

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 CIVIC CENTER DRIVE, NEWPORT BEACH
ZOOM**

**THURSDAY, FEBRUARY 26, 2026
REGULAR MEETING – 10:00 A.M.**

I. CALL TO ORDER – The meeting was called to order at 10:00 a.m.

Staff Present (Remote): Benjamin M. Zdeba, AICP, Zoning Administrator
Daniel Kopshever, Assistant Planner
Melinda Whelan, Assistant Planner
Cameron Younger, Planning Technician
Laura Rodriguez, Assistant Planner

II. REQUEST FOR CONTINUANCES

None.

III. APPROVAL OF MINUTES

ITEM NO. 1 MINUTES OF FEBRUARY 12, 2026

Zoning Administrator Zdeba noted that, while he did not serve as Zoning Administrator at the February 12 meeting, he received additional materials from Principal Planner Liz Westmoreland who did serve. She confirmed the draft minutes are an accurate representation of the meeting and recommended approval and filing of the minutes including grammatical and typographical suggestions.

Zoning Administrator Zdeba acknowledged receiving written comments from Mr. Jim Mosher and agreed to suggested changes. No further comments were received.

Action: Approved as amended.

IV. PUBLIC HEARING ITEMS

**ITEM NO. 2 Sky Thai Massage Minor Use Permit (PA2024-0201)
Site Location: 2737 East Coast Highway**

Council District 6

Daniel Kopshever, Assistant Planner, provided a brief project description stating that the request is for a minor use permit to allow a massage establishment in an existing 382-square-foot office suite. The proposed layout includes two massage beds, a unisex restroom, a shower, a kitchenette and a storage area. The proposed hours of operation are from 10 a.m. to 7 p.m. The applicant is not proposing tenant improvements or additional floor area. Assistant Planner Kopshever acknowledged that a building permit is required to document the change of land use. There is one onsite parking spot available for employee use. Due to the small suite size, the project is conditioned to allow for a maximum of two massage technicians onsite at any one time. This allows for couples massages; however, per the applicant, only one client will typically be massaged at any one time. A parking rate of one-space per 250 square feet of floor area is determined appropriate due to the small suite space and limited number of employees and patrons. The project is not considered an intensification of use and does not require a Coastal Development Permit.

Assistant Planner Kopshever acknowledged there are existing massage establishments and a cultural institution, the Sherman Library and Gardens, nearby. However, the suite's location being in the basement and away from the public right-of-way, along with a limited number of employees and patrons, makes the project compatible with the City's locational requirements and the waiver thereof is justified.

Assistant Planner Kopshever noted Condition of Approval No. 25, requiring the applicant to obtain an operator's permit from the Newport Beach Police Department (NBPD). He also highlighted Condition of Approval No. 26, requiring all employees who conduct massages to be certified by the California Massage Therapy Council. Finally, Condition of Approval No. 28, requiring all windows except treatment rooms to be transparent.

In response to Zoning Administrator Zdeba, Assistant Planner Kopshever confirmed that all conditions from the NBPD have been included.

Applicant Jack Meola, of Sky Thai Massage, was not present; however, Assistant Planner Kopshever confirmed that Mr. Meola reviewed the draft resolution and agreed with all the required conditions.

Zoning Administrator Zdeba opened the public hearing. Seeing that no one from the public wished to comment, the public hearing was closed.

Action: Approved

ITEM NO. 3 Hogan Residence Coastal Development Permit Variance
Site Location: 1529 Dolphin Terrace

Council District 5

Melinda Whelan, Assistant Planner, provided a brief project description stating that the request is for a coastal variance to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code. The proposed project would demolish an existing single-unit structure and construct a new, multi-level single-unit structure within the Bluff (B) Overlay Zone in Title 21. The request is to allow the principal structure to encroach from Development Area A into Development Area B, which typically only allows for accessory structures. Assistant Planner Whelan stated that the project meets all Title 20 requirements. Due to the curvature of the top of the bluff setback, strict application of the B Overlay Zone would require the new structure to have a smaller footprint than the existing structure. Assistant Planner Whelan highlighted that basements in Development Area A are permitted to daylight into Development Area B, meaning significant grading into this area is already permitted. Development Area B also allows for cantilever decks and pools.

