



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: May 22, 2023

ITEM NUMBER: PH-1

SUBJECT: PLANNING APPLICATION 22-14 AND TENTATIVE PARCEL MAP 2022-139 FOR A TWO-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT AT 185 ROCHESTER STREET

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTATION BY: JEFFREY RIMANDO, ASSISTANT PLANNER

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RECOMMENDATION

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15315 (Class 15) Minor Division of Land, and Section 15303 (Class 3) New Construction or Conversion of Small Structures; and
2. Approve Planning Application 22-14 and Parcel Map 20-04 (Tentative Parcel Map 2022-139), subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT

The authorized agent and property owner is William Yang of 185 Rochester Street Costa Mesa LLC.

PLANNING APPLICATION SUMMARY

Location:	185 Rochester Street	Application Numbers:	PA-22-14, PM 20-04 (TPM 2022-139)
Request:	Design Review and Tentative Parcel Map for a residential small lot subdivision project consisting of two, two-story, detached single family dwelling units with attached two-car garages.		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	R2-HD (Multiple-Family Residential, High Density)	North:	R2-HD
General Plan:	High Density Residential	South:	R3 (Multiple-Family Residential),
Lot Dimensions:	45 FT x 140 FT	East:	AP (Administrative and Professional)
Lot Area:	6,343 SF	West:	R2-HD
Existing Development:	Existing single-family dwelling (to be demolished).		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Small Lot Standards	Proposed/Provided
Lot Size		
Lot Width	N/A	Approx. 45 feet
Lot Area	N/A	Parcel 1 (Gross): 3,334 square feet Parcel 1 (Net): 3,199 square feet ¹ Parcel 2: 3,009 square feet
¹ Square footage of parcel after the dedication of a 3-foot sidewalk easement.		
Density/Intensity		
DUs / AC (Residential)	1 DU/ 3,000 SF of Lot Area, 2 units maximum allowed	1 unit on each lot; 2 units total
Building Height		
	2 stories / 27 FT	Unit 1: 2 stories / 25 FT 4 IN Unit 2: 2 stories / 24 FT 8 IN
Building Coverage		
Building Footprint	N/A	2,088 SF (33.6%)
Driveways and Parking	N/A	1,921 SF (31%)
Overall Open Space	35% of development area	2,199.5 SF (35.4%)
Private Open Space	200 SF / Min. 10 FT	Unit 1: 207 SF / Min. 10 FT Unit 2: 281 SF / Min. 10 FT
Residential Design Guidelines		
2 nd floor to 1 st floor ratio	Maximum 100%	98% Unit 1 99% Unit 2
Development Lot Building Setbacks		
Front	20 FT	20 FT
Side (left / right)	5 FT	5 FT / 5 FT
Rear	15 FT	15 FT
Distance Between Main Buildings	6 FT	13 FT 6 IN
Parking		
Garage	2-car garage/unit	2-car garage/unit (4 spaces)
Open	2 spaces/unit	2 spaces/unit (4 spaces)
TOTAL:	8 spaces	8 spaces
CEQA Status	Exempt per CEQA Guidelines Section 15315 (Minor Division of Land) and Section 15303 (New Construction or Conversion of Small Structures)	
Final Action	Planning Commission	

BACKGROUND

The subject site is a 6,343-square-foot lot that is located on the southwest side of Rochester Street, between Newport Boulevard and Orange Avenue. The property is zoned Multi-Family Residential District, High Density (R2-HD) and has a General Plan land use designation of High Density Residential. The project site is currently developed with a single-family dwelling unit originally built in 1924.

The surrounding neighborhood contains a mixture of single-family and multi-family residential units to the north, west and south. The property to the east of the subject property (1755 Orange Avenue) is developed with a one-story multi-tenant commercial building.

DESCRIPTION

The project includes a request for approval of a Design Review Planning Application (PA 22-14) and a Tentative Parcel Map 2022-139 (Application Number PM 20-04). Approval of the applications would result in the subdivision of one lot to create two lots and the construction of two new single-family dwelling units (one unit on each lot). If approved, the existing residential unit will be demolished and site improvements, including new hardscape and landscaping, would occur.

