



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 10, 2025

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Vice-Chair Bush

ROLL CALL: *P* Pellman, *P* Bush, *P* Thienes, *P* Babineau, *P* McGee, *P* Palmer

PUBLIC COMMENTS - NONE

PUBLIC HEARING ITEMS

25-265 APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 24-007 AND COASTAL DEVELOPMENT PERMIT NO. 24-005 (VOONG RESIDENCE)

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.

LOCATION:

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

RECOMMENDED ACTION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3; and
- B) Approve Conditional Use Permit No. 24-007 and Coastal Development Permit No. 24-005 with suggested findings and conditions of approval (Attachment No. 1)

The Commission made the following disclosures:

- Commissioner Pellman spoke with residents and with staff.
- Commissioner Babineau met with Councilmember Twining.
- Vice-Chair Bush spoke with Commissioner McGee, Councilmember Williams, and with staff.
- Chair Thienes spoke with staff and Mayor Burns.

- Commissioner McGee spoke to Vice-Chair Bush
- Commissioner Palmer spoke to Councilmember Kennedy and to residents.

Wayne Carvalho, Contract Planner, gave the staff presentation for the proposed project.

There was discussion on the following items: construction hours, the sea wall impacts, potential negative impacts to privacy, the definition of low density residential zoning, the CEQA exemption, Residential Low Density zoning restrictions, soils analysis, grading, the maximum lot coverage, the conditional use permitting process, the maximum allowed building height, the meaning of “adjoining use” in the general plan, and the height of the proposed decorative elements.

Deputy Director Bos noted that due to a health emergency, the city attorney’s office would not have a representative present at this meeting.

THE PUBLIC HEARING WAS OPENED.

Brad Bailey, appellant, spoke in opposition to Item No. 25-265, citing the proposed size of the home, the potential negative impacts to privacy, noise, open space, quality of life, aesthetics, neighborhood compatibility, neighborhood preservation, and the seawall integrity. Mr. Bailey stated that this house design was rejected for another lot in Huntington Harbour.

Sam Panabianco, resident, spoke in opposition to Item No. 25-265, citing the current state of the seawall, the potential negative impacts the height and mass of the proposed building would have on his solar panels on the adjacent lot, and the size of the proposed project.

Barbara McCleneghan, resident, spoke in opposition to Item No. 25-265, citing concerns with the design, the massing of the third floor, and neighborhood compatibility.

Duc-Huy Huynh, architect, spoke in support of Item No. 25-265, stating that the design is specific to this property, that the window alignment will preserve adjacent residents’ privacy, and that the air conditioner unit was relocated to mitigate potential noise impacts. Mr. Huynh noted that he had tried to meet with the appellant but received no response.

WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

There was lengthy discussion on the following items: the size of the proposed building, the varying house sizes in Huntington Harbour, the Homeowner’s Association’s jurisdiction over the seawall, neighborhood compatibility, the potential shadowing of adjacent residences, the lack of solar panel protection ordinances in the city, and the proposed number of air conditioning units.

A MOTION WAS MADE BY PELLMAN, SECONDED BY THIENES, TO DENY CONDITIONAL USE PERMIT NO. 24-007 AND COASTAL DEVELOPMENT PERMIT NO. 24-005, AND REQUEST A REDESIGN OF THE PROJECT.

MOTION WITHDRAWN

A MOTION WAS MADE BY MCGEE, SECONDED BY BUSH, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303, CLASS 3; AND APPROVE CONDITIONAL USE PERMIT NO. 24-007 AND COASTAL DEVELOPMENT PERMIT NO. 24-005 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

**AYES: Babineau, Bush, McGee
NOES: Pellman, Thienes, Palmer
ABSENT: None
ABSTAIN: None**

MOTION FAILED

There was a lengthy discussion on the potential for continuing the proposed item, the potential modifications the commissioners would like the architect to make, and the types of alternative motions available to the commissioners for the proposed project.

A MOTION WAS MADE BY PELLMAN, SECONDED BY MCGEE, TO DENY CONDITIONAL USE PERMIT NO. 24-007 AND APPROVE COASTAL DEVELOPMENT PERMIT NO. 24-005 WITH THE ELIMINATION OF A HABITABLE THIRD FLOOR WITH MODIFIED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

MOTION WITHDRAWN

A MOTION WAS MADE BY PELLMAN TO CONTINUE CONDITIONAL USE PERMIT NO. 24-007 AND COASTAL DEVELOPMENT PERMIT NO. 24-005 TO ALLOW FOR MODIFICATIONS OF THE BUILDING DESIGN AND REQUIRE A SHADOW STUDY.

MOTION NOT SECONDED

A MOTION WAS MADE BY THIENES, SECONDED BY PELLMAN, TO CONTINUE CONDITIONAL USE PERMIT NO. 24-007 AND COASTAL DEVELOPMENT PERMIT NO. 24-005 FOR REDESIGN TO REDUCE SCALE AND MASS AND REQUIRE A SHADOW STUDY, BY THE FOLLOWING VOTE:

**AYES: Pellman, Thienes, Palmer
NOES: Babineau, Bush, McGee
ABSENT: None
ABSTAIN: None**

MOTION FAILED

In the event of a tie vote, the Zoning Administrator's approval of the appealed project stands.

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 3rd floor balcony shall not project more than 30-inches from the building wall. With exception of the 3rd floor balcony cover, all decks and guardrails shall be setback a minimum five feet from the 2nd 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 3rd 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 2nd and 3rd 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.

CONSENT CALENDAR - NONE

NON-PUBLIC HEARING ITEMS - NONE

PLANNING ITEMS

Mr. Ramos reported on upcoming planning items for Planning Commission and City Council.

PLANNING COMMISSION ITEMS

Chair Thienes stated that he thinks the codes in Huntington Beach are really good but he disagrees with the staff's interpretation.

Commissioner McGee stated that he thinks it is fantastic that people in America can afford to own and build their own homes.

ADJOURNMENT: Adjourned at 7:37 PM to the next regularly scheduled meeting of Tuesday, June 24, 2025.

APPROVED BY:

Jennifer Villaseñor, Secretary

Brian Thienes, Chairperson