abutting residential properties (APNs: 620-211-10 and 620-211-11) so City staff can further evaluate the lighting impact.

3. LHMC Section 9-40.200 (Undergrounding of utilities) states, in pertinent part: “Utilities shall be placed underground. If an above-ground electrical transformer is located outdoors on any site, it shall be screened from view with a solid wall and landscaping and not located in any setback area.” The proposed Project plans identify existing equipment (e.g., transformers) to be removed and/or relocated (Sheet C-4 Conceptual Utility Plan). However, the plans do not clearly identify the locations of new above-ground electrical equipment or new underground equipment vaults. Therefore, the proposed Project is potentially inconsistent with the screening requirements for above-ground electrical transformers. Please identify the equipment locations, any proposed underground vaults, and any required screening on the plans.
4. LHMC Section 9-44.060 (Design standards for parking facilities) establishes criteria that apply to the siting of all parking facilities, whether above or below grade in structures or at surface level. Subsection A.5 of Section 9-44.060 states: “Pedestrian access shall be provided by a sidewalk of not less than five feet in width along one side of a public or private roadway and shall be incorporated within public parking lots to link uses to exterior walkways and provide safe travel between stalls and buildings.” The plans submitted by the Applicant identify portions of the sidewalk that connects the building to the La Paz Road sidewalk that are only four (4) feet in width (see Sheet C-1 Conceptual Site Plan). Therefore, the proposed Project is inconsistent with the requirement in LHMC Section 9-44-.060.A.5 that all sidewalks providing pedestrian access between a parking facility and public sidewalk be no less than five feet in width.
5. LHMC Section 9-44.060 (Design standards for parking facilities) establishes criteria that apply to the siting of all parking facilities, whether above or below grade in structures or at surface level. Subsection E of Section 9-44.060 states: “Whenever an aisle dead-ends, a turn-around area shall be provided, striped and signed to preclude its use for parking or storage.” The plans submitted by the Applicant identify a dead-end aisle in the upper level of the parking structure, but a turn-around area is not clearly identified (see Sheet A-03 Conceptual Design). Therefore, the proposed Project is potentially inconsistent with the requirement in LHMC Section 9-44.060.E that a turn-around area be provided whenever an aisle in a parking facility dead ends.

6. LHMC Section 9-44.060 (Design standards for parking facilities) establishes criteria that apply to the siting of all parking facilities, whether above or below grade, in structures or at surface level. Subsection I of Section 9-44.060 requires that all elevator areas, walkways, and cashier's booths within a parking structure meet a minimum lighting standard of 20 footcandles. The plans submitted by the Applicant include parking structure lighting photometric calculations, but do not contain a separate designation for elevator areas and walkways demonstrating compliance with this requirement (see Sheets 3 and 5 of the Preliminary Lighting Layout Plan). Therefore, the proposed Project is potentially inconsistent with lighting requirements for elevator areas and walkways within the parking structure.
7. LHMC Section 9-44.060 (Design standards for parking facilities) establishes criteria that apply to the siting of all parking facilities, whether above or below grade, in structures or at surface level. Subsection I of Section 9-44.060 requires all stairwells meet a minimum lighting standard of 30 Footcandles. The plans submitted by the Applicant do not include stairwell lighting calculations demonstrating compliance with this requirement (see Preliminary Lighting Layout Plan). Therefore, the proposed Project is potentially inconsistent with lighting requirements for stairwells within the parking structure.
8. LHMC Section 9-44.060 (Design standards for parking facilities) establishes criteria that apply to the siting of all parking facilities, whether above or below grade in structures or at surface level. Subsection K of Section 9-44.060 states: "Striping and signage shall be provided to each parking lot, aisle, ramp and stall in such a manner that persons in vehicles can quickly identify the direction of flow, stall location, and limitations of use as appropriate. . . . Directional arrows shall be affixed to the pavement in the direction of flow permitted within the driveway or aisle. Where the aisle is designed for one-way traffic appropriate wording warning users of the restriction and signs shall be provided. Signage within the parking lot or structure shall be included as part of a master sign plan. Where no master sign plan is required, parking lot plans shall incorporate detail sheets to clearly identify information, safety, handicapped, and directional signs intended for use in the lot or structure." The proposed Project plans do not include detailed striping and signage information or directional arrows information demonstrating compliance with the requirements of Subsection K, and the Applicant has not submitted a master sign plan for review. Therefore, the proposed Project is potentially inconsistent with LHMC Section 9-44.060.
9. LHMC Section 9-44.110 (Parking structure design standards) states: "Parking structures, including underground or subterranean structures, shall require a parking use permit . . ." The Applicant did not apply for a Parking Use Permit. Parking Use Permits require notice to the public, a public hearing, and approval by the Planning Agency, and are the vehicle and basis for imposition of conditions of approval in connection with the use and operation of a parking structure; see LHMC Section 9-92-030 (Applications), Table 9-92.030 (Application Information), and Table 9-96.A (Thresholds of Review/Appeal Authority.) At present, the proposed Project is inconsistent with these provisions of the LHMC and the City may be unable to provide the required public notice, to fully evaluate all potential impacts that will result from the proposed parking structure, and/or to impose all necessary and appropriate conditions.
10. Subsection A of LHMC Section 9-44.110 (Parking structure design standards) states: "Minimum Access Width. Any driveway providing access to a parking structure shall have a minimum width of twenty-eight (28) feet. . . . A sidewalk with a minimum width of 6 feet shall be provided to link

