

## Santos, Ron

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**From:** safety@surfside.net  
**Sent:** Friday, December 02, 2005 2:37 PM  
**To:** rsantos@surfcity-hb.org  
**Subject:** Home Depot Magnolia & Garfield

Dear Ron,

I live to the south of Langenbeck Park and have an interest in the Home Depot proposal. First, I support the efforts of most of the people that live west of the site. They are truly impacted and it's time we make this better than and 1960's K-mart while we have a chance.

Second, keep up the good work and don't let Home Depot off the hook without doing what is right. They can afford it and make out City better in their variance requirements. This is not Kansas... (Sorry for the pun)

If we are going to have to a Home Depot we might as well make it as good as we can. We have to live with it for years to come and IT IS a residential area so it's important what the community says.

I do not want trucks or parking behind the store. I fully support NOT having access to the back of the store for trucks and parking! There is no reason for trucks to travel/traverse behind the store and employees and others to park or hang out back there. Move the store toward the west and allow a reasonable setback (25'?) and require a CCTV monitoring system, much like at the HB Wal-Mart for security. If the store needs more parking then require them to purchase the old Blockbuster property and/or reduce the store size.

Also, make sure the boundary along Magnolia and Garfield has a full setback with 2-3' rolling grade. An open fence (wrought iron?) on the perimeter would be positive to direct customers to the entrances.

If truck unloading is allowed on the north sides of the property require an adequate sound barrier to the west. As an example, a 12-14' extend the wall north past the store truck bay to near Garfield.

Do not allow a driveway at the northwest corner of the property. Suggest mid-property with a right turn enter/exit only. Trucks should enter the store from southbound Magnolia only. And then exit at Garfield and proceed north on Magnolia only.

Require Home Depot to CCTV monitor all property along both sides of Garfield and Magnolia in the area of the store. As an example up to Langenbeck back Magnolia frontage and beyond the property to the west on Garfield. Send the CCTV feed to HBPD too to discourage day laborers and ensure Home Depot enforces their policy on this issue. Post signs in English and Spanish.

Require Home Depot to improve the traffic island/turnouts and install a landscaped island on Magnolia south to Yorktown and north to Garfield, maybe with the City's financial help. Fix the sidewalks too. They are unsafe!!!!

I am so disappointed with some of our Council Members on this issue. They only care about the buck and not the community. We can have it both ways if we work together. This is supposed to be a neighborhood store so let's do all we can to make it that way.

Thanks for any help.

Sincerely,

DENNIS NACIEL (714) 574-5080

## Santos, Ron

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**From:** D&B Brown [b.d.brown@verizon.net]  
**Sent:** Thursday, December 01, 2005 8:09 AM  
**To:** wtborder@aol.com  
**Cc:** hbwave@ocregister.com; city.council@surfcity-hb.org; rsantos@surfcity-hb.org; Pat Dapkus; Cathy Fikes  
**Subject:** 12/1 Wave article re: Home Depot

Mr Borden,

Regarding your column in today's HB Wave, "It's OK to be business-friendly"..... I am one of those "nice people" who responded to your previous push to accept the Magnolia/Garfield Home Depot with open arms. And you are correct in predicting that you would once more hear from those of us who will be impacted by Home Depot. I am again puzzled at your refusal to consider the welfare of the surrounding neighborhoods should this project come to fruition.

You noted that "the proposal is to replace one 126,000 square-foot retail store with another 126,000 square-foot retail store". That statement may be factually correct. However, you know full well that there is a vast difference between K-Mart & Home Depot. The type & amount of traffic generated by these two different enterprises cannot be equated. You bemoan the proposed request that Home Depot scale back the size of their building so that the 86 parking spaces would not be required. Those 86 spaces you so glibly support would mean running engines, car alarms, slamming doors, loud stereos, not to mention the possibility of one of those cars or heavy trucks crashing through the fence less than 20 feet from our bedroom, from our kitchen & dining room. We will effectively lose the use of our back yard & patio not to mention the ability to enjoy the peace & sanctity of the interior of our home.

Scaling back the proposed Home Depot by 17,000 square feet is absurd to you. The city would apparently lose \$67,600 per year in added income. Divide that \$67,600 by the number of lives that will be adversely affected when Home Depot bulls it's way into this residential neighborhood. It seems little enough to allow long established homes & families to continue to enjoy THEIR investment.

Let me give you an example that you may be able to understand. When Chevron deeded the oil islands back to Beachwalk let's say the board decided to choose the island by Pool 4 & allow a 7-11 Quicky Mart to be built. I'm familiar with this area because we lived there for 10 years prior to buying this house. It would technically fit & I'm sure by inconveniencing neighbors a bit you could even get enough parking. The income generated could certainly be utilized by the city. Those citizens living across 17th or Palm would probably appreciate the convenience. If you or any of the other 447 owners of units within the community had objected you would have been classed as NIMBYs, but that would not change the fact that it would be totally inappropriate for the existing residential community. It is equally inappropriate to shoe horn a behemoth like Home Depot into an area bordered by 4 residential neighborhoods.

When last I wrote you I mentioned the fact that Home Depot is on record as being a bad neighbor. Your editor requested permission to print my response to your last article. However he chose to edit out the section regarding the hot line that Costa Mesa has had to implement to handle the repeated complaints about Home Depot not adhering to the operating restrictions that they agreed to for the Harbor/Wilson store. When I objected to that information being omitted from my letter you & your editor both replied that you didn't have time to verify the information. A 3 minute phone call is beyond the capabilities of the Orange County Register or it's columnists? Yet repeated articles about the importance of destroying a residential neighborhood for the good of the city coffers

continue to appear. Those who will be directly affected by his new endeavor are dismissed as whining NIMBYs.

Since I have copied the City Council I will also mention that I did not appreciate the comment attributed to Councilman Bohr in the 11/24 Huntington Beach Independent to the effect that those of us who live in this neighborhood deserve what we get. Yes we moved into this home with full knowledge that our back neighbor was a commercial operation. We fully expected K-Mart to remain our neighbor. Prior to buying this house we carefully checked the area at different times of the day, we checked K-Mart's operating restrictions, we spoke with the store manager. We were convinced K-Mart would be a good neighbor & this past 5 years they were. Home Depot the corporation, it's customers, it's vendors & apparently the city of Huntington Beach & the OC Register have decided that one commercial operation is equal to another. Who could have imagined that K-Mart, a national retail chain that has been in business as long as I can remember would suddenly shut their doors. If I'd had a crystal ball & could have seen that K-Mart would be replaced by Home Depot, one of the least neighbor friendly businesses then no, I would not have bought this house. What about the original owners in these tracts? K-Mart did not exist when this particular tract was developed. The backyard neighbor was an open field. Are these owners getting what they "deserve" as well?

Now as to your "pesudo-quixotic" comment regarding the Planning Commission. You probably believed that would go right over the heads of those of us here in the cheap seats. It is not unheard of for those charged with looking at all sides of an issue to disagree with corporate entities. As I told you in my last letter, my wife & I are not NIMBYs & we do not tilt at windmills. We want & expect the Huntington Beach Planning Department to look at the totality of the impact, not to just rubber stamp it as you apparently would wish them to do. My wife & I, as residents who will be directly affected, appreciate their efforts.

How much business do you want in Huntington Beach? Do you want to turn this quaint little beach city that I came to in 1960 into one giant outlet mall? Big box stores on every corner. Does the quality of life for residents have no value unless it's YOUR neighborhood that will be affected? Your articles regarding this Home Depot have been one-sided, pro-development, pro-tax dollar. If the OC Register or any other newspaper is going to address an issue they have an obligation to their readers to provide all known facts. Anything short of that is simply putting forward an agenda.

Sincerely,  
David Brown  
19092 Lindsay Ln.  
Huntington Beach, CA 92646  
714-378-1145

**Santos, Ron**

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**From:** Kathy Klingnberg [kkinhb@verizon.net]  
**Sent:** Sunday, September 18, 2005 10:18 PM  
**To:** Ron Santos  
**Cc:** city.council@surfcity-hb.org; Pat Dapkus; Cathy Fikes  
**Subject:** Response to Home Depot Plan #3

September 18, 2005

Mr. Ron Santos  
Planning Department  
City of Huntington Beach  
2000 Main Street, 3<sup>rd</sup> Floor  
Huntington Beach, CA 92648

Dear Mr. Santos,

As residents that surround the former Kmart site at Magnolia Av .and Garfield Av., we are very concerned with the possible addition of a Home Depot at this location. This portion of Huntington Beach is primarily a residential area, with some light commercial businesses located near to the intersection. The former Kmart store was the largest commercial business in our immediate area and can no way be compared with the type of business that a Home Depot represents. There are a number of concerns that parallel a store like Home Depot, including traffic, noise, deliveries, hours of operation, and day labor issues, and we have listed them in detail following this letter. We understand that Home Depot contributes a sizable tax base to our city and request that you consider not only the equity of this type of business, but also, more importantly, the negative environmental impacts on surrounding neighborhoods. There are a number of less intrusive businesses that could thrive at this location and would be entirely welcomed by the local residents.

Starting from the submittal of their initial plan to the City of Huntington Beach, Home Depot has demonstrated the type of neighbor it intends to be. Rather than submit a plan that contained the least amount of impact to the surrounding neighborhoods, Home Depot presented a plan encumbered with items that require mitigation measures. And they submitted this type of plan, not once, but now for a third time. Home Depot has faced challenges in several cities for many of the same reasons we are challenging them now: traffic, noise, hours of operation and delivery, and day labor issues. They have had many opportunities to develop a plan containing the absolute least amount of impact to the surrounding neighborhoods, but continue to submit plans that ignore many of the concerns of the local residents and recommendations of the Huntington Beach Planning Dept. Even after listening to our concerns at their community meeting of September 6, 2005, Home Depot submitted a revised plan that did not address but one concern.

A large number of persons affected by the proposed Home Depot have attended the community meetings and it is apparent that the company either can not or will not incorporate, or even address for that matter, issues that are very important to the surrounding community. Potential significant impacts

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ATTACHMENT NO. 9.4

aside, we see that the community's suggestions relative to site building orientation, site access and on-site truck circulation, hours of operation and delivery, and pedestrian safety have largely been ignored in the latest project application. On a significant project within the community, the people that will be exposed to the impacts of operation deserve to have a direct response to issues of concern. Since such direct response has not or will not occur in community meetings, we are looking to the EIR process to afford such direct response and interaction. We understand that the EIR requirement is the heart of CEQA, and that an agency must solicit and respond to comments from the public and other agencies concerned with the project. (See: Sections 15073, 15086, 15087, and 15088.) Other information from the CEQA guidelines shows that an EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected. (*County of Inyo vs. Yorty*, 32 Cal. App. 3d 795.). Also, the EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. (*People ex rel. Department of Public Works v. Bosio*, 47 Cal. App. 3d 495.). In particular, we believe that the EIR process would allow serious consideration of an alternative building orientation that local residents believe would reduce noise impacts from the site.

