

**AGENDA – REGULAR ADJOURNED MEETING
PLANNING COMMISSION
CITY OF REDONDO BEACH
THURSDAY MAY 14, 2015 – 7:00 P.M.
CITY COUNCIL CHAMBERS
415 DIAMOND STREET**

I. OPENING SESSION

1. Call Meeting to Order
2. Roll Call
3. Salute to the Flag

II. APPROVAL OF ORDER OF AGENDA

III. CONSENT CALENDAR

Routine business items, except those formally noticed for public hearing (agendized as either a “Routine Public Hearing” or “Public Hearing”), or those items agendized as “Old Business” or “New Business” are assigned to the Consent Calendar. The Commission Members may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up immediately following approval of remaining Consent Calendar items. Remaining Consent Calendar items will be approved in one motion.

4. Approval of Affidavit of Posting for the Planning Commission meeting of May 14, 2015.

IV. AUDIENCE OATH

V. EX PARTE COMMUNICATIONS

This section is intended to allow all officials the opportunity to reveal any disclosure or ex parte communication about the following public hearings.

VI. EXCLUDED CONSENT CALENDAR ITEMS

VII. PUBLIC HEARINGS

5. A Public Hearing to consider Draft Amendments to the Redondo Beach General Plan, Harbor/Civic Center Specific Plan, Zoning contained in Title 10, Chapter 2 of the Municipal Code, the Coastal Land Use Plan, and Coastal Zoning contained in Title 10, Chapter 5 of the Municipal Code collectively referenced as the “Draft Amendments” or “Amendments.” The Amendments relate to the permitted uses of property in the Coastal Zone placing further restrictions on uses related to Electrical Generating Facilities and Electricity Storage/Battery Storage facilities.

APPLICANT: City of Redondo Beach
PROPERTY OWNER: N/A
LOCATION: **City-wide**
CASE NO.: 2015-05-PC-007

RECOMMENDATION:

- 1) Open the public hearing and accept all testimony;
- 2) Close the public participation section of the public hearing; and
- 3) Adopt:
 - a. Resolution 1 recommending that City Council prohibit specified types of Electricity Generating Facilities City-wide by modifying provisions to Title 10, Chapters 2 and adding Title 10, Chapter 7 of the Municipal Code.

- b. Resolution 2 recommending that City Council eliminate certain types of Electricity Storage as a Public Utility use by amending Title 10, Chapter 2 of the Municipal Code and the Harbor Civic Center Specific Plan.
 - c. Resolution 3 recommending that City Council eliminate certain types of Electricity Storage as a Public Utility use, eliminate Electrical Generating Plants 50 megawatts or more, or facilities that are subject to the CEC's jurisdiction from the definition of "Public Utility Facility," by modifying Title 10, Chapter 5 of the Municipal Code and the CLUP.
- 4) Recommend that City Council act on the modifications contained in Resolution 1 first, and subsequently act on the modifications contained in Resolutions 2 and 3.
 - 5) Forward the attached Admin Report and Resolutions to City Council.

VIII. OLD BUSINESS

Items continued from previous agendas.

IX. NEW BUSINESS

Items for discussion prior to action.

X. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Commission. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

XI. COMMISSION ITEMS AND REFERRALS TO STAFF

Referrals to staff are service requests that will be entered in the City's Customer Service Center for action.

XII. ITEMS FROM STAFF

XIII. COUNCIL ACTION ON PLANNING COMMISSION MATTERS

XIV. ADJOURNMENT

The next meeting of the Planning Commission of the City of Redondo Beach will be a Regular Meeting to be held at 7:00 p.m. on Thursday, May 21, 2015 in the Redondo Beach City Council Chambers, 415 Diamond Street, Redondo Beach, California.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 415 Diamond Street, Door C, Redondo Beach, Ca. during normal business hours. In addition, such writings and documents will be posted, time permitting, on the City's website at www.redondo.org.

It is the intention of the City of Redondo Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (310) 318-0656 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

An agenda packet is available 24 hours at www.redondo.org under the City Clerk and during City Hall hours, agenda items are also available for review in the Planning Department.

CONSENT CALENDAR

The Planning Commission has placed cases, which have been recommended for approval by the Planning Department staff, and which have no anticipated opposition, on the Consent Calendar section of the agenda. Any member of the Planning Commission may request that any item on the Consent Calendar be removed and heard, subject to a formal public hearing procedure, following the procedures adopted by the Planning Commission.

All cases remaining on the Consent Calendar will be approved by the Planning Commission by adopting the findings and conclusions in the staff report, adopting the Exemption Declaration or certifying the Negative Declaration, if applicable to that case, and granting the permit or entitlement requested, subject to the conditions contained within the staff report.

Cases which have been removed from the Consent Calendar will be heard immediately following approval of the remaining Consent items, in the ascending order of case number.

RULES PERTAINING TO ALL PUBLIC TESTIMONY

(Section 6.1, Article 6, Rules of Conduct)

1. No person shall address the Commission without first securing the permission of the Chairperson; provided, however, that permission shall not be refused except for a good cause.
2. Speakers may be sworn in by the Chairperson.
3. After a motion is passed or a hearing closed, no person shall address the Commission on the matter without first securing permission of the Chairperson.
4. Each person addressing the Commission shall step up to the lectern and clearly state his/her name and city for the record, the subject he/she wishes to discuss, and proceed with his/her remarks.
5. Unless otherwise designated, remarks shall be limited to three (3) minutes on any one agenda item. The time may be extended for a speaker(s) by the majority vote of the Commission.
6. In situations where an unusual number of people wish to speak on an item, the Chairperson may reasonably limit the aggregate time of hearing or discussion, and/or time for each individual speaker, and/or the number of speakers. Such time limits shall allow for full discussion of the item by interested parties or their representative(s). Groups are encouraged to designate a spokesperson who may be granted additional time to speak.
7. No person shall speak twice on the same agenda item unless permission is granted by a majority of the Commission.
8. Speakers are encouraged to present new evidence and points of view not previously considered, and avoid repetition of statements made by previous speakers.
9. All remarks shall be addressed to the Planning Commission as a whole and not to any member thereof. No questions shall be directed to a member of the Planning Commission or the City staff except through, and with the permission of, the Chairperson.
10. Speakers shall confine their remarks to those which are relevant to the subject of the hearing. Attacks against the character or motives of any person shall be out of order. The Chairperson, subject to appeal to the Commission, shall be the judge of relevancy and whether character or motives are being impugned.

11. The public participation portion of the agenda shall be reserved for the public to address the Planning Commission regarding problems, question, or complaints within the jurisdiction of the Planning Commission.
12. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission, shall be forthwith barred from future audience before the Commission, unless permission to continue be granted by the Chairperson.
13. The Chairperson, or majority of the members present, may at any time request that a police officer be present to enforce order and decorum. The Chairperson or such majority may request that the police officer eject from the place of meeting or place under arrest, any person who violates the order and decorum of the meeting.
14. In the event that any meeting is willfully interrupted so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals willfully interrupting the meeting, the Commission may order the meeting room cleared and continue its session in accordance with the provisions of Government Code subsection 54957.9 and any amendments.

APPEALS OF PLANNING COMMISSION DECISIONS:

All decisions of the Planning Commission may be appealed to the City Council. Appeals must be filed, in writing, with the City Clerk's Office within ten (10) days following the date of action of the Planning Commission. The appeal period commences on the day following the Commission's action and concludes on the tenth calendar day following that date. If the closing date for appeals falls on a weekend or holiday, the closing date shall be the following business day. All appeals must be accompanied by an appeal fee of 25% of original application fee up to a maximum of \$500.00 and must be received by the City Clerk's Office by 5:00 p.m. on the closing date.

Planning Commission decisions on applications which do not automatically require City Council review (e.g. Zoning Map Amendments and General Plan Amendments), become final following conclusion of the appeal period, if a written appeal has not been filed in accordance with the appeal procedure outline above.

No appeal fee shall be required for an appeal of a decision on a Coastal Development Permit application.

May 11, 2015

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

AFFIDAVIT OF POSTING

Pursuant to the requirements of Government Code Section 54955, agendas for a regular adjourned commission meeting must be posted at least seventy-two (72) hours in advance and in a location that is freely accessible to members of the public. As Planning Analyst of the City of Redondo Beach, I declare, under penalty of perjury, that in compliance with the requirements of Government Code Section 54955, I caused to have posted on Monday May 11, 2015, the agenda for the May 14, 2015 Regular Adjourned Meeting of the City of Redondo Beach Planning Commission in the following locations:

City Hall, Door "A", 415 Diamond Street, Redondo Beach
City Clerk's Counter, Door "C", 415 Diamond Street, Redondo Beach



Lina Portolese
Planning Analyst



CITY OF REDONDO BEACH
PROOF OF POSTING
PLANNING COMMISSION MEETING AGENDA

I, Lina Portolese, hereby declare, under penalty of perjury, that I am over the age of 18 years and am employed by the City of Redondo Beach, and that the following document: Planning Commission Regular Adjourned Meeting Agenda of May 14, 2015 was posted by me at the following location(s) on the date and hour noted below:

Posted on: 5/11/2015 at 6:00 pm
(date) (time)

Posted at: City Hall, Door "A", 415 Diamond Street, Redondo Beach
City Clerk's Counter, Door "C", 415 Diamond Street, Redondo Beach

Lina Portolese
Signature

5/11/15
Date



Administrative Report

Planning Commission Hearing Date: May 14, 2015

AGENDA ITEM: 5 (PUBLIC HEARING)

APPLICATION TYPE: PLANNING COMMISSION HEARING TO CONSIDER RECOMMENDATIONS TO CITY COUNCIL ON MODIFICATIONS TO ZONING (TITLE 10, CHAPTER 2), HARBOR/CIVIC CENTER SPECIFIC PLAN, THE LOCAL COASTAL PROGRAM, THE COASTAL LAND USE PLAN ("CLUP"), THE CLUP IMPLEMENTING ORDINANCE (CONTAINED IN TITLE 10, CHAPTER 5), AND ADDING TITLE 10, CHAPTER 7 TO PLACE FURTHER RESTRICTIONS ON USES RELATED TO ELECTRICITY GENERATING FACILITIES AND ELECTRICITY STORAGE/BATTERY STORAGE FACILITIES, AND TO REVIEW AND CONSIDER CALIFORNIA ENVIRONMENTAL QUALITY ACT CATEGORICAL/STATUTORY EXEMPTIONS CONTAINED IN SECTIONS 15061(B)(3) AND 15265 AND AN ADDENDUM TO THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION

CASE NUMBER: 2015-05-PC-007

APPLICANT'S NAME: CITY OF REDONDO BEACH

APPLICANT'S REQUEST AS ADVERTISED:

Resolution 1 attached to this Administrative Report, contains recommendations on amendments to the City's Zoning (Title 10, Chapter 2) and adding Title 10, Chapter 7 to prohibit (City-wide) the following uses: (1) new thermal Electricity Generating Facilities of 50 Megawatts or more, (2) modifications, including alteration, replacement or improvement of equipment, that result in a 50 megawatt or more increase in the electric generating capacity of an existing thermal Electricity Generating Facility, and (3) construction of any facility subject to the California Energy Commission's jurisdiction under Public Resources Code Section 25502.3.

Resolution 2 attached to this Administrative Report, contains recommendations on additional amendments to the City's Zoning (Title 10, Chapter 2) to (1) remove off-site Electricity Storage uses and on-site commercial Electricity Storage from the definition of Public Utility Facility (thereby eliminating these uses from zones which allow Public Utility Facilities). This resolution also contains recommendations on amendments to the

Harbor/Civic Center Specific Plan (Catalina Avenue, Sub-Area- Zone 2) to more explicitly cross-reference the definitions and regulations contained in Title 10, Chapter 2.

Resolution 3 attached to this Administrative Report, contains recommendations on modifications to the Coastal Land Use Plan (“CLUP”), and the CLUP Implementing Ordinance (Title 10, Chapter 5 of the Municipal Code). Both of these items are part of the City’s Local Coastal Program (“LCP”). The modifications to the LCP (1) remove off-site Electricity Storage uses and on-site commercial Electricity Storage from the definition of Public Utility Facility (thereby eliminating these uses from zones which allow Public Utility Facilities), and (2) eliminate Electrical Generating Plants 50 megawatts or more or facilities that are subject to the CEC’s jurisdiction from the definition of “Public Utility Facility.”

DEPARTMENT’S RECOMMENDATION:

The Community Development Department recommends that the Planning Commission:

1. Open the public hearing and accept all testimony
2. Close the public participation section of the public hearing, and
3. Adopt:
 - a. Resolution 1 recommending that City Council prohibit specified types of Electricity Generating Facilities City-wide by modifying provisions to Title 10, Chapters 2 and adding Title 10, Chapter 7 of the Municipal Code.
 - b. Resolution 2 recommending that City Council eliminate certain types of Electricity Storage as a Public Utility use by amending Title 10, Chapter 2 of the Municipal Code and the Harbor Civic Center Specific Plan.
 - c. Resolution 3 recommending that City Council eliminate certain types of Electricity Storage as a Public Utility use, eliminate Electrical Generating Plants 50 megawatts or more, or facilities that are subject to the CEC’s jurisdiction from the definition of “Public Utility Facility,” by modifying Title 10, Chapter 5 of the Municipal Code and the CLUP.
4. Recommend that City Council act on the modifications contained in Resolution 1 first, and subsequently act on the modifications contained in Resolutions 2 and 3.
5. Forward the attached Admin Report and Resolutions to City Council.

BACKGROUND:

Pursuant to City Council direction, the City is actively engaged as an Intervenor (party of standing) in AES’ Application for Certification (AFC) for a new 496 Megawatt (MW) electrical generating facility. The City Council has adopted a Resolution opposing the

licensing of a new facility. The City Council has also enacted a moratorium on the construction of new electrical generating facilities that will expire later this year. The enactment of a moratorium creates a conflict between the Laws, Ordinances, Regulations and Standards (LORS) and the proposed AFC. However, it is important that the City enact zoning and land use plan amendments during the term of the Moratorium. The presence of a conflict with LORS requires the California Energy Commission (CEC) to make additional finding before approving an AFC.

DEPARTMENT'S ANALYSIS OF REQUEST:

I. Resolution 1 (Limited Prohibition related to Electricity Generating Facilities)

As summarized above, Resolution 1 contains recommendations on amendments to the City's Zoning (Title 10, Chapters 2 and Title 10, Chapter 7)¹ to prohibit (City-wide) the following uses: (1) new thermal Electricity Generating Facilities of 50 Megawatts or more, and (2) modifications, including alteration, replacement or improvement of equipment, that result in a 50 megawatt or more increase in the electric generating capacity of an existing thermal Electricity Generating Facility, and (3) construction of any facility subject to the California Energy Commission's jurisdiction under Public Resources Code Section 25502.3.

California Energy Commission ("CEC") permitting authority has been generally defined as new Facilities of 50 megawatts or more, and modifications to existing facilities that result in a 50 megawatt or more increase in electric generating capacity. (*Dept. of Water and Power v. Energy Resources Conserv. and Dev. Comm'n* (1991) 2 Cal.App.4th, 206, 227; Pub. Res. Code §§ 25105, 25110, 25120, 25123.) Additionally, an applicant for certain types of facilities can voluntarily subject themselves to the CEC's jurisdiction. (Pub. Res. Code Section 25502.3.)

Coastal Commission Staff have taken the general position that Electricity Generating Facilities are not subject to Coastal Commission's approval where the CEC has permitting authority. Consequently, Coastal Commission Staff have confirmed that any such regulations adopted by the City for new thermal Electrical Generating Facilities of 50 MW or more (or modification of such facilities with increases of 50 MW or more) would become effective without review or certification by the Coastal Commission. Therefore, Redondo Beach City Staff have tailored the amendments in Resolution 1 to prohibit thermal Electricity Generating Facilities 50 megawatts or more or otherwise subject to the CEC's jurisdiction.²

¹ The contents of the City's existing Municipal Code, Title 10, Chapter 2, are available online at: <http://www.qcode.us/codes/redondobeach/>

² As discussed in Attachment 4 (Response to Comment A1), "It is clear that the California Legislature did not intend to preempt municipalities from adopting land use regulations when the California Energy Commission ("CEC") has jurisdiction. Public Resources Code § 25525 expressly contemplates local regulations..." (See also Pub. Res. Code § 30413(d)(5).)

To accomplish this substantive goal, City Staff have proposed amendments (1) amending the definition of “Public Utility Facility” contained in Section 10-2.402(a)(128), to eliminate thermal Electrical Generating Plants 50 megawatts or more or facilities otherwise subject to the CEC’s jurisdiction (thereby eliminating these uses from zones which allow Public Utility Facilities), and (2) adding a specific prohibition on new Electric Generating Facilities of 50 Megawatts or more (or modifications to existing facilities of 50 MW or more), or otherwise subject to the CEC’s jurisdiction to Title 10, Chapter 7, Section 10-7.101. The changes to Section 10-2.402 should be read in conjunction with Municipal Code Sections, such as 10-2.1110, which contains the list of permissible uses for the Public and Institutional Zones (including “Public Utility Facilities”).

II. Resolution 2 (Electricity Storage Limitations)

As summarized above, Resolution 2 contains recommendations on additional amendments to the City’s Zoning (Title 10, Chapter 2) to (1) remove off-site Electricity Storage uses and on-site commercial Electricity Storage Systems from the definition of Public Utility Facility (thereby eliminating these uses from zones which allow Public Utility Facilities (e.g. Municipal Code Section 10-2.1110)). This resolution also contains recommendations on amendments to the Harbor/Civic Center Specific Plan³ (Catalina Avenue, Sub-Area- Zone 2) to more explicitly cross-reference the definitions and regulations contained in Title 10, Chapter 2.

These amendments have been drafted to avoid restricting on-site non-commercial electricity storage facilities, such as emergency power systems for hospitals, electric storage systems for residential development (e.g. Tesla’s energy storage systems),⁴ and electric vehicle charging stations. These amendments are proposed for adoption, subsequent to Resolution 1. Consequently, some of the overlapping amendments from Resolution 1 are contained in Resolution 2; this language from Resolution 1 is shown in single underline, whereas the new amendments proposed in Resolution 2 are shown in double underline.

To accomplish the substantive goals, City Staff have proposed amendments to (1) Section 10-2.402(a) adding a definition of “Electricity Storage Facility (Off-Site) and modifying the definition “Public Utility Facility” to eliminate Electrical Storage Systems (Off-Site) and eliminating on-site commercial Electricity Storage systems. These changes should be read in conjunction with Municipal Code Sections, such as 10-2.1110, which contains the list of permissible uses for the Public and Institutional Zones (including “Public Utility Facilities”).

