



CITY OF LAGUNA HILLS

December 22, 2023

VIA E-MAIL & USPS

Nick Buchanan
President
La Paz Village Investors, LLC
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**SUBJECT: SITE DEVELOPMENT PERMIT NO. 0147-2023 (LA PAZ VILLAGE SENIOR LIVING)
COMPLETENESS REVIEW (DECEMBER 5, 2023 SECOND RESUBMITTAL)**

Dear Mr. Buchanan,

On December 5, 2023, the Community Development Department received a second resubmittal of application materials for the proposed La Paz Village Senior Living Housing Development Project to be located on the southwest corner of La Paz Road and McIntyre Street (25250 - 25260 La Paz Road) (the "proposed Project"). Pursuant to the City's development application review process, staff conducted a review of the application materials filed with the City to determine the completeness and accuracy of the application submittal.

Based on our review of the December 5, 2023 application resubmittal, in accordance with (among other things) Section 9-92.050 (Requirements for Complete Applications) of the Laguna Hills Development Code (Title 9 [Zoning and Subdivisions] of the Laguna Hills Municipal Code) and Section 65943(a) of the California Government Code, the City has determined that the development application is **incomplete**.

The following items were identified in the City's July 11, 2023 first Completeness Review Letter (Attachment 1), as well as the City's October 19, 2023 second Completeness Review letter (Attachment 2), as required to deem your application complete for processing, and were not submitted as part of the December 5, 2023 resubmittal – we expect you to submit these in your third resubmittal (without waiving that these were all due at the beginning of the process):

Item No.	Application Requirement	Item No.	Application Requirement
3	Letter of Justification	11	Preliminary Lighting Plan
13	Sign Plan/Master Sign Program	14	Housing Plan
17	Will-Serve Letters	19	Waste Management Plan
20	Fire Master Plan	23	Parking/Circulation Study

The following items were identified in the July 11, 2023 Completeness Review Letter as required to deem your application complete for processing, were not adequately completed as part of the September 22, 2023 resubmittal, and were again not adequately completed as part of the December 5, 2023 second resubmittal:

Item No.	Application Requirement	Comments
1	Completed Planning Application	Did not resubmit. Please submit an updated Planning Application form with all fields within the portion of the form labeled "Applicant to Complete" completed. This one-page application is in addition to the checklist previously submitted.
2	Completed Environmental Information Form	Did not resubmit. Please submit an updated Environmental Information Form that includes complete and adequate responses to all items requested in the July 11, 2023 Completeness Review Letter. The information provided directly in your Dec. 5 response letter must be provided as part of a completed Environmental Information Form.
4	Plan Set Title Sheet	The Cover Sheet is missing 'Existing Project' information (e.g., existing square footage to be demolished, existing uses/businesses, etc.). The information provided directly in your Dec. 5 response letter must be provided on the Plan Set Title Sheet.
5	Proposed Site Plan	The Site Plan/Plan Set is missing a Wall/Fence plan and Parking Site Plan. Please refer to July 11, 2023 Completeness Review Letter for what these plans should include. Your Dec. 5 submittal included a generic retaining wall detail. The required Wall/Fence plan must identify all freestanding walls and fences and include profiles or elevations to adequately demonstrate the height of each wall/fence for the entire length of each wall/fence. The proposed site plan identifies at least one proposed retaining wall, with no detailed information about the wall.

In order for the City to complete an Initial Study analyzing the proposed Project's environmental impacts pursuant to the California Environmental Quality Act (CEQA), the Applicant must provide the City with certain information and data about the Project. The following items were identified in the July 11, 2023 Completeness Review Letter as information and data required in order for the City to complete an Initial Study, organized by categories corresponding to the Initial Study Checklist, that were not submitted or adequately completed as part of either the September 22, 2023 resubmittal or the December 5, 2023 second resubmittal:

25. Aesthetics

In order to prepare a shade and shadow analysis for the Project, the City requires the Applicant to provide Auto-CAD files of every site plan sheet generated thus far by the Applicant's Architect and Engineer(s) and to be generated by Applicant's Architect and Engineer(s) pursuant to the information and documentation requests in this letter.

Once the outstanding item(s) are received and if determined to be acceptable for processing, you will receive a letter of completeness and your application will be re-distributed to appropriate City departments and other reviewing agencies for regulatory compliance review.

If you have any questions or would like to schedule a meeting to review these comments, please feel free to contact me at (949) 707-2675 or llongenecker@lagunahillscsca.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

Attachments:

- Attachment 1 – July 11, 2023 Completeness Review Letter (without attachments)
- Attachment 2 – October 19, 2023 Completeness Review Letter (without attachments)

Attachment 1

July 11, 2023 Completeness Review Letter

(without attachments)





CITY OF LAGUNA HILLS

July 11, 2023

VIA E-MAIL, USPS, & COURIER

Nick Buchanan
President
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**SUBJECT: SITE DEVELOPMENT PERMIT NO. 0147-2023 (LA PAZ VILLAGE SENIOR LIVING)
COMPLETENESS REVIEW**

Dear Mr. Buchanan,

On June 12, 2023, the Community Development Department received an application for the proposed La Paz Village Senior Living Housing Development Project to be located on the southwest corner of La Paz Road and McIntyre Street (25250 - 25260 La Paz Road) (the "proposed Project"). Pursuant to the City's development application review process, staff conducted a review of the application materials filed with the City to determine the completeness and accuracy of the application submittal.

Based on our review of the June 12, 2023, application, in accordance with (among other things) Section 9-92.050 (Requirements for Complete Applications) of the Laguna Hills Development Code (Title 9 [Zoning and Subdivisions] of the Laguna Hills Municipal Code) and Section 65943(a) of the California Government Code, the City has determined that the development application is **incomplete**. The items listed in Section I of this letter, below, are required to deem your application complete and allow City staff to conduct a thorough and timely review of your proposed Project submittal and consider it for processing. Submittal of additional and/or new plans, reports, information and project details may generate new staff questions, comments, and the need for additional information and submittals.

This letter is organized into three sections:

- Section I: Completeness Review
This section identifies items listed on the City's Planning Application Submittal Checklist that were not submitted or adequately completed, and are required to be submitted and/or adequately completed before the application can be determined to be complete.
- Section II: CEQA Request for Information
This section identifies items needed in order to complete the CEQA analysis for the proposed Project, identified in Section I of this letter as required to be submitted and/or adequately completed before the application can be determined to be complete.

- Section III: Statutory Non-Compliance

This section reiterates and summarizes the City's position regarding the proposed Project and the attendant issues arising under the State's Housing Accountability Act and due to the purported 'Builder's Remedy' status of the Project.

SECTION I: COMPLETENESS REVIEW

The following items listed on the City's Planning Application Submittal Checklist were not submitted or adequately completed, and are required to be submitted and/or adequately completed before the application can be determined to be complete. The items required for a complete application, including a thorough description of the specific information needed to complete each item, are listed on the Application Submittal Checklist.

1. Completed Planning Application (Checklist Item A1)

- The Planning Application form is not complete. The Project Address/Location, Assessors' Parcel Number, Tract/Parcel Map & Lot #, Zoning and General Plan Designation, Project Description, and Bill To fields are incomplete. Please submit an updated Planning Application form with all fields within the portion of the form labeled "Applicant to Complete" completed. Please attach additional sheets, if necessary.

