



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

September 25, 2025
Agenda Item No. 2

SUBJECT: 207 43rd Street LLC and Gibson Residences (PA2024-0189)
▪ Tentative Parcel Map
▪ Coastal Development Permit
▪ County Tentative Parcel Map No. 2025-113

SITE LOCATION: 207 43rd Street and 209 & 209 1/2 43rd Street

APPLICANT: Amber Miedema, RDM Surveying

OWNER: 207 43rd Street LLC and Douglas and Coranne Gibson

PLANNER: Laura Rodriguez, Assistant Planner
949-644-3216, lrodriguez@newportbeachca.gov

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** RT (Two Unit Residential)
- **Zoning District:** R-2 (Two-Unit Residential)
- **Coastal Land Use Plan Category:** RT-E (Two Unit Residential 30.0-39.9 DU/AC)
- **Coastal Zoning District:** R-2 (Two-Unit Residential)

PROJECT SUMMARY

A request for a tentative parcel map and coastal development permit (CDP) to adjust the shared interior property lines between two parcels, with deviations of lot width and lot area standards. The adjustment will result in approximately 285 square feet being reallocated from 207 43rd Street to 209 43rd Street. There is no proposed change in the number of parcels. A CDP is required because both properties are located within the coastal zone.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Draft Zoning Administrator Resolution No. approving Tentative Parcel Map and Coastal Development Permit filed as PA2024-0189 (Attachment No. ZA 1).

DISCUSSION

Background and Setting

- The subject properties are located on 43rd Street and are zoned R-2 (Two-Unit Residential) which is intended to provide areas appropriate for residential development of up to two units. 207 43rd Street is being redeveloped from an existing single-unit dwelling to a new single-unit dwelling, while 209 43rd Street is developed with an existing duplex (Figure 1, below).



Figure 1: Oblique neighborhood image of subject properties

- The original subdivision map consisted of a 28.57 lot width for both 207 and 209 43rd Street. In 1987, a lot line adjustment was approved and resulted in an increase of lot width for 207 43rd Street from 28.57 to 34.22 feet, which reallocated a small portion of 205 43rd Street to 207 43rd Street, respectively. The lot line adjustment resulted in 207 43rd Street carrying a larger lot width than the neighboring properties on 43rd Street.

Tentative Parcel Map and Deviation from Title 19 Design Standard

- The project proposes to adjust the shared interior property line location between the two parcels and is requesting to deviate from the minimum lot width and lot area requirements set forth in Table 2-2 (Development Standards for Single-Unit Residential Zoning Districts) of Newport Beach Municipal Code (NBMC) Section 20.18.030 (Residential Zoning Districts General Development Standards), where a minimum 50-foot lot with and 5,000 square foot lot area are required for interior lots. The subject properties are both rectangular shaped lots and the existing lot width for both properties are currently legal non-conforming. The proposed shift in the interior property line between both properties would result in a lot width 31.50 feet for 207 43rd Street and 31.29 feet for 209 43rd Street (Table 1, below).

Table 1 – Lot Width and Area Development Standards			
Standard	Required	Existing	Proposed
207 43 rd Street			
Lot Width (Min.)	50 feet	34.22 feet	31.50 feet
Lot Area (Min.)	5,000 square feet	2,908.7 square feet	2,677.5 square feet.
209 43 rd Street			
Lot Width (Min.)	50 feet	28.57 feet	31.29 feet
Lot Area (Min.)	5,000 square feet	2,428.45 square feet	2,659.65 square feet.

- Specifically, the project will shift the interior property line between two legal parcels 2.72 feet to the west as illustrated in Figure 2. Land taken from the 207 43rd Street parcel will be added to the 209 43rd Street parcel (Figure 2, below). The proposed setbacks are compliant and ensure that there is adequate light and air between each property as well as proper emergency access.
- The project's proposed lots are comparable in width, length, and area with the majority of the lots within the surrounding neighborhood. The surrounding lots on 43rd Street carry an approximate lot width between 28 to 30 feet.

