

DH

Duc-Huy Huynh <duchuy@huarchitecture.com>

To: Wayne Carvalho

Cc: kevin@11group.com

Sun 3/23/2025 4:23 PM

! High importance Flag for follow up. Completed on 4/13/2025.

Hi Wayne,

I will be out of the country until April 21, 2025, and will remain unavailable until April 23. As Kevin mentioned, I made myself available to meet with the Owner and the neighbor at everyone's convenience. However, all attempts to coordinate were disregarded by the individual who authored the Appeal Narrative, which I found to be unprofessional.

Please see my response to the appeal letter below:

1. In general, this design will fully comply with the safety standards mandated by the city, county and state applicable to this project.
2. All AC units will be installed on the roof and screened to meet or exceed local code and regulatory requirements.
3. In developing our design, we carefully considered the architectural context of the neighborhood as one of our primary influences. The area within the 500-foot map showcases a rich diversity of architectural styles, ranging from mid-century modern (1900s) to Mediterranean, Urban French Colonial, and Renaissance/French/Spanish Revival are only a few to name, among others. The neighborhood also includes buildings varying from one to three stories in height, with sizes and scales comparable to those in the proposed design. Therefore, it is inaccurate to claim that our architectural consistency does not align with the neighborhood's character. Additionally, Mr. Brad Bailey, the appellant, expressed a willingness to meet with us to discuss the project. However, despite multiple attempts by the Owner to arrange a meeting over several weeks, Mr. Bailey did not respond. The most recent email regarding this matter was also cc'd to the city official, Mr. Wayne Carvalho.
4. Our structural engineer will design this project in full compliance with the minimum code requirements set by the local jurisdiction, as well as the recommendations provided by the professional soil engineer. Consequently, this concern will be thoroughly reviewed, and the design will prioritize health, safety, and welfare — regardless of Mr. Brad Bailey's expressed concerns.
5. Mr. Bailey's complaint is unjust and potentially discriminatory. The proposed design not only meets but exceeds the local code's off-street parking requirements. Specifically, the code requires two indoor garage parking spaces, while our design provides three (two plus one tandem) along with two additional off-street parking spaces in the driveway.
6. We have requested a copy of this petition from Mr. Carvalho; however, no official petition has been submitted by Mr. Bradley. It is only fair that we receive a copy of this petition along with the appeal narrative. The lack of transparency in this process places undue pressure on both the Owner and the Architect, which we find highly unprofessional.

I will be on and off the network while traveling. Will do my best to check my email whenever I can.

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Duc-Huy Huynh, President | Licensed ARCHITECT, AIA, NCARB
(714) 476.4751 | www.huarchitecture.com | [Instagram](#) | [LinkedIn](#)

Subject matter: Application# PA 2024-0020 / CUP# 2024-007 / CDP# 2024-005

To the Honorable Members of the City Council—Don Kennedy, Casey McKeon, Tony Strickland, and Mayor Pat Burns—and the Members of the Community Development Department—Jennifer Villasenor, Jennifer Stephenson, Joanna Cortez, and Wayne Carvalho:

My name is Brad Bailey, and I am a homeowner residing at 16481 Peale Ln, Huntington Beach, CA 92649. I have lived in the Harbour for approximately ten years and take great pride in being part of this community.

I am formally submitting this appeal regarding the proposed construction on the property adjacent to mine. My concerns pertain to several aspects of the project that I believe require further review and consideration:

1. Third-Story Patio and Safety Concerns

The home has filed for a Conditional Use Permit (CUP) to include a third-story structure with a 500-square-foot patio. I have serious concerns regarding the safety implications of this design, as the patio directly overlooks my deck. Given the high winds in our area, objects falling or being thrown from a 30-foot height could pose a significant hazard, potentially causing property damage or personal injury. This situation makes both my wife and me feel unsafe in our own home. I respectfully request that this matter be revisited to explore possible design accommodations.

2. Placement of AC Units

The proposed design includes three large air conditioning units positioned directly against my home. While I understand this placement may not be illegal, it presents a considerable nuisance. I kindly request that alternative placement options be considered—such as relocating the units to the roof—to minimize noise and disruption. Given the scale of this home, I believe this is a reasonable request, and I would appreciate the opportunity to discuss potential solutions with the architect.

3. Architectural Consistency and Neighborhood Fit

The size and scale of the proposed home significantly exceed that of neighboring properties, creating a stark contrast with the existing architectural character of the community. I would appreciate the opportunity to meet with the architect to discuss potential modifications that could better align with the aesthetics of the surrounding homes. As future neighbors, I believe fostering a cooperative dialogue would be beneficial to all parties involved.

4. Seawall Structural Integrity

The seawalls in our area are approximately 60 years old. Given the size and weight of this proposed construction, I am deeply concerned about the structural integrity of the seawall. If the

seawall were to fail or crack under increased pressure, water infiltration could cause severe flooding, not only to my property but to others in the vicinity. Has a thorough inspection been conducted to confirm that the existing foundation can safely support this development? I request full transparency regarding any structural assessments or engineering reports that have been completed.