2. Completed Environmental Information Form (Checklist Item A4)

- The Environmental Information Form is not complete. In order for the City to determine if the proposed project is exempt from the California Environmental Quality Act (CEQA) or if a negative declaration, mitigated negative declaration, or environmental impact report is required for the project to comply with CEQA, all information requested on the Environmental Information Form must be provided. Responses to the following numbered items on the Environmental Information Form submitted as part of the application were omitted or incomplete: Nos. 4, 5, 9, 13, 14, 15, 33, and 34. The incomplete Environmental Information Form you submitted is attached for reference (Attachment 1). Please submit an updated Environmental Information Form that includes complete and adequate responses to all items requested.
- Applicant submittal of additional information is necessary to comply with CEQA, as detailed in Section II of this letter, below, all of which must be submitted before the application can be determined to be complete. Please note that the City reserves the right to request submittal of additional information necessary to comply with CEQA, based on review of additional and/or new plans, reports, information and project details submitted by the applicant.

3. Letter of Justification (Checklist Item A5)

- No Letter of Justification was submitted, as required. Instead, the Applicant wrote "To Follow – Discuss w/ Staff." An adequate Letter of Justification must be submitted before the application can be determined to be complete. At a minimum, the Letter of Justification must summarize the proposal; identify all materials submitted with the Application; include a description of all existing and proposed uses and the sizes (in square feet) and quantities (number of dwelling units) of each use; summarize consistency of the

proposed project with the General Plan and Zoning requirements; and explain how the proposed project satisfies all required findings under the Laguna Hills Municipal Code and/or State law. In conjunction with the foregoing, the City notes and requests you address the following in the Letter of Justification:

- The current land use is designated under the Laguna Hills General Plan as Community Commercial (CC). The CC land use 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. The proposed Project is inconsistent with the General Plan intent and goals for the CC land use designation, and a request for approval of a General Plan amendment was not included in your June 12, 2023, application. Please clarify in the Letter of Justification how the proposed Project complies with General Plan requirements.
- The zoning district is Community Commercial (CC). The purpose and intent of the CC zoning district is to provide for areas where a variety of goods and services can be obtained within neighborhood related small-scale commercial centers. LHMC Section 9-28.020 (Permitted Uses) identifies the permitted and accessory uses within the CC zoning district. Any use not included shall be considered as prohibited. Multi-family/senior residential dwelling are not listed uses, and are therefore prohibited. The proposed Project is inconsistent with the Zoning Code for the CC zoning district, and a request for approval of a Zoning Code or Zoning Map amendment was not included in your June 12, 2023, application. Please clarify in the Letter of Justification how the proposed Project complies with Zoning requirements.
- The submitted Plan Set (Cover Sheet, Floor Plans) indicates that the proposed Project includes some form of memory care use/assisted living units, but no specific information regarding this potential use was provided. A facility providing memory care and/or assisted living services required to be licensed by the State of California would be classified as a Residential Care Facility for the Elderly ("RCFE") or other type of Community Care Facility pursuant to LHMC Chapter 9-64 (Community Care Facilities) and the definitions of these terms set forth in LHMC Chapter 9-04. RCFEs and Community Care Facilities are not permitted uses in the CC zoning district. Further, whether or not the proposed project contains such a use will impact (among other things) application requirements and parking/circulation analysis (e.g., different parking requirements for senior congregate care facilities, convalescent living). Your Letter of Justification should identify all separate uses proposed as part of the Project by reference to their definitions and classifications in the LHMC, describe the operational characteristics of any units designated as memory care/assisted living units, and clarify whether or not the proposed Project includes an RCFE or other type of Community Care Facility. If the proposed project does include an

RCFE or other type of Community Care Facility, the Letter of Justification should explain how such use is consistent with the City's Zoning applicable to the site.

- For a 'Senior citizen housing complex', LPMC Table 9-44.A (Number of Parking Stalls Required) identifies a parking requirement of '1 covered and assigned stall, plus ½ guest stall per dwelling unit, plus 1 stall for the resident manager'. For a 180-unit development, that equates to 271 parking stalls required. In addition, an RCFE/Community Care Facility has a separate parking requirement of 1 stall per every 3 beds. The proposed Project appears to only provide 218 parking stalls. The Letter of Justification should clarify how the proposed Project is consistent with applicable Zoning provisions regarding required on-site parking spaces.
- Although the proposed Project is prohibited in the Community Commercial zoning district, staff has preliminarily evaluated the proposed Project for compliance with the development standards of the Community Commercial zoning district (LPMC Section 9-28.040 Development Standards) and identifies the following inconsistencies/deficiencies/Code compliance errors:
 1. The maximum lot coverage allowed is 50%; the proposed lot coverage is 63.7%.
 2. The maximum building height allowed is 40 feet; the proposed building height is 60.3 feet.

Please clarify in the Letter of Justification how the proposed Project complies with these requirements and/or revise the proposed Project plans to comply with the standards.

4. Plan Set Title Sheet (Checklist Item C2)

- The Cover Sheet shall include all necessary project/site data and summary, including a tabulation of existing and proposed square footages and uses, parking summary/tabulation (to include all required parking space types, including standard, handicap, clean air vehicle), table demonstrating the applicable development standards from the Zoning Code on one side (e.g., setbacks, building height, FAR, lot coverage) and the project's compliance with the standards on the right.
- The Sheet Index and corresponding sheets should include sheet numbers, not just a title.
- The Cover Sheet should demonstrate compliance with the unique requirements for each Type of Construction. See CA Building Code Sections 602 and 603.
- A note should be added to the cover sheet indicating the source of funding for the proposed Project to confirm either CA Building Code Chapter 11A or 11B compliance. Please note if funding is private, public, California Tax Credit Allocation Committee (CTCAC), or any combination thereof.

- If any public funding is to be used, then full compliance with CA Building Code Chapter 11B ONLY is to be followed.
- If California Tax Credit Allocation Committee (CTCAC) is to be used, list specifically the enhanced accessibility provisions that are being implemented.

5. Proposed Site Plan (Checklist Item C4)

- The proposed Site Plan submitted does not include details of gross building area, building setbacks to property lines, utility lines/easements (on and off-site), and existing/proposed improvements (buildings, driveways, walkways, landscaping, open space, ADA paths, trash enclosures, parking area, fire lanes, preliminary Title 24, ground-mounted mechanical equipment/PV, water quality/hydromodification areas, etc.). This Plan must identify drive aisle widths, parking stall dimensions, striping, building/landscaping setbacks, etc. The Application will not be determined complete until a Plan showing this information is submitted.
- A Site Plan with all property lines and setbacks identified was not submitted. This detail is required on the Site Plan in order for the City to have sufficient information to verify compliance with applicable front setback requirements.
- Please note that the submitted plans are not internally consistent. By way of example only, the Cover Sheet identifies 266 parking stalls provided, the Site Plan identifies 273 stalls provided, and staff counts 218 stalls provided (264 including commercial surface parking to remain in the parcels adjacent to the project site). Please ensure that all submitted plans and documents are internally consistent with one another and contain the same Project data and information.
- Details for the proposed perimeter walls must be provided. Please demonstrate that all proposed walls comply with LPMC Section 9-40.100 (Fences, Walls, and Hedges.). Specifically, walls shall be constructed with pilasters provided at every change in direction, every five feet difference in elevation and at a minimum of every twenty-five (25) feet of continuous wall. A wall/fence plan was not submitted, so staff does not have enough information to verify compliance with this requirement.
- The Site Plan submitted does not include enough information to evaluate parking compliance. Per LPMC Section 9-44.030 (Site Plan Required), please include a Parking Site Plan. The plan must consist of a detailed layout of the existing and proposed parking facilities, including the grades, drainage, utilities, all structures, landscaping, parking stalls, drive aisles, and ingress and egress drives.
- Please provide an updated Site Plan/Plan Set to demonstrate compliance with the following provisions of LPMC Section 9-44.060 (Design Standards for Parking Facilities):
 - 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. A Site Plan with this information was not submitted,

so staff does not have enough information to verify compliance with this requirement.