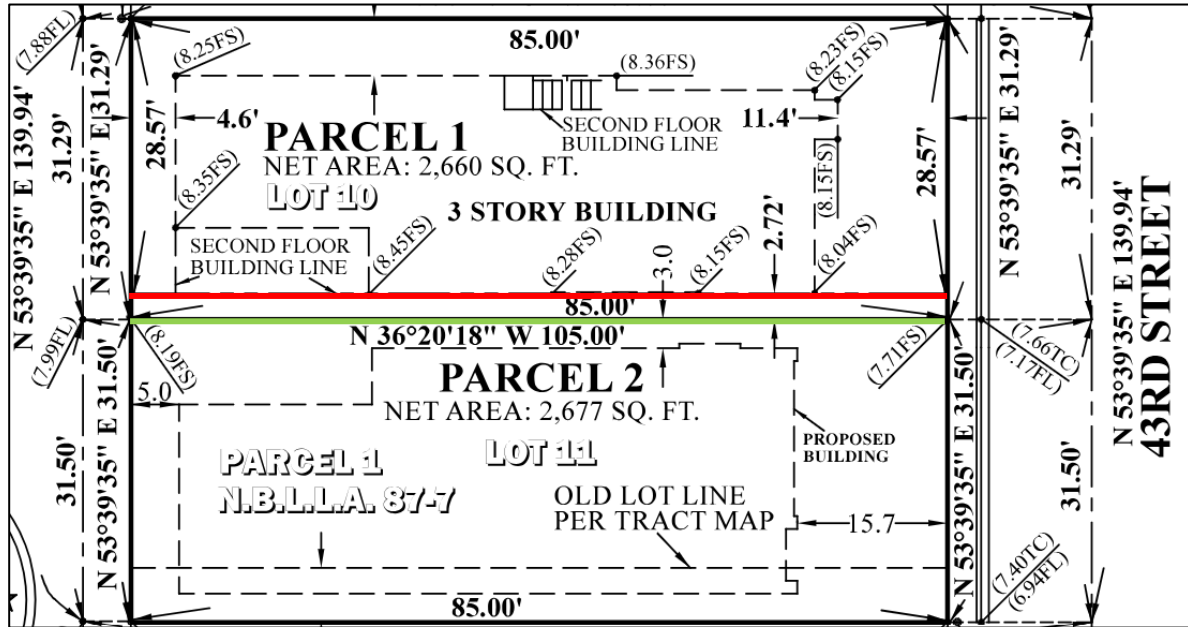


Figure 2: Parcel 1 (209 43rd Street) and Parcel 2 (207 43rd Street). Existing lot line (red) will shift 2.72-feet west into 207 43rd Street (green) and provide a 31.50' lot width for 207 43rd Street and a 31.29' lot width for 209 43rd Street.

- The number of parcels will remain unchanged as a result of the tentative parcel map and there will be no change in the density or intensity of development.

Coastal Development Permit

- The subject properties are located within the Categorical Exclusion Area of the coastal zone, which allows for certain types of development, such as the demolition and construction of single- or two-unit residences, to be excluded from the requirement of obtaining a CDP. This is contingent upon providing a Categorical Exclusion Order (CEO) to the Coastal Commission. The City provided the Coastal Commission with CEO20240045 on November 6, 2024, concerning new development that is to occur at 207 43rd Street for a new single-unit dwelling. The CEO subsequently expired on March 11, 2024. However, a CDP is still required to accompany the proposed tentative parcel map since the properties are located in the coastal zone.
- Per Footnote 6 of Table 21.18-3 (Development Standards for Two-Unit Residential Coastal Zoning Districts) of NBMC Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards), lots may be subdivided so that the resulting lot dimensions and area for each new lot are less than that identified in the R-2 development standards and subsequently comply with the provisions of Title 19 (Subdivisions). Findings for deviation to design standards of Title 19 are

addressed in the draft Resolution. Therefore, additional relief from Title 21 standards are not required.