Prior to the adoption of Title 21, the Local Coastal Program allowed development pursuant to stringlines for both principal and accessory structures. The applicant is proposing to use a stringline for Development Area A to gain a similar footprint for the principal structure as those on the neighboring lots. The proposed development would not encroach into Development Area C and will maintain 83 feet of natural bluff and vegetation. Assistant Planner Whelan used PowerPoint slides to demonstrate that the proposed development's roof would be in line with the neighboring structures and that lower levels would not be visible. The project is not adjacent to Coastal View roads and would not affect Coastal Views. The project area does not contain significant coastal resources and therefore meets the exceptions allowed in the current Title 21 requirements. Assistant Planner Whelan stated that staff had made all required findings, as demonstrated in the resolution.

In response to Zoning Administrator Zdeba's question on the area of encroachment, Assistant Planner Whelan confirmed that the project will only encroach into Development Area B with the principal structure and will comply with all other Development Area B requirements. She also confirmed that there is no development proposed in Area C.

In response to Zoning Administrator Zdeba's question regarding the existing structure, Assistant Planner Whelan confirmed that the existing residence is already nonconforming and encroaches 9 feet into Development Area B. There is no substantial change in the proposed principal structure, and the proposed project only brings the structure in line with the closest corners of the neighboring structures.

In response to Zoning Administrator Zdeba's question about project accessory improvements, Assistant Planner Whelan stated that the accessory improvements would match the extent of the improvements of the adjoining neighbors.

Roger Hogan, the Property Owner, stated that he had reviewed the draft resolution and agreed with all the required conditions.

Zoning Administrator Zdeba opened the public hearing.

One member of the public, Jim Mosher, spoke and pointed out that the property is more constrained than neighboring properties both because the bluff significantly moves in towards Dolphin Terrace and because it is subject to a ravine. Additionally, he stated that the neighboring properties did not appear to go down to the 62-foot contour, while the proposed project does. Mr. Mosher also expressed concern with how the project will affect views from Balboa Island looking toward Bayside Drive.

Morgan Gallagher, a representative of the Property Owner, reaffirmed that they are in full agreement with staff findings and believe that it is reasonable and justified to utilize the stringline to determine the appropriate extent of development for the principal structure in this case. It still results in a significantly smaller footprint than neighboring structures and maintains a fair allowance to build roughly within the existing area of disturbance. The requested variance does not result in any greater disturbance already permitted by the City's code. Lastly, she affirmed there will not be any impact to views from Balboa Island.

Seeing that no one from the public wished to further comment, Zoning Administrator Zdeba closed the public hearing.

Action: Approved

ITEM NO. 4 Engstrom Residence Coastal Development Permit (PA2025-0240) Council District 6
Site Location: 2200 Pacific Drive

Cameron Younger, Planning Technician, provided a brief project description stating that the request is for a coastal development permit to subdivide one parcel into three separate parcels for the future development of three separate residences. The project is located within the R-1 Zoning District of the Coastal Zone. The existing parcel is approximately 15,756 square feet with a lot width of approximately 125 feet. The subdivision would create one parcel 54 feet wide and two parcels 35.5 feet wide. The existing parcel is currently developed with a single-unit residence. However, per the original subdivision map, there are four underlying lots on the property. Planning Technician Younger stated that in 1983, the property entered into a covenant and agreement with the City to use the four lots as one single parcel. This covenant and agreement is conditioned to be released prior to the demolition of the existing residence.