- The required Preliminary Lighting Plan shall include parking structure lighting, and ensure that the proposed structure meets the lighting requirements identified in LPMC Section 9-44.060 (I.). A Lighting Plan was not submitted, so staff does not have enough information to verify compliance with this requirement.
- 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. Stalls shall be delineated by use of six-inch stripes or hairpin patterns affixed to the pavement with the required stall size measured from centerline of the stripe or pattern between successive stalls. 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. A Site Plan with this information was not submitted, so staff does not have enough information to verify compliance with this requirement.
- For residential parking lots serving 0 - 250+ spaces within a structure, a Minimum Driveway Throat Length of 24-feet, Throat Width of 28-feet, and 2 lanes are required. A Site Plan with this information was not submitted, so staff does not have enough information to verify compliance with this requirement.
- Parking aisle widths for two-way circulation requires a minimum width of 24-feet. Please confirm that the drive aisle dimensions in the parking structure meet this requirement. The 'Private Drive (Fire Lane)' around the perimeter of the building does not meet this requirement.
- Unobstructed Vertical Clearances for 'Parking Structure' shall be 7-feet for automobiles and 8-feet, 2-inches for handicap vans. Detailed building elevations/sections were not submitted, so staff does not have enough information to verify compliance with this requirement.
- Please note the Permissible Grades for Drives and Aisles (LPMC Table 9-44.D):

Type of Access	Parking Structure
Ramp	15% straight
	12% circular
Aisle	5%
Driveway	10%
Stall	5%

- Please provide an updated Site Plan/Plan Set to demonstrate compliance with the following provisions of LPMC Section 9-44.110 (Parking Structure Design Standards):
 - Parking structures, including underground or subterranean structures, shall require a Parking Use Permit (PUP). Furthermore, the existing commercial retail La Paz Village center already has an existing PUP to permit shared parking among all tenants at 25260 and 25254 La Paz Road (PUP No. 6-15-3228). This PUP will need to be amended, as part of this application process, to include the proposed development, and demonstrate adequate parking for the remaining commercial buildings. The PUP deposit amount has been added to the updated fee calculation below.
 - Minimum Access Width. Any driveway providing access to a parking structure shall have a minimum width of twenty-eight (28) feet. If a toll or fee booth is located in the driveway area, the driveways on either side of the booth shall have a minimum width of fourteen (14) feet. A sidewalk with a minimum width of six feet shall be provided to link the structure to the public walkway. The ramp to the parking structure is 25-feet wide, and it is unclear if a sidewalk to the public walkway is provided.
 - Location of Support Columns. The edge of structure support columns shall be located a minimum of two feet and a maximum of four feet from the parking aisle and shall not be located within the area of a parking stall. A Site Plan with this information was not submitted, so staff does not have enough information to verify compliance with this requirement.
 - Interior Treatment. The interior treatment of a parking structure shall be of a light color. The treatment shall include a coordinated interior sign program designed to identify parking levels and locate stairwells, elevators, phones, exits, and other interior features. Detailed building elevations/sections were not submitted, so staff does not have enough information to verify compliance with this requirement.
 - Ramp Transitions. All ramps shall be provided with transition zones at the top and bottom of the ramp. Ramps with a grade of ten percent or less shall have a transition zone at least eight feet in length. Ramps with a grade of greater than ten percent shall have transition zones at least twelve (12) feet in length. The grade of a transition zone shall not exceed one-half the grade of the ramp it serves. A Site Plan with this information was not submitted, so staff does not have enough information to verify compliance with this requirement.
 - Elevators. Parking structures of two stories or more shall incorporate at least one passenger elevator meeting handicap standards. Additional elevators are required for a multi-level structure accommodating two hundred fifty (250) or more parking stalls subject to approval by the Community Development Director. A Site Plan with this information was not submitted, so staff does not have enough information to verify compliance with this requirement.

- Mirrors for Sight Distance. Blind corners shall be provided with viewing mirrors maintained in a position and condition to provide adequate sight distance. A Site Plan with this information was not submitted, so staff does not have enough information to verify compliance with this requirement.
- Revise the plans to demonstrate compliance with California Building Code Section 11A or 11B, including the following provisions:
 - Show the number of required and provided HC accessible parking. Include those for assigned and unassigned spaces. Please specify standard and van accessible ones on the plans.
 - Show dimensioned parking layout, including any required disabled access spaces.
 - Show the number of required and provided EV charging stations. Include the standard HC, van accessible and the ambulatory spaces.
 - Demonstrate compliance with the minimum amount of required Accessible EVCS Parking Spaces per table 11B-228.3.2.1
 - Show an accessible route of travel provided to all portions of the building, to accessible building entrances, and between the building and the public way, per Section 11B-206.2.1.
 - Provide analysis and compliance with CA Green Code Section 4.106.4. on EV parking spaces.
- 6. Proposed Floor/Roof Plan (Checklist Item C5)
 - The proposed Floor/Roof Plan submitted does not include details of proposed rooftop equipment, including proposed screening. The Application will not be determined complete until a Plan showing this information is submitted.
- 7. Proposed Building Elevations (Checklist Item C6)
 - The proposed Building Elevations submitted do not show development in context of adjacent properties and rights-of-way. Call out exterior design features/materials, lighting fixtures, etc. The Application will not be determined complete until a Plan showing this information is submitted.
 - Sheet 2 of the Building Elevations shows the same elevation for the Rear and Side, please correct or clarify this apparent discrepancy.
 - Plans currently show a parking garage ceiling height as low as 6 feet, which is inadequate. Parking garages, section page, must have an unobstructed headroom clearance of not less than 7' 0" above the finish floor to any ceiling, beam, pipe or similar construction (CA Building Code Section 406.2.2). The clear height of vehicle and pedestrian areas is required to be accessible and shall comply with Chapter 11A or 11B, as applicable.

8. Project Site Cross Section (Checklist Item C7)

- The submitted Cross Section exhibit is inadequate because it does not include locations identified by staff. As stated in the Application Checklist, please coordinate with Planning staff to identify appropriate cross section locations. At a minimum, staff has identified three locations for cross sections to fully evaluate the proposed Project (Attachment 2). The exhibit shall include all abutting streets, existing structures, proposed structures, and grades/finished floor elevations identified.

9. Colored Renderings (Checklist Item C8)

- No colored renderings were submitted, as required. Adequate colored renderings must be submitted before the Application will be determined complete. Such renderings must be accurately-scaled perspective illustrations of the proposed project as seen from the center of each adjacent street. The renderings must be in $\frac{1}{4}'' = 1'$ scale, or a different scale approved by City Planning staff. Landscaping depicted on perspective illustrations shall be representative of the preliminary landscaping plan with five (5) years of growth. Please coordinate with Planning staff to identify appropriate rendering locations.

10. Conceptual Landscaping Plan (Checklist Item C10)

- Please see attached comment matrix for a list of items missing from the landscaping plans (Attachment 3). In addition to the requirements identified in the Application Checklist, please also refer to Laguna Hills Municipal Code Chapter 9-46 (Landscaping Standards and Guidelines) and Chapter 9-47 (Landscape Water Efficiency) for additional requirements.
- The minimum landscape coverage required is 15%; please provide a calculation of the Project's landscape coverage.

