

# HUGH NGUYEN

## CLERK-RECORDER

BIRTH AND DEATH RECORDS  
FICTITIOUS BUSINESS NAMES  
MARRIAGE LICENSES/RECORDS  
NOTARY REGISTRATION  
ORANGE COUNTY ARCHIVES  
PASSPORTS  
PROPERTY RECORDS

CITY OF NEWPORT BEACH  
100 CIVIC CENTER DR PO BOX 1768  
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 11/30/2023

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

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

By: Carina Cortes 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 \*\*\*



ORANGE COUNTY  
CLERK-RECORDER  
CEQA FILING COVER SHEET

30-11|30|2023-1008

Recorded in Official Records, Orange County  
Hugh Nguyen, Clerk-Recorder



NO FEE

\* \$ R 0 0 1 4 6 7 9 9 7 0 \$ \*  
202385001024 8:30 am 11/30/23  
477 Vitlndx Z01  
0.00 50.00 0.00 0.00 0.00 0.00 0.00 0.00

Complete and attach this form to each CEQA Notice filed with the County Clerk-Recorder

TYPE OR PRINT CLEARLY

Project Title

HOUSING ELEMENT IMPLEMENTATION NOISE-RELATED AMENDMENTS  
(PA2022-0201)

Check Document being Filed:

- ☐ Environmental Impact Report (EIR)  
☐ Mitigated Negative Declaration (MND) or Negative Declaration (ND)  
☒ Notice of Exemption (NOE)  
☐ Other (Please fill in type):

FILED

NOV 30 2023

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: C. C. DEPUTY

FILED IN THE OFFICE OF THE ORANGE  
COUNTY CLERK-RECORDER ON November 30, 2023

Posted for 30 days

DEPUTY CARINA CORTES

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

## NOTICE OF EXEMPTION

**To:** Orange County Clerk-Recorder  
601 North Ross Street  
Santa Ana, CA 92701

**From (Public Agency):** City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660

|  |   |  |  |
|--|---|--|--|
| <b>Project Title:</b>  | Housing Element Implementation Noise-Related Amendments (PA2022-0201)   |  |  |
| <b>Project Location - Specific:</b>  | Airport Area. Generally bordered by Campus Drive, Jamboree Road, Bristol Street and State Route 73.   |  |  |
| <b>Project Location - City:</b>  | City of Newport Beach   |  |  |
| <b>Project Location - County:</b>  | County of Orange  |  |  |
| <b>Description of Nature, Purpose, and Beneficiaries of Project:</b>   |   |  |  |
| <b>Nature:</b>   | Amendments to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code, Newport Place Planned Community Development Plan (PC-11), and Newport Airport Village Planned Community Development Plan (PC-60) ("Amendments") that implement the certified 2021-2029 Sixth Cycle Newport Beach General Plan Housing Element.  |  |  |
| <b>Purpose:</b>  | The Amendments support future residential development identified in the certified 2021-2029 Sixth Cycle Newport Beach General Plan Housing Element located within the 65 dBA CNEL. Specifically, the amendments change Title 20 (Planning and Zoning) of the Newport Beach Municipal Code, PC-11, and PC-60 to modify and incorporate the updated noise contours identified by EIR No. 617 including additional noise attenuation measures for future housing units proximate to John Wayne Airport. Parcels bisected by the updated 65 dBA CNEL noise contour could support future housing with noise mitigation; whereas parcels located wholly within the updated 65 dBA CNEL noise contour would only support housing, if deemed necessary to satisfy the State and Southern California Association of Government Regional Housing Needs Assessment (RHNA) mandate. |  |  |
| <b>Beneficiaries:</b>  | City of Newport Beach   |  |  |
| <b>Name of Public Agency Approving Project:</b>  | City of Newport Beach   |  |  |
| <b>Name of Person or Agency Carrying Out Project:</b>  | City of Newport Beach, Community Development Department   |  |  |
| <b>Exempt Status (check one):</b>  | Pursuant to California Environmental Quality Act (CEQA) Statute and Guidelines  |  |  |
| <input type="checkbox"/>   | Ministerial (Sec. 21080(b)(1); 15268);  |  |  |
| <input type="checkbox"/>   | Declared Emergency (Sec. 21080(b)(3); 152269(a));   |  |  |
| <input type="checkbox"/>   | Emergency Project (Sec. 21080(b)(4); 15269(b)(c));  |  |  |
| <input type="checkbox"/>   | Categorical Exemption. Type and Section:  |  |  |
| <input checked="" type="checkbox"/>  | Statutory Exemption. Code Number: State CEQA Guidelines §15183 BY: <b>C.C.</b> DEPUTY   |  |  |
| <b>Reasons Why Project is Exempt:</b> The Amendments are exempt from CEQA pursuant to CEQA Guidelines section 15183 because they do not change the underlying land use or zoning designations of any specific parcels, including parcels within the Airport Area or within the updated noise contours. The Amendments, therefore, will not result in development of greater intensity than is allowed under the 2006 General Plan, Newport Place Planned Community Development Plan (PC-11), and Newport Airport Village Planned Community (PC-60), as amended. To the extent new parcels can be developed in the future for residential uses, by nature of no longer being located within areas identified as experiencing 65 dB CNEL or greater, those parcels must be part of a specific proposed project for consideration and processing by the City for approval.  |   |  |  |
| The Amendments are also exempt because they fall within the scope of analysis contained within EIR No. 617, prepared, and certified by the County of Orange for the JWA Settlement Agreement Amendment, to which the City is a party. EIR No. 617, fully analyzed impacts on sensitive receptors (including residential uses) in adopting the JWA Settlement Agreement Amendment, including the updated CNEL contour boundaries associated therewith, using both the County and City's thresholds of significance. The City was a responsible agency for EIR No. 617, and co-signatory to the JWA Settlement Agreement Amendment. EIR No. 617 concluded that the JWA Settlement Agreement Amendment (and associated updated CNEL contours) would result in less-than-significant impacts related to noise increases at sensitive receptors, but a significant and unavoidable impact from increasing noise levels at exterior use areas of residences. A Statement of Overriding Considerations was adopted. No lawsuits were filed challenging the adequacy of the EIR No. 617. |   |  |  |