She continued that the proposed subdivision is comparable in length, width and area to the original subdivision, as well as the neighboring residences along Pacific Drive. Although the proposal would increase the current number of parcels, it still results in one less parcel than the original subdivision. The project will not impact vehicle circulation. Parcels will continue to be accessible from Pacific Drive, as well as through the rear alleyway. The property is located approximately 480 feet southeast from Begonia Park and is not within the park's viewshed. Vertical access to the beach is located approximately 660 feet east of the property along Carnation Avenue. Lateral access is located approximately 560 feet southeast intersecting Bayside Drive and Bayside Place. The project does not affect public views or access to the water.

Staff received no written comments for this project. Planning Technician Younger requested removal of Condition of Approval No. 2 due to its irrelevancy to the project.

In response to Zoning Administrator Zdeba's questions about density, Planning Technician Younger confirmed that the project will result in one less residence than intended by the original subdivision.

In response to Zoning Administrator Zdeba's questions about Condition of Approval No. 5, Planning Technician Younger verified that complete plan check submittals for future development will be required prior to approval for demolition of the existing structure. She confirmed that the intent of Condition of Approval No. 5 is to ensure demolition will not result in the creation of vacant parcels.

In response to Zoning Administrator Zdeba's questions about in-lieu park dedication fees, Planning Technician Younger confirmed that these requirements are reflected in Conditions of Approval Nos. 8 and 9.

Sharon Engstrom, the Property Owner, stated that she had reviewed the draft resolution and agreed with all the required conditions.

Zoning Administrator Zdeba opened the public hearing.

One member of the public, Mr. Mosher, spoke and inquired about Finding L on page 15, which stated that the proposed project is equal or superior to the proposed design standards. Mr. Mosher inquired on whether Finding L compares standards to the original intended subdivision or to a subdivision that could be divided currently. Mr. Mosher stated that he believes that a subdivision into fewer lots could be possible.

Seeing that no one from the public wished to further comment, Zoning Administrator Zdeba closed the public hearing.

In response to Mr. Mosher, Planning Technician Younger stated that Finding L finds that the proposed subdivision is compatible with what is existing in the neighborhood. Fact 2 in support of Finding L highlights that the lots between 2216 and 2328 Pacific Drive share the same orientation as the proposed subdivision. Zoning Administrator Zdeba added that the intended baseline design standard of the neighborhood is a 50-foot-wide lot. Subdividing back to the original four lots would result in parcels with less than the 50-foot width and subdividing into two lots would result in oversized lots. The proposed configuration allows one lot to comply with requirements while aligning with the existing development pattern in the neighborhood.

Action: Approved as amended

ITEM NO. 5 Annino Residence Coastal Development Permit (PA2025-0209)
Site Location: 239 61st Street

Council District 1

Laura Rodriguez, Assistant Planner, provided a brief project description stating that the request is for a coastal development permit for a 731-square-foot addition. The project would add square footage to the first floor and add a second story to an existing 1699-square-foot one-story, nonconforming, single-unit dwelling, which only provides 2 feet, 9 inches of the required 3-foot side setback and 4 feet, 9 inches of the required 5-foot rear setback. Since the project results in a 43% increase in the existing floor area and an increase in structural height over 10%, this Coastal Development Permit is required.

The property is located within the R-1 Coastal Zoning District. The proposed addition would result in a total gross floor area of 2,430 square feet, which is within the allowable limit. Existing parking is sufficient to meet the current code requirement, which is a two-car garage. Assistant Planner Rodriguez stated that staff does not have concerns of flooding as the property is designated as area "X" by the Federal Emergency Management Agency (FEMA). The project is not located near a coastal view road, but is near a designated coastal viewpoint, Newport Shores Park. However, the project is out of the viewshed of the park and does not have any features that would obscure views from this area. The project is consistent with Public Access and Public Recreation policies outlined in Chapter 3 of the Coastal Act.

In response to Zoning Administrator Zdeba's question about required setbacks, Assistant Planner Rodriguez confirmed that the proposed addition will comply with all required setbacks and current development standards.