- The subject properties are not located between the nearest public road and the sea, or shoreline. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. The project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, future development on both properties shall be required to comply with applicable development standards (i.e., height, setbacks, floor area.) so as not to block or impede existing public access opportunities.
- The subject properties are accessible by pedestrians from 43rd Street and from the alley. Vehicular access is available from the alley and will not change as a result of the project.
- The subject properties approximately 230 feet east of the bay and is not near any natural landforms or environmentally sensitive areas. The approval of the tentative parcel map will not affect public views. While an existing single unit dwelling will be redeveloped with a new single unit dwelling at 207 43rd Street, the proposed development complies with applicable residential development standards. No new development has been proposed for 209 43rd Street at this time.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment

The Class 5 exemption consists of minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to, minor lot line adjustments, side yard, and set back variances not resulting in creation of any new parcel; issuance of minor encroachment permits; and reversion to acreage in accordance with the Subdivision Map Act. In this case, the project adjusts the shared interior property line between two parcels and will result in a larger lot area for 209 43rd Street. While the tentative parcel map requests deviations for lot area and lot width, the project complies with the intent of Class 5.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project's location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a

state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners and residential occupants of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

APPEAL PERIOD:

This action shall become final and effective 14 days following the date the Resolution is adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 (Local Coastal Program [LCP] Implementation Plan) of the Newport Beach Municipal Code. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapters 19.12 (Tentative Map Review) and 21.64 (Appeals and Calls for Review). A fee is not required to appeal any final action on a coastal development permit to the Planning Commission. The project site is located within the appeal area of the coastal zone; therefore, final action by the City may be appealed to the California Coastal Commission.

Prepared by:



Laura Rodriguez, Assistant Planner
DL/lr

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Tentative Parcel Map No. 2025-113

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2025-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A COASTAL DEVELOPMENT PERMIT AND A TENTATIVE PARCEL MAP TO ADJUST A SHARED INTERIOR PROPERTY LINE BETWEEN TWO PARCELS WITH DEVIATIONS OF LOT WIDTH AND AREA STANDARDS LOCATED AT 207 43RD STREET AND 209 AND 209 1/2 43RD STREET (PA2024-0189)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Amber Miedema (Applicant), on behalf of 207 43rd Street LLC and Douglas and Coranne Gibson, concerning properties located at 207 43rd Street and 209 & 209 ½ 43rd Street, legally described as Parcel 1 of Lot Line Adjustment 87-07 (207 43rd Street) and Lot 10 of Block 143 of Canal Section (209 43rd Street) (Properties) requesting approval of a tentative parcel map and coastal development permit.
2. The Applicant proposes a tentative parcel map and a coastal development permit (CDP) to adjust the shared interior property lines between two parcels, with deviations of lot width and lot area standards. The adjustment will result in approximately 285 square feet being reallocated from 207 43rd Street to 209 43rd Street. There is no proposed change in the number of parcels. A CDP is required because the Properties are located within the coastal zone (Project).
3. The Properties are designated Two Unit Residential (RT) by the General Plan Land Use Element and is located within the Two-Unit Residential (R-2) Zoning District.
4. The Properties are located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-E) and it is located within the Two-Unit Residential (R-2) Coastal Zone District.
5. A public hearing was held on September 25, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Class 5 exemption consists of minor alterations in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to, minor lot line adjustments, side yard, and set back variances not resulting in creation of any new parcel; issuance of minor encroachment permits; and reversion to acreage in accordance with the Subdivision Map Act. In this case, the Project adjusts the shared interior property line between two parcels and will result in a larger lot area for 209 43rd Street. While the tentative parcel map requests deviations for lot area and lot width, the Project complies with the intent of Class 5.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project's location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Properties are both categorized by the General Plan Land Use Plan as Two Unit Residential (RT). The tentative parcel map is for the purpose of adjusting a shared interior property line location between two parcels. 207 43rd Street is being redeveloped from an existing single-unit dwelling to a new single-unit dwelling. 209 43rd Street is developed with an existing duplex. The proposed subdivision and improvements are consistent with density of the RT General Plan Land Use category.
2. The Project is consistent with the General Plan, does not negatively impact surrounding landowners, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of people residing or working in the neighborhood, as the Project affects an interior property line between two adjacent parcels.
3. The Properties are not located within a specific plan area.