Following is a list of our concerns pertaining to Home Depot occupying the site at Magnolia/Garfield, and possible solutions to those concerns. This list should in no way be considered complete until we have had full time to review the Planning Department's response to Home Depot's most recent plan submittal. As always, thank-you for your time and attention,

Kathy Klingenberg  
714 963-1855  
[kkinhb@verizon.net](mailto:kkinhb@verizon.net)

### **Home Depot Concerns/Potential Solutions**

**Concern #1: Our children's safety crossing Magnolia Ave. in order to get to and from Talbert Middle School during Home Depot's busiest hours. There will be a substantial increase in large truck traffic due to contractors picking-up their building supplies and Home Depot receiving 10-15 large truck deliveries daily. By Home Depot's own admission, their main deliveries are made early morning and late afternoon, around the time our children would be crossing Magnolia Av.**

**Solution to #1: We recommend Home Depot change their hours of operation. Home Depot has requested to be open from 5:30am until 11pm. We strongly recommend the hours of 9am to 7pm to avoid the time when our children are going to school. We recommend deliveries between the hours of 9am and 2pm in order to accommodate the safety of our children. Home Depot stated at their meeting of Sept. 6<sup>th</sup> 2005, that their deliveries are sent directly from their own distribution center. They are not only able to direct the trucks using a specific route but are also able to send them at specific**

hours.

**We strongly recommend that either a Crossing Guard be added to the south side of the Magnolia/Garfield intersection or that a full pedestrian light and crossing guard be added at the pedestrian crossing, just south of that intersection.**

**Concern #2: Home Depot's hours of operation.**

**Home Depot has requested to be open between the hours of 5:30am-11pm seven days a week, with employees arriving/departing before and after those hours.**

**Solution to #2: Home Depot stated at their meeting of Sept. 6<sup>th</sup> 2005 that this store will be a neighborhood oriented store, not a contractor oriented store. We recommend hours that would fit into a neighborhood, and request their hours of operation to be from 9am to 7pm daily, with employees arriving no earlier than 8:30am.**

**Concern #3: Home Depot's hours of delivery.**

**Home Depot has requested the possibility of 24 hour deliveries, seven days a week. According to the latest plan, they expect 10-15 large truck and 2-3 lumber deliveries daily.**

**Solution to #3: Home Depot stated at their meeting of Sept. 6<sup>th</sup> 2005, that their deliveries are sent directly from their own distribution center. They are not only able to direct the trucks using a specific route but are also able to send them at specific hours. We strongly recommend that deliveries be made between the hours of 9am and 2pm Monday through Friday to accommodate the safety of our school children with NO deliveries on weekends and holidays.**

**Concern #4: Noise and air pollution from vehicle traffic directly behind the Home Depot building, including deliveries and parking.**

**Home Depot has requested to have delivery trucks enter on Magnolia Av. and travel around the entire rear of the building, less than 50 feet from homes, before backing into an enclosed unloading area that is adjacent to homes facing Garfield Av. They have requested to build an 8 foot wall in place of the existing 6 foot wall which would offer little, if any, real**

**mitigation. Home Depot has also requested to have parking stalls lined along the entire back wall, perpendicular to the existing homes, with only an 11 foot setback.**

**Solution to #4: Our first recommendation is to have the building reoriented 90 degrees with the front of the store facing Garfield. This would mitigate for noise and air pollution due to large truck traffic and deliveries. Rotating the store would direct the delivery traffic away from existing homes and could offer a way for deliveries to be made with the least amount of impact on adjacent neighbors. We also request that a 20-40 foot wide earthen berm be added, running north/south along the existing common back wall of the Lindsay Lane residents. Adding the 20-40 foot berm would also mitigate noise, air pollution, and lack of privacy for the existing homeowners. Home Depot has used this mitigation measure in the recent past at Harbor/Wilson in Costa Mesa.**

**We request that you examine the Final Conditions of Approval (items 5 and 6) for that site, and also the aerial view of that site, which includes the earthen berm.**

**Our second recommendation would be to leave the building in the original location with NO traffic or parking allowed at the rear of the store. Deliveries could be made in a drive-thru location at the south end of the building. In order to accommodate required parking, Home Depot may need to either acquire the Blockbuster property or redesign the building to an appropriate size.**

**Our third recommendation would be the original plan BUT with the addition of the 20'-40' wide earthen berm to run north-south along the common back wall of the Lindsay Ln. residents. In order to accommodate required parking, Home Depot may need to either acquire the Blockbuster property or redesign the building to an appropriate size. Home Depot has used an earthen berm as a mitigation measure in the recent past at Harbor/Wilson in Costa Mesa. We request that you examine the Final Conditions of Approval (items 5 and 6) for that site, and also the aerial view of that site which includes the earthen berm.**

**Concern #5: Many of us are very concerned with the day-labor issue. We have children that walk to school in front of the existing Kmart to attend**

**Newland Elementary school, and also children that walk across Magnolia Av. to attend Talbert Middle school. There is a Taco Bell on the former Kmart site that many of our children frequent. There is also a public park very near to the proposed Home Depot site that is used heavily by local children and adults. Home Depot said in their meeting of Sept. 6, 2005 that they would prosecute day-labor that remained on their property but admitted they have no responsibility for day-labor on public property-it would be up to local police to enforce loitering.**

**Solution to #5: We expect Home Depot to take a pro-active role in identifying day-labor and we expect them to take the initiative in calling local police authorities when day labor is loitering in the vicinity of Home Depot. Home Depot needs to extend their arm of responsibility in order to keep our neighborhood safe and free from the problems that arise with the loitering of day-laborers. This type of problem exists solely with this type of business-we have never been concerned with day-labor until Home Depot. The Home Depot center at Harbor and Wilson has incorporated security officers in order to address this problem.**

**Additional concerns include the use of a loudspeaker system in the garden center which is very near to residences. The Final Conditions of Approval (item 38) for the Costa Mesa store on Harbor/ Wilson states, "Loudspeaker/public address systems shall be prohibited outside any building, including the garden center except for the drive-thru restaurant...near Harbor Blvd. Alternate methods, such as pagers or cell phones shall be used for contacting employees and other personnel." In addition, to reduce the noise for adjacent residents, the Costa Mesa store uses only forklifts with Pneumatic tires and no back-up beepers in the outdoors (Final Condition of Approval #22).**

**We are also concerned about the potential for accidents at the Garfield Av./ Lindsay Lane intersection. We already have a number of drivers making a U-turn from westbound Garfield at Lindsay Lane which poses a great potential for accidents. That number is sure to increase as the traffic and deliveries for Home Depot increases. A No U-turn sign is NOT the answer since vehicles would be forced to drive into the Coral Shores tract to make a U-turn. A left turn lane into the former Kmart lot from westbound Garfield may**

**need to be considered. Another alternative may be to add a traffic light at Garfield Av. and Lindsay Ln.**

**Although the revised traffic study shows a small increase in the amount of traffic, we feel that the study is not based on actual information. We also believe that the Santa Barbara based company that was hired to complete the traffic study may not be aware of local nuances of traffic.**

**I have lived on Lindsay Lane for 25 years and can attest to the fact that the former Kmart, even during its most profitable period, did not generate anywhere near the 3,600 cars per day that Home Depot expects to receive. Home Depot will not only increase the traffic on Magnolia Av. and Garfield Av in both directions, but it will also increase a type of large truck and delivery traffic that may be unprecedented in such a residential area. We urge you to consider how the traffic will negatively impact the surrounding neighborhoods and the reality that the traffic will only continue to increase in the future.**

**As a group of concerned voting, and taxpaying residents of Huntington Beach, we sincerely hope that any decisions considered for this project, including concerns not previously listed above, be made in the best interest and safety of the project's surrounding residents and neighborhoods, and also be based on the findings of a complete Environmental Impact Report.**

**Please view the attachments to this email which includes a copy of the Harbor-Center Costa Mesa Home Depot Final Conditions of Approval and an aerial view of that location with both the 20' and 40' berms circled in red.**

## Final Conditions of Approval for

APPL. DA-00-50

## Harbor Center-Home Depot

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The above-roof sign on the northwest corner of building Major 4 shall be relocated below the roof-line.
2. If the access easement on the adjoining property to the north is to be ultimately used for parking, the applicant shall provide proof that this easement may be used for parking, prior to inclusion in any parking counts used to satisfy code requirements. Proof shall be in the form of a recorded document.
3. To comply with mitigation measure #45, the northerly access easement document may need to be modified to permit landscaping within the easement area. Canopy trees are the desired form of landscaping in this area, however, if this is not possible, the applicant shall work with Planning staff on landscaping alternatives and/or alternative locations for the desired canopy trees. The applicant shall provide proof that this easement may be used for the placement of canopy trees, prior to the issuance of building permits for building Major 4. Proof shall be in the form of a recorded document.
4. The existing access between this site and the apartment project to the north, as well as between this site and the apartment project to the east, shall be maintained and enclosed via installation of a solid gate. The gates shall be controlled by the owners or managers of the adjacent apartments.
5. (a) A 20-foot deep landscaped berm, up to eight feet high from lowest grade (residential property), shall be constructed between the required soundwall and the existing 6' high block wall at the easterly property line. This buffer shall extend from the northerly property line, along the easterly property line abutting the single-family residences. Landscaping, lighting, and access locations shall be reviewed and approved by Planning staff prior to installation. Drainage and wall construction plans shall be reviewed and approved by Engineering and Building Divisions.
- (b) The bermed area shall be maintained on a regular basis, in accordance with the City's Landscape Ordinance in terms of watering practices, pruning, trimming, removal of dead branches, weeds and debris. Lighting shall be on an automatic timer for nighttime illumination only.
- P.D. 6. Vandal-resistant security (video) cameras, installed at strategic locations at the bermed buffer strip, are recommended for observing the area for maintenance and security purposes.