In response to Zoning Administrator Zdeba's question about the existing finished floor elevation, Assistant Planner Rodriguez confirmed that the Building Division has reviewed the Coastal Development Permit and did not present any concerns.

Prior to opening the public hearing, Zoning Administrator Zdeba commented that any future changes or additions to the scope of the proposed project may require an amendment to the approved Coastal Development Permit and could have major implications on the project given the nonconformities and the substandard finish floor elevation.

Applicant Dawn Vaught, of Richart Design, on behalf of the Owner, stated that she had reviewed the draft resolution and agreed with all the required conditions. She further acknowledged the consideration of Zoning Administrator Zdeba regarding the scope of work and possible changes to expand it causing significant code issues.

Zoning Administrator Zdeba opened the public hearing. Seeing that no one from the public wished to comment, the public hearing was closed.

Action: Approved

ITEM NO. 6 3036 Breakers LLC Condominium Conversion (PA2025-0144)
Site Location: 3036 Breakers Drive

Council District 6

Laura Rodriguez, Assistant Planner, provided a brief project description stating that the request is for a condominium conversion, coastal development permit, and tentative parcel map to allow an existing duplex to be converted into a two-unit residential condominium. The property is located within the coastal zone and has two detached dwelling units, addressed as 3036 Breakers Drive and 3047 Ocean Boulevard. The existing duplex is consistent with the R-2 Coastal Zoning District and the proposed conversion and tentative parcel map will allow each unit to be sold individually.

Assistant Planner Rodriguez stated that a Special Inspection Report was completed on November 26, 2025, by the City's Building Division. This report identified that the unit, identified as 3036 Breakers Drive, is undergoing renovation for an interior remodel under Building Permit No. XR2024-0792; therefore, it does not currently meet the minimum standards of the Uniform Housing Code. Although this unit does not presently meet the condominium conversion requirements, Assistant Planner Rodriguez stated that the applicant is required to obtain a second Special Inspection Report verifying compliance with condominium standards prior to approval of the final parcel map from Public Works.

The Special Inspection Report also found the unit identified as 3047 Ocean Boulevard also has an open building permit; however, the work associated with it has been completed and is awaiting final inspection. Therefore, this unit meets the standards required for condominium conversion. Assistant Planner Rodriguez confirmed that the existing duplex complies with the City's offsite parking regulations and that staff has no concerns regarding parking. The Tentative Parcel Map will comply with Tile 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and is consistent with the density intended for the property.

She continued by sharing that the property is located between the nearest public road and the existing shoreline. However, because the project is for the conversion of an existing duplex and does not involve change in land use, density or intensity, there would be no increase in the demand for public access or recreation opportunities. The project also does not propose any features that would impact any nearby public access or recreation opportunities. Additionally, Assistant Planner Rodriguez stated that there is no concern of nearby coastal viewpoints being impacted.

In response to Zoning Administrator Zdeba's question regarding a condition of approval from the Public Works Department, which requires the applicant to obtain a waiver of City Council Policy L-6 from the Planning Commission, Assistant Planner Rodriguez clarified that this condition concerns a gate and fencing that was recently installed within the public right-of-way. Recent unpermitted renovations to this area triggered the need to obtain an L-6 waiver. Alternatively, the applicant can remove the stairway if no waiver is obtained.

Applicant Michael Torres of Newport Pacific Law, P.C., on behalf of the Owner, stated that he had reviewed the draft resolution and agreed with all the required conditions. The Applicant also clarified that the unit addressed as 3036 Breakers Drive does not meet current standards only because it is currently being remodeled. Once renovation is complete, it will conform to all required standards.

Zoning Administrator Zdeba opened the public hearing. Seeing that no one from the public wished to comment, the public hearing was closed.

Action: Approved

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

The hearing was adjourned at 10:51 a.m.

The agenda for the Zoning Administrator Hearing was posted on February 20, 2026, at 10:30 a.m. on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on February 20, 2026, at 10:15 a.m.

Benjamin M. Zdeba, AICP
Zoning Administrator

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