Finding:

B. That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

1. 207 43rd Street is being redeveloped with a single-unit dwelling and 209 43rd Street is currently developed as a duplex. The Project will not result in a change of use or density on the Properties as it is a minor adjustment of an interior property line between the two Properties.
2. The Properties are physically suitable for single-unit and/or two-unit dwellings based on each lot being relatively flat and the Project's proposed lot width and area. The adjusted interior lot line will not result in non-conforming setbacks, rather the shifted interior lot line will result in a compliant 3-foot setback side yard setback for 207 and 209 43rd Street, respectively.
3. The Properties are accessible by pedestrians from 43rd Street at the front property line and from the alley abutting the rear property line. Vehicular access is available from the alley and will not change as a result of the Project.

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. The Properties are located within a developed residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

Finding:

D. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Facts in Support of Finding:

1. Fact 2 in Support of Finding A is hereby incorporated by reference.
2. The Project is to adjust a shared interior property line location between two existing parcels. All improvements associated with the Project shall comply with the applicable Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. The proposed setbacks are compliant and ensure that there is adequate light and air between each property as well as proper emergency access. Public improvements will be required of the Applicant per NBMC Section 19.28.010 (General Improvement Requirements) and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

1. There are no existing public easements located on the Properties.

Finding:

- F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land;*

Facts in Support of Finding:

1. The Properties are not subject to the Williamson Act because they are not designated as an agricultural preserve and are less than 100 acres in area.
2. The Properties are developed for residential use and located in the R-2 Zoning District, which permits residential use.

Finding:

- G. *That, in the case of a “land project” as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support in Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The Properties are not located within a specific plan area.

Finding:

- H. *That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Fact in Support of Finding:

1. The Project and any future improvements are subject to Title 24 of the California Building Code which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City’s Building Division enforces Title 24 compliance through its plan check and inspection process.

Finding:

- I. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.*

Fact in Support of Finding:

1. The Project is consistent with the R-2 Zoning District, which allows up to two residential units on the Property. Therefore, the Project will not affect the City in meeting its regional housing needs

Finding:

- J. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Fact in Support of Finding:

1. 207 43rd Street is being redeveloped and is subject to comply with all development standards, including the Regional Water Quality Control Board (RWQCB) requirements. While 209 43rd Street is developed with an existing duplex, any future development is subject to comply with all development standards.

Finding:

- K. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter 3 of the Coastal Act.*

Fact in Support of Finding:

1. The Properties are located within the coastal zone. Therefore, a CDP is required in conjunction with the proposed tentative parcel map. The facts in support of Findings R and S for the CDP are hereby incorporated by reference.

Deviation from Design Standards

Pursuant to NBMC Section 19.24.050(A) (Lot Design - Lot Size), new subdivisions must meet the applicable zoning district regulations of Title 20 (Planning and Zoning) of the NBMC. Deviation from the design standards set forth in Title 19 (Subdivisions) may be approved subject to specific findings in Section 19.24.130(C) (Deviation from Design Standards, Required Finding to Allow Deviation) of the NBMC. The subdivision would create lots which do not meet the lot width standards required by Title 20 (Planning and Zoning) for new subdivisions within the R-2 Zoning District, which requires new subdivision interior lots to be 50 feet wide and have a lot area of 5,000 square feet. The adjusted interior lot line results in lots which are approximately 31.5 feet wide and 2,660 to 2,678 square feet in area. The required findings to deviate from the standards and facts in support of those findings are as follows:

Finding:

- L. *The requested deviation(s) will create a land plan or development design equal or superior to that under the baseline design standards in this chapter.*

Fact in Support of Finding:

1. The Project's proposed lots are comparable in width, length, and area with the majority of the lots within the surrounding neighborhood. As previously noted, the adjusted interior lot line results in lots which are approximately 31.5 feet wide and 2,660 to 2,678 square feet in area. The surrounding lots on 43rd Street carry a lot width between approximately 28 to 30 feet. The number of parcels will remain unchanged as a result of the tentative parcel map and there will be no change in the density or intensity of development. The existing lot area of 207 43rd Street is approximately 2,909 square feet. The existing lot area of 209 43rd Street is approximately 2,429 square feet. The Project

will result in 207 43rd Street's lot area decreasing to 2,678 square feet and 209 43rd Street's lot area increasing to 2,660 square feet.

