

ORDINANCE NO. 2025-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR THE HIVE LIVE PROJECT BETWEEN THE CITY OF COSTA MESA AND LEGACY PARTNERS LLC.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, an application for a Development Agreement was filed by Tim O'Neil of Legacy Partners, representing the property owners, requesting approval of certain land use entitlements related to the Hive Live project including a General Plan Amendment, North Costa Mesa Specific Plan Amendment, Rezone, Master Plan, Tentative Parcel Map, Density Bonus Agreement;

WHEREAS, A public hearing was held before the Planning Commission pursuant to the Procedures and Requirements for Consideration of Development Agreements set forth in City Council Resolution No. 88-53, regarding the proposed Development Agreement Terms, attached hereto as Exhibit "A" (hereinafter, the "Agreement"), at which time the Planning Commission considered testimony presented by the public and applicant and agent for the property owner Legacy Partners (hereinafter, "Developer") and thereafter made recommendations to the City Council;

WHEREAS, A public hearing was subsequently held before the City Council pursuant to the requirements of Resolution No. 88-53, at which time the City Council considered testimony presented by the public and the Developer and the recommendations of the Planning Commission regarding the proposed Agreement;

WHEREAS, the Agreement is:

- (a) Consistent with the objectives, policies, general land uses and programs specified in the General Plan and with the General Plan as a whole and the North Costa Mesa Specific Plan;
- (b) Compatible with the uses authorized in, and the existing land use regulations prescribed for, the zoning district in which the real property is and will be located; and
- (c) Is in conformity with and will promote public convenience, general welfare, and good land use practice.

The proposed Development Agreement is consistent with the General Plan because the Agreement would provide several public benefits to the City including a total of 105 deed-restricted affordable units at low-income levels. In addition, the Development Agreement would contribute additional funding (beyond the required development impact fees) for public services such as police and fire and for City drainage and transportation improvements. The

affordable units would contribute toward the City's compliance with its RHNA allocation.

Upon approval of the general plan amendment (PGPA-23-0002), rezone, and specific plan amendment, the proposed project would be consistent with the General Plan and Zoning Code.

WHEREAS, the Agreement will not:

- (a) Be detrimental to the health, safety and general welfare; or
- (b) Adversely affect the orderly development of property or the preservation of property values.

The Development Agreement reflects the development plan phasing for the site and documents the additional public benefits of the project (such as affordable housing and funding to improve City infrastructure) agreed to by the applicant in exchange for vesting the project approvals for the term of the DA.

WHEREAS, The Agreement will promote and encourage the development of the proposed project and will ensure the public benefits promised therein, by providing stability and certainty to Developer;

WHEREAS, the proposed project includes General Plan Amendment PGPA-23-0002, Rezone, North Costa Mesa Specific Plan, Master Plan, Vesting Tentative Parcel Map 2024-114, and Density Bonus Agreement (the "Project");

WHEREAS, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) the Final Environmental Impact Report (EIR), State Clearing House No. 2019050014, including a mitigation monitoring program and statement of overriding consideration, was certified for the Project on _____;

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE COSTA MESA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings and Declarations. The above stated findings and declarations are true and correct.

Section 2. Approval. The City Council hereby approves, adopts and enters into the Agreement in the form attached hereto and incorporates the Agreement herein by this reference.

Section 3. Recordation. Upon execution of the Agreement by all parties and following approval of the project by the electorate, the City Clerk is directed to record the Amendment pursuant to Resolution No. 88-53.

Section 4. Environmental Compliance. Pursuant to the provisions of CEQA and State CEQA guidelines, a Final EIR, State Clearing House No. 2024060115, including a mitigation monitoring program, was certified for the Project on _____; and

Section 5. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 6. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

Section 7. Effective Date. This Ordinance shall take effect on the 31st day after adoption.

Section 8. Certification & Publication. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

PASSED AND ADOPTED this _____ day of _____, 2025.

Mayor John Stephens

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF COSTA MESA)

I, Brenda Green, City Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. _____ was introduced and considered section by section at a regular meeting of said City Council held on the _____ day of _____, 2025, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the _____ day of _____, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this _____ day of _____, 2025.

Brenda Green, City Clerk

EXHIBIT A

To be provided separately