11. Preliminary Lighting Plan (Checklist Item C11)

- No Preliminary Lighting Plan was submitted, as required. Instead, the Applicant wrote "To Follow". An adequate Preliminary Lighting Plan must be submitted before the application will be determined to be complete. At a minimum, the Preliminary Lighting Plan must include cut sheets, photometric plan, and luminaire schedule. Include lighting plans for parking lots/common areas as well as exterior lighting on buildings.

12. Materials and Color Board (Checklist Item C12)

- No Materials and Color Board was submitted, as required. Instead, the Applicant wrote "To Follow". An adequate Materials and Color Board must be submitted before the application will be determined to be complete. At a minimum, the Materials and Color Board must include samples of all proposed exterior project colors and materials such as siding, stucco, architectural features, accent features and finishes, veneers, window glazing and mullions, roof materials, and screening material. Include manufacturer's name and product information.

13. Sign Plan/Master Sign Program (Checklist Item C13)

- No Sign Plan/Master Sign Program was submitted, as required. Instead, the Applicant wrote "To Follow". There appears to be proposed signage associated with the Project, including new Monument and Wall Signs, which require an Amendment to the Master

Sign Program for La Paz Village. Please refer to Laguna Hills Municipal Code Section 9-42.170 for Master Sign Program requirements. An adequate Sign Plan/Master Sign Program must be submitted before the application will be determined to be complete.

- Please demonstrate that all improvements comply with LHMC Section 9-40.160 (Sight vision area). It appears that the proposed monument sign on McIntyre Street may not comply.

14. Housing Plan (Checklist Item C14)

- Your application indicated the total number of housing units in the project, and indicated that 20% of the units would be reserved for “low income”. More information is required in order to determine compliance with the Housing Accountability Act (HAA) requirements for provision of 20% of units for “lower income”. The Housing Plan for the proposal must demonstrate compliance with HAA Government Code Section 65589.5, including subsections (h,3) and (h,4).

Subsection h,3 states “at least 20 percent of the total units shall be sold or rented to lower income households, as defined by Section 50079.5 of the Health and Safety Code” and that the lower income units “shall be made available at a monthly housing cost that does not exceed 30 percent to 60 percent of area median income”. Subsection h,4 requires the developer to provide “legal commitment to ensure continued availability of units...for 30 years”

Please submit a Housing Plan to confirm and clarify compliance with the HAA criteria listed above. Also provide details describing the affordable housing units, including the specific affordability level (low, very-low, extremely low income) and the number of units proposed at each income level, the size of the units, the number of bedrooms in each affordable unit, and the distribution of affordable units in the project. This data is needed in order for the City to prepare an Affordable Housing Regulatory Agreement and Declaration of Restrictive Covenants (“Regulatory Agreement”) between the property owner and the City, which is needed to ensure the initial and continued affordability of all income-restricted residential dwelling units.

The Regulatory Agreement will be prepared by the City at the applicant’s cost. The applicant will be required to reimburse the City for the total professional fees and costs to be incurred by the City for preparation of the Regulatory Agreement, along with the City’s legal fees and costs incurred as necessary for the proper processing the Application for the proposed Project (at the City Attorney’s contracted professional hourly rate) as determined by the City. It is anticipated that, at a minimum, the Regulatory Agreement will include provisions addressing or requiring the following:

- The Regulatory Agreement will set forth the number, affordability level, unit size mix, and location requirements for the affordable units; will require that affordable units be integrated with the market rate units so that there is a mix of affordable and market rate units in each building; and will contain provisions to ensure that the Project complies with the requirements set forth in Health and Safety Code Section 17929, including the restricted covenant affordability period.

- The regulatory agreement will require that the affordable units be constructed concurrently with or prior to other units in the housing development project.
- The regulatory agreement will require that the affordable units remain affordable to, and be occupied by, persons and families of the required income level at an affordable rent or affordable housing cost, as applicable.
- The regulatory agreement will include uniform provisions requiring initial and annual verification and written certification that each tenant household occupying a rental affordable unit meets the applicable income and eligibility requirements established for the affordable unit.
- The regulatory agreement will contain provisions requiring the submittal to the City in a form reasonably satisfactory to City Manager of an annual compliance report and a certification that the affordable units are in compliance with the requirements of the regulatory agreement.
- The regulatory agreement will contain uniform provisions governing the owner's maintenance obligations and the City's rights in the event the owner fails to adhere to its maintenance obligations.
- The regulatory agreement will contain uniform provisions requiring the owner to maintain affordable unit sales documents, tenant leases, income certifications, and other books, documents, and records related to the sale or rental of the affordable units and operation of the project for a period of not less than five (5) years after creation of each such record; to allow the City to inspect any such books, documents, or records and to conduct an independent audit or inspection of such records at a location that is reasonably acceptable to the City Manager upon prior written notice; and to permit the City and its authorized agents and representatives to access the property and examine the housing units and to interview owners, occupants, tenants and employees for the purpose of verifying compliance with the regulatory agreement.
- The regulatory agreement will contain provisions requiring the owner (i) to prepare and obtain the City's approval of a marketing program for the leasing or sale of the affordable units prior to the issuance of a certificate of occupancy for any portion of the project, (ii) to thereafter market the leasing or sale of the affordable units in accordance with the marketing program, and (iii) to provide City with periodic reports with respect to the leasing or sale of the affordable units.
- The regulatory agreement will contain uniform provisions regarding property management and management responsibilities and will require the owner to prepare and obtain the City's approval of a management plan for the project prior to the issuance of a certificate of occupancy for any portion of the project, which sets forth in detail the owner's property management duties, including, but not

limited to, a plan to manage and maintain the site and the affordable units; procedures for the selection of tenants of rental affordable units, including a description of how the owner plans to certify the eligibility of tenant households; procedures for annually verifying income and recertifying the eligibility of tenants of rental affordable units; the standard form(s) of rental agreement(s) the owner proposes to enter into with tenants of affordable units; procedures for the collection of rent; procedures for eviction of tenants; procedures for ensuring that the required number and unit size mix of rental affordable units in is maintained and that “floating” affordable units do not become congregated to a certain area of the building or project; the owner’s procedures for complying with its monitoring and recordkeeping obligations; the rules and regulations of the property and manner of enforcement; a security system and crime prevention program.

- The regulatory agreement will contain a provision requiring the owner to reimburse City for the estimated reasonable costs incurred by the City in monitoring the owner’s compliance with, and otherwise administering, the regulatory agreement, including, but not limited to, City’s review of annual compliance reports and conduct of inspections and/or audits.
- The regulatory agreement will be required to be recorded as a covenant against the property prior to final or parcel map approval, or, if the project does not include a subdivision map, prior to issuance of a building permit for any structure in the project. The regulatory agreement will provide that it shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof, and in no event shall the regulatory agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien or encumbrance whatsoever for the entire term of the required covenants.

15. Preliminary Grading Plan (Checklist Item C15)

- No Preliminary Grading Plan was submitted, as required. An adequate Preliminary Grading Plan must be submitted before the application will be determined to be complete. The purpose of the Preliminary Grading Plans is to provide all the information needed to fully and adequately analyze the drainage, stormwater protection, grading, and overall project impacts under the California Environmental Quality Act (CEQA). The Preliminary Grading Plans are also part of the full CEQA and public hearing reviews on all Tentative Maps, Tentative Parcel Maps, Major Use Permits, and Site Plans. This eliminates the need for later CEQA reviews when proposed grading conforms to that previously reviewed. The Public Works Department reviews the Preliminary Grading Plans as part of the overall project application. Information from the Plan will be used in formulating department CEQA responses and proposed conditions for the project.

