


Esparza, Patty

From: MyHB <reply@mycivicapps.com>
Sent: Saturday, February 15, 2020 12:42 PM
To: Switzer, Donna; Esparza, Patty; Estanislau, Robin
Subject:  MyHB-#249012 Agenda & Public Hearing Comments []

MyHB

New Report Submitted - #249012

Status

new

Work Order

#249012

Issue Type

Agenda & Public Hearing Comments

Subtype

City Council Meeting

Notes

Please help us get the Beach and Ellis application for condos review stopped. Again. Governor and Developer don't care about those of us who have to suffer with hi-density and dangerous traffic as it is at 5 points intersection. Not to mention we have noticed way less cooling ocean breezes we used to get. He is hopping on the homelessness issue to benefit himself. We already have the Elan and low income next to it. Please stand up for us and don't let them bully our hardworking neighborhood. Thank-you, Lisa, homeowner and business owner here since 2001.

[View the Report](#)

Reporter Name

Lisa RadvanskyMosley

Email

lisarad123@gmail.com

Phone

949-337-3000

Report Submitted

FEB 15, 2020 - 12:42 PM

SUPPLEMENTAL COMMUNICATION

Meeting Date: 2-18-2020

Agenda Item No.: 23 (20-1393)

Please do not change subject line when responding.

Esparza, Patty

From: Aube, Nicolle
Sent: Tuesday, February 18, 2020 7:54 AM
To: Esparza, Patty
Subject: FW: Beach and Ellis condo project

Public comment

From: lisa radvansky <lisarad123@gmail.com>
Sent: Saturday, February 15, 2020 12:27 PM
To: Aube, Nicolle <nicolle.aube@surfcity-hb.org>
Subject: Beach and Ellis condo project

Please help us get this ridiculous project off the radar. Our neighborhood already did our part with the Elan high rise and the low income units next to it. This is a dangerous intersection and this monstrosity will negatively affect our quality of life. Don't let them bully us, he can find some other place to build that isn't so small of a footprint. They are jumping on homelessness issue to force play their own interests. Thank-you Lisa Radvansky, Mosley homeowner and business owner since 2001.

SUPPLEMENTAL COMMUNICATION

Meeting Date: 2-18-2020

Agenda Item No.: 23 (20-1393)

**SUPPLEMENTAL
COMMUNICATION**

Esparza, Patty

From: agendacomment@surfcity-hb.org
Sent: Monday, February 17, 2020 10:57 AM
To: Agenda Comment
Cc: Fikes, Cathy; CITY COUNCIL
Subject: Public Comments on Council Agenda Items

Meeting Date: 2/18/2020

Agenda Item No.: 23(20-1393)

AGENDA COMMENT

Subject Potential 4-Story Complex Behind Car Wash and Jack-in-the-box on Beach and Ellis

Name John Ziebarth

Email jzeba@hotmail.com

Comments

Hello,

I received the request for another appeal to demolish the DK liquor store along with using the vacant lot behind the car wash to build a 4-story structure on the northeast corner of Beach and Ellis. I think it would be quite the awkward place to put a four story building. I get how the big, 5/6-story complex on the southeast corner of Beach and Ellis has great views of the north, south, east and west. Because I even have a pretty good view of the San Gabriel mountains out of my second story window looking out to the north at 18401 Patterson Ln. apt. 1. But one thing Huntington Beach might like to take into consideration, is to always be mindful of their development.

We actually have a great view of the west sky in the back of our 4-apartment, apartment complex (or quadruplex it could be called) here at 18401 Patterson Ln., and as funny as it sounds, the finches and hummingbirds love the view too. The vacant portion of the older car wash (whose property backs right up to the back of our property line), has quite a bit of honeysuckle against the back wall of the now vacant lot that the hummingbirds like hanging out on along with the other variety of trees in the immediate area (although the honeysuckle hasn't been trimmed for a while). You can tell when you walk back there (especially during sunset/pre-sunset time or even morning and afternoon times), that when you catch some of the hummingbirds flying around and then landing on the honeysuckle, that they actually do specifically like looking in that (the west) direction.