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- Plng. 7. The existing access to the site from Wake Forest Drive shall be closed with a solid, opaque wall at least eight (8) feet in height from lowest grade.
8. The portion of the site identified as the 1.37-acre future development will be subject to processing and environmental review independent of this application.
9. A sign shall be posted at the northwest corner of the outdoor garden center stating "No Customer Access Beyond This Point," to advise customers that the north and easterly driveways around and behind building Major 4 are for deliveries and employee parking only. A sign shall also be posted at the Wilson Street entrance to the easterly driveway stating "Service Entrance Only - No Customer Access." This condition may be modified by staff when the approvals for development are granted for the future development area.
10. The parking areas north and east of the Major 2 through 4 building shall be designated employee parking, and owners/managers of businesses in this building shall require their employees to park in these areas during daylight hours, when spaces are available.
11. Post-construction storage shall be prohibited in the future development area as well as parking of construction employee vehicles. Temporary storage of soil, plant material, and irrigation piping used for the berm in this area shall be permitted.
12. The northwest corner of the future development area shall be modified to create a corner cut-off to improve truck maneuvering.
13. The gate access into the future development area shall be kept secured at all times, except when there is a need for authorized personnel to be in the area.
14. A Land Use Restriction (LUR) executed by and between the applicant and the City of Costa Mesa shall be recorded prior to issuance of building permits. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal owner(s) so that the document may be prepared. The LUR shall ensure that existing and future owners and tenants are aware of restrictions on this project and the need to comply with certain operational characteristics as specified under conditions 4, 5, 9, 10, 11, 13, 21-27, 29, 34, 37, 38, 41-43, 46, and 47. The LUR may automatically terminate upon recordation of CC&R's containing the same provisions, provided such provisions in the CC&R's may not be altered without the approval of the City of Costa Mesa.
15. Final elevation plans for each building shall be submitted for pre-plan check review by the Planning Division. Approved elevation plans shall be incorporated into the plan check plans.

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16. The conditional use permit and minor conditional use permits herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit and minor conditional use permits may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.
17. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
18. Prior to issuance of building permits, applicant shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
19. Street addresses shall be displayed on the freestanding sign or, if there is no freestanding sign, on the fascia or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be a minimum 12" in height with not less than  $\frac{3}{4}$ " stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than  $\frac{1}{4}$ " stroke and shall contrast sharply with the background.
20. Demolition permits for the existing buildings and building permits for the building identified as Major-2, Major-3B, S-3A, Major-4 (including the outdoor garden center) on the site plan shall not be issued until all sound walls and related berms are completely constructed. The complete plans for the landscaped berm, sound walls, lighting and drainage shall be submitted for review and approval by the City prior to issuance of building permits. Drainage, lighting, landscaping and irrigation shall be installed upon completion of the sound wall without delay.
21. All delivery/overhead doors shall be completely closed when not in use for loading or unloading activities.
22. All forklifts used outdoors shall have pneumatic tires, not hard rubber tires.
23. Speed bumps and speed humps shall be prohibited in the easterly and northerly (delivery) driveways.

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24. The home improvement tenant may only store rental equipment on an overnight basis in the canopied, drop-off, pick-up area (porte-cochere) located at the southwest corner of the store. There shall be no overnight parking or storage of trucks or other delivery vehicles, and no storage of equipment, or merchandise at any time, in the northerly 60' of the site. This area shall remain clear for access and customer/employee parking, with the exception of landscaping as required, under the direction of Planning staff.
25. Seasonal sales at this center shall have the following limitations:
- (a) Four (4) display areas as depicted on the submitted site plan attached to this report, with characteristics as follows:
    - 1) Not more than 45 parking spaces in front of the outdoor garden center;
    - 2) Not more than 30 parking spaces in front of the store labeled Major-2;
    - 3) Not more than 20 parking spaces in front of the store labeled Major-3B;
    - 4) Not more than 14 parking spaces on the south side of building Major-5.
  - (b) Each major tenant may have sidewalk/parking lot sales in compliance with Municipal Code requirements (currently limited to 4 sales per fiscal year and 3 days per sale, with the exception of seasonal events such as Christmas (5-week maximum outdoor display allowed) and Halloween (3-week maximum outdoor display allowed)).
  - (c) If parking becomes a problem because of the number and duration of the seasonal sales and/or because of the number of parking spaces made unavailable by the display items, the minor conditional use permit shall be scheduled for review by the Zoning Administrator for possible modifications or for revocation.
26. (a) On-site, 24-hour, uniformed security, licensed pursuant to Business and Professions Code Section 7580 et.seq., responsible for ensuring against loitering and suspicious or surreptitious activities as well as securing the easterly future development area, shall be provided during all construction phases of the project.
- (b) Applicant shall provide 24-hour, on-site, uniformed security personnel at Harbor Center, not only during construction, but also during operation of the center.
27. The center shall be clearly posted with signs stating in English and in Spanish: "No solicitation or hiring for jobs other than to be employed by tenants in this shopping center. Violation constitutes a misdemeanor under Penal Code Section 602." As an alternative, the signs shall direct Interested parties to the Costa Mesa Job

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- Center or private placement agencies, with addresses included for each listed referral.
28. Except as necessary for drainage (and for berms), existing grades at property lines shall be maintained.
  29. Trash pick-up at any store in building Majors 2-4, including the outdoor garden center, shall not occur before 7 a.m. on weekdays, or 8 a.m. on weekends nor after 5 p.m. on any day.
  30. All truck delivery areas that are depressed (i.e., truck dock wells) shall be required to be screened on the easterly side with a ten (10') foot high sound (masonry) wall. All truck docks at surface grade level shall be required to be screened on the easterly side with a fourteen (14') foot high sound wall. In addition, all loading dock areas shall be installed with dock seals.
  31. Roof-top equipment for all buildings shall be architecturally screened by building parapets or equipment screening compatible with the architecture of the building, under the direction of the Planning staff. The equipment shall not be visible from second-story bedroom windows of the nearby Westfield apartments. Screening shall be reviewed and approved by the Planning Division.
  32. The trash compactor shall be located inside the enclosed loading dock of Home Depot Building "Major 4", and includes the stipulation that the trash compactor shall be installed within a truck well enclosure with sound attenuated walls.
  33. The conditions of approval and ordinance or code provisions of planning application PA-98-50 shall be blueprinted on the face of the site plan.
  34. All operational conditions and restrictions of this master plan shall be complied with by all applicable businesses in this center, regardless of operating hours, up to and including 24 hours per day.
  35. The applicant shall contact the Planning Division to arrange for a "special requirements" inspection of the site prior to the release of occupancy for each building phase. These inspections are to confirm that the conditions of approval and code requirements have been satisfied.
  - 36.\* A masonry wall with no gaps or openings shall be constructed along all property lines which abut residentially-developed property. The wall shall be of a finished quality on both sides. The wall shall be located as noted on submitted berm plans attached to this report, and shall identify where emergency/security and maintenance access doors will be. These doors shall be shown on the sound wall and landscape plans, and shall include a locking mechanism. Doors shall be and constructed of a solid material which satisfies the noise mitigation criteria described in the noise study prepared by

APPL. PA-98-50

Mestre Greve Associates. In addition, absorbing material as noted for the walls in receptor areas 1 and 2 shall be of a type that withstands inclement weather.

The sound attenuation shall consist of the following in the described areas:

Receptor 1 Area

12' high sound wall with a facing of absorbing material at the top 4 feet of wall OR 9' high sound wall, and dual pane windows and air conditioning installed at adjacent apartments.

Receptor 2 Area

17' high sound wall with a facing of absorbing material at the top 4 feet of wall OR 12' high sound wall, and dual pane windows and air conditioning installed at adjacent apartments.\*

Receptor 3 Area

12' high sound wall (measured from highest grade; 14' from residential grade) plus 20' wide, landscaped berm (average 8' high berm as measured from the lowest residential grade), between the sound wall and the existing 6' high block wall.

Receptor 4 Area

12' high sound wall (measured from highest grade; 14' from residential grade) plus 20' wide, landscaper berm (average 8' high berm as measured from the lowest residential grade), between the sound wall and the existing 6' high block wall.

Receptor 5 Area

14' high sound wall.

Additional absorption material shall be installed on all sound walls to reduce sound vibration or reverberation.

- 37.\* Hours of operation for all outdoor activity to the east and north of the buildings (including use of loading docks, deliveries, loading and unloading of trucks, movement of all product from outside to inside the building, trucks driving to the back of the

APPI. PA-98-50

- site, and forklift operations) shall be limited to 7 a.m. to 8 p.m., Monday through Friday and 8 a.m. to 5 p.m., Saturday, Sunday, and holidays. This does not apply to freestanding buildings along Harbor Boulevard.
- 38.\* Loudspeaker/public address systems shall be prohibited outside any building, including the garden center, except for the drive-through restaurant and drive-through pharmacy locations near Harbor Boulevard. Alternate methods, such as pagers or cell phones, shall be used for contacting employees and other personnel.
- 39.\* The pallet enclosure, propane tank, and generator, shall be located adjacent to the center of building Major-4, and shall be enclosed to mitigate any noise. The transformer for Major-4 shall be located adjacent to the north side of building Major-4. Noise associated with the foregoing shall be attenuated to within limits established by the City's Noise Ordinance. The applicant shall show proof through a noise study that all such equipment will satisfy the City's noise standards with respect to adjacent residential properties. After installation, the applicant shall submit to the Planning Division actual noise measurements, taken from surrounding residential properties. Based on this noise study, additional improvements may be required to ensure that the equipment will operate in compliance with City noise standards.
- 40.\* The trash compactor shall be located as far away from residentially-developed property as possible. At the beginning of operation of the trash compactor for Major-4, but no later than 30 days after the operation commences, the applicant shall submit to the Planning Division actual noise measurements, taken from surrounding residential properties. Based on this noise study, additional improvements may be required to ensure that the equipment will operate in compliance with City noise standards.
- 41.\* All openings (doors, truck bays, windows) facing any residentially-developed property shall be closed before 8 p.m. Monday through Friday and before 5 p.m. Saturday, Sunday, and holidays and shall not be reopened prior to 7 a.m. Monday through Friday, and 8 a.m. Saturday, Sunday and holidays.
- 42.\* At all times, when not in motion, trucks shall have the motors turned off, including refrigerator motors, generators, and diesel engines, specifically when loading and unloading and waiting in line, and the security guards shall enforce this condition.
- 43.\* Grading and construction shall not occur before 7 a.m. or after 8 p.m., Monday through Friday, nor before 8 a.m. or after 7 p.m. Saturday, Sunday and holidays. Exceptions may be made for