This grading plan also provides the needed information to ensure proposed stormwater facilities are located and sized appropriately. Long-term protection and improvement of stormwater quality relies in part on permanent post-construction, structural best management practices (BMPs). Structural BMPs are difficult to add to the completed

design of a private development project without causing substantial changes to the project's character or viability. The earlier in the design process stormwater facilities are considered, the greater the likelihood of a successful and efficient design of the site. The City's Municipal Code, Sections 5-36, 9-80, 10-16, respectively, provide for incorporation of grading and stormwater protection in design of private projects at its inception.

Therefore, the applicant shall provide a Preliminary Grading Plan, stamped and signed by a California registered civil engineer, that includes a scaled, plan view layout of the site with proposed stormwater facilities, which are also identified in the Preliminary Water Quality Management Plan.

- Specific information required in the Preliminary Grading Plan includes, but is not limited to, the following:
 - Either be incorporated into the Tentative Map for the project, or be placed on a separate 24" by 36" sheet(s) with a 1" border on all edges.
 - Show a north arrow and scale on all sheets at 1" = 10' or 1" = 20'.
 - Show a vicinity map or other data adequately indicating the site location.
 - List the name of the applicant/owner, address, and telephone number.
 - List the engineer's name, address, and telephone number.
 - Show project address or Assessor Parcel Number.
 - Identify the basis for elevations and contours shown.
 - Show approximate property lines of the site on which the work is performed.
 - Show any building or structure footprints on the site where the work is to be performed, and any structures on adjacent land within the fifteen feet (15') of the project.
 - Show any known easements of greater than 4' width.
 - Show estimates of the amount of excavation, fill, import, and export.
 - Show a minimum of one pad for each lot or individual building footprint, with proposed pad, top, and toe of slope elevations, and a driveway that provides adequate access to each pad.
 - Show proposed grading associated with road improvements or other major infrastructure.

- Show location of any proposed drainage devices, stormwater protection facilities, walls, cribbing, or other protective devices to be constructed in connection with the proposed work.
- Show adequate contours to show the topography of the existing ground; and show the proposed grading tied back to natural ground, all at the same scale as the tentative map or site plan whenever possible.
- Major grading (contiguous grading that supports multiple pads) shall also show adequate cross-sections to illustrate the proposed change in land form.
- Contain the following plan note; “This plan is provided to allow for full and adequate discretionary review of a proposed development project. The property owner acknowledges that acceptance or approval of this plan does not constitute an approval to perform any grading shown hereon, and agrees to obtain valid grading permissions before commencing such activity.”
- Show the direction of lot and street drainage.
- Show proposed slope ratios, not greater than 2:1 (horizontal-to-vertical distance).
- Do not show “construction stormwater BMPs” or contours on cut/fill slopes.
- Supporting the Preliminary Grading Plan, the applicant shall provide a Preliminary Water Quality Management Plan and a Preliminary Hydrology Study.

16. Preliminary Water Quality Management Plan (Checklist Item C16)

- No Preliminary Water Quality Management Plan was submitted, as required. Instead, the Applicant wrote “To Follow”. An adequate Preliminary Water Quality Management Plan must be submitted before the application will be determined to be complete. The purpose of the Preliminary Water Quality Management Plan is to provide all the information needed to fully and adequately analyze how the project will comply with the Municipal Separate Storm Sewer System (MS4) Permit issued by the San Diego Regional Water Quality Control Board, Permit No. R9-2015-0100, which is a State of California agency, and the City’s Municipal Code, Chapter 5-36. Therefore, the applicant shall provide a Preliminary Water Quality Management Plan, stamped and signed by a California registered civil engineer.
- This project is a “priority project” within the meaning of the MS4 Permit; therefore, the project shall construct post-construction, structural best management practices (BMPs) to comply with the Permit.
- Project requirements and guidance can be found on the regional storm water program website here: <https://ocerws.ocpublicworks.com/service-areas/oc-environmental-resources/oc-watersheds/regional-stormwater-program/water-quality>

Upon viewing the website, scroll down to South Orange County Project Guidance to download documents.

- The San Diego Regional Water Quality Control Board Permit No. R9-2015-0100 can be found here:
https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/sd_stormwater.html

17. Will-Serve Letters (Checklist Item C18)

- A will serve letter from Cox Communications for broadband cable was submitted; however, will serve and/or Engineering Feasibility Letters are still required for all other utility providers (e.g., MNWD, SDG&E, SoCalGas, CR&R) before the application will be determined to be complete.

18. Hazardous Waste Statement (Checklist Item C20)

- No Hazardous Waste Statement was submitted, as required. Instead, the Applicant wrote "To Follow". An adequate Hazardous Waste Statement must be submitted before the application will be determined to be complete. Pursuant to Section 65962.5 of the California Government Code, a signed statement is required indicating whether the project and any alternatives are located on a site that is included on the lists prepared by the State Department of Health Services, State Water Resources Board, and the California Waste Management Board (Cortese List).

19. Waste Management Plan (Checklist Item C21)

- No Waste Management Plan was submitted, as required. Instead, the Applicant wrote "To Follow". An adequate Waste Management Plan must be submitted before the application will be determined to be complete. At a minimum, the Waste Management Plan must summarize how the proposal's trash enclosures will be designed with adequate space to accommodate three streams of trash generated onsite (recycle, trash, and food waste) to comply with CalRecycle's state mandated requirements of AB 1826, SB 1383 and AB 341. The bins shall be organized in a manner which they can be easily accessible and maneuvered by all users and providers. Provide a current and proposed trash management plan that indicates the number, type and size of bins utilized from CR&R, along with a pick-up schedule and a compliance report (which indicates if more or less service is needed). The application package should include an explanation on how waste diversion requirements will be met. The proposed trash enclosure may not be large enough, especially as the State transitions to organics recycling (food waste).
- Please demonstrate in the Plan Set compliance with LHMC Section 9-40.070 (Trash Enclosures Required). Every parcel with a multi-family, commercial, or industrial structure shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle shall be screened from public view on at least three sides by a wall six feet in height and on the fourth side by a solid gate not less than five feet in height.
- Please demonstrate in the Plan Set how all mechanical equipment, storage, trash areas, and utilities will be architecturally screened by a solid material from public view (LHMC

Sections 9-40.050 Design Considerations and 9-40.090 Screening). The required Project Cross Section exhibit was not submitted, so staff does not have enough information to verify compliance with this requirement.

20. Fire Master Plan (Checklist Item C22)

- No Fire Master Plan was submitted, as required. Instead, the Applicant wrote “To Follow”. An adequate Fire Master Plan, approved by the Orange County Fire Authority (OCFA), must be submitted before the application will be determined to be complete. The proposed Project must be reviewed under Orange County Fire Authority’s PR105 review process (please see attached OCFA form, Attachment 4). Please submit a separate PDF on USB drive and a Fee Payment of \$538 which will be routed to OCFA by the City.
- Note that OCFA conducted an initial review of the June 12, 2023, application and has provided preliminary comments (Attachment 5). The comments from OCFA identify significant health and safety issues attendant with the present design that have a specific adverse impact on the health and safety of residents of the Project and neighboring residents and commercial facilities.

21. Geotechnical Study (Checklist Item R4)

- The Preliminary Geotechnical Evaluation prepared by LGC Geotechnical Inc. (dated May 23, 2023) has been reviewed. Comments are as follows:

- Figure 4 was not included in the electronic copy we received.