I would like to invite any members of the city council or anyone that works for the city of Huntington Beach to walk back to the back of our quadruplex here at 18401 Patterson Ln. and check out the different perspective of the area. If you choose to take my invitation, please walk through on the right side of the building where the driveway is and just walk casually on to the back. It's a nice, open, entryway to the back of our apartment complex.

I also might as well make a point that the passageway on the right side of our apartment complex is so casual, that various people have used that passageway to walk through there so that they can hop the wall to get to the vacant lot. It seems a bit sketchy to have people walking through there as it would seem more appropriate (or appropriately casual) if this was a bigger apartment complex with more apartments as in 10 or 20 apartments. But so far, no problems with any of them. And a couple of them would casually greet as they have passed by me.

It seems like the vacant lot has been used by various people for the past 2 or 3 months now. Some of them could be homeless, some of them could be "watchers of the lot." For example, Bruce, in apartment 2 bumped into one of them and Bruce told me that one of them said that he was the manager of the lot or in charge of the lot or something like that. Also in the infancy of the various people walking through the right side of our apartment complex to hop the wall to get to

the vacant lot, the ladies that live in apartments 3 and 4 both commented to me on it. The lady in apartment 4 said that she asked them to be quiet as they were loud one night and the lady in apartment 3 asked if I knew about the people "walking through." I told her I did and she was walking up her stairs as she added, "...There's nothing we can do???" They both seemed concerned.

So while this space is quite the casual space, take advantage of it and come by to check the different perspectives of the area!

But I think the 4-story development would be a bad idea. Plus, if you look at the driveway of the DK liquor store, you'll notice that only right turns out of the liquor store are practical. Left turns on to Ellis out of the liquor store are very sketchy and awkward.

...But who knows, maybe these people hopping the wall are potential protesters of the 4-story development and will lay flat on the ground of the property in protest once the construction of the 4-story structure starts.

Thank you,

John Ziebarth, apt. 1 at 18401 Patterson Ln. Huntington Beach, CA 92646

Esparza, Patty

From: Fikes, Cathy
Sent: Tuesday, February 18, 2020 10:09 AM
To: Agenda Alerts
Subject: FW: Comment Letter for 8041 Ellis Avenue Hearing
Attachments: 8041 Ellis Avenue Comment Letter.pdf

From: Dylan Casey <dylan@carlaef.org>
Sent: Tuesday, February 18, 2020 9:23 AM
To: Brenden, Patrick <Patrick.Brenden@surfcity-hb.org>; Carr, Kim <Kim.Carr@surfcity-hb.org>; Delgleize, Barbara <Barbara.Delgleize@surfcity-hb.org>; Hardy, Jill <Jill.Hardy@surfcity-hb.org>; Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Posey, Mike <Mike.Posey@surfcity-hb.org>; Semeta, Lyn <Lyn.Semeta@surfcity-hb.org>; Fikes, Cathy <CFikes@surfcity-hb.org>
Cc: Gates, Michael <Michael.Gates@surfcity-hb.org>; Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org>; Aube, Nicole <nicolle.aube@surfcity-hb.org>; Ken Stahl <kstahl@onellp.com>
Subject: Comment Letter for 8041 Ellis Avenue Hearing

Dear City Council,

Please consider the attached letter as comment from California Renters Legal Advocacy and Education Fund for the 8041 Ellis Avenue project, up for public hearing at tonight's meeting.

Sincerely,

Dylan Casey

Executive Director, California Renters Legal Advocacy and Education Fund
443-223-8231 | www.carlaef.org

SUPPLEMENTAL COMMUNICATION

Meeting Date: 2-18-2020

Agenda Item No.: 23 (20-1393)



