



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

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 06/22/2018

It remained posted for 30 (thirty) days.

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

By: Bennett Hazel 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

* \$ R 0 0 1 0 1 7 3 5 3 5 \$ *

201885000652 8:04 am 06/22/18

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0.00 50.00 0.00 0.00 0.00 0.00 0.00 0.00



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
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Project Title: Mariner's Square

Project Applicant: Melia Homes, 8951 Research Drive, Irvine, CA 92618

Contact: Chad Brown, VP Planning & Development - 949/759-4367 - Ext. 64

Project Location – Specific: 1244 Irvine Avenue, Newport Beach (corner of Irvine Avenue and Rutland Rd.)

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

Description of Nature, Purpose and Beneficiaries of Project: The Project proposes the replacement of 114 apartment units with 92 for-sale condominium units. The Project site is within the Multiple Residential (RM) land use designation in the City's General Plan and the Multi-Unit Residential (RM-6000) designation in the Zoning Code. The proposed project consists of duplex, four-plex, six-plex, twelve-plex and eighteen-plex buildings bounded by an internal loop road and surrounding the centrally located park and pool area.

Name of Public Agency Approving Project: City of Newport Beach

Name of Person or Agency Carrying out Project: Melia Homes

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 2 (Section 15302) - Replacement or Reconstruction
- Statutory Exemptions. State code number:** _____

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: [Signature] DEPUTY

POSTED

JUN 22 2018

Reasons why project is exempt: See attached pages and site plan.

Lead Agency

Contact Person: Chelsea Crager **Area Code/Telephone/Extension:** 949/644-3227

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: Chelsea Crager **Date:** 6/21/18 **Title:** Associate Planner

Signed by Lead Agency Signed by Applicant

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BY: [Signature] DEPUTY

30-2018-0626

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NOTICE OF EXEMPTION

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

CLASS 2 – REPLACEMENT OR RECONSTRUCTION

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

CEQA GUIDELINES SECTION 15302

BY:

HB

DEPUTY

BY:

HB

DEPUTY

Article 13. Categorical Exemptions (Section 15300-15333), of the CEQA Guidelines identifies a list of classes of projects which have been determined not to have a significant effect on the environment. The following analysis supports the proposed Project's qualification for the approval of a Class 2 Categorical Exemption. In considering whether the Project is exempt, a number of factors were analyzed including unit count, bedroom count, student generation, traffic generation and other development components such as density and pervious area.

Section 15302 – Replacement or Reconstruction – states as follows:

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.
- b) Replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity.
- c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

As detailed herein, the Project is consistent with Section 15302 a) related to the replacement or reconstruction of existing structures. Specific examples noted in Section 15302 a) are existing schools and hospitals; however, as indicated in the introduction in Section 15302, the exemption is not limited to those examples noted (schools and hospitals). The proposed Project is the replacement/reconstruction of multi-family residential units with condominium units.

As shown in the analysis herein, the 50 percent increase identified in capacity in Section 13502 can be determined based on a number of factors when applied to a replacement housing project such as proposed by the Applicant. Therefore, the justification for this Class 2 exemption lies in the analysis of factors more appropriate to a residential development, for which there is no specified method for capacity determination such as square footage, number of dwelling units, population increases, etc.

Existing Conditions

The approximately 5.76-acre Project site is within the Multiple Residential (RM) land use designation in the City's General Plan and the Multi-Unit Residential (RM-6000) designation in the Zoning Code with a minimum of 92 dwelling units and a maximum of 115 dwelling units. The site is currently occupied by the 114-unit Mariner Square Apartments. On-site operations generally consist of typical activities associated with multi-family residences including landscape maintenance, pool maintenance and office related activities. The apartments consist of 13 two- and three-story buildings (parts extending to three stories) and a one-story leasing office structure on the western portion of the property. Additional existing improvements include asphalt parking areas with carports, a swimming pool, two hot tubs, a community

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Table 1 – Project Trip Generation Comparison

Land Use	Number of Units	Peak Hour						Daily
		Morning			Evening			
		Inbound	Outbound	Total	Inbound	Outbound	Total	
Trip Generation Rates Multi-Family Housing (Low-Rise)	DU	0.11	0.35	0.46	0.35	0.21	0.56	7.32
Existing Development Multi-Family Housing (Low-Rise)	114 DU	12	40	52	40	24	64	834
Proposed Development Multi-Family Housing (Low-Rise)	92 DU	10	33	43	32	19	51	673
Difference		-2	-7	-9	-8	-5	-13	-161
Percent Difference		-17.1%	-18.3%	-18.0%	-20.4%	-19.6%	-20.1%	-19.4%

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Student Generation Analysis

The proposed Project results in fewer dwelling units; however, the number of bedrooms indicate that larger families will occupy the units. Using the multi-family unit generation rates provided by the Newport Mesa Unified School District, the following table shows that a modest increase of 7 students will likely result from the Project as proposed.

