

**From:** [Cheryl DeMarco, AIA](#)  
**To:** [Welch, Madalyn](#); [Planning Commission](#); [CITY COUNCIL \(INCL. CMO STAFF\)](#); [Edward Twining](#); [Don Kennedy](#); [McKeon, Casey](#); [Robert Granger](#)  
**Subject:** FILE: 24-485 Appeal of CUP 23-014  
**Date:** Tuesday, July 23, 2024 9:46:07 AM  
**Attachments:** [Building-Permit-Application-.pdf](#)

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TO: CITY OF HUNTINGTON BEACH, CALIFORNIA

FILE: 24-485

RE: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF  
CONDITIONAL USE PERMIT NO. 23-014

PROJECT NAME: HBCSD MAINTENANCE AND OPERATIONS BUILDING

FROM: CHERYL DEMARCO, AIA

Previously I sent comments and spoke at public hearings on this.

**[I recommend that the Planning Commission deny this project.](#)**

First of all, it is unknown if the project will have any significant effect on the environment. This site has methane, and the project will have a woodshop and metal shop. There is not any existing Maintenance and Operations facilities that have been approved or permitted for use at this site. This project is a new structure of 7,510 SF and should conduct an Initial Study, per CEQA. It should be evaluated for environmental, traffic and other factors prior to any approvals.

Per the CEQA Process:

*An agency will normally take up to three separate steps in deciding which document to prepare for a project subject to CEQA. (1) In the first step the lead agency examines the project to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any further. The agency may prepare a notice of exemption. See Sections 15061 and 15062. (2) If the project is not exempt, the lead agency takes the second step and conducts an initial study (Section 15063) to determine whether the project may have a significant effect on the environment. If the initial study shows that there is no substantial evidence that the project may have a significant effect, the lead agency prepares a negative declaration. See Sections 15070 et seq. (3) If the initial study shows that the project may have a significant effect, the lead agency takes the third step and prepares an EIR. See Sections 15080 et seq.*

Per HBCSD CEQA exemption, it states that it is an "allowed" use, but it is not. It is a Conditional Use that is required to go through the Conditional Use Permit process and is now in front of the Planning Commission. That fact needs to be corrected in their determination.

Residents who live around this project are concerned about:

Per the Zoning code: "*The establishment, maintenance, and operation of the use will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood*" (city of HB zoning code 241.10 A1).

Home values will be affected by this commercial application right next to and across the street from residential single-family homes. General welfare of people living close to the HBCSD facility building will be impacted. There will be added noise, exhaust, diesel fumes, and more traffic because of the HBCSD facility building.

Division of State Architect("DSA)

Per the Division of State Architect("DSA), this needs to be reviewed and approved by DSA for accessibility components.

HB Building Dept – permit #B2024-003017 (see attached)

I found out that the HB Building Dept allowed this project to be "fastracked" and has already applied for a Building Permit. They have applied for a Commercial and Industrial Building. *How is it that this project was allowed to apply for a building permit and start plan check before the planning process is completed?*

The permit is for "Site Work" for the future Maintenance and Operations Building. The work description does not state what they are doing, there is no grading permit even though they have already placed dirt on the site, the permit lists that they are adding 7,510 SF commercial building.

Property owner's name is Mark Manstof. Does he own the property as HBCSD is listed as the Tenant. This is misleading and follows the path that the HBCSD has taken in this matter by not being truthful, notifying the public and most importantly protecting the public.

Noise – HBMC 8.40:

Workers will begin arriving at 6am. Trash trucks or contractors cannot start before 7am, maintenance on homes cannot start before 8 am and leaf blowers cannot be used before 9am (refer to HBMC 8.40).

The Design Review Committee ("DRC")

DRC made recommendations that were ignored by the architect firm, as stated in public at the last Zoning meeting for this project. The DRC stated that the structure should move 20' to the east, that block walls should be 8' (which would help mitigate sound and homeless from hopping over) and provide some trees.

Water Quality Management Plan ("WQMP")

I do not see anything in the application about Water Quality Management Plan ("WQMP"). Any new development/redevelopment requires a WQMP to

mitigate storm water. They are redeveloping more than 5,000 SF of impervious surface, making it NOT exempt from WQMP. Has this applicant provided a WQMP checklist or plan?

On one hand, HBCSD wants to say they are exempt from CEQA as they have an existing facility, even though there are no permits for such. Then on the other hand they want to say it is new development to not complete a WQMP. They must complete a WQMP to mitigate the storm water.

**I recommend the City of HB Planning deny this project**

Thank you,  
Cheryl DeMarco, AIA

To: Huntington Beach City Council and Planning Commission:

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[City.Council@surfcity-hb.org](mailto:City.Council@surfcity-hb.org)

RE: **CONDITIONAL USE PERMIT NO. 23-014 (HBCSD MAINTENANCE AND OPERATIONS BUILDING)**

Dear Huntington Beach City Councilmembers and Planning Commission,

As a voting resident here in Huntington Beach, I urge you to Vote **NO** and reject the Huntington Beach City School District (HBCSD) plans to add a Maintenance and Operations facility at the Kettler Education Center, aka District office. Most notably, the HBCSD is taking the legal position that the entire project is categorically exempt from CEQA (California Environmental Quality Act) since it is a small change to an “existing” structure. Let the facts be clear: office operations are the only approved operations for the HBCSD district office. The key word here is office. It is beyond a stretch of the truth that a maintenance yard operation is the same as an office use. Just because the HBCSD has parked maintenance trucks and trailers illegally without a conditional use permit for 5 years, does not grandfather the usage as existing or incidental in any way. Adding a maintenance yard to the “existing” office site is **“not”** incidental to its existing or former usage.

