

AECOM Environment
1220 Avenida Acaso, Camarillo, CA 93012
T 805.388.3775 F 805.388.3577 www.aecom.com

AECOM

DOCKET
08-AFC-9

DATE 8/27/2009

RECD. 8/27/2009

August 27, 2009

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-9
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

Re: City of Palmdale Hybrid Power Project – Docket No. 08-AFC-9

Dear Sir/Madam:

Pursuant to the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find **Palmdale Hybrid Power Project: E-mail Responses to New Data Requests**. Earlier this morning, Mr. Mike Carroll of Latham and Watkins sent a series of e-mail messages responding to requests that were made during a telephone call with Ms. Felicia Miller and Ms. Caryn Holmes on August 20, 2009. These submittals provide responses to the three data requests made during that call. This document represents a more formal submittal of these e-mails that pulls all of the information together in one place, and also includes the land use documents e-mailed by Mr. Marc Campopiano of Latham and Watkins that Ms. Miller requested on August 21.

As mentioned by Mr. Carroll at the end of the conference call on August 20, all of these most recent requests are "new" in the sense that they were not made at the Committee Scheduling Conference on July 9 or during the telephonic Workshop on July 28. In that respect, triggering of the PSA schedule is not dependent upon receipt of these responses. With respect to requests that were made at the Conference and Workshop, responses to all of those requests were submitted on or before July 31, 2009. Only two of those requests were discussed during the call on August 20: 1) site plan showing berm along E Avenue M; and 2) Facilities Study Agreement confirming transmission line route. The discussion consisted of confirming that, in fact, that information had been provided on July 31, 2009. Therefore, we continue to believe that the 6-8 week PSA schedule was triggered on July 31, making the due date for PSA publication September 11, or September 25 at the latest.

Please note that the attached submittal was filed today via electronic service to all parties on the attached proof of service list. Thirteen copies will be sent via first class mail service to the dockets units, as well as one copy via regular mail to all parties on the attached proof of service list, except those indicating electronic service only.

Very Truly Yours.



Sara J. Head
Applicant's Consultant, Project Manager

Enclosure

E-mail Regarding Berm along E. Avenue M

From: MICHAEL.CARROLL@LW.com
Sent: Thursday, August 27, 2009 6:25 AM
To: MICHAEL.CARROLL@LW.com; Fmiller@energy.state.ca.us;
Cholmes@energy.state.ca.us
Cc: tonypenna@inlandenergy.com; Head, Sara; Marc.Campopiano@lw.com
Subject: RE: PHPP Berm Information

Attachments: Project Description082409response.pdf;
PHPP Socioeconomic question - 08-AFC-9.pdf

Hello Felicia and Caryn.

Staff recently asked us to provide a short summary of how the Application for Certification (AFC) and subsequent documentation for the Palmdale Hybrid Power Plant (PHPP) project (08-AFC-9) describes the “berms” located on the project site and particularly the berm along the Avenue M side of the project site. In particular, you asked us to confirm that the AFC and subsequent documentation took into account (e.g., for grading and emissions calculations) the construction of the berms. Discussion of the berms has become more explicit and detailed in connection with our analysis of the visual impacts of the PHPP along Avenue M. However, the berms have always been contemplated, and the AFC and subsequent documentation and analysis accounted for the berms along E. Avenue M and incorporated their construction into the overall analysis.

The revised Project Description submitted by the Applicant as part of its March 2, 2009 Supplemental Responses to CEC Data Requests Set 1 explicitly accounts for the berms and their construction, which supplements the analysis of the berms implicit in the original Project Description and AFC. For example, as noted on Page PD-2 of the March 2, 2009 submittal: “The grading changes lead to about a one foot decrease in elevation in parts of the site with some additional berms around the detention basins and property sides.” (See highlighted and bolded text in the revised PHPP Project Description, attached.)

Applicant has verified that there is ample soil available on site to construct the berms. The excess cut material available on site (based on concept grading) will be used to construct the berms. For example, the 8-foot tall, 10-foot wide and 3050-foot long berm along Avenue M would require 30,725 cubic yards of cut material which can be obtained with very minor adjustments to the grading of the 251 acre solar field. Since grading is related to the volume of soil moved, the amount of grading and construction equipment needed (and resultant air emissions) would be the same or substantially the same regardless of whether the soil is spread out over the project site or piled to form the berms. As a result, the berm construction using grading from the solar field will not result in any new Air Quality impacts.

Subsequent Biological Resources related submittals following the March 2 submittal have accounted for the berms and their construction by using the revised acreage amounts as highlighted in the attached revised Project Description. Thus, the Biological Resources analysis has included the acreage related to the berms. Recent responses have also been

provided for Visual Resources and Water Resources (site drainage features) related to the berm along E. Avenue M. These submittals clarified the revised Project Description and did not constitute new information. As noted in Applicant's response to a Socioeconomic question (attached), which was provided shortly after the March 2 submittal, Applicant confirmed that the changes to the revised Project Description were relatively minor and did not affect the validity of the data or analysis concerning the construction workforce or other information in the AFC.

In sum, the berms, including the berm along E. Avenue M, have been accounted for in the analysis of the PHPP. The PHPP analysis for Air Quality, Biological Resources, Visual Resources, Socioeconomics, and other environmental issue areas have either explicitly or implicitly taken the berms and their construction into account, and no additional analysis is required.

Thanks. Mike.

**PALMDALE HYBRID POWER PROJECT (08-AFC-09)
CEC STAFF SET 1 DATA REQUESTS**

Technical Area: Project Description

Submittal Date: March 2, 2009

Minor revisions have been made to the Palmdale Hybrid Power Project (PHPP) site layout and linear routes to reflect agency requests, further engineering, and site conditions. A list of the proposed changes is provided below, followed by additional description of the changes. Most of the changes involve rearrangement within the site or slight changes to linear facility routes that do not involve new potential impacts. Some of these changes have been previously provided to the CEC, e.g., the revised conceptual site plan and secondary access road, but are included here to provide a more complete list of changes. In addition, there have been changes to short portions of the transmission line associated with the recent work to identify specific pole locations that will necessitate some additional field survey work to be completed. The results of these additional surveys will be provided within 30 days of the completion of the field work.

Changes to the PHPP include:

- Changes to the conceptual site layout include slight changes to the primary site access road, addition of a second (emergency) access road, relocation of the gas metering station, adjustment to the locations of the detention basins, a decrease in the acres of solar field and a slight increase in the number of acres (5 acres) for the power plant site overall.
- Changes in the power block plot plan and sources include slight relocation of the combustion turbines, increase in the size of the Auxiliary Boiler from 100 MMBtu/hr to 110 MMBtu/hr including increasing the stack height (from 30 feet to 60 feet), decrease in the stack heights (from 30 feet to 16 feet) of the emergency diesel generator and fire water pump engine, and relocation of the ammonia storage tank.
- Relocation of the sanitary wastewater and potable water pipelines.
- Relocation of short pieces of the transmission line, i.e., along Lone Oak Rd and the interconnection with the Vincent substation.

Further descriptions of these changes are provided below. Additionally, three figures which show the changes are provided at the end of this section.

Changes to the Site Layout

Figure 2-4 in the AFC provided the General Arrangement Site Plan for PHPP, showing the relative locations of the solar array, power block, laydown area and other site features. Subsequent to the submittal of the AFC, several changes to the site layout as described above are proposed. A revised Figure 2-4 is provided at the end of this section. A revised conceptual site plan was previously provided to the Energy Commission related to questions raised about the detention basins. A second access road was added to the preliminary Landscape Plan provided on January 12, 2009. This new figure is consistent with those submittals but is a change from the AFC.

The City has determined that some minor changes to the primary access road would improve overall site access for PHPP and the possible future development of the western half of the site. In response to a request by the Energy Commission, a second emergency access road that runs along the eastern boundary of the site has been added.

**PALMDALE HYBRID POWER PROJECT (08-AFC-09)
CEC STAFF SET 1 DATA REQUESTS**

Technical Area: Project Description

Submittal Date: March 2, 2009

Southern California Gas Company (SCG) requested that the gas metering station be relocated, so it was moved from within the power block to a location on the western boundary of the plant site. It has been moved away from the power block so that SCG can perform venting operations without plant safety concerns. It was moved to a location outside the facility fence to allow for easier access but still with the security of a dedicated entrance. Thirdly, the station was moved to a location that will be more convenient for a future development on the remaining 300 acres to the west on property also owned by the City.

The site grading plan was revised and some adjustments made to improve the utility of the detention basins. Note, in some places in the AFC these basins were referred to as “ponds”, which lead to some confusion. The PHPP will not utilize evaporation ponds and instead will use a zero liquid discharge brine crystallizer. The detention ponds will be used to catch storm water and hold the water until it can soak into the ground, which is expected to occur rapidly, and hence minimize storm water runoff from the site. **The grading changes lead to about a one foot decrease in elevation in parts of the site, with some additional berms around the detention basins and property sides.**

The changes above lead to some adjustments which slightly increased the number of acres for the site from 327 to 333 acres, with a 50 acre laydown area during construction. The breakdown of the site acreage is as follows:

- Solar field: 251 acres
- Power block: 26 acres
- Roadways (primary and secondary): 24 acres
- Detention basins: 20 acres
- Setbacks and slopes: 12 acres
- Construction laydown area: 50 acres
- Total: 333 acres (383 acres including temporary construction laydown area)**

Changes to the Power Block

The project originally proposed to use a 100 MMBtu/hr natural gas fired auxiliary boiler to pre-heat the combined cycle system’s steam seals and piping to facilitate faster startups as part of GE’s Rapid Start Process. Further engineering work by GE has identified that a slightly larger, 110 MMBtu/hr boiler, would be preferred. This modest increase in output provides a higher steam load to facilitate the sealing of the units at start up. This equipment change has caused negligible changes to the power plant emissions. Revised tables of the Maximum Hourly and Annual Auxiliary Boiler Emissions (AFC Table 5.2-22) and Total Annual Potential Emissions, Normal Operation (AFC Table 5.2-27) are provided below (revised emissions shown in italics). Since all changes in emissions would be to the second decimal place, the only change in the total plant emissions from the AFC to those shown below is an increase in the total CO from 254.8 tpy to 254.9 tpy. No other total emissions in Table 5.2-27 were changed as a result of this increase in size of the boiler.

**PALMDALE HYBRID POWER PROJECT (08-AFC-09)
CEC STAFF SET 1 DATA REQUESTS**

Technical Area: Project Description

Submittal Date: March 2, 2009

In addition to the criteria pollutant increase, the greenhouse gas (GHG) emissions also increase slightly. A ten percent increase in the auxiliary boiler CO₂ and other GHG emissions increases the emission estimates given in AFC Table 5.2-28 from 1,852,123 metric tpy CO₂ equivalents to 1,852,389 metric tpy CO₂ equivalents.

Table 5.2-22R Maximum Hourly and Annual Auxiliary Boiler Emissions

Pollutant	Hourly Emission Rate (lb/hr)	Annual Emissions (tpy)
NO _x	<i>1.21</i>	<i>0.30</i>
VOC	<i>0.59</i>	<i>0.15</i>
CO	<i>4.05</i>	<i>1.01</i>
SO ₂	<i>0.06</i>	<i>0.02</i>
PM10	<i>0.82</i>	<i>0.20</i>

Table 5.2-27R Total Annual Potential Emissions, Normal Operation

Source	NO_x (tpy)	CO (tpy)	VOC (tpy)	PM/PM10/PM2.5 (tpy)	SO₂ (tpy)
Combustion turbines/HRSGs	113.7	252.6	39.64	117.1	8.83
Auxiliary Boiler	<i>0.30</i>	<i>1.01</i>	<i>0.15</i>	<i>0.20</i>	<i>0.016</i>
HTF Heater	0.22	0.74	0.11	0.15	0.012
Emergency Generator	0.67	0.39	0.04	0.022	0.0007
Fire-Water Pump Engine	0.03	0.026	0.001	0.0015	5.0E-05
Cooling Tower	n/a	n/a	n/a	7.1	n/a
Maintenance Vehicles	0.39	0.12	0.03	1.51	0.00
Total	115.3	254.9	40.0	126.1	8.9

Revised emissions shown in *italic*

Due to the new boiler and further engineering on the power block, a few other minor changes were made. Design refinements to the auxiliary boiler resulted in an increase in the planned stack height from 30 feet to 60 feet. The distance between the two combustion turbine stacks was increased to 135 feet, allowing for more room for duct bank placement in between the stacks. The emergency generator and fire water pump engine was previously assumed to be located inside the larger buildings in the power block. These buildings had a nominal height of 24 feet and the projected stacks were proposed at six feet above this height. Subsequent design refinements now have these emergency engines with 16 ft stack heights. Other slight changes, such as moving the ammonia storage tank, were made as result of the combustion turbine stack relocation.