III. Resolution 3 (Local Coastal Program Modifications – Electricity Generating Facility and Electricity Storage Facility Limitations)

³ The contents of the existing Harbor/Civic Center Specific Plan are available online at: <http://www.redondo.org/civica/filebank/blobdload.asp?BlobID=17011>

⁴ <http://www.teslamotors.com/presskit/teslaenergy> [“Today, Tesla introduces Tesla Energy, a suite of batteries for homes, businesses, and utilities fostering a clean energy ecosystem and helping wean the world off fossil fuels.”]

As summarized above, Resolution 3 contains recommendations on modifications to the Coastal Land Use Plan (“CLUP”),⁵ and the CLUP Implementing Ordinance (Title 10, Chapter 5 of the Municipal Code).⁶ Both of these items are part of the City’s Local Coastal Program (“LCP”). The modifications to the LCP (1) remove off-site Electricity Storage uses and on-site commercial Electricity Storage from the definition of Public Utility Facility (thereby eliminating these uses from zones which allow Public Utility Facilities), and (2) amending the definition of “Public Utility Facility” contained in Section 10-2.402(a)(140), to eliminate thermal Electrical Generating Plants 50 megawatts or more (or modifications to existing thermal Electricity Generating Facilities resulting in an increase of 50 MW or more), or are otherwise subject to the CEC’s jurisdiction (thereby eliminating these uses from zones which allow Public Utility Facilities).

To accomplish the substantive goals above, City Staff have proposed modifications: (1) to the CLUP “Generating Plant” Land Use District, CLUP Policy 9, adding a definition of Electricity Storage Facility (Off-Site) and modifying the definition of Public Utility Facility contained in Section 10-5.402(a) of the CLUP Implementing Ordinance (Title 10, Chapter 5 of the Municipal Code). These changes should be read in conjunction with Municipal Code Sections such as 10-5.1110, which contains the list of permissible uses for the Public and Institutional Zones (including “Public Utility Facilities”).

Related Activities, Actions and Conclusions

The City Council has enacted by Urgency Ordinance a moratorium on the construction, modernization or alteration of Electrical Generation Facilities in all Coastal Zones throughout the City. This moratorium initially enacted on December 3, 2013 for a period of 45 days (Ordinance 3116-13) was extended for the maximum period of 22 months and 15 days on January 14, 2013 (Ordinance 3120-14). During the period of this moratorium any proposed construction of an Electrical Generation Facility is prohibited and considered in conflict with existing laws, ordinances and regulations (LORS) while the City studies and makes recommendations on long term amendments to code. The proposed long term amendments as discussed in this report will permanently establish limits for certain types of Electricity Generating Facilities that are subject to the CEC’s jurisdiction.

ENVIRONMENTAL STATUS:

As described in the recitals for Resolutions 1 through 3. Staff believe the amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Statutory Exemptions contained in CEQA Guidelines Section 15265, and Categorical Exemptions contained in CEQA Guidelines Section 15061(b)(3) [Common Sense Exemption]. Furthermore, in December 2013 the City adopted a Negative Declaration for its Moratorium Ordinance (“2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance”). Staff also believe that the Addendum to this Negative Declaration

⁵ The contents of the existing Coastal Land Use Plan, Section VI, Subsection C are contained in Measure G Section 4, which is available online at: <http://www.redondo.org/civica/filebank/blobdload.asp?BlobID=20831>

⁶ The contents of the City’s existing Municipal Code, Title 10, Chapter 5, are available online at: <http://www.qcode.us/codes/redondobeach/>

is also appropriate. (Attachment 5.) Planning Commission is not tasked with approving these CEQA documents. Staff are only recommending that Planning Commission “review and consider” these CEQA documents (as provided in the attached resolutions).

Submitted by:

Aaron S. Jones
Community Development Director

Attachments:

- Resolution 1: Planning Commission Recommendation on Modifications to Title 10, Chapter 2, and adding Title 10, Chapter 7 related to Electrical Generating Facilities
- Resolution 2: Planning Commission Recommendation on Modifications to Title 10, Chapter 2 and the Harbor/Civic Center Specific Plan related to Electrical Generating Facilities and Electrical Storage Facilities.
- Resolution 3: Planning Commission Recommendation on Modifications to the Coastal Land Use Plan and the CLUP Implementing Ordinance (contained in Title 10, Chapter 5) related to Electrical Generating Facilities and Electrical Storage Facilities.
- Attachment 4: Negative Declaration for the “2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance” adopted by City Council on December 3, 2013 [Including Response to Comments.]
- Attachment 5: Draft Addendum to the Negative Declaration for the “2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance.”

RESOLUTION 1

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE REDONDO BEACH CITY COUNCIL ADOPT MODIFICATIONS TO TITLE 10, CHAPTERS 2 OF THE REDONDO BEACH MUNICIPAL CODE & ADDING TITLE 10, CHAPTER 7 RELATED TO ELECTRICITY GENERATING FACILITIES

WHEREAS, on April 30, 2015 and May 2, 2015 the City published two separate notices in the Daily Breeze, a newspaper of general circulation in the City, related to the proposed modifications contained herein;

WHEREAS, on May 14, 2015, the Planning Commission of the City of Redondo Beach reviewed and considered an update to Redondo Beach Municipal Code Title 10, Chapters 2, and new language in Title 10, Chapter 7 related to Electricity Generating Facilities;

WHEREAS, on May 14, 2015, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, in accordance with CEQA Guidelines Section 15025(c) the Planning Commission reviewed and considered the use of a Categorical Exemption contained in CEQA Guidelines Section 15061(b)(3) [Common Sense Exemption], as well as an Addendum to the Negative Declaration adopted by the City Council on December 3, 2013 (“2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance”)

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that the above recitals are true and correct, and are incorporated herein by reference as if set forth in full.

SECTION 2. The Planning Commission recommends to the City Council that the Redondo Beach Municipal Code be amended as follows:

SECTION A. Redondo Beach Municipal Code, Title 10, Chapter 2 (Zoning), Section 10-2.402(a)(128) is amended as provided below. Additional language is shown in double underline, and deletions are shown in strikeout. Where existing intervening text, subsections, or sections have been omitted from this ordinance and are not specifically deleted, they shall not be considered amended or

RESOLUTION 1

deleted and should therefore be considered retained in their current state (such language may be displayed as "...")

...

(128) **"Public utility facility"** shall mean a building or structure used or intended to be used by any public utility including, but not limited to, any gas treatment plant, reservoir, tank or other storage facility, water treatment plant, well, reservoir, tank or other storage facility, the construction of new e-Electricity g-Generating Facilities under 50 megawatts (except for those under the jurisdiction of the California Energy Commission) plant, modifications, including alteration, replacement or improvement of equipment, that results in less than a 50 megawatt increase in the electric generating capacity of an existing Electricity Generating Facility (except for those under the jurisdiction of the California Energy Commission), distribution or transmission substation, telephone switching or other communications plant, earth station or other receiving or transmission facility, any storage yard for public utility equipment or vehicles and any parking lot for parking vehicles or automobiles to serve a public utility. The term "public utility" shall include every gas, electrical, telephone and water corporation serving the public or any portion thereof for which a certificate of public convenience and necessity has been issued by the State Public Utility Commission.

SECTION B. Redondo Beach Municipal Code, Title 10, Chapter 7 ("Electricity Generating Facility Limitations"), Section 10-7.101 is hereby added as provided below. Additional language is shown in double underline.

10-7.101 Electricity Generating Facility Limitations

- (a) **Purpose and findings.** The City Council finds that the Power Plant built within the City of Redondo Beach was constructed at a time when large electrical generation plants were commonly located near the ocean in order to allow the use of ocean water for cooling of the generating facilities. The State Water Resources Control Board has adopted Resolution No. 2010-0020 generally requiring coastal power plants to stop using ocean water to cool their steam-turbine generating units throughout the State of California by 2020. This means that new plants do not need to be located near the coast and should instead be built away from populated urbanized areas. Power Plants are economically damaging to the City as a whole and harmful to the public health, welfare and safety.

RESOLUTION 1

The City of Redondo Beach has serious concerns about the lasting negative impacts on the health, safety and welfare of the community for generations to come that would result from building a new power plant that will likely run more often than the existing plant currently does. Given that such facilities no longer need to be located in proximity to the ocean, and the adverse effects of such facilities described above, the City desires to prohibit (1) the construction of all new Electricity Generating Facilities of 50 megawatts or more in the City of Redondo Beach, (2) modifications, including alteration, replacement or improvement of equipment, that results in a 50 megawatt or more increase in the electric generating capacity of an existing Electricity Generating Facility, and (3) construction of any facility subject to the California Energy Commission's jurisdiction under Public Resources Code Section 25502.3.

- (b) **Definitions.** The following terms and phrases, whenever used in this chapter, shall be construed as defined in this section. The rules for construction of language, contained in Section 10-2.401, are also applicable to this Section.
- (1) **“Electricity Generating Facility”** shall mean any stationary or floating electrical generating facility using any source of thermal energy and any facilities appurtenant thereto.
- (c) **Prohibition on Electricity Generating Facilities.** There is a prohibition on all property in the City of Redondo Beach on: (1) the construction of all new Electricity Generating Facilities of 50 megawatts or more, (2) modifications, including alteration, replacement or improvement of equipment, that result in a 50 megawatt or more increase in the electric generating capacity of an existing Electricity Generating Facility, and (3) construction of any facility subject to the California Energy Commission's jurisdiction under Public Resources Code Section 25502.3. No permit or any other applicable license or entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the establishment, maintenance or operation of a Electricity Generating Facility within the City limits of Redondo Beach that falls within this prohibition.

RESOLUTION 1

SECTION 3. That the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 14th day of May, 2015.

, Chairman
Planning Commission
City of Redondo Beach

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF REDONDO BEACH)

SS

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California do hereby certify that the foregoing Resolution No. CC-____- _____ was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 14th day of May, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

Michael W. Webb, City Attorney

RESOLUTION NO.

RESOLUTION 2

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE REDONDO BEACH CITY COUNCIL ADOPT MODIFICATIONS TO TITLE 10, CHAPTER 2 OF THE REDONDO BEACH MUNICIPAL CODE & THE HARBOR/CIVIC CENTER SPECIFIC PLAN RELATED TO ELECTRICITY GENERATING FACILITIES & ELECTRICITY STORAGE FACILITIES

WHEREAS, on April 30, 2015 and May 2, 2015 the City published two separate notices in the Daily Breeze, a newspaper of general circulation in the City, related to the proposed amendments contained herein;

WHEREAS, on May 14, 2015, the Planning Commission of the City of Redondo Beach reviewed and considered an update to Redondo Beach Municipal Code Title 10, Chapter 2 and the Harbor/Civic Center Specific Plan related to Electrical Generating Facilities and Electrical Storage Facilities;

WHEREAS, on May 14, 2015, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, in accordance with CEQA Guidelines Section 15025(c) the Planning Commission reviewed and considered the use of a Categorical Exemption contained in CEQA Guidelines Section 15061(b)(3) [Common Sense Exemption], as well as an Addendum to the Negative Declaration adopted by the City Council on December 3, 2013 (“2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance”)

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that the above recitals are true and correct, and are incorporated herein by reference as if set forth in full.

SECTION 2. The Planning Commission recommend to the City Council that the Redondo Beach Municipal Code be amended by ordinance as provided in SECTION A below. The Planning Commission further recommends to the City Council that the Harbor/Civic Center Specific Plan be amended by resolution as provided in SECTION B below.

RESOLUTION 2

SECTION A. Redondo Beach Municipal Code, Title 10, Chapter 2 (Zoning), Section 10-2.402(a)(128) is amended and renumbered as provided below. All subsections following this addition will be renumbered, as necessary. Any cross references in the Municipal Code to the definitions contained in Section 10-2.402(a) shall also be revised to reflect this renumbering. Additional language is shown in double underline, and deletions are shown in ~~strikeout~~. Where existing intervening text, subsections, or sections have been omitted from this ordinance and are not specifically deleted, they shall not be considered amended or deleted and should therefore be considered retained in their current state (such language may be displayed as "...") Language marked in single underlining below indicates text that was modified in a separate ordinance contemporaneously with these modifications.

...

(64) “Electricity Storage Facility (Off-Site)” or “Electricity Storage System (Off-Site)” shall mean any commercial facility engaged in or used for the storage of electricity for later use by customers or users at locations other than the facility for light, heat and power. This term includes all real estate, structures, fixtures, equipment and personal property owned, controlled, operated, or managed in connection with or to facilitate the storage of electricity for such users including, without limitation, batteries.

...

~~(128)-(129)~~ “(129) “Public utility facility” shall mean a building or structure used or intended to be used by any public utility including, but not limited to, (1) any gas treatment plant, (2) reservoir, tank or other water or gas storage facility, (3) water treatment plant, well, reservoir, tank or other storage facility (excluding Electricity Storage Facilities (Off-Site), (4) non-commercial electricity storage systems for use on-site (e.g. emergency power system for a hospital, electricity storage system for a residential development, charging station for an electric vehicle), (5) the construction of new e-Electricity g-Generating Facilities under 50 megawatts (except for those under the jurisdiction of the California Energy Commission)plant, (6) modifications, including alteration, replacement or improvement of equipment, that results in less than a 50 megawatt increase in the electric generating capacity of an existing Electricity Generating Facility (except for those under the jurisdiction of the California Energy Commission), (7) distribution or transmission substation, (8) telephone switching or other communications plant, earth station or other receiving or transmission

RESOLUTION 2

facility, (9) any storage yard for public utility equipment or vehicles and any parking lot for parking vehicles or automobiles to serve a public utility. The term “public utility” shall include every gas, electrical, telephone and water corporation serving the public or any portion thereof for which a certificate of public convenience and necessity has been issued by the State Public Utility Commission.

SECTION B. Catalina Avenue Sub-Area – Zone 2 of the Harbor Civic Center Specific Plan is amended as provided below. Additional language is shown in double underline, and deletions are shown in ~~strikeout~~.

Land Use/Development Policies

Primary Land Uses

- Public Utility Facilities Land Uses, as defined in in Title 10 of the Municipal Code, are subject to the regulations contained therein, including but not limited to requirements for the ~~subject to the granting of a Conditional Use Permit (including, but not limited to, facilities, structures, equipment and storage related to the operation of a public utility) to the extent determined to be legally permissible. Minor additions or changes may be exempted from the requirement of a Conditional Use Permit.~~
- Parks, Recreation and Open Space

Alternative Land Uses

- None

Urban/Architectural Design Policies

Maximum Permitted Building Density

- To be determined by the City Planning Commission during the appropriate Site Plan and Design Review procedures associated with and necessary for the issuance of a conditional use permit.

Maximum Permitted Building Height

- To be determined by the City Planning Commission during the appropriate Site Plan and Design Review procedures associated with and necessary for the issuance of a conditional use permit.

RESOLUTION 2

Required (Horizontal) Building Setbacks

- To be determined by the City Planning Commission during the appropriate Site Plan and Design Review procedures associated with and necessary for the issuance of a conditional use permit.

Recommended Massing/Articulation

- To be determined by the City Planning Commission during the appropriate Site Plan and Design Review procedures associated with and necessary for the issuance of a conditional use permit.

Supplemental Land Use Policies

- In anticipation of the end of the useful economic and physical life of the AES Redondo Generating Plant, investigate funding options for development of parks, open space, and recreational facilities on the site.

Supplemental Recommended Urban/Architectural Design Policies

In consideration of the various lower and moderate-density commercial and residential land uses surrounding the Zone, implement, as possible and financially feasible any reasonable means, methods, or ways of eliminating entirely or reducing, as much as possible, the range of significant adverse environmental impacts that are created through operation of the Southern California Edison Plant (these measures could include, but are not limited to: external noise walls or fences, landscaping shields and buffering, additional internal noise insulation or air quality filtering systems, etc.).

Supplemental Transportation/Circulation Policies

No additional transportation/circulation policies, above and beyond those previously included within the Specific Plan Area-Wide policies, have been specified for Zone 2 of the Catalina Avenue Corridor Sub-Area.

Supplemental Infrastructure/Utilities Policies

No additional infrastructure/utilities policies, above and beyond those previously included within the Specific Plan Area-Wide policies, have been specified for Zone 2 of the Catalina Avenue Corridor Sub-Area.

RESOLUTION 2

SECTION 3. That the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 14th day of May, 2015.

, Chairman
Planning Commission
City of Redondo Beach

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF REDONDO BEACH)

SS

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California do hereby certify that the foregoing Resolution No. CC-____-____ was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 14th day of May, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

Michael W. Webb, City Attorney

RESOLUTION 3

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE REDONDO BEACH CITY COUNCIL ADOPT MODIFICATIONS TO THE COASTAL LAND USE PLAN (“CLUP”) AND THE CLUP IMPLEMENTING ORDINANCE (TITLE 10, CHAPTER 5 OF THE REDONDO BEACH MUNICIPAL CODE) RELATED TO ELECTRICITY GENERATING FACILITIES & ELECTRICITY STORAGE FACILITIES

WHEREAS, on April 30, 2015 and May 2, 2015 the City published two separate notices in the Daily Breeze, a newspaper of general circulation in the City, related to the proposed modifications contained herein;

WHEREAS, on May 14, 2015, the Planning Commission of the City of Redondo Beach reviewed and considered an update to Redondo Beach Municipal Code Title 10, Chapter 5 and the CLUP related to Electrical Generating Facilities and Electrical Storage Facilities;

WHEREAS, on May 14, 2015, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, in accordance with CEQA Guidelines Section 15025(c) the Planning Commission reviewed and considered the use of a Statutory/Categorical Exemption contained in CEQA Guidelines Sections 15265 and 15061(b)(3) [Common Sense Exemption], as well as an Addendum to the Negative Declaration adopted by the City Council on December 3, 2013 (“2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance”)

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that the above recitals are true and correct, and are incorporated herein by reference as if set forth in full.

SECTION 2. The Planning Commission recommends to the City Council that the Coastal Land Use Plan be modified by resolution as provided in SECTIONS A through B below. The Planning Commission further recommends to the City Council that the CLUP Implementing Ordinance (contained in Redondo Beach Municipal Code, Title 10, Chapter 5) be modified by ordinance as provided in SECTION C below.

RESOLUTION 3

SECTION A. Coastal Land Use Plan, Section VI (“Locating and Planning New Development”), subsection C, is amended as provided below (this includes renaming this district “Public Utility”). Additional language is shown in double underline, and deletions are shown in ~~strikeout~~. Where existing intervening text, subsections, or sections have been omitted and are not specifically deleted, they shall not be considered amended or deleted and should therefore be considered retained in their current state (such language may be displayed as “...”).

...

