



**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: Seimone Jurjis, Community Development Director  
SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending June 10, 2022.

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**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**  
(Non-Hearing Items)

Item 1: Basic Setback Determination – Staff Approval No. SA2022-002 (PA2022-071)  
Site Address: 1761 Port Manleigh Circle

Action: Approved

Council District 5

**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
949-644-3200  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**COMMUNITY DEVELOPMENT DIRECTOR ACTION  
LETTER**

**Subject:** Rasic Setback Determination (PA2022-071)  
▪ Staff Approval No. SA2022-002

**Site Location** 1761 Port Manleigh Circle

**Applicant** William Guidero, Architect

**Legal Description** Lot 64 of Tract 6938

On June 10, 2022, the Community Development Director approved Staff Approval No. SA2022-002. This approval is based on the following findings and subject to the following conditions.

**SUBJECT PROPERTY LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** RS-D (Single Unit Residential Detached)
- **Zoning District:** PC3 (Harbor View Hills)

**I. PROJECT DESCRIPTION**

The subject property is located in the Harbor View Hills Planned Community (PC3), on the western corner of West Newport Hills Drive and Port Manleigh Circle. The lot is relatively flat lot that is triangular in shape. The current 18.5-foot front setback requirement for the property was established through Modification Permit No. MD2755, approved in 1982. The applicant proposes to maintain the front yard setback approved by Modification Permit No. MD2755 to allow for a new single-family home to be constructed at this distance from the property line.

**II. BACKGROUND**

The subject property is located in Sub-Area 4 of the Planned Community. Section IV (Low Medium Density Residential Areas 1, 2, 3, 4 and 7) of the Harbor View Hills Planned Community District Regulations states:

*The Community Development Director shall review said map in view of setbacks listed in this ordinance and/or sound planning principles and shall either approve, modify, disapprove the setbacks shown, or refer the matter to the Planning Commission for a determination. In the case of modification or disapproval, the applicant may appeal to the Planning Commission for further consideration.*

The applicant is requesting that the Community Development Director establish different setbacks for the subject property pursuant this provision.

### **III. Environmental Review**

The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations). The project involves a change in front setback established on a Setback Map, which is consistent with this exemption.

### **IV. FINDINGS**

A. *The project is consistent with all applicable provisions of this Zoning Code.*

#### Facts in Support of Finding:

1. The subject property is located in the PC-3 (Harbor View Hills Planned Community) where specific development standards are established for this community. Development is dictated by the Harbor View Hills Planned Community District Regulations.
2. The proposed setback change is consistent with allowances made in the Harbor View Hills Planned Community District Regulations.
3. The proposed single-family residence, separate from this review, will comply with all other applicable requirements Harbor View Hills Planned Community District Regulations of the Zoning Code.

#### Finding:

B. *The project does not involve a feature that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report.*

#### Facts in Support of Finding:

1. This project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations). The Class 5 exemption allows for minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to set back variances not resulting in the creation of any new parcel. The project involves a change in the front setback established on as part of a Modification Permit, which is consistent with this exemption. Therefore, the proposed scope of work is consistent with the scope allowed under the Class 5.

2. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project 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.
3. An initial study was conducted in 1980, as part of a General Plan Amendment for the original development of the community and the Harbor View Hills Planned Community District Regulations allowed for setback changes through this established process (with Director's authorization). As a result, the implementation of the regulation to establish setbacks for individual lots was determined not to have a significant impact on the environment, or that any negative impacts have been mitigated, as required by CEQA.

Finding:

- C. *The project does not involve a feature that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The Harbor View Hills Planned Community District Regulations specifically allows modifications to setbacks with Community Development Director approval as referenced in the Background section above. Any proposed modification of setbacks must be reviewed by the Community Development Director, individually. Therefore, the proposed setback modification has been considered and found to be acceptable with meeting the intent to provide articulation along the Port Manleigh Circle street frontage.
2. The proposed setback was previously approved for the existing single-family residence as part of Modification Permit No. MD2755. The modification permit allowed for alterations and additions to the existing residence that encroached 6 feet 6 inches into the required 25-foot front setback off of Newport Hills Drive and 8-foot 6-inches into the required 26-foot setback off of Port Manleigh Circle. The Zoning Code has since been updated to designate Port Manleigh circle as the 26-foot front setback and Newport Hills Drive as a 10-foot rear setback. The proposed residence would continue to provide an 18-foot 6-inch front setback off of Port Manleigh Circle, consistent with the pattern of existing development.