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- activities that will not generate noise audible from off site, such as painting and other quiet interior work. Construction activities on Sunday shall be limited to interior work. The grading and construction hour restrictions shall also apply to the staging of construction equipment, delivery of supplies, and the arrival of contractor employees.
- 44.\* Lighting shall be designed to provide adequate illumination of the parking lot (no dark spots) without spilling-over onto adjacent residentially-zoned property. Shielding or other methods necessary to prevent light spill-over shall be incorporated.
- 45.\* Non-deciduous, canopy trees shall be planted along the east and north property lines, next to residentially-zoned property, to soften and screen views of the building from the adjoining residences.
- 46.\* Products shall not be visible above the garden center wall at Major-4.
- 47.\* The outdoor garden center at Major-4 shall be enclosed with dense mesh screening.
- Eng. 48.\* Maintain the site in a "wet-down" condition to the degree necessary to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
- 49.\* A soils report, prepared by a soils engineer, shall be submitted detailing how the construction bridging the storm drain will protect the line against future problems.
- Trans 50. Reconstruction/widening of the signalized entrance on Harbor Boulevard to provide four lanes (two enter/two exit) shall be coordinated with the existing median opening, crosswalk and the signal controller cabinet locations in mind in order to minimize impacts/modifications to existing improvements.
51. A traffic signal maintenance easement shall be executed to accommodate reconfiguration of traffic detection loops in the parking lot aisle.
52. Dual right turns will not be permitted from northbound Harbor Boulevard into the signalized entrance as shown by arrows on the plan.
53. The ultimate property line of 42 feet from centerline for Wilson Street shall be clearly identified on the site plan and the curb location shall be correctly shown relative to the existing right-of-way.
54. The aisle width at the rear of the Major-2 building shall be a minimum of 22 feet wide to accommodate compact parking and shall be shown clearly on the site plan.

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55. If new development does not take place within 2 years in the area labeled "future development", a sound wall shall be constructed between the subject development and the "future development" area.
56. The applicant shall construct a 14-foot high masonry wall between the "future development area" and the easterly driveway serving Home Depot "Major 4", Lucky "Major 2", and future tenants, prior to the issuance of building permits for the "Major 4" building. The wall shall include an 8-foot high, double-gate maintenance access gate, between 15 and 20 feet wide, with the location to be determined by the Development Services Director. This "future development area" shall be maintained free of weeds, weed vegetation, and excessive dust.
57. If allowed by CAL-OSHA, all forklift back-up beepers shall be switched off during operations in the outdoor non-public loading and unloading areas behind Majors 2 through 4, including the outdoor garden center.

- \* These mitigation measures of the negative declaration have been included as conditions of approval. If any of these conditions are removed, the decision-making body must make a finding that the project will still not result in significant environmental impacts and that the negative declaration is still valid.

### CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Four (4) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and one (1) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
2. Two (2) sets of landscape and irrigation plans, approved by both the water agency and the Planning Division, shall be attached to two of the final building plan sets.
3. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency Mesa

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- Consolidated Water District, Ray Barela - (714) 631-1291 for requirements.
4. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
  5. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
  6. Trash enclosure or other acceptable means of trash disposal shall be provided. Design of trash enclosure shall conform with City standards. Standard drawings are available from the Planning Division.
  7. In compliance with the City's mitigation monitoring program, the applicant shall submit a compliance report to the Planning Division along with plans for plan check, or prior to commencement of the project's activity if no construction is involved, that lists each mitigation measure and states when and how the mitigation measures are to be met.
  8. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
  9. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
  10. All on-site utility services shall be installed underground.
  11. All compact parking spaces shall be clearly marked "compact" or "small car only".
  12. Parking stalls shall be double-striped in accordance with City standards.
  13. Proof of recordation of the final parcel map or lot line adjustment shall be submitted prior to issuance of building permits for each affected building.
  14. Development shall comply with all requirements of Section 13-45 and Article 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.
  15. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
  16. Approval of the planning application is valid for one (1) year and will expire at the end of that period unless building permits are obtained, or the applicant applies for and is granted an extension of time.

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17. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
18. Provide proof on the site plan and on landscape plans submitted for plan check, that a minimum of 8,200 sq. ft. in interior landscaped area is provided. Interior landscaping shall include canopy trees throughout the parking area.
19. \*\* In compliance with Costa Mesa Municipal Code Section Chapter IX, Article 12, provide one or more improvements, as detailed within City Code, to reduce vehicle trip generation.
- Trans 20. \*\* Fulfill mitigation of off-site traffic impacts at the time of issuance of certificate of occupancy by submitting to the Planning Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the increased average daily trip generation rate of 1,384 trip ends for the shopping center and includes a credit for any existing use. At the current rate of \$150 per trip end, the Traffic Impact Fee is estimated as \$207,600. The traffic impact fee will be adjusted accordingly for any changes in overall building size and calculated trip ends.
- Eng. 21. At the time of development submit for approval an off-site plan to the Engineering Division and grading plan to the Building Division that shows sewer, water, existing parkway improvements and the limits of work on the site, and hydrology calculations, both prepared by a civil engineer or architect. Construction access approval must be obtained prior to building or engineering permits being issued by the City of Costa Mesa. Pay off-site plan check fee to the Engineering Division. An approved off-site plan and fee shall be required prior to engineering/utility permits being issued by the City.
22. A construction access permit and deposit of \$2,000.00 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work.
23. Haul routes must be approved by the Engineering Division, prior to approval of the site access permit.
24. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit per Costa Mesa Municipal Code Section 15-32, and as approved by city engineer. Cash deposit or surety bond amount to be determined by the City engineer.
25. Obtain a permit from the Engineering Division and construct a P.C.C. commercial sidewalk per City of Costa Mesa standards as shown on the off-site plan, including 4' around obstructions in the

APPL. PA 00 50

- sidewalk, on Wilson Street. Any damaged portions of sidewalk or curbing on Harbor Boulevard as a result of work on this project shall be repaired or replaced, under the direction of the Engineering Division.
26. Obtain a permit from the Engineering Division at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa standards as shown on the off-site plan. Location and dimensions are subject to the approval of the Transportation Services Manager. A.D.A. compliance is required for all driveways.
27. Construct storm drain facilities as per City of Costa Mesa Master Drainage Plan.
28. Fulfill Drainage Ordinance Fee requirements prior to approval of approval of plans.
29. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa; they shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains will require a Hold Harmless Agreement prior to issuance of permit.
- Bldg. 30.\*\* Prior to issuance of any building permits, applicant shall submit a Water Quality Management Plan (WQMP) that identifies the application and incorporation of those routine structural and non-structural Best Management Practices (BMPs) outlined in the countywide National Pollution Discharge Elimination System (NPDES) Drainage Area Management Plan (DAMP), Appendix G. The WQMP shall detail implementation of BMPs not dependent on specific land uses, for review and approval by the Development Services Department.
31. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
- 32.\*\* Demolition permits for existing structures shall be obtained and all work and inspections completed prior to initiation of construction of structures. Applicant is advised that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
- 33.\*\* Applicant shall show proof of compliance with AQMD prior to issuance of building, grading, or demolition permits.
- Fire 34. On-site fire hydrants shall be provided, under the direction of the Fire Prevention Bureau. Fire hydrant plans shall be approved by the Fire Prevention Bureau.
35. All hydrants shall be installed and operable prior to the initiation of combustible construction.
36. Water improvement plans shall be approved by the Fire Department.

APPL. PA-98-50

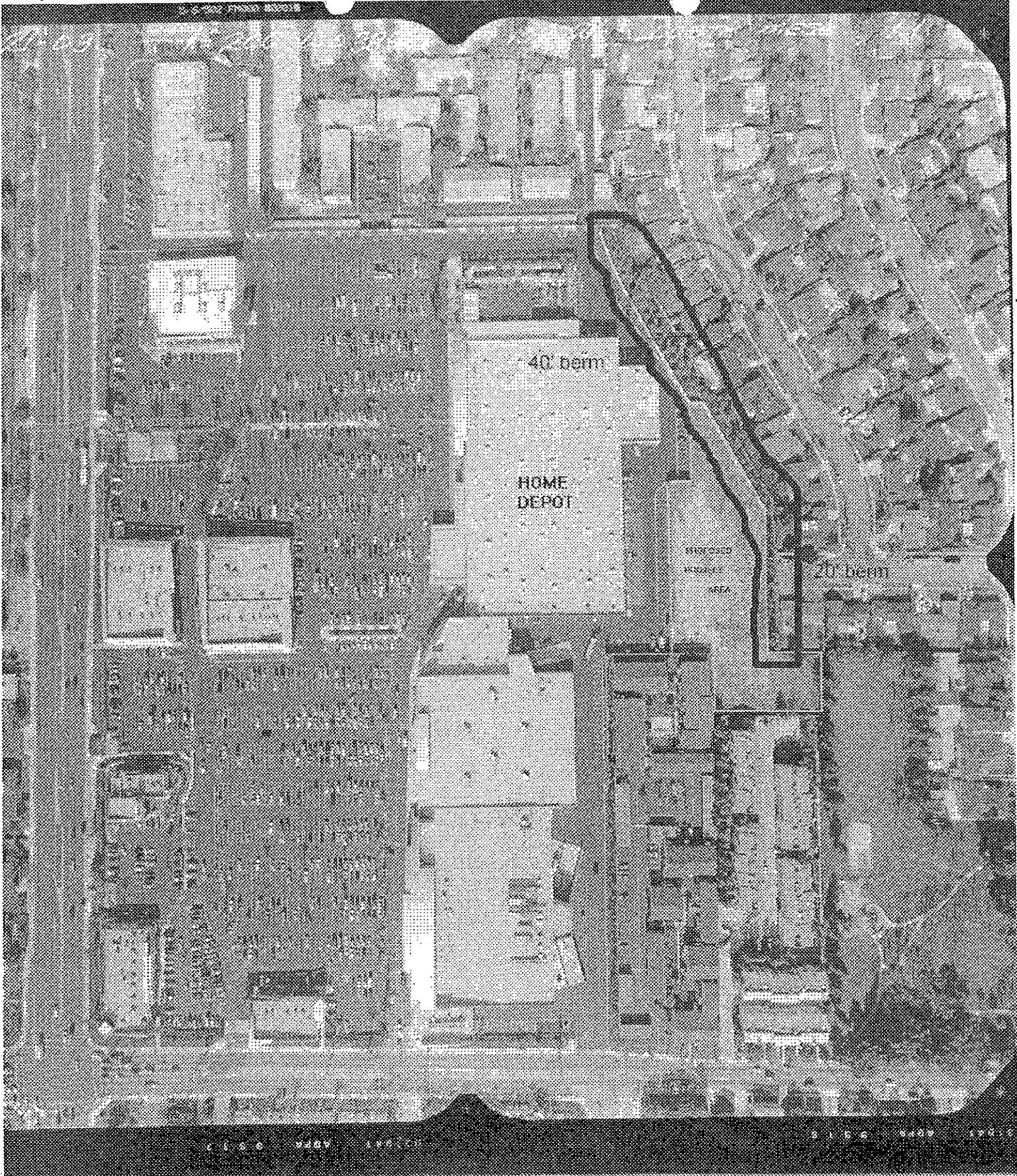
37. Access consisting of a minimum 20 foot wide roadway capable of supporting fire apparatus shall be maintained to all fire hydrants from the time that the hydrants are placed into service. Special consideration shall be given to maintaining the integrity of such roadways during periods of inclement weather.
38. Provide an automatic fire sprinkler system according to NFPA 13.
39. Provide "Blue Dot" reflective markers for all on-site fire hydrants.
40. Fire hydrant plans shall be approved by the Fire Prevention Bureau prior to installation of hydrants.
41. Paths of travel on public sidewalk at Harbor Boulevard and Wilson Street shall be accessible per ADA requirements.