California Renters Legal Advocacy and Education Fund

360 Grand Ave, #323
Oakland, CA 94612
hi@carlaef.org

February 18th, 2020

Huntington Beach City Council
2000 Main Street
Huntington Beach, CA 92648

Re: 8041 Ellis Avenue Development

Dear Planning Commissioners, and City Attorney,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform the City Council that it has an obligation to abide by all relevant state housing laws when evaluating the proposal to develop property located at 8041 Ellis Avenue. The Housing Accountability Act, Gov. Code § 65589.5, requires approval of projects that comply with all objective zoning and general plan standards, unless the city finds that based on a preponderance of the evidence on the record, the development would result in a “specific, adverse impact on public health and safety.” (Gov. Code § 65589.5(j)(1)(A).) The impact must be a “significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions” (*id.*) The California state legislature enacted the HAA in order to encourage approval of housing developments where cities have planned and zoned for new development, with the expectation that impacts warranting disapproval would arise infrequently. (§ 65589.5(a)(3).)

The proposed development in this case complies with all objective zoning and general plan standards. The Planning Commission’s initial proposed findings of denial identified no objective standards with which the project failed to comply. In fact, the Commissioners proposed to reject the project for entirely subjective reasons such as their interpretation of the “vision” and “spirit” of the Beach Edinger Corridor Specific Plan. Only after receiving our letters advising about the HAA did the city council attempt to identify objective standards in two subsequent proposed findings of denial, but it failed both times. The city’s most recent proposed findings for denial fail to document any objective, written standards that the proposal does not comply with. The supplementary fire access analysis prepared by James McMullen concludes in error that the fire access road fails to comply with City Specification 401, by applying a standard for curves in fire access roads to the proposed turnaround. City Specification 401 clearly specifies a separate standard for turnarounds, with the the

proposed development complies. An analysis of the application by the city's own fire safety experts came to the same conclusion, confirming the mistake in Mr. McMullen's analysis. In any event, the HAA requires that an applicant be advised of any objective standards with which the applicant failed to comply within 30 days of the application being complete, which in this case was May 1, 2019. Gov. Code § 65589.5(j)(2)(A)(I).) Because the city failed to do so, the project must now be deemed fully compliant with all objective standards. Gov. Code § 65589.5(j)(1)(B).

The other proposed findings for disapproval of this development fail to identify a specific adverse impact on public health and safety that would be required to comply with the Housing Accountability Act. The findings claim to identify a safety issue generated by additional traffic from the residents of the new building. Almost any new housing development, however, will include some residents who own cars and commute with them. The locally increased traffic that may result from these new residents could never constitute an impact sufficient to justify a disapproval under the Housing Accountability Act. The increased traffic generated by any development is a foreseeable impact that the city has had ample time to plan for. The development is part of the Beach/Ellis Specific Plan that required the City to undertake years of analysis and planning for increased density. Under the findings and analysis provided by the City, the traffic impacts of this development fail to result in any significant concern on health and safety. Even if they did, the City has failed to analyze any number of potential mitigation measures to improve traffic safety around the project. It is the city's own parking requirements for the development in the first place, that would even require accommodation for increased traffic. Further, the health and safety impacts described by the traffic study - increased traffic volume, leading to increased accidents - would, if true, occur with almost any new housing development. This is hardly the kind of "infrequent" impact contemplated by the HAA. If this traffic study is a sufficient basis to deny the project, the HAA would become a dead letter.

The fire safety study also fails to identify a specific adverse health and safety impact. Like the traffic study, the fire safety study does not identify any objective health and safety standards that this project failed to meet. Nor did the fire safety study prove that any of the issues it identified rose to the level of a significant, quantifiable, and unavoidable impact on health or safety, or discuss any possible mitigation measures. The fact that the city's own staff failed to identify any fire safety issues, or indeed any health and safety issues of any kind, after an extensive period of review further diminishes the credibility of this study, which by its author's admission was based on "minimal" and "inadequate" information.

As an additional note, the city disclosed these studies to us just three business days prior to the February 18, 2020 hearing, giving us inadequate time to review the studies and consult with outside experts. Therefore, we reserve the right to identify additional inadequacies in the studies in the event this matter goes to litigation.