**PALMDALE HYBRID POWER PROJECT (08-AFC-09)
CEC STAFF SET 1 DATA REQUESTS**

Technical Area: Project Description

Submittal Date: March 2, 2009

The changes to the boiler emissions, stack locations, and stack heights were modeled to ensure there would be no changes to the conclusions in the AFC. There was a slight increase in hourly concentrations (NO₂ and CO) due to the reduction in stack height of the emergency diesel generators and a slight decrease in the longer averaging periods (8-hour CO and 24-hour PM10/PM2.5) due to the increase in stack height of the auxiliary boiler. All concentrations remained below applicable standards and thresholds. Revised modeling files can be provided to the CEC; however, the CEC air consultant mentioned at the February 4, 2009 Workshop that an additional Set of Data Requests is forthcoming with some questions about the modeling. Therefore, we propose to provide updated modeling files after it is determined if further changes are needed in response to these requests.

AFC Figure 2-5 provided a General Arrangement of the Power Block, and a revised figure that reflects the changes discussed above is provided at the end of this section.

Changes to the Sanitary Wastewater and Potable Water Pipeline routes

The sanitary wastewater pipeline was shown in the AFC to travel about a mile up 15th St. E to connect with an existing sewer system along E Ave. L. The City evaluated other options and has instead selected a slightly shorter route to an existing connection point that proceeds north from the east side of the power block, then east along E Ave. M to approximately 25th St. E where it will connect with the sanitary wastewater main. This route was chosen to keep this component of the project within the City of Palmdale's jurisdiction and because of a more favorable grade. The route has already been surveyed for biological, cultural, and paleontological resources as it runs parallel to the proposed transmission line along E Ave. M, and hence the potential for impacts has already been analyzed. Further, this change eliminates the minor impact of a one mile line to the north of the plant site.

The potable water line alignment has also changed from that portrayed in the original AFC submittal. The potable water pipeline originates on E Ave. M near the water tanks between 5th and 6th St. E. It used to proceed along E Ave. M, turn south along 15th St. E and enter the power block from the east. The new proposed alignment will instead proceed along E Ave. M, but turn south sooner at the new site entrance on 10th St. E, follow the new access road entering the power block from the west. This new alignment will better support potential City plans for development of the western portion of the site. The change to the alignment is wholly within the PHPP power plant site which has already been surveyed. The route proposed to travel east along E Ave M between 5th St. E and 10th St. E has also been surveyed since this is part of the original potable water alignment. Hence, no additional impacts have been identified due to this change.

The new proposed routes for the sanitary wastewater and the potable water pipelines are shown on a figure showing all of the linear routes. This new figure, PD-1, is provided at the end of this section.

**PALMDALE HYBRID POWER PROJECT (08-AFC-09)
CEC STAFF SET 1 DATA REQUESTS**

Technical Area: Project Description

Submittal Date: March 2, 2009

Changes to the Transmission Line route

CEC Data Request Set 1 included a request to provide specific pole locations for the transmission line. It also requested additional information on the pole locations, spur roads and related facilities in relation to washes and other streambeds. Further discussions with Southern California Edison (SCE) and more detailed engineering to address these requests have caused changes to be made to the proposed alignment near the beginning of and at the end of Segment 2 of the transmission line from the way it was originally depicted in the AFC.

Originally the transmission line was to enter the Vincent Substation on the north side of the facility. The administrative and control buildings are clustered on the north side of the Vincent substation and SCE would not allow the PHPP transmission lines to cross over these structures to the switchyard on the south side of the substation. The newly proposed alignment has the transmission line now running south down E. Soledad Pass Road, then south and west on Hillside Drive into the substation from the south.

Additionally, the transition from Segment 1 to Segment 2 of the transmission line into the Pearblossom switchyard is along Lone Oak Rd. The transmission line will still roughly follow Lone Oak Rd., but is now slightly further north, outside of the corridor previously surveyed for cultural resources.

These two changes to the alignment are minor; however they will require some additional field surveys. The required cultural surveys will be conducted in March and the results provided within 30 days of the completion of the work. Biological surveys for special status species will be conducted in the proper time of year (e.g., March – April), and results provided in a timely manner.

In addition, there were several areas of concern where transmission pole location, spur road, and/or proposed work or staging areas had the potential to impact a jurisdictional water, and actions were taken to avoid any potential impacts, including relocation of staging areas and minor relocations of transmission line poles. These changes are summarized in the Biological Resources section of this March 2, 2009 Supplemental Responses submittal.

The changes to Segment 2 of the transmission line are shown on the figure showing all of the linear facilities (same figure as above for the potable and wastewater pipelines) provided at the end of this section, as well as in the revised Google Earth fly-over which is included in the CD as part of this submittal.

From: Head, Sara

Sent: Wednesday, March 11, 2009 2:35 PM

To: 'jdiamond@energy.state.ca.us'

Cc: Felicia Miller; 'Tony Penna'; Allen Cadreau; Ortiz, Hector; Lindner, Carl; Marc.Campopiano@lw.com

Subject: PHPP Socioeconomic question - 08-AFC-9

Joe -

I am sending this email in response to your phone call yesterday. You asked me to confirm if the changes to the Project Description for the Palmdale Hybrid Power Project as submitted in our Supplement Responses to CEC Data Requests Set 1 would change any of our socioeconomic analyses in Section 5.11 of the PHPP AFC. The changes involved some re-routing (but about the same length) of the project linears and some rearrangement of the equipment and buildings in the power block and solar array site. In particular, you identified the small 5-acre increase in the site and the addition of a 2nd site access road as items that might affect the Applicant's projections of construction labor workforce, sales tax/materials use, etc.

I contacted Inland Energy and they contacted Kiewit Power Engineers with these questions. They have confirmed that we do not envision any changes to the Project's socioeconomic analyses at this time. The changes are relatively small and the construction workforce and other information presented in the AFC is based on preliminary design. The 2nd access road would be graded as part of the overall site grading plan and the increase in site size is related to rearrangement of the retention basins and other features, and the solar field is actually a slight decrease in size. A potentially few extra poles for the transmission line would also not substantially change the estimate as the crews would already be in the field. The information based on preliminary design is currently not to the detailed level that would be meaningful to update for minor revisions described.

Please let me know if you have further questions on the PHPP AFC.

Sara

Sara J. Head, QEP

AECOM Environment

T 805-388-3775 ext 227

C 805-320-8059

sara.head@aecom.com

E-mail Regarding Transmission Line Acreage

From: MICHAEL.CARROLL@LW.com

Sent: Thursday, August 27, 2009 6:07 AM

To: Fmiller@energy.state.ca.us; Cholmes@energy.state.ca.us

Cc: tonypenna@inlandenergy.com; Head, Sara; Marc.Campopiano@lw.com

Subject: PHPP Transmission Line ROW Acres

Hello Felicia and Caryn.

Staff recently requested clarification regarding the "area" for the proposed PHPP transmission line. A value of 103 acres was mentioned by Staff. We are not sure where this figure came from. Upon further reflection, we are also not exactly sure what value Staff is looking for. Is it the total land area of the T-Line, the area to be disturbed during T-Line construction, or the disturbed vegetative community area? The answer to all three possibilities is provided as follows:

Total Land Area of T-Line

Land area = 50' ROW along 35.6 miles T-line: **215.8 acres**

Disturbed Area During T-Line Construction

Disturbed area during construction = **79.8 acres**

Temporary pulling sites: 10.6 acres,

Temporary staging areas: 4.5 acres,

Temporary 50' radius easement around poles: 59.1 acres,

Segment 1 Spur roads: 2.6 acres,

Segment 2 Spur roads: 3.0 acres.

Note, only the spur roads and a small area around each pole for the foundation would be permanently disturbed, so that area would be about 6.5 acres.

Disturbed Vegetative Community Area for T-Line

Vegetation Community	Transmission Line Segments	
	1	2
Mojave Creosote Bush Scrub	11.96	1.53
Joshua Tree Woodland	2.20	1.53
Desert Saltbush Scrub	4.62	0
Rabbitbrush Scrub	0.31	0
Mojavean Juniper Scrub	0	4.57
Mojave Desert Wash Scrub	0.12	0
Agricultural Land	5.08	0
Urban and Disturbed Lands	1.19	0
Total (acres)	25.48	7.63

Hopefully, this resolves whatever questions Staff has with respect to this issue.

Michael J. Carroll

LATHAM & WATKINS LLP
 650 Town Center Drive
 20th Floor
 Costa Mesa, CA 92626-1925
 Direct Dial: +1.714.755.2204
 Fax: +1.714.755.8290
 Email: marc.campopiano@lw.com
<http://www.lw.com>

E-mail Regarding Hydrostatic Testing Water Needs

From: MICHAEL.CARROLL@LW.com
Sent: Thursday, August 27, 2009 6:50 AM
To: Fmiller@energy.state.ca.us; Cholmes@energy.state.ca.us
Cc: tonypenna@inlandenergy.com; Head, Sara; Marc.Campopiano@lw.com
Subject: PHPP Hydrostatic Testing

Hello Felicia and Caryn.

Staff recently asked for confirmation of the amount of water needed for hydrostatic testing in connection with the PHPP. The amount of water needed for hydrostatic testing is estimated to be 1,174,116 gallons as shown in the table below:

Estimate Of Hydrostatic Water Volume required for PHPP		
Item	FT ³	Gal
Power Block Piping	110,929	829,806
Condenser	23,940	179,084
HRSG 1	9,203	68,844
HRSG 2	9,203	68,844
Solar Evaporators(Water/Steam Side) (estimated as 20% of HRSG)	3681.3	27,537.7
Total	156,956	1,174,116
Source: Kiewit Power Engineers (RRT, 8/22/09)		

E-mail Transmitting Land Use Approvals

From: Marc.Campopiano@lw.com
Sent: Thursday, August 27, 2009 8:35 AM
To: Fmiller@energy.state.ca.us
Cc: Cholmes@energy.state.ca.us; MICHAEL.CARROLL@LW.com; Head, Sara;
tonypenna@inlandenergy.com; nvahidi@aspeneg.com
Subject: RE: PHPP - General Plan Amendment

Attachments: Resolution No. CC 2009-041.pdf; Ordinance 1373.pdf; Resolution No. PC-2009-008.pdf; Resolution No. PC-2009-006.pdf; Resolution No. PC-2009-007.pdf; Tentative PM 070999.pdf

Felicia,

Hope you are doing well. As you requested in the email below, attached are the final (signed) approval documents for the GP amendment, zone change, and parcel map. If you need anything else in this regard, please let me know.

Best regards,

Marc T. Campopiano

LATHAM & WATKINS LLP
650 Town Center Drive
20th Floor
Costa Mesa, CA 92626-1925
Direct Dial: +1.714.755.2204
Fax: +1.714.755.8290
Email: marc.campopiano@lw.com
<http://www.lw.com>

From: Felicia Miller [mailto:Fmiller@energy.state.ca.us]
Sent: Friday, August 21, 2009 10:21 AM
To: Carroll, Michael (OC)
Cc: Negar Vahidi; Caryn Holmes
Subject: PHPP - General Plan Amendment

On a follow up item I should have brought up during our phone workshops; during the scheduling conference on 7/9, I requested from the mayor a copy of a city resolution indicating the city had adopted a general plan amendment, zone change and tentative parcel map (for the proposed PHPP). Could you please check with the city to see if they can provide that information to staff, as we need documentation to verify the amendments are in place? Thanks - Felicia

The resolution (as identified by Negar) in prior CC meetings, as the following:

Link to the 04/01/09 CC minutes :
http://palmdale.granicus.com/MinutesViewer.php?view_id=2&clip_id=729

8.4	General Plan Amendment 09-01, Zone Change 09-01, proposals for the following items related to early activities associated with the Palmdale Hybrid Power Project (PHPP): a) General Plan Amendment (GPA) 09-01 amending the General Plan Land Use designation from SP-10 (Palmdale Business Park Specific Plan) to IND (Industrial); and b) Zone Change (ZC) 09-01 amending the Zoning designation from SP-10 (Palmdale Business Park Specific Plan) to M-2 (General Industrial). (Staff Reference: Director of Planning Herath)
-----	--

Assistant Director of Planning Kite presented the staff report. Mayor Ledford opened the public hearing. Testimony: None. A motion was made by Councilmember Lackey, seconded by Councilmember Hofbauer to close the public hearing. The public hearing was closed with no objections.

8.4a	Resolution No. CC 2009-041, a Resolution of the City Council of the City of Palmdale, California approving General Plan Amendment (GPA) 09-01 revising the General Plan Land Use Map on 613.4 gross acres located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th St. East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 described herein (GPA 09-01).
------	---

Motion: adopt Resolution No. CC 2009-041.
 Moved by Councilmember Hofbauer, seconded by Councilmember Lackey.

Vote: Motion carried (4-0)
 Yes: Mayor Ledford, Councilmember Lackey, Councilmember Dispenza, and Councilmember Hofbauer.

8.4b	Ordinance No. 1373, an Ordinance of the City of Palmdale, California approving Zone Change (ZC) 09-01 amending the official Zoning Map of the City of Palmdale, California by reclassifying certain real property herein described as Zone Change (ZC) 09-01, a request to amend the zoning designation on 613.4 acres from SP-10 (Palmdale Business Park Specific Plan) to M-2 (General Industrial) located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 (ZC 09-01).
------	---

Motion: set Ordinance No. 1373 over to the next Regular Meeting for second reading.
 Moved by Councilmember Hofbauer, seconded by Councilmember Dispenza.

Vote: Motion carried (4-0)
 Yes: Mayor Ledford, Councilmember Lackey, Councilmember Dispenza, and Councilmember Hofbauer.

