

Ellis Avenue Condos Appeal

September 3, 2019

8041 Ellis Avenue
Tentative Tract Map No. 18157
Conditional Use Permit No. 17-042

Project Overview

- **Tentative Tract Map No. 18157**: to consolidate three existing parcels into one approximately 0.95 acre parcel for condominium purposes
- **Conditional Use Permit No. 17-042**: to permit the development of a mixed-use building including 48 condominium residences, 891 square feet of ground floor commercial space, and three subterranean levels of parking

SUPPLEMENTAL COMMUNICATION

Meeting Date: 9-3-19

Agenda Item No.: 21 (19-910)



Background

- General Plan: M-sp (Mixed Use – Specific Plan Overlay)
- Zoning: SP14 (Beach and Edinger Corrdior SP)
- “Town-Center Neighborhood” segment within SP14

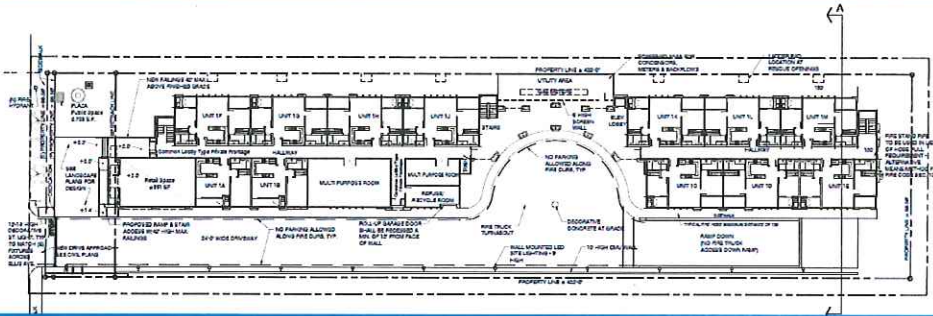
Background

- 2010: City Council adopts SP14
- 2015: City Council amends SP14 to decrease residential MAND from 4,500 units to 2,100 units
 - Approx. 1,900 units constructed to date
 - Increased setbacks, parking, upper story setbacks, decrease height, require commercial, etc.

Project Description

- 4-story mixed use building
- 48 condominium residences
 - (6) one bedroom units & (42) two bedroom units
 - Affordable Housing: 10% affordable units required
 - 4.8 affordable units required
 - 5 on-site affordable units proposed
- 891 s.f. of ground floor retail space
- Three level subterranean parking garage
 - 5 spaces for retail
 - 24 spaces for guests
 - 99 spaces for residents

SITE PLAN



DESIGN & ELEVATIONS

- Brick veneer base
- Metal trellises and canopies



South Elevation
(Facing Ellis Ave.)

DESIGN & ELEVATIONS



East Elevation
(Facing Patterson Ln.)

- Brick veneer carried throughout
- Metal trellises and open railings on balconies
- Open air pedestrian bridge

DESIGN & ELEVATIONS



West Elevation
(Facing new car
wash/Beach Blvd.)

PC Action

- June 11, 2019 – Planning Commission denied the project based upon:
 - Only 1.5% of the total square footage of the project is allocated to commercial use
 - Insufficient vehicular ingress and egress to the site resulting in health and safety issues
 - Marginal public open space that does not contribute to the BECSP's vision of walkability and pedestrian connections between public and private property

Appeal

- June 20, 2019 – Appeal of PC denial filed by property owner citing:
 - PC concerns may be addressed through conditions of approval.
 - PC denied for subjective reasons although project complied with the applicable development standards of SP14.
 - Complies with land use goals and policies including density, consolidation of parcels, and provides a range of housing to meet needs of City.

Appeal

- Includes additional information for City Council consideration
 - Additional shadow analysis
 - Letters of project support
 - Project access revision
 - “Porkchop” raised median design for right turn ingress/egress only
 - Impedes Fire access to the site resulting in adverse health and safety impact caused by the project
 - Result in the project failing to comply with all applicable code requirements

Appeal

- De Novo Hearing
 - City Council hears the appeal as a new matter.
 - The original applicant has the burden of proof.
 - May either approve, conditionally approve or deny, irrespective of the precise grounds or scope of the appeal.
 - Consider testimony and evidence presented at the hearing on the appeal.
 - Consider all pertinent information from the file as a result of the previous hearings from which the appeal is taken.

