



Agenda Report

Item #: 25-440

Meeting Date: 10/07/2025

TITLE: APPEAL OF PLANNING APPLICATION 23-14 AND TENTATIVE PARCEL MAP 2023-117 FOR A RESIDENTIAL SMALL LOT SUBDIVISION (SLO) TO CREATE TWO PARCELS, EACH CONTAINING A NEW TWO-STORY DETACHED SINGLE-FAMILY RESIDENCE AND AN ATTACHED TWO-CAR GARAGE AT 2308 SANTA ANA AVENUE

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTED BY: CAITLYN CURLEY, ASSISTANT PLANNER

CONTACT INFORMATION: CAITLYN CURLEY, ASSISTANT PLANNER, 714-754-5692

RECOMMENDATION:

Staff recommends the City Council:

1. Find that the proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Class 15), Minor Land Divisions for the parcel map application, and Section 15303 (Class 3), New Construction or Conversion of Small Structures for the design review application.
2. Find the project statutorily exempt from the requirements of CEQA pursuant to Public Resources Code section 21080.66.
3. Approve Parcel Map No. 2023-117 and Design Review PA-23-14 based on findings of fact and subject to conditions of approval.

BACKGROUND:

On August 11, 2025, by a vote of 7-0, the Planning Commission approved a design review and tentative parcel map for a residential small lot subdivision, with conditions, at the subject property. The motion adopted included an amendment to the staff recommendation for staff to work with the applicant to replace palm trees with more suitable alternatives and add screening vegetation along Parcel Two to address privacy concerns. On August 18, 2025, a timely appeal was filed by the adjacent residential neighbor.

The City Council's consideration of an appeal is considered *de novo*, which means that the City Council may exercise its independent judgment on the whole of the project rather than only for the reasons listed in the appeal. Further information regarding the standard of review is provided on Page 10 of this report.

BACKGROUND:

The subject property is located at 2308 Santa Ana Avenue. It is bounded by Santa Ana Avenue and single-family residences to the west; a multi-family development to the north and east; and single-family residential properties to the south. The site is designated “Medium Density Residential” by the Land Use Element of the General Plan and is zoned “Multifamily Residential, Medium Density” (R2-MD).

Figure 1: Vicinity Map



Figure 2: Zoning Map



The subject property is approximately 9,450 square feet in size and is currently developed with a single-family residence and detached garage. The residence was constructed between 1938 and 1947, based on historic aerial photographs; there is no building permit on file with the City for the construction of the residence due to the age of the building.

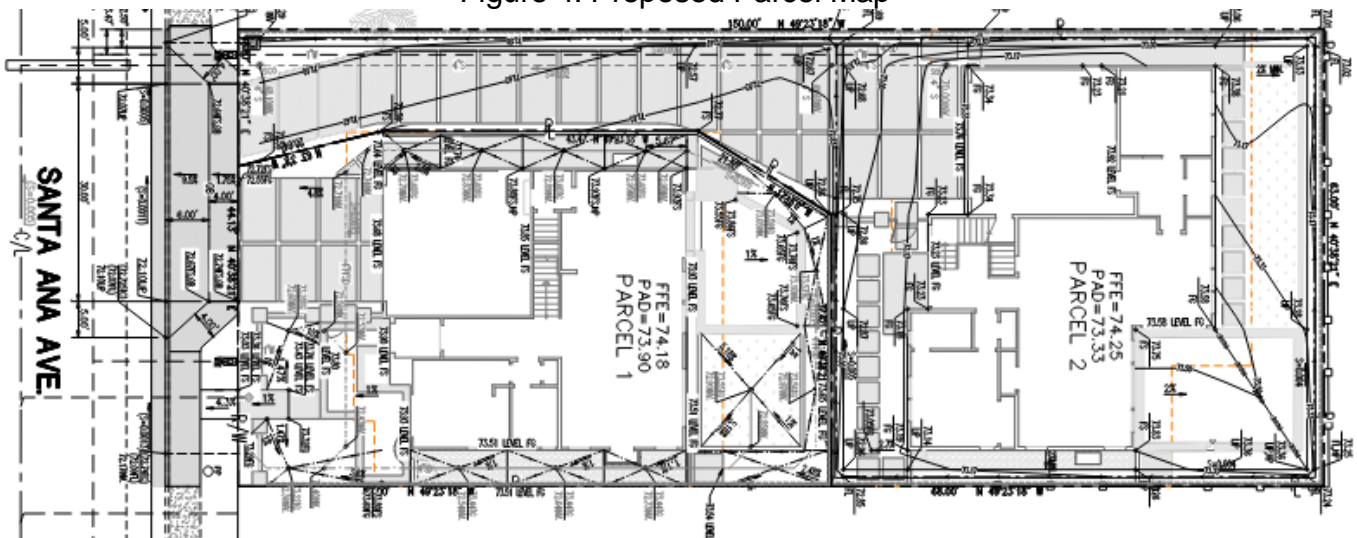
Figure 3: Street View



REQUEST:

The applicant is requesting approval for a Small Lot Subdivision for the development of two two-story single-family residences and attached garages, each on its own parcel. Small Lot Subdivisions are allowed in the R2-MD zoning district pursuant to Costa Mesa Municipal Code (CMMC) Section 13-42, with the approval of a Tentative Parcel Map and Design Review applications. The front parcel, Parcel 1, will be approximately 3,862 square feet in area and is proposed to be roughly rectangular shaped with approximately 44 feet 1.5 inches of street frontage along Santa Ana Avenue. Parcel 2, is proposed to be approximately 5,588 square feet in area with approximately 18.75 feet of street frontage along Santa Ana Avenue in a flag lot configuration. Figure 4 below illustrates the proposed site plan and parcel layout.

Figure 4: Proposed Parcel Map



The project proposes a total of two four-bedroom (optional fifth bedroom), four-bathroom two-story single-family homes with attached two-car garages and two driveway parking spaces. Figures 5, 6, 7 and 8 provide the building elevations for the project. Each home is in compliance with the Zoning Code and Residential Development Standards. Table 1 outlines the unit characteristics for the proposed single-family homes in relation to the respective parcels.

Figure 5: Front/West Elevations



Figure 6: East/Rear Elevation



Figure 7: Left/North Elevation

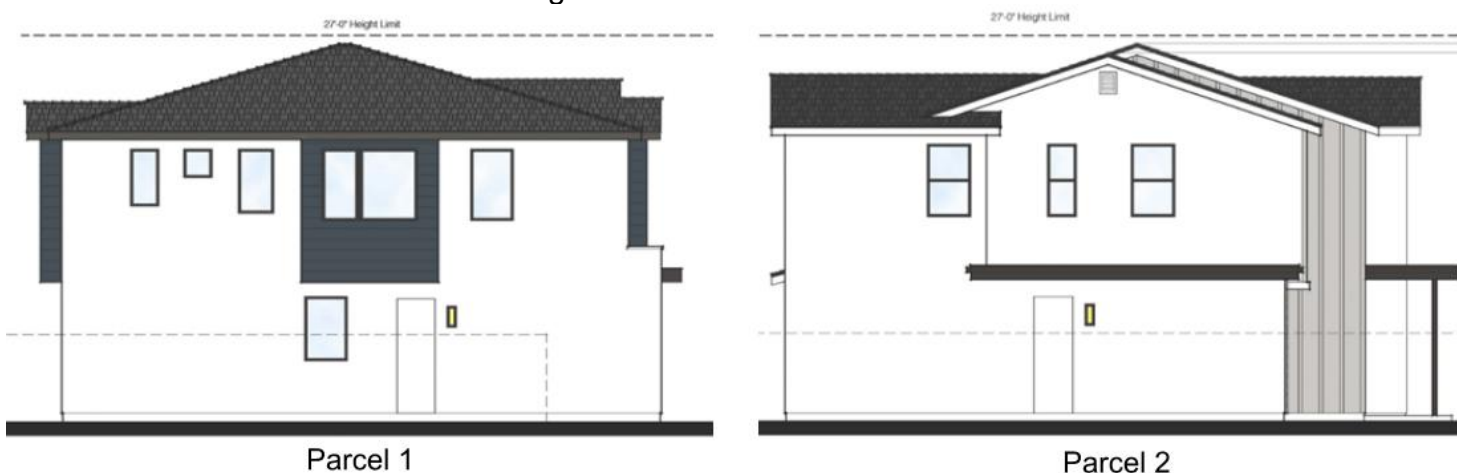


Figure 8: Right/South Elevation

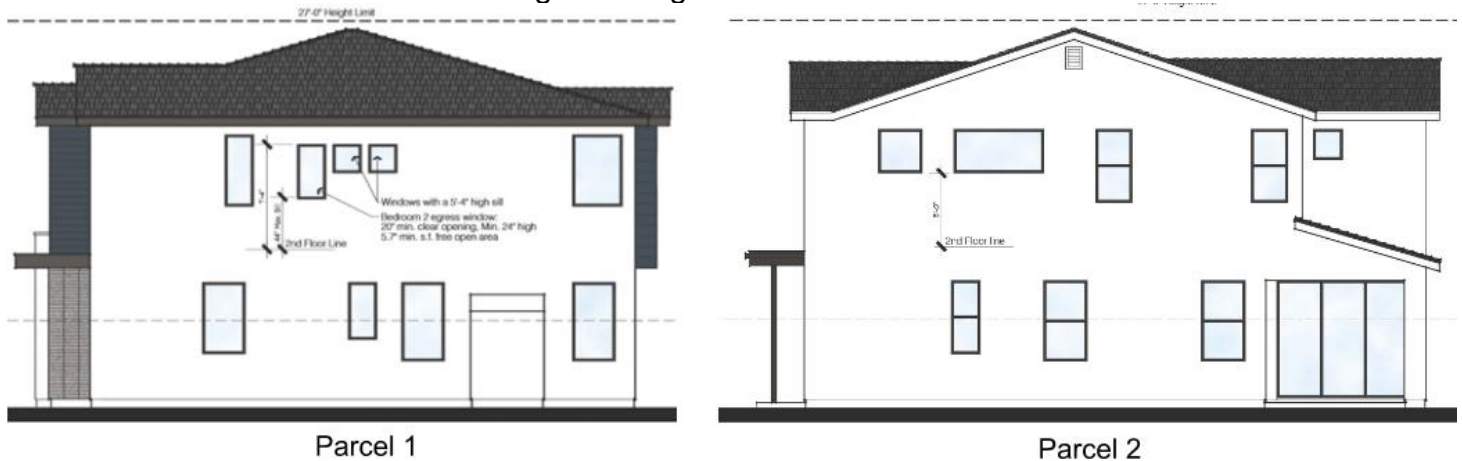


Table 1: Unit Characteristics by Parcel

Parcel No.	Lot Area	1 st Floor Area	Garage Area	2 nd Floor Area	Residential Floor Area Ratio
<i>Parcel 1</i>	3,862 SF	1,118 SF	434 SF	1,528 SF	0.985
<i>Parcel 2</i>	5,588SF	1,4442 SF	430 SF	1,618 SF	0.864

ANALYSIS:

Residential Small Lot Subdivision / Tentative Parcel Map

