

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Council Chambers - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, DECEMBER 3, 2025 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Madalyn Welch

**STAFF MEMBER:** Jason Kelley, Wayne Carvalho, Michelle Lopez

**PUBLIC COMMENTS:**

**ITEM 1: CONDITIONAL USE PERMIT NO. 25-019 (PHAM RESIDENCE, ADU AND ROOFTOP DECK):**

**APPLICANT:** Terri Pham, 6642 Kiowa Road, Westminster, CA 92683  
**PROPERTY OWNER:** Thierry Nguyen & Terri Thoa Pham, 9353 Bolsa Avenue, #K9, Westminster, CA 92683-1606  
**REQUEST:** To demolish an existing residence and construct a new 3,936 sq. ft., two-story single-family dwelling with a 200 sq. ft. rooftop deck, and a 719 sq. ft. accessory dwelling unit (ADU).  
**ENVIRONMENTAL STATUS:** The proposed project is covered by Section 15303, Class 3 of the California Environmental Quality Act (CEQA).  
**LOCATION:** 19272 Congress Circle, 92646 (Northeast corner of Grant Drive and Congress Circle)  
**CITY CONTACT:** Wayne Carvalho

Wayne Carvalho, Contract Principal Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Staff modified the stairway to comply with setbacks in the code and revised plans have been submitted as part of the staff report. Staff received two public comments in opposition, that stated concerns with proposed sized of the project, privacy impacts, impacts to the neighborhood character, and potential increase in noise and traffic. Staff noted that the second letter cited concerns that many adjacent property owners are in opposition to the project because of the proposed size, compatibility with existing homes, parking, reduced driver visibility, privacy concerns, and both letters referenced the time frame they received the public notice. Staff stated that the structure as proposed could be approved ministerially without the public hearing if they were to remove the third story deck. The deck is what brings this project before the public hearing.

Madalyn Welch, Zoning Administrator, confirmed that the project was before the public hearing because of the 200 sq. ft. rooftop deck above the second floor.

Mr. Carvalho addressed the concerns with massing, confirming that the project is zoned in the low-density district, so it's required to meet setbacks, provide a three-car garage, and comply with the maximum site coverage restriction of 50%. He noted that the project also complied with residential privacy standards. He cited that the tract is primarily single-story and there are a handful of existing two-story homes.

Thierry Nguyen, property owner, stated that the house upgrades are for his family and not for rental use and that he is present for any suggestions staff may have.

Rob Brown, adjacent neighbor, spoke in opposition of the project, stated that there are existing two-story homes, but they do not compare to the scale and mass of the proposed project. He stated that he will appeal the proposed project and urges staff to deny the project. He cited concerns with safety issues. He added that the property owners have multiple renters and that they park their cars on the lawn, driveway, or directly in front of the house.

Andrew Atkinson, adjacent neighbor, spoke in opposition of the project, stating his concerns and his neighbors. He cited that the plans projected had an incorrect square footage of the lot. He noted concerns with compatibility, parking, safety (driver visibility), privacy, and proposed size.

Billy Stepp, adjacent neighbor, spoke in opposition of the project, stating his concerns with privacy, safety, compatibility, intrusive visibility, noise impacts, impact to livelihood, proposed size, traffic, construction impacts, and parking. He cited that the proposed project would set a new precedent for out of scale construction type homes.

Ashley Stepp, adjacent neighbor, spoke in opposition of the project, and stated that she understood the desire to renovate. She noted that she is opposed to the trend of demolishing and rebuilding monstrosity homes. She cited concerns with the home being for multi-family use, parking, safety, construction impacts, property value, traffic, driving visibility, and compatibility.

**THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Ms. Welch sympathized with the residents' concerns and restated that the reason for the public hearing is the portion of the rooftop deck for the proposed project. She noted that if there wasn't a rooftop deck portion of the proposed project, it would require a building permit and not a discretionary review. She cited that she had reviewed development standards in that zone and the project as proposed meets those standards.

Ms. Welch stated that she would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 25-019 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines because the project consists of the construction of a single-family residence within a residential zone.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 25-019:**

1. Conditional Use Permit No. 25-019 to demolish an existing residence and construct a new 3,936 sq. ft., two-story single-family dwelling with a 200 sq. ft. rooftop deck, and a 719 sq.

ft. accessory dwelling unit (ADU) will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the third-floor roof top deck will be centrally located, oriented toward the public right-of-way, and is setback a minimum of five feet from the building exterior, which will maintain privacy for the abutting residence.

2. The granting of the Conditional Use Permit No. 25-019 to demolish an existing residence and construct a new 3,936 sq. ft., two-story single-family dwelling with a 200 sq. ft. rooftop deck, and a 719 sq. ft. accessory dwelling unit (ADU) will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property and with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

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

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Policy LU-4(D): Ensure that single-family residences are of compatible proportion, scale, and character to surrounding neighborhoods.

The proposed project conforms with the requirements of the RL base zoning district including parking, building setbacks, building height, lot coverage, and privacy design standards. The proposed rooftop deck will be oriented toward the public right of way (street) and will be setback a minimum of five feet from the building exterior, ensuring privacy is maintained for the abutting residences.

3. The proposed Conditional Use Permit No. 25-019 to demolish an existing residence and construct a new 3,936 sq. ft., two-story single-family dwelling with a 200 sq. ft. rooftop deck, and a 719 sq. ft. accessory dwelling unit (ADU) will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. In addition, the rooftop deck is designed to be oriented toward the public right of way and is setback a minimum of five feet from the building façade, as required by the HBZSO.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 25-019:**

1. The site plan, floor plans, and elevations received October 9, 2025, shall be the conceptually approved layout with the following modification:

- a. The stairway to the rooftop deck extending vertically from the roof shall be setback a minimum of five (5) feet from all sides of the building exterior.

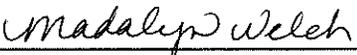
2. Prior to submittal of building permits, the following shall be completed:
  - a. One set of project plans, revised pursuant to Condition No. 1 of this approval, shall be submitted for review, approval, and inclusion in the entitlement file, to the Community Development Department.
  - b. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. Prior to issuance of final building permits, the following shall be completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
4. During demolition, grading, site development, and/or construction, the following shall be completed:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. Conditional Use Permit No. 25-019 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
7. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code

requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

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

**THE MEETING WAS ADJOURNED AT 1:55 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 17, 2025, AT 1:30 P.M.**

  
\_\_\_\_\_  
Madalyn Welch  
Zoning Administrator

MW:ml