

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING AN AMENDMENT TO A CONDITION OF APPROVAL OF RESOLUTION 2021-55, ONE METRO WEST DEVELOPMENT LOCATED AT 1683 SUNFLOWER AVENUE

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, on June 15, 2021, the City Council, at a duly-noticed public hearing, approved a mixed-use development (One Metro West) located at 1683 Sunflower Avenue.

The approvals included:

1. **Final Environmental Impact Report** (State Clearinghouse No. 2019050014);
2. **General Plan Amendment (GP-20-01)**: Amending the Land Use Element to change the General Plan land use designation of the property from Industrial Park (IP) to High-Density Residential (HDR) to allow residential uses and establish a site-specific maximum density of 80 dwelling units (du) per acre and site-specific maximum building height of 98 feet;
3. **Master Plan (PA-19-19)**: Implementing the Specific Plan and provide site plans and architectural details including floor plans, building elevations, landscaping, and renderings/streetscape views;
4. **Tentative Tract Map No. 19015 (T-19-01)**: Subdividing the site including establishing the right to a future airspace subdivision for condominium purposes as well as dedication of an easement to the City for public access and use of the 1.5-acre open space; and

Gave first reading to Ordinance Nos. 2021-11, 2021-12, and 2021-13 for:

5. **Rezone (R-20-01)**: Changing the zone of the project site from Industrial Park (MP) to Planned Development Residential – High Density (PDR-HD) to allow for a mixed-use development with residential and commercial uses;
6. **Specific Plan (SP-20-01)**: Establishing site-specific zoning regulations such as development standards and design guidelines which would function as the project's zoning document;

7. **Development Agreement (DA-20-02):** Agreement between the applicant and the City pursuant to California Government Code Sections 65864 et seq. The Agreement guarantees project approvals for a period of 25 years in exchange for several public benefits including, but not limited to, 106 affordable housing units (67 very-low income units and 39 low-income units).

WHEREAS, on July 21, 2021, the City Council gave second reading to and adopted Ordinance Nos. 2021-11, 2021-12, and 2021-13;

WHEREAS, on December 4, 2023, Development Agreement (PDEV-23-0001), One Metro West Project Amendments, was filed by Brent Stoll of Rose Equities, authorized agent for the applicant and property owner, International Asset Management Holding Group, LLC, requesting approval of the following:

1. **Amendment to Development Agreement No. 20-02**, by amending the timing of payment of impact fees and community benefits funding;
2. **Amendment to Ordinance Nos. 2021-11, 2021-12, and 2021-13**, by modifying the Ordinances to be consistent with Article 22 by reflecting the project effective date as the date of the City Council Ordinance adoption, and thereby exempting the project from the requirement for a vote of the electorate; and
3. **Amendment to Resolution No. 2021-55**, by amending certain conditions of approval related to the artwork design submittal to the City and the final approval body for the proposed artwork (Conditions 9 and 66 of Resolution 2021-55).

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 13, 2024, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, a duly noticed public hearing was held by the City Council on June 4, 2024, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), pursuant to Section 15162 of the State CEQA Guidelines, the project was reviewed and found to be consistent with the One Metro West Environmental Impact Report (EIR) (State Clearinghouse No. 2019050014), which was certified on May 4, 2021, by the City Council of the City of Costa Mesa (Resolution No. 2021-54). Pursuant to Section 15162 of the

Guidelines, no subsequent environmental review is warranted for the project because there are no substantial changes to the project in that there are no modifications to the approved project plans, or required mitigation measure language that was included to mitigate a project effect; and

WHEREAS, amending City Council approved Resolution No. 2021-55, Approving General Plan Amendment 20-01, Master Plan 19-19, and Tentative Tract Map No. 19015 (One Metro West), modifying certain conditions of approval related to the required project artwork, is depicted further in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and modifications as shown in Exhibit B, the City Council hereby finds that the proposed project is in conformance with the General Plan and approves the amendment to the condition of approval for Resolution 2021-55, pertaining to the public art installation.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for PDEV-23-0001 and in compliance with all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval. Except to the extent modified by these amendments all prior resolutions and ordinances that have been or will be approved for the project remain in full force and effect for the project site.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 4th day of June, 2024.

John Stephens
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original Resolution No. 2024-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 4th day of June, 2024, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 5th day of June, 2024.

Brenda Green, City Clerk

EXHIBIT A

FINDINGS

PDEV 23-0001 is a request to amend certain provisions of Development Agreement DA 20-02; amend certain conditions of approval of Resolution 2021-55 (Resolution that approved General Plan 20-01, Master Plan 19-19, and Tentative Tract Map 19015), and to clarify the project's effective date in approved Ordinance Numbers 2021-11, 2021-12, and 2021-13, for the One Metro West project. The requested amendments do not change the previously approved project plans. Therefore, the findings, and facts in support of those findings, contained in the above-mentioned Ordinances and Resolution remain true and in effect. The following findings, and facts in support of those findings, pertain only to the proposed amendments.