Generating Plant

~~The AES Redondo Generating Plant is located in this district. The district permits continued operation of the Generating Plant and related facilities and structures with additions or changes subject to a Conditional Use Permit to the extent legally permissible.~~ Public Utility Facilities are permissible subject to a conditional use permit in this district, which includes a building or structure to be used as: (1) any gas treatment plant, (2) reservoir, tank or other water or gas storage facility, (3) water treatment plant, well, reservoir, tank or other storage facility (excluding Electricity Storage Facilities (Off-Site) which are engaged in or used for the storage of electricity for later use by customers or users at locations other than the facility for light, heat and power), (4) non-commercial electricity storage systems for use on-site (e.g. emergency power system for a hospital, electricity storage systems for a residential development, charging stations for an electric vehicles), (5) the construction of new Electricity Generating Facilities under 50 megawatts (except for those under the jurisdiction of the California Energy Commission which are not permissible), (6) modifications, including alteration, replacement or improvement of equipment, that results in less than a 50 megawatt increase in the electric generating capacity of an existing Electricity Generating Facility (except for those under the jurisdiction of the California Energy Commission which are not permissible), (7) distribution or transmission sub-station, (8) telephone switching or other communications plant, earth station or other receiving or transmission facility, (9) any storage yard for public utility equipment or vehicles and any parking lot for parking vehicles or automobiles to serve a public utility. Parks and open space shall be permitted uses in this district.

RESOLUTION 3

Public or Institutional

The Public or Institutional (P) district includes the following sites and uses:

1. Public beach: The beach and coastal bluffs south of Torrance Boulevard west of Esplanade shall be maintained and preserved for public open space and public recreational use.
2. Parks and open space: Parks and open space include Veteran's Park (at the southwest corner of Torrance Boulevard and South Catalina Avenue) and Czuleger Park (within the "Village" west of the intersection of North Catalina Avenue and Carnelian Street), and Seaside Lagoon (near the waterfront south of Portofino Way). The primary permitted use is parks, open space, and recreational facilities, and accessory uses such as rest rooms, storage sheds, concession stands, recreational rentals, etc. Public buildings, community centers, public safety facilities, parking lots, public utility facilities as specified in the Coastal Land Use Plan Implementing Ordinance, and similar uses may be considered subject to a Conditional Use Permit. The maximum floor area ratio of all buildings on a site is 0.25 and the maximum height is two stories, 30 feet.
3. Community facilities, governmental facilities, and public safety facilities: These include the Civic Center (City Hall, Public Library, and Police Station) at Diamond Street and Pacific Coast Highway, the fire station at S. Broadway and Pearl Street, and the Recreation and Community Services Center at Knob Hill and Pacific Coast Highway. Permitted uses include parks and open space, and uses which may be considered subject to a Conditional Use Permit include cultural uses (libraries, museums, etc.), institutional uses (governmental, police, fire, etc.), community centers, public athletic clubs, performance art facilities, educational facilities, child day care centers, schools, parking lots, and similar public uses. For the Civic Center, the maximum floor area ratio of all buildings on the site is 1.25 and the maximum height is three stories, 45 feet. The floor area ratio and height of buildings at other community facility/governmental facility/public safety facility sites will be determined as part of the required public hearing process for any proposed new building.
4. Riviera Village Public Parking: The triangular public parking site in Riviera Village is bounded by Via del Prado, Avenida del Norte, and South Elena Avenue. Expanded parking facilities may be considered on this site subject to a Conditional Use Permit, provided that additional parking is located in a fully subterranean structure.

RESOLUTION 3

5. Public Utility Transmission Corridor: The public utility transmission corridor abuts the south side of Herondo Street between N. Francisca Avenue and N. Pacific Coast Highway. Public utility facilities as specified in the Coastal Land Use Plan Implementing Ordinance, parking lots, nurseries, and agricultural uses may be considered subject to a Conditional Use Permit. Parks, open space, and passive type recreational uses are permitted in this area. It is understood that land uses and structures are also subject to approval of the in-fee owner (Southern California Edison Company) in accordance with their standards, policies and procedures for use of the transmission corridor.

SECTION B. Coastal Land Use Plan, Section VI, subsection D, Policy 9 is amended as provided below. Additional language is shown in double underline, and deletions are shown in ~~strikeout~~.

9. ~~Allow the reduction in size and modernizing of the AES Redondo Beach Generating Plant on a portion of the existing plant site, subject to applicable conditional use permit procedures and public utilities facility requirements under the Coastal Land Use Plan implementing ordinance, and subject to the California Energy Commission application process for power plants and related facilities.~~ Permit the AES Redondo Beach Generating Plant site to be converted to parks, open space, and recreational facilities if the site is acquired for such purposes in the future by a public, non-profit or private agency. The City is open to considering subsequent amendments to the "Generating Plant" District/Zone to incorporate additional non-public utility uses, as outlined in the procedures contained in Redondo Beach Municipal Code, Title 10, Chapter 5, Sections 10-5.2504 and 10-5.2505.

SECTION C. Redondo Beach Municipal Code, Title 10, Chapter 5 (Coastal Zoning), Section 10-5.402(a)(140) is amended and renumbered as provided below. A Definition for "Electricity Storage Facility" is hereby added to Title 10 Chapter 5, Section 10-5.402(a) as subsections (69), all subsections following this addition will be renumbered, as necessary. Any cross references in the Municipal Code to the definitions contained in Section 10-5.402(a) shall also be revised to reflect this renumbering. Additional language is shown in double underline, and deletions are shown in ~~strikeout~~. Where existing intervening text, subsections, or sections have been omitted from this ordinance and are not specifically deleted, they shall not be considered amended or deleted and should therefore be considered retained in their current state (such language may be displayed as "...")

RESOLUTION 3

...

(69) “Electricity Storage Facility (Off-Site)” or “Off-Site Electricity Storage System (Off-Site)” shall mean any commercial facility engaged in or used for the storage of electricity for later use by customers or users at locations other than the facility for light, heat and power. This term includes all real estate, structures, fixtures, equipment and personal property owned, controlled, operated, or managed in connection with or to facilitate the storage of electricity for such users including, without limitation, batteries.

...

(141)-(140) “Public utility facility” shall mean a building or structure used or intended to be used by any public utility including, but not limited to, (1) any gas treatment plant, (2) reservoir, tank or other water or gas storage facility, (3) water treatment plant, well, reservoir, tank or other storage facility (excluding Electricity Storage Facilities (Off-Site), (4) non-commercial electricity storage systems for use on-site (e.g. emergency power system for a hospital, electricity storage system for a residential development, charging station for an electric vehicle), (5) the construction of new e-Electricity g-Generating Facilities under 50 megawatts (except for those under the jurisdiction of the California Energy Commission) plant, (6) modifications, including alteration, replacement or improvement of equipment, that results in less than a 50 megawatt increase in the electric generating capacity of an existing Electricity Generating Facility (except for those under the jurisdiction of the California Energy Commission), (7) distribution or transmission sub-station, (8) telephone switching or other communications plant, earth station or other receiving or transmission facility, (9) any storage yard for public utility equipment or vehicles and any parking lot for parking vehicles or automobiles to serve a public utility. The term “public utility” shall include every gas, electrical, telephone and water corporation serving the public or any portion thereof for which a certificate of public convenience and necessity has been issued by the State Public Utility Commission.

SECTION 3. That the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 14th day of May, 2015.

RESOLUTION 3

, Chairman
Planning Commission
City of Redondo Beach

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF REDONDO BEACH)

SS

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California do hereby certify that the foregoing Resolution No. CC-____- _____ was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 14th day of May, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

Michael W. Webb, City Attorney

ATTACHMENT 4

City of Redondo Beach

2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance

Draft
**Initial Study/
Negative
Declaration**



October 2013

**2013 Coastal Zone Electrical Generating Facility
Moratorium Interim Ordinance**

Draft
Initial Study/Negative Declaration

Prepared for:

City of Redondo Beach
Planning Department
415 Diamond Street
Redondo Beach, CA 90277
Contact: Aaron Jones, Community Development Director
(310) 318-0637

Prepared with the assistance of:

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003

October 2013

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INITIAL STUDY

1. **Project title:** 2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance
2. **Lead agency name and address:** City of Redondo Beach
415 Diamond Street
Redondo Beach, CA 90277
3. **Contact person and phone number:** Aaron Jones, Community Development Director
(310) 318-0637
4. **Project location:** Figure 1 shows the location of the project area within the region and Figure 2 shows the project area and its vicinity.

The project area includes the entire Coastal Zone of the City of Redondo Beach as designated by the California Coastal Commission. The zone extends from the ocean, east to Pacific Coast Highway, with a northern boundary at Herondo Street and a southern boundary along Palos Verdes Boulevard. The site also includes the AES Power Plant facilities, also shown on Figure 2, which is located at 1100 North Harbor Drive.
5. **Project sponsor's name and address:** City of Redondo Beach
415 Diamond Street
Redondo Beach, CA 90277
6. **General Plan designation:** Table 1 shows all designations included in the Coastal Zone of the City of Redondo Beach. The AES Power Plant is designated P – Public or Institutional within the General Plan.



**Table 1
 General Plan Designation for City of Redondo Beach Coastal Zone**

Code	Designation
C-2 C-3 C-4	Commercial
CC	Coastal Commercial
I-2	Industrial
MU-2 MU-3	Mixed Use
P	Public or Institutional
R-1	Single Family Residential (8.8 DU/acre)
R-2	Low Density Multi-Family Residential (14.6 DU/acre)
R-3	Low Density Multi-Family Residential (17.5 DU/acre)
RMD	Medium Density Multi-Family Residential (28 DU/acre)

7. Zoning:

Table 2 shows all zones included in the Coastal Zone of the City of Redondo Beach. The AES Power Plant is categorized as P - GP - Generating Plant

**Table 2
 Zoning for City of Redondo Beach Coastal Zone**

Code	Designation
C-2A C-2-PD C-3 C-3B C-3-PD C-4-PD C-5A	Commercial
CC-1 CC-2 CC-4	Coastal Commercial
I-2A	Industrial
MU-2 MU-3 MU-3B	Mixed Use
P-CF	Community Facility
P-CIV	Civic Center
P-GP	Generating Plant
P-PRO	Parks, Recreation and Open Space
P-ROW	Right-of-Way
R-1	Single Family
R-2	Low Density Multi-Family Residential (14.6 DU/acre)
R-3A	Low Density Multi-Family Residential (17.5 DU/acre)
RH-1	High Density Multi-Family Residential (28 DU/acre)
RMD	Medium Density Multi-Family Residential (23.3 DU/acre)



8. Project Description:

The City of Redondo Beach is proposing to adopt a temporary moratorium on the approval of any conditional use permit, coastal development permit or any other discretionary City permit for the construction, modification or alteration of any facilities for the on-site generation of electricity within the Coastal Zone. To protect the public safety, health, and welfare of its citizens, Government Code 65858 allows a city council to adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning measures that the city is considering, studying, or intends to study within a reasonable time. This proposed moratorium would apply throughout the coastal zone in the City of Redondo Beach. While the AES power plant (Power Plant) is the only existing power plant in the City's Coastal Zone, this moratorium would also prevent any new power plants from being constructed within the project area (e.g., the City's Coastal Zone).

If the moratorium is enacted, any proposal for new or modified electrical generating facilities within the City's Coastal Zone would be considered inconsistent with the Ordinance and with the City's land use policies and zoning regulations (i.e. would not conform with applicable local standards, ordinances, or laws). The California Coastal Act was enacted in 1976 to protect and preserve the California Coastal Zone as an environmental, recreational and economic resource for the benefit of all Californians. Under the Act, industrial uses, including electrical power generating facilities, are discouraged unless the use is coastal dependent, meaning that the use requires a location on or near the ocean in order to be able to function, or where the use is directly supportive of other coastal-related uses, such as fishing or boating. On May 4, 2010, the State Water Resources Control Board adopted Resolution No. 2010-0020, generally requiring that the use of existing power plant cooling systems that rely on natural ocean water be terminated throughout the State of California by 2020.

The AES Power Plant was built within the City of Redondo Beach prior to the enactment of the California Coastal Act, at a time when large electrical generation plants were commonly located near the ocean in order to allow the use of ocean water for cooling of the generating facilities.

9. Surrounding land uses and setting:

The project area encompasses the entire Coastal Zone of Redondo Beach. To the west of the Coastal Zone lies the Pacific Ocean. The Coastal Zone includes a number of permissible uses, as identified in Table 2, including residential, commercial, and industrial uses. The northernmost edge of the Coastal Zone is bordered by the City of Hermosa Beach, and the eastern and southern edges border the City of Torrance. The land uses surrounding the project area are similar to those within the Coastal Zone, but are predominantly low density multi-family residential, single family residential and public or institutional.

The Power Plant is in the northern area of the Redondo Beach Coastal Zone. It is approximately 0.2 miles from the edge of the Pacific Ocean. King Harbor is located

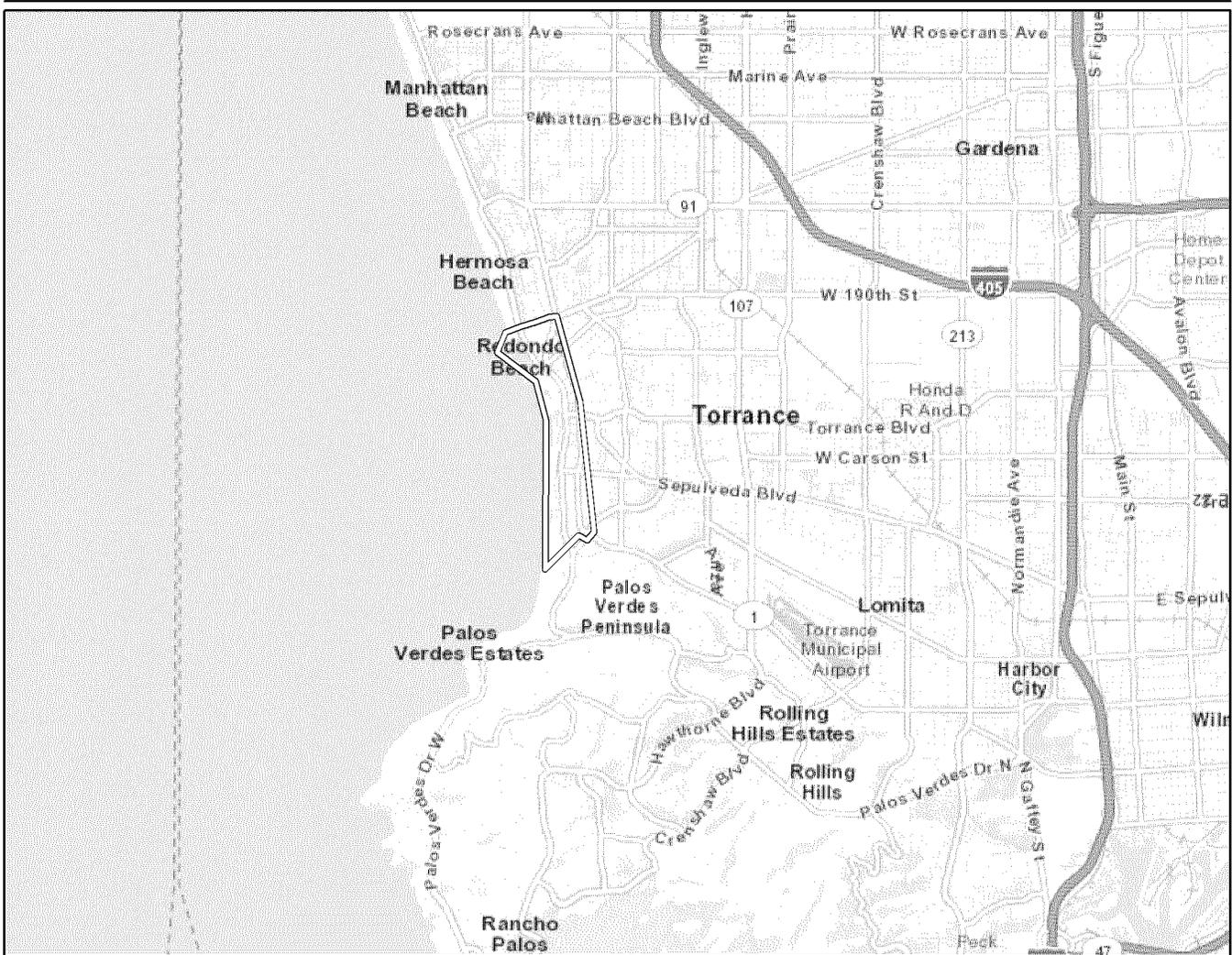


directly to the west of the site, approximately 520 feet away. Multiple dining, hotels, commercial space, and a myriad residences are also in the Power Plant vicinity.

10. Other agencies whose approval may be required:

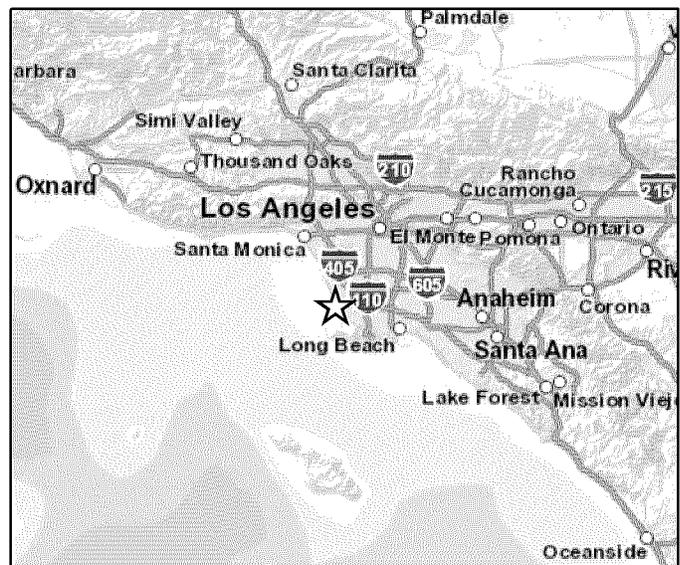
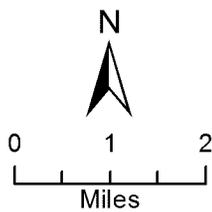
No additional approvals from other agencies are required.





Imagery provided by ESRI and its licensors © 2013.

 Redondo Beach Coastal Zone



Regional Location

Figure 1





Imagery provided by ESRI and its licensors © 2013.

Site Location

Figure 2

ENVIRONMENTAL FACTORS AFFECTED

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |



DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed Project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

- I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

- I find that the proposed Project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

- I find that the proposed Project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed Project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Signature

Date

Printed Name

For



Environmental Checklist

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
I. <u>AESTHETICS</u> – Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-c) The proposed project is a temporary moratorium that would prevent the construction, expansion, replacement, modification, or alteration of any facilities for on-site generation of electricity on any property located in the Coastal Zone of Redondo Beach. The Coastal Zone is located between the Pacific Ocean and the Pacific Coast Highway (PCH). Although this section of the PCH is not an Official Designated State Scenic Highway by CalTrans, the PCH provides scenic vistas of the California coastline and Pacific Ocean in Redondo Beach. The proposed project would prevent electrical generating facilities from being built or altered in the Coastal Zone and thus would ensure that these scenic vistas would not be adversely affected by the construction of electrical generating facilities. The proposed project would also ensure that the trees, rock outcroppings, and any historic buildings, as well as the existing visual character of the Coastal Zone would not be substantially damaged by the construction or alternation of any new electrical generating facilities. For these reasons, the project would have *no impact* on the scenic vistas and visual character of the site and its surroundings.

d) The project is a temporary moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach; therefore, there would not be any new source of substantial light or glare that would reduce the views in the area. The project would therefore have *no impact* in this regard.