Link to 04/15/09 CC minutes:
http://palmdale.granicus.com/MinutesViewer.php?view_id=2&clip_id=739

7.9	CC - Approve Parcel Map No. 70999, Power Plant located at the intersection of Columbia Way/Avenue M and Challenger Way. (Staff Reference: Director of Public Works Mischel)
-----	---

7.10	CC - Adopt Ordinance No. 1373, an Ordinance of the City Council of the City of Palmdale, California approving Zone Change (ZC) 09-01 amending the Official Zoning Map of the City of Palmdale, California by reclassifying certain real property herein described as Zone Change (ZC) 09-01, a request to amend the zoning designation on 613.4 acres from SP-10 (Palmdale Business Park Specific Plan) to M-2 (General Industrial) located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 (ZC 09-01). (Staff Reference: Director of Planning Herath)
------	---

**CITY OF PALMDALE
LOS ANGELES COUNTY, CALIFORNIA
RESOLUTION NO. CC 2009-041**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE, APPROVING GENERAL PLAN AMENDMENT (GPA) 09-01 REVISING THE GENERAL PLAN LAND USE MAP ON 613.4 GROSS ACRES LOCATED ON THE SOUTH SIDE OF AVENUE M, EAST OF SIERRA HIGHWAY AND THE UNION PACIFIC RAILROAD, WEST OF THE ALIGNMENT OF 15TH STREET EAST AND USAF PLANT 42, AND NORTH OF THE ALIGNMENT OF AVENUE M-12 AND USAF PLANT 42 DESCRIBED HEREIN (GPA 09-01)

A. RECITALS

WHEREAS, Pursuant to Section 65300 of the State Planning and Zoning Law (Division 1 of Title 7 of the California Government Code), the City of Palmdale has adopted a General Plan to provide comprehensive, long-range policy guidelines for future growth and development which incorporates the following elements: Land Use; Circulation; Noise; Housing; Public Services; Safety; Environmental Resources; Parks, Recreation and Trails; and Community Design. Each element includes a profile report containing baseline data, and a statement of issues, goals, objectives, and policies and programs as required by State Law; and

WHEREAS, Pursuant to Section 65358 of the State Planning and Zoning Law (Division I of Title 7 of the California Government Code), if it is deemed in the public interest, the City may amend all or part of an adopted General Plan; and

WHEREAS, The General Plan and this subsequent amendment have been prepared in accordance with General Plan Guidelines promulgated by the Governor's Office of Planning and Research, and all applicable State Laws. This is the first amendment to the General Plan for the Calendar Year of 2009; and

WHEREAS, The City of Palmdale has filed the application proposing General Plan Amendment 09-01 to amend the General Plan Land Use designation on 613.4 gross acres from SP-10 (Palmdale Business Park Specific Plan) to IND (Industrial) (hereinafter referred to as "Application"). This application is one of the early actions being undertaken by the City of Palmdale related to the Palmdale Hybrid Power Project (PHPP). The project site is generally located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 and affecting Los Angeles County Assessor's Parcel Numbers 3126-022-903, 904, and 906 through 923, legally described as Attachment I hereto and shown on the Assessor's Parcel Map attached hereto as Attachment II; and

WHEREAS, The Application to amend the General Plan Land Use map applies to 613.4 gross acres within the City limits of the City of Palmdale and sphere of influence generally located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 with a General Plan Land Use designation of SP-10 (Palmdale Business Park Specific Plan). Other applications filed with the request for General Plan Amendment 09-01 are Zone Change 09-01 and Tentative Parcel Map 070999. The City of Palmdale has also filed an application with the California Energy Commission for the Palmdale Hybrid Power Project (PHPP); and

WHEREAS, The subject site is relatively flat sloping to the north and northeast. Adjacent land uses are existing heavy industrial uses and vacant land to the northwest within the City of Lancaster and vacant land in the City of Palmdale to the northeast; U.S. Air Force Plant 42 to the south and east; and the Union Pacific Railroad, Sierra Highway and existing commercial uses and vacant land beyond to the west; and

WHEREAS, The General Plan Land Use designations on adjacent properties are HI (Heavy Industrial, City of Lancaster) and IND (Industrial) to the north; AR (Aircraft Related) to the south and east; and CC (Community Commercial), CM (Commercial Manufacturing), and BP (Business Park) to the west; and

WHEREAS, This project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5; and

WHEREAS, On February 19, 2009, the Planning Commission of the City of Palmdale adopted Resolution No. PC-2009-006 recommending approval of General Plan Amendment 09-01 to the City Council, to reclassify certain real property as described above. Notice of time, place and purpose of the aforesaid meeting was duly noticed in accordance with California Government Code Section 65355 and 65090, and Public Resources Code Section 21095; and

WHEREAS, On April 1, 2009, the City Council of the City of Palmdale conducted a duly noticed public hearing on General Plan Amendment 09-01 and concluded said hearing on that date. Notice of the time, place and purpose of the aforesaid meeting was duly noticed in accordance with California

Government Code Sections 65355 and 65090, and Public Resources Code Section 21092; and

WHEREAS, All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined, and resolved by the City Council of the City of Palmdale, as follows:

SECTION 1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A of this Resolution, are true and correct.

SECTION 2. Based upon substantial evidence presented to the City Council during the above-referenced April 1, 2009, public hearing, including public testimony, written and oral staff report, this City Council finds as follows with respect to General Plan Amendment (GPA) 09-01:

- (a) The proposed actions conforms with the intent of the General Plan to allow for ongoing review and revision of the plan to meet the changing needs of the community and to reflect continued effectiveness of the General Plan because the proposed land use designation of IND (Industrial) will permit the development of the Palmdale Hybrid Power Project (PHPP) for which an application has been submitted to the California Energy Commission as well as other future industrial development on the 613.4 gross acre site. When completed, the PHPP will provide a revenue source for the City as well as employment opportunities for the construction and on-going operation of the use. The proposed Industrial designation provides for compatible uses adjacent to US Air Force Plant 42, the Union Pacific Railroad and the existing industrial uses and designated parcels to the north. The site is accessed by Avenue M, a Major Arterial street, providing adequate access to the proposed site.
- (b) It is in the public's best interest to revise the General Plan Land Use Map at this time for GPA 09-01 because the proposed IND (Industrial) land use designation will permit development of the PHPP as well as other industrial uses that will result in the generation of electricity through the use of both natural gas and solar power, as well as create possible future industrial employment opportunities on the remaining portion of the site. The

site is located adjacent to the Union Pacific Railroad which offers opportunities for larger industrial manufacturers requiring rail transportation.

- (c) Adoption of this General Plan Amendment will not be in conflict with Section 65358 (b) of the Government Code relating to the number of amendments permitted per year, because this amendment request is only the first such amendment to the Land Use Element of Calendar Year 2009.
- (d) This proposed action conforms to the goals, policies and objectives as described in the General Plan because the proposed designation of IND (Industrial) will permit the development of the PHPP as well as other future industrial uses on the remaining portion of the site. The Industrial (IND) designation is intended to permit a variety of industrial uses, including the manufacturing and assembly of products and goods, warehousing, distribution, and similar uses. Some limited commercial uses which are incidental to and supportive of the primary industrial uses may also be permitted. This designation permits the most intensive types of manufacturing and industrial uses, subject to the height, coverage and development regulations of the underlying zone district. The Industrial designation is appropriate in areas having or planned to have adequate sewer, water, transportation, drainage, utilities and public services available to meet anticipated needs of this type of development. Where possible, industrial designations should be separated from residential areas by natural or manmade barriers, such as major arterials, utility easements, drainage courses or railroad right-of-way. The proposed action conforms with the following General Plan policies:

Policy L1.3.1: On the Land Use Map, designate land uses in consideration of topography, environmental constraints, availability of infrastructure, and intensity of adjacent uses.

The subject site is currently designated SP-10 (Palmdale Business Park Specific Plan) and is proposed to change to IND (Industrial). Since the approval of the Palmdale Business Park Specific Plan, there has been no development activity on the subject site other than the recordation of Parcel Map 24191. After the acquisition of the entire Specific Plan site by the City from Lockheed and the submittal of the application to the California Energy Commission for the PHPP, the Palmdale Business Park Specific Plan is no longer a useful planning tool for the site. The proposed change to IND

(Industrial) is appropriate for the site given the minimal topographic variation of the site, is located adjacent to the more intense manufacturing operations and uses of USAF Plant 42, and provides a logical transition from the existing and future industrial uses located north of Avenue M, and is compatible with the Union Pacific Railroad to the west.

Policy L2.1.5: Promote opportunities for transportation-related industries which utilize air, rail and highway facilities, specifically with respect to freight transfer and distribution facilities.

The proposed change to IND (Industrial) provides opportunities for rail dependent industry to possibly locate on the western portion of the site consistent with this policy.

Policy L2.1.7: Support new technologies which may result in increased business opportunities within the City of Palmdale.

The proposed General Plan Amendment will permit the development of the PHPP which will provide both short term construction employment opportunities and long term operational employment opportunities with the PHPP itself as well as generate additional revenues for the City that may allow the City to provide additional incentives towards establishing new manufacturing and other industrial uses in the City.

Policy L5.2.4: Ensure effective utilization of industrial land resources by avoiding creation of small lot subdivisions in excess of the number of small industrial lots needed to meet community requirements.

The proposed General Plan Amendment will permit the development of the PHPP which requires a substantial site area for the facility and related construction activities. The City has a substantial amount of developable land currently designated BP (Business Park) and IND (Industrial) that can accommodate these types of uses but has minimal parcels of the size necessary for the PHPP. Therefore, the proposed amendment permits the effective utilization of this site and avoids the creation of an excessive amount of smaller industrial lots.

SECTION 3. The City Council hereby finds as follows with respect to the Notice of Exemption:

- (a) Pursuant to the California Environmental Quality Act ("CEQA"), the City staff determined that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. Based on that determination, a Notice of Exemption was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Notice of Exemption.
- (b) The City Council has reviewed the Notice of Exemption and all comments received regarding the Notice of Exemption and, based on the whole record before it, finds that the Notice of Exemption was prepared in compliance with CEQA and that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. The City Council further finds that the Notice of Exemption reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Notice of Exemption.
- (c) The custodian of records for the Notice of Exemption and all other materials which constitute the record of proceedings upon which the City Council's decision is based, is the Director of Planning of the City of Palmdale. Those documents are available for public review in the Planning Department of the City of Palmdale located at 38250 Sierra Highway, Palmdale, California 93550, telephone (661) 267-5200.

SECTION 4. Based on the findings and conclusions set forth in Sections 1, 2 and 3 above, the City Council hereby approves General Plan Amendment 09-01, amending the General Plan Land Use Map on 613.4 gross acres from SP-10 (Palmdale Business Park Specific Plan) to IND (Industrial) generally located on the south side of Avenue M, east of Sierra Highway and the Union

Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42,
and north of the alignment of Avenue M-12 and USAF Plant 42.

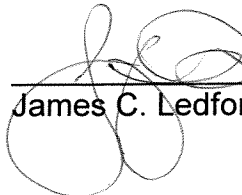
SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 1st day of April, 2009.

AYES: Ledford, Lackey, Dispenza, and Hofbauer


NOES: None

ABSTAIN: None ABSENT: None



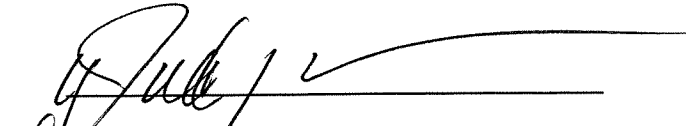
James C. Ledford, Jr., Mayor

ATTEST:



Victoria L. Hancock, CMC
City Clerk

Approved as to form:



Wm. Matthew Ditzhazy
City Attorney

ATTACHMENT I

**LEGAL DESCRIPTION
FOR GENERAL PLAN AMENDMENT 09-01**

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCELS 1 THROUGH 20 OF PARCEL MAP NO. 24191 IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 283, PAGES 31 THROUGH 39 OF PARCELS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFORM ALL OIL, HYDROCARBON, GAS, AND MINERALS, IN OR UNDER SAID LAND AS RESERVED BY CARL LARSEN AND INDIA LARSEN, HUSBAND AND WIFE AS JOINT TENANTS, AND GLEN J. BLAKE JR., AND KATHLEEN M. BAKER, IN THE DEED RECORDED MARCH 3, 1957 AS INSTRUMENT NO. 1448 IN BOOK 53833, PAGE 249, OF OFFICIAL RECORDS

END OF LEGAL DESCRIPTION

**CITY OF PALMDALE
LOS ANGELES COUNTY, CALIFORNIA
RESOLUTION NO. PC-2009-006**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALMDALE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF PALMDALE, CALIFORNIA, APPROVE GENERAL PLAN AMENDMENT 09-01, REVISING THE GENERAL PLAN LAND USE MAP ON 613.4 GROSS ACRES LOCATED ON THE SOUTH SIDE OF AVENUE M, EAST OF SIERRA HIGHWAY AND THE UNION PACIFIC RAILROAD, WEST OF THE ALIGNMENT OF 15TH STREET EAST AND USAF PLANT 42, AND NORTH OF THE ALIGNMENT OF AVENUE M-12 AND USAF PLANT 42 DESCRIBED HEREIN (GPA 09-01)

A. RECITALS

- (i) Pursuant to Section 65300 of the State Planning and Zoning Law (Division 1 of Title 7 of the California Government Code), the City of Palmdale has adopted a General Plan to provide comprehensive, long-range policy guidelines for future growth and development which incorporates the following elements: Land Use, Circulation, Noise, Housing, Public Services, Safety, Environmental Resources, Parks, Recreation and Trails and Community Design. Each element includes a profile report containing baseline data, and a statement of issues, goals, objectives, and policies and programs as required by State Law.
- (ii) Pursuant to Section 65358 of the State Planning and Zoning Law (Division I of Title 7 of the California Government Code), if it is deemed in the public interest, the City may amend all or part of an adopted General Plan.
- (iii) The General Plan and this subsequent amendment have been prepared in accordance with General Plan Guidelines promulgated by the Governor's Office of Planning and Research, and all applicable State Laws. This is the first amendment to the General Plan for the Calendar Year of 2009.
- (iv) The City of Palmdale has filed the application proposing General Plan Amendment 09-01 to amend the General Plan Land Use designation on 613.4 gross acres from SP-10 (Palmdale Business Park Specific Plan) to IND (Industrial) (hereinafter referred to as "Application"). This application is one of the early actions being undertaken by the City of Palmdale related to the Palmdale Hybrid Power Project (PHPP). The project site is generally located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF

Plant 42 and affecting Los Angeles County Assessor's Parcel Numbers 3126-022-903, 904, and 906 through 923, legally described as Attachment I hereto and shown on the Assessor's Parcel Maps attached hereto as Attachment II.

