



# Hugh Nguyen

Orange County Clerk - Recorder

P.O. Box 238 Santa Ana, CA 92702  
601 N. Ross Street Santa Ana, CA 92701  
Phone: (714) 834-2500  
www.ocrecorder.com

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DEC 16 2019  
CITY OF  
NEWPORT BEACH

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 10/21/2019

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

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

By: Victoria Grijalva 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 \*\*\*

POSTED

FILED

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

OCT 21 2019

OCT 21 2019



50.00

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

HUGH NGUYEN, CLERK-RECORDER


201985001056 11:29 am 10/21/19

390 SC3 Z01

0.00 50.00 0.00 0.00 0.00 0.00 0.00 0.00

BY: [Signature] DEPUTY  
**Notice of Exemption**

BY: [Signature] DEPUTY

<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:** Office and Parking Structure (PA2019-023)

**Project Applicant:** Laidlaw Schultz Architects, 3111 Second Avenue #1, Newport Beach, CA 92625

Attention: Jonathan Yee, jyee@lsarchitect.com, 949-645-9982

**Project Location – Specific:** 215 Riverside Avenue, Newport Beach, CA (corner of Riverside Avenue and Avon Street)

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

**Description of Nature, Purpose and Beneficiaries of Project:** The Project proposes to demolish an existing 8,056-square-foot restaurant/office building and associated 18-space surface parking lot and construct a new 41-space, two-level parking structure and a 2,744-square-foot office building. A coastal development permit was approved for the Project development within the coastal zone and a conditional use permit was approved to authorize the construction of the parking structure adjacent to the residentially zoned property. The project includes hardscape, drainage, and landscape improvements. The proposed development complies with all applicable development standards including height, setbacks, and floor area limits.

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

**Name of Person or Agency Carrying out Project:** Laidlaw Schultz Architects

**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 (Section 15332) - Infill Development
- Statutory Exemptions. State code number: \_\_\_\_\_

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

**Lead Agency**

**Contact Person/Title:** Makana Nova, Associate Planner **Contact Phone No./Ext:** 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:** [Signature] **Title:** Makana Nova, Associate Planner **Date:** 10-18-2019

Signed by Lead Agency  Signed by Applicant

30-2019-1033

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ORANGE COUNTY CLERK-RECORDER DEPARTMENT

Exemption Determination

HUGH NGUYEN, CLERK-RECORDER

BY:         JK         DEPUTY **The Garden Office and Parking Structure** BY:         HNG         DEPUTY  
215 Riverside Avenue  
Newport Beach, CA

CEQA Section 15332. In-Fill Development Projects

The project is categorically exempt under Section 15332, of the California Environmental Quality Act (CEQA) Guidelines - Class 32 (In-Fill Development Projects Projects). This exemption applies to in-fill development projects in urban areas that are consistent with the General Plan and applicable development standards. In addition, the proposed development must occur on a site of no more than five acres, have no value as habitat for endangered, rare or threatened species, be adequately served by all utilities and public services, and must not result in any significant effects relating to traffic, air quality, water quality, or any other significant effect on the environment due to an unusual circumstance.

Class 32 exemptions for in-fill development projects are required to meet the following conditions:

- (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 CG (General Commercial), which is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs. Development of the site will be consistent with General Plan policies as indicated below. The proposed office and parking structure development is consistent with the 0.5 FAR limit for the subject property.

Land Use Policies

**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.

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**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).

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The office use is intended to serve local residents and the parking structure will serve as additional supply to serve surrounding uses in the Mariners' Mile 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., office and parking structure) represents "in fill" development that can be served by the existing infrastructure.

The subject property is located within the Office General (OG) Zoning District, which is intended to provide for areas appropriate 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), general office uses are a permitted use within the OG Zoning District.

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:         *VG*         DEPUTY

The proposed development includes a 2,830-square-foot office building and a 47-space parking structure. The building provides a flat parapet roofline and brick façade with the primary pedestrian entrance located along the street frontage. The architectural style of the building is designed to complement the adjacent retail shopping center to the south, with a brick façade, fabric awnings, and arched window and entryways. The parking structure is accessible from Avon Street and Riverside Avenue and accommodates visitors, employees, and surplus parking to serve the surrounding area. Appropriate

pedestrian connections are maintained along the adjacent sidewalks of Riverside Avenue and Avon Street.