\*\* These code requirements are also mitigation measures.

### SPECIAL DISTRICT REQUIREMENTS

The requirement of the following special districts are hereby forwarded to the applicant:

- |                |    |  |
|----------------|----|--|
| Sani.          | 1. | Developer will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.  |
|                | 2. | County Sanitation District fees, fixture fees, inspection fees, and sewer permit required prior to issuance of building permits. To receive credit for buildings to be demolished, call (714) 754-5307 for inspection.   |
|                | 3. | Developer shall submit a plan showing sewer improvements to the district engineer's office- (714) 631-1731 - prior to the issuance of building permits. Developer is required to contact the Costa Mesa Sanitary District at (714) 754-5307 to arrange final sign-off prior to certificate of occupancy being released.                                    |
| School         | 4. | Applicant shall submit proof that applicable development fee has been paid to the Newport Mesa Unified School District (424-7530) prior to the issuance of building permits.   |
| Fish &<br>Game | 5. | Applicant shall submit a check to the Planning Division for an environmental handling fee of \$38.00 made payable to the county clerk-recorder within seven (7) days of project approval. Approval of this project will not be vested or final until the filing fee (required under section 711.4 of the Fish and Game Code) has been paid [PRC 21089(b)]. |



HARBOR CENTER  
TUESDAY, JAN. 21, 2003  
2349 COLLEGE DRIVE CIRCLED  
SCALE: 1" = 200'

ATTACHMENT NO. 9.23

**Bazant, Denise**

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**From:** Culbreth-Graft, Penelope  
**Sent:** Monday, September 19, 2005 1:22 PM  
**To:** Bazant, Denise  
**Subject:** FW: Home Depot

Please assign for response. Thanks

-----Original Message-----

**From:** Coerper, Gil  
**Sent:** Monday, September 19, 2005 12:05 PM  
**To:** Culbreth-Graft, Penelope  
**Subject:** FW: Home Depot

Per our discussion this AM  
Gil

-----Original Message-----

**From:** Martin Bannon [mailto:mbannon@socal.rr.com]  
**Sent:** Sunday, September 18, 2005 8:44 PM  
**To:** gcoerper@surfcity-hb.org  
**Subject:** Home Depot

## Home Depot

Dear Council Member Coerper,

Please allow me to introduce my self. My name is Martin Bannon and my family and I live at 8921 Crescent Drive in Huntington Beach.

As I am sure you are aware Home Depot are planning on moving in to the old K-Mart building on Magnolia Avenue. This is behind my home. Obviously when I bought my home K-Mart was there and I do not have a problem with a business being there but I am really concerned with all the issues that Home Depot will bring. I will try and be brief and point out a few of the items that concern me and hopefully you can review them and perhaps be kind enough to respond.

There are quite a few families that are directly behind the building that with the proposed changes are going to suffer a considerable negative impact they have formed a neighborhood group to address all of their concerns and I am sure you have already heard their concerns.

9/19/2005

ATTACHMENT NO. 9.24

All the major stores in our city, Home Depot at Goldenwest/Warner, Home Expo at Edinger, Lowe's at Warner/Beach, Wal Mart at Beach/Talbert and these are just the ones I am aware of are primarily in business areas. Home Expo has homes behind it as does Wal Mart with a significant distance between the store and the homes and Lowe's have homes across the street, a six-lane street.

None of the above mentioned stores have the density of family homes and apartments that this new proposed store will impact.

The above-mentioned stores all have a least one street that has six traffic lanes to help with the congestion of vehicles coming and going to the store. Conservative estimates place 3000 plus vehicles per day going to the Home Depot store. How negatively impacted are all the residents going to be with the volume of traffic, pollution, accidents and general wear and tear on the streets leading to our neighborhoods. In addition there are estimates that 16-18 Semi-trailers will make deliveries per day all coming from the 405-freeway south on Magnolia.

The proposed Home Depot at Magnolia/Garfield will have homes 10-20ft from parking stalls behind the store and also this is the access route for the delivery trucks. There are homes across the street on Garfield. Across the street on Magnolia there are apartments and also a street that leads into homes. And finally Crescent drive where I live that will border the South portion of the store.

The majority of vehicles going to the store will not be your mom and dad's small cars but contractors in their individual construction style trucks of various sizes.

Children from all the surrounding neighborhoods walk, bike and skateboard to and from friend's houses, the Taco Bell restaurant, Subway restaurant, the donut store and more importantly to and from Talbert Middle School. When they are going to school this is the time frame, by Home Depots admission, is their busiest time of the day with contractors etc. picking up supplies and rushing to get to job sites. Our children's safety I am sure you will agree should never be compromised.

According to Home Depot their pick up area for heavy duty items such as lumber etc. is right beside the Clifton dance studio which caters to over 350 children from the community. This would not be a safe environment for these children who will be walking around when they are taking breaks or going to the liquor store for drinks etc.

The potential problems that the day labor workers that hang out at all Home Depot stores are too numerous to mention.

When K-Mart opened many years ago, Huntington Beach was not the size city it is today. Since then the structure of the city has changed and with it the family households. Back then many families were single car households and today it is not uncommon for families to have two, three or even more vehicles. What that means is the roads that were constructed many years ago are now overburdened with traffic. Proposing to bring an additional 3,000 plus vehicles to the

intersection of Magnolia and Garfield a predominately family neighborhood is placing a huge strain and hazard on the four lanes that currently exist.

I feel it is imperative that an EIR study be conducted to shed some light on what the impact a Super Store such as Home Depot will bring to the family neighborhood.

In closing I will admit that I am also genuinely concerned with my property value and the negative impact a non-family neighborhood type store such as Home Depot brings to our area.

Shouldn't the Planning Commission of a much sought after residential City such as Huntington Beach look at the overall effect and impact that various types of businesses have on the community as a whole and think outside the box and plan what is best for the residents. I know the City needs dollars to fund the entire support infrastructure that our beautiful Surf City has to have to keep us as a much sought after place to live in and raise a family but surely there is a time and place for everything. Home Depot needs to be in a general business locale and not be allowed to plop themselves down in the middle of a family neighborhood and especially one of the few that they are bordered by residents on all four sides.

I came to the United States in August of 1982 and moved into Huntington Beach and have never moved out and have been a home owner for almost twenty years paying my taxes to live in an area that I wanted to raise my family in. As my elected City official please guide me as to how I can continue to watch my children grow and feel secure that I have made the right decision in picking Magnolia between Garfield and Yorktown as a nice place to live bordered by schools, grocery stores, small strip malls with restaurants and other small businesses and not a mega store giant such as Home Depot.

Let me close by saying myself and my neighbors want a tenant for the old Kmart building but not a monstrosity such as the Home Depot who has proved to be a less than desirable neighbor at its other locations in Huntington Beach and surrounding cities.

Sincerely your constituent

Martin Bannon

**Bazant, Denise**

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**From:** Dapkus, Pat  
**Sent:** Wednesday, September 14, 2005 3:43 PM  
**To:** Bazant, Denise  
**Subject:** FW: plans for closed Kmart at Magnolia and Garfield

-----Original Message-----

**From:** Hardy, Jill  
**Sent:** Wednesday, September 14, 2005 12:55 PM  
**To:** Dapkus, Pat  
**Subject:** FW: plans for closed Kmart at Magnolia and Garfield

-----Original Message-----

**From:** "Monica Dalton" <MonicaDalton@socal.rr.com>  
**Sent:** 9/14/05 8:46:39 AM  
**To:** "jhardy@surfcity-hb.org" <jhardy@surfcity-hb.org>  
**Subject:** plans for closed Kmart at Magnolia and Garfield

Hello,

I'm concerned about the closed Kmart lot located at Magnolia and Garfield. It has been closed for at least two years. It was supposed to be demolished and replaced with a Home Depot or Expo. But nothing has happened. Actually, one thing has happened. There has been graffiti on the old Kmart building and the center looks horrible and like a ghost town. What are the current plans for this center? Thank you so much.

Concerned resident,

Monica Dalton

**Santos, Ron**

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**From:** Kathy Klingenberg [kkinhb@verizon.net]  
**Sent:** Saturday, September 17, 2005 2:44 AM  
**To:** Ron Santos  
**Subject:** Home Depot

Ron,

I wanted to get some information about the new plan. The plan shows lumber unloading at the front of the store during off hours--which they would like to be after 11pm according to their submittal. Will the trucks back into the store for unloading or will forklifts be used outside to unload? Has an Environmental Assessment been completed and when would it be available for public review? Once the plan is accepted as complete, what is the timeline for the design review board, zoning administrator and the planning committee? Would you please let me know if any variances are requested and if the plan is going to be accepted as complete? I also noticed that the size of the store was enlarged--is there adequate parking now?

