



**Hugh Nguyen**  
Clerk - Recorder

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**Orange County**  
Clerk-Recorder's Office

12 Civic Center Plaza, Room 106, P.O. Box 238, Santa Ana, CA 92702

web: [www.oc.ca.gov/recorder/](http://www.oc.ca.gov/recorder/)

PHONE (714) 834-2500 FAX (714) 834-5284

CITY OF NEWPORT BEACH  
DEVELOPMENT

**SCANNED**

CITY OF NEWPORT BEACH  
100 CIVIC CENTER DR  
NEWPORT BEACH, CA 92658-8915

Office of the Orange County Clerk-Recorder  
**Memorandum**

SUBJECT: NOTICE OF EXEMPTION

The attached notice was received, filed and a copy was posted on 01/22/2016

**It remained posted for 30 (thirty) days.**

Hugh Nguyen  
Clerk - Recorder  
In and for the County of Orange

By: AGUILAR CHRISTINA

Deputy

Public Resource Code 21092.3

The notice required pursuant to Sections 21080.4 and 21092 for an environmental impact report shall be posted in the office of the County Clerk of each county \*\*\* in which the project will be located and shall remain posted for a period of 30 days. The notice required pursuant to Section 21092 for a negative declaration shall be so posted for a period of 20 days, unless otherwise required by law to be posted for 30 days. The County Clerk shall post notices within 24 hours of receipt.

Public Resource Code 21152

All notices filed pursuant to this section shall be available for public inspection, and shall be posted \*\*\* **within 24 hours of receipt** in the office of the County Clerk. Each notice shall remain posted for a period of 30 days.

\*\*\* Thereafter, the clerk shall return the notice to the local **lead** agency \*\*\* within a notation of the period it was posted. The local **lead** agency shall retain the notice for not less than nine months.

Additions or changes by underline; deletions by \*\*\*



50.00

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201685000049 2:42 pm 01/22/16

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## Notice of Exemption

**To:**

County Clerk  
County of Orange  
Public Services Division  
Santa Ana, CA 92702

**From:**

City of Newport Planning Division  
100 Civic Center Drive P.O. Box 1768  
Newport Beach, CA 92658-8915  
(949) 644-3200



**Project Title:** Environmental Nature Center Preschool (PA2015-079)

**Project Applicant:** Environmental Nature Center, Bo Glover

**Project Location – Specific:** 745 Dover Drive

**Cross Streets –** 16<sup>th</sup> Street and Dover Drive

1601 E. St.  
Newport Beach, CA 92663

**Project Location – City:** Newport Beach

**Project Location – County:** Orange

**Description of Nature, Purpose and Beneficiaries of Project:** A minor use permit to allow a preschool/general day care center with approximately 72 students and 10 staff members to operate from 7:00 a.m. to 6:00 p.m., Monday through Friday. The proposed development includes the construction of a 6,498-square-foot facility with classrooms and administrative offices, a 25-space surface parking lot, and landscaped areas on a 1.25-acre vacant lot. A Traffic Study is also required due to the projected increase in vehicle trips resulting from the proposed project pursuant to the City's Traffic Phasing Ordinance.

**Name of Public Agency Approving Project:** City of Newport Beach

**Name of Person or Agency Carrying out Project:** Bo Glover, Executive Director, Environmental Nature Center

**Exempt Status: (check one):**

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Class 32 (In-Fill Development Projects), Section

15332

☐ Statutory Exemptions. State code number:

**Reasons why project is exempt:** The Class 32 categorical exemption consists of projects characterized as in-fill development meeting the following conditions discussed below:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The General Plan Land Use Element designates the site as CO-G (General Commercial, Office), which is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses. Hotels, motels, and convalescent hospitals are not permitted. Development of the site will be consistent with General Plan policies as indicated below. The proposed preschool/general day care development is consistent with the 0.5 FAR for the subject property.

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JAN 22 2016

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: Ca DEPUTY

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30-2016-0043

**Policy LU2.1**

**Resident-Serving Land Uses.** Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.

**Policy LU2.2**

**Sustainable and Complete Community.** Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside of the community for retail, goods and services, and employment.