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.*

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BY: \_\_\_\_\_ DEPUTY

**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.*

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BY: \_\_\_\_\_ DEPUTY

**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 extend 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 landscaping at the rear adjacent to residential properties and Cliff Drive Park, attractive architectural treatments including a trellis at the second level of the proposed parking structure. The majority of the parking structure is built into the slope on site to maintain views for surrounding residents and public park areas. Parking structure access is specifically designed with first level access from Avon Street and second level access from Riverside Avenue to maximize the efficiency of parking and circulation on the site. The location of vehicle access will ensure existing neighborhood traffic and privacy patterns are maintained. A trash enclosure is located at the southwest portion of the parking structure to minimize odors and noise to the nearby properties. Site lighting will be reviewed with a photometric study at plan check to ensure exterior lighting is compatible with surrounding residential development.

Adequate setbacks are incorporated into the project design to ensure that the office building and parking structure will be compatible with the adjoining residential properties. A minimum 5-foot setback is provided between the nearest residences.

### Mariners' Mile Policies

**LU 6.19.11 Pedestrian-Oriented Village.** *Require that inland properties that front onto internal streets within the Community/Neighborhood Village locate buildings along and forming a semicontinuous building wall along the sidewalk, with parking to the rear in structures or in shared facilities and be designed to promote pedestrian activity.*

**LU 6.19.12 Properties Abutting Bluff Faces.** *Require that development projects locate and design buildings to maintain the visual quality and maintain the structural integrity of the bluff faces.*

The subject property is located on an inland portion of Mariners' Mile. The proposed office building is designed for pedestrian access fronting the intersection of Riverside Avenue and Avon Street to improve the pedestrian oriented quality of the Village area. The site is a steeply sloping lot that was previously developed with a surface level parking area and commercial building. When redeveloped, the new parking structure will make use of an existing retaining wall on the site to maintain the visual quality and integrity of the bluff area at the rear portion of the property.

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

The project site is within the Newport Beach city limits, and consists of 16,246 square feet or 0.37-acres of land area. The project site is surrounded by other urban uses including retail, restaurant, and office uses to the south and southwest, residential uses to the north and east of the site, and Cliff Drive Park to the to the northwest and northeast.

**(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 is currently developed with a restaurant and office building with an 18-space surface parking lot. There is no potential for special-status plants or animals to exist on the vacant lot.

A biological resources analysis (Exhibit E) has confirmed the presence of a wetland resource area on the northerly edge of Avon Street to the west of the subject property. The memorandum explains that this wetland is a slope wetland or groundwater fed wetland that has been documented at this location since at least 1989. The biological analysis included mapping of the wetland and inventory of the species occupying the area.

This indicates the wetland is three to six feet wide directly adjacent to Avon Street and includes a mix of native and non-native species. The source of water is fed by a spring and/or runoff, which drains toward the west, discharging into a drainage culvert west of the subject property across from the BMW dealership property.

Even though the wetland is not on the project site and no diking dredging or filling is proposed, Coastal Land Use Policy 4.2.2.3 and Section 21.30B.040 (Wetlands, Deepwater Areas, and Other Water Areas) of the Local Coastal Program requires a 100 foot buffer between development and wetlands unless:

- a. *one hundred (100) foot wide buffer is not possible due to site-specific constraints; and*
- b. *The proposed narrower buffer would be amply protective of the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance.*

Existing site wall and driveway encroachments over the property line would be removed and increase the buffer distance from 29 feet to 39 feet from the wetland. Further, the proposed erosion control plan demonstrates that adequate measures such as a silt fence, straw wattle, and other necessary protections will be taken to protect surrounding properties from erosion and discharge of pollutants during construction. The biologist's analysis concluded that there would be no significant impacts to wetland ESHA associated with the re-development of the site and that 39 foot buffer is sufficient for the long term maintenance and health of the wetland resource.

Additionally, since the proposed project would not affect the wetland directly through dredging, filling, or other alteration, notification and/or permitting under California Department of Fish and Wildlife Section 1602 is not required. Thus, there would be no significant 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.**

