



## OFFICE of the ZONING ADMINISTRATOR CITY OF HUNTINGTON BEACH • CALIFORNIA

P. O. Box 190, Huntington Beach, California 92648

### **NOTICE OF ACTION**

February 7, 2025

Duc-Huy Huynh  
15551 Eden Street  
Westminster CA, 92683

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 24-007/COASTAL  
DEVELOPMENT PERMIT NO. 24-005 (VONG RESIDENCE)**

**APPLICANT:** Duc-Huy Huynh, 15551 Eden St. Westminster CA, 92683

**REQUEST:** To demolish an existing 2,845 sq. ft., 13-ft. high single-story residence and construct a new 7,696 sq. ft. three-story single-family dwelling at a height of 30 ft., including a 715 sq. ft. two-car garage, 530 sq. ft. of second floor balconies, and a 110 sq. ft. third floor balcony.

**PROPERTY OWNER:** Summer Sanj LLC, c/o Benjamin Vong, 3030 San Juan Drive, Fullerton, CA 92835

**LOCATION:** 16471 Malden Circle, 92649 (Gilbert Island in Huntington Harbour)

**CITY CONTACT:** Wayne Carvalho

**DATE OF ACTION:** February 5, 2025

On Wednesday, February 5, 2025, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by the applicant or an aggrieved party. Said appeal must be in writing and must set forth in detail the

actions and grounds by and upon which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of Three Thousand Seven Hundred Sixty-Two Dollars (\$3,762.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Five Thousand One Hundred Ninety-Three Dollars (\$5,193.00) if the appeal is filed by any other party. The appeal shall be submitted to the Department of Community Development within ten (10) working days of the date of the Zoning Administrator's action. There is no fee for the appeal of a Coastal Development Permit to the California Coastal Commission.

In your case, the last day for filing an appeal is **February 20, 2025, at 5:00 PM.**

This project is in the Appealable portion of the coastal zone. Only projects in accordance with Section 30603 of the California Coastal Act may be appealed to the Coastal Commission. Action taken by the Zoning Administrator may be appealed directly to the Coastal Commission pursuant to Title 14, Section 13573 of the California Code of Regulations and Section 245.24D of the Huntington Beach Zoning and Subdivision Ordinance. If the above condition exists, an aggrieved person may file an appeal within ten (10) working days, pursuant to Section 30603 of the Public Resources Code, in writing to:

South Coast Area Office  
California Coastal Commission  
301 E. Ocean Blvd, Suite 300  
Long Beach, CA 90802  
Attn: Amrita Spencer  
(562) 590-5071

The Coastal Commission review period will commence after the City appeal period has ended and no appeals have been filed. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Coastal Commission review. Applicants are advised not to begin construction prior to that date.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started, or as modified by condition of approval.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Wayne Carvalho, the city contact, at (714) 536-5271 or via email at [waynec@csgengr.com](mailto:waynec@csgengr.com) or the Department of Community Development Zoning Counter at (714) 536-5271.

Sincerely,



Joanna Cortez  
Zoning Administrator

JC:WC:mr  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Travis Hopkins, Acting City Manager  
Jennifer Villasenor, Director of Community Development  
Ricky Ramos, Planning Manager  
Martin Ortiz, Fire Deputy Chief  
Bob Milani, Principal Civil Engineer  
Steve Eros, Fire Protection Analyst  
Jacob Worthy, Fire Protection Analyst  
Jasmine Daley, Building Official  
Wayne Carvalho, Contract Planner  
Property Owner  
Project File

## **ATTACHMENT NO. 1**

### **FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 24-007** **COASTAL DEVELOPMENT PERMIT NO. 24-005**

#### **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. 24-007:**

1. Conditional Use Permit No. 24-007 to demolish an existing 2,845 sq. ft., 13-ft. high single-story residence and construct a new 7,696 sq. ft., 3-story, 4-bedroom, single-family residence at an overall height of 30 ft., including a 715 sq. ft. two-car garage, 530 sq. ft. of second floor balconies, and a 110 sq. ft. 3rd floor balcony 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 space is designed to be confined within the second floor volume, which facilitates the structure's resemblance to a two-story home with a mass and scale that is similar to the proportion and scale of homes in the surrounding neighborhood. In addition, the third-floor balcony is setback a minimum of five feet from the building exterior and is oriented towards the public right-of-way (water), which will minimize the visual mass and bulk of the structure and maintain privacy for abutting residences.
2. The granting of the Conditional Use Permit No. 24-007 to demolish an existing 2,845 sq. ft., 13-ft. high single-story residence and construct a new 7,696 sq. ft., 3-story, 4-bedroom, single-family residence at an overall height of 30 ft., including a 715 sq. ft. two-car garage, 530 sq. ft. of second floor balconies, and a 110 sq. ft. 3rd floor balcony 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 third-floor balcony will be oriented toward the rear (water) and will be setback five feet from the building exterior, ensuring privacy is maintained for abutting residences.

