

SUGGESTED FINDINGS FOR DENIAL
TENTATIVE TRACT MAP NO. 18157
CONDITIONAL USE PERMIT NO. 17-042

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15182 of the CEQA Guidelines and Government Code 65457, because the project is a mixed-use development that conforms with 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. Compliance with all applicable mitigation measures adopted for the Specific Plan will be required of the project. In light of the whole record, none of the circumstances described under Section 15162 of the CEQA Guidelines are present and, therefore, no EIR or MND is required.

The Project, located on the north side of Ellis Avenue between Beach Boulevard and Patterson Lane, consists of a four-story mixed-use building including 48 condominium residences with on-site public and private open space, a three level subterranean parking structure and 891 square feet of commercial space. The development site is located within the Town Center Neighborhood Segment of the Beach and Edinger Corridors Specific Plan (BECSP) area. The City certified Program EIR No. 08-008 on December 8, 2009 and adopted the BECSP on March 1, 2010. In 2015, the City Council amended the BECSP to reduce the Maximum Amount of New Development to 2,100 total new dwelling units including 725 units on Beach Boulevard. There are 200 undeveloped units remaining within the MAND on Beach Boulevard. The 48 units contemplated by the project is within the total new dwelling units permitted on Beach Boulevard under the approved BECSP. The project conforms to all standards and regulations of the BECSP development code. Accordingly, no changes requiring revision of the previously certified Program EIR are proposed as part of the project, nor have any circumstances changed requiring revision of the previously certified Program EIR. In addition, no new information identifies that implementation of the BECSP, including the project, will have significant effects that were not discussed in the previously certified Program EIR or that the significant effects identified in the certified Program EIR will be substantially more severe than determined in the Program EIR. Nor is there new information showing that mitigation measures or alternatives not previously adopted would substantially reduce one or more significant effects of the Project.

SUGGESTED FINDINGS FOR DENIAL - TENTATIVE TRACT MAP NO. 18157:

1. Tentative Tract Map No. 18157 for the consolidation of three parcels into one 0.95 acre parcel is not consistent with the goals and policies of the General Plan. The project does not comply with the Beach and Edinger Corridors Specific Plan due to land use and circulation impacts.
2. The site is not physically suitable for the type and density of development proposed by the project. The site will not function as an integrated development compatible with the vision of SP14 by merging three existing lots into a single 0.95 acre parcel. The length and height of the proposed building is not compatible with the long, narrow characteristics of the 0.95 acre

site. 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. 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 can not 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, motorists who do not abide by this restriction due to frequent queuing on Ellis Ave. can create conflicts with eastbound Ellis Ave. traffic.

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

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 be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project is a four-story building that is incompatible with surrounding developments, including two-story older multi-family residences to the east and a car wash and restaurant to the west.
2. The proposed project is not consistent with the Town Center Neighborhood Segment of the Beach and Edinger Corridors Specific Plan which supports the use of the Five Points Center as a community retail center. The proposed project does not encourage the restructuring and revitalization of surrounding properties to enhance the market appeal of the Five Points District of the BECSP. The project does not support the vibrant commercial corridor envisioned in the Five Points District because only one percent of the total square footage of the project is allocated to commercial use.
3. The granting of 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 adversely affect the General Plan. The project is not consistent with the following objectives and policies of the General Plan:

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-1A: Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

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.

Goal LU-2: New development preserves and enhances a distinct Surf City identity, culture, and character in neighborhoods, corridors, and centers.

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.

Policy LU-2C: Distinguish neighborhoods and subareas by character and appearance and strengthen physical and visual distinction, architecture, edge and entry treatment, landscape, streetscape, and other elements. Evaluate the potential for enhancement of neighborhood entrances and perimeter walls.

Policy LU-2D: Maintain and protect residential neighborhoods by avoiding encroachment of incompatible land uses.

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.

Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.

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

Circulation Element

Goal CIRC-3a: Convenient and efficient connections between regional transit and areas of employment, shopping, recreation, and housing will increase ridership and active mobility, with a focus on first/last mile solutions.

Goal CIRC-6: Connected, well-maintained, and well-designed sidewalks, bike lanes, equestrian paths, and waterways allow for both leisurely use and day-to-day required activities in a safe and efficient manner for all ages and abilities.

The proposed development is not consistent with the Beach and Edinger Corridors Specific Plan. 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. 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. The project does not support the vibrant commercial corridor envisioned in the Five Points District because only one percent 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. Beach Blvd. does not include a bikeway and existing bike facilities on Ellis Ave. terminate at the intersection with Beach Blvd. because the project does not propose to augment or expand the existing bikeways. Ingress and egress to the project site generate conflicts with the flow of traffic on Ellis Ave. There is no access or connectivity to the project site from Beach Blvd. 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 can not access the project site from eastbound Ellis Ave. without continuing past the project to Patterson Ln. to make a u-turn on Ellis Ave. to access the project site. 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 due to frequent queuing on Ellis Ave. can create conflicts with eastbound Ellis Ave. traffic.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.