



**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*

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

SUBJECT: NOTICE OF EXEMPTION

The attached notice was received, filed and a copy was posted on 02/26/2015

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

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

By: JACK, MARY 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 \*\*\*



**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 \_\_\_\_\_
- Statutory Exemptions. State code number \_\_\_\_\_
- General Rule (Sec. 15061(b)(3))

**Reasons why project is exempt:** The Transfer of Development Rights from Fashion Island to Block 100 and Block 600 and from Block 500 to Block 600 is considered a ministerial action because it only involves application of fixed standards. As a ministerial action, the Transfer of Development Rights is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA § 21080(b)(1) and CEQA Guidelines § 15268. As detailed in CEQA Guidelines § 15369, "Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision." The Transfer of Development Rights is allowed under General Plan Land Use Policy LU 6.14.3. Further, North Newport Center Planned Community Development Plan Section IV (C) provides that the City Council shall approve a transfer if it meets two fixed standards. The first fixed standard requires that the transfer not result in a greater traffic impact than the development allowed without the transfer. The second standard requires that the transfer not result in greater intensity of land uses than the development allowed without the transfer. In this case, the Transfer of Development Rights will not result in any greater adverse traffic impacts than the development allowed without the transfer, and it will not result in greater intensity of land use than the development allowed without the transfer. Since the Transfer of Development Rights satisfies the two fixed standards, approval is a "governmental decision involving little or no personal judgment" and is therefore a ministerial action exempt from CEQA.

**Project Applicant:** Irvine Company  
**Applicant Contact:** Dan Miller, Vice President Entitlement and Public Affairs  
**Applicant Address:** 550 Newport Center Drive  
 Newport Beach, CA 92660  
 (949) 720-2609

