

RESOLUTION NO. 2022-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE DETERMINATION AND FILING OF A NOTICE OF EXEMPTION PURSUANT TO THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR AN INITIATIVE ORDINANCE ENTITLED ORDINANCE TO REVITALIZE COMMERCIAL AND INDUSTRIAL AREAS AND PROTECT RESIDENTIAL NEIGHBORHOODS

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, City staff have reviewed the proposed initiative ordinance, entitled the Ordinance to Revitalize Commercial and Industrial Areas and Protect Residential Neighborhoods (“the Measure”), amending Section 13.200-106 of Title 13 of the Costa Mesa Municipal Code (“CMMC”);

WHEREAS, the revisions to the CMMC have been reviewed for compliance with the California Environmental Quality Act (“CEQA”), CEQA Guidelines, and the City’s environmental processing procedures;

WHEREAS, City staff have determined that the Measure is exempt from review under the California Environmental Quality Act pursuant to the following Sections of Title 14, Chapter 3, California Code of Regulations:

- A. The initiative ordinance is not a project under CEQA pursuant to section 15378 (b)(5), because it involves organizational or administrative activities of government that will not cause or result in direct or indirect physical changes in the environment as it will not approve any project or make any project subject to ministerial approval, and any such changes would still require environmental review.
- B. The initiative ordinance is exempt under Section 15061(b)(3) because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. In this case, it can be seen with certainty that there is no possibility that the proposed initiative ordinance may have a significant effect on the environment and is therefore not subject to CEQA.

WHEREAS, a Notice of Exemption shall be prepared for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa does resolve as follows:

SECTION 1. Based on the review and determination of the Development Services Division, the City Council of the City of Costa Mesa finds that the initiative ordinance is exempt from review under the California Environmental Quality Act.

SECTION 2. A Notice of Exemption is approved for the Project.

SECTION 3. The City Clerk may file the Notice of Exemption with the County Clerk of Orange County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Section 21152(b) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 2nd day of August, 2022.

John Stephens, Mayor

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 of Resolution No. 2022-56 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 2nd day of August, 2022, by the following roll call vote, to wit:

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

NOES: COUNCILMEMBERS: HARPER.

ABSENT: COUNCILMEMBERS: NONE.

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 3rd day of August, 2022.

BRENDA GREEN, CITY CLERK