

## **Hugh Nguyen**

**Orange County Clerk - Recorder** 

P.O. Box 238 Santa Ana, CA 92702 12 Civic Center Plaza, Room 106 Santa Ana, CA 92701 Phone: (714) 834-2500 www.ocrecorder.com

<u>CITY OF NEWPORT BEACH</u> <u>100 CIVIC CENTER DR PO BOX 1768</u> <u>NEWPORT BEACH, CA 92658-8915</u>

# Office of the Orange County Clerk-Recorder Memorandum

## SUBJECT: NOTICE OF EXEMPTION

The attached notice was received, filed and a copy was posted on 07/21/2017

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

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

By: Valdovinos Yara

Deputy

Public Resource Code 21092.3

The notice required pursuant to Sections 21080.4 and 21092 for an <u>environmental impact report</u> 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. <u>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 hors of receipt.</u>

## Public Resource Code 21152

All notices filed pursuant to this section shall be available for public inspection, and shall be posted <u>\*\*\* within 24 hours</u> 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 <u>the notice</u> to the local <u>lead</u> agency \*\*\* within a notation of the period it was posted. The local <u>lead</u> agency shall retain the notice for not less than nine months.

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



State of California - Department of Fish and Wildlife 2017 ENVIRONMENTAL FILING FEE CASE DFW 753.5a (Rev. 01/01/17) Previously DFG 753.5a

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SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.	Orange Percet		
LEAD AGENCY LEAD AGEN	Orange County Clark-Poperturia		
CITY OF NEWPORT BEACH	Clerk–Recorder's Office Hugh Nguyen		
COUNTY/STATE AGENCY OF FILING			
Orange	630N Broadway Bldg. 12 Suite		
PROJECT TITLE			
ULLMAN SAILS LOFTS (PA2017-059)	Santa Ana, CA, 92701		
PROJECT APPLICANT NAME PROJECT	County		
BERK PROPERTIES, DAVID DAVUTOGLU	odunty		
PROJECT APPLICANT ADDRESS CITY	Finalization: 20170000254495		
428 OLD NEWPORT BOULEVARD NEWP	1/21/11 11:19 am		
PROJECT APPLICANT (Check appropriate box)	344 304		
Local Public Agency School District Other Sp	Item Title Count		
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Environmental Impact Report (EIR)	1 Z01 1		
Mitigated/Negative Declaration (MND)(ND)	EIR Administrative Fee		
Certified Regulatory Program document (CRP)	Document ID Amount		
	DOC# 201785000777 50.00		
Exempt from fee	Time Recorded 11:39 am		
<ul> <li>Notice of Exemption (attach)</li> </ul>	And Recorded TT:72 am		
CDFW No Effect Determination (attach)			
Fee previously paid (attach previously issued cash receipt copy)			
	Total 50.00		
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COPY - CDFW/ASB

COPY - COUNTY CLERK

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BERK PROPERTIES, DAVID DAVUTOGL	U			(949) 644	-3249
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Water Right Application or Petition Fee (State Water Re	sources Control Board only)	\$850.00	\$		0.00
County documentary handling fee			\$		50.00
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JUL 2 1 2017

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: DEPUTY

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Hugh Nguyen, Clerk-	Recorder
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BY:

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## Notice of Exemption

PA2017-05

To: From: County Clerk City of Newport Planning Division **County of Orange** 100 Civic Center Drive P.O. Box 1768 Public Services Division Newport Beach, CA 92658-8915 Santa Ana, CA 92702 (949) 644-3200

## Project Title: Ullman Sails Lofts (PA2017-059)

Project Applicant: Berk Properties, David Davutoglu, 428 Old Newport Boulevard, Newport Beach, CA 92663

Project Location - Specific: 410 and 412 29th Street, Legal Description: Lots 17, 18, and 19 of Block 225 of the Landscasters Addition of Newport Beach