- (v) The Application to amend the General Plan Land Use map applies to 613.4 gross acres within the City limits of the City of Palmdale and sphere of influence generally located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 with a General Plan Land Use designation of SP-10 (Palmdale Business Park Specific Plan). Other applications filed with the request for General Plan Amendment 09-01 are Zone Change 09-01 and Tentative Parcel Map 070999. The City of Palmdale has also filed an application with the California Energy Commission for the Palmdale Hybrid Power Project (PHPP).
- (vi) The subject site is relatively flat sloping to the north and northeast. Adjacent land uses are existing heavy industrial uses and vacant land to the northwest within the City of Lancaster and vacant land in the City of Palmdale to the northeast; U.S. Air Force Plant 42 to the south and east, and the Union Pacific Railroad, Sierra Highway and existing commercial uses and vacant land beyond.
- (vii) The General Plan Land Use designations on adjacent properties are HI (Heavy Industrial, City of Lancaster) and IND (Industrial) to the north, AR (Aircraft Related) to the south and east, and CC (Community Commercial), CM (Commercial Manufacturing) and BP (Business Park) to the west.
- (viii) This project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5.

- (ix) On February 19, 2009, the Planning Commission of the City of Palmdale conducted a duly noticed public hearing on the Application, and concluded said hearing on that date.
- (x) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Palmdale, as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A of this Resolution, are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced February 19, 2009, public hearing, including public testimony, and written and oral staff reports, this Commission specifically finds as follows with respect to General Plan Amendment (GPA) 09-01:
 - (a) The proposed actions conforms with the intent of the General Plan to allow for ongoing review and revision of the plan to meet the changing needs of the community and to reflect continued effectiveness of the General Plan because the proposed land use designation of IND (Industrial) will permit the development of the Palmdale Hybrid Power Project (PHPP) for which an application has been submitted to the California Energy Commission as well as other future industrial development on the 613.4 gross acre site. When completed, the PHPP will provide a revenue source for the City as well as employment opportunities for the construction and on-going operation of the use. The proposed Industrial designation provides for compatible uses adjacent to US Air Force Plant 42, the Union Pacific Railroad and the existing industrial uses and designated parcels to the north. The site is accessed by Avenue M, a Major Arterial street, providing adequate access to the proposed site.
 - (b) It is in the public's best interest to revise the General Plan Land Use Map at this time for GPA 09-01 because the proposed IND (Industrial) land use designation will permit development of the PHPP as well as other industrial uses that will result in the generation of electricity through the use of both natural gas and

solar power, as well as create possible future industrial employment opportunities on the remaining portion of the site. The site is located adjacent to the Union Pacific Railroad which offers opportunities for larger industrial manufacturers requiring rail transportation.

- (c) Adoption of this General Plan Amendment will not be in conflict with Section 65358 (b) of the Government Code relating to the number of amendments permitted per year, because this amendment request is only the first such amendment to the Land Use Element of Calendar Year 2009.
- (d) This proposed action conforms to the goals, policies and objectives as described in the General Plan because the proposed designation of IND (Industrial) will permit the development of the PHPP as well as other future industrial uses on the remaining portion of the site. The Industrial (IND) designation is intended to permit a variety of industrial uses, including the manufacturing and assembly of products and goods, warehousing, distribution, and similar uses. Some limited commercial uses which are incidental to and supportive of the primary industrial uses may also be permitted. This designation permits the most intensive types of manufacturing and industrial uses, subject to the height, coverage and development regulations of the underlying zone district. The Industrial designation is appropriate in areas having or planned to have adequate sewer, water, transportation, drainage, utilities and public services available to meet anticipated needs of this type of development. Where possible, industrial designations should be separated from residential areas by natural or manmade barriers, such as major arterials, utility easements, drainage courses or railroad right-of-way. The proposed action conforms with the following General Plan policies:

Policy L1.3.1: On the Land Use Map, designate land uses in consideration of topography, environmental constraints, availability of infrastructure, and intensity of adjacent uses.

The subject site is currently designated SP-10 (Palmdale Business Park Specific Plan) and is proposed to change to IND (Industrial). Since the approval of the Palmdale Business Park Specific Plan, there has been no development activity on the subject site other

than the recordation of Parcel Map 24191. After the acquisition of the entire Specific Plan site by the City from Lockheed and the submittal of the application to the California Energy Commission for the PHPP, the Palmdale Business Park Specific Plan is no longer a useful planning tool for the site. The proposed change to IND is appropriate for the site given the minimal topographic variation of the site, is located adjacent to the more intense manufacturing operations and uses of USAF Plant 42, and provides a logical transition from the existing and future industrial uses located north of Avenue M, and is compatible with the Union Pacific Railroad to the west.

Policy L2.1.5: Promote opportunities for transportation-related industries which utilize air, rail and highway facilities, specifically with respect to freight transfer and distribution facilities.

The proposed change to IND (Industrial) provides opportunities for rail dependent industry to possibly locate on the western portion of the site consistent with this policy.

Policy L2.1.7: Support new technologies which may result in increased business opportunities within the City of Palmdale.

The proposed General Plan Amendment will permit the development of the PHPP which will provide both short term construction employment opportunities and long term operational employment opportunities with the PHPP itself as well as generate additional revenues for the City that may allow the City to provide additional incentives towards establishing new manufacturing and other industrial uses in the City.

Policy L5.2.4: Ensure effective utilization of industrial land resources by avoiding creation of small lot subdivisions in excess of the number of small industrial lots needed to meet community requirements.

The proposed General Plan Amendment will permit the development of the PHPP which requires a substantial site area for the facility and related construction activities. The City has a substantial amount of developable land currently designated BP (Business Park) that can accommodate these types of uses but has

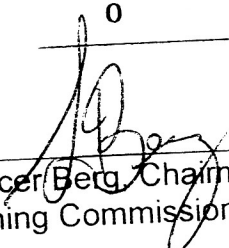
minimal parcels of the size necessary for the PHPP. Therefore, the proposed amendment permits the effective utilization of this site and avoids the creation of an excessive amount of smaller industrial lots.


3. The Planning Commission hereby finds as follows with respect to the Notice of Exemption:
 - (a) Pursuant to the California Environmental Quality Act ("CEQA"), the City staff determined that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. Based on that determination, a Notice of Exemption was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Notice of Exemption.
 - (b) The Planning Commission has reviewed the Notice of Exemption and all comments received regarding the Notice of Exemption and, based on the whole record before it, finds that the Notice of Exemption was prepared in compliance with CEQA and that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. The Planning Commission further finds that the Notice of Exemption reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby recommends the adoption of the Notice of Exemption to the City Council.

- (c) The custodian of records for the Notice of Exemption and all other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, is the Director of Planning of the City of Palmdale. Those documents are available for public review in the Planning Department of the City of Palmdale located at 38250 Sierra Highway, Palmdale, California 93550, telephone (661) 267-5200.
4. Based on the findings and conclusions set forth in paragraphs 1, 2, and 3 above, this Commission hereby recommends approval of General Plan Amendment 09-01 amending the General Plan Land Use Map on 613.4 gross acres from SP-10 (Palmdale Business Park Specific Plan) to IND (Industrial) generally located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 to the Palmdale City Council.
5. The Deputy City Clerk shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 19th day of February, 2009.

AYES: 5 (chairman berg, Vice Chair Dino, Commissioners Henderson, MacLaren and Thompson)
NOES: 0
ABSTAIN: 0 ABSENT: 0


Spencer Berg, Chairman
Planning Commission

ATTEST:

Lynn O'Brien, Deputy City Clerk

**CITY OF PALMDALE
LOS ANGELES COUNTY, CALIFORNIA
RESOLUTION NO. PC-2009-007**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALMDALE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF PALMDALE, CALIFORNIA, AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PALMDALE, CALIFORNIA, BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED AS ZONE CHANGE (ZC) 09-01, A REQUEST TO AMEND THE ZONING DESIGNATION ON 613.4 ACRES FROM SP-10 (PALMDALE BUSINESS PARK SPECIFIC PLAN) TO M-2 (GENERAL INDUSTRIAL) LOCATED ON THE SOUTH SIDE OF AVENUE M, EAST OF SIERRA HIGHWAY AND THE UNION PACIFIC RAILROAD, WEST OF THE ALIGNMENT OF 15TH STREET EAST AND USAF PLANT 42, AND NORTH OF THE ALIGNMENT OF AVENUE M-12 AND USAF PLANT 42 (ZC 09-01)

A. RECITALS

- (i) Pursuant to Sections 65800 and 65850 of the Government Code, the City of Palmdale has adopted a Zoning Ordinance which regulates the use of buildings, structures and land as between industry, business, residences, open space and other purposes; regulates signs and billboards; regulates the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yard, courts and other open spaces, the percentage of a lot which may be occupied by a building or structure, and the intensity of land use; establishes requirements for off street parking and loading; establishes building setback lines, as authorized by State Law; and other matters.

- (ii) The Application to amend the Zoning map applies to 613.4 gross acres within the City limits of the City of Palmdale and sphere of influence located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 on property with a General Plan Land Use designation of SP-10 (Palmdale Business Park Specific Plan). Other applications filed with the request for Zone Change 09-01 are General Plan Amendment 09-01 and Tentative Parcel Map 070999. The City of Palmdale has also filed an application with the California Energy Commission for the Palmdale Hybrid Power Project (PHPP).

- (iii) The City of Palmdale has filed an application requesting the approval of Zone Change (ZC) 09-01 proposing to amend the zoning designation on 613.4 gross acres from SP-10 (Palmdale Business Park Specific Plan) to M-2 (General Industrial) on 613.4 gross acres described herein (hereinafter referred to as "Application"), and affecting Los Angeles County Assessor's Parcel Numbers 3126-022-903, 904, and 906 through 923, legally described as Attachment I hereto and shown on the Assessor's Parcel Maps attached hereto as Attachment II.
- (iv) The subject site consists of 613.4 gross acres and is relatively flat sloping to the north and northeast. Adjacent land uses are existing heavy industrial uses and vacant land to the northwest within the City of Lancaster and vacant land in the City of Palmdale to the northeast; U.S. Air Force Plant 42 to the south and east, and the Union Pacific Railroad, Sierra Highway and existing commercial uses and vacant land beyond to the west.
- (v) The Zoning designations on adjacent properties are M-1 (Light Industrial) and HI (Heavy Industry, City of Lancaster) to the north; M-3 (Airport Industrial) to the south and east; and C-3 (General Commercial), C-5 (Service Commercial) and M-4 (Planned Industrial) to the west across the Union Pacific Railroad and Sierra Highway.
- (vi) This project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5.
- (vii) On February 19, 2009, the Planning Commission of the City of Palmdale conducted a duly noticed public hearing on the Application, and concluded said hearing on that date.
- (viii) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Palmdale, as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A of this Resolution, are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced February 19, 2009, public hearing, including public testimony, and written and oral staff report, this Commission specifically finds as follows with respect to Zone Change (ZC) 09-01:
 - (a) Upon adoption of General Plan Amendment 09-01, the proposed change in zone classification to M-2 (General Industrial) will be consistent with the General Plan Land Use designation of IND (Industrial).
 - (b) The land included within Zone Change 09-01 is suitable for any of the land uses permitted within the M-2 (General Industrial) zoning designation because the site is bordered by the existing USAF Plant 42 site to the east and south, the Union Pacific Railroad to the west, and existing and future industrial uses to the north located across Avenue M. The location of the M-2 zone is consistent with the General Plan industrial siting criteria, and other applicable industrial Land Use policies for the IND (Industrial) land use designation. The site is environmentally and topographically suited for large-scale industrial development including the PHPP because the site contains slopes less than ten (10) percent; the site is not anticipated to have a high population density; the site has adequate area to support the development requirements of the M-2 zone; and the existing and proposed infrastructure has adequate capacity to support the permitted uses.
 - (c) The proposed change in zone is reasonable and beneficial at this time because the proposed zone change will permit development of the PHPP as well as other industrial uses that will result in the generation of electricity through the use of both natural gas and solar power, as well as create possible future industrial employment opportunities on the unimproved portion of the site. The site is located adjacent to the Union Pacific Railroad which offers

opportunities for larger industrial manufacturers requiring rail transportation.