2. The Properties' existing lot orientation with vehicular access from the rear alley will not change as a result of the Project.

Finding:

- M. *The deviation(s) will not negatively impact the carrying capacity of the local vehicular circulation network.*

Fact in Support of Finding:

1. The Project would not negatively impact the carrying capacity of the local vehicular circulation network. No additional lot is being created and there is no proposed change to the density of the Properties. Additionally, no improvements or changes are proposed that would cause additional capacity to the roadways.

Finding:

- N. *The deviation(s) will not negatively impact pedestrian circulation.*

Facts in Support of Finding:

1. The Project will not reduce, encroach or change the size or location of the 43rd Street sidewalk.
2. The Project will not eliminate or impede pedestrian circulation provided that the necessary improvements are provided in accordance with applicable Public Works design standards and permitting.

Finding:

- O. *The resulting subdivision will be compatible with the pattern of surrounding subdivisions.*

Facts in Support of Finding:

1. The Project will result in a subdivision that is compatible with the pattern of surrounding subdivision as the Project will shift the interior property line between two legal parcels 2.72feet to the west. Land taken from the 207 43rd Street parcel will be added to the 209 43rd Street parcel. The number of parcels will remain unchanged as a result of the tentative parcel map and there will be no change in the density or intensity of development.
2. The Properties are in a block that is designated RT by the General Plan and R-2 by the Zoning Code. The Project would not alter the General Plan and Zoning Code designation.

3. Fact 1 in Support of Finding L is hereby incorporated by reference.

Finding:

- P. The resulting subdivision design and improvements will be consistent with the General Plan and any applicable specific plan and will conform to the Subdivision Map Act and all other provisions of this Subdivision Code.*

Facts in Support of Finding:

1. The Project will remain as two parcels. 207 43rd Street will carry one residential unit and 209 43rd Street will carry two units, where the General Plan allows for up to two dwelling units on each parcel. Therefore, the subdivision is consistent with the density of the RT General Plan Land Use Designation.
2. Fact 3 of support of Finding A is hereby incorporated by reference.

Finding:

- Q. The resulting subdivision design and improvements will not be materially detrimental to the residents or tenants of the proposed subdivision or surrounding properties, nor to public health or safety.*

Fact in Support of Finding:

1. Fact 2 in Support of Finding A is hereby incorporated by reference.

Coastal Development Permit

By Section 21.52.015(F) (Coastal Development Permits – Findings and Decision) of the NMBC, the following findings, and facts in support of such findings are set forth:

Finding:

- R. Conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The Properties are located within the Categorical Exclusion Area of the coastal zone, which allows for certain types of development, such as the demolition and construction of single or two-unit residences, to be excluded from the requirement of obtaining a CDP. This is contingent upon providing a Categorical Exclusion Order (CEO) to the Coastal Commission. The City provided the Coastal Commission with CEO20240045 on November 6, 2024, concerning new development that is to occur at 207 43rd Street for a new single-unit dwelling. The CEO subsequently expired on March 11, 2024.

However, a CDP is still required to accompany the proposed tentative parcel map since the Properties are located in the coastal zone.

2. The Project is for a tentative parcel map to shift the interior property line between the two Properties and request deviations for lot width and lot area. Per Footnote 6 of Table 21.18-3 (Development Standards for Two-Unit Residential Coastal Zoning Districts) of NBMC Section 21.18.030 (Residential Coast Zoning Districts General Development Standards), lots may be subdivided so that the resulting lot dimensions and area for each new lot are less than that identified in the R-2 development standards and subsequently comply with the provisions of Title 19 (Subdivisions). Since findings for deviation to design standards of Title 19 are addressed by Findings L through Q, additional relief from Title 21 standards are not required.
3. Facts in support of Findings L through Q are hereby incorporated by reference.

