



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/
PHONE (714) 834-2500 FAX (714) 834-5284

RECEIVED BY
COMMUNITY

MAR 24 2016

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

DEVELOPMENT
CITY OF NEWPORT BEACH

Office of the Orange County Clerk-Recorder
Memorandum

SUBJECT: NOTICE OF DETERMINATION - NEG. DEC. - PRIOR FILING

The attached notice was received, filed and a copy was posted on 02/10/2016

It remained posted for 30 (thirty) days.

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

By: AL OBAIDI NADIA 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 ***



State of California—Natural Resources Agency
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
2015 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT#

30-2016 140

STATE CLEARING HOUSE # (if applicable)

2014081044

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY CITY OF NEWPORT BEACH			DATE 02/10/2016
COUNTY/STATE AGENCY OF FILING Orange			DOCUMENT NUMBER 201685000138
PROJECT TITLE BALBOA MARINA WEST			
PROJECT APPLICANT NAME IRVINE COMPANY			PHONE NUMBER ()
PROJECT APPLICANT ADDRESS 550 NEWPORT 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:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,070.00	\$	0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) PREVIOUSLY FILED ON 10/3/2014	\$2,210.25	\$	0.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board only)	\$850.00	\$	0.00
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,043.75	\$	0.00
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	50.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

Cash
 Credit
 Check
 Other 201485000914
TOTAL RECEIVED \$ _____ 50.00

SIGNATURE

PRINTED NAME AND TITLE

NADIA AL OBAIDI, DEPUTY CLERK

FILED

PA2012-103

FEB 10 2016

HUGH NGUYEN, CLERK-RECORDER

POSTED

FEB 10 2016

HUGH NGUYEN, CLERK-RECORDER

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



50.00

* \$ R 0 0 0 8 1 4 7 0 9 0 \$ *

201685000138 3:27 pm 02/10/16

329 SC3 Z01

0.00 50.00 0.00 0.00 0.00 0.00 0.00 0.00



CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, CA 92660
(949) 644-3200

NOTICE OF DETERMINATION

<input checked="" type="checkbox"/> To: Office of Planning and Research P.O. BOX 3044 Sacramento, CA 95812-3044	From/Lead Agency: City of Newport Beach Planning Division 100 Civic Center Drive Newport Beach, CA 92660
<input checked="" type="checkbox"/> County Clerk, County of Orange Public Services Division Santa Ana, CA 92702	Date received for filing at OPR/County Clerk:

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Name:	Balboa Marina West	Project Applicant:	City of Newport Beach 100 Civic Center Drive Newport Beach, CA 92660 Contact: Patrick Alford (949) 644-3235
		Project done in conjunction with:	Irvine Company 550 Newport Center Drive Newport Beach, CA 92660 Contact: Dan Miller (949) 720-2609

State Clearinghouse Number	Lead Agency Contact Person	Area Code/Telephone/Extension
<u>2014081044</u>	<u>Patrick Alford, Planning Program Manager</u>	<u>(949) 644-3235</u>

Project Location (include county):	City of Newport Beach, Orange County, CA, located south of East Coast Highway between the Coast Highway Bridge and Bayside Drive and east of the Lower Newport Bay channel. The Project site consists of 4.4 acres, of which 3.5 acres is comprised of land and 0.87 acres is comprised of water surface. The water-side portion of the site is located in the northern portion of Lower Newport Bay.
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Project Description: The Balboa Marina West project is comprised of a landside restaurant, expansion of the existing private marina and a new public transient dock. Mitigated Negative Declaration 2013-002 analyzed a proposal by the Project Applicants to reconfigure the arrangement of uses on the Project site to establish a new public boat dock in an area of Newport Harbor that currently lacks a public dock, and to improve the private Balboa Marina including its water-side and land-side areas. As analyzed, the new public boat dock would include a new gangway and approximately 12 public boat slips including eight (8) new boat slips and four (4) boat slips that would be relocated to the public dock from the existing private Balboa Marina. In the private Balboa Marina, 24 private boat slips accommodating a range of vessel sizes and a new gangway were proposed to be added.