the structure to the public walkway.” The plans submitted by the Applicant identify the ramp to the lower level of the structure as being 25 feet wide, and no sidewalk providing access from structure to the public walkway is shown to be provided (Sheet C-1 Conceptual Site Plan). Furthermore, the Rear driveway to upper level of structure is shown to be only 23 feet wide. Therefore, the proposed Project is inconsistent with LHMC Section 9-44.110.A.

11. LHMC Section 9-44.050 Table 9-44.A identifies required parking for generic and individual uses. The proposed Project is considered a “Senior citizen housing complex”, which requires “1 covered and assigned stall, plus ½ guest stall per dwelling unit, plus 1 stall for the resident manager”. The proposed Project consists of 180 units, resulting in a requirement to provide a total of 271 parking stalls (180 assigned, 90 guest, 1 manager). The plans submitted by the Applicant identify only 250 parking stalls within the two-story parking structure. Therefore, the proposed Project is inconsistent with the minimum parking requirements applicable to any “senior citizen housing complex” located anywhere in the City.
12. LHMC Section 9-44.060 Table 9-44.C identifies design criteria for parking facilities. For residential parking structures, a Minimum Throat Length of 24 feet is required. The plans submitted by the Applicant identify an approximately 20-foot throat length at the entrance to the basement level of the parking structure (Sheet C-5 Parking Circulation). Therefore, the proposed Project is inconsistent with the 24-foot minimum throat length requirement that applies to all parking facilities located anywhere in the City.
13. LHMC Section 9-44.060 Table 9-44.C identifies design criteria for parking facilities. For residential parking structures, a Minimum Throat Width of 28 feet is required. The plans submitted by the Applicant identify an approximately 25-foot throat width at the entrance to the basement level of the parking structure and a 24-foot throat width at the rear entrance to the upper level of the parking structure (Sheet C-5 Parking Circulation). Therefore, the proposed Project is inconsistent with the 28-foot minimum throat width requirement that applies to all parking facilities located anywhere in the City.
14. LHMC Section 9-44.060 Table 9-44.D identifies design criteria for parking facilities. For one-way parking aisles, a minimum drive aisle width of 14 feet is required. The plans submitted by the Applicant identify a 10-foot wide drive aisle between the proposed building and the existing parking stalls for the existing Better Buzz coffee restaurant. Therefore, the proposed Project is inconsistent with the 14-foot minimum drive aisle width requirement that applies to all parking facilities located anywhere in the City.
15. Subsection L of LHMC Section 9-44.060 (Design standards for parking facilities) requires the minimum distance from a parking stall adjacent to a wall to be 2’-6”. The proposed Project plans (Sheets A-02 - A-03 Conceptual Design) do not specify the distance of parking stalls from walls; however, it appears this requirement is not met at multiple locations within the parking structure. Until this information is included in the plan set and compliance with the above-referenced standard is demonstrated, the proposed Project is potentially inconsistent with this standard.