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
II. <u>AGRICULTURE AND FOREST RESOURCES</u>				
-- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the Project:				
a) Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) The project area is not located on or near farmland, forest land, or timberland, and would



involve no other changes in the existing environment that would result in the conversion of farmland to non-agricultural use. The project would have *no impact* on agriculture or forest resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
III. <u>AIR QUALITY</u> -- Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project area is within the South Coast Air Basin (the Basin), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). As the local air quality management agency, the SCAQMD is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet them. Depending on whether or not the standards are met or exceeded, the Basin is classified as being in "attainment" or "nonattainment." The part of the Basin within which the project area is located is in nonattainment for both the federal and state standards for ozone, PM₁₀, and PM_{2.5}, as well as the state standard for nitrogen dioxide, PM_{2.5}, and lead (California Air Resources Board, Area Designations Maps/State and National, September 2011). Thus, the Basin currently exceeds several state and federal ambient air quality standards and is required to implement strategies to reduce pollutant levels to recognized acceptable standards. This non-attainment status is a result of several existing factors, the primary ones being the naturally adverse meteorological conditions that limit the dispersion and diffusion of pollutants, the limited capacity of the local airshed to eliminate pollutants from the air, and the number, type, and density of emission sources within the Basin. The SCAQMD has adopted an Air Quality Management Plan (AQMP) that provides a strategy for the attainment of state and federal air quality standards.

a) A significant impact to air quality would occur if the proposed project would conflict with or obstruct implementation of the AQMP for the South Coast Air Basin. The AQMP contains



regulatory framework to help the basin achieve clean air standards. It also provides regulations and standards for new construction that are intended to reduce emissions. The proposed project consists of a moratorium barring expansion or alteration of electrical generating facilities in the Coastal Zone. No new construction would occur as a result of the proposed project. Therefore, the project would not conflict with implementation of an air quality plan, and *no impact* would occur.

b-e) The proposed project would have no operational air quality impacts since the project consists of a temporary moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach. The proposed project would not result in any operational emissions or odors. As such, there would be *no impacts* to air quality (not *cumulatively considerable*) and mitigation is not required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES --

Would the Project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES --

Would the Project:

resources, such as a tree preservation policy or ordinance?

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a) The proposed project is a moratorium barring the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach. No construction activities would potentially affect sensitive species in the Coastal Zone and *no impact* would occur with respect to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) As described above, the project area is fully developed and there is no natural habitat. The proposed project consists of a moratorium barring construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach. Therefore, the project would not result in the removal of any riparian habitat or other sensitive natural community. Within the harbor waters, the only sensitive community that may potentially be present is eelgrass (*Zostera marina*). Eelgrass is a flowering marine plant that forms meadows in southern California embayments (CRM, Inc., November 2011). This species of seagrass generally grows in Huntington Harbour and Sunset Bay at depths between 0.0 feet Mean Lower Low Water (MLLW) and -12 feet MLLW. Eelgrass is considered a sensitive marine resource in southern California because eelgrass meadows provide cover and habitat for many types of marine organisms.

Based on the underwater survey conducted by CRM, Inc., no eelgrass was observed between the inshore rip rap and a distance of 15 meters (49.2 feet) seaward of the dock system. In addition, the no federal-or-state-listed endangered, threatened, rare, or otherwise sensitive marine flora or fauna were observed at the project area. Additionally, the proposed project is a moratorium on certain construction or alteration, thus it does not propose any activities that would impact sensitive natural communities. Therefore, the proposed project would not result in the loss of any riparian habitat or other sensitive natural community. *No impact* would occur.

c) The proposed project is a temporary moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach and therefore there are no project-related activities that would potentially affect federally protected wetlands.



No removal, filling, hydrological interruption or other activities would take place as a result of the proposed project and therefore there would be *no impact*.

d) There is no evidence to suggest that wildlife currently utilize the Power Plant as a nesting site or as a migratory corridor. The proposed project is a moratorium which prohibits any construction or modification of electrical generating facilities in the Coastal Zone. The proposed project does not propose any action or activity, such as construction or operation, that would potentially affect any native resident or migratory fish or wildlife species or interfere with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Therefore, there would be *no impact* to local wildlife movement.

e) While the City of Redondo Beach does not have a tree protection ordinance, the City does have tree trimming restrictions within Section 10-5.1900 of the Coastal Zone Ordinance. No trees or other vegetation would be removed or altered as a result of the proposed moratorium and therefore neither the aforementioned restrictions nor other local policies or ordinances protecting such resources would be violated by the proposed project. *No impact* would occur.

f) The project area is not subject to an adopted conservation plan. *No impact* would occur.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
V. <u>CULTURAL RESOURCES</u> --				
Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-d) The following six items located in Redondo Beach are considered Historical Landmarks by the Office of Historic Preservation for the State of California:

- Diamond Apartments – located in the vicinity of Diamond Street and North Broadway, approximately 0.6 miles southeast of the AES Power Plant within the Coastal Zone
- Old Salt Lake – located at the southeast corner of Harbor Drive and Yacht Club Way, approximately 200 feet west of the AES Power Plant



- Redondo Beach Original Townsite Historic District – located northwest of the corner of Diamond Street and North Guadalupe Avenue, outside of the City of Redondo Beach Coastal Zone
- Redondo Beach Public Library – two locations, one of which is located at 303 North Pacific Coast Highway, within the City of Redondo Beach Coastal Zone and approximately 0.3 miles southeast of the AES Power Plant, the second of which is outside of the Coastal Zone
- Sweetser Residence – located at 417 East Beryl Street, within the Coastal Zone and approximately 0.2 miles east of the AES Power Plant
- Woman’s Club of Redondo Beach – located at 400 South Broadway, within the Coastal Zone and approximately 0.8 miles south of the AES Power Plant

The proposed moratorium would affect the Coastal Zone of Redondo Beach, but would not result in any excavation, construction, modification, or other soil-disturbing activities on land which could impact historic, archaeological, or paleontological resources. The area is also not the site of any unique geologic feature. While there are designated historical landmarks within the boundaries of the project area, since the proposed project would not result in any construction activities that could cause a substantial adverse change in the significant of any historical or archeological resources, there would be *no impact* to cultural resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS –

Would the Project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable as a result of the Project, and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS –

Would the Project:

potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

d) Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a.i and ii) Similar to all of Southern California, active and/or potentially active faults in the region of the project area could generate strong groundshaking. The Palos Verdes Fault Zone is located approximately one mile southwest of the project area in the Pacific Ocean. This fault has probable magnitudes of 6.0-7.0 on the Richter Scale. Two other nearby faults that are also part of this fault zone and are located nearby. The Redondo Canyon Fault, which is located approximately two miles south of the project area also in the Pacific Ocean, has probable magnitudes of 5.8-6.5 on the Richter Scale. The Cabrillo Fault, which is located approximately six miles southeast of the project area, has probable magnitudes of 6.0-6.8 on the Richter Scale. The Newport-Inglewood Fault Zone, which is located approximately seven miles northeast of the project area, has probable magnitudes of 6.0-7.4 on the Richter Scale (Southern California Earthquake Data Center, November 2011). Earthquakes of this magnitude could produce seismic shaking effects at the project area. Other, more distant faults such as the San Andreas Fault could be capable of producing significant shaking at the project area from large earthquakes on those faults.

The California Geological Survey estimates there is a 10% probability of this area experiencing an earthquake with a peak ground acceleration of 0.45g (0.45 times the force of gravity) in the next fifty years (California Geological Survey, November 2011). However, the project area is not located within an Alquist-Priolo Earthquake Zone (California Department of Conservation, 2010), so the probability of seismic surface rupture is considered low. The proposed project consists of a moratorium on construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach. No construction or new development would result from the proposed project. Therefore, there would be *no impacts* related to seismically-induced surface rupture or ground shaking.

a.iii) Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. A portion of the



project area, including but not limited to the AES Power Plant site, is located in an area of potentially high liquefaction hazard according to the Seismic Hazard Zones Map of the Redondo Beach Quadrangle (California Department of Conservation, Division of Mines and Geology, March 1999). This means that the site is located in an area where historic occurrence of liquefaction, or local geological, geotechnical, or groundwater conditions indicate a potential for permanent ground displacement. However, the proposed project would not result in any construction, modification, or other activity that would expose people to a liquification hazard. For this reason, the project would have *no impact* related to potential liquefaction hazards.

a.iv, c, d) The majority of the project area is located in a flat area with no significant slopes, and is not located in an area shown on the Seismic Hazard Zones Map of the Redondo Beach Quadrangle (California Department of Conservation, Division of Mines and Geology, March 1999) as an area of potential earthquake-induced landslides. A small portion of the project area, located east of AES Power Plant site along Herondo Street between Pacifica Coast Highway and Francisco Avenue, is located in an area of potential earthquake-induced landslides according to the Seismic Hazard Zones Map of the Redondo Beach Quadrangle (California Department of Conservation, Division of Mines and Geology, March 1999). This means that this small portion of the project area is located in an area where previous occurrence of landslide movement, or local topographic, geological, geotechnical, and subsurface water conditions indicate a presence for permanent ground displacements. However, the proposed project is a moratorium that would prohibit the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach (including in the area identified above with the potential for earthquake induced landslides). The proposed project would not result in any new construction; therefore, it would have a *no impact* related to these hazards.

b) Soil erosion is the removal of soil by water, wind, and gravity. Because no construction would occur as a result of the proposed project, it would not involve soil-disturbing activities that could create soil erosion or lead to the loss of topsoil, and would thus have *no impact* in this regard.

e) The proposed moratorium would not generate wastewater and would not require the use of septic tanks. Therefore, *no impact* related to the use of septic tanks would occur.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS -

Would the Project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



a, b) No construction or new uses would occur as a result of the project and therefore no greenhouse gas (GHG) emissions (either related to construction or operations) would be generated as a result of the proposed project through the burning of fossil fuels or other emissions of GHGs. Because the proposed project would not create any new GHG emissions, it would not conflict with the objectives of AB 32, SB 97, and SB 375, and there would be no contribution to cumulative GHG emissions and climate change (there would be *no impact*).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the Project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the Project:

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a, b) The proposed project would not involve the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The proposed project consists of a temporary moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach and does not include any construction activities or operations which may involve the transport, use, or disposal of hazardous materials. Therefore, there would be **no impact** related to these issues.

c) The Redondo School of Dance and Music and the Yak Academy, a school offering foreign language classes to children between the ages of 1-10, are both located within the project area. The project is a temporary moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach and thus would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Therefore, the project would have **no impact**.

d) The following databases were checked on October 3, 2013 for known hazardous materials contamination at the project area (these are the databases which compile hazardous material sites pursuant to Government Code Section 65962.5):

- *Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database;*
- *Environmental Protection Agency EnviroMapper database;*
- *California State Water Quality Control Board GeoTracker database; and*
- *California Department of Toxic Substances Control EnviroStor database*

The Southern California Edison (SCE) Redondo Generating System, now part of the AES Power Plant, is listed on the California State Water Quality Control Board GeoTracker database with reference to a 1965 leak. An open site assessment cleanup status is listed as of 1997. No cleanup actions have occurred in relation to this leak.

The AES Generating Station is listed on the California Department of Toxic Substances Control EnviroStor database. The site history is as follows:



In 1996, SCE implemented a water quality monitoring program in response to a final judgment pursuant to a Stipulation, from the Superior Court of California, LA County, Number 121219 in 1995. The Stipulation alleged that Edison had stored hazardous wastes in non-permitted wastewater retention basins at their electrical generating stations in southern CA. Edison agreed to clean close the basins according to Chapter 15 of Title 22, CCR. The remainder of the property was to be evaluated under corrective action. When the site was sold, the new owner, AES, agreed to take over all responsibilities, including closure of the basins, groundwater monitoring and corrective action. As of 2012 the Monitoring Report indicated that monitoring of this issue was to continue. Other facilities located within the Redondo Beach Coastal Zone are listed on these databases.

No construction, modifications, alterations, or operations beyond what already occur in the project area would result from the proposed project. Thus, the proposed moratorium would not create a significant hazard to the public or the environment and *no impact* would occur.

e, f) The project area is not within an airport land use plan or within two miles of a public or private airport. The airport closest to the project area, Zamperini Field in Torrance, is located about four miles southeast of the project area. Therefore, the proposed moratorium would not result in safety hazards related to airports for people living or working at the project area and its vicinity, and the project would have *no impact* in this regard.

g) The proposed project would not generate any traffic, construction related or other, and therefore, would not cause congestion on local roadways that would interfere with emergency response or established evacuation procedures. The proposed project also does not propose any activity, including construction or modification of existing structures, excavation, or street closures or barriers, which would interfere with emergency response or an established evacuation route. Therefore, the project would have *no impact* relative to emergency access.

h) The project area is fully urbanized with no exposure to wildland fires. The project would have *no impact* in this regard.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY

– Would the Project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IX. <u>HYDROLOGY AND WATER QUALITY</u>				
– Would the Project:				
existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, e, f) The project area is located next to the waters of King Harbor and the Pacific Ocean. Construction or modification of buildings within the project area would have the potential to violate water quality standards, create runoff and/or substantially degrade water quality.



However, the proposed project is a temporary moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach and would not result in any construction or modification activities which may involve activities that would affect water quality. Therefore, there would be *no impact* related to water quality, erosion, and drainage.

b) The proposed project consists of a moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach. The project would not consume potable water or generate wastewater. It also would not interfere with groundwater recharge because it would not increase the amount of impermeable surface on any site within the Coastal Zone. Therefore, the project would have *no impact* on groundwater supplies or groundwater recharge.

c, d) The proposed moratorium would not substantially alter drainage patterns of any land in the Coastal Zone area because it would only prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach. Therefore, the project would have *no impact* in this regard.

g-j) The project is a temporary moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach and would not result in any construction activities or new housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The proposed project would not impede or redirect flood flows or place any new people or structures within an area subject to flooding, including from tseiche, tsunami, mud flow, or failure of a dam or levee. Therefore, the project would have *no impact* in these regards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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X. LAND USE AND PLANNING --

Would the proposal:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with an applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) The proposed moratorium would not result in any construction or modification of any



electrical generating facility in the Coastal Zone of Redondo Beach and thus would not physically divide an established community. Therefore, *no impact* would occur.

b, c) The proposed moratorium would not allow any new or altered land uses or developments that are inconsistent with any applicable general plan, land use plan, policy, specific plan, local coastal program, zoning, or regulation. It would therefore have *no impact* related to potential conflicts with applicable land use plans, policies, or regulations or an adopted habitat conservation plan or natural community plan.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XI. MINERAL RESOURCES --

Would the Project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) The proposed moratorium would not change the existing uses within the project area, does not propose activities which could affect mineral resources, and thus would have *no impact* related to the loss of availability of a known mineral resource.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XII. NOISE – Would the Project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XII. NOISE – Would the Project result in:

increase in ambient noise levels in the Project vicinity above levels existing without the Project?

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise?

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

The City of Redondo Beach has not adopted any thresholds or regulations addressing vibration. Vibration is a unique form of noise. It is unique because its energy is carried through buildings, structures, and the ground, whereas noise is simply carried through the air. Thus, vibration is generally felt rather than heard. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB) in the U.S.

Ground-borne vibration levels in excess of 100 VdB would damage fragile buildings and levels in excess of 95 VdB would damage extremely fragile historic buildings. No structures onsite or in the vicinity of the project area are fragile historic buildings. Thus, the proposed project would result in a significant impact if vibration levels during construction activity would exceed 100 VdB for a fragile building.

a-d) The proposed project is a temporary moratorium that would prevent the construction or alteration of electrical generating facilities in the Coastal Zone of Redondo Beach and would not change the use or intensity of use of any buildings in the Coastal Zone, nor would it result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. The proposed project would not cause any construction activities to take place and would not cause any groundborne vibration to occur. The project would not increase vehicle traffic on the surrounding streets and would not create any new sources of noise that may be audible to adjacent receptors. *No impact* would occur.



e, f) The project area is not within an airport land use plan or within two miles of a public or private airport. The closest airport to the project area, Zamperini Field in Torrance, is located about four miles to the southeast. The project would therefore not expose people living or working within the project area and its vicinity to excessive noise, and the proposed moratorium would have *no impact* in this regard.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING —

Would the Project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) The proposed moratorium does not involve any new residences or growth-inducing features, nor does it include any activities that would displace people or existing housing, thereby necessitating the construction of replacement housing elsewhere. Thus, it would have *no impact* with respect to population and housing.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XIV. PUBLIC SERVICES

- a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XIV. PUBLIC SERVICES

public services:

i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a.i-v.) The proposed moratorium does not involve any new construction, nor does it involve any activity that would directly or indirectly lead to population growth or otherwise require public services. Therefore, the project would not affect existing fire or police service ratios and response times or increase the demand for fire or police protection services. In addition, the project would not affect local schools, parks or other public facilities. For these reasons, *no impact* would occur.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XV. RECREATION --

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) The proposed moratorium does not involve the development of new residences or other uses that would directly or indirectly result in an increase in population or additional demand for park or recreational facilities. The project does not propose any recreational facilities that could be used by the public and would have *no impact* on recreational facilities.



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVI. TRANSPORTATION / TRAFFIC --				
Would the Project:				
a) Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) The proposed moratorium would not physically change any uses within the project area, including the AES Power Plant or any other site within the Redondo Beach Coastal Zone. No new traffic would be generated traffic as the result of the proposed project. The project would therefore have *no impact* with respect to traffic congestion.

c) As discussed in Section VIII, *Hazards and Hazardous Materials*, and Section XII, *Noise*, the project area is located about four miles from the nearest airport (Zamperini Field in Torrance). Given the distance from the proposed project area and the nearest airport, the project would



not present any impediments to air traffic, and would not affect air traffic patterns. Therefore, *no impact* would occur.

d, e) The proposed project would not introduce any design features such as sharp curves or dangerous intersections, or incompatible uses to any part of the Redondo Beach Coastal Zone that would substantially increase hazards at the site. Also, no construction activities would take place as a result of the proposed temporary moratorium and therefore, would not block or impede emergency access. Therefore, *no impact* would occur.

f) The proposed project would not result in changes to the public transportation system that would conflict with adopted policies plans or programs. Additionally, as described in Section XIII, *Population and Housing*, no significant population increase would result from the project that would increase the burden on public transportation. Therefore, the project would have *no impact* on public transportation.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS --

Would the Project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS --

Would the Project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-g) The proposed moratorium would not change any of the existing uses within the Redondo Beach Coastal Zone, and would not create any new demands related to the provision of wastewater, storm water, or water supply services. The proposed project would also have no effect on landfill or solid waste, as it would not result in any new construction or uses that generate solid waste. Therefore, the project would have *no impact* with respect to utilities and service systems.