I was very disappointed with the meeting that Home Depot held last week. Although I was told by Government Solutions that neighbors would be notified within a half mile radius, most neighbors over 300 feet never received a notice. There were also many questions asked that they did not have an answer for. They offered to make some changes in order to address some of the concerns people had, but the only change I saw on the plan was to move the lumber unloading. I was hoping that Home Depot would make an effort to be a good neighbor and be pro-active in addressing the real-life concerns of our neighborhoods, but again they offered little in the way of real changes. We are truly counting on the city to help maintain the safety and quality of life for those of us that live in the surrounding neighborhoods. Thanks for your time,

Kathy Klingenberg

9/19/2005

ATTACHMENT NO. 9.28

**Santos, Ron**

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**From:** jim lee [jwlee50@msn.com]  
**Sent:** Wednesday, September 07, 2005 10:39 AM  
**To:** rsantos@surfcity-hb.org  
**Subject:** proposed home depot

Dear Mr. Santos, I am against the new home depot for these reasons. There will be an increase in traffic, especially when the children will be crossing the street for school. The noise will effect the property values of the people on Lindsay Lane. Would you like to live there at 6AM on Saturday morning when they open? The K-Mart did not open until 9, and the children were already at school. Could we find a retailer that would not be open as early with less traffic and no deliveries all night. Great when you have company in your yard. Please consider the people.  
Thank you, Nancy Lee  
19172 Lindsay Lane

9/7/2005

ATTACHMENT NO. 9.29

## ***Ken Hunter Associates***

8567 Garfield Ave.  
Fountain Valley, CA 92708  
Page No. 714 430-4074  
Fax 714 540-2917

City of Huntington Beach

MAY 16 2005

May 13, 2005

Attn: Planning Commission  
Huntington Beach City Hall  
P O BOX 190  
2000 Main St.  
Huntington Beach, CA 92646

Enclosed is a article from the Fountain Valley View dated 5/5/05.

This article is about Home Depot being approved for the location at Garfield & Magnolia.

We sent our letter into the City Hall when we first heard about Home Depot going in at this location.

We have lived at our present location for 20 years now.

We strongly appose Home Depot going in there for these reasons;

- 1-the traffic in this period has gotten so bad that at times takes us two to three minutes waiting to get a clear spot to get across Garfield.
- 2-we can not open our windows facing Garfield because of the dust and dirt from the traffic that goes by. This dust and dirt gets into the house even with the windows closed, it sticks to the walls, gets into and on to our furniture. It is outrageous but what do you people care, you only want the money it brings in.  
You people have just OK'd more traffic and more dust & dirt.
- 3-Go to any of the Home Depots around here and see the "people hanging around waiting for work" now you people have OK'd this to happen at this location, we as home owner with children do not want and need this type on element in our residential neighborhood.
- 4-There are two Home Depots close by, one at Harbor & Talbert, one at Golden West and Warner, now you have approved another one in Huntington Beach, for what? The money.

There is a limit to your greed, you have passed it.

see page 2

ATTACHMENT NO. 9-30

We are sure there are other home owners here on Garfield who voiced their opposition to Home Depot going in there. You people did not listen to us, the only thing you heard was the sound of dollar and cents.

If you are asking, what can us home owners do about this, I can get signatures up and down Garfield and then have my attorney file a financial law suit.

You people have allowed these dirt hauler to use Garfield, you did not even consider us home owners or our homes here on Garfield, you did not consider the noise, dust and dirt these trucks leave in their passing, your disregard for us is unreal, you people don't care about us home owner all you want is the dollar & cents they bring in.

Nobody is controlling them, at time they are two abreast and as you know Garfield is only a two way lane road each way and they are taking up both lanes. Have one of your people come and listen to these trucks stop at a signal, listen to their brakes squeal, you live here and have to listen to that.

The people who approved these dirt haulers to use Garfield should be hung up by their you know whats, it's outrageous that these people have given so less regard to us home owners there on both sides of Garfield.

It's about time you people listen to us citizens, we are not speaking to hear our selfs talk.

Ken Hunter

### Home Depot permit approved

The Planning Commission has given the initial go-ahead for a new Home Depot at the former Kmart site on Harbor Boulevard.

The commission on April 27 approved the necessary conditional use permit for the 127,500-square-foot home-improvement store and garden center.

During a public hearing on the item, two people spoke. One resident of the Tabora North Homeowners Association had concerns about day laborers and wanted assurance that city codes would be enforced. A second speaker representing nearby Smart & Final, expressed her support for the project and said she plans to submit plans to renovate her area of the shopping center.

Home Depot expects to open in the summer of 2006.

### Boys and Girls Club lauded

The Boys & Girls Clubs of Huntington Valley earned top honors at the organization's recent national conference.

The club received the top awards from among 3,400 clubs around the nation for excellence in youth programming and marketing/communications at the Boys & Girls Clubs of America's 99th National Conference, "Changing Lives, Changing America," held in San Diego April 27-30.

The club was recognized for Program Excellence in the Arts category for its Clubhouse Theatre program, in which youth ages 8 to 16 participate in all aspects of musical theater.

For the past seven years, Clubhouse Theatre youth have participated in weekly rehearsals. Through these rehearsals, kids memorize lines, practice dance numbers, block scenes, and even get the opportunity to create costumes and build sets.

The next Clubhouse Theatre performances, "Disco

Knights" and "Friday Knight Fever," will take place on June 2-5, 2005.

In recognition of its marketing and communications efforts, the club also earned the Gold Award in the Web site category, a Silver Award in the Publications category, and a Bronze Award in the Comprehensive Marketing Strategy category for the 18th Annual Marketing and Communications Awards Programs.

Outside professionals in the fields of marketing, advertising, public relations, technology, publications, and special events served as judges for the competition.

The club's 2004 theme, "It's What Inside that Counts!" was integrated throughout its comprehensive marketing strategy, including its website and publications. The club's Web site, [www.bgchv.com](http://www.bgchv.com) was created by Shaun Voigt, a senior at the University of Southern California and club alumna. Voigt taught himself Web design and has maintained the club's site for the past three years, with design assistance from Christina

Garza, the club's Print and Graphic Design. Garza, a graduate of Santa Clara University in Belmont, Calif. signed the many printing publications, the club's Annual newsletters, direct mail pieces, special event materials, and program materials.

### Water tours Saturday

The Orange County District at Ellis Avenue and Ward Street will host a water tour for residents on Saturday, May 5, 10:30 a.m. Saturday.

The two-part tour provides a chance for residents to see the new water purification plant and its technology, the Groundwater Treatment System.

Refreshments will be served and walking shoes are recommended.

Meet in the parking lot for more information. Kira, community liaison, 949-216-9038.

The Orange County Register

Thursday, May 5, 2005

Main Valley View

**TUNE IN TO 95.9 THE FISH AND WIN TICKETS!**

Register to Win...

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**Santos, Ron**

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**From:** Eric Brenn [ebrenn@cox.net]

**Sent:** Sunday, March 05, 2006 10:40 AM

**To:** rsantos@surfcity-hb.org

**Subject:** Thanks for your help with Home Depot. Wanted to forward you my comments

Ron,

I was at the meeting and watching all the parties involved and it was very interesting. I just wanted to say you are doing a great job.

There is one item that seems to be missed and I thought it would be worth mentioning.

**I think it may be advantageous for the city to make it clear to those involved that Home Depot is trying to open a larger environmentally friendly building versus using the smaller already zoned environmentally averse K-mart building with the loading docks and everything in the back and no traffic light.** It seems some of the residents in the back of the Home Depot seem to be under the impression that the question is weather Home Depot should be allowed to open at this location or not. The Home Depot people seem to want to put in the extra effort and put a traffic light for the kids crossing and keep truck and environmental noise below current city standards. These include an inside loading bay and loading from the front of the building, joint entrance many other items on the plan.

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I hope the city will consider what I have said before Home Depot gets too frustrated trying to do a good thing.

Thanks for your time,

Eric

3/1/2006

**ATTACHMENT NO. 9.33**

**Santos, Ron**

---

**From:** safety@surfside.net  
**Sent:** Thursday, March 02, 2006 9:59 AM  
**To:** rsantos@surfcity-hb.org  
**Subject:** [Fwd: Proposed Home Depot at Garfield and Magnolia]

Thought I would copy you my note to the Council this morning...

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Subject: Proposed Home Depot at Garfield and Magnolia  
From: safety@surfside.net  
Date: Thu, March 2, 2006 9:54 am  
To: city.council@surfcity-hb.org  
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Dear Council Members,

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Sincerely,

Dennis Nagel

## Santos, Ron

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**From:** Steven Johnson [ineedaheart@hotmail.com]  
**Sent:** Tuesday, February 28, 2006 5:58 AM  
**To:** rsantos@surfcity-hb.org  
**Subject:** home depot/magnolia & garfeild

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go to the homedepot store locator type in the 92646 zip and you will be given costa mesa as #1, santa ana as #2 and hb as #3. by using my home address in their map directions i found that i am actually closer to the santa ana store. this store has just gone through a major updating and is very nice. i will be seeing more of it in the near future!

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**Santos, Ron**

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**From:** Doug Kochanowski [allphase@socal.rr.com]  
**Sent:** Friday, February 10, 2006 8:18 AM  
**To:** rsantos@surfcity-hb.org  
**Cc:** nohomedepot@verizon.net  
**Subject:** Home Depot

Dear Mr. Santos:

I would like to commend you on your comments on the October 7, 2004 Notice of Filing Status. The noise issues are paramount to the successful union of the Home Depot and residents to the west such as me and my family. I have a friend who lives more that a quarter of a mile from a Home Depot in Encinitas and he hears the fork lifts backing up all night long. As you can imagine, he curses their existence. I would like to ask you to please continue to consider this problem and prevent us from being subjected to such an annoyance.

In addition, it is very dangerous crossing Magnolia at Langenbeck Park in its current condition, without the K-Mart or anticipated Home Depot traffic. There are many children in the tracts west of Magnolia who go to Talbert Middle school east of Magnolia or would like to play in the parks but it is just too dangerous to cross at Langenbeck Park. With the anticipated day labor situation, no one is going to want their children crossing Magnolia at Garfield. Therefore, as much as I dislike adding traffic lights, perhaps you may consider one, pedestrian triggered, at the Langenbeck Park crossing of Magnolia.

Thanks again for fighting for the small guy (the resident).