California Renters Legal Advocacy and Education Fund - hi@carlaef.org

2044 Franklin St, Oakland, CA 94612

If the city were to deny this proposed housing development, it would call into question the broader planning framework under which the city operates. This City Council recently made amendments to its zoning and general plan to identify additional sites for multifamily development, under pressure from the state Attorney General's office and others who challenged the City's Housing Element compliance. Denying the proposed development would call into question this resolution. If Huntington Beach intends to establish rules and regulations to allow for housing developments in accordance with state law, it must also approve proposals such as this that fully comply with these standards. If the Council attempts to manufacture a reason to deny this project, what would stop it from doing the same for any of the sites recently identified for future development. Huntington Beach should approve this project, and demonstrate that it intends to follow through on its own promises to plan for housing development sufficient to meeting the needs for California's future.

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing developments such as the proposed project here are a public benefit, desperately needed across California. It will bring increased tax revenue, and new customers to local businesses, but most importantly it will help reduce the rise in housing costs that cause displacement of existing California residents into homelessness or long car commutes. Huntington Beach has fallen far short of its planning targets for housing development across all income levels. This development would help to correct this failure in city policy, and it is being proposed on land that Huntington Beach has planned for use as new multifamily housing development. Huntington Beach should follow through on its planning and zoning policy, and approve the proposed development.

CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels. The proposed Project will provide badly needed housing for families in Huntington Beach. While no one project will solve the regional housing crisis, the proposed 8041 Ellis Avenue development is the kind of housing Huntington Beach needs to mitigate displacement, provide shelter for its growing population, and arrest unsustainable housing price appreciation. You may learn more about CaRLA at www.carlaef.org.

Sincerely,

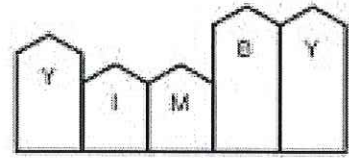


Dylan Casey
Executive Director
California Renters Legal Advocacy and Education Fund

California Renters Legal Advocacy and Education Fund - hi@carlaef.org
2044 Franklin St, Oakland, CA 94612

Yes In My Back Yard

1260 Mission St
San Francisco, CA 94103
hello@yimbylaw.org



2/18/2020

Huntington Beach City Council
2000 Main Street
Huntington Beach, CA

Lyn.Semeta@surfcity-hb.org; jill.hardy@surfcity-hb.org; Patrick.Brenden@surfcity-hb.org;
Kim.Carr@surfcity-hb.org; barbara.delgleize@surfcity-hb.org;
erik.peterson@surfcity-hb.org; mike.posey@surfcity-hb.org;
Robin.Estanislau@surfcity-hb.org;
Via Email

Re: 8041 Ellis Avenue
Tentative Tract Map NO. 18157/Conditional Use Permit NO. 17-042

Dear Huntington Beach City Council,

Yes In My Back Yard submits this letter to inform you that the Huntington Beach City Council has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the Housing Accountability Act (HAA).

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. The most relevant section is copied below:

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

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...

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

The applicant proposes to construct a four-story mixed-use building including 48 new condominium residences with 891 square feet of commercial space and three levels of subterranean parking.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above.

Yes In My Back Yard is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California.

I am signing this letter both in my capacity as the Executive Director of Yes In My Back Yard, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
Yes In My Back Yard

Estanislau, Robin

From: Fikes, Cathy
Sent: Tuesday, February 18, 2020 2:50 PM
To: Agenda Alerts
Subject: FW: Vote No on Agenda Item 23 & 25

From: Taylor Haug <taylorhaug@gmail.com>
Sent: Tuesday, February 18, 2020 2:38 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Vote No on Agenda Item 23 & 25

I urge you to repeat the vote on Agenda Item 23 and reject the item. The building does not fit the space, and it will cause even more traffic and safety issues at this intersection.

HB doesn't need to get into the real estate business. This was proven in the last purchase of the Pipeline disaster, costing taxpayers over 100K. The fact that you already have a letter of intent to purchase these two items prior to changing the overlay of these parcels shows you have already decided before the public meeting. PLEASE PLEASE reject this item. LISTEN TO THE PEOPLE YOU REPRESENT.

Thank you. A homeowner and lifelong resident.
Taylor Haug

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 2-18-2020

Agenda Item No.: #23 (20-1393)