



City of Huntington Beach

File #: 25-265

MEETING DATE: 6/10/2025

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Jennifer Villaseñor, Director of Community Development
BY: Wayne Carvalho, Contract Principal Planner

SUBJECT:
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)

APPELLANT: Bradley Bailey, 16481 Peale Ln., Huntington Beach, CA 92649

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

PROPERTY OWNER: Benjamin Voong, 16471 Malden Cir., Huntington Beach, CA 92649

In considering this request, the Planning Commission may either uphold the Zoning Administrator's decision (with or without modifications) or take an alternative action.

ZONING ADMINISTRATOR ACTION:

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)

ALTERNATIVE ACTION(S):

A) Do not make the suggested findings, which will result in a mandatory denial per Section 241.10(C) and Section 245.30 of the Huntington Beach Zoning and Subdivision Ordinance; or

B) Continue Conditional Use Permit No. 24-007 and Coastal Development Permit No. 24-005 and direct staff accordingly.

PROJECT PROPOSAL:

The project includes the following requests: Conditional Use Permit (CUP) No. 24-007/Coastal Development Permit (CDP) 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. 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. (Attachment No. 2)

Zoning Administrator Action:

The Zoning Administrator (ZA) held a public hearing on February 5, 2025, to consider the proposed project. The applicant/architect, Duc-Huy Huynh, and the property owner's representative, Kevin Voong, were present to answer questions. There were two persons who spoke in opposition to the proposed project. An adjacent neighbor commented on the proposed size and height of the new residence, stating that the structure was not compatible with the sizes of existing homes in the neighborhood. He indicated the height of the structure would impact direct sunlight to his solar panels, and that there could be impacts to the sea wall from the new development (Attachment No. 4). Another neighbor testified his concerns with the size, height, design, and architecture of the project. He cited city's land use policies that development projects be compatible in proportion, scale and character to complement adjoining uses. He didn't believe the proposed residence was compatible with the neighborhood.

Staff reported that the project was in compliance with all development standards for the RL (Residential Low Density) zoning designation, including maximum height, lot coverage, and minimum building setbacks. Staff further explained that the proposed third floor was designed within the confines of the second-floor roof volume with the third-floor balcony oriented towards the public right of way (channel). The conceptual plans had been routed to the Fire and Public Works Departments, and the Building Division for comments and, if approved, would be reviewed for compliance during the building plan check process.

While the ZA agreed with staff's findings, additional code requirements and conditions were included or modified for clarification:

- Maximum balcony cover projection of 30-inches;
- Minimum 5 ft. setback from 3rd floor balcony railing to 2nd floor building wall;
- Rooftop mechanical equipment shall be screened from public view;
- Any modification or new installation of 3rd floor windows require review and approval by the Department of Community Development;
- The entablature (frieze/architrave/cornice) along the front elevation be enlarged in height; and
- Maximum 2 ft. differential between the highest adjacent curb and finished floor.

With these modifications, the ZA approved the project with staff's suggested findings and modified conditions of approval (Attachment No. 3).

Appeal:

On February 20, 2025, following the ZA's action, the project was appealed by Mr. Bradley Bailey, an adjacent property owner, citing the following reasons (Attachment No. 5):

- Safety concerns over the design of the proposed third floor deck
- Location of proposed air conditioning units adjacent to his property
- Architectural consistency and compatibility with the neighborhood
- Concerns over the structural integrity of the seawall
- Parking impacts
- Potential uses other than a single family residence
- Community opposition including petition opposing project

In his appeal letter, the appellant extended an offer to meet with the applicant to discuss his concerns and potential solutions. Staff requested the applicant meet with the appellant to discuss concerns raised in his letter prior to the Planning Commission meeting. The applicant indicated that he made several attempts to contact the appellant by email, phone and in person with no success. The applicant also provided responses to each of the points made by the appellant which is included in Attachment No. 6.

Staff had also attempted to contact the appellant to discuss the appeal process and to obtain a copy of a petition cited in his letter. On Thursday, April 17, 2025, staff received an email from the appellant with questions about the development process and information from the Zoning Administrator meeting. Staff responded to the appellant's email by providing the requested information while inquiring about his availability for the Planning Commission meeting.