5. Parking and Community Impact

Our street is a cul-de-sac with limited parking availability. A home of this magnitude—approximately 7,700 square feet—will likely house multiple residents, raising concerns about an overflow of vehicles congesting our neighborhood. Additionally, I am concerned about the potential for this property to be used for short-term rentals, a boarding house, or a commercial facility such as a sober living or assisted living center. To protect the integrity of our neighborhood, I would like to request that clear restrictions be established to prevent such uses.

6. Community Opposition and Petition

Our island consists of 94 homes, and over 100 residents have signed a petition opposing this construction project. When such a significant majority of homeowners express concern, it warrants serious consideration. Additionally, I was unable to attend the hearing on February 5, 2025, due to a business trip in New York. However, several of my neighbors were present, and I would appreciate an update on the discussions and outcomes from that meeting. I can provide documentation of my travel, including hotel and flight records, to verify my absence.

I sincerely appreciate your time and consideration in reviewing these concerns. I look forward to your response and to working toward a solution that respects both the rights of the property owner and the well-being of the surrounding community.

Sincerely,

Brad Bailey

A handwritten signature in black ink, appearing to read 'Brad Bailey', is written over the printed name.



Newmeyer & Dillion LLP
895 Dove Street
Second Floor
Newport Beach, CA 92660
(949) 854-7000

June 10, 2025

Charles S. Krolikowski
Charles.Krolikowski@ndlf.com

VIA E-MAIL AND HAND DELIVERY

Planning Commission
City of Huntington Beach
Civic Center, Lower Level, Room B-8
2000 Main Street
Huntington Beach, CA 92648
Planning.Commission@surfcity-hb.org

Re: Project No. 25-265 - 16471 Malden Circle, Huntington Beach, CA 92649
Comment Letter Regarding Appeal of CUP No. 24-007 and CDP No. 24-005

Dear Honorable Commissioners:

This office represents Sam Panebianco, and Brad Bailey, occupant of the real property located at 16481 Peale Lane, Huntington Beach, CA (APN 178-411-24) ("Bailey Residence") and longtime resident within the Huntington Harbor community. The Bailey Residence is directly adjacent to 16471 Malden Circle, Huntington Beach ("Property"), the real property that is the subject of the City of Huntington Beach's ("City") Project No. 25-265 ("Project").

Mr. Bailey provides the following comments related to the appeal of the Zoning Administrator's approval of Conditional Use Permit ("CUP") No. 24-007 and Coastal Development Permit ("CDP") No. 24-005 ("Approvals").

1. The Project's Macabre Mansionization of Huntington Harbor's Unique Residential Development Character Conflicts with the City's General Plan.

The purpose of zoning and land use regulations/development standards is to function similarly to contracts, wherein property owners forego certain rights to use their land as they wish in exchange for the assurance that neighboring properties will be similarly restricted. This mutual restriction on development is intended to enhance the total welfare of the community itself. (*Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916, 923.) Here, the proposed Project seeks to invalidate that social contract.

The Project's design, massing, and height are in direct conflict with multiple aspects of the City's General Plan. Indeed, the General Plan's Land Use Element identifies multiple goals to be followed when applicants seek to develop or redevelop their properties. For example, Goal LU-1 of the City's Land Use Element ensures that, "[n]ew commercial, industrial, **and residential development** is coordinated to ensure that the land use pattern is consistent with the overall goal and needs of the community." Further, LU-1, Policy D, requires the City to, "ensure that new development projects are of **compatible proportion, scale, and character to complement adjoining uses.**"

Land Use Goal LU-2 requires that, "New development preserves and enhances a distinct Surf City identity, culture, and character in neighborhoods, corridors and centers." In this regard, the City must ensure new development complies with these goals by requiring building design and architecture be context-sensitive, creative, complementary of the City's beach culture, and **compatible with surrounding development.** (City's Land Use Element, p. 2-33, Goal LU-2, Policy C.) Finally, Goal LU-4 requires that the City ensure single-family residences are of **compatible proportion, scale, and character to surrounding neighborhoods.** (*Id.*, p. 2-34, Goal LU-4, Policy D.)

The current existing home on the Property includes a 2,845 square foot, 13-foot high, single-story residence. **The Project proposes a complete scrape and rebuild (new development) to a large, three-story mansion, thirty-five feet in height, and approximately 275 percent larger than the current residence (7,696 square feet).** The building would encompass almost the entire area of the lot, with only minimal setbacks from the adjoining properties (including the Bailey Residence). In other words, the new building will stand as out as a monolith, towering over all other properties in the area.