3. The proposed Conditional Use Permit No. 24-007 to demolish an existing 2,845 sq. ft., 13-ft. high single-story residence and construct a new 7,696 sq. ft., 3-story, 4-bedroom, single-family residence at an overall height of 30 ft., including a 715 sq. ft. two-car garage, 530 sq. ft. of second floor balconies, and a 110 sq. ft. 3rd floor balcony 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 as conditioned, the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. In addition, the third-floor area is designed to be within the confines of the second story roof volume and the proposed third floor balcony will be set back five feet from the building façade, as required by the HBZSO. Third floor habitable area is permitted for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 24-005:**

1. Coastal Development Permit No. 24-005 for the development project conforms with the General Plan, including the Local Coastal Program. The request to demolish an existing 2,845 sq. ft., 13-ft. high single-story residence and construct a new 7,696 sq. ft., 3-story, 4-bedroom, single-family residence at an overall height of 30 ft., including a 715 sq. ft. two-car garage, 530 sq. ft. of second floor balconies, and a 110 sq. ft. 3rd floor balcony conforms with the City's Local Coastal Program, including Coastal Element Land Use Policy C 1.1.1 which encourages new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed development will occur entirely on a site previously occupied by a single-family residence, contiguous to properties also developed with single-family residential uses.
2. Coastal Development Permit No. 24-005 to demolish an existing 2,845 sq. ft., 13-ft. high single-story residence and construct a new 7,696 sq. ft., 3-story, 4-bedroom, single-family residence at an overall height of 30 ft., including a 715 sq. ft. two-car garage, 530 sq. ft. of second floor balconies, and a 110 sq. ft. 3rd floor balcony is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because as conditioned, the project will comply with all applicable development regulations, including maximum building height, minimum yard setbacks, lot coverage, and privacy design standards. No code exceptions are requested as part of this project.
3. At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because Coastal Development Permit No. 24-005 to demolish an existing 2,845 sq. ft., 13-ft. high single-story residence and construct a new 7,696 sq. ft., 3-story, 4-bedroom, single-family

residence at an overall height of 30 ft., including a 715 sq. ft. two-car garage, 530 sq. ft. of second floor balconies, and a 110 sq. ft. 3rd floor balcony is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 24-005 to demolish an existing 2,845 sq. ft., 13-ft. high single-story residence and construct a new 7,696 sq. ft., 3-story, 4-bedroom, single-family residence at an overall height of 30 ft., including a 715 sq. ft. two-car garage, 530 sq. ft. of second floor balconies, and a 110 sq. ft. 3rd floor balcony conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 24-007/COASTAL DEVELOPMENT PERMIT NO. 24-005:**

1. The site plan, floor plans, and elevations received November 14, 2024, shall be the conceptually approved layout with the following modifications:
  - a. The balcony cover over the 3<sup>rd</sup> floor balcony shall not project more than 30-inches from the building wall. With exception of the 3<sup>rd</sup> floor balcony cover, all decks and guardrails shall be setback a minimum five feet from the 2<sup>nd</sup> floor rear building wall.
  - b. All rooftop mechanical equipment shall be screened from public view (including views from channel). **(HBZSO 230.76)**
  - c. Modification or new installation of 3<sup>rd</sup> floor windows shall require review and approval by the Community Development Department to ensure the site has sufficient parking.
  - d. The entablature (frieze/architrave/cornice) along the front elevation between the 2<sup>nd</sup> and 3<sup>rd</sup> levels shall be enlarged by 1 ft.-6 in. to 3 ft. in height.
  - e. The differential between top of subfloor (finished floor) and datum (highest adjacent curb) shall be a maximum of two feet as determined by Public Works. If any subfloor, stem wall or footing is proposed greater than two feet above datum, the height in excess shall be deducted from the proposed 30-foot maximum allowable ridgeline height. **(HBZSO 230.70 (B))**
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. 24-007 and Coastal Development Permit No. 24-005 shall become null and void unless exercised within two years of the date of final approval or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, 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, 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.