Section 13-42.2 of the Costa Mesa Municipal Code (CMMC) requires that residential small lot subdivisions be processed through a “Design Review” application in addition to a tentative parcel map. The final review authority for the project is the Planning Commission.

ANALYSIS

Residential Small Lot Subdivision

Pursuant to CMMC Section 13-42.1, a residential small lot subdivision is allowed in multi-family residential districts, and is intended to provide flexible development standards to promote a wider range of homeownership opportunities in the City. Pursuant to CMMC Section 13-42.2, small lot subdivision standards are being applied. Further, small lot subdivisions shall be processed according to the City’s “Design Review” and State “Parcel Map” procedures.

The maximum density of a small lot subdivision is the same as the underlying zoning district (R2-HD Multiple-Family Residential, High Density District) and required development standards are specified pursuant to CMMC Section 13-42.3(b)(1-6). The R2-HD Multiple-Family Residential District, High Density is intended to promote the development of multi-family rental as well as ownership dwelling units. The maximum density allowed is three thousand (3,000) square feet per dwelling unit, which equals 14.52 dwelling units per gross acre. Pursuant to CMMC Section 13-42.1, Residential Small Lot Subdivisions are intended to provide flexible development standards and to

promote a wider range of homeownership of individual lots in multiple-family residential districts. In general, the Residential Small Lot Subdivision provisions promote smaller lot sizes that in-turn encourages affordability and individual home ownership.

A comparison of the Small Lot Subdivision standards and the proposed project is provided above in the “Development Standards Comparison” table. As indicated in this table, the project is designed in compliance with the City’s Residential Small Lot Subdivision development standards.

The proposed project consists of two, two-story single-family dwelling units with attached garages. The property is proposed to be subdivided to allow for individual ownership of the units. Each unit is separated by a minimum of 13’-3”, which exceeds the minimum standard of six feet. Table 1 below provides a summary description of each proposed unit.

Table 1: Unit Characteristics

	1 st Floor Area (including Garage)	2 nd Floor Area (including balconies)	2 nd Floor: 1 st Floor Ratio	Bedroom Count	Bathrooms (Full/Half)	Parking Spaces (Garage/Open)	Lot Area (Net)
Front Home	1,052 SF	1,029 SF	0.98	3	2 Full 1 Half	2/2	3,199 SF
Rear Home	1,036 SF	1,033 SF	0.99	3	3 Full 1 Half	2/2	3,000 SF

All open parking spaces are located directly adjacent to the proposed garages and are surrounded by landscaped areas. The CMMC requires that each unit be provided a minimum of 200 square feet of open space with no dimension being smaller than 10 feet. The units are proposed to be constructed to comply with the CMMC required private open space. Each unit is proposed to provide adequate space for trash containers in the side and rear yards, and the trash areas are screened from the other units and the public rights-of-way by a proposed 6-foot block wall along the rear and side property lines.

Additionally, the City’s Residential Small Lot Subdivision Ordinance, pursuant to CMMC Section 13-42.3(c) also requires the following, which Staff has conditioned as Conditions of Approval Nos. 17, 18 and 19:

- 1. Common Space Care and Maintenance.** The developer of the project shall submit certain documents, such as a plan or manner of permanent care and maintenance of any project open spaces, recreational areas and commonly used areas/facilities, for review by the Planning Division and the City Attorney’s Office as applicable;
- 2. Buyer Disclosure.** The developer shall disclose general and specific information to buyers of issues regarding the property and its surroundings; and

3. **CC&Rs.** The developer shall provide a declaration of covenants that includes a homeowners association (HOA) or other maintenance association that requires membership of each new and successive property owner(s), provisions to manage parking, and that garages be kept available (clear) for resident parking.

Lastly, the State’s Housing Accountability Act (Government Code Section 65589.5) applies to this project and generally requires that cities approve housing projects that are consistent with the General Plan and zoning, unless the City can make specific State mandated findings for denial (further discussed in the Alternatives section of this report). In this case, staff is recommending approval of the subject application.