To call this Project a, "demolition and rebuild," is an understatement. Instead, the Project would accomplish a complete redesign of the neighborhood's character. Currently, the nearby neighborhood consists of one/two-story coastal homes with direct access to the Huntington Harbor. This Project runs roughshod through that character, which was built throughout the years on the collaborative efforts of numerous prior and existing owners. The Applicant's Project changes that character to the detriment of those they will share space with – their neighbors.

In addition, the Project proposes a thirty-foot Victorian-style roof (totaling thirty-five feet in height with the various AC-units and decorative additions), with immense open windows reminiscent of the Notre Dame, and two 23-foot tall Corinthian-style Roman columns paralleling the large front glass door. For the back of the Property, the Project proposes three-story glass windows with metal balconies that overhang the main structure and cover the width of the entire building. The entire size, scale and mass of the Project is completely out of touch with other single-family homes within the

neighborhood. Simply put, granting the Approvals would not maintain neighborhood compatibility and negatively affect neighboring properties by decreasing light and ventilation (air) between structures and increase building bulk and massing to the detriment of the entire community. The Project must be redesigned.

Following client discussion with former and current City officials, they are fully aware of the issues the community faces from this Project and share many of the concerns identified herein.

2. The Project's Constitutes an Invasion of Privacy By Increasing Noise and Effecting the Quiet Enjoyment of the Surrounding Community.

The Project includes three five-ton AC units located on top of the building, directly adjacent to the Baily Residence's master bedroom. The AC units will substantially increase the noise output at the Property, and will immediately affect all adjacent properties owners whenever used.

Further, the Project also calls for an elevator shaft and expansive, round windows which point directly to the Bailey Residence's courtyard. Direct sight access of this magnitude and at that height, when compared to the surrounding properties, constitutes an invasion of privacy.

Finally, the Project's three-story glass wall and large metal balconies on the second and third floors expand the width of the building to the property's lot lines. The balconies effectively loom over the neighboring properties, establishing an oppressive presence over the adjoining properties and directly affect the quiet enjoyment (***impacts to light, air and view***) of those properties.

3. The Project's Size and Safety Threats Require Further Investigation and Environmental Review.

Adding a structure nearly three times the size of the current building, prompts the need for a full analysis of the structural integrity of the surrounding area, including the Huntington Harbor's seawall. Notably, the Huntington Harbor recently received a "D" rating by the City on its Infrastructure Report Card. (See, City Council Public Hearing, January 21, 2025, HB Report Card Study Session PowerPoint, p. 5.)

Here, the Project's additional mass and weight puts a strain on an already dilapidated infrastructure. The City's proposed conditional approvals do not require the Applicant to reinforce the seawall or update the foundation to ensure the structural integrity of the land. This places the Property (and any homes adjacent thereto) at the potential danger of collapse.

Proper analysis of the Project's effect(s) on the environment and neighboring properties must be analyzed by and through proper environmental review as set forth in

the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.) (“CEQA”). Instead of performing the required analysis, the City has permitted the Applicant to avoid the same by claiming the Project holds a Class 3 Exemption pursuant to Section 15303 of the CEQA Guidelines. However, this exemption is not applicable where there is a reasonable probability that the Project will have a significant effect on the environment due to unusual circumstances. (*North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4th 832, 868, citing 14 CCR § 15300.2.) An unusual circumstance is “some feature of the project that distinguishes it from others in the exempt class.” (*Ibid.*)

As the Project is not proposed on flat land but on the water with substantial modifications, a higher level of due diligence and review is necessary. Moreover, the Project falls within the City’s Coastal Zone, prompting further analysis as to the Project’s impact on the ocean and seawall. The City’s review of the Project provides no such analysis to determine whether further review and analysis is required. Certainly, additional loads on a specific area of dilapidated infrastructure (i.e. an unusual circumstance) establish potential significant effects on the environment prompting further analysis pursuant to CEQA Guidelines, Section 15300.2. (*Id.*, p. 869, “What is ‘unusual’ is ‘judged relative to the typical circumstances relates to an otherwise typically exempt project.’”)

4. Conclusion.

Therefore, Mr. Panebianco and Mr. Bailey respectfully request that the Planning Commission grant the appeal/overturn the Approvals for the Project and require the Applicant to provide a plan that conforms with the neighboring community’s characteristics, remains code-compliant, and fully analyzes the potential risks of the Project’s effect(s) on the environment.

Should the Planning Commission deny the appeal, Mr. Panebianco and Mr. Bailey fully intend to appeal this issue to the City Council and Coastal Commission, as necessary. Mr. Panebianco and Mr. Bailey reserve the right to amend and supplement these comments up and until the decision on the Project’s Approvals are final.

Should you have any questions regarding the items set forth in this letter, please do not hesitate to contact me.

Respectfully,



Charles Krolkowski

cc: Lisa Lane Barnes, City of Huntington Beach City Clerk,
Lisalane.barnes@surfcity-hb.org ; Greg Tross, greg.tross@ndlf.com; Client