Finding:

- D. *The project does not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The property is regulated by PC-3 (Harbor View Hills Planned Community, Sub-Area 4) and allows for the development of a single-family residence. The development of a new single-family home is proposed in the near future. The Director's concurrence is identified as the established process to modify the setbacks in the PC-3 (Harbor View Hills Planned Community) text.
2. No change in density or the number of units is proposed as part of this project; therefore, the proposed change in setbacks will not result in an expansion or change in the characteristics of the use.
3. The proposed development of the lot will continue to maintain varying setback distances and articulation along the Port Manleigh Circle street frontage consistent with the intent of the planned community district regulations. The adjacent property to the west has a front setback of 27 feet and will maintain some level of variation along the street frontage.

**V. CONDITIONS**

1. The development shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. *Future development of the property will conform to all other development standards of the Harbor View Hills Planned Community District Regulations, and the Zoning Code, where applicable.*
3. *Any change to the 18.5-foot front setback shall require the review and approval of the Community Development Director and possibly an amendment to this Staff Approval.*
4. *The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.*
5. *The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this approval.*
6. *This Staff Approval may be modified or revoked by the Community Development Director if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.*
7. *To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials,*

*officers, employees, and agents from and against any and all 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 the **Rasic Setback Determination including, but not limited to, Staff Approval No. SA2022-002 (PA2022-071)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.*

**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

  
Caitlyn Curley  
Planning Technician

Approved by:

  
Jim Campbell  
Deputy Community Development Director

MKN/cnc

Attachments:

- CD 1 Vicinity Map
- CD 2 Applicant's Project Description
- CD 3 Modification Permit No. MD2755 Site Plan
- CD 4 Proposed Setback Exhibit