The CMMC requires that the maximum density of a small lot subdivision be consistent with the underlying zoning district (R2-MD, Multiple-Family Residential District, Medium Density), and required development standards are specified pursuant to CMMC Section 13-42.3(b)(1-6). Parcels greater than 7,260 square feet in area are allowed a density of 1 unit per 3,630 square feet of lot area. The project proposes two parcels, each with a minimum lot area greater than 3,630 square feet, and therefore complies with the density requirements. A comparison of the required development 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 standards. Additionally, the project has been reviewed by the Building Division, and conditions of approval have been included to ensure compliance with the California Building Code.

The existing 9,540 square-foot property is rectangularly shaped and is 150 feet deep and 63 feet wide. The Tentative Parcel Map application proposes the creation of two lots consisting of Parcel 1 (3,862 square feet) and Parcel 2 (5,588 square feet). Parcel 1 is proposed as rectangular shaped, abutting Santa Ana Avenue with approximately 45 feet of street frontage, and Parcel 2 is proposed to be located mostly behind Parcel 1, with the front property line extending to Santa Ana Avenue for driveway access. Parcel 2 has a street frontage of 18.75 inches on Santa Ana Avenue. The City’s Residential Small Lot Subdivision standards do not require a minimum lot size.

Design Review

The proposed development includes two new two-story single-family residences that are approximately 2,646 square feet (Unit 1) and 3,060 square feet (Unit 2), with attached two-car garages, and four bedrooms. The maximum height of the residences is proposed to be 26 feet 5 inches.

Pursuant to CMMC Section 13-42.2, a new residential small lot development project shall be processed according to the City's Design Review procedures (CMMC Section 13-29). The City's Design Review application process ensures that the proposed development complies with the Costa Mesa Zoning Code and meets the intent of the *Residential Design Guidelines*. See additional information below.

