

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT DA-20-02 BETWEEN THE CITY OF COSTA MESA AND INTERNATIONAL ASSET MANAGEMENT HOLDING GROUP, LLC

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY FIND AND DECLARE AS FOLLOWS:

WHEREAS, public hearings were held on April 13, 2020 and May 11, 2020 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 DA-20-02, attached hereto as Exhibit "A" (hereinafter, the "Agreement"), at which time the Planning Commission considered testimony presented by the public and applicant and property owner International Asset Management Holding Group, LLC (hereinafter, "Developer") and thereafter made recommendations to the City Council;

WHEREAS, a public hearing was subsequently held before the City Council on June 15, 2021 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; and

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.

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.

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; and

WHEREAS, the proposed project includes General Plan Amendment GP-20-01, Rezone R-20-01, Specific Plan SP-20-01, Master Plan PA-19-19 and Tentative Tract Map No. 19015 (T-19-01) (the "Project"); and

WHEREAS, the Project is subject to the requirements of Measure Y, codified in Chapter 22, Article IX of Title 13 of the Costa Mesa Municipal Code; and

WHEREAS, this Ordinance including the Agreement shall have no force and effect unless and until the Project has been approved by a vote of the electorate pursuant to Measure Y; and

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 [date] and the City has determined that this Ordinance itself is not a separate "project" and further, that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance itself will not have an effect on the environment) such that no further environmental review under CEQA is required; and

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. 2019050014, including a mitigation monitoring program and statement of overriding consideration, was certified for the Project on [date] and the City has determined that this Ordinance itself is not a separate "project" and further, that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance itself will not have an effect on the environment) such that no further environmental review under CEQA is required; and

SECTION 5: 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 6: 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 7: EFFECTIVE DATE. This Ordinance shall become effective following approval of the Project by the electorate at the next regular municipal election or at a special election funded by the applicant.

SECTION 8: CERTIFICATION. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner as required by law.

PASSED AND ADOPTED this 20th day of July 2021.

John Stephens, Mayor

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. 2021-11 was introduced and considered section by section at a regular meeting of said City Council held on the 15th day of June, 2021, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 20th day of July, 2021, by the following roll call vote:

AYES: COUNCILMEMBERS: CHAVEZ, GAMEROS, REYNOLDS, MARR, AND STEPHENS.

NOES: COUNCILMEMBERS: HARPER

ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: HARLAN

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 21st day of July, 2021.

Brenda Green, City Clerk