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

**Date of Approval:** February 24, 2015

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

**Contact Person:** James Campbell **Title:** Principal Planner **Tel. No.:** (949) 644-3210

**Signature:** JW Campbell **Date:** 2/25/2015

**FILED**

**FEB 25 2015**

HUGH NGUYEN, CLERK-RECORDER

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

**POSTED**

**FEB 25 2015**

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

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

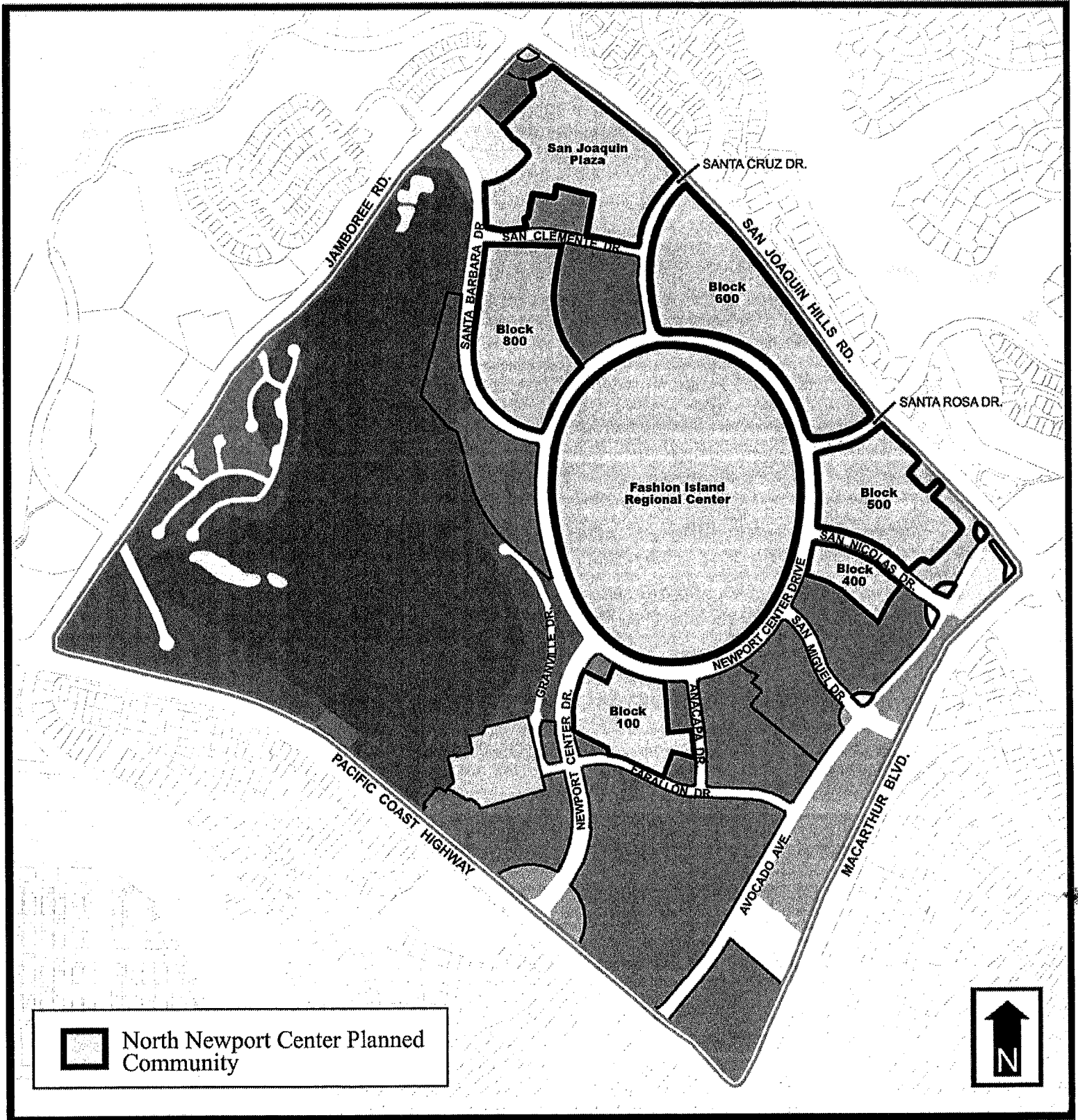


Exhibit 1



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

RECEIPT#  
 30-2015 0139  
 STATE CLEARING HOUSE # (if applicable)  
 N/A

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY NEWPORT BEACH	DATE 02/26/2015
COUNTY/STATE AGENCY OF FILING Orange	DOCUMENT NUMBER 201585000156

PROJECT TITLE  
 TRANS OF DEV RIGHT FROM FASHION ISLAND TO BLOCK 100 AND BLOCK 600 AND FROM BLOCK 500 TO BLOCK 600

PROJECT APPLICANT NAME IRVINE COMPNAV	PHONE NUMBER ( 949 ) 720-2609
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PROJECT APPLICANT ADDRESS 550 NEWPORT CENTER DR	CITY NEWPORT BRACH	STATE CA	ZIP CODE 92660
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PROJECT APPLICANT (Check appropriate box):

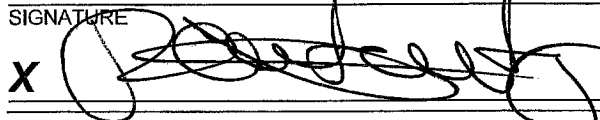
- Local Public Agency   
  School District   
  Other Special District   
  State Agency   
  Private Entity

**CHECK APPLICABLE FEES:**

- |   |            |    |       |
|---|------------|----|-------|
| <input type="checkbox"/> Environmental Impact Report (EIR)  | \$3,069.75 | \$ | 0.00  |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)                                   | \$2,210.00 | \$ | 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 checked="" 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 \$ 50.00

SIGNATURE 	PRINTED NAME AND TITLE <b>ROBERT URIOSTEGUI, DEPUTY</b>
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OC CLERK, RECORDER  
12 CIVIC CTR PLZ RM 106  
SANTA ANA, CA 92701

02/26/2015

08:20:12

CREDIT CARD  
MC SALE

CARD # XXXXXXXXXXXX3857  
INVOICE 0001  
SEQ #: 0001  
Batch #: 000022  
CLERK 0292  
Approval Code: 004286  
Entry Method: Swiped  
Mode: Online

SALE AMOUNT \$50.00

"Please retain for your records"  
Thank you! www.ocrecorder.com

CUSTOMER COPY

Orange County  
Clerk-Recorder's Office  
Hugh Nguyen

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

County

Finalization: 20150000063980  
2/26/15 8:20 am  
292 11

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

DDC# 2015850000156 50.00  
Time Recorded 8:20 am

Total 50.00

Payment Type Amount

Credit Card tendered 50.00  
# 004286

Amount Due 0.00

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