Residential Design Guidelines

The proposed development (as shown in Figures 5-8 above) meets the intent of the City's *Residential Design Guidelines* as follows:

- **Second-Story Design and Building Mass:** The City's Residential Design Guidelines recommend second-story floor areas (including balconies) to not exceed 100 percent of the first-story floor area (including attached garage areas). The second-story floor area of Unit 1 has been designed with an area of 98.5% of the first-story floor area, and Unit 2 has been designed with a floor area that is 86.4% of the first-story floor area. Each proposed residence has been designed with articulation and off-sets on the various elevations to avoid a boxy appearance. The elevations for the proposed development include multiple building planes and varied roof forms to soften the mass of the second story. The elevations also include varied facades and articulations with brick veneer and horizontal wood siding, and stucco.
- **Second-Story Setbacks:** According to the *Residential Design Guidelines*, "the second-story interior side building elevation should be set back an average of 10 feet but shall be no closer than five feet from the side property line." However, the *Guidelines* specify that only a five-foot second-story setback is required for units less than 2,700 square feet of living area. Unit 1 is proposed at 2,646 square feet and is therefore exempt from the second-story setback requirements. Unit 2 has a floor area of 3,060 square feet and has been designed with 10-foot average side setbacks to meet this standard.
- **Elevation Treatments:** All units feature a variety of projections and include articulation on each wall, varying roof types and materials. Building materials include brick veneer and horizontal wood siding, white stucco, and composite shingle roofing.
- **Window Placement:** Consideration for design and privacy has been provided in locating the windows on the property. The applicant provided a "line of sight study" which demonstrates that the second-story windows facing north and south are located without direct views into the neighboring structures. Windows with direct views into usable side and rear yards provide privacy with either glazing or by utilizing a five-foot sill height. One window in Bedroom 2 of Unit 1 is required to meet egress requirements for the California Building Code. In this case, the window has been designed to meet the minimum size required by the Building Code to meet egress requirements in order to mitigate privacy impacts to the neighboring backyard. The first-story windows are located behind the proposed six-foot block wall. The block wall is proposed to be

constructed on the property line between the neighboring properties, which would further eliminate privacy impacts for the existing neighboring properties.

- Consistency in Architectural Design:** The proposed design includes California Coastal Modern architecture 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. Additionally, the immediately surrounding neighborhood features a diverse collection of architectural styles including other residences with modern and eclectic influences, and residences with craftsman features, eclectic styles and traditional styles (see the below Figure 9). The varying use of materials ranging from stucco and brick veneer to wood siding and the use of articulation and off-sets for two-story residences are common throughout the neighborhood which would be compatible with the proposed design.

Figure 9. Surrounding Neighborhood



Open Space

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. Unit 1 provides 1,213 square feet of private open space with a minimum of 10 feet in depth, and Unit 2 provides 1,598 square feet of private open space with a minimum of 10 feet in depth. Pursuant to the CMMC, each unit will also provide adequate space outside of each unit for three trash containers without encroaching into the garage space and without being visible from the public right of way.

Parking and Circulation

Pursuant to the City's Small Lot Subdivision Standards and as provided by the project, units proposed with four bedrooms require two garages and two open parking spaces for each parcel (see Table 2 below).

Table 2. Parking Requirements

	Requirement	Proposed
Garage Parking Spaces	4 spaces (2 per unit)	4 spaces
Open Parking	4 spaces (2 per unit for 3 or more bedroom units)	4 spaces

Pursuant to the Residential Small Lot Subdivision standards, driveway width is required to be 10 feet. The project complies with a 17-foot-wide driveway on Parcel 1 and a 10-foot-wide driveway on Parcel 2. Each driveway provides access to the respective unit's two-car garage and two open-parking spaces located on each driveway. Both the City's Fire and Rescue Department and Public Works Department have reviewed the project access design for conformance with minimum safety and access criteria. As required by the CMMC and as conditioned, all parking and driveways shall consist of decorative concrete, pavers, or other material subject to review by the Development Services Director.

Fences and Walls

Pursuant to CMMC Section 13-75, the project requires the installation of a six-foot-tall masonry wall around the perimeter of the proposed development lot. The final design of the walls will be reviewed as part of the building permit submittal. Any future modifications to the site walls and fencing are 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 and Lighting

Per CMMC Section 13-106, all required landscape areas shall consist of drought tolerant plant material and shall meet the minimum number of plant types based on the total landscape square footage. The project proposes a total of 2,428 square feet of landscaping with a mixture of usable and decorative landscaping. The number of plants and trees required and proposed is provided in Table 3 below.