Other Standards or Policies

16. The highest density / intensity residential land use permitted under the LHMC is in the City's Village Commercial (VC) zoning district, the development standards for which are listed in the Urban Village Specific Plan (UVSP). If the Village Commercial zoning district and UVSP standards are applied, the proposed Project is inconsistent with them as follows:
- The standards in UVSP Table 2 apply to developments within the Village Commercial zoning district. The Table identifies a maximum density of 50 dwelling units per acre. The proposed Project, at 180 units on 2.4 acres, proposes a density of 74 dwelling units per acre (Sheet A-01 Cover Sheet). Therefore, the proposed Project is Inconsistent with the maximum density permitted in the VC zoning district and UVSP.
 - The standards in UVSP Table 2 apply to developments within the Village Commercial zoning district. The Table identifies a Minimum landscape coverage of 15%. The proposed Project plans identify a 12.7% landscape coverage (Sheet A-01 Cover Sheet). Therefore, the proposed Project is Inconsistent with the minimum landscape coverage requirement permitted in the UVSP and VC zoning district.

Traffic Studies/Parking Studies

17. The Mobility Element of the Laguna Hills General Plan establishes Level of Service ("LOS") standards to ensure the ability of the City's street network to serve residents and businesses (pgs. M-8-9), and Policy M-1.3 of the Mobility Element (pg. M-16) provides for the City to require new development and redevelopment in the City to minimize traffic impacts and to incorporate mitigation or payment of "fair share" of improvements. LHMC Chapters 9-76 (Growth Management) and 9-78 (Congestion Management) require development applications to be reviewed for impacts to city roadways and consistency with the City's growth management plan, transportation demand requirements, congestion management plan, and the General Plan. In addition, the California Environmental Quality Act requires new development projects be evaluated for Vehicle Miles Traveled ("VMT") impacts. The City has adopted "Vehicle Miles Traveled Analysis Guidelines under the California Environmental Quality Act and General Plan Development Review Traffic Study Guidelines" ("Guidelines") which establish requirements for evaluating both VMT and LOS / roadway impacts. The Guidelines require applicants to prepare a Vehicle Miles Traveled (VMT) Screening Form for Land Use Projects. The Applicant's consultant, Overland Traffic Consultants, Inc., submitted this Screening Form along with a cover letter dated October 2, 2023, both of which assert that the proposed Project will result in net fewer vehicle trips on the surrounding roadways. However, the October 2, 2023, letter and VMT screening form submitted by the Applicant do not provide calculations/data for the existing commercial shopping center, which are required to enable the City to verify Applicant's assertion that the proposed Project will result in net fewer daily vehicle trips. Therefore, it is possible this assertion is inaccurate and the proposed Project will have impacts that must be mitigated and that the proposed Project is potentially inconsistent with the General Plan and Laguna Hills Municipal Code provisions cited above.

