



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

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 09/25/2019

It remained posted for 30 (thirty) days.

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

By: Helen Tonnu

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 ***



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ORANGE COUNTY CLERK-RECORDER DEPARTMENT

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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: Temporary Emergency Shelter for Homeless Individuals

Project Applicant: City of Newport Beach, 100 Civic Center Drive, Newport Beach CA 92660
Attention: Grace K Leung, City Manager

Project Location - Specific: 592 Superior Avenue, Newport Beach CA 92660 (APN 425-171-01)

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

Description of Nature, Purpose and Beneficiaries of Project: The City proposes to utilize a portion of the City's Corporate Yard located at 592 Superior Avenue as a temporary emergency homeless shelter that could accommodate 40 beds for homeless individuals. The City Council also took action declaring a shelter crisis in accordance with Government Code Section 8698 et. seq. allocating funds, approving a capital improvement program, authorizing the City to contract for related services and exempting the Project from land use and development standards applicable to emergency shelters set forth in Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.

Name of Public Agency Approving Project: City of Newport Beach

Name of Person or Agency Carrying out Project: City of Newport Beach, 100 Civic Center Drive, Newport Beach CA 92660

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 1 (Existing Facility); Class 3 (New Construction); Class 4 (Minor Alterations of Land); and Class 32 (In-Fill Development Projects)
- Statutory Exemptions. State code number: California Government Code Section 8698.4

Reasons why project is exempt:

California Government Code Section 8698.4

In accordance with Assembly Bill 143 (2019) as anticipated to be approved by the Governor on or before October 13, 2019, and, if approved, will amend California Government Code Section 8698.4, to provide that the California Environmental Quality Act does not apply to actions taken by cities located within the County of Orange that declare a shelter crisis and involves the lease, conveyance or encumbrance of land owned by a city or which provide financial assistance to a homeless shelter.

15269(c) (Emergency Projects)

Section 15269(c) is a statutory exemption applicable to specific actions necessary to prevent or mitigate an emergency. This exemption does not apply to long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not

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apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility. According to the County of Orange's Point in Time Count for 2019, the homeless population in Orange County has increased 43 percent from two years prior to 6,860 homeless persons. Additionally, the Point in Time Count found 3,961 individuals were unsheltered on the street with 64 persons homeless and without shelter in the City. Without adequate shelter, public spaces including the OCTA Transit Center are being utilized for shelter resulting in negative secondary effects. Based upon the foregoing, the City is declaring a shelter crisis and in accordance with Government Code Section 8698.2 and exempting the City from the development standard requirements applicable to emergency shelters in accordance with Section 20.10.040 of the NBMC in order to provide immediate relief for the unsheltered. Without the application of the statutory exemption set forth in Section 15269(c) there is a risk to public health, safety or welfare in that Newport Beach's homeless population lacks adequate facilities to seek shelter.

15301 (Existing Facilities)

CEQA's Class 1 Exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or topographical features involving negligible or no expansion of a use beyond the use existing at the time of the lead agency's CEQA determination. (CEQA Guidelines, § 15301.) The portion of the Property used for the shelter would be approximately one acre in size, is located 150-feet south on the southeast corner of Superior Avenue and Industrial Way, in the City of Newport Beach. The Property currently consists of multiple buildings of various size used for support and storage the City's Public Works Department's municipal operations. The Project calls for an existing vehicle, equipment, materials storage, and office area within a garage to be converted into temporary homeless shelter with approximately 40 beds. The existing garage is approximately 10,500 square feet in area, open on one side, and measures approximately 23 feet high. Specifically, the Project calls for pre-constructed modular trailers to be located within the garage structure and possibly outside the garage. The garage would be retrofitted with fire sprinklers and remodeled to include appropriate life safety measures. In addition, the Property includes outdoor space adjacent to the garage and a parking lot. The Project also includes retrofitting an existing warehouse building for homeless shelter use, including support service uses. In this urban, developed area, utilities including water main, sewage, and other utilities are available on site, and minor extensions will be needed to connect to the proposed trailers. The operation of the shelter is anticipated to generate minimal traffic trips and will be subject to all applicable City regulations regarding environmental quality, including noise and water quality.