The MND analyzed a 19,400 square foot marine commercial building with tuck under parking. The building was anticipated to house a restaurant with outdoor patio, marina restrooms and a yacht brokerage business displaced from the existing building that would be demolished. Following approval of the MND, the marine commercial building was reconfigured to eliminate the

30-2016-140

tuck-under parking and reduce the building height from approximately 35 feet to approximately 20 feet. The square footage was reduced by approximately 5,000 square feet, to 14,252 square feet with 9,030 square feet of net public area. A separate building housing private marina restrooms was included on the east of the project site near the marina gangways. The yacht brokerage business displaced from the existing building that would be demolished will be relocated to an adjacent commercial office building. A Site Development Review was initiated to consider the Project as revised and the City concluded that the MND adequately analyzed the project impacts and no additional environmental review was warranted. The updated site plans for the land side and the water side project components are attached hereto.

This is to advise that the Planning Commission of the **City of Newport Beach** adopted Resolution No. 1958 approved ND 2013-002 for the above described project on October 2, 2014.* The City Council of the **City of Newport Beach** adopted Resolution No. 2014-99, a Resolution of the City Council upholding and affirming the approval of ND 2013-002 pursuant to the California Environmental Quality Act, on November 25, 2014. The Harbor Resources Department of the **City of Newport Beach** issued an Approval in Concept (AIC) for the project on December 1, 2014. An updated AIC reflecting the revision to the waterside component of the project, relocating one proposed gangway and consolidating the single slip dock with the public dock was issued on December 15, 2015.** The Planning Commission approved Minor Site Development Review No. SD2015-003 and Conditional Use Permit No. UP2015-030 on December 17, 2015 for the proposed landside development and upheld the following determinations regarding the above described project:

1. The City is the [**Lead Agency** Responsible Agency] for the project.
2. The project [will **will not**] have a significant effect on the environment.
3. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
4. Mitigation measures [**were** were not] made a condition of the approval of the project.
5. A mitigation monitoring program [**was** was not] adopted for this project.
6. A Statement of Overriding Considerations [was **was not**] adopted for this project.
7. Findings were [were **were not**] made pursuant to the provisions of CEQA for this project because an EIR was not required.

On December 23, 2015, the Linda Isle Homeowners Association filed an appeal of the Planning Commission's approval of the proposed project. On February 9, 2016, the City Council conducted a de novo public hearing on the appeal. The City Council unanimously upheld the Planning Commission approval and made the following determinations:

1. Found that a subsequent negative declaration to Mitigated Negative Declaration No. ND2013-002 is not required for the project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162; and
2. Denied the appeal and upheld and affirmed the decision of the Planning Commission to approve Minor Site Development Review SD2015-003 and Conditional Use Permit UP2015-030, subject to modified conditions.
3. Adopted Resolution No. 2016-28, *A Resolution of the City Council of the City of Newport Beach, California, Upholding and Affirming the Planning Commission's Approval of Minor Site Development Review SD2015-003 and Conditional Use Permit UP2015-030 for a Restaurant with Full Alcoholic Beverage Service and Live Entertainment, and a Reduction in Required Off-Street Parking Located at 201 East Coast Highway (PA2015-113), and denying the appeal.* Pursuant to NBMC Section 20.64.030, Resolution No. 2016-28 supersedes the Planning Commission Resolution No. 2006.

The Mitigated Negative Declaration and entire record of project approval is available for review at the City of Newport Beach Planning Division located at 100 Civic Center Drive Newport Beach, CA 92660


Patrick Alford, Planning Program Manager

February 10, 2016
Date


*Previously filed with the Orange County Clerk Recorder on October 3, 2014, Document No. 201485000914

**Previously filed with the Orange County Clerk Recorder on December 18, 2015

FILED

FEB 10 2016

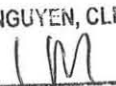
HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY

POSTED

FEB 10 2016

HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY

FILED

FEB 10 2016

HUGH NGUYEN, CLERK-RECORDER

BY: *[Signature]* DEPUTY

POSTED

FEB 10 2016

HUGH NGUYEN, CLERK-RECORDER

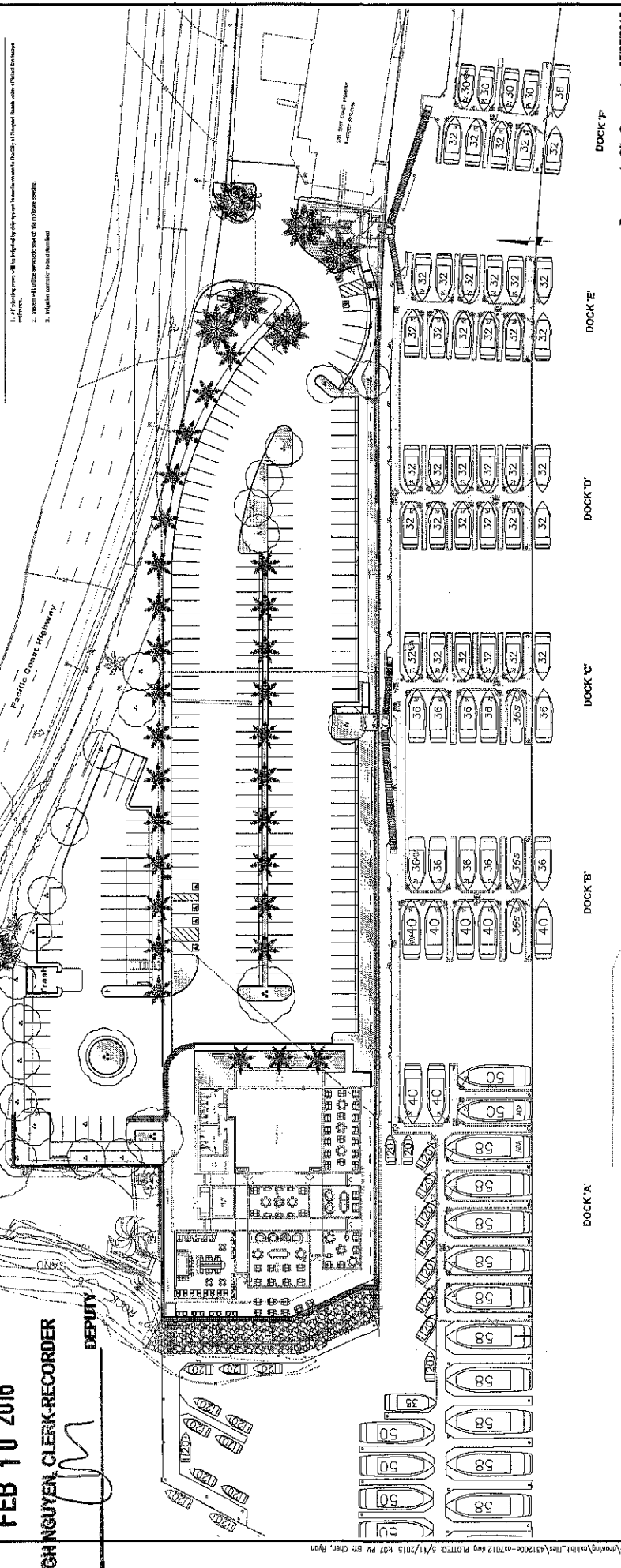
BY: *[Signature]* DEPUTY

Plant Legend

Symbol	Plant Name	Quantity	Notes
	Palms	25' H x 18" W	25' H x 18" W
	Flowering shrubs	25' H x 18" W	25' H x 18" W
	Shrubs	25' H x 18" W	25' H x 18" W

Notes

1. All planting areas shall be irrigated by the City of Newport Beach with efficient landscape watering.
2. Irrigation shall be installed in accordance with the City of Newport Beach with efficient landscape watering.
3. Irrigation controller to be installed.