# **Attachment No. CD 1**

Vicinity Map





# **Attachment No. CD 2**

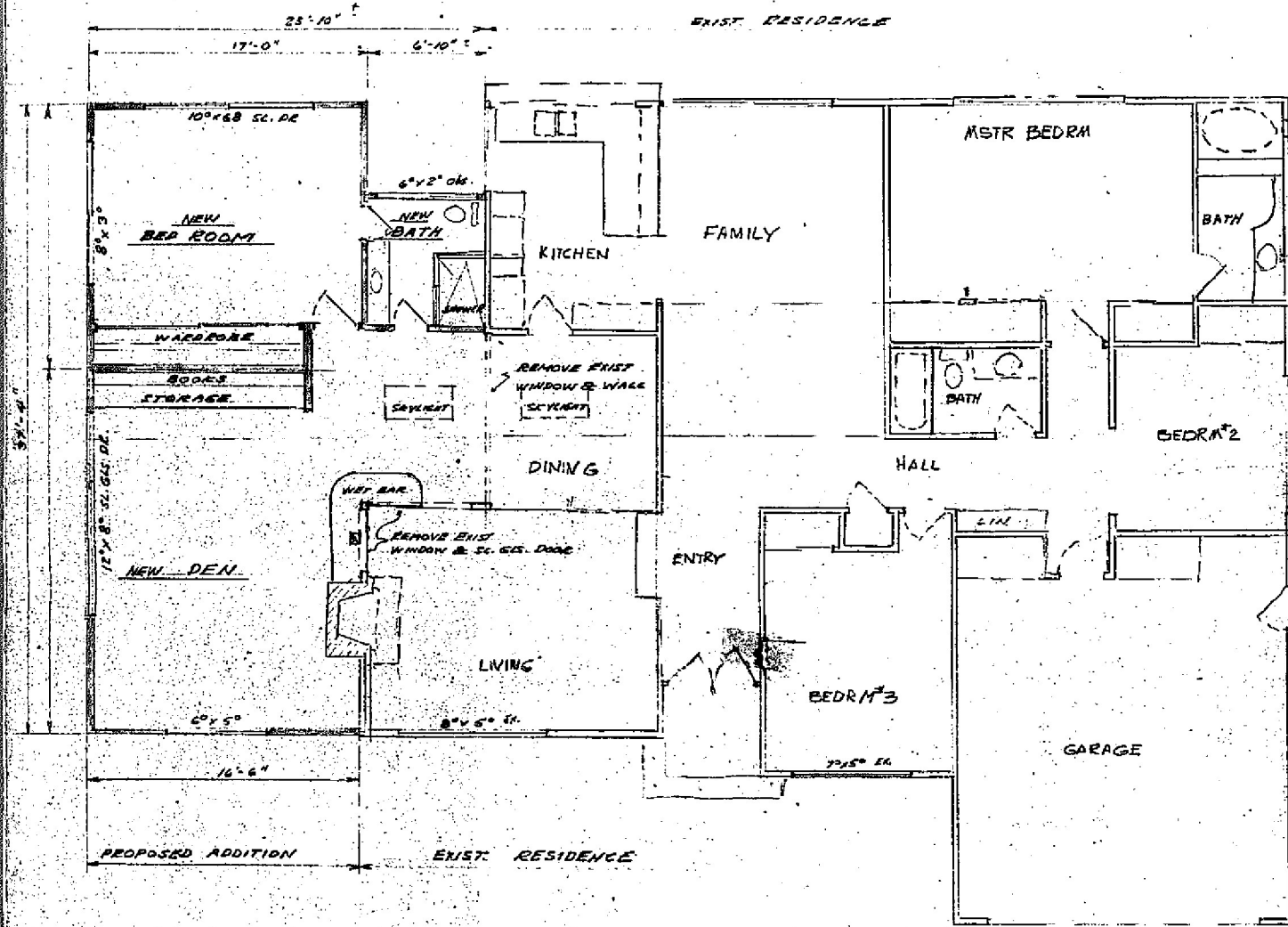
Applicant's Project Description

cont. 1761 Port Manleigh

construction of new home to allow  
on a portion of the front 26' s.B.  
to encroach 8'-6".  
consistent the prior modification.

# **Attachment No. CD 3**

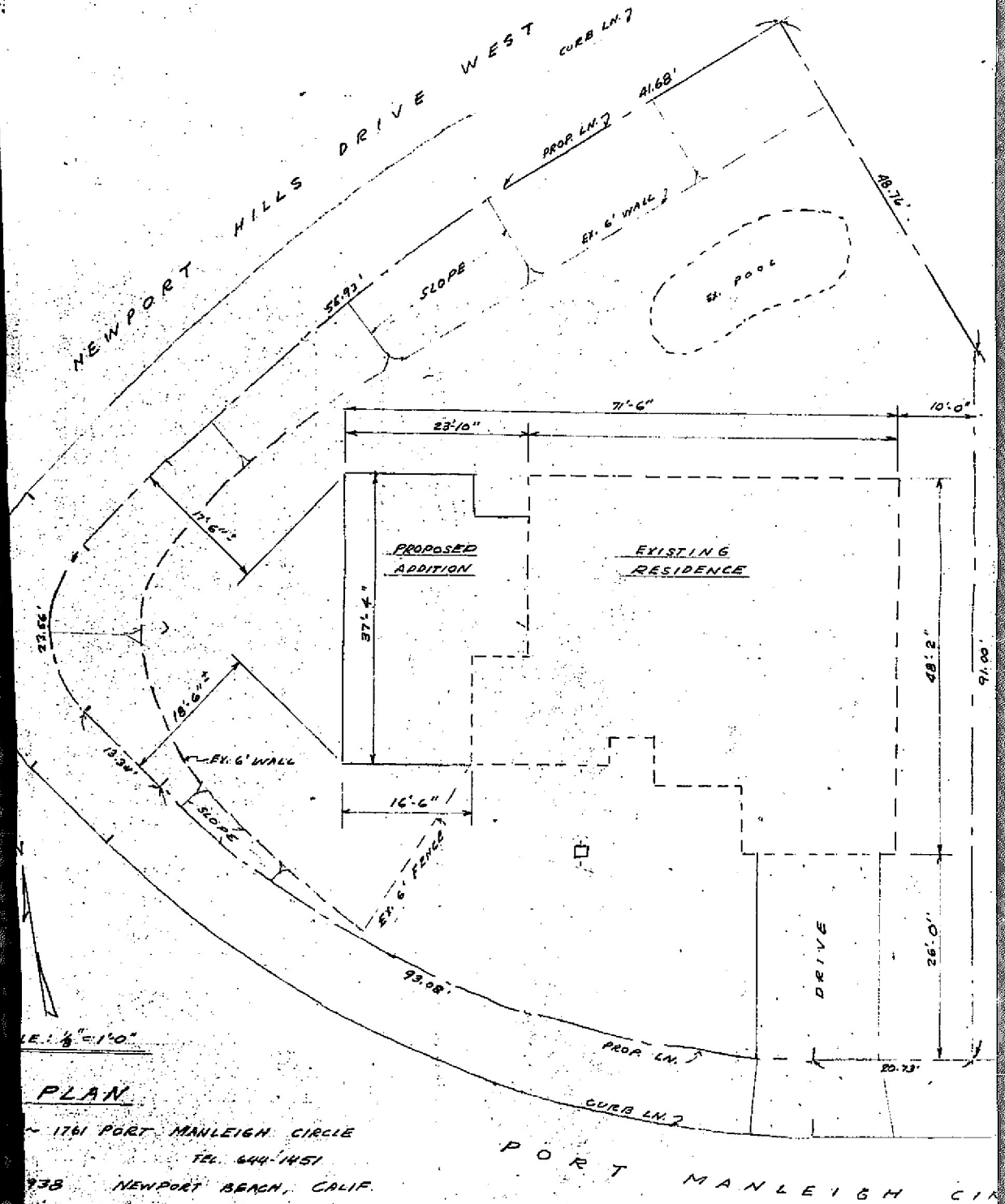
Modification Permit No. MD2755 Site Plan



