CITY OF COSTA MESA

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ECONOMIC & DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

January 28, 2025

Scott Schaffer
Olivos Design Studio
5319 University Drive #3025
Irvine, CA 92612

RE: PTPM-24-0002 (Tentative Parcel Map No. 2024-137)
2197 SANTA ANA AVE, COSTA MESA

Dear Mr. Schaffer:

Tentative Parcel Map No. 2024-137 for an Urban Lot Split pursuant to Government Code Section 66411.7 is hereby approved based on the development standards contained in City of Costa Mesa Urgency Ordinance 2021-21 and subject to standard subdivision requirements. The staff analysis and Tentative Parcel Map 2024-137 are attached.

This approval is final and cannot be appealed because it is a ministerial project as outlined in Government Code Section 66411.7. As such, you may proceed by submitting your final map to the Public Works Division and the County of Orange for processing, and by submitting grading and building plans to the Building Division for plan check. Please note that building permits cannot be issued until the City receives evidence that the final map has been recorded with the County of Orange. An affidavit shall also be signed and notarized prior to final of building permits indicating owner occupancy as a principle residence for a minimum of three years, and that the units created on the Urban Lot Split parcels will not be rented less than 30 days.

If you have any questions regarding the above items, please contact the project planner, Chris Yeager, by telephone at (714) 754-4883 or by email at Christopher.Yeager@costamesaca.gov.

Sincerely,

Scott Drapkin
Assistant Director of Development Services

cc: Engineering
Fire Marshal
Building Division

PLANNING APPLICATION SUMMARY

Location:	2197 Santa Ana Avenue	Application Number:	PTPM-24-0002
Request:	Urban Lot Split, subdividing an approximately 10,000-square-foot parcel, with an existing single-family residence and detached garage and storage building, into two parcels.		

SUBJECT PROPERTY:		SURROUNDING PROPERTY:	
Zone:	R1 (Single Family Residential)	North (across 22nd Street):	R1 (Single Family Residential) development with a single-family dwelling
General Plan:	Low Density Residential	South:	R1 (Single Family Residential) development with a single-family dwelling
Lot Dimensions:	Approximately 75 feet wide and 135 feet deep	East (Across Santa Ana Ave):	R1 (Single Family Residential) development with a single-family dwelling
Lot Area:	Parcel 1 – 4,050 SF Parcel 2 – 5,954 SF	West:	R1 (Single Family Residential) development with a single-family dwelling
Existing Development:	One-story detached single-family dwelling with detached garage with storage.		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed	Proposed/Provided
Lot Size		
Minimum Street Frontage	10'	Parcel 1 – 53' Parcel 2 – 61'
Minimum Lot Area	1,200 SF / min 40% of the original lot	Parcel 1 – 4,050 SF / 40.1% Parcel 2 – 5,954 SF / 59.9%
Building Height	2 Stories/27' max	Parcel 1 – NA* Parcel 2 – 1 Story / 13'
Open Space	Min 40%	Parcel 1 – NA* Parcel 2 – 57.8%
Setbacks		
Front	20'	Parcel 1: NA* Parcel 2: 13'– 6" existing
Side (Left/Right)	4'/4'	Parcel 1: NA* Parcel 2: 27' / 4' existing
Rear	4'	Parcel 1: NA* Parcel 2: 8 '–1" existing
Distance Between Buildings	10'	NA*
Parking		
TOTAL	1 per unit	Parcel 1 – NA* Parcel 2 – 1 open parking space
CEQA Status	Statutorily Exempt pursuant to CEQA Guidelines Section 15268, (Ministerial Project	
Final Action	Planning Division	

*The application does not currently propose development on Parcel 1. The existing garage, breezeway, and gazebo that are either fully or partially located on Parcel 1 are proposed to be demolished prior to recordation of Parcel Map 2024-137. Future development must comply with applicable development standards.

EXECUTIVE SUMMARY

The proposed project seeks to subdivide an approximately 10,000-square-foot R1-zoned parcel located at 2197 Santa Ana Avenue into two lots, consistent with Senate Bill 9 (SB9) and the Costa Mesa Municipal Code (CMMC). The existing single-story residence will remain on Parcel 2 (5,954 square feet), while Parcel 1 (4,050 square feet) will be demolished for the future development of a for-sale property/residence. The scope of demolition includes demolishing the existing detached garage, breezeway, and gazebo. Once subdivided, the lot will be eligible to be sold off to a separate owner. The property will be eligible to construct residences pursuant to the CMMC and SB9. Pursuant to SB 9, the owner is required to sign an affidavit stating that they will occupy on of the housing units as their principal residence for a minimum of three years from the date of approval of the urban lot split.

The subdivision complies with all Senate Bill (SB) 9 standards, including lot size, zoning, infrastructure capacity, and environmental regulations. The project aligns with the General Plan's Low Density Residential designation, preserves existing housing, and promotes homeownership opportunities, contributing to the city's housing goals. As a ministerial action exempt from CEQA, the Planning Division recommends approval of this Urban Lot Split.