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE —

a) Does the Project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) As discussed under Section IV, *Biological Resources*, the project would have **no impacts** on fish and wildlife species. As discussed under Item V, *Cultural Resources*, the project would not remove or damage any historic structures, though there are several in the Redondo Beach Coastal Zone, and there would be no potential for the event of discovery of subsurface cultural resources or remains as no construction would take place as a result of the proposed project. There would be **no impact** to important examples of the major periods of California history or prehistory.

b) All potential environmental impacts of the project have been determined in this Initial Study to have **no impact**. The proposed project was determined to have “No Impact” for all resource areas and therefore would not contribute to cumulative impacts and did not warrant further analysis.

c) The proposed moratorium does not have the potential for substantial adverse effects to human beings. Impacts related to noise, air quality, traffic, hazards/hazardous materials, and geology and soils were determined to have **no impact** or a **less than significant** impact and would therefore not cause substantial adverse effects on human beings, either directly or indirectly. All other potential environmental impacts of the project have been determined in



this Initial Study to have *no impact* or a *less than significant* impact, and would therefore also not cause substantial adverse effects on human beings, either directly or indirectly.



References

- California Air Resources Board. *Climate Change Emission Control Fact Sheet*, 2007.
http://www.arb.ca.gov/cc/factsheets/cc_newfs.pdf
- California Climate Change Center. *Climate Scenarios for California*. 2006.
- California Department of Conservation, California Geological Society. *Alquist Priolo Fault Zone Maps*. Website: <http://www.consrv.ca.gov/cgs/>. Accessed October 3, 2013.
- California Department of Conservation, Division of Mines and Geology. *State of California Seismic Hazard Zones, Redondo Beach Quadrangle Official Map*. March 1999.
- California Department of Conservation. *Los Angeles County Tsunami Inundation Maps*. Website: http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps. Accessed October 3, 2013.
- California Department of Toxic Substances Control. *Envirostor Database*. Website: <http://www.envirostor.dtsc.ca.gov/public/>. Accessed October 2, 2013.
- California Department of Water Resources. *Progress on Incorporating Climate Change into Management of California's Water Resources*. July 2006.
- California Energy Commission. *Inventory of California Greenhouse Gas Emissions and Sinks: 1990-2004*. Staff Final Report. CEC-600-2006-013-SF. December 2006.
- California Energy Commission. *Inventory Draft 2009 Biennial Report to the Governor and Legislature*. Staff Draft Report. March 2009.
- California Environmental Protection Agency, March 2006. *Climate Action Team Report to Governor Schwarzenegger and the Legislature*.
http://www.climatechange.ca.gov/climate_action_team/reports/2006-04-03_FINAL_CAT_REPORT_EXECSUMMARY.PDF.
- California Geological Survey. *Probabilistic Seismic Hazards Mapping Ground Motion Page*. Website: <http://www.conservation.ca.gov/CGS/rghm/psha/Pages/index.aspx>. Accessed October 2, 2013.
- California State Water Quality Control Board. *Geotracker database*. Website: <http://geotracker.waterboards.ca.gov/>. Accessed October 2, 2013.
- City of Redondo. *Draft Amendments to the Coastal Land Use Plan (LUP)*. Website: <http://www.redondo.org/civica/filebank/blobload.asp?BlobID=14143>. Accessed October 3, 2013.
- Intergovernmental Panel on Climate Change [IPCC], 2007: Summary for Policymakers. In: *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Solomon, S., D.



- Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M.Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.
- Kiparsky, Michael and Peter H. Gleick, 2003. *Climate Change and California Water Resources: A Survey and Summary of the Literature*. California Energy Commission Report 500-04-073.
- Parmesan C, Galbraith H. 2004. *Observed Ecological Impacts of Climate Change in North America*. Arlington, VA: Pew Cent. Glob. Clim. Change.
- Parmesan, C. 2004. *Ecological and Evolutionary Responses to Recent Climate Change*.
- South Coast Air Quality Management District. 2007 Air Quality Management Plan. June 1, 2007.
- South Coast Air Quality Management District. 1993 CEQA Air Quality Handbook. 1993. Accessed October 2013.
- South Coast Air Quality Management District, CEQA, Final Localized Significance Threshold Methodology, SCAQMD, June 2003. Available at:
http://www.aqmd.gov/CEQA/handbook/LST/Method_final.pdf
- United Nations Framework Convention on Climate Change (www.unfccc.int), 2007.
- United States Environmental Protection Agency. *CERCLIS database*. Website:
<http://www.epa.gov/superfund/sites/cursites/>. Accessed October 2, 2013.
- U.S. Environmental Protection Agency (USEPA). *Climate Change Technology Program (CCTP)*. December 2007. <http://www.epa.gov/climatechange/policy/cctp.html>.
- United States Environmental Protection Agency. *EnviroMapper database*. Website:
<http://www.epa.gov/emefdata/em4ef.home>. Accessed October 2, 2013.
- U.S. Environmental Protection Agency (USEPA). *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2006*. April 15, 2008 Final.



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Attachment B

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November 21, 2013

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RECEIVED
NOV 21 2013

PLANNING DIVISION
CITY OF REDONDO BEACH

**RE: Comments on the Draft Initial Study/Negative Declaration for the 2013
Coastal Zone Electrical Generation Facility Moratorium Interim Ordinance**

Dear Mr. Jones:

On behalf of AES Southland Development, LLC ("AES"), we submit these comments on the draft Initial Study/Negative Declaration ("IS/ND") for the City of Redondo Beach's ("City") proposed 2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance ("the proposed Project").

- 1. Insofar as the proposed Project purports to apply to the Redondo Beach Energy Project ("RBEP")¹, the proposed ordinance is pre-empted by state law.**

The City has asserted that the proposed ordinance is intended to apply to the RBEP.² The "news details" published on the City of Redondo Beach website states that the Project "would specifically affect AES [as] the company currently operating the only electrical generating

¹ On November 20, 2012, AES filed an Application for Certification of the RBEP with the California Energy Commission. The RBEP is a proposed 496 megawatt natural-gas fired, combined cycle, air-cooled generating facility located within the site of the existing Redondo Beach Generating Station.

² See, for example, the Redondo Beach City Council meeting of September 3, 2013, where the Council provided direction to the City Attorney to draft a moratorium applicable to the RBEP site.

facility in the City's Coastal Zone.”³ To the extent that the proposed ordinance purports to apply to the RBEP currently under review by the California Energy Commission, the proposed Project is preempted by state law. California Public Resources Code section 25500 specifically vests with the California Energy Commission the exclusive authority to permit thermal power plants of 50 megawatts or more. Certification by the California Energy Commission is in lieu “of any permit, certificate, or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.” (Cal. Public Resources Code § 25500.)

If the City intends to proceed with the proposed ordinance, it may lawfully do so only by expressly exempting thermal energy generating facilities of 50 MW or more from the provisions of the ordinance.

2. Only the California Energy Commission has the authority to issue California Environmental Quality Act (“CEQA”) environmental documentation relating to actions involving the licensing of the RBEP.

The October 31, 2013 public notice issued by the City asserts that the City is the lead agency for compliance with CEQA. This is incorrect insofar as the proposed Project affects the site and related facilities of a project under review by the California Energy Commission. With respect to the licensing of the RBEP, the California Energy Commission is vested by statute with the role as lead agency. California Public Resources Code § 25519(c) states that “The commission shall be the lead agency as provided in Section 21165 for all projects that require certification pursuant to this chapter. . . . If the commission prepares a document or documents in the place of an environmental impact report (“EIR”) or negative declaration under a regulatory program certified pursuant to Section 21080.5, any other public agency that must make a decision that is subject to the California Environmental Quality Act, Division 13 (commencing with Section 21000), on a site or related facility, shall use the document or documents prepared by the commission in the same manner as they would use an environmental impact report or negative declaration prepared by a lead agency.”

The California Energy Commission has already assumed this role and is actively engaged in preparing the environmental documents for the RBEP under its certified regulatory program.⁴ Therefore, insofar as the proposed ordinance purports to apply to RBEP, the City is required by law to make a decision on the proposed ordinance based upon the environmental documentation prepared by the Commission in the same manner as it would use an environmental impact report

⁴ On August 27, 2013 the California Energy Commission accepted the Application for Certification for the RBEP as data adequate. (See, Transcript for the August 27, 2013 California Energy Commission Business Meeting, pp. 63-64, available at http://www.energy.ca.gov/business_meetings/2013_transcripts/2013-08-27_transcript.pdf).

generating facilities it is intended to apply. It is not clear, for example, whether the scope of the proposed Project is limited to the City's issuance of certain discretionary permits as stated on page 3 of the IS/ND, or whether the proposed Project is intended to "prevent the construction, expansion, replacement, modification, or alteration of any facilities for on-site generation of electricity on any property located in the Coastal Zone of Redondo Beach,"⁸ regardless of whether the City has any discretionary approval over such construction.

The City has stated that the actual details of the project, including the duration and scope of the moratorium, will not be disclosed until after the public comment period is closed. In essence, the City is putting the cart before the horse. It is attempting to complete the environmental review before the proposed Project is disclosed. This is a clear violation of CEQA. The failure by the City to provide the public with the essential details of the proposed Project prevents the public from being able to make informed comments regarding the Project, and precludes proper evaluation of the proposed Project, including consideration of whether the proposed Project will have a significant effect on the environment. A "negative declaration is inappropriate where the agency has failed either to provide an accurate project description or to gather information and undertake an adequate environmental analysis." (*City of Redlands v. County of San Bernardino*, 96 Cal. App. 4th 398, 406.) Therefore, the draft IS/ND should be withdrawn, and reissued only after the actual terms of the proposed ordinance have been disclosed and made available for evaluation by the City and the public.

4. The California Energy Commission has the exclusive authority under State law to determine the RBEP's consistency with applicable laws, ordinances, regulations, and standards ("LORS"), including the City's local land use laws.

Although the details of the proposed Project have not been provided by the City, the IS/ND states that if the Project is approved by the City, "any proposal for new or modified electrical generating facilities within the City's Coastal Zone would be considered inconsistent with the Ordinance and with the City's land use policies and zoning regulations." As applied to the RBEP, the determination of the RBEP's consistency with local land use LORS is delegated by statute to the California Energy Commission. (*See*, Public Resources Code §§ 25500, 25523.) While the City may express its views to the Commission regarding the conformance or consistency of RBEP with applicable LORS (20 C.C.R. § 1744), only the California Energy Commission is authorized to make findings for RBEP regarding this issue as a matter of law. (*See*, Public Resources Code §§ 25500, 25523.) Therefore, any reference to the consistency of RBEP to the City's land use policies and zoning ordinances should be stricken from the proposed ordinance and from consideration in the draft IS/ND.

⁸ This broader characterization of the proposed Project, without reference to discretionary permits issued by the City, is stated at pages 9, 13, 23 and 26 of the IS/ND.

5. The IS/ND fails to adequately evaluate the significant impacts of the proposed ordinance.

The CEQA Guidelines provide that a lead agency “shall find that a project may have a significant effect on the environment” and prepare an EIR where a project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. (14 C.C.R. § 15065(a)(2).) As proposed, the moratorium Project would bar the “approval of any conditional use permit, coastal development permit or any other discretionary City permit for the construction, modification, or alteration of any electrical generating facilities for the on-site generation of electricity within the Coastal Zone,” which would include environmentally beneficial proposals for modifications to existing facilities such as RBEP as well as new renewable energy facilities of any size. Thus, the Project would disadvantage the achievement of long-term environmental goals such as reduced greenhouse gas emission levels that would be achieved through the use of more efficient gas-fired and solar generating facilities.

If applied to the RBEP, the Project would disadvantage the achievement of other long-term environmental goals such as eliminating the use of ocean water for cooling purposes and enabling the integration of intermittent renewable energy resources to achieve California’s Renewable Portfolio Standards. The moratorium will have a significant impact on the environment due to the long-term environmental goals that will be disadvantaged by the Project. Therefore, an EIR must be prepared for the Project.

The IS/ND also fails to correctly characterize the impact of the proposed Project on air and water quality resources. The proposed Project is not merely a moratorium on new development; it is also a moratorium on the modification of existing facilities, including modifications that are necessary to comply with air quality plans and water quality standards. Insofar as the proposed Project purports to prevent modifications to facilities that would reduce air quality emissions and thus further progress toward attainment of health-based air quality standards, the proposed Project directly conflicts with and obstructs the applicable air quality plan. Similarly, to the extent that the proposed Project purports to prevent modification of fossil-fueled power plants that would eliminate once-through cooling, the proposed Project would violate the water quality standards expressed in State Water Resources Board Resolution 2010-0020.

CONCLUSION

In summary, the draft IS/ND is defective on numerous substantive and procedural grounds. The draft IS/ND exceeds the legal authority of the City, attempts to usurp the lead agency role of the California Energy Commission, has been issued before the essential details of the proposed Project have been disclosed, and fails to adequately disclose the significant adverse impacts of the proposed Project. The IS/ND should be withdrawn. The IS/ND should be reissued only after the proposed ordinance is disclosed and after RBEP is excluded from the

November 21, 2013
Page 6

scope of the ordinance. Alternatively, if the ordinance intends to apply to the RBEP, the City may consider adoption of the ordinance only after the California Energy Commission has completed its environmental review of the RBEP.

Sincerely,



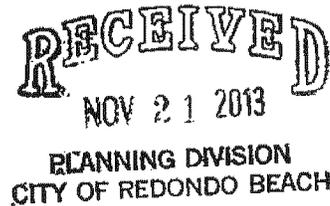
Greggory L. Wheatland
Ellison, Schneider & Harris
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816
Tel: (916) 447-2166
Fax: (916) 447-3512
E-mail: glw@eslawfirm.com

Attorneys for AES Southland Development, LLC

cc: Eleanor Manzano, City Clerk
Mike Webb, City Attorney

P.O. Box 118
Redondo Beach, CA 90277
November 19, 2013

Aaron Jones
Community Development Director
City of Redondo Beach
415 Diamond St.
Redondo Beach, CA 90277



Subject: 2013 Coastal Zone Moratorium

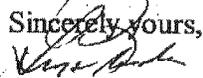
Dear Aaron Jones,

There are few errors I would like to point out in the 2013 Coastal Zone Moratorium.

1. Page 6, Figure 2: I did not realize that part (Portofino and Jack Crab Shack) of the harbor was outside the Coastal Zone. When did this happen?
2. The boundary of the moratorium described on page one is incorrect. The southern boundary at PCH is not Palos Verdes Blvd. That portion is in the City of Torrance. In fact, I believe that Vons on Palos Verdes Blvd. is in the City of Torrance.
3. I question the land use description of the Coastal Zone on page 3. The Coastal Zone contains many high-density multi-family residences, especially along the waterfront. We need to be accurate in the legal document. Why is the city accepting sloppy work from contractor?
4. On page nine, the phrase: "...the PCH provides scenic vistas of the California coastline and Pacific Ocean in Redondo Beach." I question that PCH provides a scenic vista along PCH in Redondo Beach. This section must be redone.
5. Redondo Beach has tree-trimming ordinance, page 14, but the city do not enforce it. A pair of herons nested in the palm tree two residential establishments south of where I move into on the Esplanade in 2006. But in the last season, they no longer nested in the palm tree because of tree trimming. However, I did notice the heron on the pier begging for fish in April.
6. The salt lake location on page 16 is incorrect. The location is not 200 feet west of AES Power Plant. This description put the salt lake in the ocean. I believe part of the AES Power Plant complex is on the historical salt lake. How can one miss locate such an important landmark?
7. On page 21, Item (c): why is "The Redondo School of Dance and Music and the Yak Academy school offering foreign language classes to children between the ages of 1-10 are both located within the project area." included under HAZARDS AND HAZARDOUS MATERIALS? It just doesn't make sense. These are located in King Harbor Plaza. Is the King Harbor Plaza also part of the moratorium?

I think you need to review the document, as it appears that no one has reviewed the document. I do not care to go on with the review.

Sincerely yours,


George Ikeda

City of Redondo Beach
2013 Coastal Zone Electrical Generating Facility
Moratorium Interim Ordinance

Response to Comments

December 2013

2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance
Response to Comments on the Initial Study/Negative Declaration

Under the California Environmental Quality Act (“CEQA”) there is no requirement to prepare response to comments for a Negative Declaration. (CEQA Guidelines § 15074(b).) Even in the context of an EIR, response to comments “...need only respond to significant environmental issues...” (CEQA Guidelines § 15204(a).) Nevertheless, the City addresses some of the issues raised in the comment letters submitted to the City below.

Response A1 [Comment from Gregory L. Wheatland on behalf of AES Southland Development, LLC]

The comment states:

To the extent that the proposed ordinance purports to apply to the RBEP currently under review by the California Energy Commission, the proposed Project is preempted by state law. California Public Resources Code section 25500 specifically vests with the California Energy Commission the exclusive authority to permit thermal power plants of 50 megawatts or more.

The City disagrees with the characterization of the California Energy Commission’s certification jurisdiction. (See *Dept. of Water and Power v. Energy Resources Conservation and Development Comm’n* (1991) 2 Cal.App.4th 206, 227 [“Since the repowering project is not ‘construction’ of a new facility and is not a ‘modification’ that will result in a 50–megawatt or more *increase* in the station’s generating capacity, the Energy Commission has no certification jurisdiction over the repowering project.”])

It is clear that the California Legislature did not intend to preempt municipalities from adopting land use regulations when the California Energy Commission (“CEC”) has jurisdiction. Public Resources Code § 25525 expressly contemplates local regulations:

The commission may not certify a facility contained in the application when it finds, pursuant to subdivision (d) of Section 25523, that the facility does not conform with any applicable state, *local*, or regional standards, *ordinances*, or *laws*, unless the commission determines that the facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving public convenience and necessity. (Emphasis added.)

The comment tacitly acknowledges the City’s authority to adopt land use regulations, such as the moratorium ordinance, in Section 4 of the comment letter (“RBEP’s consistency with local land use [laws, ordinances, regulations, standards] is delegated by statute to the California Energy Commission.”).¹ This issue is addressed further in the City’s Administrative Report.