A. REVIEW CRITERIA FOR ALL PLANNING APPLICATIONS:

The proposed project complies with Costa Mesa Municipal Code Section 13-29(e), Review Criteria, because:

Finding: Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

Facts in Support of Finding: The One Metro West Development was found to have a compatible and harmonious relationship between the proposed building and site development and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood at the time of its original approval which remains in effect. The proposed amendments do not change the previously approved project plans or uses and therefore the project remains compatible and harmonious with the general neighborhood.

Finding: Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

Facts in Support of Finding: The One Metro West Development was found to be safe and compatible in the design of buildings, parking area, landscaping, luminaries, and other site features, including functional aspects of the site development such as automobile and pedestrian circulation, at the time of its original approval, which remains in effect. The proposed amendments do not change the previously approved project plans and therefore the project remains a safe and compatible development.

Finding: Compliance with any performance standards as prescribed elsewhere in this Zoning Code.

Facts in Support of Finding: A General Plan Amendment (adopted by Resolution 2021-55), and Rezone (adopted by Ordinance No. 2021-12), was adopted by the City Council on July 20, 2021. The approvals permitted a site-specific density of 80 dwelling units per acre, with a maximum of 1,057 dwelling units. The One Metro West development was approved in compliance with these requirements and the proposed amendments do not change the previously approved project plans. Therefore, the project complies with the requirements of the Zoning Code.

Finding: Consistency with the General Plan and any applicable Specific Plan.

Facts in Support of Finding: A General Plan Amendment (adopted by Resolution 2021-55), and Specific Plan (adopted by Ordinance No. 2021-13), was adopted by the City Council on July 20, 2021. The approvals permitted a site-specific density of 80 dwelling units per acre, with a maximum of 1,057 dwelling units. The One Metro West development was approved in compliance with these requirements and the proposed amendments do not change the previously approved project plans. Therefore, the project complies with the requirements of the General Plan, and the One Metro West Specific Plan.

Finding: The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

Facts in Support of Finding: This application, PDEV-23-0001, is for amendments to certain provisions and conditions of the previously-approved One Metro West project. The approved project is a mixed-use development with residential, office, retail, and open space use that would replace an existing industrial use, and the proposed amendments do not change the previously approved plans. Any similar future developments would be required to submit planning applications as necessary or required by the Planning Division.

Finding: When more than one (1) planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

Facts in Support of Finding: No substantial changes to the project are proposed in that there are no modifications to the approved project plans or uses. Therefore, no cumulative effect for the planning applications will result.

Finding: For residential developments, consistency with any applicable design guidelines adopted by city council resolution.

Facts in Support of Finding: The One Metro West Specific Plan contains the project's development standards and design guidelines. The One Metro West development was approved in compliance with these requirements and the

proposed amendments do not change the previously approved project plans. Therefore, the project complies with the requirements of the One Metro West Specific Plan.

Finding: For affordable multi-family housing developments that include a minimum of sixteen (16) affordable dwelling units at no less than twenty (20) dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the design review or master plan application process.

Facts in Support of Finding: The approved One Metro West development includes a multi-family residential development. Though the project is not an affordable housing development, there would still be a portion of the overall dwelling units set aside for affordable housing opportunities. The terms and conditions of the affordable units are included in the project's Development Agreement. The proposed amendments do not change or modify the terms and conditions of the affordable units in the Development Agreement.

- B. Pursuant to Section 15162 of the State CEQA Guidelines, the project was reviewed and found to be consistent with the One Metro West Environmental Impact Report (EIR) (State Clearinghouse No. 2019050014), which was certified on May 4, 2021, by the City Council of the City of Costa Mesa (Resolution No. 2021-54). Pursuant to Section 15162 of the Guidelines, no subsequent environmental review is warranted for the project because there are no substantial changes to the project in that there are no modifications to the approved project plans or required mitigation measures.

EXHIBIT B

Amendments to certain conditions of approval of Resolution 2021-55

Legend: New text is shown in underlined bold, and the deleted text is shown in ~~strikethrough~~

Artwork Conditions of Approval

- COA No. 9 – The final design of the public art display on Building A’s parking structure façade along the I-405 Freeway, which shall incorporate vertical landscaping where appropriate as determined by the review bodies, shall be subject to review and final approval by the Planning Commission. The ~~Cultural–Arts~~ Commission ~~Committee (CAC)~~ ~~may~~ shall first review the proposed freeway façade design and make recommendations to the Planning Commission. No public art display visible along the I-405 Freeway shall be installed without prior review by and approval from the Planning Commission.
- COA No. 66 – Prior to the issuance of the first structural building permit for the proposed project, the owner/developer would be required to submit a Design Plan for the Building “A” parking elevation (façade) along the I-405 Freeway for review by the Planning Division and approval by the City’s ~~Cultural–Arts~~ Commission ~~Committee~~. All architectural treatments would exclude the use of moving, flashing, or otherwise visually distracting elements or materials that are highly reflective or generate noise. [PPP-AES-1]