**FLOOR PLAN**

1/4" = 1'-0"

PROPOSED ADDITION - 1761 PORT MANLEIGH CIRCLE  
 FOR: CAROL HUNTER TEL: 644-1451  
 400 SERENADE TER., CORONA DEL MAR, CA. 92625



**PLAN**

1761 PORT MANLEIGH CIRCLE  
 TEL. 644-1451  
 938 NEWPORT BEACH, CALIF.

# **Attachment No. CD 4**

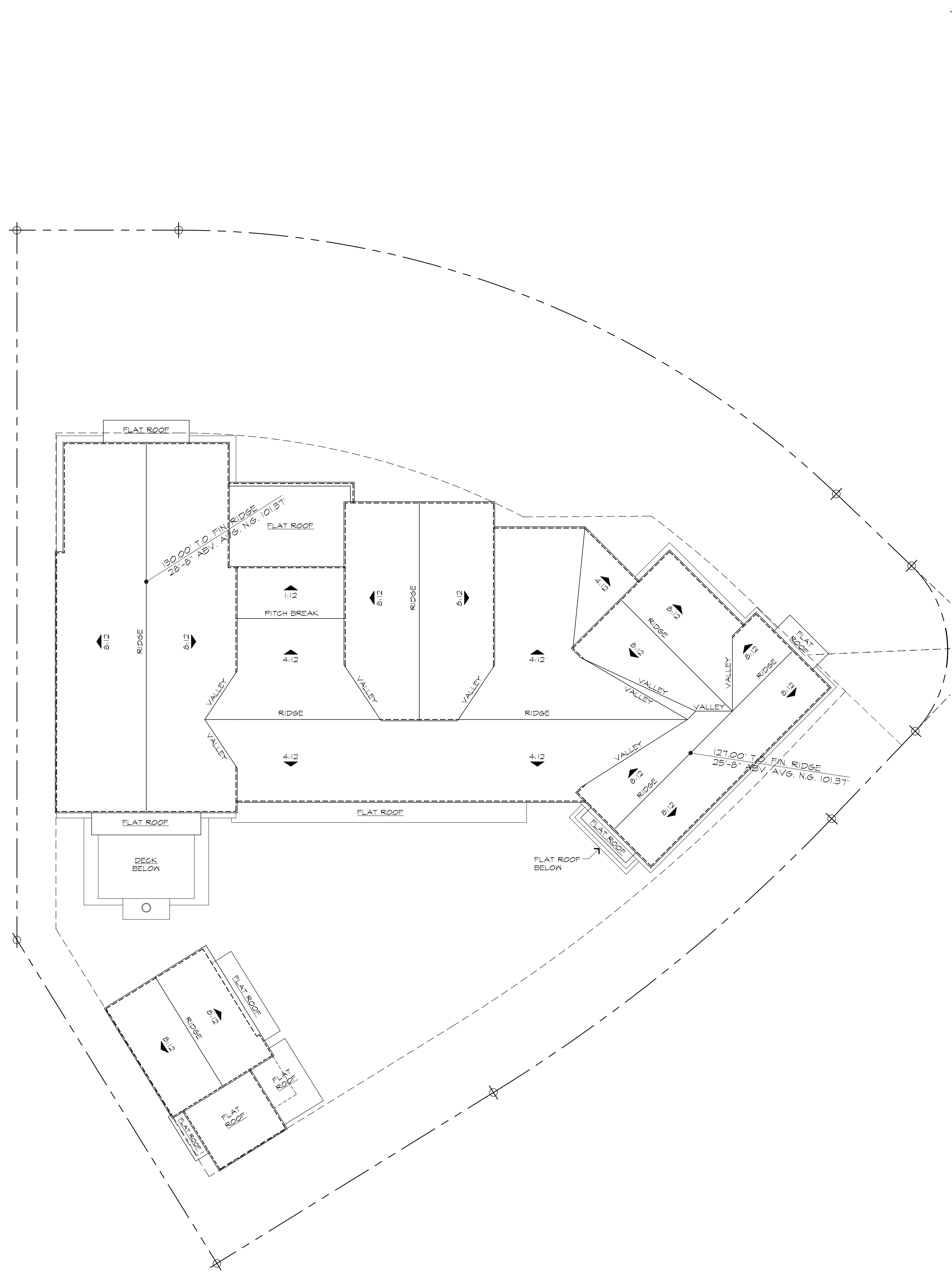