Project Location – City: Newport Beach Project Location - County: Orange

Description of Nature, Purpose and Beneficiaries of Project: A coastal development permit, conditional use permit, minor site development review, and tentative tract map to demolish an existing 9,600-square-foot commercial building and construct a new mixed-use structure with 1,145 square feet of retail/office floor area and one 2,360 square foot dwelling unit and construct three residential dwelling units ranging from 2,485 square feet to 2,515 square feet. A conditional use permit approval is necessary to reduce the required retail/office parking requirement by four spaces. A deviation of the subdivision design standards is necessary in conjunction with the tentative tract map to allow a lot width of less than 40 feet.

Name of Public Agency Approving Project; City of Newport Beach, Community Development Department

Name of Person or Agency Carrying out Project: James "Buzz" Person Exempt Status: (check one): JUL 2 1 2017

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 (Infill Development Projects), in accordance with 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 MU-H4 (Mixed-Use Horizontal), which is intended to establish the character of a distinct and cohesively developed district or neighborhood containing multi-family residential with clusters of mixed-use and/or commercial buildings. Mixed-use or commercial buildings are required on parcels at street intersections and are permissible but not required on other parcels. Development of the site will be consistent with General Plan policies as indicated below. The proposed mixed-use development at the corner parcel and multi-family residential development at the interior parcel are consistent with the limitations for the subject properties.

PA2017-059	FILED	POSTED		
Notice of Exemption	JUL 2-1 2017 *	<u>IUI 2 1 2017</u>		
Land Use Policies:	ORANGE COUNTY CLERK-RECORDER DEPARTMENT	HUGH NGUYEN, CLERK-RECORDER		
		BY. N.V. DEPUTY		

- N.F  $\mathbf{V}$ DEPUTY BY: BY: 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
- 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).
- LU 2.6 Visitor Serving Uses Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.
- LU 3.3 Opportunities for Change

Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: Balboa Peninsula: ...re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; and redevelop underperforming properties outside of the core commercial districts along the Balboa Boulevard corridor for residential. Infill development shall be designed and sited to preserve the historical and architectural fabric of these districts.

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).

LU 6.2.1 Residential Supply

Accommodate a diversity of residential units that meets the needs of Newport Beach's population and fair share of regional needs in accordance with the Land Use Plan's designations, applicable density standards, design and development policies, and the adopted Housing Element.

## Cannery Village

spaces.

Goal LU 6.10

A pedestrian-oriented residential neighborhood that provides opportunities for live/work facilities and supporting retail uses.

LU 6.10.1

Priority Uses Allow multi-family residential and mixed-use buildings that integrate residential above retail or live-work units throughout Cannery Village. Require mixed-use, live-work, or commercial buildings to be developed on corner parcels.

The proposed development matches the priority uses for the Cannery Village area by providing a mixed-use development on the corner parcel with a residential dwelling unit over retail/office and multi-family residential units on the interior parcel.

The subject property is located within the Mixed-Use Cannery Village/15th Street (MU-CV/15th St) Zoning District, where it is intended to establish a cohesively developed district or neighborhood containing multi-unit residential dwelling units with clusters of mixed-use and/or commercial structures on interior lots of Cannery Village, Pursuant to Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements), retail/office uses and residential dwelling units are permitted uses in this Zoning district.

The retail/office uses are intended to serve local residents and will provide visitor-serving use to the community. The residential dwelling units will further support the retail/office uses in the neighborhood. These uses complement 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., mixed-use and multi-family residential dwelling units) represent "in fill" development that can be served by the existing infrastructure.

### Project Design Policies:

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- . LU 5.1.9 Character and Quality of Multi-Family Residential Require that multi-family dwellings be designed to convey a high quality architectural character in accordance with the following principles (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas):
  - DEPUTY 0 **Building Elevations**
  - Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal facades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality
    - Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume
      - Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes

Ground Floor Treatment

- Where multi-family residential is developed on large parcels such as the Airport Area and West Newport Mesa:
- 2 00 Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and DEPUTY landscaping
  - Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces
    - Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways
    - Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security (as shown below).