Finding:

- S. *Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding:

1. The Project is not located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. The Project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, future development on both Properties shall be required to comply with applicable development standards (i.e., height, setbacks, floor area.) so as not to block or impede existing public access opportunities.
2. The Properties are approximately 230 feet east of the bay and are not near any natural landforms or environmentally sensitive areas. The approval of the tentative parcel map will not affect public views. While an existing single unit dwelling will be replaced with a new single unit dwelling at 207 43rd Street, the proposed development complies with applicable residential development standards. No new development has been proposed for 209 43rd Street at this time.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section

under 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

2. The Zoning Administrator of the City of Newport Beach hereby approve Tentative Parcel Map and Coastal Development Permit No. PA2024-0189 subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 25TH DAY OF SEPTEMBER 2025.

Liz Westmoreland, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this approval.
3. Approval of this project does not constitute approval or implied approval for any future property development permits, including but not limited to demolition permits, coastal development permits, grading permits, or building permits
4. Before the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
5. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) and Title 21 (Local Coastal Implementation Plan) of the Newport Beach Municipal Code.
6. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **207 43rd Street LLC and Gibson Residences including, but not limited to Tentative Parcel Map and Coastal Development Permit (PA2024-0189)** This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Public Works Department

7. Prior to the final inspection of the building permit for new construction, a parcel Map shall be recorded. The Map shall be prepared on the California coordinate system

(NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.

8. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one-inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be required for all work activities within the public right-of-way.
11. The sidewalk, curb, and gutter along the entire frontage of 207 and 209 43rd Street shall be reconstructed per City Standard.
12. *The existing drain outlet from the front wall along 209 43rd Street shall be modified so that it no longer discharges onto the City sidewalk.*
13. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
14. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
15. *Additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector in case of damage is done to public improvements surrounding the development site by the private construction.*

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Tentative Parcel Map and Coastal Development
Permit (PA2024-0189)
207 43rd Street and 209 & 209 1/2 43rd Street