Sincerely,  
Doug Kochanowski  
Cell: 714-719-0714  
Fax: 714-593-0012

2/10/2006

ATTACHMENT NO. 9.34

To: Planning Commission  
From: Tom Livengood  
Subject: Appeal of Environmental Assessment Committee  
Decision to process Negative Declaration NO. 04-10  
(Home Depot—19101 Magnolia Street)

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The Chapter 240 item 04 lists the members of the EAC, Directors of Community Development (Planning), Public Works and the City Attorney or a designated representative of each. A quorum is two members.

It is my understanding the EAC was established in the 70's. When I served on the Planning Commission in the 80's there was only one appeal to my knowledge. There have only been three or four appeals over the years. The process clearly allows an appeal to be made. The Planning Commission study session did bring out major concerns on some of the conclusions in the MND.

In the staff report the statement is made, " may not at this juncture—alter analyses or finding—in the draft MND". The key word is at this juncture. It is very difficult to determine if a MND is adequate unless both the CUP and MND is before the Planning Commission. My recommendation is the Commission takes action that the CUP and the MND not be acted on by the Zoning Administrator and sent directly to the Planning Commission. The Commission needs to clearly understand what action can be taken on the MND and what CUP conditions can be imposed to the project.

A major concern that I have is comparing a Lowe's or Home Depot to a K Mart. There is no comparison. Customers at a K Mart carry out the majority of their purchases in bags. At the big box hardware store a large percentage of the purchases have to be loaded on a pick up truck. The difference in merchandise carried and customers served by Lowe's and Home Depot impact hours of operation and the size of trucks and number of deliveries made. This difference needs to be addressed through the MND and CUP.

Is an MND adequate for this project? The answer is yes, if the Planning Commission at some "juncture" can take action to insure the environmental impact of the project is properly analyzed and mitigation measures and CUP conditions address issues addressed in the MND.

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2/10/2006

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**Santos, Ron**

---

**From:** John Scandura  
**Sent:** Tuesday, March 07, 2006 10:46 PM  
**To:** 'Santos, Ron'  
**Cc:** 'Hess, Scott'  
**Subject:** Home Depot Questions

Ron,

I reviewed the noise study, traffic analysis, and air quality study in our staff report that we received for Home Depot last week. To help me better understand how the studies were conducted and their conclusions, I have the following questions:

1. Attachment 2.75 – It is unclear in Scenario 1 what the restricting of left turns at the Magnolia/Hyde Park intersection involves. This section needs to clearly describe the City staff's suggested restrictions and the exact turns that are restricted. The last paragraph needs to clearly state whether the signal warrant analysis and crash analysis justify a signal at the intersection of Magnolia and Hyde Park.
2. Attachment 2.76 – In response to concerns raised by nearby residents, the pedestrian survey should be redone to reflect those pedestrians in the area between 2:20 and 3:20 p.m. on a normal school day when school is not let out early. Any deviations from the findings of the survey described on this page needs to be described.
3. Attachment 2.162 – Item 2 describes whether the project will exceed Air Quality Management Plan assumptions. The answer to this question needs to clearly describe the assumptions that applied to the former K-Mart store, and elaborate why these assumptions would not change if the Home Depot store is constructed.
4. Attachment 2.233 – Throughout this letter reference is made to noise from the parking lot reaching 53 dB L50 and 73 dB Lmax, but there is no description of the type of sounds these levels correspond to. For comparison purposes, please have the consultant provide a description of the sounds these levels equate to? For example, do the noise levels equate to car doors opening and closing, semi-trucks traversing the area, car engines revving up?
5. Attachment 2.235 – This data report states that the source noise level is 55 dBA. What type of sounds does this correspond to that is related to the project? Is it the loudest expected noise for this area? How was the noise level range that corresponded to barrier heights derived? Please have the consultant provide the date that the tests were conducted.
6. Attachment 2.237 – This data report shows a source noise level of 59 dBA. Why is this different than the 55 dBA in the previous report? What type of noise does this correspond to? Is it the loudest expected noise for this area? How was the noise level range that corresponded to barrier heights derived? The date that these tests were conducted should also be provided.

3/8/2006

ATTACHMENT NO. 9.43

7. Attachment 2.252 – Table 3 shows one of the noise sources as “Parking Lot Movements.” Please have the consultant provide a description of these movements and the specific movements that correspond to the 65 and 70 dBA readings.
8. Attachment 2.254 – Table 4 shows a 72 dBA reading for residential property lines to the west at a distance of 30 feet. What type of project related sounds does this noise level correspond to that is related to the project?
9. Attachment 2.255 – Table 5 describes predicted project related noise level increases in the far right column. What type of noise from the project is causing these increases?
10. Attachment 2.256 – Table 6 describes predicted loading dock noise levels in the far right column. What type of sounds does this range of noise levels correspond to that is related to Home Depot’s operations? I am particularly interested in sounds for those noise levels greater than 50 dBA.
11. Attachment 2.260 – The third and paragraphs states that “At the nearest property line, the predicted median hourly and maximum noise levels were computed to be 45 dB L50 and 53 dB L max.” The fourth paragraph mentions that predicted parking lot noise levels at the adjacent residences from the closest parking spaces was computed to be approximately 53 dB L50 and 73 dB Lmax. What types of noise does these levels correspond to (related to comment No. 4 above).
12. Attachment 2.260 – The fourth paragraph mentions that the parking spaces on the western site boundary are reserved for carpool/vanpool and general uses. Is this what the applicant is proposing?
13. Attachment 2.261 – The noise level range (in dBA) for trash compaction and removal activities needs to be provided along with the amount of noise reduction that the enclosed loading dock would achieve.
14. Attachment 2.261 – The garden center loading dock was found to generate noise levels of 42 dB L50 and 70 dB LMax in its currently planned location. What would these levels be if this loading dock was moved further away from the residences and toward the northeast corner of the store?
15. Attachment 2.262 – The top paragraph needs to provide the noise levels that a forklift would generate (including back-up warning sounds). The noise levels for routine loading of lumber or other heavy items should also be described.
16. Attachment 2.263 – Mitigation measure 2 relies on rooftop parapets to attenuate the noise from high volume air conditioning units. Are there other noise barriers that can also be employed to better achieve noise attenuation at the residential property lines?

Thank you for your assistance, feel free to call me if you have questions or wish to discuss.  
Thanks.

John Scandura

3/8/2006

ATTACHMENT NO. 9.44

Thank you for taking the time to make our community better and sign the petition, or preferably come to the city meeting, Tuesday **MARCH 14, 2006 at 7:00pm.**

At the old Kmart location, Home Depot is coming in. They are considering two plans. (1) Remodeling the old location or (2) Building a new city and environmentally friendly building. Please find below a quick chart as to the reason we think building a new building would be better

OPTION1: NEW HOME DEPOT BUILDING	OPTION2: MOVING INTO EXISTING
1) Environmentally Friendly for everyone	1) Uses old system Kmart had in place
2) Includes Traffic Light for school kids and pedestrians going to Hyde Park	Nothing
3) Includes more joined driveways less accidents	Nothing.
4) Includes enclosed loading docks and night loading at the front of the to reduce sound levels below city standards	Nothing – same noise levels as with Kmart which would be much higher than with the new building.
5) Entirely new layout and building that makes the corner look very nice and upgrades the area	Nothing, Home Depot sign on outside
6) Creates more room for school kids learning how to build things.	Nothing

The city is dragging their feet on allowing Home Depot to build a new environmentally friendly building. For the last 14 months they will not even accept Home Depot's application. This is hurting the neighboring business and empty old Kmart building is an attraction for vagrants and night car racing in the parking lot. If Home Depot is not allowed to build the environmentally friendly store for the residents of the city, Home Depot will just move into the existing location. Please help us put pressure on the city by letting your voice be heard.

Please petition below that you would like the new ENVIRONMENTALLY FRIENDLY HOME DEPOT and for the city to be concerned about residences, business and children in the neighborhood.

DATE	NAME	ADDRESS
3-7-06	Bob Hahn	AB MUSIC STUDIOS
3-13-06	G	19171 Magnolia St. #10
3-13-06	GREG KRUPA	8562 SABLE DR HUNT BEA CA 92646
3-14	Andrew Morrison	19171 Magnolia Ave St #10

74  
signatures  
3

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DATE	NAME	ADDRESS
3/12/06	Kicky	19171 MAGNOLIA ST. STE #7 HB
3/13/06	TAM TRAN	19171 MAGNOLIA ST. STE #7 HB
3/12/06	TUAN TRAN	19171 MAGNOLIA ST. STE #7 HB

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03/01/06	LUAN NGUYEN	18985 SANTA MADRINA CIR FOUNTAIN VALLEY, CA 92708
03/05/06	CALVIN CAO	19171 MAGNOLIA ST #4 HUNTINGTON BEACH, CA 92646

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At the old Kmart location, Home Depot is coming in. They are considering two plans. (1) Remodeling the old location or (2) Building a new city and environmentally friendly building. Please find below a quick chart as to the reason we think building a new building would be better

OPTION1: NEW HOME DEPOT BUILDING	OPTION2: MOVING INTO EXISTING
1) Environmentally Friendly for everyone	1) Uses old system Kmart had in place
2) Includes Traffic Light for school kids and pedestrians going to Hyde Park	Nothing
3) Includes more joined driveways less accidents	Nothing
4) Includes enclosed loading docks and night loading at the front of the to reduce sound levels below city standards	Nothing - same noise levels as with Kmart which would be much higher than with the new building.
5) Entirely new layout and building that makes the corner look very nice and upgrades the area	Nothing, Home Depot sign on outside
6) Creates more room for school kids learning how to build things.	Nothing

The city is dragging their feet on allowing Home Depot to build a new environmentally friendly building. For the last 14 months they will not even accept Home Depot's application. This is hurting the neighboring business and empty old Kmart building is an attraction for vagrants and night car racing in the parking lot. If Home Depot is not allowed to build the environmentally friendly store for the residents of the city, Home Depot will just move into the existing location. Please help us put pressure on the city by letting your voice be heard.

Please petition below that you would like the new ENVIRONMENTALLY FRIENDLY HOME DEPOT and for the city to be concerned about residences, business and children in the neighborhood.