With respect to traffic, the vehicle trips associated with similar projects are typically comprised of employees, volunteers, and shuttle/deliveries/donations. A basic approach is to consider a shelter facility a "nursing home" to determine the number of daily trips. The Institute of Transportation Engineers Manual applies a trip generation rate of 3.06 trips per bed. With 40 beds, the estimated number of daily trips would be 122.4 trips per day. The adjacent streets are Superior Avenue (4 lanes) and Industrial Way (2 lanes). Parking is restricted on the east side of Superior Avenue adjacent to the Property. There are sidewalks on both sides of Superior Avenue, with no striped bike lanes. Traffic volumes on Superior Avenue are 22,000 vehicles per day. The typical daily capacity of a 4 lane divided roadway is 34,000 vehicles per day. The current level of service = B, which would not change with traffic generated from the Project. There is a limited amount of public parking on Industrial Way adjacent to the Property. There are sidewalks on both sides of Industrial Way, with no striped bike lanes. Traffic volumes on Industrial Way are 2,000 vehicles per day. The typical daily capacity is 10,000 vehicles per day. The current level of service = A, which would not change with the Project. There is one access driveway from Superior Avenue, and one driveway from Industrial Way. No changes are proposed to

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the Property's parking lot or driveway access points. The transportation system can support the Project. Evaluation factors included street capacity and level of service, access requirements, and pedestrian safety.

The Project therefore calls for the operation and minor alteration of existing public facilities involving negligible expansion of the existing use, and the project is exempt from CEQA pursuant to the Class 1 Exemption.

15303 (New Construction or Conversion of Small Structures)

CEQA's Class 3 Exemption applies to the construction and location of limited numbers of new, small facilities or structures and the installation of small new equipment and facilities in small structures. (CEQA Guidelines, § 15303.) The exemption also applies to street, water main, sewage, electricity, gas, and other utility extensions of reasonable length used to serve such exempt constructions. (CEQA Guidelines, § 15303(d).) Here, the Project calls for pre-constructed modular trailers to be located within or adjacent to an existing vehicle and materials storage garage and conversion of the City's warehouse within the Property. The Project will accommodate approximately 40 beds for the homeless individuals. In this urban, developed area, utilities including water main, sewage, and other utilities are available on site, and minor extensions will be needed to connect to the proposed trailers. Thus, the Project seeks to locate a limited number of new, small modular trailer facilities at the Property and is exempt from CEQA pursuant to the Class 3 Exemption.

15304 (Minor Alterations of Land)

CEQA's Class 4 Exemption applies to the minor public or private alterations to the condition of land, water, or vegetation. (CEQA Guidelines, § 15304.) One example listed in this exemption includes the minor temporary use of land having negligible or no permanent effect on the environment. (CEQA Guidelines, § 15304(e).) The Project calls for a portion of the existing Property to be used as a temporary homeless shelter with approximately 40 beds. Specifically, the Project calls for pre-constructed modular trailers to be placed within an existing storage garage at the Property and the conversion of existing warehouse space at the Property. The Project is anticipated to generate minimal traffic trips (see discussion above regarding traffic) and will be subject to all applicable City regulations regarding environmental quality, including noise and water quality. As a result, the Project is exempt from CEQA pursuant to the Class 4 Exemption.

15332 (Infill Exemption)

CEQA's Class 32 Infill Exemption applies to projects that meet the following conditions:

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- 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 proposed undertaking will occur within the city limits on a project site of not more than five acres that is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;
- The approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- The site can be adequately served by all required utilities and public services. (CEQA Guidelines, § 15332.)