¹ While not expressly defined in the commenter’s letter, the commenter has previously defined the RBEP project as follows: “The Redondo Beach Energy Project (RBEP) is a natural-gas-fired, combined-cycle, air-cooled electrical generating facility with a net generating capacity of 496 megawatts (MW)¹ and gross generating capacity of 511 MW, that will replace, and be constructed on the site of the AES Redondo Beach Generating Station, an existing

Response A2

Comment A1 suggests that the City is preempted from adopting the moratorium.² Building upon this argument, Comment A2 suggests that "...the California Energy Commission is vested by statute with the role as lead agency. California Public Resources Code § 25519(c) states that 'The commission shall be the lead agency as provided in Section 21165 for all projects that require certification pursuant to this chapter...'"

Please see Response A1 regarding preemption. The City is not proposing a project that "...require[s] certification pursuant to [Public Resources Code, Chapter 6 (e.g. construction or modification of a powerplant).]" The City recognizes that if CEC has jurisdiction, CEC has authority to certify construction or modification of a power plant. However, here the City has proposed a moratorium ordinance, pursuant to Government Code 65858, which would require the CEC to make the override findings concerning public necessity and absence of alternatives, as required by Pub. Res. Code § 25525.

The City is the appropriate lead agency for the moratorium; the Government Code 65858 expressly provides that:

...the legislative body of a county, city, *including a charter city*, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.

The City Council of Redondo Beach has been vested with the City's legislative powers and is the appropriate decision making body to consider the moratorium ordinance. Therefore the City of Redondo Beach is the appropriate CEQA lead agency. (Redondo Beach City Charter § 9; CEQA Guidelines § 15356.)

and operating power plant in Redondo Beach, California." (AES, Application for Certification, Project Description, page 1.) The Project would replace the existing natural gas power plant located on the site.

² The moratorium ordinance may also be referenced in this document or the Administrative Report as the "urgency ordinance," the "proposed project," "project," "ordinance", "proposed ordinance" or "2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance."

Response A3

The comment suggests that “the City has failed to provide a clear description of the ‘proposed project’, in this case – the proposed ordinance.” A copy of the proposed ordinance has been prepared and is included in Attachment C to the Administrative Report for this Project.

Contrary to the allegations in the comment, the level of detail provided in the negative declaration is consistent with the requirements of CEQA. CEQA Guidelines § 15071 states that “A negative declaration circulated for public review shall include: (a) a *brief description of the project*, including a commonly used name for the project, if any.” (Emphasis added.) Similar direction is also provided for an EIR under CEQA Guidelines § 15124 which states that (1) “[t]he description of the project shall contain the following information *but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact*” (emphasis added; CEQA Guidelines § 15124), and (2) the project description shall include “a list of permits and other approvals required to implement the project.” (CEQA Guidelines §15124(d)(1)(B).) (See also *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20 [“Appellants have not established that the general description of the diversion structures in the EIR coupled with approval of final designs after the project is approved violated any CEQA mandate.”].)

Similar issues were also raised and rejected by the Court of Appeal in *Ogawa v. City of Palo Alto* (Nonpublished; 6th App. Dist., 2013, Case No. H037950).³ In *Ogawa* petitioners alleged “...the negative declaration did not adequately described the Project because it did not reference the capital improvements program or the VTA grant application.” (Slip Opinion at 8.) In denying the petition on these grounds the Court noted:

Appellants do not argue here that the negative declaration inadequately described the physical elements of the Project. At issue is whether City was required to include certain administrative decisions or approvals in its description of the Project...Case law likewise has noted that “project” “refers to the underlying activity which maybe subject to approval by one or more governmental agencies; it does not refer to each of the several approvals sequentially issued by different agencies.” (*Committee for a Progressive Gilroy v. State Water Resources Control Bd.* (1987) 192 Cal.App.3d 847, 863.)...Here, the “underlying activity” potentially impacting the environment consists of the streetscape enhancement improvements described above. The negative declaration and the attached study describe the physical aspects of these improvements and analyze their potential impacts in detail. The documents provide (1) a commonly used name for the project, e.g. “California Streetscape Improvements—Phase II”; (2) a map showing the location; (3) a finding that the Project could not have a significant impact on the environment; and (4) an initial study documenting the reasons to support the finding. Appellants do not dispute the accuracy of any of these descriptions or findings...

³ A full copy of the *Ogawa* opinion is available online at: <http://www.courts.ca.gov/opinions/nonpub/H037950.PDF>

2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance
Response to Comments on the Initial Study/Negative Declaration

The omitted actions here—the passage of a resolution and the approval of a financing mechanism—had no direct physical impacts whatsoever. To the extent these actions had indirect physical effects, e.g. by allowing the Project to proceed, these effects consisted entirely of the physical impacts of the approved street enhancement activities, which were already analyzed in the negative declaration and the attached initial study.³

In other words, the negative declaration properly reviewed the potential impacts of the project as a whole. Therefore, appellants' contention that City should have separately reviewed the impact of purely non-physical, administrative activities associated with the Project—the physical impacts of which had already been reviewed in their entirety—lacks merit. (Slip Opinion at 9-11.)

Unlike the *Ogawa* opinion, the City listed the approval of the ordinance in the title of the project ("2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance") and noted the use of an ordinance in the Negative Declaration project description:

The City of Redondo Beach is proposing to adopt a temporary moratorium on the approval of any conditional use permit, coastal development permit or any other discretionary City permit for the construction, modification or alteration of any facilities for the on-site generation of electricity within the Coastal Zone. To protect the public safety, health, and welfare of its citizens, *Government Code 65858 allows a city council to adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning measures that the city is considering, studying, or intends to study within a reasonable time.* This proposed moratorium would apply throughout the coastal zone in the City of Redondo Beach. While the AES power plant (Power Plant) is the only existing power plant in the City's Coastal Zone, this moratorium would also prevent any new power plants from being constructed within the project area (e.g., the City's Coastal Zone). (Emphasis added; Negative Declaration, page 3.)

The contents of the Negative Declaration Project description are substantively identical to the provisions provided in Section 1 of the proposed ordinance:

There is hereby imposed a moratorium on the approval of any conditional use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Redondo Beach.

The comment letter states, "Without knowing the duration of the proposed moratorium, whether it is a month, a year, or longer, it is impossible to assess the impacts of the proposed action."

The Project Description expressly provides that it was for the adoption of a moratorium ordinance pursuant to Government Code § 65858, which states in part, "The interim ordinance shall be of no

2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance
Response to Comments on the Initial Study/Negative Declaration

further force and effect 45 days from its date of adoption,” and provides additional procedures related to short term extensions. Additional discussion of the time period is described in the Administrative Report and Section 3 of the proposed ordinance (Attachment C.)

The comment further states “It is not clear, for example, whether the scope of the proposed Project is limited to the City’s issuance of certain discretionary permits as stated on page 3...” The comment then proceeds to suggest an inconsistency between Negative Declaration page 3 (“Project Description”) and pages 9, 13, 23, and 26 contained within the “Environmental Checklist.” There is no inconsistency between the project description and the environmental analysis. It is not necessary for the City to repeat every detail of the project description throughout the body of the environmental analysis. The City’s Negative Declaration complies with the requirements of CEQA and does not need to be “...withdrawn, and reissued...” as suggested by the comment.

Response A4

The comment states:

While the City may express its views to the Commission regarding the conformance or consistency of RBEP with applicable LORS (20 C.C.R. § 1744), only the California Energy Commission is authorized to make findings for RBEP regarding this issue as a matter of law...Therefore, any reference to the consistency of RBEP to the City’s land use policies and zoning ordinance should be stricken from the proposed ordinance and from consideration in the draft IS/ND.

Please see Response A1 and A2. The comment does not cite any specific language in the Negative Declaration/Initial Study. The language provided in the Negative Declaration/Initial Study is appropriate and complies with the requirements of CEQA. Even if not required by CEQA, there is nothing under CEQA that precludes the City from including other information in the environmental document, Administrative Report, or Ordinance that the City believes to be important to the decision makers or the public.

Furthermore, the City is entitled to create a contemporaneous interpretation of the proposed ordinance. (See *Industrial Indemnity Co. v. Workers Comp. Appeals Bd.* (1985) 165 Cal.App.3d 633, 638.) An agency’s interpretation of its own zoning is entitled to great weight. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1193.) For all these reasons, the City believes it is appropriate to create a record of interpretation related to the moratorium and its effect under Pub. Res. Code § 25525 (including the information provided in the “Background” discussion of the Administrative Report).

Response A5

The comment suggests that the ordinance:

“...would bar...environmentally beneficial proposals for modifications to existing facilities such as the RBEP as well as new renewable energy facilities of any size. Thus,

2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance
Response to Comments on the Initial Study/Negative Declaration

the Project would disadvantage the achievement of long-term environmental goals such as reduced greenhouse gas emission levels that would be achieved through the use of more efficient gas-fired and solar generating facilities.”

As described above and in the Administrative Report, if the CEC is found to have jurisdiction over a project, the CEC may still approve a project if it complies with the standards provided under Pub. Res. Code § 25525. As also discussed under Response A3, the proposed moratorium is a short term ordinance. Furthermore, the purpose of the CEQA analysis is to provide a comparison of the project’s impacts in comparison to *existing conditions*. (See CEQA Guidelines § 15125(a), 15126.2(a); *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”].)

Response B1 and B2 [George Ikeda]

The comment states that “I did not realize that part (Portofino and Jack’s [sic] Crab Shack) of the harbor was outside the Coastal Zone” and references Figure 2 of the Initial Study. The comment goes on to state “the boundary of the moratorium described on page on is incorrect. The southern boundary at PCH is not Palos Verdes Blvd.”

The Negative Declaration is only required to provide a sufficient level of detail to determine whether the project will have a significant impact on the environment. As discussed under CEQA Guidelines § 15124 “the description of the project...should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” Similar standards also apply to the description of the existing environmental setting. (CEQA Guidelines § 15125(a).)

The commenter appears to be referencing Joe’s Crab Shack and Portofino Hotel located respectively at 260 Portofino Way and 230 Portofino Way. Figure 2 was not intended to provide a precise boundary map for individual parcels contained within the coastal zone. The City qualitatively acknowledges these two properties are included in the Coastal Zone; however, the precise boundaries of the Coastal Zone are set pursuant to the Coastal Act (Pub. Res. Code §§ 30103, 30103.5, and 30150-30174). As noted on page 1 of the Negative Declaration “the Project area includes the entire Coastal Zone of the City of Redondo Beach *as designated by the California Coastal Commission*.” Please also note that there are several parcels within the City’s borders that are located on Palos Verdes Blvd.⁴

Response B3

The comment states “I question the land use description of the Coastal Zone on page 3. The Coastal Zone contains many high-density multi-family residences, especially along the waterfront. We need to be accurate in the legal document.”

As noted under CEQA Guidelines § 15125(a) “the environmental setting shall be no longer than necessary to an understanding of the significant effects of the proposed project and its alternatives.”

⁴ Redondo Beach Zoning Map is available online at:
<http://www.redondo.org/civica/filebank/blobdload.asp?BlobID=24217>

2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance
Response to Comments on the Initial Study/Negative Declaration

The discussion of the existing setting in the Negative Declaration complies with this requirement. Furthermore, the commenter appears to be referencing the following language in the Negative Declaration:

The *land uses surrounding the project area* are similar to those within the Coastal Zone, but are predominantly low density multi-family residential single family residential and public or institutional.

Contrary to the suggestion in the comment, this language does not suggest there is no high density development in the Coastal Zone.

Response B4

Comment noted. Please see Response B3 regarding legal standards for the environmental setting.

Response B5

Comment noted.

Response B6

The City revises the language on 16 of the Negative Declaration/Initial Study as follows:

Old Salt Lake -located at the southeast corner of Harbor Drive and Yacht Club Way, approximately 200 feet ~~west~~ east of the AES Power Plant.

Response B7

Item VIII(c) in the Initial Study asks whether the Project would “Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school.”

Consequently it is appropriate that the analysis for this question incorporates discussion of a school.

Attachment 5

Addendum to the Negative Declaration for the “2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance.”

As described under CEQA Guidelines Section 15164, “the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” CEQA Guidelines Section 15164 generally requires a subsequent EIR due to the “...involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”

Under CEQA, impacts are made in comparison to the existing physical conditions. (CEQA Guidelines Sections 15125(a) and 15126.2(a).) Similarly, any such changes to the existing environment, must be *caused* by the project. (CEQA Guidelines Section 15130(a)(1); *Walmart Stores, Inc v. City of Turlock* (2006) 138 Cal.App.4th 273 [“...courts could not presume that the enactment of a zoning ordinance ‘may cause....a...physical change in the environment’ (§ 21065), but would have to review the administrative record for evidence establishing both the requisite causal link as well as the requisite physical change in the environment.” (overruled on other grounds in *Hernandez v. City of Hanford* (2007) 41 Cal.4th 279).)

In December 2013, the City Council of the City of Redondo Beach adopted a Negative Declaration for the “2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance.” This Negative Declaration determined that there would be no environmental impacts associated with a “temporary moratorium on the approval of any conditional use permit, coastal development permit or any other discretionary City permit for the construction, modification or alteration of any facilities for the on-site generation of electricity within the Coastal Zone...While the AES power plant (Power Plant) is the only existing power plant in the City’s Coastal Zone, this moratorium would also prevent any new power plants from being constructed within the project area.” (ND page 3.)

In the Negative Declaration, the City concluded that the act of prohibiting new Electrical Generating Facilities in the Coastal Zone would not result in any physical activities that would affect the *existing physical environment*.

The purpose of the moratorium ordinance is to provide a sufficient time period for the City to propose a permanent change to its zoning regulations. (Government Code Section 65858(d).) The City has proposed permanent modifications to its zoning/planning documents: (1) prohibit (City-wide) the following uses: (A) new Electricity Generating Facilities of 50 Megawatts or more, and (B) modifications, including alteration, replacement or improvement of equipment, that result in a 50 megawatt or more increase in the electric generating capacity of an existing Electricity Generating Facility, and (C) construction of any Electricity Generating Facility subject to the California Energy Commission’s jurisdiction under Public Resources Code Section

25502.3, (2) remove off-site Electricity Storage uses and on-site commercial Electricity Storage from the definition of Public Utility Facility (thereby eliminating these uses from zones which allow Public Utility Facilities). Additional details on these proposed modifications are contained in the Resolutions contained in the Attachments to Planning Commission's Administrative Report for this item. Any existing uses, such as the existing AES power plant, would become non-conforming uses. This would not however require any physical changes to these existing facilities. (RBMC Section 10-5.2002.) For the same reasons described in the Negative Declaration for the "2013 Coastal Zone Electrical Generating Facility Moratorium Ordinance," the proposed modifications would not result in "new significant environmental effects or a substantial increase in the severity of previously identified significant effects." For example,

1. The proposed modifications would prevent specified types of electrical generating/storage facilities from being constructed or altered and thus would ensure that scenic vistas would not be adversely affected by their construction or operation.
2. The proposed modifications would prevent the construction or alteration of specified types of electrical generating/storage facilities and therefore would not result in any new source of substantial light or glare.
3. The project area is not located on or near farmland, forest land, or timberland, and would involve no other changes in the existing environment that would result in conversion of farmland to non-agricultural use.



CITY OF REDONDO BEACH

INTER-DEPARTMENTAL MEMORANDUM

BLUE FOLDER ITEMS

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

Regular Meeting of the Planning Commission May 14, 2015

VII. PUBLIC HEARINGS

5. A Public Hearing to consider Draft Amendments to the Redondo Beach General Plan, Harbor/Civic Center Specific Plan, Zoning contained in Title 10, Chapter 2 of the Municipal Code, the Coastal Land Use Plan, and Coastal Zoning contained in Title 10, Chapter 5 of the Municipal Code collectively referenced as the "Draft Amendments" or "Amendments." The Amendments relate to the permitted uses of property in the Coastal Zone placing further restrictions on uses related to Electrical Generating Facilities and Electricity Storage/Battery Storage facilities.

APPLICANT:	City of Redondo Beach
PROPERTY OWNER:	N/A
LOCATION:	City-wide
CASE NO.:	2015-05-PC-007

Revised Resolutions No. 1, No. 2, and No. 3

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE REDONDO BEACH CITY COUNCIL ADOPT MODIFICATIONS TO TITLE 10, CHAPTERS 2 OF THE REDONDO BEACH MUNICIPAL CODE & ADDING TITLE 10, CHAPTER 7 RELATED TO ELECTRICITY GENERATING FACILITIES

WHEREAS, on April 30, 2015 and May 2, 2015 the City published two separate notices in the Daily Breeze, a newspaper of general circulation in the City, related to the proposed modifications contained herein;

WHEREAS, on May 14, 2015, the Planning Commission of the City of Redondo Beach reviewed and considered an update to Redondo Beach Municipal Code Title 10, Chapters 2, and new language in Title 10, Chapter 7 related to Electricity Generating Facilities;

WHEREAS, on May 14, 2015, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, in accordance with CEQA Guidelines Section 15025(c) the Planning Commission reviewed and considered the use of a Categorical Exemption contained in CEQA Guidelines Section 15061(b)(3) [Common Sense Exemption], as well as an Addendum to the Negative Declaration adopted by the City Council on December 3, 2013 ("2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance")

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that the above recitals are true and correct, and are incorporated herein by reference as if set forth in full.

SECTION 2. The Planning Commission recommends to the City Council that the Redondo Beach Municipal Code be amended as follows:

SECTION A. Redondo Beach Municipal Code, Title 10, Chapter 2 (Zoning), Section 10-2.402(a)(128) is amended as provided below. Additional language is shown in double underline, and deletions are shown in strikeout. Where existing intervening text, subsections, or sections have been omitted from this ordinance and are not specifically deleted, they shall not be considered amended or

deleted and should therefore be considered retained in their current state (such language may be displayed as "...")

...

(128) "**Public utility facility**" shall mean a building or structure used or intended to be used by any public utility including, but not limited to, (1) any gas treatment plant, reservoir, tank or other storage facility, (2) water treatment plant, well, (3) reservoir, tank or other water or gas storage facility, (4) ~~e-Electricity g-Generating~~ Facilities (except for those prohibited by Title 10, Chapter 7) plant, (5) distribution or transmission substation, (6) telephone switching or other communications plant, earth station or other receiving or transmission facility, (7) any storage yard for public utility equipment or vehicles and any parking lot for parking vehicles or automobiles to serve a public utility. The term "public utility" shall include every gas, electrical, telephone and water corporation serving the public or any portion thereof for which a certificate of public convenience and necessity has been issued by the State Public Utility Commission.

SECTION B. Redondo Beach Municipal Code, Title 10, Chapter 7 ("Electricity Generating Facility Limitations"), Section 10-7.101 is hereby added as provided below. Additional language is shown in double underline.