- (d) The proposed change in zone district classification will not have a substantial adverse impact on surrounding properties or the community in general because the permitted uses within the M-2 zone are compatible with the adjacent industrial uses of USAF Plant 42 to the east and south, the existing and future industrial uses to the north across Avenue M, and the Union Pacific Railroad to the west. All proposed development is required to comply with the required development standards that include landscaping and building setbacks when adjacent to arterial roadways. Also, any future development proposals will be evaluated for impacts to traffic and circulation, environmental resources, public services, safety, noise, and building design elements and will be modified accordingly to not have a substantial adverse impact on the surrounding properties.
 - (e) The M-2 zone designation permits a variety of heavy industrial uses including manufacturing, assembly, warehouse and distribution uses, some supportive commercial uses, and public, quasi-public and institutional uses. Public and quasi-public uses include utility facilities and public utility storage and maintenance yards which permit a variety of utility uses such as electrical distribution and generation facilities, water and sewer treatment plants, natural gas facilities, and communication facilities. The PHPP is a permitted use in the M-2 zone as a utility facility.
3. The Planning Commission hereby finds as follows with respect to the Notice of Exemption:
- (a) Pursuant to the California Environmental Quality Act ("CEQA"), the City staff determined that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. Based on that determination, a

Notice of Exemption was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Notice of Exemption.

- (b) The Planning Commission has reviewed the Notice of Exemption and all comments received regarding the Notice of Exemption and, based on the whole record before it, finds that the Notice of Exemption was prepared in compliance with CEQA and that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. The Planning Commission further finds that the Notice of Exemption reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby recommends the adoption of the Notice of Exemption to the City Council.
 - (c) The custodian of records for the Notice of Exemption and all other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, is the Director of Planning of the City of Palmdale. Those documents are available for public review in the Planning Department of the City of Palmdale located at 38250 Sierra Highway, Palmdale, California 93550, telephone (661) 267-5200.
4. Based on the findings and conclusions set forth in paragraphs 1, 2, and 3 above, this Commission hereby recommends to the City Council approval of an Ordinance as follows subject to approval of General Plan Amendment 09-01:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PALMDALE, CALIFORNIA, BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED AS ZONE CHANGE (ZC) 09-01, AMENDING THE ZONING DESIGNATION ON 613.4 ACRES FROM SP-10 (PALMDALE BUSINESS PARK SPECIFIC PLAN) TO M-2

(GENERAL INDUSTRIAL) LOCATED ON THE SOUTH SIDE OF AVENUE M, EAST OF SIERRA HIGHWAY AND THE UNION PACIFIC RAILROAD, WEST OF THE ALIGNMENT OF 15TH STREET EAST AND USAF PLANT 42, AND NORTH OF THE ALIGNMENT OF AVENUE M-12 AND USAF PLANT 42 (ZC 09-01)

5. The Deputy City Clerk shall certify to the adoption of this Resolution.

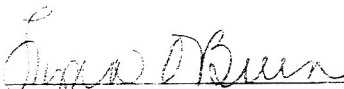
ADOPTED AND APPROVED this 19th day of February, 2009.

AYES: 5 (chairman Berg, Vice Chair Dino, Commissioners Henderson, MacLaren and Thompson)
NOES: 0
ABSTAIN: 0 ABSENT: 0



Spencer Berg, Chairman
Planning Commission

ATTEST:



Lynn O'Brien, Deputy City Clerk

ATTACHMENT I

ATTACHMENT I

**LEGAL DESCRIPTION
FOR ZONE CHANGE 09-01**

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

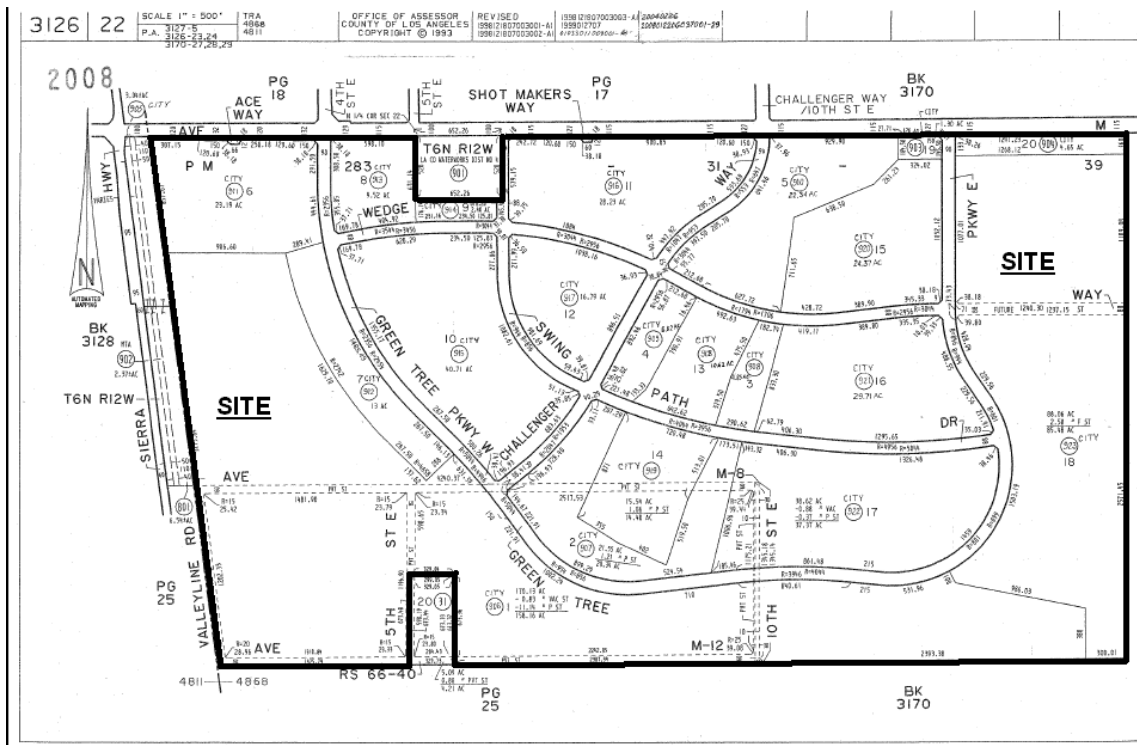
PARCELS 1 THROUGH 20 OF PARCEL MAP NO. 24191 IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 283, PAGES 31 THROUGH 39 OF PARCELS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFORM ALL OIL, HYDROCARBON, GAS, AND MINERALS, IN OR UNDER SAID LAND AS RESERVED BY CARL LARSEN AND INDIA LARSEN, HUSBAND AND WIFE AS JOINT TENANTS, AND GLEN J. BLAKE JR., AND KATHLEEN M. BAKER, IN THE DEED RECORDED MARCH 3, 1957 AS INSTRUMENT NO. 1448 IN BOOK 53833, PAGE 249, OF OFFICIAL RECORDS

END OF LEGAL DESCRIPTION

ATTACHMENT II

ASSESSOR'S PARCEL MAP
FOR ZONE CHANGE 09-01



**CITY OF PALMDALE
LOS ANGELES COUNTY, CALIFORNIA
RESOLUTION NO. PC-2009-008**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALMDALE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM) 070999, A REQUEST TO SUBDIVIDE 613.4 GROSS ACRES INTO TWO LOTS FOR THE FUTURE PALMDALE HYBRID POWER PROJECT (PHPP) AND FUTURE INDUSTRIAL USES ON PROPERTY PROPOSED TO BE ZONED M-2 (GENERAL INDUSTRIAL) LOCATED ON THE SOUTH SIDE OF AVENUE M, EAST OF SIERRA HIGHWAY AND THE UNION PACIFIC RAILROAD, WEST OF THE ALIGNMENT OF 15TH STREET EAST AND USAF PLANT 42, AND NORTH OF THE ALIGNMENT OF AVENUE M-12 AND USAF PLANT 42 (TPM-070999)

A. RECITALS

- (i) The City of Palmdale has filed an application requesting the approval of Tentative Parcel Map (TPM) 070999 described herein (hereinafter referred to as "Application").
- (ii) The Application applies to 613.4 acres within the M-2 (General Industrial) zone district, referred to on the County Assessor's roles as APN(s) 3126-022-903, 904, and 906 through 923 described on Attachment I hereto and shown on the Assessor's Parcel Maps attached hereto as Attachment II.
- (iii) The Application, as contemplated, proposes to create two (2) lots for future development of the PHPP and General Industrial uses.
- (iv) The subject site consists of 613.4 gross acres and is relatively flat sloping to the north and northeast. Adjacent land uses are existing heavy industrial uses and vacant land to the northwest within the City of Lancaster and vacant land in the City of Palmdale to the northeast; U.S. Air Force Plant 42 to the south and east, and the Union Pacific Railroad, Sierra Highway and existing commercial uses and vacant land beyond to the west.
- (v) The Zoning designations on adjacent properties are M-1 (Light Industrial) and HI (Heavy Industry, City of Lancaster) to the north; M-3 (Airport Industrial) to the south and east; and C-3 (General Commercial), C-5 (Service Commercial) and M-4 (Planned Industrial) to the west across the Union Pacific Railroad and Sierra Highway.

- (vi) This project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5.
- (vii) On February 19, 2009, the Planning Commission of the City of Palmdale conducted a duly noticed public hearing on the Application, and concluded said hearing on that date.
- (viii) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Palmdale, as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A of this Resolution, are true and correct.
2. Based upon substantial evidence presented to this Commission during the public hearing held on February 19, 2009, including public testimony, and written and oral staff reports, this Commission specifically finds as follows:
 - (a) The proposed subdivision is consistent with the adopted General Plan policies and proposed General Plan Land Use designation of IND (Industrial) subject to approval of General Plan Amendment (GPA) 09-01 and Zone Change (ZC) 09-01 because it conforms to the density, design standards, and location specified for the IND Land Use designation and M-2 zone district.
 - (b) The lot sizes proposed by the Tentative Parcel Map are in compliance with the Zoning Ordinance requirements for the M-2 (General Industrial) zone that requires a minimum lot size of 20,000 square feet subject to approval of GPA 09-01 and ZC 09-01. All

proposed lots meet the minimum lot width and depths for the M-2 zoning designation.

- (c) The land included within Zone Change 09-01 is physically suitable for development for any of the land uses permitted within the M-2 (General Industrial) zoning designation because the site is bordered by the existing USAF Plant 42 site to the east and south, the Union Pacific Railroad to the west, and existing and future industrial uses to the north located across Avenue M to the north in the City of Palmdale to the northeast and City of Lancaster to the northwest. The location of the M-2 zone is consistent with the General Plan industrial siting criteria, and other applicable industrial land use policies for the IND (Industrial) land use designation. The site is environmentally and topographically suited for large-scale industrial development including the PHPP because the site contains slopes less than ten (10) percent; the site is not anticipated to have a high population density; the site has adequate area to support the development requirements of the M-2 zone; and the existing and proposed infrastructure has adequate capacity to support the permitted uses. Further, there are no other known physical environmental constraints associated with approval of the Tentative Parcel Map (TPM) 070999.
- (d) The Tentative Parcel Map design provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible because the site is subdivided with lots of adequate dimensions to maximize any efforts or opportunities for passive and natural heating and cooling.
- (e) The Tentative Map does not propose to divide land that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 because the property in question has not been included in any such contract.
- (f) The discharge of waste from the proposed subdivision into an existing community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board because the applicant is required to comply with all Conditions of Approval regarding sanitary sewers as contained in Attachment III of this Resolution.

- (g) The design of the subdivision and the proposed street improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property is within an area of the City designated for development and all development to occur on the site in the future will be evaluated under CEQA guidelines or other documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5.
 - (h) The design of the subdivision and the proposed improvements are not likely to cause serious public health problems because Conditions of Approval have been applied to the project to require compliance with applicable codes and ordinances designed to protect public health and safety.
 - (i) The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision because the easements that do exist on the property will be vacated as necessary and new easements granted as necessary so as not to result in a conflict by the public at large for access through the property.
 - (j) The design of the subdivision and the Conditions of Approval require dedication of publicly-owned rights-of-way, on-site basin and other drainage facilities. The dedications required for this subdivision are proportional to the impacts caused by any proposed future development and are necessary in order to protect the subdivision and surrounding properties from flooding impacts, improve traffic safety and circulation in the vicinity, and to promote the safety of the general public.
3. The Planning Commission hereby finds as follows with respect to the Negative Declaration:
- (a) Pursuant to the California Environmental Quality Act (“CEQA”), the City staff determined that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal

power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. Based on that determination, a Notice of Exemption was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Notice of Exemption.