Proposed Setback Exhibit

**LEGAL DESCRIPTION**

LOT : 64  
 TRACT : 6438  
 APN : 458-412-01  
 LOT SIZE: 10,796 SQ. FT.  
 MAX. H.O.A. : 10,796 X 67% = 7,233 SQ. FT. MAX. BLD'G AREA

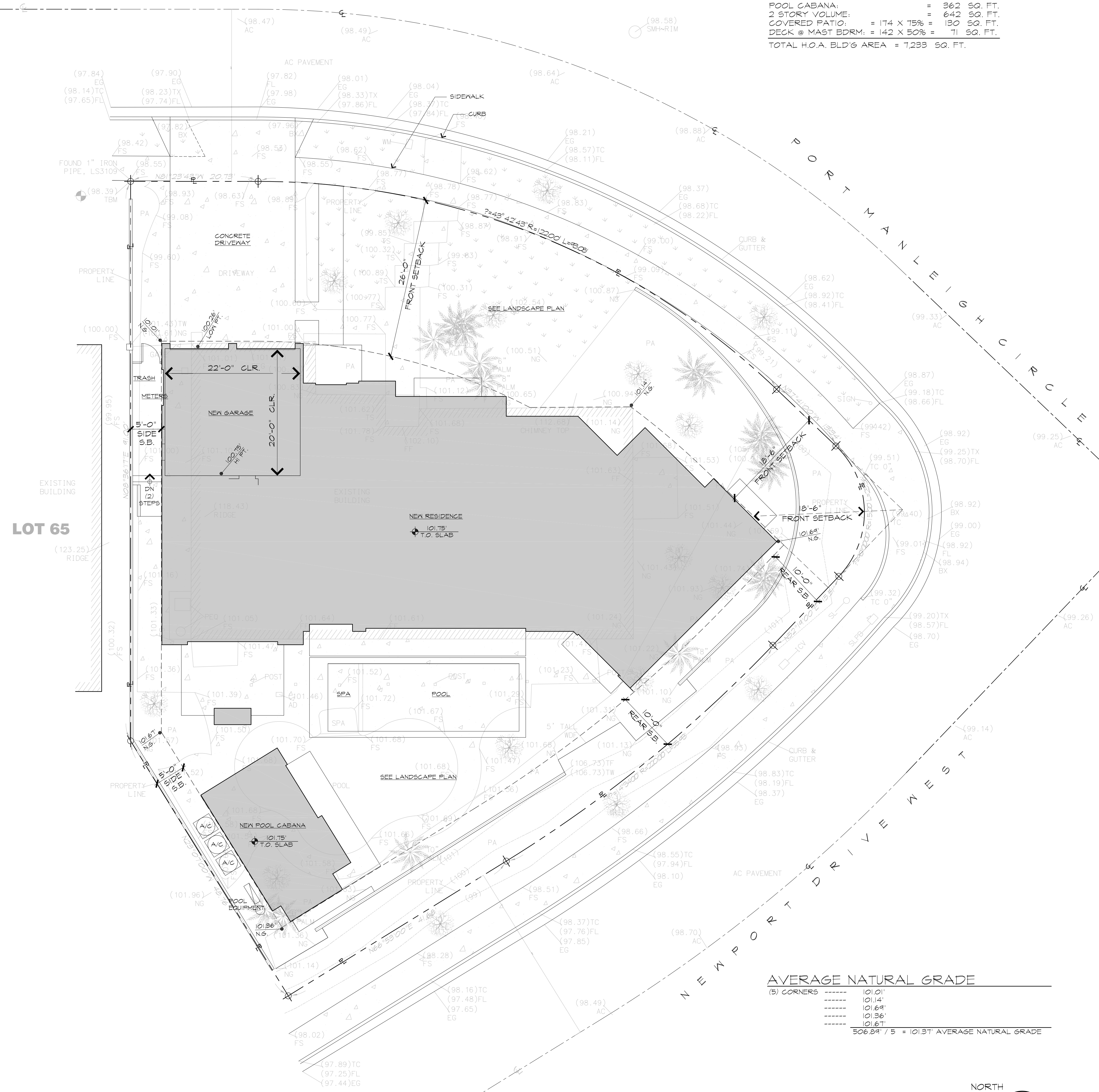
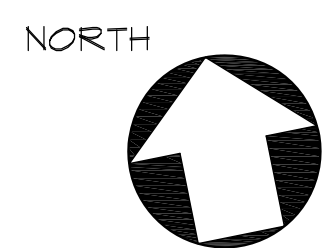
**AREA CALCULATIONS**