Parking and Circulation

The project includes garage and open parking spaces as required by the Costa Mesa Municipal Code, as detailed in Table 2 below. Each unit is proposed to include an attached two-car garage and two open parking spaces which is required by CMMC Table 13-42 (Small Lot Subdivision Standards). A total of four (4) open parking spaces are provided with the proposed development with two open parking spaces adjacent to each unit, which complies with the minimum CMMC requirement (see the below Table 2).

Table 2: Parking Requirements

	Requirement	Proposed
Garage Parking Spaces	4 spaces (2 per unit)	4 spaces
Open Parking	2 spaces (2 per unit for three or more bedroom units)	4 spaces

In compliance with the CMMC, the project provides a minimum distance of 25 feet behind each site’s parking spaces to allow for adequate vehicle back-up space. The CMMC requires that all parking and driveways shall consist of decorative concrete, pavers, or other material subject to review by the Development Services Director. Condition of Approval (COA) No. 16 is included to ensure driveway material compliance, to be approved prior to issuance of a building permit.

Residential Design Guidelines

The proposed small lot residential project has been designed with modern farmhouse design features. The immediately surrounding neighborhood features a diverse collection of architectural styles including other residences with modern and eclectic influences, and residences with craftsman features, Spanish eclectic styles, coastal bungalows, and minimal traditional styles. The proposed design meets the intent of the City’s Residential Design Guidelines as follows:

- **Second-Story Design and Building Mass:** Each of the houses have been designed with articulation and off sets on the various elevations to avoid boxy

appearances. The east elevation of the front house (facing Rochester) includes a second story Juliette balcony, eave overhangs and architectural features above the entry porch providing for a varied elevation. The elevations for the proposed homes include multiple building planes and varied roof forms including multi-faced gables. The elevations also include varied facades and articulations with a stone veneer, stucco plaster, and siding.

- **Second Story Setbacks:** According to the Residential Design Guidelines, the project is exempt from the required 10-foot average side yard setback because the units being constructed are less than 2,700 square feet of living space. The proposed units range from 1,621 square feet to 1,633 square feet and the proposed second story setbacks along the right (west) and left (east) side property line is a minimum of five feet. Therefore, the project complies with the second-story setback requirements.
- **Elevation Treatments:** All units feature a variety of projections and feature articulation on each wall plan, varying roof types and materials. Building materials include stone veneer, stucco plaster, and vertical siding.
- **Window Placement:** Consideration for design and privacy has been provided in locating the windows on the property. The provided sight diagram demonstrates that first story windows are located to eliminate any direct views into neighboring units. In addition, a six-foot block wall is proposed to be constructed on the property line between the neighboring properties, which would further eliminate any privacy impacts for the existing neighboring properties. Second-story windows facing west and east are located without direct views into the neighboring existing properties.
- **Consistency in Architectural Design:** The proposed design includes modern farmhouse features with materials and finishes that remain durable and require minimal maintenance. In addition, each façade features a variety of overhangs, materials, and roof forms, which provides visual interest and façade articulation.

Fences and Walls

Pursuant to CMMC Section 13-75, the project includes a six-foot high block wall around the perimeter of the proposed development lot between the existing developments to the east, west and south. Within the required front setback area, the block wall will be reduced to a maximum of three feet in the southern portion of the lot and two feet 6 inches in the northern portion of the lot. The final design of the fences and walls will be reviewed as part of the building permit submittal. Any future modifications to fencing will be subject to review and approval of the Planning Division and may require building permits to be issued prior to installation. The heights and locations of walls and fences shall comply with the CMMC requirements as well as applicable visibility standards for traffic safety.

Landscaping

CMMC Section 13-106 requires that all landscape areas consist of drought tolerant plant material and shall meet the minimum number of plants types based on the total landscape square footage. The project proposes a total of 1,781 square feet of landscaping with a mixture of usable and decorative landscaping. The number of plants proposed is provided in Table 2 below.