Responses to the appeal are discussed below:

- **Safety concerns over the design of the proposed third floor deck**

The proposed third floor deck complies with zoning code provisions with respect to height, location, and design. All construction must also comply with California Building Code standards. Any proposed third-story floor area, whether enclosed habitable space or as an open deck, is specifically regulated to avoid impacts to safety and privacy.

- **Location of the proposed air conditioning units adjacent to his property**

The air conditioning units are proposed on the rooftop which will minimize noise impacts to adjacent properties.

- **Architectural consistency and compatibility with the neighborhood**

There is a range of single story, two-story and three-story homes located in Huntington Harbour, many of which are located along the channel. The proposed three-story residence has been designed to conform to the City's zoning ordinance. Specifically, the structure is designed to appear as a two-story structure with all third-floor habitable area within the confines of the roof volume. Exceptions for vertical projections include dormers and decks provided those features are setback a minimum of five feet from the exterior of the building and meet height requirements. Open decks and balconies must be oriented towards the public right of way. In this case, the proposed third floor deck

is oriented toward the public channel.

Gilbert and Admiralty Islands include a variety of single story to three-story homes that have a diverse range of architectural styles. The proposed 30-ft. height of the home is compatible with other two-story homes in the area that generally range from 25 to 30 feet. Although zoning allows up to a 35-ft. height limit, the proposed home is designed below the maximum height.

- **Concerns over structural integrity of the seawall**

The proposed development will require the preparation of geotechnical/soils studies for review and approval by the City's Building Division prior to issuance of building permits. This will include review of any potential impacts to the existing seawall as a result of the new development.

- **Parking impacts**

The proposed 4-bedroom residence will comply with the city's parking requirements by providing two enclosed parking spaces (garage) and two open spaces on the driveway. Although tandem spaces aren't counted toward the parking requirement in this zoning district, the project will provide an additional tandem parking space in the garage for a total of five spaces on site.

- **Potential uses other than a single-family residence**

There is no proposal to utilize the proposed property for anything other than a single-family residence.

- **Community opposition including petition opposing project**

At the Zoning Administrator meeting, there were two persons who spoke in opposition to the project. As of the publishing of this report, no petition has been received by the City.

ISSUES AND ANALYSIS:

Subject Property and Surrounding General Plan Designations, Zoning and Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RL (Residential Low Density)	RL-CZ (Residential Low Density - Coastal Zone Overlay)	Residential
North, South, East (across Malden Circle), and West (across Huntington Harbour) of Subject Property:	RL	RL-CZ	Residential

General Plan Conformance:

The project is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property and with the following goal and policies of the General Plan:

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 complies with requirements of the base RL zoning district including parking, building setbacks, building height, lot coverage, and privacy design standards. Huntington Harbour is developed with single story, 2-story and 3-story homes ranging in height of up to 35-feet. This project proposes a 30 ft. height limit which will be compatible with other 2-story and 3-story homes in the area. The proposed third-floor habitable space is designed within the confines of the second-story roof volume ensuring compatibility with other multi-story homes in the area. As required by code, the proposed third-floor balcony will be oriented toward the water and will be setback five feet from the building exterior. This code requirement provides privacy for abutting properties.

Zoning Compliance:

The proposed project complies with the provisions in Titles 20-25 of the HBZSO including setbacks, building height, minimum landscape, privacy standards, and parking requirements as demonstrated in the table below:

STANDARD	REQUIRED	PROPOSED
Setbacks Front Side Rear	Min. 15 ft. Min. 5 ft. Min. 10 ft.	20 ft. 5 ft. 27 ft.
Lot Coverage (Building Footprint)	Max. 50% of 7,741 sq. ft. 3,870 sq. ft.	49.9% 3,863 sq. ft.
Building Height	Max. 35 ft.	30 ft.
Landscaping	Min. 40% of front setback 355 sq. ft.	418 sq. ft.
Parking	Min. 2 enclosed, 2 open	2 enclosed, 2 open

Single-family residences with habitable living space above the second floor, including roof top decks, are subject to approval of a Conditional Use Permit (CUP) by the Zoning Administrator. Within the RL zoning designation, residential projects that do not include improvements above the second floor are not subject to a CUP, do not need a public hearing, and may proceed directly to the building permit process. As detailed in the table above, the proposed single-family dwelling complies with minimum RL development standards but is subject to a CUP approval due to the proposed third floor. A Coastal Development Permit (CDP) is required for new construction on a waterfront lot.