22. Preliminary Hydrology Study (Checklist Item R9)

- No Preliminary Hydrology Study was submitted, as required. Instead, the Applicant wrote “To Follow”. An adequate Preliminary Hydrology Study must be submitted before the application will be determined to be complete.

The purpose of the Preliminary Hydrology Study is to provide all the information needed to fully and adequately analyze how the project will comply with the City’s Municipal Code, Sections 5-36 (Water Quality Code), 9-80 (Public Works/Engineering Standards), 10-16 (Grading Code), 10-28 (Building Code). Therefore, the applicant shall provide a Preliminary Hydrology Study, stamped and signed by a California registered civil engineer, which includes a map showing the drainage area of land tributary to the site, the estimated runoff of the area served by any drains, and preliminary calculations of the carrying capacity of such drainage courses (natural and man-made). The Study shall be based upon the design requirements in accordance with the latest edition of the Hydrology Manual published by the Orange County Flood Control District and the Orange County Local Drainage Manual published by Orange County Public Works.

- The Hydrology Manual published by the Orange County Flood Control District can be found here:
<https://ocip.ocpublicworks.com/service-areas/oc-infrastructure-programs/documents-maps/online-manuals>

- The Orange County Local Drainage Manual published by Orange County Public Works can be found here:
http://cams.ocgov.com/Web_Publisher_SAM/Agenda05_25_2021_files/images/O01421-000205A.PDF

23. Parking/Circulation Study (Checklist Item R7)

- No Parking/Circulation Study was submitted, as required. The purpose of the Parking and Circulation Study is to provide all the information needed to fully and adequately analyze how the project will comply with the City's Municipal Code, Section 9-44. The earlier in the design process parking and circulation are considered, the greater the likelihood of a successful and efficient design of the site. Therefore, the applicant shall provide a Parking and Circulation Study, stamped and signed by a California registered civil engineer or traffic engineer, which includes a drawn to scale site plan consisting of a detailed layout of the existing and proposed parking facilities, including the grades, drainage, utilities, all structures, landscaping, parking stalls, drive aisles, and ingress and egress drives. The Study shall include a comparison of the proposed quantity and types of parking spaces with the quantity and types required by the Municipal Code, Section 9-44.050. The Study shall also include a circulation analysis examining how vehicles will circulate throughout the site, including delivery trucks, moving trucks, and emergency access vehicles such as fire engines using American Association of State Highway and Transportation Officials (AASHTO) vehicle turning templates overlaid on the site plan while avoiding driveways with no outlet and turn around spaces. This Study shall also be approved by the Orange County Fire Authority.

24. Traffic Study (Checklist Item R12)

- The Traffic Scoping Agreement and VMT Screening Form prepared by Overland Traffic Consultants (dated June 5, 2023) has been reviewed. Comments are as follows:
 - It is noted that the VMT screening form, trip evaluation states a 10% trip credit for internal trips and a 5% trip credit for pass by trips. However, within the traffic study scoping agreement a 2% credit was applied to internal trips and 10% to pass by trips. This discrepancy must be clarified.

* * *

It is anticipated that the following applications and estimated fees/deposits will apply to this proposal:

Application Type	Fee/Deposit
Development Code Amendment	\$ 10,977.54
General Plan Amendment	\$ 7,874.32
Parking Use Permit	\$ 8,978.17
Site Development Permit (Master Sign Program)	\$ 6,769.31
CEQA Review Deposit (TBD)	\$ 25,000.00
Additional Deposit Needed	\$ 25,000.00
Total	\$ 84,599.34

Please note that the City has retained a CEQA consultant, Dudek, to conduct an Initial Study. Once a CEQA process determination can be made (e.g., Mitigated Negative Declaration, Environmental Impact Report, etc.), an associated CEQA fee/deposit will be required.

Also, please note that the initial Site Development Permit deposit (\$6,769.31) submitted on June 12, 2023 has been exhausted. Therefore, an additional deposit is needed. Please include a total deposit of \$84,599.34 as part of the resubmittal for the proposed Project.

SECTION II. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUEST FOR INFORMATION

In order for the City to complete an Initial Study analyzing the proposed Project's environmental impacts pursuant to the California Environmental Quality Act (CEQA), the Applicant must provide the City with certain information and data about the Project. This section sets forth the information and data the City has preliminarily determined will be needed from the Applicant in order for the City to complete an Initial Study, organized by categories corresponding to the Initial Study Checklist. The City reserves the right to request additional information, as needed. Without prejudice to the City's right to request additional information, the Applicant shall provide the following information as part of its resubmittal of the Project Application.

25. Aesthetics

- In order to prepare a shade and shadow analysis for the Project, the City requires the Applicant to provide Auto Cad files of every site plan sheet generated thus far by the Applicant's Architect and Engineer(s) and to be generated by Applicant's Architect and Engineer(s) pursuant to the information and documentation requests in this letter.

26. Air Quality, Greenhouse Gas Emissions and Energy

- Please provide: the anticipated duration and phasing of construction of the Project, the start and end dates of construction, the equipment type, quantity, and hours of use each day of construction equipment in each phase, average number of vendor (delivery) truck trips each day, the total haul truck trips, and the average number of construction workers daily that will be employed in each phase. For demolition, please provide the tons of demolition debris or square footage of each structure to be demolished. This includes pavement. This information is required to perform Air Quality modeling to determine potential air quality and greenhouse gas emissions impacts from construction of the Project.
- Because the proposed Project includes subsurface parking, there will be export of soil from the site. In addition, based on the Phase II Environmental Assessment provided, the site may contain contaminated soil, which will need to be removed and transported to an approved hazardous materials site. Please provide: an estimate of the amount of soil export that will occur as part of the Project, along with the technical data and analysis supporting this estimate; the potential location(s) where the soil will be exported to and their respective distances from the site; the number and size of trucks and equipment that will be used to haul exported soil and the number and duration of daily truck trips anticipated. Please provide a separate breakdown of the anticipated amount of contaminated soil that will need to be exported to a hazardous materials site, and the location(s) of such hazardous materials site(s) and their distance(s) from the Project site.

This information is required to evaluate the Project's potential air quality and greenhouse gas emissions impacts related to the export of soil from the site.

- Please provide information about the application of coatings. Please explain how many building surfaces will be painted each day and the specific type of paint to be used. Please also include the re-asphalting and striping of the parking lot which is necessary to calculate daily and cumulative emissions.
- Please identify whether emergency back-up generators will be utilized as part of the Project's operation and, if so, the number and anticipated type and model of such emergency back-up generators. This information is required to evaluate potential particulate emissions impacts from such generators in general and, specifically, on surrounding residences.
- For operations, please provide the number of residents, employees, and expected number of visitors on a daily basis. This information is required to estimate operational air quality impacts.

27. Cultural Resources and Tribal Cultural Resources

- To evaluate potential impacts to cultural and tribal cultural resources, please provide the maximum depth of project excavation and the depth of previously disturbed soils. This information will be used to prepare an archaeological resources report for the Project.

28. Geology and Soils

- To evaluate potential impacts to paleontological resources, please provide the maximum depth of excavation and previously disturbed soils. This information will be used in the paleontological analysis for the Project.

29. Hazards and Hazardous Materials

- Additional soil gas sampling may be required based on the high levels of contamination reported in the Phase II Environmental Site Assessment (e.g. 8,100 ug/m³). Such contamination will have a specific adverse impact on public health and safety, which the purported "final application" failed to address (and/or identify how it will be mitigated) and which the City must now address. Please provide any additional soil gas sampling data and/or results for any soil gas sampling conducted on the Project site since the Phase II ESA.