10-7.101 Electricity Generating Facility Limitations

- (a) **Purpose and findings.** The City Council finds that the Power Plant built within the City of Redondo Beach was constructed at a time when large electrical generation plants were commonly located near the ocean in order to allow the use of ocean water for cooling of the generating facilities. The State Water Resources Control Board has adopted Resolution No. 2010-0020 generally requiring coastal power plants to stop using ocean water to cool their steam-turbine generating units throughout the State of California by 2020. This means that new plants do not need to be located near the coast and should instead be built away from populated urbanized areas. Power Plants are economically damaging to the City as a whole and harmful to the public health, welfare and safety. The City of Redondo Beach has serious concerns about the lasting negative impacts on the health, safety and welfare of the community for generations to come that would result from building a new power plant that will likely run more often than the existing plant currently does. Given that such facilities no longer need to be located in proximity to the ocean, and

the adverse effects of such facilities described above, the City desires to prohibit (1) the construction of all new Electricity Generating Facilities of 50 megawatts or more in the City of Redondo Beach, (2) modifications, including alteration, replacement or improvement of equipment, that result in a 50 megawatt or more increase in the electric generating capacity of an existing Electricity Generating Facility, and (3) construction of any facility subject to the California Energy Commission's jurisdiction under Public Resources Code Section 25502.3.

- (b) **Definitions.** The following terms and phrases, whenever used in this chapter, shall be construed as defined in this section. The rules for construction of language, contained in Section 10-2.401, are also applicable to this Section.
- (1) **"Electricity Generating Facility"** shall mean any stationary or floating electrical generating facility using any source of thermal energy and any facilities appurtenant thereto.
- (c) **Prohibition on Electricity Generating Facilities.** There is a prohibition on all property in the City of Redondo Beach on: (1) the construction of all new Electricity Generating Facilities of 50 megawatts or more, (2) modifications, including alteration, replacement or improvement of equipment, that result in a 50 megawatt or more increase in the electric generating capacity of an existing Electricity Generating Facility, and (3) construction of any facility subject to the California Energy Commission's jurisdiction under Public Resources Code Section 25502.3. No permit or any other applicable license or entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the establishment, maintenance or operation of an Electricity Generating Facility within the City limits of Redondo Beach that falls within this prohibition.

SECTION 3. That the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 14th day of May, 2015.

RESOLUTION #1

, Chairman
Planning Commission
City of Redondo Beach

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF REDONDO BEACH)

SS

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California do hereby certify that the foregoing Resolution No. CC-____-____ was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 14th day of May, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

Michael W. Webb, City Attorney

RESOLUTION NO.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE REDONDO BEACH CITY COUNCIL ADOPT MODIFICATIONS TO THE HARBOR/CIVIC CENTER SPECIFIC PLAN RELATED TO ELECTRICITY GENERATING FACILITIES

WHEREAS, on April 30, 2015 and May 2, 2015 the City published two separate notices in the Daily Breeze, a newspaper of general circulation in the City, related to the proposed amendments contained herein;

WHEREAS, on May 14, 2015, the Planning Commission of the City of Redondo Beach reviewed and considered an update to the Harbor/Civic Center Specific Plan related to Electrical Generating Facilities and Electrical Storage Facilities;

WHEREAS, on May 14, 2015, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, in accordance with CEQA Guidelines Section 15025(c) the Planning Commission reviewed and considered the use of a Categorical Exemption contained in CEQA Guidelines Section 15061(b)(3) [Common Sense Exemption], as well as an Addendum to the Negative Declaration adopted by the City Council on December 3, 2013 (“2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance”)

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that the above recitals are true and correct, and are incorporated herein by reference as if set forth in full.

SECTION 2. The Planning Commission recommend to the City Council that the Harbor/Civic Center Specific Plan be amended by resolution as provided in SECTION A below.

SECTION A. Catalina Avenue Sub-Area – Zone 2 of the Harbor Civic Center Specific Plan is amended as provided below. Additional language is shown in double underline, and deletions are shown in ~~strikeout~~.

Land Use/Development Policies

Primary Land Uses

- Public Utility Facilities Land Uses, as defined in in Title 10 of the Municipal Code, are subject to the regulations contained therein, including but not limited to requirements for the ~~subject to the granting of a Conditional Use Permit (including, but not limited to, facilities, structures, equipment and storage related to the operation of a public utility) to the extent determined to be legally permissible. Minor additions or changes may be exempted from the requirement of a Conditional Use Permit.~~
- Parks, Recreation and Open Space

Alternative Land Uses

- None

Urban/Architectural Design Policies

Maximum Permitted Building Density

- To be determined by the City Planning Commission during the appropriate Site Plan and Design Review procedures associated with and necessary for the issuance of a conditional use permit.

Maximum Permitted Building Height

- To be determined by the City Planning Commission during the appropriate Site Plan and Design Review procedures associated with and necessary for the issuance of a conditional use permit.

Required (Horizontal) Building Setbacks

- To be determined by the City Planning Commission during the appropriate Site Plan and Design Review procedures associated with and necessary for the issuance of a conditional use permit.

Recommended Massing/Articulation

- To be determined by the City Planning Commission during the appropriate Site Plan and Design Review procedures associated with and necessary for the issuance of a conditional use permit.

Supplemental Land Use Policies

- In anticipation of the end of the useful economic and physical life of the AES Redondo Generating Plant, investigate funding options

for development of parks, open space, and recreational facilities on the site.

Supplemental Recommended Urban/Architectural Design Policies

In consideration of the various lower and moderate-density commercial and residential land uses surrounding the Zone, implement, as possible and financially feasible any reasonable means, methods, or ways of eliminating entirely or reducing, as much as possible, the range of significant adverse environmental impacts that are created through operation of the Southern California Edison Plant (these measures could include, but are not limited to: external noise walls or fences, landscaping shields and buffering, additional internal noise insulation or air quality filtering systems, etc.).

Supplemental Transportation/Circulation Policies

No additional transportation/circulation policies, above and beyond those previously included within the Specific Plan Area-Wide policies, have been specified for Zone 2 of the Catalina Avenue Corridor Sub-Area.

Supplemental Infrastructure/Utilities Policies

No additional infrastructure/utilities policies, above and beyond those previously included within the Specific Plan Area-Wide policies, have been specified for Zone 2 of the Catalina Avenue Corridor Sub-Area.

SECTION 3. That the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 14th day of May, 2015.

, Chairman
Planning Commission
City of Redondo Beach

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF REDONDO BEACH)

SS

RESOLUTION #2

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California do hereby certify that the foregoing Resolution No. CC-____ - _____ was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 14th day of May, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

Michael W. Webb, City Attorney

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE REDONDO BEACH CITY COUNCIL ADOPT MODIFICATIONS TO THE COASTAL LAND USE PLAN (“CLUP”) AND THE CLUP IMPLEMENTING ORDINANCE (TITLE 10, CHAPTER 5 OF THE REDONDO BEACH MUNICIPAL CODE) RELATED TO ELECTRICITY GENERATING FACILITIES & ELECTRICITY STORAGE FACILITIES

WHEREAS, on April 30, 2015 and May 2, 2015 the City published two separate notices in the Daily Breeze, a newspaper of general circulation in the City, related to the proposed modifications contained herein;

WHEREAS, on May 14, 2015, the Planning Commission of the City of Redondo Beach reviewed and considered an update to Redondo Beach Municipal Code Title 10, Chapter 5 and the CLUP related to Electrical Generating Facilities and Electrical Storage Facilities;

WHEREAS, on May 14, 2015, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, in accordance with CEQA Guidelines Section 15025(c) the Planning Commission reviewed and considered the use of a Statutory/Categorical Exemption contained in CEQA Guidelines Sections 15265 and 15061(b)(3) [Common Sense Exemption], as well as an Addendum to the Negative Declaration adopted by the City Council on December 3, 2013 (“2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance”)

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND AS FOLLOWS:

SECTION 1. The Planning Commission hereby finds that the above recitals are true and correct, and are incorporated herein by reference as if set forth in full.

SECTION 2. The Planning Commission recommends to the City Council that the Coastal Land Use Plan be modified by resolution as provided in SECTIONS A through B below. The Planning Commission further recommends to the City Council that the CLUP Implementing Ordinance (contained in Redondo Beach Municipal Code, Title 10, Chapter 5) be modified by ordinance as provided in SECTION C below.

SECTION A. Coastal Land Use Plan, Section VI (“Locating and Planning New Development”), subsection C, is amended as provided below (this includes renaming this district “Public Utility”). Additional language is shown in double underline, and deletions are shown in ~~strikeout~~. Where existing intervening text, subsections, or sections have been omitted and are not specifically deleted, they shall not be considered amended or deleted and should therefore be considered retained in their current state (such language may be displayed as “...”).

...

Generating Plant

~~The AES Redondo Generating Plant is located in this district. The district permits continued operation of the Generating Plant and related facilities and structures with additions or changes subject to a Conditional Use Permit to the extent legally permissible.~~ Public Utility Facilities are permissible subject to a conditional use permit in this district, which includes a building or structure to be used as: (1) any gas treatment plant, (2) reservoir, tank or other water or gas storage facility, (3) water treatment plant, well, reservoir, tank or other storage facility (excluding Electricity Storage Facilities (Off-Site) which are engaged in or used for the storage of electricity for later use by customers or users at locations other than the facility for light, heat and power), (4) non-commercial electricity storage systems for use on-site (e.g. emergency power system for a hospital, electricity storage systems for a residential development, charging stations for an electric vehicles), (5) Electricity Generating Facilities (except for those prohibited by Title 10, Chapter 7), (6) distribution or transmission sub-station, (7) telephone switching or other communications plant, earth station or other receiving or transmission facility, (8) any storage yard for public utility equipment or vehicles and any parking lot for parking vehicles or automobiles to serve a public utility. Parks and open space shall be permitted uses in this district.

Public or Institutional

The Public or Institutional (P) district includes the following sites and uses:

1. Public beach: The beach and coastal bluffs south of Torrance Boulevard west of Esplanade shall be maintained and preserved for public open space and public recreational use.

2. Parks and open space: Parks and open space include Veteran's Park (at the southwest corner of Torrance Boulevard and South Catalina Avenue) and Czuleger Park (within the "Village" west of the intersection of North Catalina Avenue and Carnelian Street), and Seaside Lagoon (near the waterfront south of Portofino Way). The primary permitted use is parks, open space, and recreational facilities, and accessory uses such as rest rooms, storage sheds, concession stands, recreational rentals, etc. Public buildings, community centers, public safety facilities, parking lots, public utility facilities as specified in the Coastal Land Use Plan Implementing Ordinance, and similar uses may be considered subject to a Conditional Use Permit. The maximum floor area ratio of all buildings on a site is 0.25 and the maximum height is two stories, 30 feet.

3. Community facilities, governmental facilities, and public safety facilities: These include the Civic Center (City Hall, Public Library, and Police Station) at Diamond Street and Pacific Coast Highway, the fire station at S. Broadway and Pearl Street, and the Recreation and Community Services Center at Knob Hill and Pacific Coast Highway. Permitted uses include parks and open space, and uses which may be considered subject to a Conditional Use Permit include cultural uses (libraries, museums, etc.), institutional uses (governmental, police, fire, etc.), community centers, public athletic clubs, performance art facilities, educational facilities, child day care centers, schools, parking lots, and similar public uses. For the Civic Center, the maximum floor area ratio of all buildings on the site is 1.25 and the maximum height is three stories, 45 feet. The floor area ratio and height of buildings at other community facility/governmental facility/public safety facility sites will be determined as part of the required public hearing process for any proposed new building.

4. Riviera Village Public Parking: The triangular public parking site in Riviera Village is bounded by Via del Prado, Avenida del Norte, and South Elena Avenue. Expanded parking facilities may be considered on this site subject to a Conditional Use Permit, provided that additional parking is located in a fully subterranean structure.

5. Public Utility Transmission Corridor: The public utility transmission corridor abuts the south side of Herondo Street between N. Francisca Avenue and N. Pacific Coast Highway. Public utility facilities as specified in the Coastal Land Use Plan Implementing Ordinance, parking lots, nurseries, and agricultural uses may be considered subject to a Conditional Use Permit. Parks, open space, and passive type recreational uses are permitted in this area. It is understood that land uses and

structures are also subject to approval of the in-fee owner (Southern California Edison Company) in accordance with their standards, policies and procedures for use of the transmission corridor.

SECTION B. Coastal Land Use Plan, Section VI, subsection D, Policy 9 is amended as provided below. Additional language is shown in double underline, and deletions are shown in ~~strikeout~~.

9. ~~Allow the reduction in size and modernizing of the AES Redondo Beach Generating Plant on a portion of the existing plant site, subject to applicable conditional use permit procedures and public utilities facility requirements under the Coastal Land Use Plan implementing ordinance, and subject to the California Energy Commission application process for power plants and related facilities. Permit the AES Redondo Beach Generating Plant site to be converted to parks, open space, and recreational facilities if the site is acquired for such purposes in the future by a public, non-profit or private agency. The City is open to considering subsequent amendments to the "Generating Plant" District/Zone to incorporate additional non-public utility uses, as outlined in the procedures contained in Redondo Beach Municipal Code, Title 10, Chapter 5, Sections 10-5.2504 and 10-5.2505.~~

SECTION C. Redondo Beach Municipal Code, Title 10, Chapter 5 (Coastal Zoning), Section 10-5.402(a)(140) is amended and renumbered as provided below. A Definition for "Electricity Storage Facility" is hereby added to Title 10 Chapter 5, Section 10-5.402(a) as subsections (69), all subsections following this addition will be renumbered, as necessary. Any cross references in the Municipal Code to the definitions contained in Section 10-5.402(a) shall also be revised to reflect this renumbering. Additional language is shown in double underline, and deletions are shown in ~~strikeout~~. Where existing intervening text, subsections, or sections have been omitted from this ordinance and are not specifically deleted, they shall not be considered amended or deleted and should therefore be considered retained in their current state (such language may be displayed as "...")

...

(69) "Electricity Storage Facility (Off-Site)" or "Off-Site Electricity Storage System (Off-Site)" shall mean any commercial facility engaged in or used for the storage of electricity for later use by customers or users at locations other than the facility for light, heat and power. This term includes all real estate, structures, fixtures, equipment and personal property owned, controlled, operated, or managed in connection with or to

facilitate the storage of electricity for such users including, without limitation, batteries.

...

~~(141)-(140)~~ **“Public utility facility”** shall mean a building or structure used or intended to be used by any public utility including, but not limited to, (1) any gas treatment plant, (2) reservoir, tank or other water or gas storage facility, (3) water treatment plant, well, reservoir, tank or other storage facility (excluding Electricity Storage Facilities (Off-Site), (4) non-commercial electricity storage systems for use on-site (e.g. emergency power system for a hospital, electricity storage system for a residential development, charging station for an electric vehicle), (5) the construction of new e-Electricity g-Generating Facilities (except for those prohibited by Title 10, Chapter 7) plant, (6) distribution or transmission sub-station, (7) telephone switching or other communications plant, earth station or other receiving or transmission facility, (8) any storage yard for public utility equipment or vehicles and any parking lot for parking vehicles or automobiles to serve a public utility. The term “public utility” shall include every gas, electrical, telephone and water corporation serving the public or any portion thereof for which a certificate of public convenience and necessity has been issued by the State Public Utility Commission.

SECTION 3. That the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 14th day of May, 2015.

, Chairman
Planning Commission
City of Redondo Beach

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF REDONDO BEACH)

SS

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California do hereby certify that the foregoing Resolution No. CC-____- ____ was duly passed, approved and adopted by the

RESOLUTION #3

Planning Commission of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 14th day of May, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

Michael W. Webb, City Attorney



CITY OF REDONDO BEACH

INTER-DEPARTMENTAL MEMORANDUM

BLUE FOLDER ITEMS

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

Regular Meeting of the Planning Commission May 14, 2015

VII. PUBLIC HEARINGS

5. A Public Hearing to consider Draft Amendments to the Redondo Beach General Plan, Harbor/Civic Center Specific Plan, Zoning contained in Title 10, Chapter 2 of the Municipal Code, the Coastal Land Use Plan, and Coastal Zoning contained in Title 10, Chapter 5 of the Municipal Code collectively referenced as the "Draft Amendments" or "Amendments." The Amendments relate to the permitted uses of property in the Coastal Zone placing further restrictions on uses related to Electrical Generating Facilities and Electricity Storage/Battery Storage facilities.

APPLICANT:	City of Redondo Beach
PROPERTY OWNER:	N/A
LOCATION:	City-wide
CASE NO.:	2015-05-PC-007

Correspondence received after distribution of agenda packet

- Letter on behalf of AES Southland Development, LLC received 5/14/15

ELLISON, SCHNEIDER & HARRIS L.L.P.

ATTORNEYS AT LAW

2600 CAPITOL AVENUE, SUITE 400

SACRAMENTO, CALIFORNIA 95816

TELEPHONE: (916) 447-2166

<http://www.eslawfirm.com>

May 14, 2015

BY ELECTRONIC MAIL

Aaron Jones
Community Development Director
415 Diamond Street
Redondo Beach, CA 90277
aaron.jones@redondo.org
Fax (310) 372-8021

Re: Comments on Agenda Item 5: Planning Commission Hearing To Consider Recommendations to City Council on Modifications to Zoning, Harbor/Civic Center Specific Plan, the Local Coastal Program, the Coastal Land Use Plan (“CLUP”), the CLUP Implementing Ordinance and adding Title 10, Chapter 7 to Place Further Restrictions On Uses Related To Electricity Generating Facilities And Electricity Storage/Battery Storage Facilities

Dear Mr. Jones:

On behalf of AES Southland Development, LLC (“AES”), we offer the following comments on Agenda Item 5. AES is the owner of the Redondo Beach Generating Station, the site of which has been used to provide electricity to the residents of the State of California and the City of Redondo Beach for over 100 years. The Redondo Beach Generating Station site is where AES is proposing to construct the Redondo Beach Energy Project (“RBEP”), a new, modern natural-gas fired combined-cycle powerplant undergoing environmental review and permitting through the California Energy Commission’s (“CEC”) site certification process.

The RBEP will provide crucial reliability and flexibility benefits to California’s electrical grid, assets that are needed to aid the integration of ever growing amounts of renewable energy to California’s electricity supply. As proposed, the RBEP is a lawful use of the Redondo Beach Generating Station site consistent with the City of Redondo Beach’s existing General Plan, Coastal Land Use Plan, and corresponding zoning, and would provide significant environmental and economic benefits locally, regionally, and statewide.

As an initial matter, we object to the lack of notice and minimal amount of time afforded the public, including the affected landowner, to review and comment upon the lengthy materials prepared by Planning Commission Staff for this agenda item. Although the April 30, 2015 “Notice of Availability of Review of Draft Amendments to the Local Coastal Program (LCP), Including the Coastal Land Use Plan, Coastal Zoning, and the Harbor/Civic Center Specific Plan; and Notice of Public Hearing to Consider Issuance of Planning Commission’s

Recommendation on these Draft Amendments” stated that the Draft Amendments were available for review, the Draft Amendments were not actually made available for review, despite repeated requests, until 6:00pm on May 11, 2015.¹ Providing the public only two full days before the close of the comment period to review, analyze, and comment upon such drastic and material changes to currently permitted land uses in the City of Redondo Beach is patently unfair to those affected by the change.