Water Quality Management Plan & Drainage Plans

18. LHMC Chapter 5-36 (Water Quality Control) provides that the NPDES permit(s) issued to the City require that the City ensure compliance with stormwater management programs and implementation plans, including compliance by all dischargers subject to the provisions of the state construction general permit, as determined through the project water quality management plan (WQMP). The Applicant's submittal is inconsistent with the stated requirement. The San Diego Regional Water Quality Control Board requires the City to require all new development projects, regardless of the use of biofiltration structural low impact development (LID) Best Management Practices (BMPs), to maximize the use of low impact development BMPs, such as disconnected roof downspouts, use of pervious pavements, landscape planter areas, etc., to the extent feasible, and not rely solely on biofiltration BMPs. The Preliminary WQMP submitted by the Applicant instead relies solely on biofiltration LID BMPs to comply with the NPDES Permit's LID implementation requirement for priority development projects, and the proposed Project is therefore currently inconsistent with this requirement. Therefore, to achieve compliance, the Preliminary WQMP and site design plans must provide for additional LIDs, or provide adequate justification for not using additional BMPs. The Preliminary WQMP indicates infiltration capabilities of the soil have yet to be assessed, but the WQMP indicates a conservation scenario where no infiltration can occur. For completeness, this evaluation must be conducted so compliance with the NPDES MS4 Permit can be ascertained.
19. LHMC Chapter 10-16 (Grading and Excavation Code) requires all applicants to supply plans and reports in conformance with the City's Grading Manual. The Grading Manual requires submittal of a hydraulic and hydrology report that includes the assessment of development and its impact on downstream drainage systems (e.g., curb and gutter, catch basin inlets, and storm drain pipelines). The submitted hydrology report and grading/improvement plans propose a parkway drain outlet for site runoff that alters the discharge location of on-site drainage onto McIntyre Street. In the existing condition, it appears a substantial portion of the runoff from the commercial shopping center and parking lot, and the rear alley, discharges out of the southerly driveway (via a concrete swale on the property and onto the southerly driveway apron). This portion of runoff flows southerly on McIntyre Street toward Paseo de Valencia. In the proposed condition, it appears (based on the location of the proposed parkway outlet) site runoff will drain out of a proposed parkway outlet closer to the northerly driveway; based on the elevation of the roadway, the additional runoff is directed toward La Paz Road with the proposed design. The hydrology study submitted by the Applicant does not identify impacts to the downstream storm drain system at La Paz Road and Cabot Road. It is possible that the cross-gutter at McIntyre and La Paz Road may not be able to handle such flows without spilling into travel lanes on La Paz Road, which would be inconsistent with applicable Public Works standards and Subarticle 11 of the Grading Manual.

Waste Management Plan

20. State law imposes certain requirements on property owners for the diversion and source separation of waste, organic waste, and recyclables. LHMC Section 5-32.110 (Requirements for multifamily generators) implements State law and states, in pertinent part: "The city shall have the right to review the number and size of a generator's containers and frequency of collection service to evaluate adequacy of capacity such that the proper separation of materials can be

achieved with the minimum contamination levels as required by SB 1383 regulations. Multifamily generators shall adjust their service level for their collection services as requested by the city.” The City’s Planning Application Checklist requires applicants to prepare and submit a Waste Management Plan for review and approval that implements and demonstrates compliance with applicable State law and City requirements. The Waste Management Plan submitted by the Applicant does not include a description of anticipated waste to be generated and types of bins to be used. Please provide the requested information. Accordingly, the Waste Management Plan reveals that the proposed Project is Potentially Inconsistent with the LHMC Section 5-32.110 .

21. LHMC Chapter 5.16 adopts the California Fire Code and local amendments. California Fire Code Section 503.4 states that the required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances shall be maintained at all times. The waste bin staging area proposed for the alley area appears to block the proposed Fire Lane access (Sheet C-1 Conceptual Site Plan). Unless confirmation from OCFA that the design of the staging area is acceptable, the proposed Project is potentially inconsistent with the California Fire Code.

