



ORANGE COUNTY
CLERK-RECORDER
CEQA FILING COVER SHEET

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



50.00

* \$ R 0 0 1 4 7 8 8 3 4 7 \$ *
202485000093 9:25 am 02/15/24
454 SC2A Z01
0.00 50.00 0.00 0.00 0.00 0.00 0.00 0.00

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk-Recorder

TYPE OR PRINT CLEARLY

Project Title

GENESIS AUTOMOBILE DEALERSHIP

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

FILED

FEB 15 2024

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: TN DEPUTY

**FILED IN THE OFFICE OF THE ORANGE
COUNTY CLERK-RECORDER ON** February 15, 2024
Posted for 30 days

DEPUTY 454

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

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 |
|---|---|



| |
|--|
| Project Title: Genesis Automobile Dealership |
|--|

| | |
|---|-----------------------|
| Project Applicant: Gen Newport Beach LLC, Matt Kaiser | Phone: (310) 275-8944 |
|---|-----------------------|

1050 Castellon Blvd suite 3050
 Los Angeles, CA 90067

| |
|--|
| Project Location - Specific: 400 W. Coast Highway, Newport Beach, CA 92663 |
|--|

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

Description of Nature, Purpose, and Beneficiaries of Project:

The project includes the demolition of existing buildings totaling 14,500 square feet and the construction of a new automobile dealership. The proposed automobile dealership consists of an approximately 19,952 square foot two-story, 25-foot tall, building that includes a showroom, sales office, storage area, electric vehicle (EV) repair area (i.e., EV Lab), and employee areas. The dealership will involve the sale and minor repairs of EVs. 80 parking stalls will be provided within a surface parking lot and at-grade enclosed parking at the rear of the property. The request includes a modification permit to allow a 6-inch encroachment of the structure in to the 5-foot rear setback. The tentative parcel map is requested to merge 11 underlying legal lots into a single lot. Lastly, the project includes removal of two above ground utility poles and relocation of the curb along the project frontage on West Coast Highway.

| | |
|--|--|
| Name of Public Agency Approving Project: City of Newport Beach | Name of Person or Agency Carrying Out Project: Gen Newport Beach LLC |
|--|--|

| |
|--|
| Exempt Status: (check one): <input type="checkbox"/> Ministerial (Sec. 21080(b)(1); 15268); <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a)); <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); <input checked="" type="checkbox"/> Categorical Exemption. State type and section number: <u>Sec. 15301, 15332</u> <input type="checkbox"/> Statutory Exemptions. State code number: _____ |
|--|

FILED

FEB 15 2024

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: TN DEPUTY

Authority cited: Sections 21083 and 21110, Public Resources Code.
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

FEB 15 2024

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY:

TN

DEPUTY

Reasons why project is exempt: The City has analyzed potential environmental effects of the proposed use permit and has determined that the action is not subject to CEQA pursuant to Section 15332. This project is exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) and Class 32 (In-Fill Development Projects) of the CEQA Guidelines, California Code of Regulations, Division 6, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

Class 1 exempts Class the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

The project includes improvements to West Coast Highway to realign the curb line, extend the existing transition area, and allow for the construction of a bike lane. Class 1 (15301(c) specifically exempts work on existing highways and streets, sidewalks, gutters, bicycle, and pedestrian trails, and similar facilities.

Class 32 exempts projects characterized as in-fill development meeting 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 project is consistent with the City's General Plan and Zoning. The General Plan and Zoning designations are General Commercial CG, which allow for Vehicle/Equipment Sales (Limited) is a permitted use with the CG zone. The project does not include maintenance and/or repair requiring pneumatic lifts. The project is consistent with the limited definition of vehicle sales in that the use will be the sale of automobiles, include display, minor maintenance, and incidental rental. The project will not include the sales of construction equipment, motorcycles, recreational vehicles, trucks and similar equipment, which is considered General Vehicle Sales.

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

The proposed project is located within the City of Newport Beach City limits on a 1.79-acre property. The proposed development is located on West Coast Highway in the Mariner's Mile area and is surrounded by urban uses on all sides including a fast-food restaurant, automobile dealerships, and commercial, retail and office. The Bayshores gated-housing community is located across West Coast Highway and separated by a public walkway and privacy wall. The entrance to Bayshores is located approximately 400 feet away at the intersection of Dover and West Coast Highway, across from a commercial shopping center. Residential uses are also located to the north of the property along Kings Road.

- (c) The project site has no value, as habitat for endangered, rare or threatened species.