Table 3. Landscaping Requirements

	Requirement	Proposed
Tree Count	15 (one 15-gallon tree or larger per 200 square feet of landscape area)	16
Shrub Count	305 (one shrub for every 25 square feet of landscape area)	305
Groundcover coverage	70% with the remaining area to incorporate uncontaminated compost/mulch	70%

As part of the building permit plan check review, landscape plans will be prepared and certified by a California licensed landscape architect, confirming compliance with the CMMC and water efficiency landscape guidelines, which show the proposed landscape plans for Parcels 1 and Parcel 2. The applicant has provided a conceptual landscaping plan for review, which shows compliance with the landscaping requirements (Attachment 3).

Utilities

The CMMC requires that new construction provide undergrounding of all utilities on site, including existing utility poles. As required, all new and existing utilities will be installed underground. Conditions of approval require 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 of the public right-of-way and neighboring properties. Conditions of approval will require 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 existing infrastructure is not adequate. The plan will be reviewed by both the City's Building Division and Public Works Department at the time of building permit submittal.

Planning Commission Review

In its review of the project, the Planning Commission considered the application for a design review and tentative parcel map. During deliberations, the Planning Commission inquired about concerns regarding privacy impacts, the inclusion of palm trees in the project, and noticing timelines. Staff and the applicant responded to the inquiries and informed the Commission that Condition of Approval No. 3 was cited as addressing the Planning Commission's privacy concerns regarding the second-story windows.

Prior to the public hearing, one public comment was received regarding this project from the neighbor residing at 300 23rd Street (also the appellant). The public comment expressed concerns, including noticing and review periods, privacy impacts of second-floor windows, current drainage and sewer problems on the property, protection of existing trees, lighting impacts, plan inconsistencies, and tree locations.

Five (5) speakers provided public comments at the Planning Commission hearing and noted their concerns about noticing and review periods, traffic, circulation, noise, drainage and sewer impacts, privacy impacts of second-floor windows, impacts on the neighborhood character, the proposed palm trees, solar panels, and air conditioning unit locations.

The Planning Commission unanimously approved the project, subject to conditions of approval, and adopted Resolution No. PC-2025-05 (Attachment 4). As part of its motion, the Commission required an additional Condition of Approval to remove a majority of the proposed palm trees from the project and install trees along the southern property line of Parcel 2 to screen the proposed development from neighboring properties for added privacy. This special condition is included within the adopted resolution as Condition No. 14.

A detailed description of the improvements to the property are described in the August 11, 2025 Planning Commission staff report (also provided as Attachment 5) and attachments, linked below:
<https://costamesa.legistar.com/View.ashx?M=A&ID=1330212&GUID=926CA0B9-452E-41DD-8714-4665BA14F287>

The Planning Commission meeting public comments and minutes are provided as Attachments 6 and 7 to this report and the meeting video is linked below:
https://costamesa.granicus.com/player/clip/4291?view_id=14&redirect=true

Appeal of Planning Commission's Approval

On August 18, 2025 an appeal of Planning Commission's approval of the project was filed by the resident of an adjacent property, 300 23rd Street. In summary, the application for appeal noted the following topics/areas of concern:

- Timeline for public noticing and reviews
- Evidence and assumptions regarding the Commission's decision
- Adverse impacts on neighboring properties
- Vague conditions of approval

The submitted appeal and justification are provided as Attachment 2 to this report.

City Council "De Novo" Hearing

Pursuant to CMMC Chapter 9, Appeal and Review Procedures, the City Council shall conduct a new or "de novo" review of the matter. The City Council may exercise its independent judgment and discretion in making a decision, and the appeal hearing is not limited to the grounds stated for the review or the evidence that was previously presented to the Planning Commission. The City Council's decision on the matter is the final decision.

Staff has attached a draft City Council resolution for approval based on the Planning Commission's August 11, 2025, decision. Notwithstanding this, should the City Council determine to overturn the Planning Commission's decision, staff requests that the City Council articulate its reasons for denial based on the required findings so staff can incorporate these into a resolution that will return for City Council consideration at a future hearing.

Pursuant to the Costa Mesa Municipal Code (CMMC), approval of each of the project's applications must be based on evidence in the administrative record that substantially supports the following review criteria and findings:

Revised Landscaping Plans

Staff have met with the applicant to discuss modifications to the project design to mitigate privacy impacts. The applicant has provided an updated landscaping plan in an effort to comply with Conditions Nos. 3 and 14. No window changes are proposed at this time; however, the applicant has revised the planting plan (Attachment 3) to include additional trees to screen proposed windows and structure. The revised plan shows Yew Pines to be planted along the south side of the property, and the wind palms were replaced with Zuni Crape Myrtle and Icee Blue Podocarpus trees to provide additional screening. Since this is a *de novo* project review, staff requests that the City Council review the proposed plans, conditions of approval, and determine if changes should be made to the project to further mitigate privacy impacts to neighboring properties.

