



**CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL**

Project: Installation of Electric Vehicle (EV) Charging Stations at Kona Kai Resort & Spa
Location: 1551 Shelter Island Drive, San Diego, CA 92106
Parcel No.: 001-032
Project No.: 2022-122
Applicant: Wes Alexander, Chief Engineer, Noble House Hotels, 1551 Shelter Island Drive, San Diego, CA 92106
Date Approved: Jan 17, 2023

PROJECT DESCRIPTION

The proposed project would involve the installation of electric vehicle (EV) charging stations by Westgroup Kona Kai, LLC dba Kona Kai Resort & Spa (Applicant/Tenant) in the city of San Diego, California. Work to specifically complete the proposed project would involve the installation of six (6) Level 2 pay-to-charge EV charging stations in the western parking lot, with ongoing installations and maintenance as-needed to accommodate a maximum of ten (10) parking stalls. There is a license agreement between the Tenant and TURNONGREEN Inc. for a term of seven (7) years, with the option to extend, and identifies TURNONGREEN Inc. as the company responsible for the for the installation, operation, and maintenance of the proposed project.

As proposed, seven (7) existing compact parking stalls would be converted into new EV charging stations, with one (1) parking stall used for loading and unloading space. The proposed work requires trenching (115 feet in length) in the existing planters and pavers in order to tie-in a new electrical line from the resort building to the charging stations. Infrastructure needed to support the new chargers involves the installation of two (2) dual pedestals, two (2) single pedestals, four (4) 2'x2'x2' concrete pads in the planter adjacent to the parking stalls, and six (6) cable hooks. A new ramp and truncated dome would be installed in the one (1) parking stall used for loading and unloading space in order to improve Americans with Disabilities Act (ADA) access in the parking lot.

Construction of the proposed project is anticipated to occur in approximately Spring of 2023 and would take approximately three (3) to four (4) weeks to complete, with ongoing installations and maintenance as needed. One (1) parking stall would be lost as a result of this project, and all construction staging is to occur within the Tenant's leasehold. Any disturbed vegetated or hardscape area is to be backfilled and restored to its original condition following completion of the proposed project.

Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Tenant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The following categorical determinations are based on the project submittal and all project information known to the District as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15303, Class 3/Section 3.c: New Construction or Conversion of Small Structures; and SG §15304, Class 4/Section 3.d: Minor Alterations to Land

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.

AND/OR

3.c. **New Construction or Conversion of Small Structures (SG § 15303) (Class 3):** Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.
- (3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.

AND/OR

3.d. **Minor Alterations to Land (SG § 15304) (Class 4):** Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

- (7) Minor trenching and backfilling where the surface is restored.

The proposed project is determined to be Categorical Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it would involve a negligible expansion of use beyond that previously existing, would consist of the installation of small new equipment and facilities, and would not result in the environment. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Pursuant to CEQA Guidelines Section 15062, a 35-day statute of limitations for this CEQA exemption shall apply from the date a Notice of Exemption is posted with the San Diego County Clerk, or a 180-day statute of limitations for this CEQA exemption shall apply if no Notice of Exemption is filed.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve the installation of six (6) EV charging stations consistent with the existing certified land use designation. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.c: New Construction or Conversion of Small Structures; and Section 8.d: Minor Alterations to Land

8.a. **Existing Facilities:** The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services

AND/OR

8.c. **New Construction or Conversion of Small Structures:** Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and

facilities, involving negligible or no change of existing use of the property, including but not limited to:

- (2) Water main, sewer, electrical, gas, or other utility extensions of reasonable length to serve such construction

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

- (6) Minor trenching or backfilling where the surface is restored

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it would involve a negligible expansion of use beyond that previously existing, would involve a negligible or no change of existing use of the property, and would not involve the removal of mature, scenic trees.

Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(4) of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

JOE STUYVESANT
President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: Jan 17, 2023

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Jan 17, 2023