**Policy LU 2.8**

**Adequate Infrastructure.** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

**Policy LU3.2**

**Growth and Change.** Enhance existing neighborhoods, districts and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

**Policy LU 4.1**

**Land Use Diagram.** Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).

The preschool use is intended to serve local residents and will provide an educational service use to the community. The project is pursuing LEED platinum certification and upholds the principals of creating a self-sustaining community. The use complements the existing type and character of the nearby development, which includes a variety of commercial and residential development. As further discussed in part (e) of this analysis, there is adequate capacity in the sewer and water facilities, circulation, and other public services and facilities to provide an adequate level of service to the proposed development. The project (i.e., preschool) represents "in fill" development that can be served by the existing infrastructure.

The subject property is located within the Office General (OG), which is intended to provide for areas appropriate

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for administrative, professional, and medical offices with limited accessory retail and service uses. Pursuant to Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements), day care general uses are a principal permitted use subject to the approval of a minor use permit.

### Project Design Policies

#### **Policy 5.2.1**

**Architecture and Site Design.** *Require that new development within existing commercial districts and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principals:*

- *Seamless connections and transitions with existing buildings, except where developed as a free-standing building,*
- *modulation of building masses, elevations and rooflines to promote visual interest,*
- *architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures,*
- *treatment of the ground floor of buildings to promote pedestrian activity by avoiding long continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest,*
- *clear identification of storefront entries,*
- *incorporation of signage that is integrated with the buildings' architectural character,*
- *architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground floors where the parking structure faces a public street or pedestrian way,*
- *extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers,*
- *incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities,*
- *clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on),*
- *integration of building design and site planning elements that reduce the consumption of water, energy, and other renewable resources.*

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BY:  DEPUTY

The proposed development includes a 6,498-square-foot preschool facility with three classrooms and administrative offices separated by a covered corridor, a 25-space surface parking lot, and landscaped areas. The building provides an inverted roofline with insets to provide modulation at the entry along the street frontage. The building will be constructed with high quality wood and glass materials and the project is seeking LEED Platinum certification, which is intended to reduce water consumption and energy use, with a conscious use of renewable resources. The green building and sustainability objective of the applicant, the Environmental Nature Center, integrates the building design with the natural environment and makes full use of landscaping on the site by providing varied habitat regions throughout the outdoor play areas for children. The parking area is easily accessible from Dover Drive and accommodates staff parking and child drop-off and pick-up. Appropriate pedestrian connections are provided along Dover Drive and into the preschool from the adjacent surface parking area.



## Neighborhood Compatibility Policies

- Policy LU5.2.2**      **Buffering Residential Areas.** *Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as:*
- *Incorporation of landscape, decorative walls, enclosed trash containers, downward focused lighting fixtures, and/or comparable buffering elements;*
  - *Attractive architectural treatment of elevations facing the residential neighborhood;*
  - *Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy.*
- Policy LU6.16.5**      **Compatibility of Business Operations with Adjoining Residential Neighborhoods.** *Work with local businesses to ensure that retail, office, and other uses do not adversely impact adjoining residential neighborhoods. This may include strategies addressing hours of operation, employee loitering, trash pickup, truck delivery hours, customer arrivals and departures, and other activities.*
- Policy LU6.16.6**      **Design Compatibility with Adjoining Residential Neighborhoods.** *Require that building elevations facing adjoining residential units be designed to convey a high-quality character and ensure privacy of the residents, and that properties be developed to mitigate to the maximum extent feasible impacts of lighting, noise, odor, trash storage, truck deliveries, and other business related activities. Building elevations shall be architecturally treated and walls, if used as buffers, shall be well-designed and landscaped to reflect the areas residential village character.*

The proposed project incorporates a variety of features to ensure neighborhood compatibility, including a 6-foot high trex fence system located at the southerly property line adjacent to the residential properties to reduce sound from children playing. A 14-foot wide access drive is located on the project site adjacent to the fence and defines the southerly boundary of the outdoor play areas for the preschool to further buffer the noise source of children at play from the nearby residences. An enclosed trash enclosure is located along the southerly portion of the site to minimize odors and noise to the nearby properties. The preschool operation will provide staggered pick-up and drop-off times for children in order to manage circulation and parking demands within the proposed parking lot.