Attachment No. ZA 3

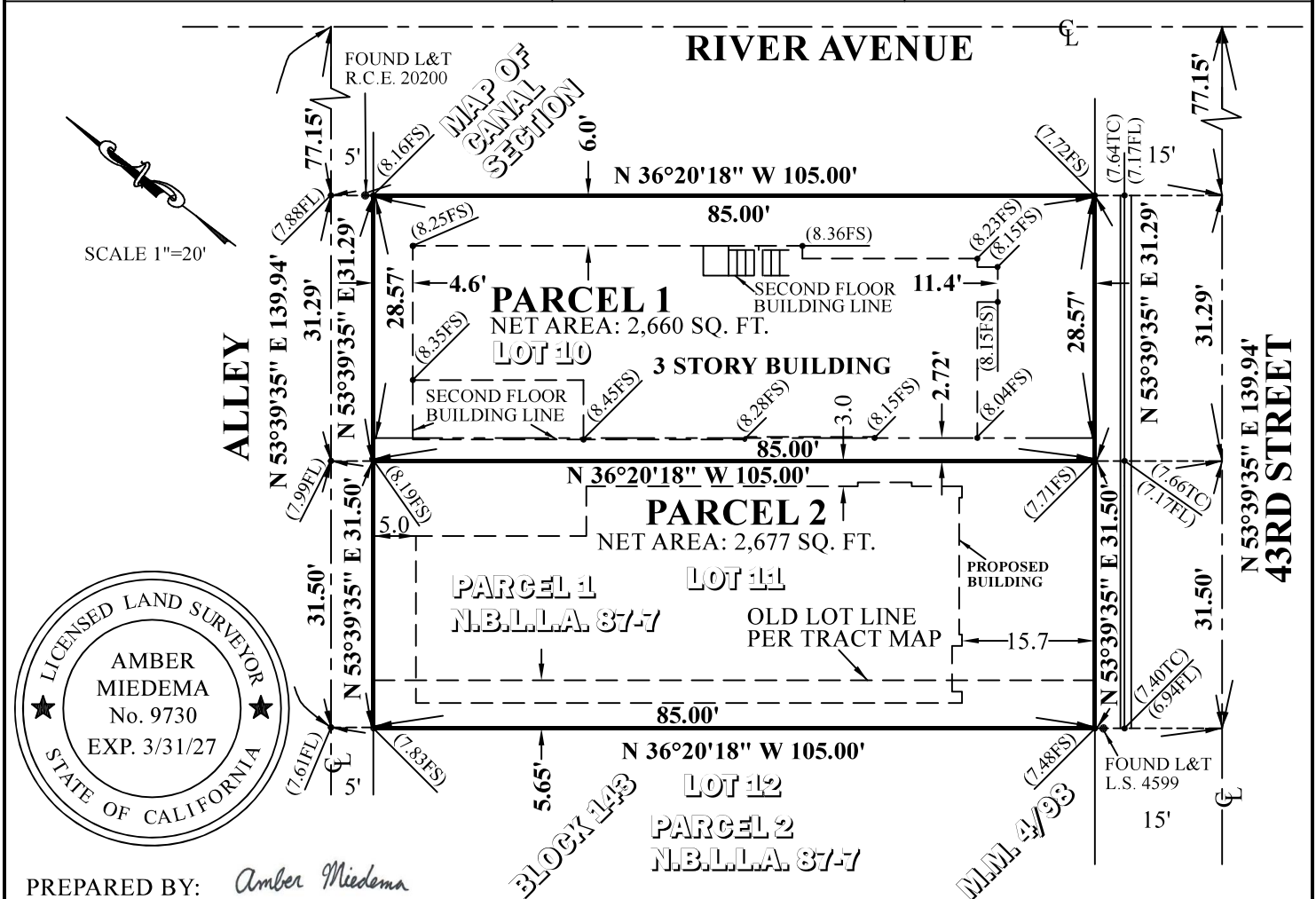
Tentative Parcel Map No. 2025-113

TENTATIVE PARCEL MAP NO. 2025-113

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.
BEING A SUBDIVISION OF PARCEL 1 OF NBLLA 87-7 AND LOT 10 IN BLOCK 143, MAP OF CANAL SECTION,
AS PER MAP FILED IN BOOK 4, PAGE 98 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY
RECORDER OF SAID COUNTY.

THE PURPOSE IS TO MOVE THE LOT LINE BETWEEN SAID PARCEL 1 AND LOT 10.

OWNERS	OWNER ADDRESS	PROPOSED PARCELS REFERENCE NUMBER
DOUGLAS JOHN GIBSON AND CORANNE MARY GIBSON, CO-TRUSTEES OF DOUGLAS JOHN GIBSON AND CORANNE MARY GIBSON FAMILY TRUST	209 43RD STREET NEWPORT BEACH, CA	PARCEL 1
SUBDIVIDER AND OWNER CHRISTOPHER BRIGANDI	207 43RD STREET NEWPORT BEACH, CA	PARCEL 2



PREPARED BY: Amber Miedema
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23016 LAKE FOREST DRIVE #409
LAGUNA HILLS, CA 92653
PHONE: (949) 607-6039
DATE: 1/29/2025

LEGEND:

---	LOT LINE TO BE ADJUSTED
---	PARCEL BOUNDARY
---	EXISTING LOT LINES
FS	FINISHED SURFACE
FL	FLOW LINE
TC	TOP OF CURB

EASEMENT NOTES:

- A BLANKET EASEMENT ON LOT 10 GRANTED TO THE DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES OF THE DEPARTMENT OF CONSERVATION OF THE STATE OF CALIFORNIA FOR ACCESS TO THE PROPERTY IN THE EVENT THE WELL BECOMES A DANGER TO PUBLIC HEALTH AND SAFETY RECORDED OCTOBER 2, 2003 PER INSTRUMENT NO. 2003001209715, OF OFFICIAL RECORDS.