FIRST FLOOR LIVING: = 3,144 SQ. FT.  
 SECOND FLOOR LIVING: = 2,418 SQ. FT.  
 TOTAL LIVING: = 5,562 SQ. FT.  
 GARAGE: = 471 SQ. FT.  
 POOL CABANA: = 362 SQ. FT.  
 2 STORY VOLUME: = 642 SQ. FT.  
 COVERED PATIO: = 174 X 75% = 130 SQ. FT.  
 DECK @ MAST BDRM: = 142 X 50% = 71 SQ. FT.  
 TOTAL H.O.A. BLD'G AREA = 7,233 SQ. FT.



ROOF PLAN

SCALE: 1/8" = 1'-0"

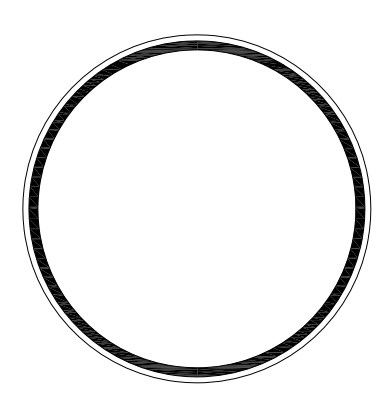
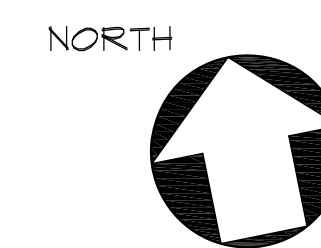


**AVERAGE NATURAL GRADE**

(5) CORNERS	GRADE
-----	01.01'
-----	01.14'
-----	01.64'
-----	01.36'
-----	01.67'
506.84' / 5 = 101.37' AVERAGE NATURAL GRADE	

SITE PLAN

SCALE: 1/8" = 1'-0"



WILLIAM  
 BLEDEN  
 GUIDRO  
 ARCHITECTS  
 10000 FISH LANE, SUITE 100, NEWPORT BEACH, CA 92660  
 (949) 423-5676

A New Home for:  
 MARCO & SARA RASIC  
 1761 Port Manleigh Circle, Newport Beach CA 92660

SITE PLAN  
 &  
 ROOF PLAN

DATE  
 5-26-2022

DRAWN BY  
 BK