City Council Action

The City Council may take one of the following action(s):

- A) Uphold the Planning Commission's Action and Deny Tentative Tract Map No. 18157 and Conditional Use Permit No. 17-042; **OR**
- B) Find the proposed project exempt from CEQA and approve Tentative Tract Map No. 18157 and Conditional Use Permit No. 17-042 with findings and conditions of approval; **OR**
- C) Continue Tentative Tract Map No. 18157 and Conditional Use Permit No. 17-042 and direct staff accordingly.

Switzer, Donna

From: Dombo, Johanna
Sent: Tuesday, September 03, 2019 8:57 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Ellis Ave. Condos/Apartments (Item #21) - DENY

**SUPPLEMENTAL
COMMUNICATION**

AGENDA COMMENT

Meeting Date: 9/3/19

From: Gino J. Bruno <gbruno@socal.rr.com>
Sent: Sunday, September 01, 2019 10:37 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: Kiff, Dave <dave.kiff@surfcity-hb.org>; Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>
Subject: Ellis Ave. Condos/Apartments (Item #21) - DENY

Agenda Item No.: 21(19-910)

Council Members:

The proposed Ellis Ave. Condos/Apartments project (Item #21 on Tuesday's Agenda) should be DENIED.

The proposed development violates the letter . . . and the spirit . . . of the Beach Edinger Corridors Specific Plan.

Simply put: *IT DOESN'T FIT!!*

At its meeting on June 11th, the Planning Commission DENIED the project, with Findings For Denial that included (if you're interested):

1. The design of the subdivision or the type of improvements will conflict with public vehicular traffic. Vehicular access is provided via a single driveway along Ellis Avenue. The project will not allow motorists exiting the project site to turn left onto Ellis Ave. from the driveway and motorists entering the project site from eastbound Ellis Ave. will be required to make a U-turn at Patterson Ln. to access the site. Residents and visitors cannot access the project site from eastbound Ellis Ave. without continuing past the project to Patterson Ln. to make a U-turn into the project site. Additionally, even though motorists will be required to exit the project via a right hand turn onto Ellis Ave. only (and U-turns at Beach are not permitted), motorists who do not abide by this restriction due to frequent queuing on Ellis Ave. can create conflicts with eastbound Ellis Ave. traffic.
2. The BECSP encourages buildings to orient towards streets and provide enhancements to the pedestrian and public experience. Approximately five percent of the building length is oriented towards Ellis Ave. while the remainder is oriented to the adjacent residences to the east and commercial uses to the west.
3. The consolidation of three parcels into one 0.95 acre parcel is not consistent with the goals and policies of the General Plan.
4. The project does not comply with the Beach and Edinger Corridors Specific Plan due to land use and circulation impacts.
5. The site is not physically suitable for the type and density of development proposed by the project.

Work Order: #185711

Opened:
09/01/2019

Closed:
09/03/2019

This issue is resolved Est. Resolution Date: Not Yet Set

Agenda & Public Hearing Comments

SUB TYPE

City Council Meeting

STREET ADDRESS



COMMENTS & ADDITIONAL NOTES

Proposed building at 8041 Ellis Avenue. I live at Newland and Ellis and this area is the Indy 500. At least 10-15 illegal trucks per day are driving on Ellis and Newland (excluding Rainbow Disposal), This building would result in an extreme negative traffic effect on Ellis Avenue and surrounding streets. PLEASE DO NOT VOTE FOR THIS CONSTRUCTION. WHAT A MESS ALREADY. I'd have to move. Yes, the illegal truck issue has been sent to HB Police Department.

By : Jackie Burckin
Email : Jburckin@socal.rr.com
Phone :
Device :

Media Submitted
None

SUPPLEMENTAL COMMUNICATION

Meeting Date: 9/3/19

Agenda Item No.: 21/19-910

Status Changed: 09/03/2019 8:17 AM

Donna Switzer

Work Order #185711 status has changed from assigned to resolved. Thank you for sharing your concerns. Your comments will be included as a Supplemental Communication to this City Council agenda item.