PA2012-103

DATE: 10/13/2015

Response to City Comments - 07/27/2015
Response to City Comments - 11/24/2015

PRELIMINARY LANDSCAPE PLAN

BALBOA MARINA, NEWPORT BEACH CA

IRVINE COMPANY Since 1884

PREPARED FOR: burton

Landscape Architecture Studio
307 S Centurion Square, Suite 100
Newport Beach, CA 92610
Tel: 949.772.8800

PREPARED BY: Stantec

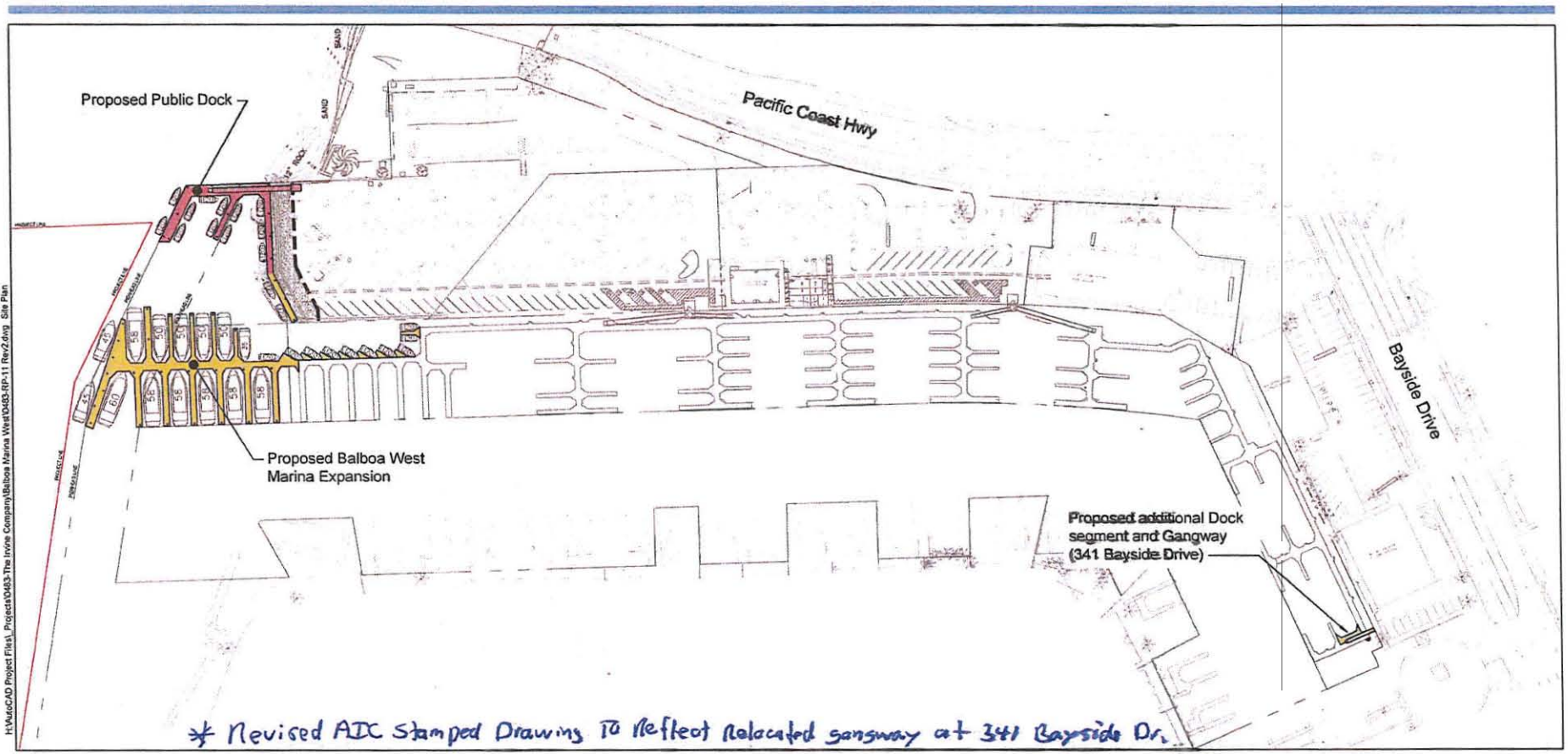
383 CALIFORNIA DRIVE, SUITE 100
IRVINE, CA 92618
467.52.6600
stantec.com

GRAPHIC SCALE
1" = 30' ft.