30. Noise

- Please confirm whether Project construction will require any vibratory pile driving. If so, please identify the type of pile driver to be used in the for the vibration analysis for the Project.
- Please confirm the location of all heating, ventilation and air conditioning (HVAC) equipment on the building rooftops or on the site plan. Please provide the makes and models of the HVAC equipment. The Project's HVAC equipment will be modeled as part of the operational noise analysis for the Project.

31. Public Services and Utilities and Service Systems

- Please provide the estimated number of new residents as this informs demand for public services in terms of estimated service calls, water demand estimates (e.g., gallons per day per resident), wastewater generation and solid waste generation (e.g., pounds per day of trash generated per resident).
- Please also provide the number of residents expected to be served by the memory care portion of the facility. Is the memory care facility serving existing residents or is there an outpatient aspect to this such that there would be visitors/patients in addition to the resident population? This information is required for trip generation, VMT, air quality and public services analyses for the Project.

SECTION III: STATUTORY NON-COMPLIANCE

The City of Laguna Hills has, in its informed and advised opinion, substantially complied with Housing Element law and other applicable law as of June 28, 2022. Accordingly, The City of Laguna Hills does not agree that the Preliminary Application, nor the purported Final Application, nor the project proposed therein, should or must proceed as a “builder’s remedy” application or project.

As Applicant knows, the Housing Accountability Act expressly preserves (Cal Gov. Code 65589.5(e)) the necessary role of CEQA review to this and all other projects as they may be proposed. See also *Schellinger Bros. v. City of Sebastopol* (2009) 179 Cal. App. 4th 1245, 1262. Indeed, a court recently re-affirmed the rule from *Schellinger* and held that CEQA review should be done before considering the application of other considerations and evaluation of the application as submitted. *YIMBY v. City and County of San Francisco*, SFSC Case No. CFP-22-517661, Order Issued October 21, 2022.

The City notes pursuant to applicable law, and the very language created by the California Department of Housing and Community Development (“HCD”) for inclusion in the SB330 Preliminary Application form, the Applicant can “vest” certain rights upon the date of its Preliminary Application only if it submits a “full application” within 180 days thereafter. Notwithstanding such applicable law, Applicant’s purported “Final Application” dated June 12, 2023 contains numerous errors, omissions, and failures to answer found in or omitted from that Application so as to render such “Final Application” neither “full” nor complete. Applicant knowingly failed to include required information (saying, among other things, such was “to follow” or “discuss with staff”) and to date has not submitted that “to follow” information, or discussed such with staff, after the 180 days following the Preliminary Application and the additional 30 days from the date of the “final application” to the date of this letter. Indeed, the Final Application does not provide the necessary and substantial information the City should possess to evaluate the Project in so many different respects (described above) that the City hereby reserves its right to assert that Applicants’ Preliminary Application has expired for failure to submit a “full application” as required by applicable law within 180 days of the Preliminary Application.

We also initially note Applicant’s failure to respond to the City’s “Supplemental Application and Requested Answers and Documents Due to Purported ‘Builder’s Remedy’ Preliminary Application” (dated February 13, 2023) (the “BR Request”).

The City believes a fulsome response is required to the BR Request given the Applicant’s continued pursuit of its asserted right to application of the “Builder’s Remedy” statutory language to its project.

Moreover, the City believes that the Applicant needs to provide the answers and documents sought by the BR Requests to do what the City may be required to do under the Housing Accountability Act (“HAA”) as to any claimed “Builder’s Remedy” project.

In this regard, it is also the City’s view that Applicant should want to supply this information to the City in order for the City to evaluate the Project as may be required by the HAA. A few examples should suffice to explain this (we believe) shared interest between the City and Application:

- By way of example only, whether a Project is “Feasible” or by some measure “Infeasible” if altered from the Project proposed by Applicant are questions on which the City may have to make findings under the HAA and, depending on the circumstances, may be required to make findings. Question No. 1 poses relevant inquiries to Applicant the answers to which (including documents concerning which) the City could then evaluate as to whether any changes in the Project required by Law (or merely proposed) would or could make the Project “Infeasible” as that word is used in the HAA. In particular, the City may need to make findings as to whether the proposed project can be scaled back in size, height, density without rendering the project infeasible. The BR request was designed to assist the City in making such findings.
- If Applicant does not want to assist the City in gathering all available information to ensure the City makes any such required or advised findings, then Applicant may not gain the benefit of having the City in full possession of the best information. Applicant could provide (by way of example) information regarding its own projections/estimates, total costs of construction, possible/not possible “specific adverse impact on the public health,” disabled person access to and on the Project, when and under what circumstances the Project might become “a success/unsuccessful, etc.,”

Given Applicant’s failure to submit responses to the BR Request, City believes that such is an independent ground to find that Applicant has failed to provide a “full application” within 180 days of its Preliminary Application, and thus the City reserves the right to assert that Applicant’s Preliminary Application has expired as a matter of law.

The City notes, as stated above, that OCFA has identified obvious and significant health and safety issues attendant with the present design that will have a specific adverse impact on the health and safety of residents of the Project and neighboring residents and commercial facilities. The impacts so identified reveal a lack of care and proper planning by Applicant that should have been resolved well before submitting the so-called “final application.” City believes that such are independent grounds to find that Applicant has not complied with applicable law and thus the City reserves the right to assert that Applicant’s (i) Preliminary Application has expired as a matter of law because the purported final application was not full and complete, and (ii) the Project will as proposed create specific adverse impacts to public health and safety that Applicant has had 180 days since its preliminary application to resolve and/or mitigate or correct, and another 30 days since submitting its purported final application to resolve and/or mitigate or correct as well.

Furthermore, the Applicant’s revisions to the number and size of the Units in the Project, and addition of a “memory care” facility within the Project, so substantially changes the nature of the Project as outlined in Applicant’s Preliminary Application as to render that Preliminary Application inherently incomplete as

and when submitted and misleading in certain respects. The City reserves the right to assert that the Preliminary Application therefore does not and did not meet the requirements of applicable law and no vesting of any rights occurred upon submission of the Preliminary Application. By way of example only, as to the Memory Care Facility (discussed in further detail above) in particular, nothing in the Housing Accountability Act states or allows or could be read to state or allow such a facility to not undergo a full and separate permitting process regardless of the alleged "senior housing" status of the Project or its allowance for "low income" senior housing.

In particular, we note the follow substantial changes:

- Change in unit count, from 190 units to 180 units.
- Introduction of an Assisted Living/Memory Care concept, in addition to independent residential dwellings.
- Reduction in open space, from 27,000 sq. ft. to 21,110 sq. ft.

The City needs Applicant to immediately address these issues and answer the foregoing questions fully and completely, and in that regard, City reserves its right (notwithstanding this request) to assert that the June 12 Application is not a "full application" because of the creation of these issues and omission of information addressing such issues in the June 12 Application.

* * *

Once the outstanding item(s) are received and determined to be acceptable for processing, your application will be re-distributed to appropriate City departments and other reviewing agencies for review and comment. Nothing requested by the City herein for further processing shall waive, and the City hereby preserves its rights to assert, that the foregoing identified items of incomplete information, omitted information, and/or information needed by the City to further proceed is and collectively are an independent ground to find that Applicant has failed to provide a "full application" within 180 days of its Preliminary Application, and thus the City reserves the right to assert that Applicant's Preliminary Application has expired as a matter of law.

