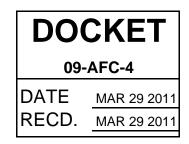


455 Capitol Mall Suite 350 Sacramento CA 95814 Tel· 916.441.6575 Fax· 916.441.6553



March 29, 2011

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

Subject: CITY OF OAKLEY MARCH 25, 2011 LETTER TO COMMISIONERS 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,

Mani Villa

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 March 25, 2011

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

COUNCILMEMBERS Pat Anderson Randy Pope Carol Rios 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,

Rhutille

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 <u>Greg.Lamberg@Radback.com</u>

APPLICANT'S CONSULTANTS

Douglas Davy CH2M HILL, Inc. 2485 Natomas Park Drive, Suite 600 Sacramento, CA 95833 ddavy@ch2m.com

COUNSEL FOR APPLICANT

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INTERESTED AGENCIES

California ISO *E-mail Preferred* <u>e-recipient@caiso.com</u>

Maifiny Vang CA Dept. of Water Resources State Water Project Power and Risk Office 3310 El Camino Avenue, RM. LL90 Sacramento, CA 95821 <u>mvang@water.ca.gov</u>

INTERVENORS

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Kevin W. Bell Staff Counsel <u>kwbell@energy.state.ca.us</u>

Jennifer Jennings Public Adviser *E-mail preferred* 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]. 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:

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

- by personal delivery;
- X 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:

X 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. <u>09-AFC-4</u> 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, 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.

Unilfills.

Marie Mills