SETTING

Exhibit 1- Site Photograph

The subject property is located at 2197 Santa Ana Avenue, which is within the City of Costa Mesa and is located within the Los Angeles—Long Beach—Anaheim urbanized area as designated by the United States Census Bureau. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R1, Single-Family Residential. The site is surrounded by other single family residential properties. The existing project site was created from the subdivision of a portion of Lot 284 of the Newport

Heights Tract. The residence was constructed prior to City incorporation in 1922 and according to historical imagery, it was used as a farmhouse.

The existing project site is approximately 10,000 square feet in area. The site is currently developed with an existing, one-story, 1,700-square-foot detached single-family residence and a detached two-car garage with a storage space. A breezeway connecting the two structures, and a gazebo straddles the proposed property line. The properties to the north (across 22nd Street), south, east (across Santa Ana Avenue), and west are also zoned R1 and are developed with single-family residences. All adjacent residences are single-story homes except for 303 22nd Street, which is located across Santa Ana Avenue and is two-stories.

BACKGROUND

Senate Bill 9 was signed into law on September 16, 2021, and amended Government Code section 66452.6 and added Sections 65852.21 and 66411.7 to the Government Code. The bill was adopted to serve two purposes. The first of which allows for the development of two dwelling units on single family zoned properties and the second is to allow for Urban Lot Splits to subdivide single-family zoned properties subject to specific standards. The bill established that both of these processes should be ministerial when the request meets certain requirements.

In response to the approval of SB9, the City of Costa Mesa adopted Urgency Ordinance No. 2021-21 on December 7, 2021, in order to comply with State law and allow the City to impose limited objective zoning, subdivision, and design review standards consistent with SB9. The Urgency Ordinance incorporated the SB9 provisions into Costa Mesa Municipal Code (CMMC) as Section 13-36 Two-Unit Housing Development and Section 13-265.5 Parcel Maps for Urban Lot Splits.

REQUEST

Pursuant to Costa Mesa Urgency Ordinance 2021-21, which implements SB9, the applicant is requesting ministerial approval of an urban lot split to subdivide the existing approximate 10,000 square foot lot located at 2197 Santa Ana Avenue into two parcels.

STANDARD OF REVIEW

Pursuant to Urgency Ordinance 2021-21 and SB9, urban lot splits are ministerial actions that must be approved if they comply with specified criteria. This criteria includes, but is not limited to, applicable standards such as:

- Being located in a single-family residential zoning district;
- Being located in an urbanized area as defined by the United States Census Bureau;

- Not creating more than two new parcel of approximate equal area not smaller than 40 percent of the original parcel;
- Not creating new parcels smaller than 1,200 square feet;
- Not being located in an area that is specifically prohibited;
- Not demolishing or altering housing that is affordable or has been occupied by a tenant in the past three years; and,
- Not creating more than two units on a resultant parcel, inclusive of an accessory or junior accessory dwelling unit.

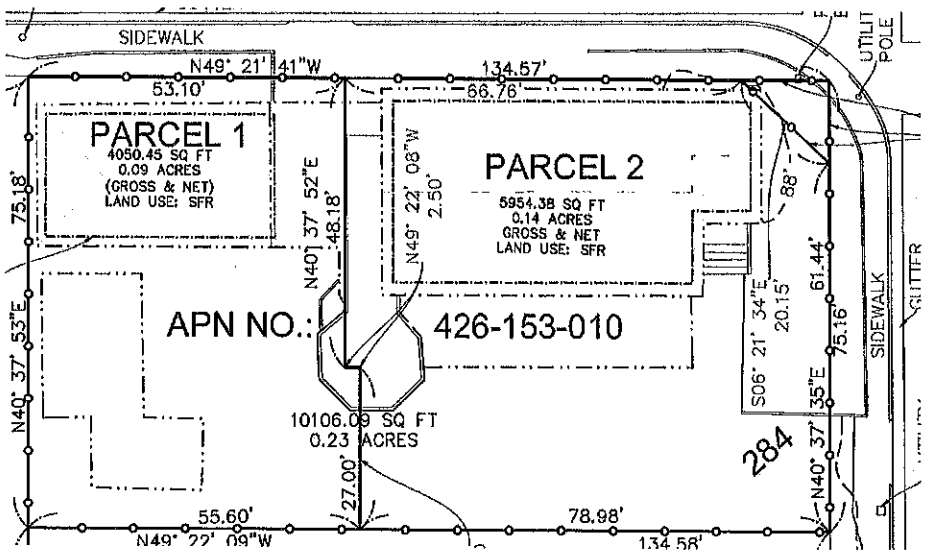
Please see the Analysis section below for a discussion of the project's compliance with each of these criteria.

DESCRIPTION

As shown in Exhibit 2 below, the existing residence at 2197 Santa Ana Ave is proposed to remain on Parcel 2 while the existing detached garage and gazebo which straddles the new property line are proposed to be demolished for the future development of Parcel 1. The new parcels would not be sold individually until the applicant has recorded the parcel map with the County of Orange.

