



**Hugh Nguyen**  
**Clerk - Recorder**

**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  
3300 NEWPORT BEWPORT BEACH  
NEWPORT BEACH, CA 92685

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

SUBJECT: NOTICE OF EXEMPTION

The attached notice was received, filed and a copy was posted on 01/08/2014

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

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

By: OLIVIA MARTIN

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 \*\*\*

FILED

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

JAN 08 2014



NO FEE

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

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BY: [Signature] DEPUTY

Notice of Exemption

<b>To:</b> County Clerk County of Orange Public Services Division Santa Ana, CA 92702	<b>From:</b> City of Newport Planning Division 100 Civic Center Drive P.O. Box 1768 Newport Beach, CA 92658-8915 (949) 644-3200	
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**Project Title:** Beach Burning/Fire Rings - Compliance with AQMD Rule 444 (PA2012-071)

**Project Applicant:** City of Newport Beach

**Project Location – Specific:** Those beach areas immediately adjacent to the Balboa Pier and the beach area immediately adjacent to the parking lot at Corona del Mar State Beach, east of the East Jetty at the entrance to the Newport Harbor. See attachment for vicinity maps depicting exact location.

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

**Description of Nature, Purpose and Beneficiaries of Project:** The City is required to comply with the South Coast Air Quality Management District's (AQMD's) Rule 444 (Open Burning) by March 1, 2014. To do so, City Council directed staff at its November 26, 2013, meeting to pursue the following: 1) spacing wood-fueled rings at a minimum of 50' from each other while retaining the same overall footprint within which sixty (60) rings are located today; 2) limiting the type of material burned in wood-fueled rings to natural firewood and/or low-smoke burning logs, provided that the City staff reviews and approves the type of firewood or low-smoke burning logs; 3) authorizing the City staff or a vendor to provide for the sale of the natural firewood and/or low smoke burning logs in locations proximate to the remaining wood-fueled fire rings, along with appropriate enforcement and supervision; 4) in addition to the 27 natural wood burning rings, participating with the AQMD in reviewing, permitting, installing, and supervising any alternative-fuel fire ring demonstration project at the Balboa Pier area (Phase I) and/or the Corona del Mar State Beach area (Phase II), provided that safety concerns are addressed to the City's satisfaction; 5) authorizing the Mayor to enter into any agreement associated with the AQMD Demonstration Project; 6) providing for the appropriate rules, regulations, enforcement and supervision of Items #2 - #4 above; 7) seeking permit approval by the California Coastal Commission or any other agency (where applicable); and 8) taking any other action consistent with the above approach.

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

**Name of Person or Agency Carrying out Project:** City of Newport Beach

POSTED

**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: 15302 (Replacement or Reconstruction)
- Statutory Exemptions. State code number: \_\_\_\_\_

JAN 08 2014

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: [Signature] DEPUTY

**Reasons why project is exempt:** The City's proposal to reduce the number of fire rings and space the fire rings further apart is mandated by the South Coast Air Quality Management District's Rule 444 and is not subject to the discretion of the City. The City's compliance with Rule 444 is therefore ministerial. Further, based upon the substantial evidence provided, reducing the number of wood-fueled fire rings and spacing them farther apart within the same footprint on the beach will not cause significant impacts to the environment. In addition, the project is

exempt pursuant to CEQA Guidelines Section 15302, Replacement or Reconstruction (Class 2), in that this is a replacement or reconstruction of existing structures, specifically the fire rings, within the same beach footprint.

**Lead Agency**

**Contact Person:** Brenda Wisneski, Deputy CDD Director **Area Code/Telephone/Extension:** (949) 644-3297

**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:** *Brenda Wisneski* **Date:** 1/8/14 **Title:** Deputy CDD Director

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.

**POSTED**

**JAN 08 2014**

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: *[Signature]* DEPUTY

**FILED**

**JAN 08 2014**

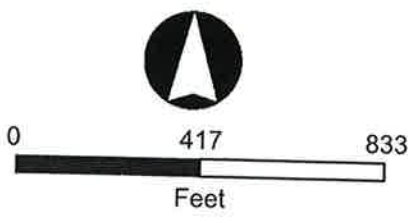
ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: *[Signature]* DEPUTY





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GIS



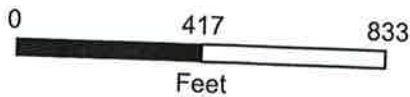
**Disclaimer:** Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

**Imagery:** 2009-2012 photos provided by Eagle Imaging [www.eagleaerial.com](http://www.eagleaerial.com)





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