Given the numerous legal deficiencies in the changes proposed to the City’s land use documents that are discussed below, we request that the Planning Commission decline to adopt the proposed resolutions. In the alternative, we recommend that the Planning Commission not act on Agenda Item 5 at this time, but instead, direct Planning Commission Staff to revise the Draft Amendments to cure the legal deficiencies, conduct a proper environmental review of the Draft Amendments in accordance with the requirements of the California Environmental Quality Act (“CEQA”), and republish the Draft Amendments to allow for careful consideration of the public.

1) Use of the Draft Amendments to Affect the Permitting of the RBEP by the CEC is an Abuse of the City’s Legislative Powers.

There is little doubt that the Draft Amendments are targeted at one landowner and one use: AES and use of the Redondo Beach Generating Station site for the RBEP. As stated in the Administrative Report for Agenda Item 5:

[I]t is important that the City enact zoning and land use plan amendments during the term of the Moratorium. The presence of a conflict with LORS requires the California Energy Commission (CEC) to make additional finding[sic] before approving an AFC.” (Administrative Report, p. 3.)

The stated intent is clear. As with the moratorium, the Draft Amendments are aimed directly at AES and to impede CEC review and permitting of the RBEP.²

¹ Further, in the rush to publish the initial notice of April 30, 2015, inaccurate information regarding the content of the materials to be considered by the Planning Commission was provided to the public regarding the effect of the Draft Amendments. As one example, the notice states that the Draft Amendments would “generally prohibit electricity generating facility uses in the Coastal Zone, unless the California Energy Commission makes a finding of public convenience and necessity.” However, the prohibition in the Draft Amendments is not limited in applicability to the Coastal Zone, and is targeted to specific types of electrical generating facilities.

² As noted in the Staff Report, the City is also currently an intervenor in the CEC process: “Pursuant to City Council direction, the City is actively engaged as an Intervenor (party of standing) in AES’ Application for Certification (AFC) for a new 496 Megawatt (MW) electrical generating facility. The City Council has adopted a Resolution opposing the licensing of a new facility. (Staff Report, pp. 2-3.)

The targeting of AES, and the intent of the City of Redondo Beach to eliminate lawful use of the Redondo Beach Generating Station site for electrical generating purposes by AES, is further evidenced by the proposed revisions to the Local Coastal Plan that affect the Redondo Beach Generating Station site. Not only do the Draft Amendments target the ability of AES to permit and construct a CEC jurisdictional powerplant, the RBEP, on the Redondo Beach Generating Station site, the Draft Amendments also remove the ability of AES to reduce in size or modernize the existing Redondo Beach Generating Station, a right that is currently provided for in the existing Coastal Land Use Plan. (See, Draft Amendments, Resolution 3, p. 3.)

Such drastic prohibitions on AES' lawful use of the Redondo Beach Generating Station site, which are being proposed solely to "require the California Energy Commission to make additional findings before approving an AFC", is an abuse of the City of Redondo Beach's legislative powers.

2) The Draft Amendments are an Unlawful Attempt to Constrain CEC Certification of Powerplants in the City.

There is no dispute that the CEC has the "exclusive power to certify all [powerplant] sites and related facilities in the state, whether a new site and related facility or a change or addition to an existing facility." (Pub. Resources Code § 25000.) Certification by the CEC is in lieu "of any permit, certificate, or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local or regional agency, or federal agency to the extent permitted by federal law." (Pub. Resources Code § 25500.) Once a license is issued, the authority to enforce and modify the license resides exclusively with the Commission. (Id.; also see Pub. Resources Code § 25534.)

On its face, the Draft Amendments attempt to remove from the CEC the authority to license any thermal powerplants within the City of Redondo Beach by providing:

(c) **Prohibition on Electricity Generating Facilities.** There is a prohibition on all property in the City of Redondo Beach on: (1) the construction of all new Electricity Generating Facilities of 50 megawatts or more, (2) modifications, including alteration, replacement, or improvement of equipment, that result in a 50 megawatt or more increase in the electric generating capacity of an existing Electricity Generating Facility and (3) construction of any facility subject to the California Energy Commission's jurisdiction under Public Resources Code Section 25502.3.

In direct conflict with the law, the Draft Amendments seek to divest the CEC of any authority to license powerplants within the City of Redondo Beach.

The CEC powerplant siting jurisdiction is exclusive. It is not limited in any place within the State of California, yet the Draft Amendments seek to do precisely that – diminish the siting authority of the CEC in the City of Redondo Beach. On its face, the Draft Amendments are an invalid attempt to diminish the CEC’s authority within the City of Redondo Beach.

3) The Draft Amendments Arbitrarily Discriminate Against CEC Jurisdictional Powerplants Without Any Rational Basis.

The Draft Amendments arbitrarily discriminate against CEC jurisdictional powerplants by imposing an absolute prohibition against CEC jurisdictional powerplants in the City of Redondo Beach, but allowing the construction of powerplants subject to the City’s permitting jurisdiction. No rationale is provided for this arbitrary distinction between CEC jurisdictional powerplants and those under the City’s permitting jurisdiction. The distinction is particularly irrational as the Draft Amendments contain a proposed finding that “Power Plants are economically damaging to the City as a whole and harmful to the public health, welfare and safety.” If the City truly believed that powerplants are economically damaging and harmful, it is not rational that the City would allow any type of powerplant to be constructed in the City. Instead, to further its position as an intervenor in the CEC process, the City is advancing a discriminatory land use change targeted only at certain powerplants without any rational basis. Further, this finding is not supported by any factual basis and is ignorant of the robust CEC certification process that specifically ensures that the public health, welfare, and safety are not adversely affected by CEC jurisdictional powerplants.

4) The Draft Amendments Are Neither Statutorily or Categorically Exempt from CEQA.

The *Administrative Report* states that “Staff believes the amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Statutory Exemptions contained in CEQA Guidelines Section 15265, and Categorical Exemptions contained in CEQA Guidelines Section 15061(b)(3) [Common Sense Exemption].” (Administrative Report, p. 5.) This belief is incorrect.

The CEQA Guidelines provide that a lead agency “shall find that a project may have a significant effect on the environment” and prepare an EIR where a project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. (14 C.C.R. § 15065(a)(2).) As proposed, the Draft Amendments would prohibit the construction or modification of powerplants subject to the CEC’s jurisdiction or energy storage projects in the Coastal Zone. Such prohibitions would preclude the environmental benefits from projects such as the Redondo Beach Energy Project and energy storage projects from being realized. Because the Draft Amendments disadvantage the achievement of long-term environmental goals, such as reduced greenhouse gas emission levels that would be achieved through the use of more efficient gas-fired facilities or energy storage projects, an environmental impact report (“EIR”) prepared

pursuant to the requirements of the California Environmental Quality Act (“CEQA”) must be prepared.

As noted in our comments of November 21, 2013 relating to the “Draft Initial Study/Negative Declaration for the 2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance”, the RBEP enables the achievement of several of the State’s long-term environmental goals, including the elimination of use of ocean water for cooling purposes, enabling the integration of intermittent renewable energy resources to achieve California’s Renewable Portfolio Standards, and more efficient use of natural gas to provide reliable and flexible power to California’s electrical grid. The moratorium will have a significant impact on the environment due to the long-term environmental goals that will be disadvantaged by the adoption of the Draft Amendments. Therefore, an EIR must be prepared to support the Draft Amendments on this basis alone.

In addition, the Draft Amendments completely prohibit energy storage facilities in the Coastal Zone of Redondo Beach. This prohibition is shortsighted, particularly in light of Assembly Bill (AB) 2514 (Stats. 2010, ch. 469), which established a storage “mandate” for California’s investor owned and publicly owned utilities. The stated Legislative intent of the California storage mandate enumerates the policy objectives and environmental benefits of energy storage:

- (a) Expanding the use of energy storage systems can assist electrical corporations, electric service providers, community choice aggregators, and local publicly owned electric utilities in integrating increased amounts of renewable energy resources into the electrical transmission and distribution grid in a manner that minimizes emissions of greenhouse gases.
- (b) Additional energy storage systems can optimize the use of the significant additional amounts of variable, intermittent, and offpeak electrical generation from wind and solar energy that will be entering the California power mix on an accelerated basis.
- (c) Expanded use of energy storage systems can reduce costs to ratepayers by avoiding or deferring the need for new fossil fuel-powered peaking powerplants and avoiding or deferring distribution and transmission system upgrades and expansion of the grid.
- (d) Expanded use of energy storage systems will reduce the use of electricity generated from fossil fuels to meet peak load requirements on days with high electricity demand and can avoid or reduce the use of electricity generated by high carbon-emitting electrical generating facilities during those high electricity demand periods. This will have substantial cobenefits from reduced emissions of criteria pollutants.

- (e) Use of energy storage systems to provide the ancillary services otherwise provided by fossil-fueled generating facilities will reduce emissions of carbon dioxide and criteria pollutants.
- (f) There are significant barriers to obtaining the benefits of energy storage systems, including inadequate evaluation of the use of energy storage to integrate renewable energy resources into the transmission and distribution grid through long-term electricity resource planning, lack of recognition of technological and marketplace advancements, and inadequate statutory and regulatory support.

There is no environmental analysis of the consequences that the Draft Amendments will have on California's long term environmental goals and policies relating to energy storage. Before completely banning energy storage projects in the Coastal Zone, the City must conduct an environmental review pursuant to CEQA to determine whether there are any potentially significant effects from such a prohibition.

5) The Initial Study/ Negative Declaration Adopted for the 2013 Coastal Zone Electrical Generating Facility Moratorium Interim Ordinance ("IS/ND") is Insufficient to Support a Permanent, Citywide Prohibition Against CEC Jurisdictional Powerplants.

The *Administrative Report* also states that an "Addendum to [the] Negative Declaration is also appropriate." (Administrative Report, pp. 5-6.) However, the IS/ND cannot be relied upon to satisfy the requirements of CEQA. The drastic land use changes proposed in the Draft Amendments are a completely separate and distinct "project" than that contemplated in the IS/ND.³

First, the IS/ND examined the potential environmental impacts of a "temporary moratorium." (See, IS/ND p. 3.) The Draft Amendments are not a mere temporary ordinance, but instead propose long-term and permanent changes to land uses currently permitted by the City. The environmental ramifications of these land use changes must be considered.

Second, the geographic scope of the project area examined in the IS/ND covered *only* the Coastal Zone of Redondo Beach. (See, IS/ND p. 3.) In contrast, the Draft Amendments apply citywide, not just the Coastal Zone. Because the environmental review conducted for the IS/ND encompasses only a limited part of the geographic area covered by the Draft Amendments, new environmental review of the potential environmental impacts of the Draft Amendments must be conducted in accordance with CEQA.

³ Moreover, as we noted in our November 2013 comments, the CEQA review for even that project was deficient.

Third, the nature of the land use action examined in the IS/ND is significantly and materially different from the numerous land use actions proposed in the Draft Amendments. The interim ordinance examined in the IS/ND was for a temporary moratorium on the construction of all types of powerplants in the Coastal Zone. In contrast, the Draft Amendments propose a permanent prohibition of CEC jurisdictional powerplants throughout the City, authorizes the City to permit construction or modification of powerplants, and proposes a permanent prohibition against energy storage facilities in the Coastal Zone. These land use actions are materially and significantly different from the interim ordinance. As such, the potential environmental effects from these new land use proposals must be evaluated, documented, and disclosed to the public.

The Draft Amendments are being rushed through by the City without any consideration under CEQA. As such, the Planning Commission should not recommend that the City proceed with the Draft Amendments because the City has not complied with the requirements of CEQA.

6) Even Assuming that the City Could Bootstrap the IS/ND for the Moratorium for A New and Separate CEQA Project, the Conditions for Using an Addendum Are Not Met.

As discussed immediately above, the City cannot use the IS/ND to satisfy the requirements of CEQA review for the Draft Amendments. Even assuming that the IS/ND could be used through the adoption of an addendum to the negative declaration, the “Addendum” prepared by Planning Commission Staff does not pass muster.

The CEQA Guidelines describe the narrow circumstances where an addendum to a negative declaration may be proper: “An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.” (14 C.C.R. § 15164(b).) It is not a minor technical change or addition to move from a temporary moratorium on powerplants in the Coastal Zone to a complete ban on only CEC jurisdictional powerplants citywide.

Most significantly, it is not a minor technical change or addition to prohibit— for the first time in the Draft Amendments – a complete prohibition on energy storage facilities. There can be no denying that the complete ban on energy storage facilities was not considered in the IS/ND, as the IS/ND contemplated only electrical generating facilities. (See generally, IS/ND p. 3.) Moreover, the “Addendum” itself does not even address energy storage, or the potential environmental consequences of completely prohibiting energy storage in the Coastal Zone. In short, it appears that there was a complete failure on the part of the City to even consider any environmental review for the prohibition of energy storage in violation of a fundamental, basic

tenant of CEQA: informed decision making by agencies and informed public participation of the potential, significant environmental effects of proposed activities such as the Draft Amendments.

7) The “Common Sense” CEQA Exemption Does Not Apply To the Proposed Action.

The Staff Report states that the Proposed Action can be exempted from CEQA review based on the “Common Sense” exemption in Section 15061(b)(3) of the CEQA Guidelines. This is incorrect.

Section 15061(b)(3) of the CEQA Guidelines states as follows:

The activity is covered by the general rule 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. (Emphasis added.)

As the highlighted language indicates, there must be complete and absolute certainty that there is not even a possibility that the activity may have a significant effect on the environment. The complete citywide ban on CEC jurisdictional powerplants and energy storage projects in the Coastal Zone most certainly may have a significant effect on the environment.

As discussed above, the Draft Amendments have the potential to result in significant environmental effects. The complete ban on new or modified thermal powerplants of 50 MWs or greater has the potential to result in greater air, water, and other impacts, compared to a new, state of the art powerplant.

The complete ban on energy storage also eliminates all of the environmental benefits of energy storage, resulting in the possibility, if not the likelihood, that older, less efficient, higher pollution-emitting facilities will have to run because energy cannot be stored. Common sense also dictates that where an initial study and negative declaration was prepared for a temporary, interim ordinance banning powerplants only in the Coastal Zone, that a more robust CEQA process should be required for a proposed action that proposes a permanent prohibition not just in the Coastal Zone, but citywide. Accordingly, the “common sense” CEQA exemption does not apply.

8) The Draft Amendments Must be “Certified” by the California Coastal Commission.

The Draft Amendments contain significant and material changes to the City’s Coastal Land Use Plan. These changes to the City’s “local coastal program” are subject to review and approval of the California Coastal Commission. The Coastal Act defined “local coastal program” as follows:

Local coastal program” means a local government’s (a) land use plans,(b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level. (Public Resources Code, Section 30108.6.)

Since the Draft Amendments seek to amend the City’s Coastal Land Use Plan and implementing zoning regulations, the Draft Amendments constitute an amendment to the City’s local coastal program.

Section 30514 of the Coastal Act provides that amendments to a City’s local coastal plan must be submitted to the Coastal Commission for approval: “A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, **but no such amendment shall take effect until it has been certified by the commission.**” (Public Resources Code Section 30514; emphasis added.)

It is unclear why the Planning Commission Staff Report claims that the California Coastal Commission has no role approving the Draft Amendments:

Coastal Commission Staff have taken the general position that Electricity Generating Facilities are not subject to Coastal Commission’s approval where the CEC has permitting authority. Consequently, Coastal Commission Staff have confirmed that any such regulations adopted by the City for new thermal Electrical Generating Facilities of 50 MW or more (or modification of such facilities with increases of 50 MW or more) would become effective without review or certification by the Coastal Commission.

The Planning Commission Staff’s position is incorrect. Section 30514 of the Public Resources Code requires Coastal Commission review and certification of any proposed amendments to a local coastal program. While the Coastal Commission may not have permitting authority over a CEC jurisdictional powerplant, the Coastal Commission is not divested of its authority to

approve a local government's land use plans and zoning ordinances that are part of a local coastal program.

The Draft Amendments are without question an amendment to the City's local coastal program as it changes permitted uses in the City's Coastal Zones, including, but not limited to the following: eliminating the ability of the Redondo Beach Generating Station to be reduced in size and modernized (See, Resolution 3, revisions to Coastal Land Use Plan, Section B); creating a new district in the Coastal Zone called "Public Utility" (see, Resolution 3, Section A); creating a new category of uses that will be considered "Public Utility Facilities" (see, Resolution 3, Section A); and arbitrarily determining that CEC jurisdictional powerplants and energy storage facilities should no longer be deemed "public utility facilities" (Id.).

9) The Draft Amendments are Inconsistent with the Coastal Act.

The Draft Amendments prohibit CEC jurisdictional powerplants citywide, the reduction in size or modernization of the Redondo Beach Generating Station, and prohibit both CEC jurisdictional powerplants and energy storage projects in the Coastal Zone of the City. For example, the prohibition of only CEC jurisdictional powerplants, particularly on the location of the existing Redondo Beach Generating Station site, is contrary to the Coastal Act, which encourages the location of new or expanded coastal-dependent industrial facilities on existing sites. (Pub. Resources Code § 30260.) The Redondo Beach Generating Station site has been used for electrical generating for the last 100 years. Continued use of the site, as with the proposed RBEP, for that purpose is appropriate and consistent with the Coastal Act.

Furthermore, the Coastal Act provides that coastal-dependent industrial facilities "shall be permitted reasonable long-term growth where consistent with this division." (Pub. Resources Code § 30260.) The Draft Amendments are inconsistent with this provision, as the amendments preclude reasonable long-term growth of the Redondo Beach Generating Station site for a new, modern powerplant facility, and even preclude the existing Redondo Beach Generating Station from potentially beneficial modernizations. Given these inconsistencies with the Coastal Act, the Planning Commission should not recommend adoption of the Draft Amendments.

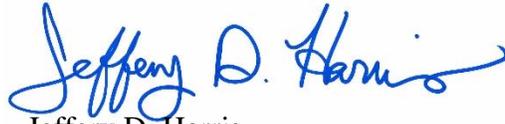
CONCLUSIONS

The Planning Commission should not recommend adoption of the Draft Amendments, and should instead send this matter back to Planning Commission Staff to address and consider the numerous legal and procedural flaws discussed above.

Not only has there been inadequate notice and opportunity for public review and comment on the Draft Amendments, no environmental review of the Draft Amendments has been conducted. The lack of consideration of potential environmental impacts, failure to disclose potential

environmental impacts to the public, and lack of informed decision making by the City violates fundamental tenets of CEQA.

Sincerely,



Jeffery D. Harris
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JDH/kam