The new parcel configurations would result in structures that do not meet the minimum required setbacks for Parcel 2. These include the front setback, right side setback, and rear setback. However, the creation of nonconforming setbacks are exempted pursuant to Government Code Section 66411.7(c)(3)(A) in that no setbacks are required for an existing structure when an Urban Lot Split is approved. Any new development proposed on Parcel 1 or Parcel 2 must conform with the development standards outlined in the Urgency Ordinance.

EXHIBIT 2 - Tentative Map



Pursuant to Section 13-265.5(B) of the Urgency Ordinance, parcel maps shall be ministerially approved when the proposed urban lot split meets applicable requirements (see below). Each newly created parcel must be no smaller than 1,200 square feet. Parcel 1 is proposed to be 4,050 square feet (40% of the original parcel) with approximately 53 feet of street frontage and a lot depth of approximately 75 feet. Parcel 2 is proposed to be approximately 5,954 square feet (60% of the original parcel) with approximately 75 feet of street frontage and a lot depth of 78 feet. Parcel 2 has over 57% open space which exceeds the 40% required. Each lot is eligible to construct up to two dwelling units pursuant to State law.

Pursuant to the State Law, the City may require up to one parking space per unit. The Existing driveway on Parcel 2 is approximately 80 feet long and can provide parking for up to four vehicles. Future development on Parcel 1 will also be required to provide the minimum parking.

ANALYSIS

Staff supports the proposed urban lot split because the proposed project meets all applicable development standards and has followed all procedural requirements to process the application through ministerial review as described further below:

MINISTERIAL REVIEW CRITERIA

Pursuant to Urgency Ordinance Section 13-265.5 and consistent with Government Code Section 66411.7, Parcel Maps for an urban lot split shall be ministerially approved if the project meets the following requirements:

1. ***The parcel is located within a single-family residential zone.***

   The project site is located within the R1 (Single-Family Residential) zoning district.

2. ***The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.***

   The entirety of the City of Costa Mesa is located within the Los Angeles—Long Beach—Anaheim urbanized area as designated by the United States Census Bureau.

3. ***The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.***

   Parcel 1 is proposed to be 40 percent and Lot 2 is proposed to be 60 percent of the original parcel lot area.

4. ***Both newly created parcels are no smaller than 1,200 square feet.***

Both lots are greater than 1,200 square feet. Parcel 1 is proposed to be 4,050 square feet and Parcel 2 is proposed to be 5,954 square feet.

5. ***The parcel is not located in any of the disqualifying categories as listed in CMMC Section 13-265.5(B)(5).***

   The lot is not located in a historic district, is not prime farmland, is not located in wetlands, is not located in a very-high hazard severity zone, is not a hazardous waste site, is not in a delineated earthquake fault zone and will comply with applicable building code provisions, is not within a flood hazard zone or floodway, is not located on lands identified for conservation, is not a habitat for sensitive or endangered species, and is not under a conservation easement.

6. ***The proposed lot split would not require demolition or alteration of any housing that is subject to a recorded covenant, ordinance, or law that restricts rents, housing that is subject to any form of rent or price control by the City, a parcel on which an owner has exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application, or housing that has been occupied by a tenant in the last three years.***

   The proposed lot split will not require the demolition of any housing as the only proposed structures to be removed as part of this proposal include an existing detached garage and storage structure and an existing covered gazebo. The existing residence on the property will remain and is to be occupied by the property owner of record.

7. ***The lot split does not create more than two units on a parcel, including any accessory dwelling units or junior accessory dwelling units.***

   Each lot is eligible to construct up to two dwelling units on a parcel. No construction is currently proposed for Parcel 1; however, the project would be eligible to construct up to two future dwelling unit on the newly subdivided lot. Parcel 2 proposes to keep the exiting residence and also does not propose any new construction at this time. In the future, a second unit would be eligible to be constructed on the property pursuant to the development standards in the Urgency Ordinance. No accessory dwelling units (ADU/JADUs) are proposed as part of this development.

8. ***Required off-street parking shall be limited to one parking space per unit.***

   The Government code requires that the City shall not require off-street parking of more than one space per unit. Any proposed unit on Parcel 1 will be constructed with a minimum of one covered parking space as required by the Urgency

Ordinance. The existing unit on Parcel 2 will have a driveway that can provide open parking for up to four vehicles.

9. ***All lots shall have a minimum street frontage of 10 feet to provide vehicular access or 16-foot frontage if the driveway serves two units.***

   Each proposed lot includes street frontage in excess of 10 feet. Parcel 1 will have approximately 53 feet of frontage on 22nd Street. Parcel 2 is a corner lot and will include approximately 75 feet of frontage on Sant Ana Avenue and approximately 135 feet of frontage on 22nd Street.

ENVIRONMENTAL DETERMINATION

Government Code Section 66411.79 establishes the ministerial approval process for Urban Lot Splits and outlines that applicable projects are statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15268, Ministerial Projects.