- (b) The Planning Commission has reviewed the Notice of Exemption and all comments received regarding the Notice of Exemption and, based on the whole record before it, finds that the Notice of Exemption was prepared in compliance with CEQA and that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. The Planning Commission further finds that the Notice of Exemption reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby adopts the Notice of Exemption.
 - (c) The custodian of records for the Notice of Exemption and all other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, is the Director of Planning of the City of Palmdale. Those documents are available for public review in the Planning Department of the City of Palmdale located at 38250 Sierra Highway, Palmdale, California 93550, telephone (661) 267-5200.
4. Based on the findings and conclusions set forth in paragraphs 1, 2, and 3 above, this Commission hereby approves Tentative Parcel Map (TPM) 070999, subject to the Conditions of Approval as set forth in Attachment III, and the approval of General Plan Amendment 09-01 and Zone Change 09-01 by the City Council.

5. The Deputy City Clerk shall certify to the adoption of this Resolution.

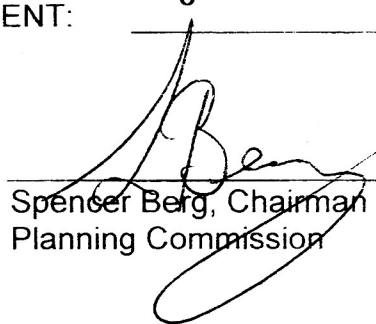
ADOPTED AND APPROVED this 19th day of February, 2009.

AYES: 5 (Chairman Berg, Vice Chair Dino, Commissioners Henderson, MacLaren and Thompson)

NOES: 0

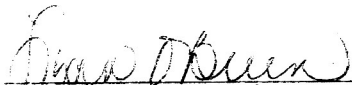
ABSTAIN: 0

ABSENT: 0



Spencer Berg, Chairman
Planning Commission

ATTEST:



Lynn O'Brien, Deputy City Clerk

ATTACHMENT I

**LEGAL DESCRIPTION
FOR TENTATIVE PARCEL MAP (TPM) 070999**

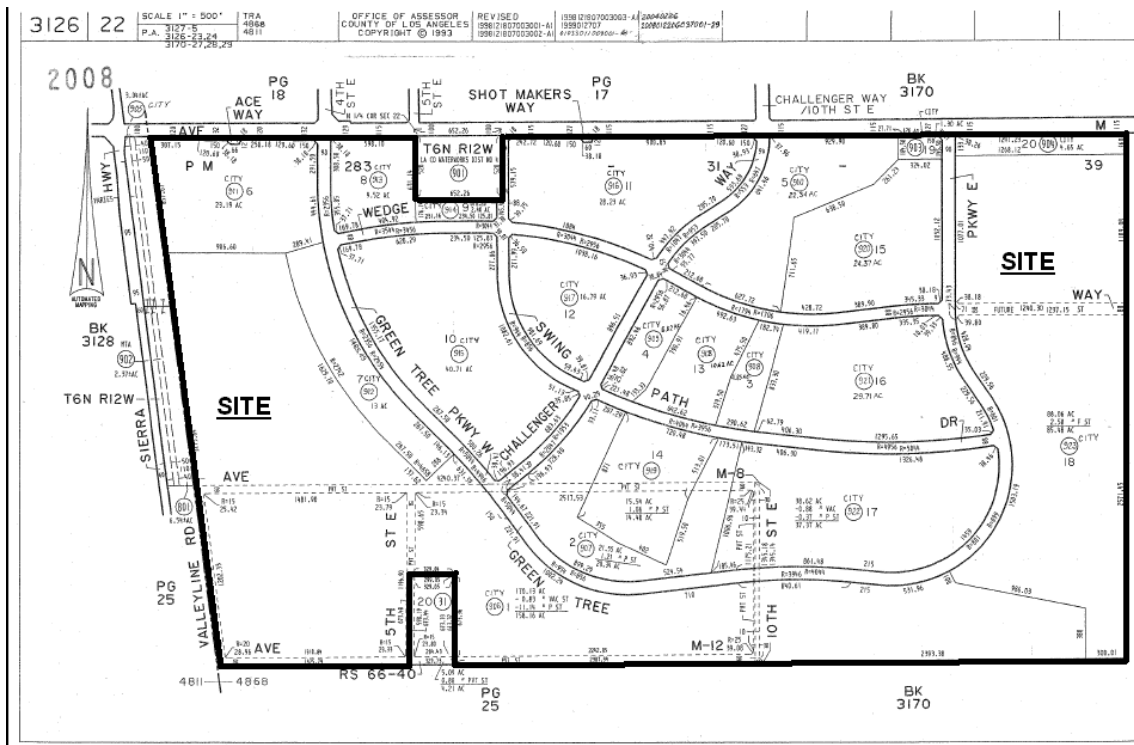
THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCELS 1 THROUGH 20 OF PARCEL MAP NO. 24191 IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 283, PAGES 31 THROUGH 39 OF PARCELS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFORM ALL OIL, HYDROCARBON, GAS, AND MINERALS, IN OR UNDER SAID LAND AS RESERVED BY CARL LARSEN AND INDIA LARSEN, HUSBAND AND WIFE AS JOINT TENANTS, AND GLEN J. BLAKE JR., AND KATHLEEN M. BAKER, IN THE DEED RECORDED MARCH 3, 1957 AS INSTRUMENT NO. 1448 IN BOOK 53833, PAGE 249, OF OFFICIAL RECORDS

END OF LEGAL DESCRIPTION

ATTACHMENT II
ASSESSOR'S PARCEL MAP
FOR TENTATIVE PARCEL MAP 070999



**CITY OF PALMDALE
COUNTY OF LOS ANGELES, CALIFORNIA
ORDINANCE NO. 1373**

AN ORDINANCE OF THE CITY OF PALMDALE, CALIFORNIA APPROVING ZONE CHANGE (ZC) 09-01 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PALMDALE, CALIFORNIA, BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED AS ZONE CHANGE (ZC) 09-01, A REQUEST TO AMEND THE ZONING DESIGNATION ON 613.4 ACRES FROM SP-10 (PALMDALE BUSINESS PARK SPECIFIC PLAN) TO M-2 (GENERAL INDUSTRIAL) LOCATED ON THE SOUTH SIDE OF AVENUE M, EAST OF SIERRA HIGHWAY AND THE UNION PACIFIC RAILROAD, WEST OF THE ALIGNMENT OF 15TH STREET EAST AND USAF PLANT 42, AND NORTH OF THE ALIGNMENT OF AVENUE M-12 AND USAF PLANT 42 (ZC 09-01)

THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to Sections 65800 and 65850 of the Government Code, the City of Palmdale has adopted a Zoning Ordinance which regulates the use of buildings, structures and land as between industry, business, residences, open space, and other purposes; regulates signs and billboards; regulates the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yard, courts and other open spaces, the percentage of a lot which may be occupied by a building or structure, and the intensity of land use; establishes requirements for off-street parking and loading; establishes building setback lines, as authorized by State Law; and other matters.

SECTION 2. Pursuant to Section 65851 of the California Government Code, which provides for the division of a City into zones for the implementation of zoning regulations, the City of Palmdale adopted the "Official Zoning Map of the City of Palmdale", as referenced in Section 14.01 of the Palmdale Zoning Ordinance, by Ordinance No. 1060 on December 14, 1994.

SECTION 3. On January 25, 1993, the City Council of the City of Palmdale adopted Resolution No. 93-10, certifying an EIR for the Palmdale General Plan and adopting Statements of Overriding Considerations and a Mitigation Monitoring Program pertaining to the City of Palmdale General Plan.

SECTION 4. On December 14, 1994, the City Council of the City of Palmdale adopted the Palmdale Zoning Ordinance as Title 17 of the Palmdale Municipal Code. The City Council determined that adoption of the Zoning Ordinance is in conformance with the EIR for the Palmdale General Plan, adopted findings to that effect, including the Statements of Overriding Considerations for all of those impacts identified in the Final EIR as not mitigatable to a level of non-significance, and filed a Notice of Determination to that effect.

SECTION 5. The City of Palmdale has filed an application requesting the approval of Zone Change (ZC) 09-01 proposing to amend the zoning designation on 613.4 gross acres from SP-10 (Palmdale Business Park Specific Plan) to M-2 (General Industrial) described herein (hereinafter referred to as "Application"), and affecting Los Angeles County Assessor's Parcel Numbers 3126-022-903, 904, and 906 through 923, legally described as Attachment I hereto and shown on the Assessor's Parcel Map attached hereto as Attachment II.

SECTION 6. The Application to amend the Zoning map applies to 613.4 gross acres within the City limits of the City of Palmdale and sphere of influence located on the south side of Avenue M, east of Sierra Highway and the Union Pacific Railroad, west of the alignment of 15th Street East and USAF Plant 42, and north of the alignment of Avenue M-12 and USAF Plant 42 on property with a Zoning designation of SP-10 (Palmdale Business Park Specific Plan). Other applications filed with the request for Zone Change 09-01 are General Plan Amendment 09-01 and Tentative Parcel Map 070999. The City of Palmdale has also filed an application with the California Energy Commission for the Palmdale Hybrid Power Project (PHPP).

SECTION 7. The subject site consists of 613.4 gross acres and is relatively flat sloping to the north and northeast. Adjacent land uses are existing heavy industrial uses and vacant land to the northwest within the City of Lancaster and vacant land in the City of Palmdale to the northeast; U.S. Air Force Plant 42 to the south and east; and the Union Pacific Railroad, Sierra Highway and existing commercial uses and vacant land beyond to the west. The Zoning designations on adjacent properties are M-1 (Light Industrial) and HI (Heavy Industry, City of Lancaster) to the north; M-3 (Airport Industrial) to the south and east; and C-3 (General Commercial), C-5 (Service Commercial) and M-4 (Planned Industrial) to the west across the Union Pacific Railroad and Sierra Highway.

SECTION 8. This project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5.

SECTION 9. On February 19, 2009, the Planning Commission of the City of Palmdale adopted Resolution No. PC-2009-007 recommending approval of Zone Change 09-01 to the City Council, to reclassify certain real property on 613.4 gross acres from SP-10 (Palmdale Business Park Specific Plan) to M-2 (General Industrial). Notice of the time, place and purpose of the aforesaid meeting was duly noticed in accordance with California Government Code Sections 65355 and 65090, and Public Resources Code Section 21092.

SECTION 10. On April 1, 2009, the City Council of the City of Palmdale conducted a duly notice public hearing on Zone Change 09-01 and concluded said hearing on that date. Notice of the time, place and purpose of the aforesaid meeting was duly noticed in accordance with California Government Code Sections 65355 and 65090, and Public Resources Code Section 21092.

SECTION 11. With respect to proposed Zone Change 09-01, the City Council finds a follows:

- (i) Upon adoption of General Plan Amendment 09-01, the proposed change in zone classification to M-2 (General Industrial) will be consistent with the General Plan Land Use designation of IND (Industrial).
- (ii) The land included within Zone Change 09-01 is suitable for any of the land uses permitted within the M-2 (General Industrial) zoning designation because the site is bordered by the existing USAF Plant 42 site to the east and south, the Union Pacific Railroad to the west, and existing and future industrial uses to the north located across Avenue M. The location of the M-2 zone is consistent with the General Plan industrial siting criteria, and other applicable industrial Land Use policies for the IND (Industrial) land use designation. The site is environmentally and topographically suited for large-scale industrial development including the PHPP because the site contains slopes less than ten (10) percent; the site is not anticipated to have a high population density; the site has adequate area to support the development requirements of the M-2 zone; and the existing and proposed infrastructure has adequate capacity to support the permitted uses.
- (iii) The proposed change in zone is reasonable and beneficial at this time because the proposed zone change will permit development of the PHPP as well as other industrial uses that will result in the generation of electricity through the use of both natural gas and solar power, as well as create possible future industrial employment opportunities on the unimproved portion of the site. The site is located adjacent to the Union Pacific Railroad which offers opportunities for larger industrial manufacturers requiring rail transportation.

- (iv) The proposed change in zone district classification will not have a substantial adverse impact on surrounding properties or the community in general because the permitted uses within the M-2 zone are compatible with the adjacent industrial uses of USAF Plant 42 to the east and south, the existing and future industrial uses to the north across Avenue M, and the Union Pacific Railroad to the west. All proposed development is required to comply with the required development standards that include landscaping and building setbacks when adjacent to arterial roadways. Also, any future development proposals will be evaluated for impacts to traffic and circulation, environmental resources, public services, safety, noise, and building design elements and will be modified accordingly to not to have a substantial adverse impact on the surrounding properties.

- (v) The M-2 zone designation permits a variety of heavy industrial uses including manufacturing, assembly, warehouse and distribution uses, some supportive commercial uses, and public, quasi-public and institutional uses. Public and quasi-public uses include utility facilities and public utility storage and maintenance yards which permit a variety of utility uses such as electrical distribution and generation facilities, water and sewer treatment plants, natural gas facilities, and communication facilities. The PHPP is a permitted use in the M-2 zone as a utility facility.

SECTION 12. The City Council hereby finds as follows with respect to the Notice of Exemption:

- (i) Pursuant to the California Environmental Quality Act ("CEQA"), the City staff determined that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. Based on that determination, a Notice of Exemption was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Notice of Exemption.