Table 2: Landscaping Requirements

	Requirement	Proposed
Tree Count	8 (one 15-gallon tree or larger per 200 square feet of landscape area)	22
Shrub Count	71 (one shrub for every 25 square feet of landscape area)	72
Groundcover coverage	70% with the remaining area to incorporate uncontaminated compost/mulch	72%

As part of the building permit plan check review, landscape plans shall be prepared and certified by a California licensed landscape architect confirming that they comply with the CMMC and water efficiency landscape guidelines. Lighting is also required to be provided in all parking areas, vehicular access areas, and on major walkways. The applicant will be required to submit lighting plans with the building permit plan set.

Utilities

The CMMC requires that new construction provide undergrounding of all utilities on site, including existing utility poles. As required, all new utilities will be installed underground and that if any existing utilities are on site, they will also need to be undergrounded. Currently, utility poles are located across the street; however, COA No. 13 requires that any new backflow preventers or related equipment be installed outside of the front landscape setback and be screened from view from any location on- or off-site. As required by the CMMC, all utility meters shall be screened from view from the public right of way and neighboring properties. COA No. 28, specifies that prior to building permit approval, the applicant shall submit for approval of a comprehensive utilities plan to ensure that the water and sewer mains are adequate, and utility upgrades will be required if the infrastructure is not adequate. The plan will be reviewed by both the City’s Building Division and Public Works Department.

Tentative Parcel Map 2022-139

The proposed tentative parcel map would subdivide a 6,343-square-foot parcel into two parcels of 3,210 square feet and 3,000 square feet respectively, which complies with the R2-HD Multiple-Family Residential, High Density District maximum density of one unit per 3,000 square feet of lot area. The tentative parcel map also includes a three-foot wide

sidewalk easement at the north side of the property along Rochester Street to allow for the future increase in existing sidewalk width to eight feet. Furthermore, a 13-foot wide private access easement is proposed on the northern portion of Parcel 1 to allow driveway access to Parcel 2.

As indicated in the Justifications for Approval below, the project complies with all required findings to approve the Tentative Parcel Map pursuant to CMMC 13-29(g)(13) (Tentative parcel or tract map findings). In addition, pursuant to Section 66474 of the California Subdivision Map Act, a parcel map must be denied if one or more findings are made:

1. *“That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451;*
2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*
3. *That the site is not physically suitable for the type of development;*
4. *That the site is not physically suitable for the proposed density of development;*
5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;*
6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems; and*
7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.”*

After careful consideration of the proposed development, staff believes that none of the above findings for denial can be made, as indicated further in the “Findings” section of this report. Therefore, staff supports the subdivision.

GENERAL PLAN CONFORMANCE

The proposed small lot residential development of two detached single-family dwelling units is consistent with the maximum allowable density of one dwelling unit per 3,000 square feet for the R2-HD zone and is within the maximum density allowed for the High

Density Residential General Plan land use designation, which is 20 dwelling units per acre. The following analysis further evaluates the proposed project's consistency with specific policies and objectives of the 2015-2035 General Plan.

1. **Objective LU-1A:** *Establish and maintain a balance of land uses throughout the community to preserve the residential character of the City at a level no greater than can be supported by the infrastructure.*

Consistency: The project is an infill residential project within the allowable density for the High Density Residential General Plan land use designation. Adequate infrastructure exists to serve the proposed project including water, electricity, gas, and sewer services. Therefore, the project is consistent with the General Plan objective. In addition, the project complies with the City's Residential Design Guidelines, and CMMC Design Review/Residential Small Lot Subdivision standards.

2. **Policy LU-1.3:** *Strongly encourage the development of residential uses and owner-occupied housing (single-family detached residences, condominiums, townhouses) where feasible to improve the balance between rental and ownership housing ownership opportunities.*

Consistency: The project consists of demolishing one single-family residential ownership unit and constructing two detached, single-family residential ownership units on individually-owned lots. Because the project consists of a parcel map and two detached units, the project complies with the policy. Ultimately, the project provides an additional residential ownership unit and therefore complies with Policy LU-1.3.