Share with Citizen: YES

Status Changed: 09/03/2019 7:54 AM

Johanna Dombo

Work Order #185711 status has changed from new to assigned.

Share with Citizen: YES

Issue Type/Subtype Changed: 09/03/2019 7:54 AM

Johanna Dombo

Workorder #185711 Issue type changed from Contact an Executive to Agenda & Public Hearing

Work Order: #185721

Opened:
09/01/2019

Closed:
09/03/2019

This issue is resolved

Est. Resolution Date: Not Yet Set

Agenda & Public Hearing Comments

SUB TYPE

City Council Meeting

STREET ADDRESS



COMMENTS & ADDITIONAL NOTES

Please don't approve Tahir Salim's proposal to Develop beach and Ellis. I believe it would be grossly overbuilding the space, causing traffic grief and not to mention being unsightly. Just look across the street at the elan apts—everyone I know talks about how incredibly wrong that bldg is for the space! Please don't compound the problem!

By : Kathy Moro
Email : kathy_moro@yahoo.com
Phone : 714-963-0788
Device :

Media Submitted
None

SUPPLEMENTAL COMMUNICATION

Meeting Date: 9/3/19

Agenda Item No.: 21(19-910)

Status Changed: 09/03/2019 8:18 AM

Donna Switzer

Work Order #185721 status has changed from assigned to resolved. Thank you for sharing your concerns. Your comments will be included as a Supplemental Communication to this City Council agenda item.

Share with Citizen: YES

Status Changed: 09/03/2019 7:53 AM

Johanna Dombo

Work Order #185721 status has changed from new to assigned.

Share with Citizen: YES

Issue Type/Subtype Changed: 09/03/2019 7:53 AM

Johanna Dombo

Workorder #185721 Issue type changed from City Council to Agenda & Public Hearing Comments and subtype City Council Meeting.

Switzer, Donna

From: Dombo, Johanna
Sent: Tuesday, September 03, 2019 7:38 AM
To: Agenda Alerts
Subject: FW: Against high density development at Beach and Ellis

From: Mike Nelson <mikenelson@socal.rr.com>
Sent: Monday, September 02, 2019 8:21 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Against high density development at Beach and Ellis

I am opposed to and agree with the planning commission denial of another high density development at Beach and Ellis (the old metro car wash). Traffic is out of control and accidents have increased substantially since the city allowed the high density development across the street at Beach and Ellis. I live at 8051 Sterling Dr. and have had my vehicle side swiped by people cutting through the neighborhood to avoid traffic. This was a hit and run. My Grand Daughter and Great Grand Daughter vehicle was totaled by a H.B resident going east bound on Main attempting to cross beach on a red light. He slammed into them while they were turning left onto Beach south bound from Ellis on a green light. The driver stated he was trying to get through the traffic and did not relies he was running a red light because he had just gone through a green light a short distance at the prior light. It's my opinion having two light so close to one another is confusing drivers who are in a rush because of delays caused by the heavy traffic. This development will increase the danger further and it should remain denied.

Michael Nelson
8051 Sterling Dr
H.B Ca 92646
7147914713

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/3/19

Agenda Item No.: 21(19-910)

Switzer, Donna

From: Dombo, Johanna
Sent: Tuesday, September 03, 2019 7:39 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: proposed construction of apartment bldg on ellis

AGENDA COMMENT

From: Florence Pagliassotti <pagfm34@yahoo.com>
Sent: Monday, September 02, 2019 6:25 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: proposed construction of apartment bldg on ellis

We are very upset about the construction of another apartment building on Ellis....This makes no sense at all. It takes most of us 15 minutes or more just to get out on Ellis right now....We live at the corner of Ellis and Newland and I cant' tell how many bad accidents that have ocured on our corner, We live in the community of La Cuesta. It now takes us an extra 20 minutes to get our children and grandchildren to school. The traffic and all the noise these Please consider saying no to this project.

SUPPLEMENTAL COMMUNICATION

Meeting Date: 9/3/19

Agenda Item No.: 21(19-910)

. Please consider saying no to this project.. Our city is being ruined with all these buildings.