DOCK 'A' DOCK 'B' DOCK 'C' DOCK 'D' DOCK 'E' DOCK 'F'

2042 431200

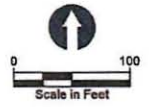
17



H:\AutoCAD Project Files\ Project\0483-The Irvine Company\Balboa Marina West\0483-IMP-11 Rev2.dwg Site Plan

Oct 22, 2015 8:52am mrazabate

SOURCE: Basemap prepared from existing topographic survey provided by Bill Carr Surveys.
 HORIZONTAL DATUM: California State Plane, Zone VI, NAD83.
 VERTICAL DATUM: Mean Lower Low Water (MLLW).



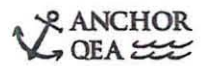
EEL GRASS INSPECTION

- Eelgrass within 15' of project
- Eelgrass within 15 - 30' of project
- No Eelgrass in project area.

Chris Miller 12/15/15
 Signature

See Report & Previously submitted
 Inspection Date & Time

Site Plan
 Public Transient Dock and Marina Expansion
 City of Newport Beach / Irvine Company Joint Project



MARINE RESOURCES DIV.
 CITY OF NEWPORT BEACH
Chris Miller 12/15/15



State of California - Department of Fish and Wildlife
2014 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 09/13)

RECEIPT# **452431**

STATE CLEARING HOUSE # (if applicable)
2014081044

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: **City of Newport Beach** DATE: **10-3-14**
 COUNTY/STATE AGENCY OF FILING: **Orange County Clerk Recorder** DOCUMENT NUMBER: **201485000914**
 PROJECT TITLE: **Balboa Marina West**
 PROJECT APPLICANT NAME: **City of Newport Beach/Irvine Company** PHONE NUMBER: **949.644.3235**
 PROJECT APPLICANT ADDRESS: **100 Civic Center Dr.** 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:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,029.75	\$	
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,181.25	\$	2181.25
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board only)	\$850.00	\$	
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,030.25	\$	
<input type="checkbox"/> County Administrative Fee	\$50.00	\$	
<input type="checkbox"/> Project that is exempt from fees		\$	
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Other _____		\$	

PAYMENT METHOD:
 Cash Credit Check Other TOTAL RECEIVED \$ **2181.25**

SIGNATURE: **[Signature]** TITLE: **Deputy**
 WHITE - PROJECT APPLICANT YELLOW - CDFW/IASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK

POSTED
 NOV 26 2014
 HUGH NGUYEN, CLERK-RECORDER
 BY: **[Signature]** DEPUTY

FILED
 NOV 26 2014
 HUGH NGUYEN, CLERK-RECORDER
 BY: **[Signature]** DEPUTY

FILED
 DEC 18 2015
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 BY: **[Signature]** DEPUTY

POSTED
 DEC 18 2015
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 BY: **[Signature]** DEPUTY

Orange County
Clerk-Recorder's Office
Hugh Nguyen

630N Broadway Bldg. 12 Suite
101
Santa Ana, CA, 92701

County

Finalization: 20140000321084
10/3/14 2:33 pm
46 801

FILED
NOV 26 2014

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BY: [Signature] DEPUTY

Item	Title	Count
1	Z03	1
	Fish & Game: Neg Declaration	
	Document ID	Amount

DOC# 201485000914 2181.25
Time Recorded 2:33 pm

Total 2181.25

Payment Type Amount

Credit Card tendered 2181.25
v0003882

Amount Due 0.00

POSTED

NOV 26 2014
HUGH NGUYEN, CLERK-RECORDER

BY: [Signature] DEPUTY

THANK YOU
PLEASE RETAIN THIS RECEIPT
FOR YOUR RECORDS
www.ocrecorder.com

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DEC 18 2015
HUGH NGUYEN, CLERK-RECORDER

BY: [Signature] DEPUTY

POSTED

DEC 18 2015

HUGH NGUYEN, CLERK-RECORDER

BY: [Signature] DEPUTY