Findings:

The Planning Commission approved a SLO Tentative Parcel Map (TPM 2023-117) and Design Review (PA-23-14). When granting an application for these planning applications, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions pursuant to Title 13, Chapter 13-29(g)(13) and (14). Below are the findings adopted by the Planning Commission on August 11, 2025.

Tentative Parcel Map Findings (Title 13, Section 3-29(g)(13))

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

The project complies with this finding in that the Medium Density Residential General Plan land use designation establishes a maximum allowable density of 12 units per acre. The subject parcel is 9,450 square feet in area. The parcel map would allow for a new residential project that would be consistent with the General Plan land use designation of Medium Density Residential and the R2-MD zone that allows for one unit per 3,630 square feet of lot area. The project design also complies with the applicable development standards for a residential small lot subdivision. The proposed parcel map is consistent with General Plan Land Use Objectives LU-1A and LU-2A, in that the subdivision allows for a project that would promote homeownership opportunities and improve the balance between rental and ownership housing in the City, and the parcel map would allow for redevelopment of an existing parcel which would improve and maintain quality of the neighborhood by improved architecture, aesthetics, and landscaping.

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

The project complies with this finding in that the subject property has a General Plan land use designation of Medium Density Residential, which allows multi-family residential uses at a maximum of 12 dwelling units per acre. The subject parcel is 9,450 square feet in area. The Parcel Map proposes a residential use that would not exceed the maximum density allowed per the General Plan. In addition, the subdivision allows for a project that would promote homeownership opportunities and improve the balance between rental and ownership housing in the City, and the parcel map would allow for redevelopment of an existing parcel, which would improve and maintain quality of the neighborhood by improved architecture, aesthetics, and landscaping, pursuant to General Plan Land Use Objectives LU-1A and LU-2A.

- *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 project complies with this finding as the property is relatively flat regarding topography, located within an established residential neighborhood, currently improved with residential development 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 to subdivide a parcel into two lots that does not exceed the minimum R2-MD maximum density of one dwelling unit for 3,630 square-feet of lot area. 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 project complies with this finding in that it provides 45.8 percent open space for the overall development and each unit will have at least 200 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, and trees for site shading. 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 complies with this finding as it 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 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 project complies with this finding in that the lot currently has connections to the public sewer system for the existing 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 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.

As indicated above, the project complies with above findings to approve the Tentative Parcel Map. In addition, pursuant to the Subdivision Map Act, Government Code section 66474, a parcel map must be denied if one or more findings are made:

- *That the proposed map is not consistent with applicable general and specific plans as specified in section 65451;*

This finding cannot be made as the proposed subdivision map is consistent with the goals, objectives, policies, and land use designations of the applicable General Plan and any relevant Specific Plans adopted for the area. The project complies with all applicable land use, circulation, and development standards and furthers the intent of the City's planning documents.

- *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*

This finding cannot be made as the design and proposed improvements of the subdivision, including lot configuration, access, and infrastructure, conform with applicable General and Specific Plan policies and standards. Improvements are consistent with the planned infrastructure network and development pattern anticipated in the area.

- *That the site is not physically suitable for the type of development;*

This finding cannot be made as the site is physically suitable for the type of development proposed. The topography, existing conditions, and lack of physical constraints such as flood zones or geologic hazards allow for safe and feasible development. Necessary utilities and infrastructure can be provided to support the proposed use.

- *That the site is not physically suitable for the proposed density of development;*

This finding cannot be made as the proposed density of development is consistent with zoning regulations and the land use designation for the site. The site can adequately accommodate the proposed number of lots or units without resulting in overcrowding or unsafe conditions. Adequate access, open space, and public services are available to support the proposed density.

- *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;*

This finding cannot be made as the design of the subdivision and associated improvements will not cause substantial environmental damage or significantly and avoidably impact fish or wildlife habitat in that there are no environmentally sensitive areas within or around the site.

- *That the design of the subdivision or type of improvements is likely to cause serious public health problems; and*

This finding cannot be made as the design of the subdivision and proposed improvements will not result in any serious public health problems. The project will comply with all applicable building codes, health regulations, and safety standards. Required public services, including fire protection, water, and wastewater infrastructure, are available and sufficient to serve the development.