### Roof Design

Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety,

Parking

Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture.

**Open Space and Amenity** 

- Incorporate usable and functional private open space for each unit.
- Incorporate common open space that creates a pleasant living environment with opportunities for recreation.

PA2017-059

- LU 5.3.1 Mixed-Use Buildings Require that mixed-use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in consideration of the following principles:
  - Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts
  - Visual and physical integration of residential and nonresidential uses
  - · Architectural treatment of building elevations and modulation of their massing
  - · Separate and well-defined entries for residential units and nonresidential businesses
  - · Design of parking areas and facilities for architectural consistency and integration among uses
  - Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would
    require less landscape along the street frontage but integrate landscape into interior courtyards and common
    open spaces
- LU 5.3.5 Pedestrian-Oriented Architecture and Streetscapes

Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide "eyes on the street" in accordance with the following principles:

- · Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous
- wall with buildings on adjacent parcels
- Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection
- · Articulation and modulation of street-facing elevations to promote interest and character
- · Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible
- Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible (Imp 2.1)

The proposed development includes a new mixed-use structure with 1,145 square feet of retail/office floor area and one 2,360 square foot dwelling unit on Lot 17, and three new residential dwelling units ranging from 2,484 square feet to 2,515 square feet over Lots 18 and 19. The building scale and architectural style is reminiscent of the existing Ullman Sails building currently on-site. The design incorporates building materials such as a painted white CMU veneer, smooth white stucco, metal panel shed roofs, vertical wood siding, aluminum clad windows, and exposed steel that are consistent with other buildings in the Cannery Village community and are reminiscent of the previous nautical and marine uses of the area. The building incorporates large rolling style doors at the façade. The mixed-use entry and residential structures along the 29th Street and Villa Way frontages are designed with a zero setback at to enhance pedestrian connections with the street frontage. The residential portion of the building provides modulation of the façade along Villa Way by varying setbacks and floor levels and incorporates adequate common and private open space areas. The existing driveway at Villa Way will be closed to create two additional street parking spaces.

### Neighborhood Compatibility Policies

- LU 5.3.6 Parking Adequacy and Location Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping. (Imp 2.1)
- LU 6.10.2 Residential Character and Architecture.
   Require that residential buildings be designed to contribute to an overall neighborhood character, locating buildings along the street frontage to form a continuous or semi-continuous building wall. (Imp 2.1)
- LU 6.10.3 Specific Plan Guidelines.
   Utilize design and development guidelines for Cannery Village identified in the Cannery Village/McFadden Square Specific Plan. (Imp 3.1)

The proposed project incorporates a variety of features to ensure neighborhood compatibility. Adequate parking will be provided to serve the retail/office tenants and customers. The applicant requests a four parking space reduction in the required parking for the retail/office component where five parking spaces are required. However, two additional on-street public parking spaces will be added with the closure of the Villa Way curb cut, which will help to

accommodate customer and employee demands. Street parking is generally available throughout the Cannery Village neighborhood and a City metered parking facility is available one block to the north at 426 30th Street. All required parking garages and carports for the residential component are provided on-site, are readily accessible from the rear alley, and are screened from Villa Way by the proposed building. The multi-family residential portion of the project is designed in such a way as to architecturally blend in with the adjacent mixed-use development and pay homage to the prior land use at this location (Ullman Sails). The building is located adjacent to the street frontage and forms a continuous building wall, improving the pedestrian connection with the street. The residential portion of the project provides a close interface with the street frontage that is characteristic of buildings throughout Cannery Village. Two units provide fenced in patio areas along the Villa Way frontage. Separate screened trash areas are provided for the commercial and residential portions of the project adjacent to the parking areas accessed from the rear alley. The specific plan no longer exists for Cannery Village. However, the project will adhere to the general design guidelines specified in the Zoning Code for new development.

