

## **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 hors 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 \*\*\*

Signature:

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

# \* \$ R 0 0 1 0 1 7 3 5 3 5 \$ \* 201885000652 8:04 am 06/22/18

### **Notice of Exemption**

41 82 Z01 To: From: County Clerk City of Newport Planning Division County of Orange 100 Civic Center Drive P.O. Box 1768 **Public Services Division** Newport Beach, CA 92658-8915 Santa Ana, CA 92702 (949) 644-3200 **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 JUN 2 2 2018 Exempt Status: (check one): ORANGE COUNTY CLERK-RECORDER DEPARTMENT ☐ Ministerial (Sec. 21080(b)(1); 15268); **DEPUTY** 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: **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? Tyes Do Date: 6/21/18

☐ Signed by Applicant

Title: Associate Planner

JUN 22 2018

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Signed by Lead Ageng

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#### NOTICE OF EXEMPTION

JUN 2 2 2018

ORANGE COUNTY CLERK-RECORDER DEPARTMENT CLASS 2 - REPLACEMENT OR RECONSTRUCTION ORANGE COUNTY CLERK-RECORDER DEPARTMENT DEPUTY **CEQA GUIDELINES SECTION 15302** 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.
- 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

laundry room (within the leasing office building), a maintenance shed and associated landscaping. The new development will replace the existing 114 units.

The proposed project consists of the replacement of the 114-unit apartment complex with the construction of 92 residential multi-family attached units. The units will consist of three product lines including duplex (The Islands), four-plex (The Reefs), and six-plex, twelve-plex and eighteen-plex (The Towns) buildings bounded by an internal loop road and surrounding the centrally located park and pool area. The Islands include four plan types with three to five-bedroom units. The Reefs are half-plexes paired together to achieve a better price point. The Towns provide three plans ranging from 3 to 4-bedroom units.

#### **Exemption Analysis**

#### Residential Units

Capacity - The reduction of units between existing and proposed results in a 19 percent decrease (114 existing less 92 proposed). In order to analyze whether the proposed Project qualifies under the Class 2 CEQA Exemption, a capacity comparison utilizing bedroom count for the existing and proposed development was used. The current apartment development provides 230 bedrooms in 114 units and the Project proposes 330 bedrooms in 92 units, or an increase in capacity of 43.4 percent. The CEQA threshold as stated in §15302 (a) is an increase in capacity of more than 50 percent. Utilizing the number of units as an intensity comparison shows that the proposed Project is well below the Section 15302 threshold. Using the number of bedrooms as an intensity comparison, the Project is also below the Section 15302 threshold of 50 percent by 6.6 percent.

#### Trip Generation

Trips generated by the Project are determined by multiplying an appropriate trip generation rate by the quantity of land use. Trip generation rates were determined for daily traffic volumes, morning peak hour inbound and outbound traffic volumes and evening peak hour inbound and outbound traffic volumes for the Project land uses as found in the Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017. The letter report prepared by Kunzman Associates, Inc. dated January 30, 2018 notes that the previous ITE *Trip Generation Manual*, 9<sup>th</sup> Edition, 2012, included separate land use codes for apartments vs. condominiums/townhomes. The 2017 edition combines the two types of residential development into multifamily development (low-rise).

As shown in the table below, the existing development currently generates approximately 834 daily vehicle trips, 52 of which occur during the morning peak hour and 64 of which occur during the evening peak hour. The proposed development will generate approximately 673 daily vehicle trips, 42 of which will occur during the morning peak hour and 51 of which will occur during the evening peak hour. The Project will result in 161 fewer daily vehicle trips, with 9 fewer in the morning peak hour and 13 fewer in the evening peak hour. This translates to 19.4 percent fewer daily trips with 18.0 percent fewer in the morning peak and 20.1 percent fewer in the evening peak hours. Trip generation analysis shows that the proposed Project will reduce the number of trips and will not exceed the 50 percent threshold in Section 15302.

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Table 1 - Project Trip Generation Comparison

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		Peak Hour ORANGE COUN				, CLLING THE STATE OF THE STATE			
	Number of		Morning			EveningBY		1	DEPUTY
Land Use	Units	Inbound	Outbound	Total	Inbound	Outbound	Total	Daily	
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%	1

#### 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 <sup>1</sup> Rate (Multi-Family-114 Units)	Existing Project # of Students	Student Generation <sup>2</sup> 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

<sup>1</sup> Existing apartments

#### 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 ORANGE COL between current and proposed conditions:

Table 3 – Pervious/Impervious Totals

	Acreage	Square Footage	Percenta	ge =	
Existing -					FR
Pervious Area	.87 acre	37,683	15%	1. 1	in in
Impervious Area	4.90 acre	213,534	85%.	Ws !	<b>a</b>
Proposed -				10	CRDER
Pervious Area	1.19 acre	· 51,905	21%	1	70
Impervious Area	4.58 acre	199,312	79%		DEPAI
				EPUTY	~
				Ŋ	MENT

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.