- *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.*

This finding cannot be made as the subdivision does not conflict with any public easements for access or use. All existing public easements of record have been identified and appropriately preserved, or alternate easements of substantially equivalent utility will be provided where necessary. The proposed map ensures continued public access and utility connectivity as required.

Design Review Findings (Title 13, Section 3-29(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 complies with this finding in that it proposes a maximum density of one dwelling unit per 3,630 square feet of lot area, which is consistent with the maximum allowable density for the R2-MD Zone and the Medium Density Residential 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 and projections, including eaves and overhangs to provide visual interest as viewed from the street. The exterior materials include brick veneer and horizontal wood siding, white stucco and composite shingle roofing. The architecture of the homes includes varying roof forms, wall planes, and exterior materials, which allow it to avoid a boxy two-story design. Landscaping throughout the project meets code requirements and the project would introduce 22 new trees on-site. 11 of which are palms. 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 project complies with this finding in that the surrounding neighborhood includes a mixture of one and two-story residential properties consisting of apartments, duplexes, condos, and single-family residences. The abutting property to the northeast consists of an apartment complex and the two abutting properties to the southeast consist of detached single-family residences. The second-story design proposes a second-floor area that will not exceed the floor area of the first floor, which complies with the design guidelines.

- *As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low-income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.*

The project complies with this finding in that the application does not include an affordable multi-housing development component and therefore, the requirement to include an affordability covenant is not applicable to the project.

RESPONSES TO ISSUES RAISED ON APPEAL:

As noted above, the application for appeal (Attachment 2) noted the following topics/areas of concern:

- Timeline for public noticing and reviews
- Evidence and assumptions regarding the Commission's decision
- Adverse impacts on neighboring properties
- Vague conditions of approval

Below is a response to each of the appeal contentions.

Timeline for Public Noticing and Reviews

The project was noticed as required by the CMMC 13-29(d), which requires the following public noticing procedures:

- CMMC 13-29(d)(1): *Mailed notice required.* Notices of the hearing shall be mailed to all property owners and occupants within a 500 foot radius of the project site... The notice shall be mailed no less than 10 days prior to the hearing or determination on the application.
- CMMC 13-29(d)(2): *On-site posting required.* Additional notice shall be provided by posting a notice on each street frontage of the project site, no less than 10 days prior to the date set for the hearing or determination on the application.
- CMMC 13-29(d)(3): *Newspaper publication.* When a public hearing is required, notice shall also be published once in the city in a newspaper of general circulation, no less than 10 days prior to the date set for the public hearing.

The Planning Commission meeting was held on August 11, 2025. Therefore, all noticing was required by August 1, 2025. For this project, notices were mailed out on July 30, 2025, posted on-site on July 31, 2025, and published in the Daily Pilot newspaper on August 1, 2025. These noticing dates comply with CMMC 13-29(d).

The Brown Act requires an agenda be posted, which contains a brief general description of each item to be transacted or discussed at the meeting at least 72 hours (or 3 full days) prior to a regular meeting. The meeting agenda, project agenda report and corresponding attachments for the August 11, 2025, Planning Commission meeting were posted on the City's website in the mid-morning of August 7, 2025, over 4 days prior to the meeting and in compliance with the Brown Act.

Insufficient Evidence and Incorrect Assumptions Regarding the Commission's Decision

The Planning Commission was presented with all relevant materials related to the project during the hearing. This included an agenda report detailing the project and Staff's analysis of the application, a draft resolution which included Staff's detailed facts in support of the required findings and recommended conditions of approval, a project description supplied by the applicant and the project plans, which included architecture, civil and landscape plans, as well as a second story privacy analysis. The Planning Commission was provided with a summary of the application during the hearing in the form of a PowerPoint presentation provided by Staff. The Planning Commission reviewed the materials provided

by the applicant and Staff's analysis, and made an informed and deliberate decision to approve the project, subject to revised conditions of approval (described previously). Public Correspondence received prior to the hearing was provided to the Commission, and public comments were made during the public hearing.

Adverse Impacts on Neighboring Properties

The appellant did not provide specific concerns regarding adverse impacts on neighboring properties. Therefore, a detailed response to his objections is difficult to provide. During the hearing, the Planning Commission reviewed the project for potential adverse impacts on neighboring properties, reviewed the letter submitted by the appellant and the public comments provided. As noted above, the testimony received voiced concerns with noticing and review periods, traffic, circulation, noise, drainage and sewer impacts, privacy impacts of second floor windows, impacts on the neighborhood character, the proposed palm trees, solar panels and air conditioning unit locations.