- (ii) The City Council has reviewed the Notice of Exemption and all comments received regarding the Notice of Exemption and, based on the whole record before it, finds that the Notice of Exemption was prepared in compliance with CEQA and that this project is statutorily exempt from CEQA review, pursuant to Section 15271 of the California Environmental Quality Act Guidelines which provides that CEQA does not apply to early actions undertaken by a public agency relating to any thermal power plant site or facility if the thermal power plant site and related facility will be the subject of an EIR, Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resources Code Section 21080.5. The City Council further finds that the Notice of Exemption reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council hereby adopts the Notice of Exemption.

- (iii) The custodian of records for the Notice of Exemption and all other materials which constitute the record of proceedings upon which the City Council's decision is based, is the Director of Planning of the City of Palmdale. Those documents are available for public review in the Planning Department of the City of Palmdale located at 38250 Sierra Highway, Palmdale, California 93550, telephone (661) 267-5200.

SECTION 13. Based upon the findings contained in Sections 11 and 12 of this Ordinance, the City Council hereby approves the re-zoning of the subject property as described in Section 5 of this Ordinance subject to the approval of General Plan Amendment 09-01 and directs the City Clerk to direct amendment of the official Zoning Map of the City to reflect the change as required by Section 14.01 of the Palmdale Zoning Ordinance.

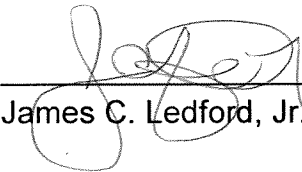
SECTION 14. This Ordinance is directed to be published in accordance with Section 36933 of the Government Code of the State of California.

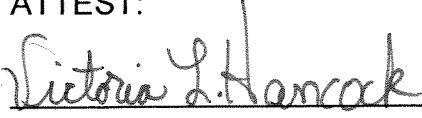
PASSED, APPROVED and ADOPTED this 1st day of April, 2009, by the following vote:

AYES: Ledford, Lackey, Dispenza, and Hofbauer

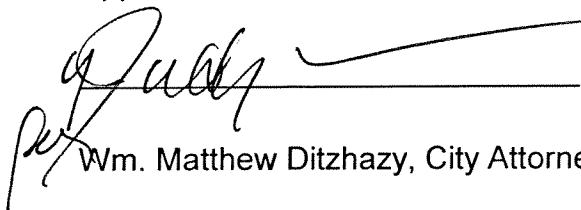
NOES: None

ABSTAIN: None ABSENT: None


James C. Ledford, Jr., Mayor

ATTEST:

Victoria L. Hancock, CMC
City Clerk

Approved as to form:


Wm. Matthew Ditzhazy, City Attorney

ATTACHMENT I

**LEGAL DESCRIPTION
FOR ZONE CHANGE 09-01**

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

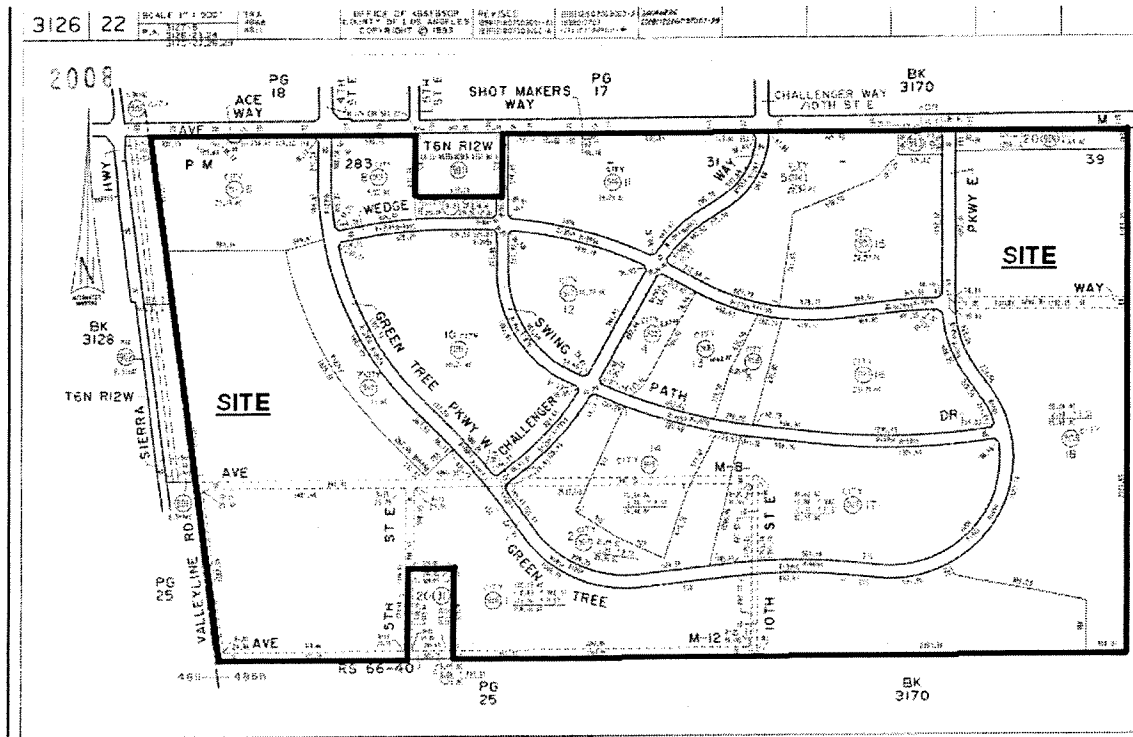
PARCELS 1 THROUGH 20 OF PARCEL MAP NO. 24191 IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 283, PAGES 31 THROUGH 39 OF PARCELS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFORM ALL OIL, HYDROCARBON, GAS, AND MINERALS, IN OR UNDER SAID LAND AS RESERVED BY CARL LARSEN AND INDIA LARSEN, HUSBAND AND WIFE AS JOINT TENANTS, AND GLEN J. BLAKE JR., AND KATHLEEN M. BAKER, IN THE DEED RECORDED MARCH 3, 1957 AS INSTRUMENT NO. 1448 IN BOOK 53833, PAGE 249, OF OFFICIAL RECORDS

