

Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

June 12, 2019

Jeff Herbst
MCG Architecture
111 Pacifica, Suite 280
Irvine, CA 92618

SUBJECT: TENTATIVE TRACT MAP NO. 18157/CONDITIONAL USE PERMIT NO. 17-042 (ELLIS AVE. CONDOS)

APPLICANT: Jeff Herbst, MCG Architecture, 111 Pacifica, Suite 280, Irvine, CA 92618

PROPERTY OWNER: Tahir Salim, THDT Investment, Inc., 1307 W. 6th Street, Suite 202, Corona, CA 92882

REQUEST: 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 and find the project exempt from CEQA.

LOCATION: 8041 Ellis Avenue (North side of Ellis Ave., between Beach Blvd. and Patterson Ln.)

DATE OF ACTION: June 11, 2019

On Tuesday, June 11, 2019, the Huntington Beach Planning Commission took action on your application, and your application was **denied with findings**. Attached to this letter are the findings for denial.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of Two Thousand, Three Hundred Fifty-Three Dollars (\$2,353.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Three Thousand, Seven Hundred Seventy-Eight Dollars (\$3,778.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is **Friday, June 21, 2019, at 5:00 PM.**

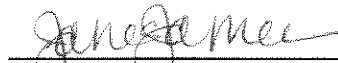
Excepting those actions commenced pursuant to the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to *Government Code* §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Nicolle Aube, the project planner, at (714) 374-1529 or via email at nicolle.aube@surfcity-hb.org, or the Community Development Department at (714) 536-5271.

Sincerely,

Ursula Luna-Reynosa, Secretary
Planning Commission

By:



Jane James, Planning Manager

ULR:JJ:NA:kdc

Attachment: Findings For Denial – TTM 18157 and CUP 17-042

c: Honorable Mayor and City Council
Chair and Planning Commission
Dave Kiff, City Manager
Ursula Luna-Reynosa, Director of Community Development
Dave McBride, Division Chief/Fire Marshal
Mike Vigliotta, Chief Assistant City Attorney
Debbie DeBow, Principal Civil Engineer
Eric Haghani, Building Manager
Nicolle Aube, Associate Planner
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS FOR DENIAL

TENTATIVE TRACT MAP NO. 18157
CONDITIONAL USE PERMIT NO. 17-042

FINDINGS FOR DENIAL - TENTATIVE TRACT MAP NO. 18157:

The Planning Commission finds and determines that certain conditions (b), (c) and (d) listed in Government Code Section 66474 would result as a consequence of approval of Tentative Tract Map No. 18157, for reasons more particularly described herein:

1. Approval of the project would result in a design of the proposed subdivision that is not consistent with the General Plan and Beach and Edinger Corridors Specific Plan (BECSP) in that the project design fails to further a number of goals and policies contained within the General Plan and BECSP. More particular detail and analysis is contained below.
2. Approval of the project would result in a site that is not physically suitable for the type of development in that the site will not function as an integrated development compatible with the vision of the BECSP by merging three existing lots into a single long and narrow 0.95 acre parcel. The long and narrow parcel is not physically suitable for the proposed mass, bulk, and intensity of the proposed four story mixed use project and does not complement the scale and proportion of surrounding one and two-story developments. The project will generate conflicts with vehicular circulation on Ellis Ave. and there will be no connectivity for bicyclists to continue onto Beach Blvd.
3. Approval of the project would result in a site that is not physically suitable for the proposed density of development in that the proposed project results in a density of approximately 50 dwelling units per acre while the adjacent residential property is built at an aggregate density of 13 dwelling units per acre.

The design and improvement of proposed Tentative Tract Map No. 18157 does not further the goals and policies of the General Plan or the BECSP as follows:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D: Ensure that new development projects are of compatible proportion, scale and character to complement adjoining uses.

Policy LU-2B: Ensure that new and renovated structures and building architecture and site design are context-sensitive, creative, complementary of the city's beach culture, and compatible with surrounding development and public spaces.