Adequate setbacks are incorporated into the project design to ensure that the preschool will be compatible with the adjoining residential properties. A 26-foot setback is provided between the nearest residences to the administrative buildings and a much wider separation (greater than 30 feet) is provided between the classroom/assembly buildings and the nearest residential properties to the south.

- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The combined project site is within the Newport Beach city limits, and consists of 54,348 square feet or 1.25-acres of land area. While the project site is bounded on the west by the existing Environmental Nature Center facility, it is surrounded by commercial office, gym, and medical office uses to the north, residential uses to the south of the site, and private institutional uses (a church) and Castaways Park to the east across Dover Drive.

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*c) The project site has no value as habitat for endangered, rare or threatened species.*

The subject property is vacant and has no native vegetation and/or habitat. The site was previously developed with a convalescent home and a disturbed children's care facility before the building was demolished in 2007. There is no potential for special-status plants or animals to exist on the vacant lot. The project would not encroach into any jurisdictional waters or areas that support native and/or sensitive habitat. The property does not provide any wetland area and fully complies with current City policy (Coastal Land Use Policy 4.2.2.3). Thus, there would be no significant indirect impacts to wetland ESHA associated with the project. For these reasons, the project site has no value as habitat for endangered, rare or threatened species. Given the urban character of the surrounding area, no significant impacts to biological resources would occur.

*d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

A traffic study, titled "Traffic Impact Analysis ENC Preschool Project City of Newport Beach" dated July 28, 2015, was prepared by DKS Associates under the supervision of the City Traffic Engineer pursuant to the Traffic Phasing Ordinance (TPO) and its implementing guidelines. The Traffic Study concluded that the project generated trips would not result in a significant traffic impact. Construction of the project is anticipated to be completed in 2017. The project is expected to generate 315 new trips on a typical weekday, with 57 morning peak hour trips and 58 evening peak hour trips. The Traffic Study indicates that the project will neither cause nor make worse an unsatisfactory level of service at any impacted primary intersection, and all intersections studied are forecasted to continue to operate at acceptable Levels of Service. As such, the project-related traffic would not cause or contribute to an unacceptable level of service with the circulation network adjacent to the project site. The project will provide adequate, convenient parking for staff and children drop-off based upon the review of the City's Traffic Engineer. Approval of the project would not result in any significant effect related to traffic or circulation.

An acoustical report prepared October 1, 2015, together with a memorandum prepared October 29, 2015, confirms that sound levels will remain in compliance with the noise standards of the Municipal Code. The sample sound measurements determined the sound levels of 20 children in a recess/free play setting to be 68.6 dB(A)<sup>1</sup> Leq<sup>2</sup> and 80.2 dB (A) Lmax<sup>3</sup> at a distance of 15 feet. The acoustical report incorporates distance loss into the analysis and determines that the maximum sound source receptor levels result in a noise level of 55 dB(A) Leq and 67 dB(A) Lmax at the residential properties. With appropriate noise control measures incorporated into the design of the proposed project (e.g., limitations on number of children at play in the outdoor play areas, a 14-foot noise buffer, and 6-foot high trex screen wall), no significant noise impacts will occur and the interior noise levels would comply with the City's exterior noise standard of 55 dBA Leq and 75 dBA Lmax. Additionally, the proposed project will comply with all applicable provisions of the City's Noise Ordinance, which allows for construction between specific hours as set forth in Chapter 10.28 of the NBMC.

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<sup>1</sup> dB(A) Weights a sound spectrum relative to the sensitivity of the human ear.

<sup>2</sup> Leq Steady-state "average" sound level over a stated time period (15 minute time period per the NBMC).

<sup>3</sup> Lmax The maximum or peak sound level measured during the measurement period.

The primary source of noise impacting the project site is the traffic generated on Dover Drive. It is estimated that future traffic noise exposure will be approximately 70 dB in the site's proposed parking lot abutting Dover Drive. The acoustical report denotes that the current ambient noise level at the children's play area is 55.4 db(A) and the proposed preschool building will serve as a buffer from Dover Drive to diminish traffic noise for children at play. The project must also be consistent with the City's interior noise standards established in the General Plan Noise Element, including Policy N1.1, N1.2, and N1.5.