If you have any questions or would like to schedule a meeting to review these comments, 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

Attachments:

- Attachment 1 – Applicant-submitted Environmental Information Form (Incomplete)
- Attachment 2 – Required Cross Sections
- Attachment 3 – Conceptual Landscaping Plan Comments Matrix
- Attachment 4 – Orange County Fire Authority Review Process Form
- Attachment 5 – Orange County Fire Authority Comments

Attachment 2

Oct. 19, 2023 Completeness Review Letter

(without attachments)





CITY OF LAGUNA HILLS

October 19, 2023

VIA E-MAIL, USPS, & COURIER

Nick Buchanan
President
La Paz Village Investors, LLC
1010 S. El Camino Real, Suite 200
San Clemente, CA 92672
Email: nbuchanan@proteallc.com

**SUBJECT: SITE DEVELOPMENT PERMIT NO. 0147-2023 (LA PAZ VILLAGE SENIOR LIVING)
COMPLETENESS REVIEW (SEPTEMBER 22, 2023 RESUBMITTAL)**

Dear Mr. Buchanan,

On September 22, 2023, the Community Development Department received a resubmittal of application materials for the proposed La Paz Village Senior Living Housing Development Project to be located on the southwest corner of La Paz Road and McIntyre Street (25250 - 25260 La Paz Road) (the "proposed Project"). Pursuant to the City's development application review process, staff conducted a review of the application materials filed with the City to determine the completeness and accuracy of the application submittal.

Based on our review of the September 22, 2023 application resubmittal, in accordance with (among other things) Section 9-92.050 (Requirements for Complete Applications) of the Laguna Hills Development Code (Title 9 [Zoning and Subdivisions] of the Laguna Hills Municipal Code) and Section 65943(a) of the California Government Code, the City has determined that the development application is **incomplete**.

The following items were identified in the July 11, 2023 Completeness Review Letter (Attachment 1) as required to deem your application complete for processing, and were not submitted as part of the September 22, 2023 resubmittal:

Item No.	Application Requirement	Item No.	Application Requirement
3	Letter of Justification	11	Preliminary Lighting Plan
12	Materials and Color Board	13	Sign Plan/Master Sign Program
14	Housing Plan	16	Preliminary Water Quality Management Plan
17	Will-Serve Letters	19	Waste Management Plan
20	Fire Master Plan	22	Preliminary Hydrology Study
23	Parking/Circulation Study		

The following items were identified in the July 11, 2023 Completeness Review Letter as required to deem your application complete for processing, and were not adequately completed as part of the September 22, 2023 resubmittal:

Item No.	Application Requirement	Comments
1	Completed Planning Application	Did not resubmit. Please submit an updated Planning Application form with all fields within the portion of the form labeled "Applicant to Complete" completed.
2	Completed Environmental Information Form	Did not resubmit. Please submit an updated Environmental Information Form that includes complete and adequate responses to all items requested in the July 11, 2023 Completeness Review Letter.
4	Plan Set Title Sheet	The Cover Sheet is missing 'Existing Project' information (e.g., existing square footage to be demolished, existing uses/businesses, etc.).
5	Proposed Site Plan	The Site Plan/Plan Set is missing a Wall/Fence plan and Parking Site Plan. Please refer to July 11, 2023 Completeness Review Letter for what these plans should include.
8	Project Site Cross Section	The submitted Cross Section exhibit is incomplete. The exhibit only provided two out of the three sections requested. Furthermore, the sections include adjacent buildings, church, and retail, but do not show adjacent single-family residences.
9	Colored Renderings	The submitted Colored Renderings exhibit is incomplete. The elevations include adjacent buildings, church, and retail, but do not show adjacent single-family residences.

In order for the City to complete an Initial Study analyzing the proposed Project's environmental impacts pursuant to the California Environmental Quality Act (CEQA), the Applicant must provide the City with certain information and data about the Project. The following items were identified in the July 11, 2023 Completeness Review Letter as information and data required in order for the City to complete an Initial Study, organized by categories corresponding to the Initial Study Checklist, that were not submitted or adequately completed as part of the September 22, 2023 resubmittal:

25. Aesthetics
In order to prepare a shade and shadow analysis for the Project, the City requires the Applicant to provide Auto Cad files of every site plan sheet generated thus far by the Applicant's Architect and Engineer(s) and to be generated by Applicant's Architect and Engineer(s) pursuant to the information and documentation requests in this letter.
26. Air Quality, Greenhouse Gas Emissions and Energy
Please provide: the anticipated duration and phasing of construction of the Project, the start and end dates of construction, the equipment type, quantity, and hours of use each day of construction equipment in each phase, average number of vendor (delivery) truck trips each day, the total haul truck trips, and the average number of construction workers daily that will be employed in each phase. For demolition, please provide the tons of demolition debris or square footage of each structure to be demolished. This includes pavement.

Because the proposed Project includes subsurface parking, there will be export of soil from the site. In addition, based on the Phase II Environmental Assessment provided, the site may contain contaminated soil, which will need to be removed and transported to an approved hazardous materials site. Please provide: an estimate of the amount of soil export that will occur as part of the Project, along with the technical data and analysis supporting this estimate; the potential location(s) where the soil will be exported to and their respective distances from the site; the number and size of trucks and equipment that will be used to haul exported soil and the number and duration of daily truck trips anticipated. Please provide a separate breakdown of the anticipated amount of contaminated soil that will need to be exported to a hazardous materials site, and the location(s) of such hazardous materials site(s) and their distance(s) from the Project site.

Please provide information about the application of coatings. Please explain how many building surfaces will be painted each day and the specific type of paint to be used. Please also include the re-asphalting and striping of the parking lot which is necessary to calculate daily and cumulative emissions.

Please identify whether emergency back-up generators will be utilized as part of the Project's operation and, if so, the number and anticipated type and model of such emergency back-up generators.

For operations, please provide the number of residents, employees, and expected number of visitors on a daily basis.

27. Cultural Resources and Tribal Cultural Resources

To evaluate potential impacts to cultural and tribal cultural resources, please provide the maximum depth of project excavation and the depth of previously disturbed soils.

28. Geology and Soils

To evaluate potential impacts to paleontological resources, please provide the maximum depth of excavation and previously disturbed soils.

29. Hazards and Hazardous Materials

Additional soil gas sampling may be required based on the high levels of contamination reported in the Phase II Environmental Site Assessment (e.g. 8,100 ug/m3). Such contamination will have a specific adverse impact on public health and safety, which the purported "final application" failed to address (and/or identify how it will be mitigated) and which the City must now address. Please provide any additional soil gas sampling data and/or results for any soil gas sampling conducted on the Project site since the Phase II ESA.

30. Noise

Please confirm whether Project construction will require any vibratory pile driving. If so, please identify the type of pile driver to be used for the vibration analysis for the Project.

Please confirm the location of all heating, ventilation and air conditioning (HVAC) equipment on the building rooftops or on the site plan. Please provide the makes and models of the HVAC equipment.

31. Public Services and Utilities and Service Systems

Please provide the estimated number of new residents as this informs demand for public services in terms of estimated service calls, water demand estimates (e.g., gallons per day per resident), wastewater generation and solid waste generation (e.g., pounds per day of trash generated per resident).

Once the outstanding item(s) are received and determined to be acceptable for processing, you will receive a letter of completeness and your application will be re-distributed to appropriate City departments and other reviewing agencies for regulatory compliance review.

If you have any questions or would like to schedule a meeting to review these comments, please feel free to contact me at (949) 707-2675 or llongenecker@lagunahillscsca.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

Attachments:

- Attachment 1 – July 11, 2023 Completeness Review Letter