Here, the Project site is designated Public Facilities (PF) by the Land Use Element of the General Plan and zoned Public Facilities (PF) by Title 20 of the Municipal Code (Zoning Code), both of which are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community center, public hospitals and public utilities. The use of the Property for use as the City's temporary emergency shelter is consistent with the purpose and intent of these designations. Although emergency shelters are not listed as a permitted use in the PF zoning district, consistent with Zoning Code Section 20.10.040(A), the City Council exempted the City-implemented project from the land use limitation of the PF zoning district at a noticed public hearing on September 24, 2019 in order to allow the City to operate a

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successful homeless solution to the shelter crisis. Additionally, the City Council declared a shelter crisis pursuant to Government Code Section 8698 *et seq.*, such that the City's regulatory statutes, regulations and ordinances prescribing standards of housing, health, or safety, are suspended as necessary to mitigate the effects of the shelter crisis. Therefore, the Project conforms to the City of Newport Beach General Plan. The Project is located within the City, and is approximately one acre in size. The Project is surrounded by: unaffected portions of the Corporate Yard that will remain in operation, the approximately 14-acre Hoag Health center medical office complex to the south, and commercial and industrial uses to the north, west, and east. The Project is developed with existing structures and a paved parking which has no value as a habitat for endangered, rare, or threatened species. The Project calls for pre-constructed trailers to be placed on the site, and thus would not result in any significant construction impacts. The operation of the shelter is anticipated to generate minimal traffic trips (see discussion regarding traffic above) and will be subject to all applicable City regulations regarding environmental quality, including noise and water quality. Construction would occur during daylight hours. Operation of the Project would not include any noise-generating activities beyond normal vehicle traffic and conversations. Operational emissions are related primarily to trip generation. It is not expected that many homeless individuals would maintain personal vehicles, but rather would arrive by organized transport. Emissions from this source would be negligible. The Project would not include any activities that generate ozone precursors, particulate matter or toxic air contaminants; therefore, no significant air emissions would occur. As the Property is located within a dense urban area, the site is and can be adequately served by all required utilities and public services, including Police and Fire services. On this basis, the Project is exempt from CEQA pursuant to the Class 32 Exemption.

The City has considered whether any of the potential exceptions to reliance on one or more categorical exemptions applies to the Project, as outlined in CEQA Guidelines section 15300.2. The City finds no evidence warranting a finding that one or more of the exceptions listed applies. The City, for example, is considering other proposals to provide services and housing to people experiencing homelessness, but the Project does not contribute to any cumulatively significant impacts when considered in conjunction with such projects. The Project would be designed and operated in a safe and sanitary manner, and impacts on surrounding properties would be minimized. The Project therefore does not present cumulative impacts or unusual circumstances that would result in a significant effect.

Lead Agency

Contact Person/Title: Jaime Murillo, Principal Planner

Contact Phone No./Ext: (949) 644-3209

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:  Title: Principal Planner Date: September 25, 2019

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.

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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 0955
 STATE CLEARINGHOUSE NUMBER (If applicable)
 N/A

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF NEWPORT PLANNING DIVISION	LEAD AGENCY EMAIL	DATE 09/25/2019
COUNTY/STATE AGENCY OF FILING Orange	DOCUMENT NUMBER 201985000983	

PROJECT TITLE
TEMPORARY EMERGENCY SHELTER FOR HOMELESS INDIVIDUALS

PROJECT APPLICANT NAME CITY OF NEWPORT BEACH	PROJECT APPLICANT EMAIL	PHONE NUMBER (949) 644-3209
PROJECT APPLICANT ADDRESS 100 CIVIC CENTER DRIVE.	CITY NEWPORT BEACH	STATE CA
		ZIP CODE 92660

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,271.00 \$ _____ 0.00
- Mitigated/Negative Declaration (MND)(ND) \$2,354.75 \$ _____ 0.00
- 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)

- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ _____ 0.00
- County documentary handling fee \$ _____ 0.00
- Other \$ _____

PAYMENT METHOD:

- Cash Credit Check Other
 TOTAL RECEIVED \$ _____ 0.00

SIGNATURE <i>x/nadia AlObaidi</i>	AGENCY OF FILING PRINTED NAME AND TITLE NADIA AL OBAIDI, DEPUTY CLERK
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Orange County
Clerk-Recorder's Office
Hugh Nguyen

601 N. Ross Street
92701

County

Finalization: 20190000342529
9/25/19 4:04 pm
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Item	Title	Count
1	201	1
EIR: Exempt or Previously Paid Document ID		Amount
DOC# 201985000983		50.00
Time Recorded 4:04 pm		

Total	0.00
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Payment Type	Amount
NO FEE	50.00
Amount Due	0.00

THANK YOU
PLEASE RETAIN THIS RECEIPT
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