After holding a public hearing, the Commission discussed concerns regarding the privacy of the neighboring backyards to the south of the subject property. Window placement and additional tree screening was discussed.

During the hearing, the Planning Commission determined that further steps should be taken to protect the privacy of neighboring backyards. The Commission emphasized Condition of Approval No. 3, which states, "...Every effort shall be made to maintain the privacy of abutting property owners. Prior to issuance of a building permit, applicant shall provide a window placement study demonstrating compliance with this condition." Additionally, the Planning Commission added Condition of Approval No. 14, which requires the installation of trees along the south property line of Parcel 2 to screen the new development from neighboring properties.

As noted above, staff have met with the applicant to discuss modifications to the project design to mitigate privacy impacts. The applicant has provided an updated landscaping plan (Attachment 3) in an effort to comply with Conditions Nos. 3 and 14. No window changes are proposed at this time. Staff requests that the City Council review the proposed plans, conditions of approval, and determine if changes should be made to the project to further mitigate privacy impacts to neighboring properties. Additionally, if the Council believes that the privacy impacts are minimized, staff suggests amending Condition No. 3 to eliminate the need for an additional window placement study.

Vague Conditions of Approval

All conditions of approval provided as part of Staff recommendation and approved by the Planning Commission, with the exception of Condition 14, which was added by the Commission, are standard conditions of approval utilized for similar projects processed throughout the City. These conditions of approval have been applied and enforced in the past without substantial issues on the part of the City or applicants. Additionally, the Planning Commission adopted Condition No. 14 for additional landscaping.

ALTERNATIVES:

The City Council has the following alternatives:

1. Approve the request. The City Council may adopt the attached Resolution upholding the Planning Commission's decision and approve the request as proposed; or
2. Approve the request with modifications. The City Council may uphold the Planning Commission's decision and approve the request with specific changes that are necessary to address concerns; or
3. Continue the item. The City Council may continue the item to a future meeting to allow for modifications or additional analysis; or
4. Deny the request. If the City Council believes that there are insufficient facts to support the findings for approval, the City Council may deny the request. A similar application could not be submitted for at least six months.

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 for the parcel map application, and Section 15303 (Class 3), New Construction or Conversion of Small Structures for the design review application. In addition, this project is statutorily exempt from the requirements of CEQA pursuant to Public Resources Code section 21080.66

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 accessible and serviceable by utilities, 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 aforementioned conditions as described under CEQA Section 15315 in that:

- The project is located within the City of Costa Mesa and is consistent with the R2-MD Zoning Designation and the Medium Density Residential General Plan Designation because it proposes lot areas and development in compliance with zoning requirements, and proposes a density allowed by the General Plan Land Use Density;
- 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, is relatively flat and has an average slope less than 20 percent.

Additionally, under Section 15303 (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 one existing single-family residences with two new single-family residences in an urban area. Lastly, 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 environmental 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.

FISCAL REVIEW:

The residential dwelling (home) was built between 1938 to 1947 on the plot of land, which would be torn down, and two new single-family homes would be constructed on the subdivided plot. Allowing the subdivision and construction would ultimately result in a net increase of property taxes for the City. It is likely that given the age of the current home on the property, the taxes are being assessed at a much lower value compared to current market rates.

When the old home is torn down to build two new homes, the entire value of the new structures would be reassessed and the City would not only gain more taxes due to the current assessed values, but it would get taxes for two newly assessed properties. Based on this assessment, it is estimated that the County property tax for the subdivided parcel would be assessed at \$25,000 to \$35,000 more than the single parcel. The City's share of property tax assessed by the County is \$0.15 for every dollar collected. The approval of this item would have an estimated net positive impact of between \$3,750 to \$5,250 annually to the City in the General Fund (Fund 101).

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approved it as to form.

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 on September 25, 2025. 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 on September 25, 2025.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper on September 26, 2025.

Any public comments received prior to the October 7, 2025 City Council meeting, may be viewed at this link: [CITY OF COSTA MESA - Calendar \(legistar.com\)](https://legistar.com/calendar/city-of-costa-mesa)

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the City Council's goal to:

- Diversify, stabilize, and increase housing to reflect community needs.

CONCLUSION:

Staff supports the applicant's request to develop a Residential Small Lot Subdivision because the proposed development is consistent with the City's R2-MD zoning designation and the General Plan. The project would provide homeownership opportunities to improve the balance between rental and ownership housing in the City. In addition, the proposed development is in compliance with the City's Subdivision and Development Review standards and complies with the City's Residential Design Guidelines. 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.