An analysis of traffic trips for the project concluded that the generated trips would not result in a significant traffic impact. Construction of the project is anticipated to be completed in 2020. The project is expected to generate 46 trips on a typical weekday, with 5 morning peak hour trips and 7 evening peak hour trips. This represents a 248 trip reduction in average daily trips for the site when compared to the existing use. 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 employees and customers or visitors 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 March 4, 2019 by Urban Crossroads (Exhibit B) confirms that sound levels will remain in compliance with the noise standards of the Municipal Code. The unmitigated project operational noise levels were estimated to range from 26.7 to 48.2 db(A)<sup>1</sup> Leq<sup>2</sup> in the worst case. No significant noise impacts will occur and the exterior noise levels would comply with the City's more conservative residential exterior noise standard of 55 dBA Leq for daytime and 50 dBA Leq for nighttime. Therefore, no additional exterior noise abatement measures are required. 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. 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>3</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 (Exhibit C) 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 on-site. The project results in a reduction of impervious surfaces on-site. Water quality objectives will be achieved through the incorporation of Best Management Practices (BMPs) identified in the preliminary Water Quality Management Plan (Exhibit C) 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 runoff from the front portion of the property, which is directed into a gravel bed for infiltration prior to discharge to the street. Runoff from the remaining portion of the site will be collected in an area drain system and discharged through a bio-retention planter box at the sides of the property and then pumped to the street for discharge. Under the proposed project, hardscape, parking structure, and landscape area runoff will be collected in proposed bioretention planter boxes and filter inserts prior to discharge into the underground storm drain system. 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 southwest property line along Avon Street and Riverside Avenue. A sewer line is located along the southern property line in Avon Street, which drains to a line in Riverside Avenue. A water/waste water calculation has been prepared for the

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

proposed development (Exhibit D). Project implementation is estimated to utilize less water and waste water than the existing restaurant and office building on-site. Development of a new office and parking structure is estimated to result in a decrease of 3,689 GPD of waste water generation and a decrease of 339 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 one (1) mile south of the project site at 475 32<sup>nd</sup> Street on the Balboa Peninsula. Furthermore, all of the public services, including police and fire protection, schools 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.

### **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 office building and parking structure with required off-street parking and is consistent with the City's General Plan land use designation GC (General Commercial) and Zoning designations CG (Commercial General) as it provides a resident-serving service use (office tenants) in close proximity to nearby residences and nonresidential uses in the area. The project is consistent with the General Plan designations and policies, and can be found consistent with all applicable zoning regulations upon approval of the requested applications.

The proposed project site is 0.37 acres in size, is located within an urban area, and can be adequately served by all required utilities and public services. An acoustical analysis, preliminary Water Quality Management Plan, and water/waste-water generation memorandum have been prepared. An analysis of the property indicates that the project site and adjacent areas have no value as habitat for endangered, rare, or threatened species. The project is expected to have a less than significant impacts related to traffic, noise, air quality, and water quality. 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.

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. Therefore, the proposed project meets all of the conditions described above for in-fill development and qualifies for a Class 32 exemption.

Orange County  
Clerk-Recorder's Office  
Hugh Nguyen

601 N. Ross Street  
92701

County

Finalization: 20190000378327  
10/21/19 11:29 am  
390 SC3

Item	Title	Count
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1	Z01	1
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Document ID	Amount
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DOC# 201985001056	50.00
Time Recorded 11:29 am	

Total	50.00
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Payment Type	Amount
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Check tendered	50.00
# 00020362	

Amount Due	0.00
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THANK YOU  
PLEASE RETAIN THIS RECEIPT  
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State of California - Department of Fish and Wildlife  
**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (Rev. 01/01/18) Previously DFG 753.5a

**Print**      **StartOver**      **Finalize&Email**

RECEIPT NUMBER:  
 30-2019 1033  
 STATE CLEARINGHOUSE NUMBER (if applicable)  
 N/A

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

LEAD AGENCY      LEAD AGENCY EMAIL      DATE  
 CITY OF NEWPORT PLANNING DIVISION           10/21/2019

COUNTY/STATE AGENCY OF FILING      DOCUMENT NUMBER  
 Orange      201985001056

PROJECT TITLE  
 OFFICE AND PARKING STRUCTURE (PA2019-023)

PROJECT APPLICANT NAME      PROJECT APPLICANT EMAIL      PHONE NUMBER  
 LAIDLAW SCHULTZ ARCHITECTS           (949) 655-3249

PROJECT APPLICANT ADDRESS      CITY      STATE      ZIP CODE  
 3111 SECOND AVE. # 1      NEWPORT BEACH      CA      92625

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)	\$3,271.00	\$	_____	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,354.75	\$	_____	0.00
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,112.00	\$	_____	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 checked="" type="checkbox"/> County documentary handling fee		\$	_____	50.00
<input type="checkbox"/> Other		\$	_____	

**PAYMENT METHOD:**

Cash       Credit       Check       Other

**TOTAL RECEIVED**      \$      \_\_\_\_\_      50.00

SIGNATURE      AGENCY OF FILING PRINTED NAME AND TITLE  
*X/nadia AlObaidi*      NADIA AL OBAIDI, DEPUTY CLERK