

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

WEDNESDAY, FEBRUARY 5, 2025 - 1:30 P.M.

ZONING ADMINISTRATOR: Joanna Cortez

STAFF MEMBER: Wayne Carvalho, Hayden Beckman, Michelle Romero

PUBLIC COMMENTS: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 24-005/CONDITIONAL USE PERMIT NO. 24-007 (VONG RESIDENCE):

APPLICANT:	Duc-Huy Huynh, 15551 Eden St. Westminster CA, 92683
PROPERTY OWNER:	Andy Pho, P.O. Box 669, Huntington Beach, CA 92648
REQUEST:	To demolish an existing single-story residence and construct a new 7,696 sq. ft. 3-story single-family dwelling at a height of 30 ft., including a 715 sq. ft. 2-car garage, 530 sq. ft. of 2nd floor balconies, and a 110 sq. ft. 3rd floor balcony.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Class 3, Section 15303 of the California Environmental Quality Act.
LOCATION:	16471 Malden Circle, 92649 (Gilbert Island in Huntington Harbour)
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 received one public comment in opposition, concerns with elevation and design. Staff added two new conditions 1a and 1b, referencing setbacks and rooftop mechanical equipment.

Joanna Cortez, Zoning Administrator, had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Duc-Huy Huynh, applicant and architect, had no comments or concerns with staff's recommendations, including the added conditions

Sam Panebionco, adjacent resident, cited concerns with the proposed project height, affecting his solar panels. He noted that this will set a new standard for residents in the neighborhood to build bigger and that the proposed project does not conform to scale. He expressed concerns with possible sea wall damage to his property.

Richard Lewis, resident, spoke in opposition to Item No. 1, citing concerns with the design and architecture of the proposed project. He stated concerns with the proposed height, size and tandem garage. Also cited that this proposed project did not meet the criteria for the land use

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

Duc-Huy Huynh, applicant and architect, stated that along with the property owner, they drove to see the neighboring homes in the proposed location, to make sure that the architecture and proposed design was appropriate. He expressed that he is following the city standard and is working with the property owner, so that they don't deviate from it. He noted that architecture is progressive, and he is meeting requirements for both setbacks and height. He apologized to the homeowner concerned with his solar panels and said that he is trying to meet the functionalities of the property owners, design requirements, and city standard. He noted that the property owner in conjunction with his team went to great lengths to heighten the design of the elevation.

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

Mr. Carvalho stated that the proposed property is in the low-density residential district and there is a building envelope that is permitted but limits height to a maximum of 35 ft. to the top of the roof, along with some requirements with the pitch of the roof and a flat roof is limited with a height maximum of 30 ft. Also referenced was the city ordinance that went into effect in the mid-90s for a third-story project which allowed the homeowner to get some third-floor story area with a conditional use permit, with in confines of the roof volume, and meet the 5:12 pitch. He also noted that there are existing new residential developments that are 2-stories and fall in that 25-30 ft. height limit.

Ms. Cortez stated that the proposed area is predominantly single-story and confirms parking requirements to be 2 enclosed and 2 open spaces. She addressed compatibility with concerns of the height and compared them in similarity to many of the existing 2-story houses. She also confirmed that there is nothing in the code that prohibits or requires a certain architectural style. She cited that she understands that the design and architecture is subjective and what is proposed is not appreciated by residents.

Ms. Cortez stated that she would approve the request along with the following modifications to conditions of approval:

- 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))**

CONDITIONAL USE PERMIT NO. 24-007 & COASTAL DEVELOPMENT PERMIT NO. 24-005 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING 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. 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.

THE MEETING WAS ADJOURNED AT 2:18 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 19, 2025, AT 1:30 P. M.

Joanna Cortez
Zoning Administrator

JC:mr