The project site is developed with existing structures and surface parking. The site does not contain trees, vegetation, wetlands/waters/riparian habitat that can support Special Status Species.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project would not result in any significant effects related to traffic, noise, air quality, or water quality. The project does not include roadway or transportation system changes beyond site ingress/egress and curb relocation. The net daily trip generation letter has been reviewed by the City's Traffic Engineer based on the average daily trips of the existing commercial uses on-site and the proposed automobile dealership. The project will generate a net increase of 299 daily trips. Therefore, the project would result in a net increase of fewer than 300 daily trips and no impacts related to VMT are anticipated. The project does not include a new stationary noise source. The automobile dealership specializes in sales and repair of EVs that produce less noise than conventional automobiles. The project has been designed with enclosed parking at the rear of the property adjoining the residential zoning district to reduce operational noise, such as vehicle doors closing. The EV Lab will also be fully enclosed and high noise generating activities such as use of pneumatic lifts is prohibited. The project will be required to comply with the City's Noise Ordinance. The project does not include a new source of air pollutant emissions. Compared to traditional internal

FEB 15 2024

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: TN DEPUTY**Notice of Exemption**

combustion engines, EVs eliminate tailpipe pollution such as nitrogen oxides (NOx), carbon monoxide (CO) and hydrocarbons (HC) because there is no combustion process. As such, air quality emissions associated with the sale of EVs is considerably less compared to cars with internal combustion engines. The proposed auto dealership is for EV and will be zero-emission vehicles by 2030. The project would not result in changes in site drainage that cannot be addressed through best management practices (BMPs) to prevent erosion and construction pollutants from contacting stormwater. A preliminary Water Quality Management Plan (WQMP) has been prepared for the project and identifies new concrete drainage ditches and catchment basins.

- (e) The site can be adequately served by all required utilities and public services.

The project site development with existing uses, and will continue to be adequately served by existing utility systems.

CEQA Guidelines, California Code of Regulations, Division 6, Title 14, Chapter 3, Section 15300.2 lists exceptions to exemptions. There are no applicable exceptions to the exemptions listed for this project as detailed below.

- (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 exemption applicable to the proposed project is Class 32. Therefore, the exception that qualifies consideration of Classes 3, 4, 5, 6, and 11 do apply to the proposed project.

- (b) 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.

There are no cumulative impacts anticipated with the proposed project. The curb relocation work associated with the construction of the new car dealership would not expand the existing roadway but rather provide a smoother transition from the intersection. The proposed development is located on a site that contains existing development and one driveway will be removed. There are no other projects proposed in the vicinity of the proposed project that could result in a cumulative impact.

- (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 at the proposed project site or related to operation of the project that would result in a significant effect on the environment. The site is heavily disturbed with 6 buildings and surface parking. The following reports and studies have been submitted to assess the impact of the project on the environment: Construction Management Plan, EV Lab Service and Queuing Analysis, Fire Master Plan, Grading Plan, Hydrology Report, Methane Assessment Report, Photometric Analysis, Striping Plan, Trip Generation Letter, Water and Sewer Demand Study, Water Quality Management Plan. Based on these studies and additional information in the record there will be no environmental impacts associated with the project.

- (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. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

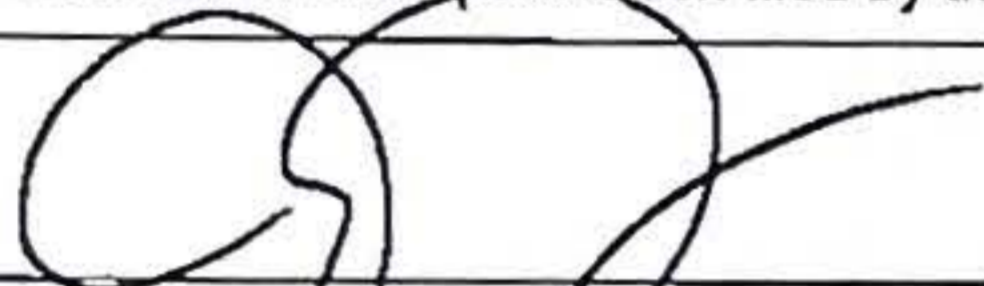
The proposed project is not within the vicinity of a scenic highway.

(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 proposed project is not located within a hazardous waste site or included on any list compiled pursuant to 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.

The proposed project will not impact a historical resource and would not cause a substantial adverse change in the significance of a historical resource.

| | | |
|--|---|------------------------------------|
| Lead Agency Contact Person: Jenny Tran, Assistant Planner | Area Code/Telephone/Extension: (949) 644-3212 | |
| 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Signature:  | Date: 2/1/2024 | Title: Assistant Planner |

Signed by Lead Agency Signed by Applicant

FILED

FEB 15 2024

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: TN DEPUTY

Hugh Nguyen
Orange County Clerk-Recorder
601 N. Ross Street
Santa Ana, CA 92701

County

Finalization: 20240000040164
2/15/24 9:25 am
454 SC2A

| Item | Title | Count |
|------|-------|-------|
|------|-------|-------|

| | | |
|---|-----|---|
| 1 | Z01 | 1 |
|---|-----|---|

| EIR: Exempt or Previously Paid Document ID | Amount |
|---|--------|
|---|--------|

| | |
|-----------------------|-------|
| DOC# 202485000093 | 50.00 |
| Time Recorded 9:25 am | |

| | |
|-------|-------|
| Total | 50.00 |
|-------|-------|

| Payment Type | Amount |
|--------------|--------|
|--------------|--------|

| | |
|----------------------|-------|
| Credit Card tendered | 50.00 |
| # 09942G | |

| | |
|------------|------|
| Amount Due | 0.00 |
|------------|------|

THANK YOU
PLEASE RETAIN THIS RECEIPT
FOR YOUR RECORDS

www.ocrecorder.com