3. **Objective LU-2A:** *Promote land use patterns and development that contribute to community and neighborhood identity.*

Consistency: The project would allow for the redevelopment of a residential property that contains one unit built in 1924. The proposed project would construct two units with high quality designs and landscaping. The front unit is oriented toward the street and features a Juliette balcony and entry porch area facing the public right of way to improve the streetscape and overall neighborhood pedestrian scale. As a result, the project complies with the Objective.

4. **Policy HOU-3.4:** *Consider the potential impact of new housing opportunities and their impacts on existing residential neighborhoods when reviewing development applications affecting residential properties.*

Consistency: The project would be located in an established residential neighborhood, would increase the total number of housing units by one and increase the total opportunities for individual housing ownership in the

City. The project would not negatively affect surrounding residential properties as privacy impacts have been considered in the development of the project and the proposed development will improve streetscape aesthetics.

FINDINGS

Pursuant to Title 13, Section 13-29(g)(13) and (14), Findings for Tentative Parcel Maps and Design Review, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required findings:

Tentative Parcel Map Findings – CMMC Section 13-29(g)(13)

- *The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.*

The proposed parcel map is consistent with General Plan Land Use Objectives LU-1A, LU-2A, and Policy LU-1.3, in that adequate infrastructure exists to serve the proposed project; the subdivision allows for a project that would promote homeownership opportunities and improve the balance between rental and ownership housing in the City; the parcel map would allow for redevelopment of an existing parcel; and improve and maintain quality of environment and the neighborhood by improved architecture, aesthetics, and landscaping. The parcel map would allow for a new residential project that would not exceed the maximum allowable density of 20 units per acre and, therefore, would be consistent with the General Plan land use designation of High Density Residential and the R2-HD zone that allows for one unit per 3,000 square feet of lot area. The project design would also comply with all other development standards for a residential small lot subdivision. Lastly, the project would provide an additional housing unit consistent with satisfying the City's required Regional Housing Needs Assessment (RHNA).

- *The proposed use of the subdivision is compatible with the General Plan.*

The subject property has a General Plan land use designation of High Density Residential, which allows multi-family residential uses at a maximum of 20 dwelling units per acre. The Tentative Parcel Map proposes a residential use that does not exceed the maximum density allowed per the General Plan and therefore, the proposed use is compatible with the General Plan.

- *The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and General Plan, and consideration of appropriate environmental information.*

The existing property is already developed for residential purposes. The property is flat, located within an established residential neighborhood and suitable to accommodate two residential units. The size of the lot is also suitable since the proposed development meets all applicable development standards including, setbacks, parking, and open space. The parcel map proposes a maximum of one unit per 3,000 square feet of lot area, which is consistent with the maximum density allowed in the R2-HD zone. Adequate infrastructure exists to serve the proposed project and the project will not result in the loss of any habitat, result in a negative impact on the environment as a whole, or require extensive infrastructure improvements to provide service to the site.

- *The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State Government Code section 66473.1.*

The parcel map would meet the applicable small lot development standards including minimum open space to take advantage of shade and prevailing breezes. The project provides 35.4 percent open space for the overall development and each unit will have over 207 square feet of private open space area. The open space will accommodate landscaping that can be provided throughout the site with adequate setbacks for airflow. The project is proposed to include operable windows and will be fully insulated as required by the building code.

- *The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.*

The project has been reviewed by the Public Works Department and there are no conflicts with the City's or other utility agencies' rights-of-way or easements. The project will improve pedestrian accessibility with the inclusion of a new three-foot sidewalk easement to allow for an increase in the width of the existing non-conforming sidewalk.

