



**HUGH NGUYEN**  
CLERK-RECORDER

BIRTH AND DEATH RECORDS  
FICTITIOUS BUSINESS NAMES  
MARRIAGE LICENSES/RECORDS  
NOTARY REGISTRATION  
ORANGE COUNTY ARCHIVES  
PASSPORTS  
PROPERTY RECORDS

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 02/15/2024

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

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

By: Toan Nguyen 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 \*\*\*



ORANGE COUNTY  
CLERK-RECORDER  
CEQA FILING COVER SHEET

30-02115/2024-0105

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

<b>To:</b> County Clerk County of Orange Public Services Division Santa Ana, CA 92702	<b>From:</b> 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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<b>Project Title:</b> Genesis Automobile Dealership	
<b>Project Applicant:</b> Gen Newport Beach LLC, Matt Kaiser Phone: (310) 275-8944	
<b>Project Location - Specific:</b> 400 W. Coast Highway, Newport Beach, CA 92663	
<b>Project Location - City:</b> Newport Beach	<b>Project Location - County:</b> Orange

*1050 Castellana Blvd, suite 3050  
Los Angeles, CA 90067*

**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.

<b>Name of Public Agency Approving Project:</b> City of Newport Beach	<b>Name of Person or Agency Carrying Out Project:</b> Gen Newport Beach LLC
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**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: Sec. 15301, 15332

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

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ORANGE COUNTY CLERK-RECORDER DEPARTMENT

## Notice of Exemption

BY: TN DEPUTY

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?  Yes  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



State of California - Department of Fish and Wildlife  
**2024 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

**Print**    **StartOver**    **Save**

RECEIPT NUMBER:  
 30 — 02/15/2024 — 0105  
 STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY CITY OF NEWPORT BEACH	LEAD AGENCY EMAIL	DATE 02/15/2024
COUNTY/STATE AGENCY OF FILING Orange	DOCUMENT NUMBER 202485000093	

PROJECT TITLE  
 GENESIS AUTOMOBILE DEALERSHIP

PROJECT APPLICANT NAME GEN NEWPORT BEACH LLC, MATT KAISER	PROJECT APPLICANT EMAIL	PHONE NUMBER (310 )275-8944
PROJECT APPLICANT ADDRESS 1050 CONSTELLATION BLVD, SUITE 3050	CITY LOS ANGELES	STATE CA
		ZIP CODE 90067

**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)	\$4,051.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,916.75	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,377.25	\$	0.00
<input checked="" type="checkbox"/> Exempt from fee			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

**PAYMENT METHOD:**

Cash   
  Credit   
  Check   
  Other

**TOTAL RECEIVED**    \$    50.00

SIGNATURE <b>X</b>	AGENCY OF FILING PRINTED NAME AND TITLE CARINA HERRERA, DEPUTY
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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
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1	201	1
EIR: Exempt or Previously Paid Document ID		Amount

DOC# 202485000093	50.00
Time Recorded 9:25 am	

Total	50.00
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Payment Type	Amount
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Credit Card tendered	50.00
# 09942G	

Amount Due	0.00
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THANK YOU  
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FOR YOUR RECORDS

[www.ocrecorder.com](http://www.ocrecorder.com)

