



455 Capitol Mall Suite 350  
Sacramento CA 95814  
Tel· 916.441.6575  
Fax· 916.441.6553

## DOCKET

**09-AFC-4**

DATE	MAR 29 2011
RECD.	MAR 29 2011

March 29, 2011

California Energy Commission  
Docket Unit  
1516 Ninth Street  
Sacramento, CA 95814-5512

Subject: **CITY OF OAKLEY MARCH 25, 2011 LETTER TO COMMISSIONERS  
RE: COMMENTS ADDRESSING LAND USE ISSUES RAISED AT  
MARCH 25, 2011 EVIDENTIARY HEARING  
OAKLEY GENERATING STATION  
DOCKET NO. (09-AFC-4)**

Enclosed for filing with the California Energy Commission is the original of, **CITY OF OAKLEY MARCH 25, 2011 LETTER TO COMMISSIONERS RE: COMMENTS ADDRESSING LAND USE ISSUES RAISED AT MARCH 25, 2011 EVIDENTIARY HEARING**, for the Oakley Generating Station (09-AFC-4).

Sincerely,

A handwritten signature in blue ink that reads "Marie Mills".

Marie Mills



3231 Main Street  
Oakley, CA 94561  
925 625 7000 tel  
925 625 9859 fax  
www.ci.oakley.ca.us

**MAYOR**  
Jim Frazier

**VICE MAYOR**  
Kevin Romick

**COUNCILMEMBERS**  
Pat Anderson  
Randy Pope  
Carol Rios

March 25, 2011

Commissioner James Boyd, Presiding Member  
Commissioner Carla Peterman, Associate Member  
California Energy Commission  
1519 Ninth Street  
Sacramento, CA 95814

**Subject: Comments Addressing Land Use Issues  
Raised at March 25, 2011 Evidentiary Hearing  
Oakley Generating Station (09-AFC-4)**

Dear Commissioners,

I wanted to provide some clarification relating to the Land Use Issues raised by Mr. Craig Andersen on behalf of the Lauritzen Yacht Harbor and the Driftwood Marina at the evidentiary hearing on March 25, 2011 and in his letter dated March 24, 2011. Mr. Andersen claimed that he and his clients feel "side-swiped" by the proposal to construct a power plant in this location.

Please note that the site of the Oakley Generating Station (OGS) has been designated Utility Energy in the City of Oakley General Plan since its adoption in 2002. The Utility Energy designation expressly allows a power plant use. The General Plan provides the fundamental blueprint for Oakley, and was adopted after a comprehensive public process. The vision of having a power plant at this location, including its proximity to other land uses along the shoreline, has been expressed in the General Plan for over nine years.

Mr. Andersen implied that he and his clients have obtained City approval to develop a residential and/or commercial mixed use development in 2010. This warrants clarification. In fall of 2010, the City amended its zoning code to allow a commercial waterfront master plan *with a residential component*, subject to approval of a conditional use permit, in the Commercial Recreation – Aquatic Zone. Specifically, the October 12, 2010 staff report for this amendment states,

"As part of the zoning text application, the property owners included a conceptual vision for future redevelopment of the properties; however,

there is no current development plan or details for redevelopment being submitted for analysis, and the concepts were for illustrative purposes only... There is no development proposal as part of this zoning text amendment, and any future development plan or master plan on any of the subject sites would be subject to further environmental analysis."

The amendment provides an opportunity for any of the ten properties within the Commercial Recreation – Aquatic District to submit a conditional use permit application for a commercial waterfront master plan *with a residential component*. To date, we have not received any such application.

Mr. Lauritzen appeared in the OGS Site Visit and Informational Hearing conducted by the Energy Commission on November 9, 2009. Nearly a year later, Mr. Lauritzen attended the City's public hearing for the zoning amendment. As part of the hearing for the zoning amendment, no one objected to locating a residential use, as part of a waterfront master plan, in proximity to the proposed power plant.

If you have any questions, please do not hesitate to contact me at 925-625-7006.

Sincerely,

A handwritten signature in dark ink, appearing to read "R Willis". The signature is fluid and cursive, with the first letter "R" being large and prominent.

Rebecca Willis  
City of Oakley Community Development Director



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION  
FOR THE *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4  
PROOF OF SERVICE  
(Revised 3/21/2011)**

**APPLICANT**

Greg Lamberg, Sr. Vice President  
RADBACK ENERGY  
145 Town & Country Drive, #107  
Danville, CA 94526  
[Greg.Lamberg@Radback.com](mailto:Greg.Lamberg@Radback.com)

**APPLICANT'S CONSULTANTS**

Douglas Davy  
CH2M HILL, Inc.  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833  
[ddavy@ch2m.com](mailto:ddavy@ch2m.com)

**COUNSEL FOR APPLICANT**

Scott Galati  
Marie Mills  
Galati & Blek, LLP  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)  
[mmills@gb-llp.com](mailto:mmills@gb-llp.com)

**INTERESTED AGENCIES**

California ISO  
*E-mail Preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

Maifiny Vang  
CA Dept. of Water Resources  
State Water Project Power and  
Risk Office  
3310 El Camino Avenue,  
RM. LL90  
Sacramento, CA 95821  
[mvang@water.ca.gov](mailto:mvang@water.ca.gov)

**INTERVENORS**

Robert Sarvey  
501 W. Grantline Road  
Tracy, CA 95376  
[Sarveybob@aol.com](mailto:Sarveybob@aol.com)

**ENERGY COMMISSION**

JAMES D. BOYD  
Vice Chair and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

\*Sarah Michael  
Adviser to Vice Chair Boyd  
[smichael@energy.state.ca.us](mailto:smichael@energy.state.ca.us)

\*CARLA PETERMAN  
Associate and Presiding Member  
[cpeterma@energy.state.ca.us](mailto:cpeterma@energy.state.ca.us)

\*Jim Bartridge  
Adviser to Commissioner Peterman  
[jbartrid@energy.state.ca.us](mailto:jbartrid@energy.state.ca.us)

Kourtney Vaccaro  
Hearing Officer  
[kvaccaro@energy.state.ca.us](mailto:kvaccaro@energy.state.ca.us)

Pierre Martinez  
Siting Project Manager  
[pmartine@energy.state.ca.us](mailto:pmartine@energy.state.ca.us)

Kevin W. Bell  
Staff Counsel  
[kwbell@energy.state.ca.us](mailto:kwbell@energy.state.ca.us)

Jennifer Jennings  
Public Adviser  
*E-mail preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, Marie Mills, declare that on March 29, 2011, I served and filed copies of the attached **CITY OF OAKLEY MARCH 25, 2011 LETTER TO COMMISSIONERS RE: COMMENTS ADDRESSING LAND USE ISSUES RAISED AT MARCH 25, 2011 EVIDENTIARY HEARING**, dated March 25, 2011. 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:

[\[http://www.energy.ca.gov/sitingcases/contracosta/index.html\]](http://www.energy.ca.gov/sitingcases/contracosta/index.html). The documents have 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 personal delivery;  
☒ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

**AND**

**FOR FILING WITH THE ENERGY COMMISSION:**

- ☒ sending an original paper copy 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. 09-AFC-4  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



\_\_\_\_\_  
Marie Mills