END OF LEGAL DESCRIPTION

ATTACHMENT II

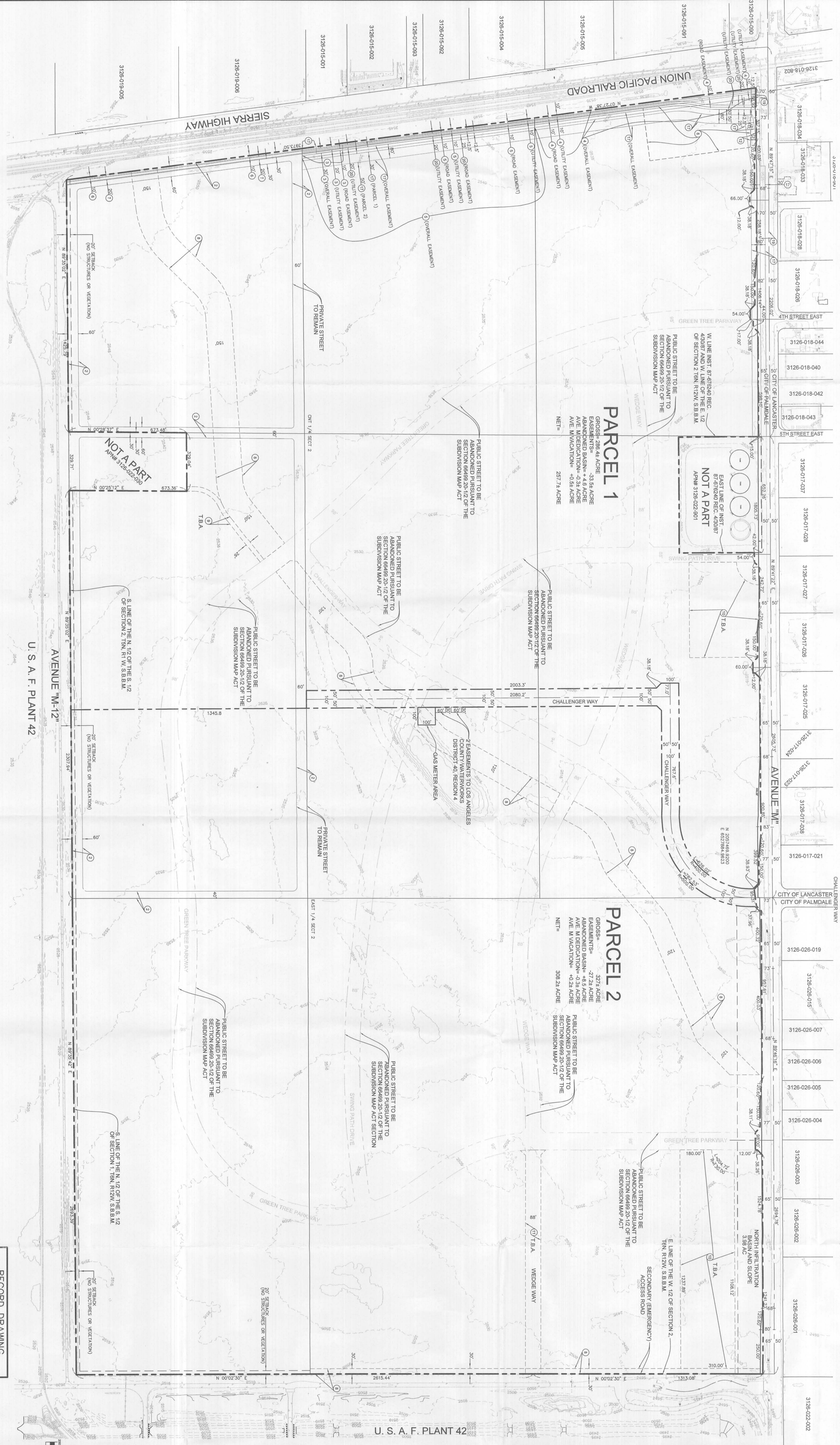
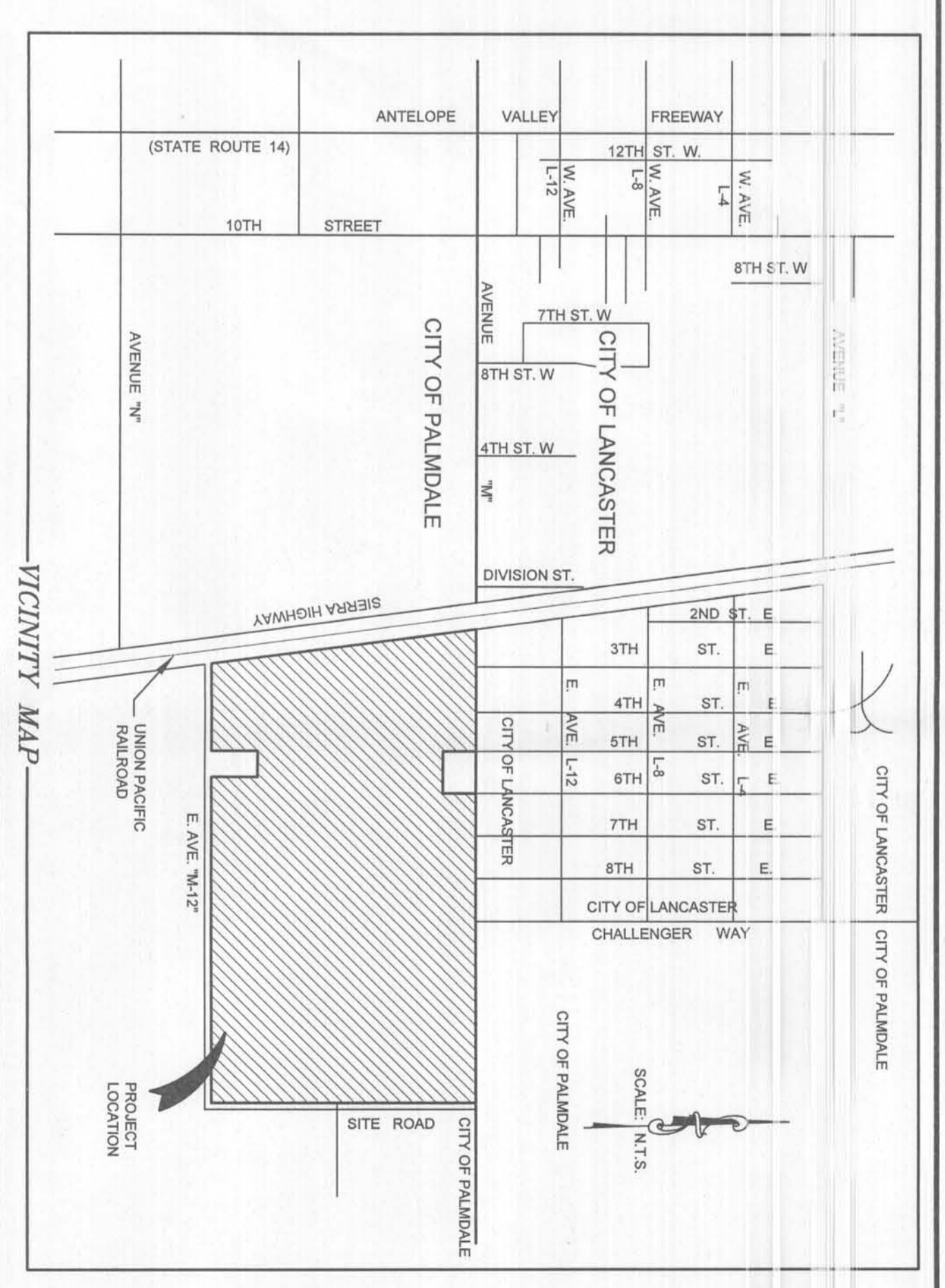
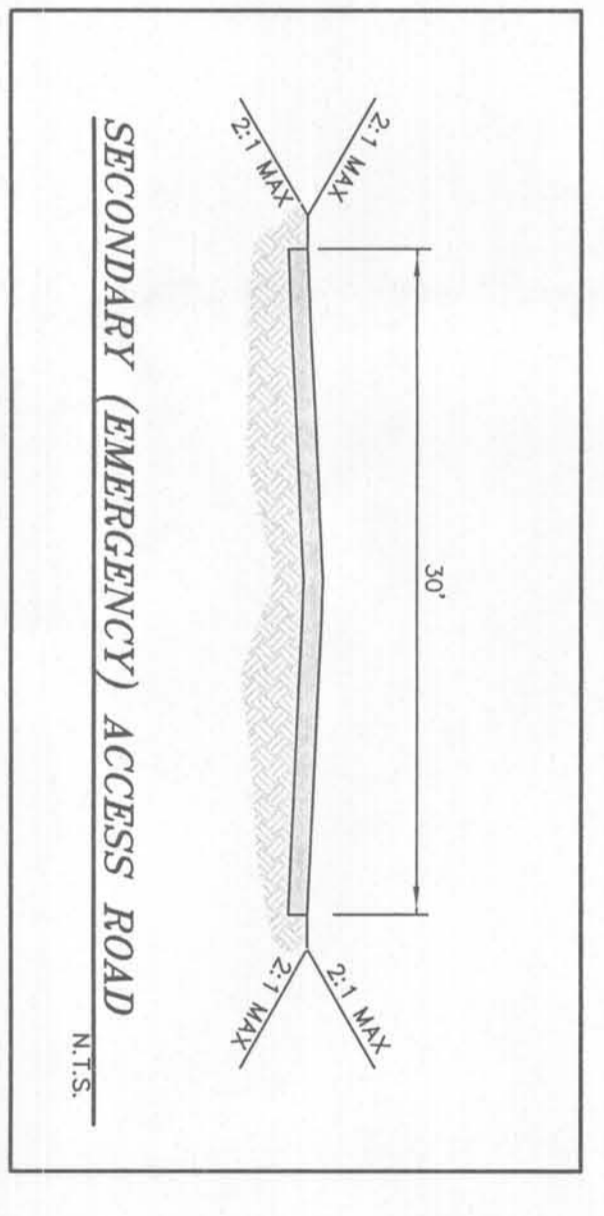
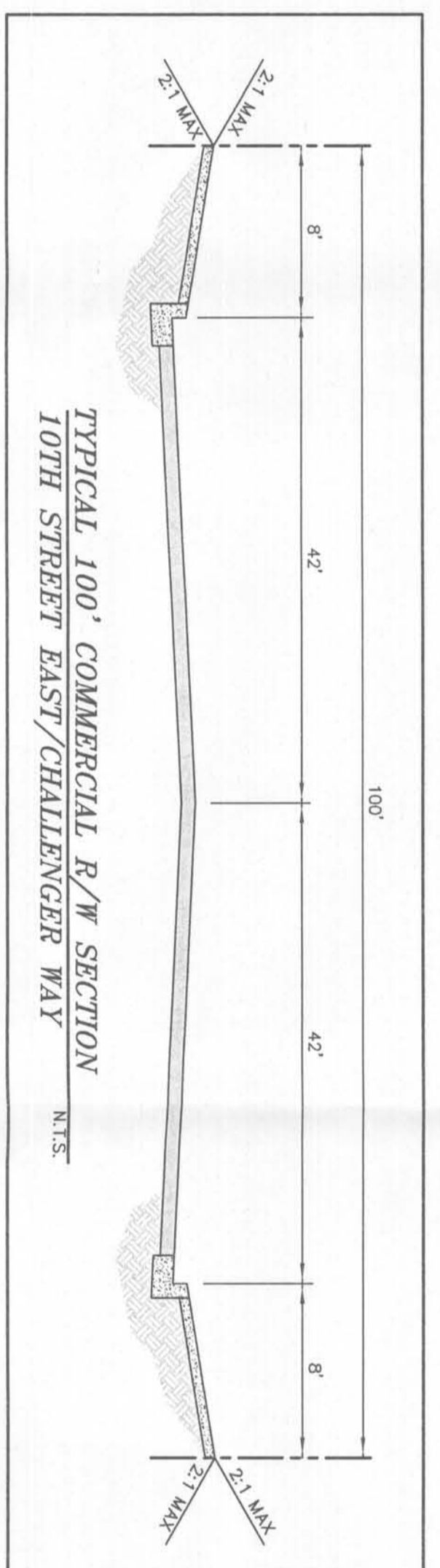
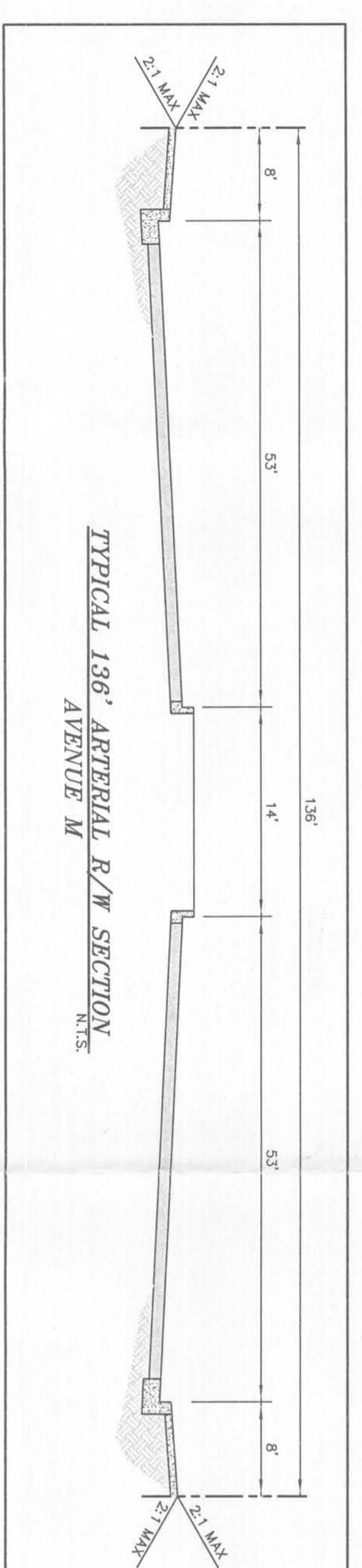
ASSESSOR'S PARCEL MAP
FOR ZONE CHANGE 09-01



TENTATIVE PARCEL MAP 070999

CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BEING A SUB-DIVISION OF PARCELS 1 THROUGH 20 OF PARCEL MAP NO. 24917, AS PER MAP RECORDED IN BOOK 285 PAGES 51 THROUGH 59 OF PARCEL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



APPLICANT	SOILS ENGINEERS	TOPOGRAPHIC SURVEY
CITY OF PALMDALE 3525D SIERRA HWY. PALMDALE, CA 93550 PHONE (661)267-5324 FAX (661)267-5322	PACIFIC SOILS ENGINEERING, INC. 10855 PROGRESS AVE. SUITE 200 TUSTIN, CA 92680 PHONE (714) 220-0770 FAX (714) 220-9569 WORK ORDER: 101849	R. J. LUNG & ASSOCIATES 2832 WALNUT AVE. STE. E TUSTIN, CA 92680

JLE ENGINEERING
ENGINEERING DESIGN TECHNOLOGY
Civil/Structural Engineering • Surveying • Land Scaping
10000 W. 15th Street, Suite 100, Palmdale, CA 93550
Phone (661) 268-8888 Fax (661) 268-1936
www.jleengineering.com

REV. #	DATE	DESCRIPTION	BY	CHKD.

REVISIONS	DATE	DESCRIPTION	BY	CHKD.

CITY OF PALMDALE
TENTATIVE
PARCEL MAP 070999
NOTES, STREET SECTIONS,
AND VICINITY MAP

APPROVED
CITY OF PALMDALE
PLANNING DEPARTMENT
DATE: 02/28/09
BY: [Signature]

PROJECT NAME	PROJECT NUMBER
EXISTING LAND USE	PROJECT NAME
PROPOSED LAND USE	PROJECT NUMBER
TOTAL NO. OF LOTS	SECTION NAME
PROPOSED GENERAL PLAN DESIGNATION	MAP SHEET
MAP SHEET AREA	MAP SHEET
DATE	DATE

LEGAL DESCRIPTION:
THE ABOVE DESCRIBED PARCEL IS BEING SUBDIVIDED INTO THE FOLLOWING PARCELS:
1. PARCEL 1, 277.74 ACRES, MORE OR LESS, BEING A SUB-DIVISION OF PARCEL MAP NO. 24917, AS PER MAP RECORDED IN BOOK 285 PAGES 51 THROUGH 59 OF PARCEL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
2. PARCEL 2, 368.24 ACRES, MORE OR LESS, BEING A SUB-DIVISION OF PARCEL MAP NO. 24917, AS PER MAP RECORDED IN BOOK 285 PAGES 51 THROUGH 59 OF PARCEL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PLANNING DEPARTMENT
CITY OF PALMDALE
DATE: 02/28/09
BY: [Signature]

RECORD DRAWING
DATE: 02/28/09
BY: [Signature]

GRAPHIC SCALE
1 inch = 200 ft.

LEGEND
EXISTING STREET RIGHT OF WAY
PROPOSED LOT LINE
PROPOSED STREET NAME
PROPOSED STREET NAME
EXISTING EASEMENTS
TO BE ABANDONED

NOTES:
1. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
2. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
3. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
4. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
5. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
6. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
7. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
8. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
9. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.
10. THE CITY OF PALMDALE HAS REVIEWED THIS TENTATIVE PARCEL MAP AND HAS APPROVED IT FOR RECORDATION.

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:
APPLICATION FOR CERTIFICATION
for the *PALMDALE HYBRID POWER*
PROJECT

Docket No. 08-AFC-9

PROOF OF SERVICE

(Revised 7/30/2009)

APPLICANT

Thomas M. Barnett
Executive Vice President
Inland Energy, Inc.
3501 Jamboree Road
South Tower, Suite 606
Newport Beach, CA 92660
tbarnett@inlandenergy.com

Antonio D. Penna Jr.
Vice President
Inland Energy
4390 Civic Drive
Victorville, CA 92392
tonypenna@inlandenergy.com

Laurie Lile
Assistant City Manager
City of Palmdale
38300 North Sierra Highway,
Suite A
Palmdale, CA 93550
llile@cityofpalmdale.org

APPLICANT'S CONSULTANTS

Sara Head, Vice President
AECOM Environment
1220 Avenida Acaso
Camarillo, CA 93012
Sara.Head@aecom.com

COUNSEL FOR APPLICANT

Michael J. Carroll
Marc Campopiano
Latham & Watkins, LLP
650 Town Center Drive, Ste. 2000
Costa Mesa, CA 92626
michael.carroll@lw.com
marc.campopiano@lw.com

INTERESTED AGENCIES

Michael R. Plaziak, Manager
Lahontan Regional
Water Quality Control Board
14440 Civic Drive, Suite 200
Victorville, CA 92392-2306
mplaziak@waterboards.ca.gov

Rick Buckingham
3310 El Camino Avenue, LL-90
State Water Project
Power & Risk Office
Sacramento, CA 95821
E-mail preferred
rbucking@water.ca.gov

Manuel Alvarez
Robert J. Tucker
SoCal Edison
1201 K Street
Sacramento, CA 95814
Manuel.Alvarez@sce.com
Robert.Tucker@sce.com

Christian Anderson
Air Quality Engineer
Antelope Valley AQMD
43301 Division St, Suite 206
Lancaster, CA 93535
E-mail preferred
canderson@avaqmd.ca.gov

Jeffrey Doll
Air Resources Engineer
Energy Section/Stationary Sources
California Air Resources Board
P.O. Box 2815
Sacramento, California 95812
E-mail preferred
jdoll@arb.ca.gov

California ISO
e-recipient@caiso.com

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding
Member
jbyron@energy.state.ca.us

ARTHUR H. ROSENFELD
Commissioner and Associate
Member
pflint@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

Felicia Miller
Project Manager
fmiller@energy.state.ca.us

Caryn Holmes
Staff Counsel
cholmes@energy.state.ca.us

Elena Miller
Public Adviser
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Sara Head, declare that on, August 27, 2009, I served and filed copies of the attached **Palmdale Hybrid Power Project: E-mail Responses to New Data Requests**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/palmdale/index.html>].

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by depositing in the United States mail at Camarillo, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original and 12 paper copies and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-9
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.