Table 2 – Student Generation

School Level	Student Generation ¹ Rate (Multi-Family-114 Units)	Existing Project # of Students	Student Generation ² Rate (Single Family Attached- 92 Units)	Proposed Project # of Students
Elementary School (K-6)	0.11	13	0.20	18
Middle School (7-8)	0.03	3	0.04	4
High School (9-12)	0.04	5	0.07	6
Totals	0.60	21	0.31	28

¹ Existing apartments
² Proposed Project

Intensity

The development footprint (pervious vs. impervious) was the standard applied to analysis and comparison of the existing and proposed surface coverage. The following table shows the square footage differences between current and proposed conditions:

Table 3 – Pervious/Impervious Totals

	Acreage	Square Footage	Percentage
Existing - Pervious Area	.87 acre	37,683	15%
Impervious Area	4.90 acre	213,534	85%
Proposed - Pervious Area	1.19 acre	51,905	21%
Impervious Area	4.58 acre	199,312	79%

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The increase in pervious area and the decrease in impervious area has the additional benefit of improved water quality by reducing water run-off from the existing condition. The benefit is further detailed in the Preliminary Water Quality Management Plan for the proposed Project. Therefore, the Project will not have a detrimental impact to water quality generally and does not result in impacts that exceed a 50 percent threshold resulting in new or additional environmental impacts.

construction and long-term and long-term operation. As detailed herein, there are no projected impacts to air quality due to project construction or operation. There will be no on-site activity associated with the residential nature of the development that will result in significant effects on the environment.

- d) *Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

No scenic resources, including designated scenic highways, trees, historic buildings, rock outcroppings or similar resources are known to exist either on the site or in near proximity to the site. Therefore, no environmental impacts will occur.

- e) *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The project site has been developed with apartments for many years and is not considered a hazardous waste site per Section 65962.5 of the Government Code.

- f) *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

There are no known historical resources on the site, which has been developed for many years with apartments. The site is not listed by in the City's General Plan as a historical resource site and it is unlikely any such resources will be discovered on the previously graded and disturbed site.

Conclusion

None of the exceptions listed in Section 15300.2 apply to the Project. Each component of the Project, including the demolition of the existing 114 residential units and accessory structures and the construction of a 92-unit residential development, meets criteria outlined in the Class 2 exemption. The Project will not result in a cumulative impact, significant environmental effect and will not damage scenic or historic resources and the appropriate environmental document for this Project is a Notice of Exemption.

The Section 15302 Categorical Exemption is applicable to the proposed Project because the conditions for subsection (a) have been met as analyzed herein. The 92-unit residential project proposed will replace an existing 114-unit residential development within the approximately 5.76-acre site. While the development footprint for the buildings, landscape and hardscape improvements and internal circulation have been re-designed to better accommodate the development around a central park area, the analysis herein shows that capacity, trip generation, student generation and intensity are within the stated threshold for increases under Section 15302. Therefore, the Project qualifies for a Class 2 Categorical Exemption consistent with the analysis.

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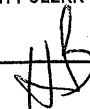
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DEPUTY
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PROJECT DATA

LOT AREA:

LOT COVERAGE:

CODE ANALYSIS:

RESIDENTIAL PROGRAM:

OPEN SPACE CALCULATION:

PRIVATE OPEN SPACE

COMMON OPEN SPACE

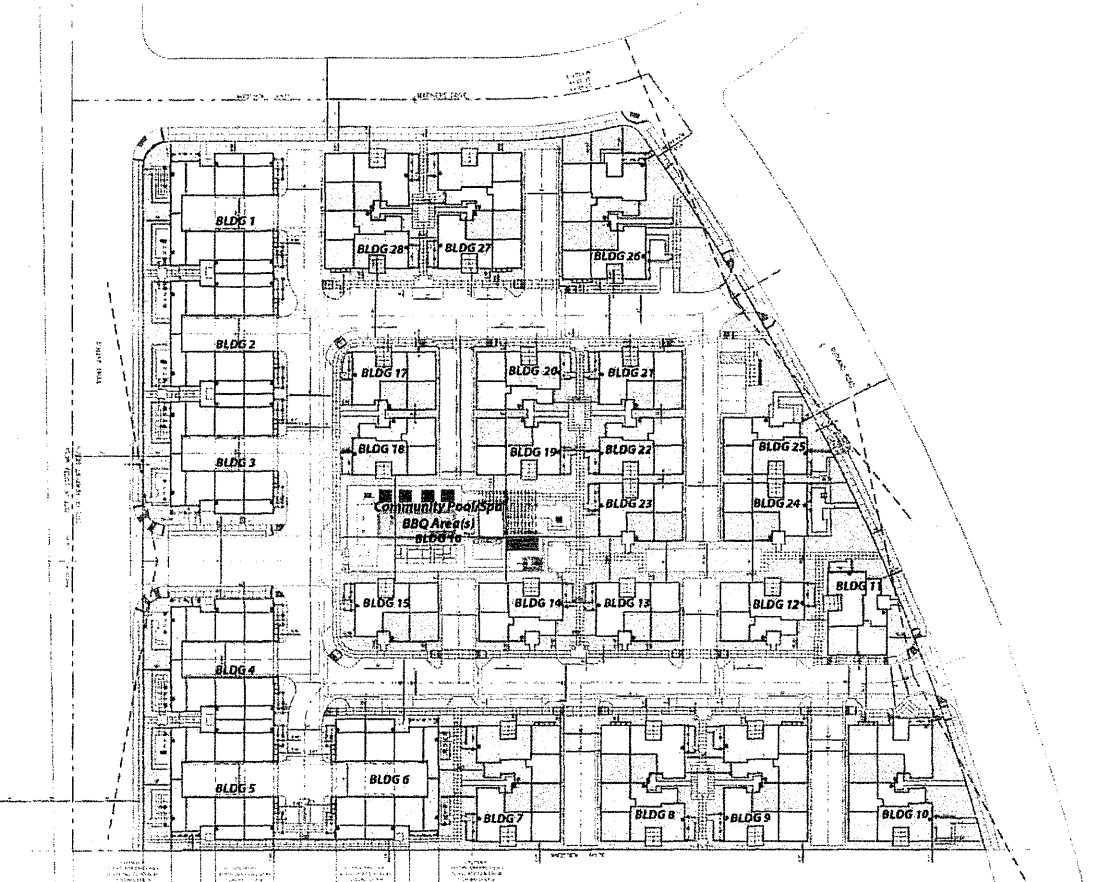
PARKING SUMMARY:

HALF PLEX/4-PLEX:

- PLAN 1 - 14 UNITS
- PLAN 2 - 14 UNITS
- PLAN 3 - 14 UNITS
- PLAN 4 - 14 UNITS
- ADAPTABLE UNITS

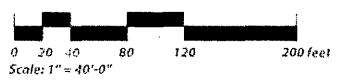
TOWN HOMES:

- TH 1 - 12 UNITS
- TH 2 - 12 UNITS
- TH 3 - 12 UNITS
- ADAPTABLE UNITS



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State of California - Department of Fish and Wildlife
2018 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/18) Previously DFG 753.5a

Print **Start Over** **Finalize & Email**

RECEIPT NUMBER:
 30-2018 0626
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF NEWPORT BEACH	LEAD AGENCY EMAIL	DATE 06/22/2018
COUNTY/STATE AGENCY OF FILING Orange	DOCUMENT NUMBER 201885000652	

PROJECT TITLE MARINER'S SQUARE			
PROJECT APPLICANT NAME MELIA HOMES	PROJECT APPLICANT EMAIL	PHONE NUMBER (949) 644-3227	
PROJECT APPLICANT ADDRESS 8951 RESEARCH DRIVE	CITY IRVINE	STATE CA	ZIP CODE 92618

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)	\$3,168.00	\$	<u>0.00</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,280.75	\$	<u>0.00</u>
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> Exempt from fee			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County documentary handling fee		\$	<u>50.00</u>
<input type="checkbox"/> Other		\$	<u> </u>

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE HAZEL L. BENNETT, DEPUTY CLERK
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Orange County
Clerk-Recorder's Office
Hugh Nguyen

630N Broadway Bldg. 12 Suite
101
92701

County

Finalization: 20180000206079
6/22/18 8:04 am
41 82

Item	Title	Count
1	Z01	1
EIR Administrative Fee		
Document ID		Amount

DOC#	201885000652	50.00
Time Recorded 8:04 am		

Total 50.00

Payment Type	Amount
Cash	tendered 50.00

Amount Due 0.00

THANK YOU
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