Neither short-term nor long-term air pollutant emissions will exceed significance thresholds established by the SCAQMD<sup>4</sup>. Nonetheless, the proposed project is required to comply with applicable SCAQMD regulations. Therefore, approval of the project would not result in any significant effects relating to air quality.

A preliminary Water Quality Management Plan has been reviewed and approved by the City of Newport Beach and implementation of the proposed project would not result in potentially significant impacts to the drainage patterns on-site. Project storm water must comply with all applicable Municipal Separate Storm Systems (MS4) requirements to ensure that impacts to surface and ground water quality do not occur. Water quality objectives will be achieved through the incorporation of Best Management Practices (BMPs) identified in the preliminary Water Quality Management Plan during construction and post-project implementation. Project implementation will not change the general drainage pattern of the project site. Current on-site drainage patterns consist of surface flow across the site and into existing grate inlets at the southwest and southeast corners of the site. Storm runoff from the neighboring residential development slope collected along the property line also discharges into these two grate inlets. Runoff eventually discharges into two separate OCFCD 54-inch storm drain pipes and connects to the City storm drain main in Dover Drive. Under the proposed project, hardscape, parking lot runoff, and runoff from landscape and play areas will be collected in proposed bioretention areas prior to discharge into the underground storm drain system connecting to the existing southeast and southwest grate inlets. Approval of the project would not result in any significant effect related to water quality. Furthermore, the existing drainage facilities have adequate capacity to accommodate the increase in surface runoff generated by the proposed project based upon the review by the project's engineer.

*e) The site can be adequately served by all required utilities and public services.*

All required utilities, including sewer, water, energy, telephone, etc., exist within the project site. A domestic water service and meter and fire water service and meter are located toward the northern property line along Dover Drive. A recently installed sewer line is located within an easement along the southern property line. The southern portion of the site provides drainage and utility access via several easements (sewer, storm drain, utilities, telephone, and Southern California Edison) and the new project will maintain access to these easements and utility infrastructure. A water/waste water calculation has been prepared for the proposed development. Project implementation is estimated to utilize less water and waste water than the prior convalescent and care facility uses that occupied the property prior to 2007. Development of a preschool on the vacant lot, which does not generate water or waste water demand, is estimated to result in an increase of 1,260 GPD of waste water generation and 3,732 GPD of water demand. No backbone facilities (i.e., master-planned roads and/or utilities) will be required to accommodate the proposed project. The nearest fire station is less than one (1) mile north of the project site at Irvine Avenue and Dover Drive. Furthermore, all of the public services, including police and fire protection, schools

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<sup>4</sup> <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

## Notice of Exemption

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and parks and recreation, etc., are adequate to accommodate the proposed project. Thus, the site can be adequately served by all required utilities and public services.


### Lead Agency

Contact Person: Makana Nova

Area Code/Telephone/Extension: (949) 644-3249

### If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: 

Date: 01/22/2016

Title: Associate Planner

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.





State of California—Natural Resources Agency  
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
**2015 ENVIRONMENTAL FILING FEE CASH RECEIPT**

RECEIPT#

30-2016 0043

STATE CLEARING HOUSE # (if applicable)

NA

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY

CITY OF NEWPORT BEACH

DATE

01/22/2016

COUNTY/STATE AGENCY OF FILING

Orange

DOCUMENT NUMBER

201685000049

PROJECT TITLE

ENVIRONMENTAL NATURE CENTER PRESCHOOL (PA2015-079)

PROJECT APPLICANT NAME

ENVIRONMENTAL NATURE CENTER, BO GLOVER

PHONE NUMBER

( 949 ) 644-3200

PROJECT APPLICANT ADDRESS

1601 E. ST

CITY

NEWPORT BEACH

STATE

CA

ZIP CODE

92663

PROJECT APPLICANT (Check appropriate box):

☐ Local Public Agency

☐ School District

☐ Other Special District

☐ State Agency

☒ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,070.00	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,210.25	\$	0.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board only)	\$850.00	\$	0.00
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,043.75	\$	0.00
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	50.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

☐ Cash

☐ Credit

☐ Check

☐ Other

TOTAL RECEIVED \$ 50.00

SIGNATURE

X

PRINTED NAME AND TITLE

ANGEL CARDENAS, DEPUTY