



ORANGE COUNTY
CLERK-RECORDER
CEQA FILING COVER SHEET

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Hugh Nguyen, Clerk-Recorder



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202485001059 9:32 am 12/06/24
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Complete and attach this form to each CEQA Notice filed with the County Clerk-Recorder

TYPE OR PRINT CLEARLY

Project Title

Conditional Use Permit 2024-2457 and Coastal Development Permit 2024-2480
for Rivian Theater

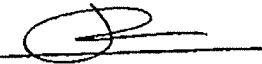
Check Document being Filed:

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

FILED

DEC 06 2024

HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY

**FILED IN THE OFFICE OF THE ORANGE
COUNTY CLERK-RECORDER ON** December 6, 2024
Posted for 30 days
DEPUTY Roberto Uriostegui

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

From: Community Development – Planning Division
505 Forest Avenue Laguna Beach, California 92651

FILED

DEC 06 2024

HUGH NGUYEN, CLERK-RECORDER

BY: [Signature] DEPUTY

(above for use by County Clerk-Recorder's Office only)

1. **APPLICANT:** Justin Ackerman, Rivian Automotive, Inc, (303) 335-7220
14600 Myford Rd. Irvine CA 92606,
2. **LEAD AGENCY:** City of Laguna Beach, 505 Forest Ave. Laguna Beach, CA, 92651
3. **PROJECT PLANNER:** Martina Caron, Principal Planner, 949-464-6629
4. **PROJECT TITLE:** Conditional Use Permit 2024-2457 and Coastal Development Permit 2024-2480 for Rivian Theatre
5. **PROJECT LOCATION:** 160 South Coast Highway and 224-226 Ocean Avenue, Laguna Beach, CA, 92651 (APN: 641-255-22 and 641-255-06).
6. **DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:**
The project consists of the following: (1) vehicle sales, outdoor vehicle storage, educational test drives and vehicle delivery services at 160 South Coast Highway and 224-226 Ocean Avenue (collectively "Vehicle Sales Use"); (2) office use-business/professional at 224-226 Ocean Avenue (the "Office Use"); (3) common parking area at 160 South Coast Highway and 224-226 Ocean Avenue ("Common Parking Area"); (4) exterior changes at 224-226 Ocean Avenue, which includes : (i) repainting the exterior; (ii) removing the existing awning; (iii) new lighting; (iv) wall murals, (v) new signage, and (vi) installation of two to four Level 2 EV Chargers (the "Exterior Changes"); and (5) interior changes at 224-226 Ocean Avenue, which includes a planned break room, office space, storage space, and upgraded ADA restroom, painting, flooring, lighting, and FF&E (the "Interior Changes") (collectively, the "Project").

ENVIRONMENTAL DETERMINATION:

The California Environmental Quality Act (CEQA) only applies to projects that have the potential for causing a significant effect on the environment. Accordingly, projects that do not have such potential are covered by the "common sense exemption" and are not subject to CEQA. (CEQA Guidelines § 15061(b)(3).) Here, Rivian proposes to marginally expand the permitted use of the Theater and to repurpose an existing retail building for office and storage uses. The only physical changes proposed consist of minor exterior updates and tenant improvements to the existing building on the Adjacent Property. Thus, there is no possibility that a significant environmental impact will result from such changes. According to the Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA (2018), land use projects, such as the project, "that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact." While the change in use would include a small number of test drives (i.e., 10-20 per day), occasional vehicle deliveries, and 2-4 additional employees, operation of this project is anticipated to generate similar amounts of vehicle trips and VMT when compared to existing conditions, as it would be consistent with the existing and prior uses on the Theater (160 South Coast Highway) and Adjacent Property sites (224-226 Ocean Avenue). In fact, the proposed use of the Adjacent Property as office and storage space is less intense than its current permitted use as retail space because while retail space is typically designated to attract large volumes of customers, office and storage space will be designed to provide a centralized location for business operations and therefore will generate significantly less foot traffic than retail and have a more controlled flow of people. Further, the Project would generate an additional 14.58 trips per day, a nominal increase from the existing conditions and well below the 110 trips per day screening threshold set forth by OPR. Consequently, it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, and reliance on the common-sense exemption is appropriate.

Therefore, the Planning Commission (PC) has determined that further environmental evaluation is not required because:

- The project is not subject to CEQA because it "does not involve the exercise of discretionary power," or "will not result in a direct or reasonably foreseeable indirect physical change in the environment," or, "is not a project as defined in Section 15378 of the CEQA guidelines." (Sections 15060(c)(1), (2) & (3)); or,

- "The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt per State CEQA Guidelines, Section _____ <name> .

7. Was a public hearing held by the Lead Agency to consider the exemption?

Yes No If yes, the date of the public hearing was: December 4, 2024.



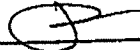
 Martina Caron, Principal Planner

12/5/24
 12/5/24

FILED

DEC 06 2024

HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY

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

County

Finalization: 20240000338122
12/6/24 9:32 am
135 SC1A

Item	Title	Count
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