



ORANGE COUNTY
CLERK-RECORDER
CEQA FILING COVER SHEET

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



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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

MAR 14 2024

HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY

FILED IN THE OFFICE OF THE ORANGE
COUNTY CLERK-RECORDER ON March 14, 2024

Posted for 30 days

DEPUTY Roberto Uriostegui

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: Genesis Automobile Dealership	
Project Applicant: Gen Newport Beach LLC, Matt Kaiser	
Phone: (310) 275-8944 10250 Constellation Blvd, Suite 3050 LA, 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 19,044 square foot automobile dealership and associated landscaping, new retaining walls, and lighting. The proposed automobile dealership consists of a 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. EV charging stations will be located onsite for inventory vehicles and vehicles being serviced; additional EV charging stations will be provided for customer use.

The dealership will involve the sale and minor repairs of EVs. The project will reduce the existing number of driveways from four to three driveways and provide 80 parking stalls within a surface parking lot and in an at-grade enclosed parking at the rear of the property. The project includes the dedication of 12 feet of property fronting W. Coast Highway and relocating the existing curb for approximately 550 feet of street frontage. The project includes a modification permit to allow up to 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 W. Coast Highway.

Name of Public Agency Approving Project: City of Newport Beach	Name of Person or Agency Carrying Out Project: Gen Newport Beach LLC
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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, 15303, 15332, 15183</u> <input type="checkbox"/> Statutory Exemptions. State code number: _____	

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

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), Class 3 (New Construction or Conversion of Small Structures), 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 3 exempts construction and location of limited numbers of new, small facilities or structures. Examples of this exemption includes, but is not limited to, a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances that are, in urban areas, generally not exceeding 10,000 square feet in floor area and where public services and facilities are available and the surrounding area is not environmentally sensitive.

The project is within an urban, developed area of Newport Beach. The Property is also served by all required public facilities, the area is not environmentally sensitive, and significant amounts of hazardous substances would not be used. The Project's proposed buildings would exceed 10,000 square feet (at 19,044 square feet). However, the Project includes the demolition and replacement of existing commercial retail and service use buildings totaling approximately 14,500 square feet. Accounting for that demolition of similar uses, the Project increases total square footage by only approximately 4,544 square feet, well within the 10,000 square feet identified by the Class 3 exemption.

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.


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Notice of Exemption

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 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 3 and 32. Therefore, the exception that qualifies consideration of Classes 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

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

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.

The provisions of State CEQA Guidelines Section 15183 are applicable to the Project. The Project is not subject to further environmental review pursuant to CEQA Guidelines Section 15183 because the Project does not change the underlying land use or zoning designations of any specific parcels; and would not result in new significant impacts or a substantial more adverse impact than addressed in 2006 General Plan Update EIR (SCH: 2006011119).

CEQA Guidelines Section 15183 provides, in relevant part:

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) Are peculiar to the project or the parcel on which the project would be located,
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

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BY:

DEPUTY

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(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

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BY: 

(d) This section shall apply only to projects which meet the following conditions:

- (1) The project is consistent with:
 - (A) A community plan adopted as part of a general plan,
 - (B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
 - (C) A general plan of a local agency, and
- (2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

As part of its decision-making process, the City is required to review and consider whether the Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the 2006 *General Plan Update EIR*. Additional CEQA review is only triggered if the Project's new significant impacts or impacts that are more severe than those disclosed in 2006 *General Plan Update EIR* such that major revisions to the EIR would be required.

In this case, the Project does not revise the land use designation, density or development standards applicable to Mariners' Mile. The General Plan and Zoning designation for the Property is General Commercial (CG) which is intended to provide for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs such as retail sales and services, restaurants, personal services, vehicles rental, sales, and services, and other similar commercial uses. The project is for an automobile dealership with automobile sales and limited service as defined above, that will provide a retail and service use to residents and visitors to the City.

The Property is located within the CG Zoning District which is intended to provide for areas appropriate for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs such as retail sales and services, restaurants, personal services, vehicles rental, sales, and services, and other similar commercial uses.

The Newport Beach Municipal Code (NBMC) defines "Vehicle/Equipment Repair, limited" as minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of uses include brake adjustments and repairs; installation of electronic equipment; servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; and wheel alignment and balancing. This project includes minor repair and maintenance as defined and does not include services such as a full-service motor vehicle repair garage, machine shop, alarms, stereos, paint shop, tire sales and installation, towing services, or a transmission shop that would classify the automobile service as a more intense use. Furthermore, this use is permitted in the CG Zoning District subject to approval of a minor use permit.

The NBMC defines "Vehicle/Equipment Sales", limited as the sale of automobiles, including display, storage, minor maintenance, and incidental rental. It does not include maintenance and/or repair requiring pneumatic lifts. The automobile dealership offers luxury automobiles that are purely electric and does not include any maintenance and/or repair services that would require pneumatic lifts. This use is permitted in the CG Zoning District by right.

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

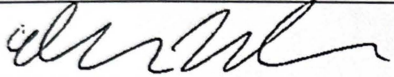
Moreover, the Project is consistent with the development density authorized for the Property. The Project is located within Statistical Area H-4 under the Newport Beach General Plan Land Use Element which tracks increases in density that require a General Plan amendment. Although a General Plan amendment is not required, Statistical Area H-4 is relevant because it accounts for the development density analyzed in the 2006 General Plan Update EIR. Currently, there is approximately 39,859 square feet available in this Statistical Area. With the Project increasing density by approximately 5,000 square feet which is well within the development density analyzed in the 2006 General Plan Update EIR.