## (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 7,720 square feet or 0.18-acres of land area. The project site is bounded by commercial office, retail, mixed-use, and residential uses in Cannery Village.

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

The subject property is a (0.18 acre) vacant site occupied by an existing building with no landscaping or native vegetation/habitat. The site is currently developed with a commercial building and is within a fully developed urbanized neighborhood. There is no potential for special-status plants or animals to exist on the 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.

Construction of the project is anticipated to be completed in 2018. The City Traffic Engineer expects the project will generate 37 additional average daily trips on a typical weekday, with a reduction of 6 morning peak hour trips and a reduction of 3 evening peak hour trips. The trip calculations indicate 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 residents, employees, and customers 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. Neither short-term nor long-term air pollutant emissions will exceed significance thresholds established by the SCAQMD. Nonetheless, the proposed project is required to comply with applicable SCAQMD regulations. Therefore, approval of the project would not result in any significant effects relation.

A preliminary Water Quality Management Plan (Exhibit A) has been reviewed by the City of Newport Beach and implementation of the proposed project would not result in potentially significant impacts to the drainage patterns onsite. 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. Half of the current on-site drainage flows across the site and into a catch basin at the alley to the west and half of the drainage flows across the site and into a catch basin at the alley to the proposed project, the drainage system follows the existing drainage pattern. Storm water west of the property is collected by a bottomless trench drain through downspouts and surface flows. Storm water east of the property is collected by a French drain through downspouts and discharged to Villa Way through a curb outlet. 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 minor increase in surface runoff generated by the proposed project based upon the review by the project's engineer.

PA2017-059

(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. An existing 8-inch VCP sewer pipe is located along the alley and four 4-inch sewer laterals and two 6-inch sewer laterals are proposed to connect to the existing 8-inch lateral. Each unit will be served by an individual water meter, sewer lateral, and cleanout within the public right-of-way. A water/waste water calculation has been prepared for the proposed development (Exhibit B). Project implementation is estimated to utilize more water and waste water than the prior commercial business. Development of a mixed-use development (retail/office and one dwelling unit) and multi-unit residential unit consisting of three dwelling units are estimated to result in an increase of 1,077 GPD of water demand and 632 GPD of waste water. No backbone facilities (i.e., master-planned roads and/or utilities) will be required to handle the increased demand of the proposed development. The increase in demand for the 8-inch sewer main line was found to be negligible due to the size and slope of the pipe and the connections have enough capacity to carry sewer to the main line. The nearest fire station is less than one quarter mile north of the project site at 32nd Street and Villa Way. Furthermore, all of the public services, including police and fire protection, schools, and parks & recreation, etc., are adequate to accommodate the proposed project. Thus, the site can be adequately served by all required utilities and public services.

#### **Determination**

CEQA Class 32 consists of projects characterized as in-fill development meeting the conditions described above. The proposed project consists of the development of a new mixed-use structure and adjacent 3-unit residential building consistent with the City's General Plan land use designation MU-H4 (Mixed-Use Horizontal) and Zoning designations MU-CV/15th St (Mixed-Use Cannery Village/15th Street) as it provides multi-unit dwellings on interior parcels and a mixed-use structure at the street intersection. There is no reasonable probability that the proposed project will have a significant effect on the environment due to unusual circumstances, nor will the project result in any short-term or long-term impacts that were not previously considered in the Newport Beach General Plan and General Plan EIR. As described above, implementation of the proposed project will not result in any adverse effects on sensitive biological resources, traffic, air quality, noise or water quality. Therefore, the proposed project meets all of the conditions described above for in-fill development and qualifies for a Class 32 exemption.

#### Lead Agency

Contact Person: Makana Nova, Associate Planner

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

### If filed by applicant:

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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: 07/21/2017	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.

11/13/2016