Building, Grading, and Fire Code Compliance

22. The application plans do not include details adequate to determine compliance or non-compliance with applicable Building, Grading, and Fire Codes. The proposed Project must comply with the following Parts of the California Building Code and all local amendments adopted by the City pursuant to Chapter 5.16 and Title 10 of the LHMC and until such is determined, potential inconsistencies may arise from the following:

- California Code of Regulations, Title 24:
 - Part 2, 2022 California Building Code
 - Part 2, 2022 California Building Code Chapter 11A, Private housing
 - Part 3, 2022 California Electrical Code
 - Part 4, 2022 California Mechanical Code
 - Part 5, 2022 California Plumbing Code
 - Part 6, 2022 California Energy Code
 - Part 9, 2022 California Fire Code
 - Part 11, 2022 California Green Building Standards Code (CalGreen)
 - California SB 7, Water Sub-metering

In addition, the proposed project will be required to comply with LHMC Chapter 10-16 (Grading and Excavation Code). The plans submitted by the Applicant as part of its land use entitlement application are not detailed enough for the City to determine compliance with all applicable Grading, Building, and Fire Code standards. Therefore, it is possible the proposed Project does not conform to all said standards. In evaluating whether to recommend that the requested land use entitlements for the proposed Project be approved, City staff needs more detailed plans to be submitted in order to obtain permits and conformance to these standards will be evaluated during the permit review phase.

23. As noted above, the proposed Project must comply with all applicable provisions of the California Fire Code and local amendments adopted pursuant to LHMC Chapter 5.16. This includes, without

limitation, approval of a Fire Master Plan for Commercial and Residential Development pursuant to Orange County Fire Authority (“OCFA”) Guideline B-01. (See LHMC Section 5.16.030). The Applicant has not yet obtained OCFA approval of its Fire Master Plan, and the proposed Project is presently inconsistent and not in conformance with this requirement until such approval is obtained.

II. **ASSUMING THE PROJECT IS NOT A “BUILDER’S REMEDY” PROJECT**

In addition to all the inconsistencies and potential inconsistencies listed above, if the proposed Project is not a “Builder’s Remedy” project, the following inconsistencies also apply:

24. The Project proposes a multifamily residential apartment building.

The Project site has a General Plan Land Use Designation of Community Commercial and a zoning designation of Community Commercial (CC). Multiple-family residential use is inconsistent with both the Community Commercial General Plan Land Use designation and the Community Commercial zoning designation.

Table LU-1 of the City of Laguna Hills General Plan Land Use Element lists the types of uses permitted in the Community Commercial designation and states: *“The Community Commercial designation provides appropriately located areas for the general shopping and commercial service needs of area residents. Typical uses include general retail, markets, commercial services, restaurants, automotive repair and service, hardware and home improvement centers, commercial recreation, professional and business offices, financial institutions, and automotive sales.”* Table LU-3 of the Land Use Element summarizes the land use distribution and the resultant residential and nonresidential levels of development that can be expected from full implementation of land use policies established by the General Plan. For the Community Commercial designation, Table LU-3 lists only “commercial” square footage and shows zero dwelling units, further demonstrating that residential uses are inconsistent and not in conformity with this land use designation.

25. The proposed Project is inconsistent with General Plan Policy LU-2.4: Protect existing neighborhoods from the encroachment of incompatible activities and land uses. The proposed Project is a prohibited use in the Community Commercial land use designation, and the Project is inconsistent with a number of zoning/development standards as described herein. Therefore, the Project is an incompatible activity and land use that is encroaching into an existing established neighborhood.

26. Pursuant to LHMC Section 9.04.050, a “multiple-family dwelling” is defined as *“a building on a single lot containing two or more dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.”* The proposed Project meets this definition. Laguna Hills Municipal Code (LHMC) states: *“Table 9-10.050 contains the master list of uses permitted in each zone. Individual chapters contain an abbreviated table of uses for each zone. Uses not specified in the master list or within the chapter for each zone are prohibited.”* “Multiple family dwelling” is identified in Table 9-10.050 as a “prohibited” use in the Community Commercial (CC) zone. Table 9-28.020 of the LHMC further

identifies the permitted uses within the CC zoning district and, pursuant to LHMC Section 9-28.020, any use not included in Table 9-28-020 shall be considered as prohibited in the CC zoning district. “Multiple family dwelling” is not listed as a permitted use in Table 9-28.020; therefore, it is prohibited. Accordingly, since the Project proposes a multiple-family dwelling in CC zoning district, it is inconsistent with the zoning applicable to the Project site.