The subject property is approximately 7,741 sq. ft., slightly larger than the 5,000 to 6,000 sq. ft.

typical lot size for single-family residences in the Huntington Harbour area. Homes in the neighborhood vary between single-story, two-stories, and three-stories with a maximum height of 35 feet. The proposed three-story residence is consistent with residential developments that have been built throughout Huntington Harbour within the same zoning district. Although the allowable height in the RL district is limited to three stories at a maximum height of 35 ft., this project is proposed at a maximum height of 30 feet.

As older properties redevelop, projects are typically designed to the fullest extent allowed by the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The new residence is consistent with the requirements of the zoning district and will be compatible with the area. The third-floor space is designed within the confines of the second-floor roof volume, which facilitates the structure's resemblance to a two-story home. The 30-ft. building height and appearance of a two-story home is similar to the proportion and scale of two- and three-story homes in the area, some of which exceed 30 feet in height. Furthermore, the third-floor balcony is setback five feet from the building exterior and is oriented towards the rear (water), which will maintain privacy for abutting residences.

Urban Design Guidelines Conformance:

The proposed single-family residence is designed to convey a high level of quality and a character that incorporates quality materials and design such as stucco siding, stone veneer, and a slate tile roof which are consistent with the City of Huntington Beach Urban Design Guidelines. Although the applicant is proposing a three-story structure, the third story is designed within the confines of the second-story roof volume. The third-floor balcony is setback from the second story building façade to provide articulation and reduce massing. The balcony is designed centrally on the rear elevation and oriented toward the water to address the privacy of adjacent properties.

Environmental Status:

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 would develop a single-family residence within an existing urbanized residential zone.

Coastal Status:

The project involves the removal and replacement of a single-family residence that is located within the appealable area of the Coastal Zone. The proposed residence with third floor habitable area is subject to the requirements of HBZSO Chapter 245, and a Coastal Development Permit is required.

Other Departments Concerns and Requirements:

The Departments of Community Development, Fire, and Public Works have reviewed the project and identified a list of code requirements (Attachment No. 7) applicable to the project.

Public Notification:

Legal notice was published in the Huntington Beach Wave on May 29, 2025, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties. As of June 3, 2025, all communications received supporting or opposing the request are included in Attachment No. 6.

Application Processing Dates:

DATE OF COMPLETE APPLICATION: MANDATORY PROCESSING DATE(S):
January 10, 2025 Not applicable to appeals

This item was originally presented to the Zoning Administrator on February 5, 2025.

SUMMARY:

The Planning Commission may approve the proposed project based on the following summary of findings (Attachment No. 1):

- Complies with the General Plan including the Local Coastal Program;
- Consistent with the requirements of the base zoning district, as well as other applicable provisions of the Municipal Code;
- Compatible with the existing surrounding uses in proportion, scale, and character; and
- Incorporates quality materials and design such as stucco siding, stone, slate roofs, and building articulation.

ATTACHMENTS:

- ~~1. Suggested Findings and Conditions of Approval Conditional Use Permit No. 24-07/Coastal Development Permit No. 24-005~~
- ~~2. Plans received and dated November 14, 2024~~
- ~~3. ZA Notice of Action~~
- ~~4. ZA Meeting Minutes~~
- ~~5. Appeal Letter received and dated February 20, 2025~~
- ~~6. Public Comments~~
- ~~7. Code Requirements~~
- ~~8. Vicinity Map~~
- ~~9. Project Narrative~~
- ~~10. Photos of Project Site and Neighboring Properties~~
- ~~11. PowerPoint~~