I strongly object to this project for many valid reasons that include but are not limited to the following objections, which directly impact our community:

1. The HBCSD has *incorrectly* declared that the project is exempt from the California Environmental Quality Act (CEQA). **Ketter does not have an existing maintenance and operations yard, which is a blatant misrepresentation.**
2. The HBCSD board has approved and signed this CEQA exemption based on the “false” pretense that the maintenance yard **already exists**. This allows them to side-skirt the normal due process of involving the community and considering its impact on their neighborhood. The HBCSD's failure to consider the community's impact is a lack of responsibility and not being a good neighbor.
3. The Maintenance Yard is too close to the neighboring properties. A maintenance Yard does not belong in a residential community. They say they have searched for other options, but no proof has been presented because they are **self-declared exempt from CEQA** as a State-governed agency. This is a clear abuse of power by the State and HBCSD. The Huntington Beach City Council and the Planning Commission are the only agencies that can stop this abuse of power.
4. Adding a continuous 6-foot block wall on the western perimeter of the project will create a public safety hazard. This entrance walkway to the Edison Community Park is used daily by walkers, bikers, and Edison High students. The combination of a large metal building and block wall will create a hidden corridor that will allow activity out of view of the police. Adding a few lights to a dark alleyway does nothing when no one else can see you.
5. HBCSD has not provided plans for complying with the CONDITIONS OF APPROVAL—CONDITIONAL USE PERMIT NO. 23-0142: Attachment No. 1

**The following needs further investigation:**

Section 1: FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 23-014

1. “The construction of a six-foot block wall at the western property line where the project area is located”  
**Corrections Needed: The block wall measurement is incorrect at on the plans should be corrected from 260 linear feet to over 500 linear feet. The existing plans do not have a block**

**wall protecting the homes along the city walkway at the western property line. This adversely affects the properties at 21222, 21232, 21242, 21252, 21262 Breton Lane.**

2. "The primary use of the building will be for storage of materials with minimal maintenance work and office all conducted within the proposed building to minimum noise impacts."

**Correction Needed: Either change the plans to show that No HVAC is needed for the employees working inside the metal building, or add HVAC to the plans to determine the incremental environmental and noise implications.**

Section 2:

A. Lane 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. **(New development is not consistent with neighboring city park development plan. The city owned corridor, walkway, connecting the neighborhood to Edison Park have never connected up with park walkways for pedestrians, bikes, e bikes, and other micro mobility transportation.)**

*Goal LU-2 (B)* 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. **Overall height is much higher than 17 ft.-6 in, the homes along the west property line at Breton lane are approximately 7-10 foot lower than the proposed building elevation. The building will be towering 25-30 feet higher than the ground level elevation of neighboring homes.**

2. The use shall comply with the following:

- a. There shall be no outdoor vehicle storage, vehicle parts, equipment or trailers other than vehicles incidental to the maintenance facility use. **Correction Needed: Architect plans to not provide indoor parking for any vehicles, equipment, or trailers.**
- b. All operations shall be conducted within the interior of the building. **Correction Needed: Architect plans do not include HVAC to make it possible for employees to work inside of the metal building. This must be added and considered in the noise impact on the neighboring homes. Significant amount of noise will be created by large commercial AC units. AC units on existing plan are for the administration office only, not the warehouse and employee work areas.**

c: Hours of Operation shall be limited to 7:00 AM - 4:00 PM

**Correction Needed: The current "existing" operation begins at 6 am in violation of the city noise ordinances. There are no plans known how to comply with this from HBCSD.**

10: The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval. **Correction Needed: The accuracy of the plans and information submitted need to be reviewed by the applicant and their architect representative. The CEQA exemption is based upon the pretense that a maintenance yard operation already exists. Only a district office has been approved, not a maintenance yard.**

The City of Huntington Beach City council and planning commission must vote "NO" to this and reject this abusive use of power by the HBCSD and the State to dictate adding this High-Density Commercial use project in our city.

Name: Robert Granger

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Electronically RSigned by:



## Envelope Data

Subject: Kettler Maintenance Yard Objection Letter - Copy  
Documents: Objection Letter to Kettler Maintenance Yard.pdf  
Document Hash: 4679146  
Envelope ID: ENV16979451-9362-EFFF-1259-BEBD  
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Access Authentication: None  
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## Recipients / Roles

| Name / Role              | Email                         | Type   |
|--------------------------|-------------------------------|--------|
| Robert Granger           | robert@grangerindependent.com | Sender |
| robert@grangeragency.com | robert@grangeragency.com      | Signer |

## Document Events

| Name / Roles             | Email                         | IP Address     | Date                    | Event              |
|--------------------------|-------------------------------|----------------|-------------------------|--------------------|
| Robert Granger           | robert@grangerindependent.com | -              | 07/18/2024 18:33 PM UTC | Created            |
| robert@grangeragency.com | robert@grangeragency.com      | 47.156.200.142 | 07/18/2024 18:33 PM UTC | Signed             |
|                          |                               |                | 07/18/2024 18:33 PM UTC | Status - Completed |

## Signer Signatures

| Signer Name / Roles      | Signature  | Initials |
|--------------------------|--|----------|
| robert@grangeragency.com | <b>Electronically RSigned by:</b><br><br>07/18/2024 18:31 UTC |          |