Switzer, Donna

From: Dombo, Johanna
Sent: Tuesday, September 03, 2019 7:38 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Agenda item 19-910

AGENDA COMMENT

From: rob.pool.oc@gmail.com <rob.pool.oc@gmail.com>
Sent: Monday, September 02, 2019 11:12 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Agenda item 19-910

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/3/19

Mayor Peterson and City Council Members:

Agenda Item No.: 21 (19-910)

I am writing this email to urge you to uphold the Planning Commission denial of the project as outlined in Item 19-910.

In my opinion, our city has a history of poor planning. Developers see a plot of land and immediately develop plans to build as many units on that land as possible. While I understand the desire to maximize their investment, it must be done with some level of reasonableness. A project wedged in a parcel between an established neighborhood and a car wash (which prevents any access to the primary thoroughfare- Beach Blvd.) seems to severely fail the test of reasonableness.

I have examined that parcel several times in the last few weeks. I am amazed that it passed the requirements of our Fire Department. I am also trying to recall another property that is long and thin with three levels of subterranean parking. Does another such property exist in our city? These issues are part of an overall theme that seems troubling with this project- ingress and egress. As you are aware, all vehicles must enter and exit this property using right turns only. While I understand that the same issues pertain to the existing liquor store, let's be honest, the number of trips for that one business will be small in comparison to the number if you approve this project. The chance for increased traffic incidences is high.

Last, residents in the nearby neighborhood are reporting the impact that the Elan Apartments are having upon their parking. As this neighborhood would be more easily accessible to the residents and guests of the proposed project it's not hard to imagine increased parking difficulties. I suspect these residents were told that Elan would not impact their neighborhood with regards to parking issues. Let's not make the same mistake twice!

Switzer, Donna

From: Dombo, Johanna
Sent: Tuesday, September 03, 2019 1:39 PM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Agenda Item #21 - I Support the Appeal of HB Planning Commission

AGENDA COMMENT

From: Steven C. Shepherd, Architect <steve@shepherdarchitects.com>
Sent: Tuesday, September 03, 2019 1:25 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Agenda Item #21 - I Support the Appeal of HB Planning Commission

Dear Council Members,

I support the project proposed for 8041 Ellis Ave and feel the Huntington Beach City Council should vote to overturn the Planning Commission's decision to reject this project.

I have previously expressed my support for this project to the Planning Commission and before this Council.

Last time I spoke before the Council on this matter I focused on the personal impact of our current housing shortage upon our residents and our community. While my earlier comments to the Planning Commission were centered on the project's compliance with Huntington Beach Zoning Ordinances.

Today I ask each Council Member to consider the future. If you uphold the rejection of this project based on a discretionary approval, you are not only robbing our community of much-needed housing, but you are also opening our city up to new litigation as well as supporting the claims made by the plaintiffs in the ongoing litigation.

The elected officials for a city of 200,000 residents can't simply stick their heads in the sand and ignore one of the most pressing issues currently facing California and avoid consequences.

It was ill-advised when the Council unilaterally reduced the allowable number of housing units in 2015, and it is ill-advised to reject this project now. However, if you wish to uphold the Planning Commission's rejection, I sure as heck hope you have a really good back-up plan. For if you don't, this decision will be "Exhibit #1" in HB's next legal battle centered on housing.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/3/19

Agenda Item No.: 21(19-910)

Switzer, Donna

From: Dombo, Johanna
Sent: Tuesday, September 03, 2019 8:50 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: FW: Please DENY the appeal to build the 48 unit residential/mixed use building near north east corner of Beach and Ellis

AGENDA COMMENT

From: Lisa Williams <lwilliamshb@yahoo.com>
Sent: Monday, September 02, 2019 2:17 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Please DENY the appeal to build the 48 unit residential/mixed use building near north east corner of Beach and Ellis

Honorable Mayor and Council Members,

You realized in June that the 4-story, 48-unit residential/mixed-use building at Beach and Ellis was not a good idea, so please do the right thing for the city and all its residents by again denying the appeal by the builder at the September 3rd City Council meeting.

