

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING AN AMENDMENT TO AND EXTENSION OF DEVELOPMENT AGREEMENT NO. 99-02 (DA-20-03) BETWEEN THE CITY OF COSTA MESA AND SAKIOKA FARMS AND ROY K. SAKIOKA & SONS

WHEREAS, on November 15, 1999 the City of Costa Mesa, adopted Ordinance No. 99-16, an Ordinance of the City Council of the City of Costa Mesa, California, Approving the Development Agreement Between the City of Costa Mesa and Sakioka Farms and Roy K. Sakioka & Sons, two California general partnerships ("Sakioka"); and

WHEREAS, the City and Sakioka, as parties thereto, agree that the Effective Date of the Development Agreement was May 15, 2001, and that the twenty-year term thereof expires on May 15, 2021; and

WHEREAS, the parties to the Development Agreement desire to extend the term thereof for an additional ten years, commencing on May 15, 2021 and expiring on May 15, 2031, as set forth in the First Amendment to Development Agreement for Sakioka Farms Development Property ("First Amendment to Development Agreement").

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

Section 1. The City Council of the City of Costa Mesa, California, does hereby find and declare as follows:

1. A public hearing has been held before the City Council pursuant to the procedures described in Council Resolution No. 88-53. At the hearing, the City Council considered testimony presented by the public and the Planning Commission's recommendation regarding the proposed extension of and amendment to the Development Agreement between the City of Costa Mesa and Sakioka Farms and Roy K. Sakioka & Sons, two California general partnerships ("Sakioka"), set forth in the First Amendment to the Development Agreement.
2. The amendment to and extension of the Development Agreement between the City of Costa Mesa and Sakioka is consistent with the objectives, policies, general land uses and programs specified in the applicable 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 applicable 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.
3. The Development Agreement as amended between the City of Costa Mesa and Sakioka will not:
 - (a) Be detrimental to the health, safety and general welfare; and
 - (b) Adversely affect the orderly development of property or the preservation of property values.
 4. The time extension for the existing Development Agreement will provide an opportunity for the development of the project and for the public benefits listed in the Development Agreement to be realized by the City.
 5. The City finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061 (b) (3) (general rule) of the CEQA Guidelines because the amendment is merely a time extension for an existing development agreement and does not change the underlying project. In addition, the relevant environmental analysis contained in the approved 2015-2035 General Plan EIR (SCH No. 2015111053, June 2016) is still valid and applicable to the project such that no further environmental review is required.

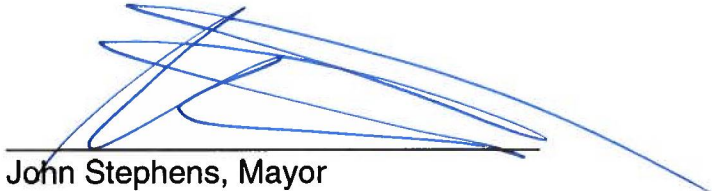
Section 2. The City Council hereby approves, adopts and enters into the First Amendment to the Development Agreement in the form attached hereto and incorporates it herein by this reference (Attachment A).

Upon execution of the First Amendment to the Development Agreement by all parties, the City Clerk is directed to record the Development Agreement pursuant to City of Costa Mesa Development Agreement Procedures and Requirements.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this 20th day of April, 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. 2021-07 was introduced and considered section by section at a regular meeting of said City Council held on the 6th day of April, 2021 and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the 20th day of April, 2021 by the following roll call vote:

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

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: NONE

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



Brenda Green, City Clerk