The Project is consistent with the development density established by General Plan for which the 2006 General Plan Update EIR was certified, therefore, the Project is exempt under Section 15183.

Lead Agency Contact Person: Liz Westmoreland, Senior Planner	Area Code/Telephone/Extension: (949) 644-3212
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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: 	Date: 3-13-24	Title: Senior Planner
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Signed by Lead Agency Signed by Applicant

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MAR 14 2024

HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY

BY: *[Signature]*
 HUGH NGUYEN, CLERK-RECORDER
 DEPUTY

MAR 14 2024

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	PROPOSED
LEVEL 1 - MAIN TOTAL	18,844 SF
LEVEL 2 - MAIN TOTAL	3,279 SF
MEZANINE	371 SF
MAIN BUILDING TOTAL	18,844 SF
PARKING GARAGE	7,000 SF
TOTAL LOT AREA	75,307 SF (0.797 AC)

INDOOR PARKING	
TOTAL INDOOR PARKING	14 SPACES
ACCESSIBLE PARKING	2 SPACES
BY PARKING	2 SPACES
OUTDOOR PARKING	
TOTAL OUTDOOR PARKING	68 SPACES
ACCESSIBLE PARKING	4 SPACES
BY PARKING	4 SPACES
PARKING TOTAL	82 SPACES

PARKING REQUIREMENTS
 NEWPORT BEACH MUNICIPAL CODE (NBMCC) TABLE 5-1-3
 VEHICLE / SOLIDWASTE STORAGE AND STORAGE: 1 PARKING SPACE PER 1,000 SF OF LOT AREA
 PROVIDED: 82 SPACES

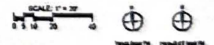
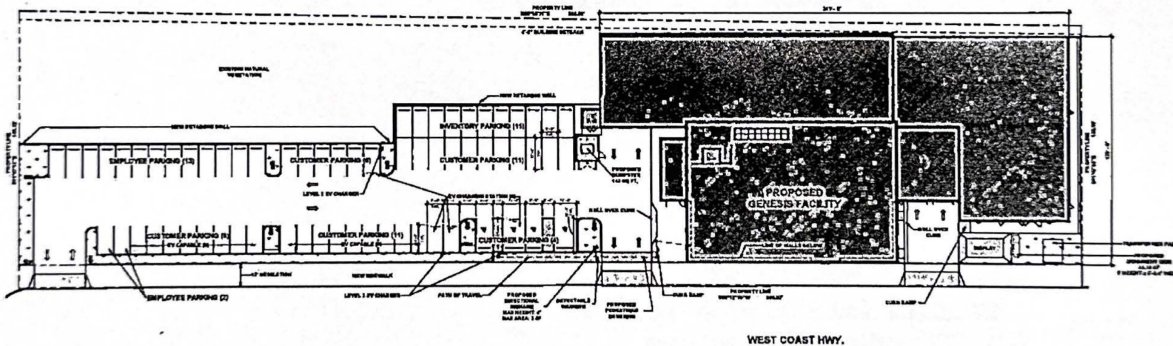
2022 CBC, TABLE 110-208.2
 INDOOR PARKING
 TOTAL NUMBER OF PARKING SPACES: 1 TO 25 SPACES
 MIN. NUMBER OF REQUIRED ACCESSIBLE SPACES: 1 SPACE

OUTDOOR PARKING
 TOTAL NUMBER OF PARKING SPACES: 50-75 SPACES
 MIN. NUMBER OF REQUIRED ACCESSIBLE SPACES: 3 SPACES
 PROVIDED: 68 SPACES TOTAL

2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, TABLE 5.10.1.1.1
 TOTAL NUMBER OF PARKING SPACES: 75/75 SPACES
 NUMBER OF REQUIRED BY CARPools SPACES: 4
 NUMBER OF REQUIRED BY CARPools STATIONS: 4
 PROVIDED: 4 SPACES, INCLUDING 1 ACCESSIBLE

FLOOR AREA RATIO
 18,844 SF (TOTAL BUILDING AREA) / 75,307 SF (TOTAL LOT AREA) = 0.250 FSR

SCALE: 1/8" = 1'-0"
 2024 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALIF. GREEN BUILDING CODE) TABLE 5.10.1.1.1
 18,844 SF TOTAL BUILDING AREA
 PROVIDED: 48 SF SOLIDWASTE STORAGE AREA + 68 SF RECYCLING STORAGE AREA
 PROVIDED: 112 SF TOTAL



GENESIS OF NEWPORT BEACH
 400 WEST COAST HWY, NEWPORT BEACH, CA 92663

D103 - PROPOSED SITE PLAN

10/13/2023

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

County

Finalization: 20240000068563
3/14/24 4:13 pm
135 SC1A

Item	Title	Count
1	Z01	1
EIR: Exempt or Previously Paid Document ID		Amount
DOC# 202485000187		50.00
Time Recorded 4:13 pm		

Total 50.00

Payment Type	Amount
Credit Card tendered # 02681G	50.00

Amount Due 0.00

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