- *The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).*

The lot has been previously graded and contains connections to the public sewer system for the existing onsite residential unit. The parcel map would allow for a residential project that would not include physical changes to the lot that would result in discharge into the public sewer system in violation of State requirements. Furthermore, the applicant will be required to comply with the regulations set forth by the Costa Mesa Sanitation District and Mesa Water District. Compliance with the Costa Mesa Sanitation District and Mesa Water District involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities, which will specify the Best Management Practices

(BMPs) that the project will be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

Design Review Findings – CMMC Section 13-29(g)(14)

- *The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.*

The project proposes a maximum density of one dwelling unit per 3,000 square feet of lot area, which is consistent with the maximum allowable density for the R2-HD zone and the High Density Residential General Plan land use designation. The project complies with all other applicable Zoning Code standards including setbacks, parking, and open space. The project design incorporates elevations with varied roof forms, articulation of roof forms, and projections including balconies, eaves, and overhangs in order to provide visual interest from the street. The exterior materials include a combination of stucco, stone veneer and siding which provides interest. The front unit is oriented toward the street, and includes a second-story Juliette balcony and an entry porch area. The landscaping throughout the project provides larger trees and more trees than are required by the Municipal Code. To avoid a boxy two-story appearance, articulation is provided by varying roof forms, wall planes, and exterior materials. The project will not result in privacy impacts to the surrounding residences based on the proposed window fenestration patterns and the proposed setbacks from the neighboring properties.

- *The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.*

The neighborhood includes a mixture of one-to-two-story residential properties. In addition, the second story design proposes a second-to-first floor ratio in compliance with the design guidelines with articulation on both roof forms and wall planes. The second floor is further enhanced with a balcony, modern fascia, and elevation treatments of varying materials on the first and second floor.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Class 15), Minor Land Divisions, and Section 15303 (Class 3), New Construction or Conversion of Small Structure

Under Class 15, the division of property in urbanized areas is exempt from the provisions of CEQA if the subdivision: is zoned for residential use, is being subdivided into four or fewer parcels, conforms with the General Plan and Zoning Code, is serviceable by utilities and is accessible, was not involved in a division of a larger parcel within the previous two years, and has an average slope less than 20 percent. The proposed project meets the following conditions as described under CEQA Section 15315 in that:

- The project is entirely within the City of Costa Mesa and is consistent with the R2-HD Zoning Designation and the High Density Residential General Plan Designation because it proposes a minimum lot area and dimensions which comply with zoning requirements and proposes a number of residential units at the allowed zoning density (1 unit per 3,000 square feet of lot area) and below the allowed General Plan Land Use Density (20 units per acre). In addition, the residential use is compatible with the CMMC and the General Plan;
- The project site is serviceable by all utilities and is accessible to the public right of way;
- The parcel has not been involved in a previous subdivision in the previous two years; and
- The parcel has been previously graded and is flat and therefore contains an average slope less than 20 percent.

Under Class 3, a project is exempt from the provisions of CEQA if it includes the construction or conversion of less than three new single-family residences in an urbanized area. The proposed project meets this requirement in that it includes the replacement of an existing single-family residence with two new single-family residences in an urban area.

Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources. According to the City-Wide Historic Resources Survey for the City of Costa Mesa (Attachment 6), the property was acknowledged as ineligible for listing in the National Register.

ALTERNATIVES

Planning Commission alternatives include the following:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

Pursuant to the Housing Accountability Act (Government Code Section 65589.5), if the Planning Commission denies or reduces the proposed density of the proposed housing project, and the development is determined to be consistent with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, the Planning Commission must also make the following written findings for denial:

- The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density; and
- There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

LEGAL REVIEW

The draft Resolution and this report have been approved as to form by the City Attorney's Office.

PUBLIC NOTICE

Pursuant to Title 13, Section 13-29(d) of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

As of the date this report was circulated, no written public comments have been received. Any public comments received prior to the May 22, 2023 Planning Commission meeting will be provided separately.

CONCLUSION

Approval of the project would allow the subdivision of one lot into two lots and the development of two detached single-family dwellings, one on each lot, on an R2-HD zoned property. The project is consistent with the General Plan and Zoning Code in regard to density, setbacks and development standards. The project would enhance the mix of housing types within the neighborhood, increase home ownership opportunities in the City, and is a neighborhood compatible development proposed in a mixture of existing single and multifamily homes that are one to two stories in height. Therefore, staff recommends approval of the project.