FILED

NOV 30 2023

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

DEPUTY

The Amendments are required for the City to officially adopt the latest and most recently analyzed dBA CNEL noise contours, which are based on state-of-the-art noise modeling, current airport activity and operations at JWA, and technological advances in aviation technology that reduce noise levels from aircraft. Because EIR No. 617 analyzed impacts associated with the updated noise contours, the City's adoption of the updated CNEL noise contours are fully within the scope of EIR No. 617, and the 2006 General Plan, as amended. The Amendments, therefore, do not warrant further environmental review under CEQA.

**Lead Agency Contact Person:** Seimone Jurjis, Community Development Director

**Telephone & Extension:** (949) 644-3232

**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:**

*Seimone Jurjis*

**Title:** Assistant City Manager

**Date:** November 29, 2023

☒ Signed by Lead Agency

☐ Signed by Applicant

Date received for filing at OPR:

**FILED**

**NOV 30 2023**

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: C.C. DEPUTY



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

**Print** **Start Over** **Save**

RECEIPT NUMBER:  
30 — 11/30/2023 — 1008  
STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

|   |                                 |                    |
|---|---------------------------------|--------------------|
| LEAD AGENCY<br>CITY OF NEWPORT BEACH    | LEAD AGENCY EMAIL               | DATE<br>11/30/2023 |
| COUNTY/STATE AGENCY OF FILING<br>Orange | DOCUMENT NUMBER<br>202385001024 |                    |
| PROJECT TITLE                           |                                 |                    |

**HOUSING ELEMENT IMPLEMENTATION NOISE-RELATED AMENDMENTS (PA2022-0201)**

|   |                         |                                |
|---|-------------------------|--------------------------------|
| PROJECT APPLICANT NAME<br>CITY OF NEWPORT BEACH     | PROJECT APPLICANT EMAIL | PHONE NUMBER<br>(949 )644-3232 |
| PROJECT APPLICANT ADDRESS<br>100 CIVIC CENTER DRIVE | CITY<br>NEWPORT BEACH   | STATE<br>CA                    |
|   |                         | ZIP CODE<br>92660              |

**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)  | \$3,839.25 | \$ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)                                   | \$2,764.00 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,305.25 | \$ | 0.00 |

☒ Exempt from fee

☒ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

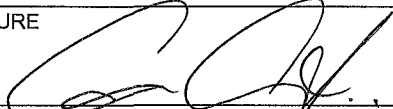
☐ Fee previously paid (attach previously issued cash receipt copy)

|   |          |    |      |
|---|----------|----|------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input type="checkbox"/> County documentary handling fee  |          | \$ |      |
| <input type="checkbox"/> Other  |          | \$ |      |

**PAYMENT METHOD:**

☐ Cash ☐ Credit ☐ Check ☐ Other

**TOTAL RECEIVED** \$ 0.00

|   |  |
|---|--|
| SIGNATURE<br><b>X</b>  | AGENCY OF FILING PRINTED NAME AND TITLE<br>DEPUTY CLERK, CARINA CORTES |
|---|--|

Hugh Nguyen  
Orange County Clerk-Recorder  
601 N. Ross Street  
Santa Ana, CA 92701

County

Finalization: 20230000332005  
11/30/23 8:30 am  
477 VitIndx

| Item                           | Title | Count  |
|--------------------------------|-------|--------|
| 1                              | Z01   | 1      |
| EIR: Exempt or Previously Paid |       |        |
| Document ID                    |       | Amount |
| DOC# 202385001024              |       | 50.00  |
| Time Recorded 8:30 am          |       |        |

|       |      |
|-------|------|
| Total | 0.00 |
|-------|------|

| Payment Type | Amount |
|--------------|--------|
| NO FEE       | 50.00  |
| Amount Due   | 0.00   |

THANK YOU  
PLEASE RETAIN THIS RECEIPT  
FOR YOUR RECORDS  
[www.ocrecorder.com](http://www.ocrecorder.com)