<sup>2</sup> Proposed Project

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#### **Exceptions to Granting Categorical Exclusions**

CEQA Guidelines Section 15300.2 provides exceptions to Categorical Exemptions. The proposed project does not meet any of the exceptions as detailed below. The project does not qualify under Section 15300.2 as an exception to the granting of a Class 2 Exemption.

a) Location. Classes 3, 4, 5, 6 and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies.

The project does not qualify for this exception as Applicant is requesting a Class 2 Exemption – Replacement or Reconstruction.

Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.

The project vicinity is generally built-out with adjacent existing residential structures, Mariner's School and Park and the Westcliff commercial shopping center to the south. The project will replace existing apartments; however, no new cumulative impact is anticipated as the use is consistent with the existing use and the number of residential units will be reduced by 22.

An Air Quality Analysis by Greve & Associates, LLC was prepared to determine if there were any air quality/GHG impacts due to Project construction. Utilizing localized significance thresholds at the nearest receptors, peak construction emissions are projected to be well below the significance thresholds established by the SCAQMD and no regional air quality impacts will occur. On-site emissions due to construction are likewise well below LST significance thresholds resulting in less than significant impacts. The Project will include a Construction Management Plan that will restrict construction trips from Mariners Drive and locating the staging and storage to the western portions of the site proximate to the commercial use (Westcliff Plaza). Diesel particulate matter analysis showed that because of the relatively short duration of construction, including truck traffic associated with the project, impacts will be less than significant. Operational impacts will be less with fewer vehicle trips and more energy efficient building and energy standards than existed when the current project was developed.

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no unusual circumstances surrounding the re-development of the site from 114 apartment units to 92 multi-family units. Development will be subject to existing codes and regulations which will minimize potential impacts for short-term

ORANGE COUNTY CLERK, BECORDER DEPARTMENT DEPUTY 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. Tis 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 redesigned 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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HALF PLEX/4-PLEX:

PLAN 2 - La UHITS

PLANT 3 - 14 UNITS

PLAN 1 - 14 UNITS

PLAN 4 - 14 UNITS

ADAPTABLE UNITS

TOWN HOMES:

TH 1 - 12 UNITS

TH 2 12 UNITS

TH 3 - 12 UNITS

ADAPTABLE UNITS

**PROJECT DATA** 

LOT AREA:

CODE ANALYSIS:

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REPRESENTATION OF THE STATE OF

RESIDENTIAL PROGRAM:

**OPEN SPACE CALCULATION:** 

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PARKING SUMMARY:

ORANGE COUNTY CLERK-RECORDER DEPRRIMENT

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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

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17/1/10	





RECEIPT NUMBER:

30-2018 0626

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.				
LEAD AGENCY	LEADAGENCY EMAIL		DATI	Ĕ
CITY OF NEWPORT BEACH			06/	/22/2018
COUNTY/STATE AGENCY OF FILING			DOC	UMENT NUMBER
Orange			20 <sup>-</sup>	1885000652
PROJECT TITLE		<del>- ,</del>		
MARINER'S SQUARE				
PROJECT APPLICANT NAME	PROJECT APPLICANT	EMAIL		NE NUMBER
MELIA HOMES			(94	9) 644-3227
PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP (	CODE
8951 RESEARCH DRIVE	IRVINE	CA	926	318
PROJECT APPLICANT (Check appropriate box)				
Local Public Agency School District	Other Special District	☐ St	ate Agency	✓ Private Entity
CHECK APPLICABLE FEES:  ☐ Environmental Impact Report (EIR) ☐ Mitigated/Negative Declaration (MND)(ND) ☐ Certified Regulatory Program document (CRP)  ☐ Exempt from fee ☐ Notice of Exemption (attach) ☐ CDFW No Effect Determination (attach) ☐ Fee previously paid (attach previously issued cash receipt con	py)	\$3,168.00 \$2,280.75 \$1,077.00	\$ \$	0.00 0.00 0.00
☐ Water Right Application or Petition Fee (State Water Resource	es Control Board only)	\$850.00	\$	0.00
County documentary handling fee			\$	50.00
☐ Other			\$	
PAYMENT METHOD:				
☑ Cash ☐ Credit ☐ Check ☐ Other	TOTAL	RECEIVED	\$	50.00
	NCY OF FILING PRINTED  ZEL L. BENNETT,			(

Orange County Clerk-Recorder's Office Hugh Nguyen

630N Broadway Bldg. 12 Suite 101 92701

County

Finalization: 20180000206079

6/22/18 8:04 am

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Item	Title		(	Count
Document	Z01 istrative ID			nount
DOC# 2018		am		50.00
Total			<u>-</u>	50.00
Payment T	,Àbe			nount
Cash	tendered			0.00

Amount Due

0.00

THANK YOU
PLEASE RETAIN THIS RECEIPT
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