Goal LU-3: Neighborhoods and attractions are connected and accessible to all residents, employees, and visitors.

Policy LU-3A: Ensure that future development and reuse projects are consistent with the Land Use Map to provide connections between existing neighborhoods and city attractions.

Policy LU-3C: Ensure connections are well maintained and safe for users.

Policy LU-12B: Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

Circulation Element

Goal CIRC-1c: Through ongoing evaluation of jurisdiction, efficient transportation management provides the highest level of safety, service and resources.

Policy CIRC-1F: Require development projects to provide circulation improvements to achieve stated City goals and to mitigate to the maximum extent feasible traffic impacts to adjacent land uses and neighborhoods as well as vehicular conflicts related to the project.

Policy CIRC – 1G: Limit driveway access points, require driveways to be wide enough to accommodate traffic flow from and to arterial roadways, and establish mechanisms to consolidate driveways where feasible and necessary to minimize impacts to the smooth, efficient, and controlled flow of vehicles, bicycles, and pedestrians.

The proposed lot consolidation, subdivision, design and improvement is not consistent with the above goals and policies of the General Plan or the BECSP because the infill project is not compatible in density, intensity, proportion, scale, and character with the surrounding land uses and does not complement the adjoining uses in that the proposed four story mixed use development is significantly more intense than the adjacent one-story commercial and two-story multi-family residential developments.

The BECSP encourages buildings to orient towards streets and provide enhancements to the pedestrian and public experience. However, in the proposed project, approximately five percent of the building length is oriented towards Ellis Ave. while the remainder is oriented to the established residences to the east and commercial uses to the west. Further, the project architectural design and scale is not compatible with the vision of the BECSP. The adjacent properties will be impacted by the height and massing of the proposed project. The length and height of the proposed building is not compatible with the long, narrow characteristics of the 0.95 acre site because it is too bulky and too intense for the available land area. The project does not support the vibrant commercial corridor envisioned in the BECSP Five Points District because only one and a half percent (1.5%) of the total square footage of the project is allocated to commercial use.

The proposed project does not create continuity with new and existing development along the Beach Boulevard corridor because the project does not propose to augment or expand the existing bikeways. Furthermore, ingress and egress to the project site generates conflicts with the flow of traffic on Ellis Ave. There is no access or connectivity to the project site from Beach Blvd and insufficient vehicular access is provided via a single driveway along Ellis Avenue. Motorists exiting the project site will be unable to safely turn left onto Ellis Ave. from the driveway and motorists entering the project site from eastbound Ellis Ave. will be unable to turn left into the project site due to congestion and narrow roadway widths. Residents and visitors cannot directly access the project site from eastbound Ellis Ave. and must continue past the project to Patterson Ln. to make a U-Turn on Ellis Ave., resulting in inefficient vehicular movements. Additionally, even though motorists will be required to exit the project via a right hand turn onto Ellis Ave., motorists who do not abide by this restriction may create vehicular hazards and conflicts due to frequent congestion and queuing on Ellis Ave.

FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 17-042:

The Planning Commission finds and determines that it is unable to make all of the required findings, contained in Section 241.10(A) of the HBZSO, for reasons more particularly described below:

1. Conditional Use Permit No. 17-042 for the development of a mixed-use building consisting of 48 condominium residences and 891 sf. of retail space will not comply with the provisions of the base district and other applicable provisions in Titles 20 through 25 and any specific condition required for the proposed use in the district in which it would be located in that the project does not further the vision of the Town Center Neighborhood Segment of the BECSP, which envisions a vibrant commercial corridor within the Five Points District of the BECSP. The proposed project is located within the Five Points District and does not further a vibrant commercial corridor because only one and a half percent (1.5%) of the total square footage of the project is allocated to commercial use, there is insufficient vehicular ingress and egress to the site, and the project proposes marginal public open space that does not contribute to the BECSP's vision of walkability and pedestrian connections between public and private property