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2000 Main Street  
Huntington Beach, CA 92648

Re: Appeal of Planning Commission Decision – Agenda Item 26-039  
Planning Commission Hearing Date: January 27, 2026

This appeal is submitted by Douglas Scott Warren, Susan Ridgeway, Cheryl Gates and other interested parties as members of The Huntington Club.

We hereby submit this formal appeal of the Huntington Beach Planning Commission's decision approving Agenda Item 26-039 at its January 27, 2026, hearing.

The Planning Commission's action should be reversed because the approval is inconsistent with the Huntington Beach Zoning Code, improperly relies on a Class 32 CEQA exemption, and is based in part on unsubstantiated economic claims that are not supported by substantial evidence in the record.

### **1. The Approved Lodging Use Is Not Consistent with the Open Space Zoning District**

The project approved under Agenda Item 26-039 authorizes a lodging use within an Open Space zoning designation. Lodging is neither a permitted nor conditionally permitted use in the Open Space zone under the Huntington Beach Zoning Code.

The Commission's attempt to characterize the lodging component as incidental, accessory, or otherwise compatible with Open Space zoning is not supported by the Code and conflicts with the purpose and intent of the Open Space designation, which is intended to preserve land for recreational, conservation, and low-intensity uses—not transient occupancy or commercial lodging.

Approving a use that is not allowed by the zoning code exceeds the Planning Commission's authority and constitutes an improper de facto rezoning without legislative action.

### **2. The Class 32 (Infill) CEQA Exemption Does Not Apply**

The Planning Commission improperly relied on a Class 32 CEQA exemption. Class 32 applies only to qualifying infill development that meets *all* of the following criteria, including but not limited to:

- Consistency with applicable zoning and General Plan designations;

- Development within city limits on a site surrounded by urban uses;
- No significant effects related to traffic, noise, air quality, or water quality.

Because the proposed lodging use is **not consistent with the Open Space zoning designation**, the project fails the threshold requirement for a Class 32 exemption. An exemption cannot be used to bypass zoning inconsistencies.

Additionally, the record does not contain substantial evidence demonstrating that the project would not result in significant impacts related to traffic, noise, or neighborhood compatibility, particularly given the introduction of transient lodging into an Open Space area adjacent to residential uses.

For these reasons, reliance on the Class 32 exemption was legally improper.

### **3. The Commission Relied on Unsupported Economic Claims**

During deliberations, the Planning Commission relied in part on the applicant's assertion that the project would generate approximately **\$500,000 per year in tax revenue** to the City. No documentation, fiscal analysis, or independent verification was provided to substantiate this claim.

Unverified statements by an applicant do not constitute substantial evidence under California land use and CEQA law. Reliance on speculative economic benefits especially when used to justify approval of a zoning-inconsistent project—renders the decision arbitrary and unsupported by the administrative record.

### **4. The Decision Is Not Supported by Substantial Evidence**

Taken together, the zoning inconsistency, improper CEQA exemption, and reliance on unsupported financial claims demonstrate that the Planning Commission's approval of Agenda Item 26-039 is not supported by substantial evidence and does not comply with applicable law.

For the reasons stated above, we respectfully request that the City Council:

1. Grant this appeal.
2. Reverse the Planning Commission's approval of Agenda Item 26-039; and
3. Require that any future consideration of the project comply fully with the Huntington Beach Zoning Code and CEQA.

Thank you for your consideration of this appeal. Please include this letter and all supporting materials in the administrative record.

Sincerely,

*Douglas S. Warren 2/9/2016*

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