27. According to the plans submitted by the Applicant, the proposed Project would have a residential density of 74 dwelling units per acre and a floor area ratio (“FAR”) of 1.97. (Sheet A-01 Cover Sheet). The Project site has a General Plan Land Use Designation of Community Commercial and a zoning designation of Community Commercial (CC). Since residential uses are not permitted in this designation or zone, neither the General Plan nor the LHMC establishes a maximum residential density for the site. However, the General Plan and LHMC do establish a maximum FAR of 0.35 for development in the Community Commercial General Plan Land Use designation and the Community Commercial zoning designation. (See Land Use Element Table LU-1 and LHMC Table 9.02-A). The proposed Project’s FAR of 1.97 exceeds the maximum FAR of 0.35 permitted on properties located within the Community Commercial General Plan Land Use designation and the Community Commercial zoning designation.
28. The standards in LHMC Chapter 9-28, Table 9-28.040 apply to development within the Community Commercial zoning district. The Table identifies a Maximum lot coverage of 50%. The proposed Project plans appear to identify a 62% lot coverage (Sheet A-01 Cover Sheet). Therefore, the proposed Project is potentially inconsistent with the maximum lot coverage standard for the Community Commercial zoning district.
29. The standards in LHMC Chapter 9-28, Table 9-28.040 apply to development within the Community Commercial zoning district. The Table identifies a Maximum building height of 40 feet. The plans submitted by the Applicant identify a 61’-4” building height (Sheet A-01 Cover Sheet). Therefore, the proposed Project is inconsistent with the maximum building height limit applicable in the Community Commercial zoning district.
30. The standards in LHMC Chapter 9-28, Table 9-28.040 apply to development within the Community Commercial zoning district. The Table identifies a ‘Minimum setback—side (interior) of 10 feet’. The plans submitted by the Applicant identify a 5-foot side (interior) setback (Sheet C-1 Conceptual Site Plan). Therefore, the proposed Project is inconsistent with the minimum interior side setback standard applicable in the Community Commercial zoning district.
31. The standards in LHMC Chapter 9-28 Table 9-28.040 apply to development within the Community Commercial zoning district. The Table identifies a ‘Minimum landscape coverage of 15%’. The plans submitted by the Applicant identify a 12.7% landscape coverage (Sheet A-01 Cover Sheet). Therefore, the proposed Project is inconsistent with the minimum landscape coverage standard applicable in the Community Commercial zoning district.

* * * * *

The foregoing explanations of the reasons the proposed Project is, or potentially is, inconsistent, not in compliance, or not in conformity with each of the identified City plans, programs, policies, ordinances, standards, and requirements does not constitute a final determination by the City or disapproval of the

proposed Project. The City may revise these conclusions based on subsequent plan revisions, further analysis, the receipt of additional information, completion of environmental review of the proposed Project, and/or evidence presented at the public hearing.

City staff acknowledges that it is the Applicant's contention that the proposed project is a "Builder's Remedy" project not subject to disapproval pursuant to Government Code Section 65589.5(d)(5). This letter does not constitute a determination as to this contention. Such a determination will be necessarily made by the Laguna Hills City Council following a public hearing and its consideration of the proposed Project.

As stated in the Community Development Director's April 18, 2024 Letter, the application materials have been distributed to appropriate City departments and other reviewing agencies for technical review. Staff continues to conduct this technical review, and will provide a compilation of technical comments at a later date.

If you have any questions, please feel free to contact me at (949) 707-2675 or llongenecker@lagunahillsca.gov.

Sincerely,



Larry Longenecker
Community Development Director

cc: City Manager
City Attorney
Public Works Director/City Engineer
Assistant City Engineer
Building Official
Senior Planner
Dudek