DATE	NAME	ADDRESS
3-11-06	METTA YANIKY	9161 VERONICA DR HB 92646
3-11-06	MICHELE FISHER	RODFORD CA, 96007 HALLFIELD
3/11/2006	ERICK JANKOFF	6047 CARSON FVW 92700
03/11/06	NIZIE MURPHY	1112 CARBONATE ST 92646
3/11/06	JOE SANDELL	13316 PUSWILL RD N. CLACKAMAS
3/11/06	TOM HODGSON	18685 WALNUT ST
3/11/06	LISA MACHISE	911 TERMINO AVE #1 LB, CA 90804
3/11/06	JOSH COLE	9840 LARONA CIR. FU. CA 92708
3-11-06	NICK VALDEZ	8019 CHASE AVE Hesperia CA 92345
3-11-06	MARILYN LANE	18769 EVERGREEN LN
3-11-06	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del> 1971 MAGNOLIA ST HB 92646
3-13-06	DAMON ROGERS	9651 TELBURN DR. HB CA. 92646
3-13-06	CHARLIE MARTINEZ	9800 BONGAL AVE WESTMINSTER 92683
3-13-06	HILLARY CHATIN	16172 MALAGA LN #CH. R. CA 92647

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DATE	NAME	ADDRESS	
3/10/06	Shauna Sabel	138 Sumac Ln CA 92708	FU
3/10/06	Michel MacMullin	138 Sumac Lane CA 92708	FU
3/11/06	JASON RUTHERFORD	9592 ALBACORE DR HB CA 92646	
3/11/06	LEE BENGAY	HB 92640	
3/7/06	JACK FRECHETTE	17986 CDS VIEW S27K/FH	
3-11-06	Wanda McElroy	18697 Emerald Green Cir. FV	
3/11/06	Jan Kotsher	17032 D SHARPE WALK HB CA	
3-11-06	MANOVIOL	13761 Charleville Dr. Westminster CA 92684	
3-11-06	Tanna Violic	13761 Charleville Dr. Westminster CA 92684	
3-11-06	Nicholas Lefever	1542 Van Buren St. HB	
3/11/06	Jennifer Burr	8081 Hilland Dr. 105 HB CA 92647	
3/10/06	Mary Bajer	8 Monument Pl. Irvine CA 92602	
3-11-06	Allan Bowen	8 Monument Plac Irvine CA 92602	
3-11-06	Niki Johnson	7386 Casado	

MAR 14 2006

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DATE	NAME	ADDRESS
2/7/06	George Bradshaw	19171 Magnolia ST
3/7/06	Dorothy P. Ponder	19171 Magnolia ST
3/7/06	Lillian Harrison	7591 Nancy Dr HB CA 92647
3/7/06	Doris Bushinsky	8582 Salt Lake Drive HB CA 92646
3/7/06	Bob & Bob	12318 EVANWOOD Ct Riverside CA.
3/8/06	CHERYL GEORGE	6722 LAURELHURST DR HB, CA 92647
3/10/06	Carol Ruff	280 Casway Lane NB 92663
3/8/06	Amber Berlinger	20622 Reed Lane N.B. 92646
3/19/06	Guille Harmon	9582 Hamilton #343 HB 92646
03/10/06	LILIANA LOVELESS	8759-PLACER Cir. B. 614-H.B. CA. 92646
3/10/06	Deborah Cole	21942 Seacrest Ln. HB CA 92646
3/11/06	Donald G. Nelson	20041 Crown Reef Ln HB 92646
3-11-06	Donna Bender	9441 Heron Ct HB. 92646
3-11-06	TOM ELYARD	9355 TANAGER AVE Fountain Valley 92708
3-11-06	Batyg B. Shoham	8561 Keel Dr H.B. Ca. 92646
3-11-06	Dan Shoham	8561 Keel Dr H.B. CA 92646



DR. JAMES C MASTERS  
19171 Magnolia Suite 2  
Huntington Beach Ca. 92648

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DATE	NAME <i>Sign.</i>	ADDRESS
3/9/06	JAMES MASTERS	19171 MAGNOLIA #2 HB Ca.
3-9-06	James Masters	9513 Nightingale Fountain Valley ca 92708
3-9-06	Edward Schneider	9537 Highlande Fountain Valley Ca. 92708
3/9/06	JAMES KERRY	19171 MAGNOLIA #2 HB Ca. 92648
3/14/06	SEBELIK	19621 LOCEA AVE HB 92645
3/14/06	William Hulbert	19132 MAGNOLIA #21 92647
3-14-06	Steve Dominguez	6432 ST PAUL CIR #A 92647
3-14-06	ARON FIVERA	5702 ANTHONY AVE HB 92645

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DATE	NAME	ADDRESS
3/7/06	Brian Rogers	9661 Landfall drive HB. Ca. 92640
3/8/06	Emmi Semnava	19871 Isthmus LN HB CA 92646
3/13/06	Jessica Marulanda	8851 Sulport HB CA 92646
3/13/06	Eileen Rodriguez	19791 Bluebird HB CA 92646
3/13/06	Michael Hurley	DE
3/13/06	<del>Ally Goff</del>	
3/13/06	<del>DS Goff</del>	
3/14/06	Rod Farias	



REC'D 2-28-06

FRIGGA BRENN

2140 Ocean Way  
Laguna Beach, Ca. 92651  
Tel. (949)494-1375

March 15, 2005

FAX: 1-559-276-0850

TO: Mr. Art Lucas

Dear Mr. Lucas:

RE: HOME DEPOT – HUNTINGTON BEACH

As promised, I am sending you the signatures in support of the Home Depot construction on the former K-Mart Lot in Huntington Beach at the corner of Magnolia and Garfield. These are add-on signatures, which were not submitted to Mr. Ron Santos, at the Building and Safety Division of the City of Huntington Beach. These signatures were all collected by tenants of the Magnolia Center, 19171 Magnolia Street, the strip center adjoining the Home Depot project on the South side.

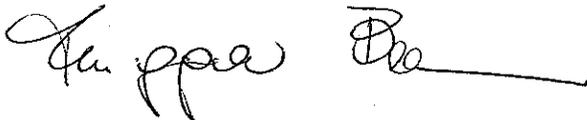
The many signatures obtained so far are showing strong support for the conceived Home Depot location and are claims of support for your project.

Multiple more such signatures can be obtained by a concerted effort to solicit the good will of silent proponents. The interest of all businesses, professionals and property owners is served by a new Home Depot store, not to mention the work places that are going to be created, or the convenience of availability of products needed by a multitude of household owners.

Your opponents are residents adjacent to your project who are very vocal and determined to see your project fail, for loosing their real estate values, which is unfounded.

All Magnolia Center tenants are very anxious for the Home Depot to come in as soon as possible, because their business went down 30% to 40% since the closing of the K-Mart store, and I, as property manager, have difficulties collecting all the rents.

So, please do call on me for help to get this project completed as soon as possible.



ATTACHMENT NO. 9.55







Mr. Ron Santos  
 Building & Safety  
 City of Huntington Beach  
 2000 Main Street  
 Huntington Beach, CA

RE: Construction of new Home Depot Store

Contrary to some homeowners objection, the undersigned business owners next to the vacant K-Mart building and residents in the neighborhood petition for a fast construction of the Home Depot. We are incurring financial losses by the dilemma facing an empty parking lot, which is hardly lit at nights. The new Home Depot will definitely benefit and uplift the neighborhood as well as provide employment for local residents and offer services needed badly by the community.

Name	Residence or business Address	Signature
TSUKUSHI YUZAWA	16941 Green St #2 Huntington Beach CA 92649	
Shigeki Yuzawa	" "	
Jason Kawamoto	5531 Wild Cherry Cir. H.B., CA	
Chye Kawamoto	" "	
<del>George Kawamoto</del>	" "	
Keiko Kawamoto	" "	
Debbie Zaragoza	17842 Carranza H.B., CA 92647	
ERIC ZARAGOZA	17842 Carranza H.B., CA 92647	
MOTOKO SHIMABOKURO	8372 ARNETT DR H.B.	
KYOKO UECHI	27311 Montate M.V CA 92692	
HITOMI MATAYOSHI	14906 SPRINGDALE HUNTINGTON BEACH CA	
KODIA PARK	2855 Pinecreek DR #B302 Costa Mesa CA 92626	
Yukari Hirahara	10058 Los Caballos Ct. Fountain Valley, CA 92708-6811	
Ken Hirahara	10058 Los Caballos Ct. Fountain Valley, CA 92708-6817	
Minoru Sato	20101 Grand Post CA H.B. CA 92646	
Lawrence Beniano	8155 Benvenuto Huntington Beach 92646	
MAYUKI POWELL	1692 PETERSON ST. H.B. CA	
Millie Powell	15672 PETERSON ST. HUNTINGTON BEACH CA	
Marcel Dejas	80 Huntington St #52 H.B. CA	
L-Matt MATSUMOTO	15241 Victoria Ln, H.B. CA 92647	



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 City of Huntington Beach  
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Name	Residence or business Address	Signature
<del>Barry McConnell</del>	<del>5421 Ivy Ave</del>	<del>Randy McConnell</del>
JOHN HECKMAN	409 13th St	John Heckman
David McDaniel	9471 Greenwich Dr	David McDaniel
Ron Southard	3722 Larkport Dr HB	Ron Southard
Scott Webb	9601 El Rey #15 FV 92708	Scott Webb
Sharon Pehlman	2511 Florida A.B. CA 92648	Sharon Pehlman
GREG COLEMAN	200 PCM #320 HUNTINGTON BEACH CA 92648	Greg Coleman
JENN STEPHENSON	18928 PERSIMMON ST. F.V. CA 92708	Jenn Stephenson
DON FURBISH	9850 GREENWOOD #21 HB 92646	Don Furbish
W.F. CHODNACKI	20312 Colonial Cir HB 92646	W.F. Chodnacki
Dan Macgregor	8605 CHURCH Cir F.V. 92708	Dan Macgregor
RICHARD L. BURKE	8031 19th St Westminster 92603	Richard L. Burke
DAN KELLY	19162 RANDOL Ln Huntington Beach	Dan Kelly
JANET REDWINE	19271 Hickory Ln HB 92646	Janet Redwine
GREG PALOCK	19362 McLANE Ln H.B. 92646	Greg Palock
KEITH YAMAN	9161 VERANICA DR HB 92646	Keith Yaman
LAVIS TERICH	19132 Magnolia St Apt B29 HB 92646	Lavis Terich
Jackie Lastrom	917 Margate Cir Westminster CA 92603	Jackie Lastrom
MIC SHEPHERD	19132 MANOCHA ST. APT B29 HB 92646	Mic Shepherd
Jacob Topel	9829 Adams Ave HB 92646	Jacob Topel