Unfortunately, I cannot attend the meeting but wanted to make sure that you understood that another family in HB is against this proposed building project.

Thank you for your time.

Sincerely,

Andy & Lisa Williams

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/3/19

Agenda Item No.: 21 (19-910)

Robin Estanislau, City Clerk
Huntington Beach City Hall
200 Main Street
Huntington Beach, CA 92648

RECEIVED
2019 AUG 31 AM 11:10
CITY CLERK
CITY OF
HUNTINGTON BEACH

Re: Conditional Use Permit No 17-042

Sirs:

We are residents of West Fountain Valley, in particular just northeast of Newland and Ellis at the address stated below.

This permit referenced above outlines the development of a new 48 unit condo and commercial building essentially at the corner of Beach and Ellis (in place of a liquor store, part of a car wash and some level of current residential housing, basically leaving the existing Jack In The Box restaurant in place). A copy of the notice of Public Hearing is attached.

This is to express our strong opinion that the development outlined in this permit would result in an extreme negative traffic effect along Ellis far east of the development and other areas. There is already such a negative traffic effect in this area as a direct result of the construction of such an already completed development directly south across Ellis from this proposed one. There are two entrances to our housing tract, one being Santa Isadora from Ellis just east of Newland which provides entrance to ours north of Ellis and another housing tract south of Ellis. The traffic now is such that it is often backed up so far east of the Ellis/Newland traffic light that it's difficult and increasingly dangerous to exit our tract (even when it's not backed up). Also, traffic approaching Beach from the east along Ellis is a nightmare often requiring multiple light changes to get through the intersection. This is due mainly to that already completed development and would be made further worse by this new development.

Another traffic issue that is becoming more congested and dangerous is the intersection of Ellis and Newland itself. As there is a downhill approach to this intersection from both Ellis heading east from these developments and south on Newland. Drivers seem to speed down these streets and meet at that intersection with the resultant numerous serious accidents, including fatal ones, other injury crashes and significant property damage. This is further amplified by the lack of left turn signals at the intersection, which has seemingly shown a significant increase since the construct of the already completed multi unit complex at Beach and Ellis. This will only get worse with the construction of this new development outlined in this proposal.

We urge the Huntington Beach City Council to reject this proposal for the sake of public safety and overall permanent negative effect on quality of life in this area as, we understand, the City Planning Commission has already done.

Thank you

Roland Wood
ROLAND WOOD
2524 OSTRICH CIR.
FOUNTAIN VALLEY, CA 92708

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/3/19

Agenda Item No.: 21(19-910)

NOTICE OF PUBLIC HEARING
BEFORE THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH

NOTICE IS HEREBY GIVEN that on Monday, August 19, 2019, at 6:00 p.m. in the City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing on the following planning and zoning items:

1. **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF TENTATIVE TRACT MAP NO. 18157/CONDITIONAL USE PERMIT NO. 17-042**
Applicant: Jeff Herbst, MCG Architecture, 111 Pacifica, Suite 280, Irvine CA 92618 **Appellant:** Tahir Salim, THDT Investment, 4740 Green River Road, Suite 304, Corona, CA 92880 **Request:** To demolish an existing liquor store, residence, and portion of a former car wash to permit a one-lot subdivision and development of a four-story mixed-use building including 48 new condominium residences with 891 square feet of commercial space and three levels of subterranean parking. **Location:** 8041 Ellis Avenue Beach Boulevard (North side of Ellis Ave., between Beach Blvd. and Patterson Ln.) **City Contact:** Nicolle Aube, Associate Planner

NOTICE IS HEREBY GIVEN that Item #1 is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15182 of the CEQA Guidelines and Government Code 65457, because the project is within the Beach and Edinger Corridors Specific Plan for which Program EIR No. 08-008 was adopted and implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the Final EIR for the BECSP.

ON FILE: A copy of the proposed request is on file in the Community Development Department, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office or on line at <http://www.huntingtonbeachca.gov> on Thursday, August 15, 2019.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Community Development Department at (714) 536-5271 and refer to the above items. Direct your written communications to the City Clerk

Robin Estanislau, City Clerk
City of Huntington Beach