DOCKETED

Docket Number:	12-AFC-02
Project Title:	Huntington Beach Energy Project
TN #:	202084
Document Title:	Resolution from the City of HB Supporting Proposed Architectural Improvements for the HBEP
Description:	N/A
Filer:	Teraja Golston
Organization:	California Energy Commission
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RESOLUTION NO. 2014-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH SUPPORTING PROPOSED ARCHITECTURAL IMPROVEMENTS AS MODIFIED AND APPROXIMATE 125 FOOT HIGH STRUCTURES RELATED TO THE RECONSTRUCTION OF THE HUNTINGTON BEACH ENERGY PROJECT

WHEREAS, AES Southland Development, LLC (AES) submitted an Application for Certification (AFC) to the California Energy Commission (CEC) on June 27, 2012 for new construction of the Huntington Beach Energy Project (HBEP). The proposed project will replace the existing AES Huntington Beach Generating Station (HBGS) with a natural gas-fired, combined cycle, air-cooled, 939-megawatt electrical generating facility. AES' proposed project consists of demolishing the existing 200 foot high structures and replacing the structures with two power blocks, each with three heat steam recovery generators with a proposed height of 92 feet, and each has one air cool condenser with a proposed height of 104 feet.

The CEC has permitting authority for the proposed HBEP and has requested the City to identify how the project complies with Local Ordinances and Regulations (LORS).

On December 6, 2012, the City of Huntington Beach submitted a comment letter to the CEC and identified that the proposed project does not comply with the City's Zoning and Subdivision ordinance (ZSO)/LORS in part because the proposed structure height exceeds 50 feet.

On March 21, 2014 AES submitted a letter to the City of Huntington Beach requesting the City make findings in support of a height variance although the City has no jurisdiction over the issue. If the City had jurisdiction over this project, a proposal to exceed the City's maximum height limits would be subject to approval of a variance by the Planning Commission and would have to comply with the General Plan and zoning code policies to enhance public visual resources.

By this resolution, the City Council is making hypothetical findings for a variance as requested. In addition, City Council recommends CEC incorporate the architectural treatments with modifications as set forth below into their final project approvals.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. The existing HBGS is located on property within the PS (Public Semi-public) zoning district which allows major and minor utilities. The existing structures are approximately 200 ft high and have been operating on the subject site since the 1950s. The proposed project will eliminate the less efficient existing facility and replace it with a modern state of the art combined cycle electrical generation facility. The height of the HBEP's stacks (approximately 120 ft high) are a result of the engineering and design requirements to meet the

air quality permitting requirements of the South Coast Air Quality Management District (AQMD). The CEC's Preliminary Staff Assessment concludes that no feasible design alternatives will eliminate the need for stacks in excess of the City's height limitations. Therefore, without the stacks at proposed height, the property cannot continue to operate as an electrical generating facility.

SECTION 2. Because of special circumstances applicable to the subject property, including size, location or surroundings, the strict application of the zoning ordinance may deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The site is unique in that an electrical generating station has been operating at the site since the 1950s and it is already serviced by a high pressure natural gas pipeline to facilitate electrical generation and an electrical transfer station to transfer the generated power into the overall electrical grid. The presence of these infrastructure components are unique to a power plant and demonstrate the special circumstances applicable to the location and the subject property. Additionally, the requirement to eliminate ocean water for once-through cooling combined with the site's lack of access to a feasible water supply for wet-cooling, creates a unique circumstance requiring dry cooling to accommodate electrical energy generation. Furthermore, air quality regulatory requirements that apply due to the site location require the use of stacks that exceed the maximum height limit. The strict application of the zoning ordinance would deprive HBEP of the existing privileges enjoyed by the 1950s era HBGS, which operates under the same zoning classification. Additionally, there are other existing approximately 70 ft high electrical tower structures that have been approved and constructed exceeding maximum height limitations in Low Density Residential zones, Residential Agriculture zones, and Public Semi-Public zones. The strict application of the zoning ordinance would deprive HBEP of the existing privileges enjoyed by the current power generating station and other existing electrical tower structures operating under the same and other zoning classifications.

SECTION 3. Exceeding maximum height limitations may be necessary to preserve the enjoyment of one or more substantial property rights because the Public Semi-Public zoning classification allows major and minor utilities and the height variance would be necessary to allow AES to demolish and reconstruct a more efficient, lower profile electrical power generating station. Exceeding the maximum 50 ft height limit for the proposed approximately 120 ft high electrical generating plant along with approximately 125 ft high architectural screening will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. There are other existing approximately 70 ft high electrical tower structures that have been approved and constructed exceeding maximum height limitations in Low Density Residential zones, Residential Agriculture zones, and Public Semi-Public zones. The strict application of the zoning ordinance would deprive HBEP of the existing privileges enjoyed by the current power generating station and other existing electrical tower structures operating under the same and other zoning classifications.

SECTION 4. Exceeding maximum height limitations will not be materially detrimental to the public welfare or injurious to property in the same zone classification and will not adversely affect the General Plan. The overall site has favorable geology and soils suitable for the power plant development. No new offsite development would be needed for HBEP, such as upgrades or additions to the existing electric transmission system or natural gas pipeline system. The Public land use designation is consistent with power plant development. Construction of HBEP may result in the reduction of certain environmental impacts as compared to the existing HBGS. Construction of the HBEP also includes architectural enhancements to soften the view of the new structures, create a focal point through the use of surfboards and wave forms, and to blend in with the surrounding environment through the use of trompe l'oeil painting effects on the air cooled condensers. The architectural improvements serve to preserve and enhance public visual resources as required in the Coastal Zone overlay. Although the proposed structures do not comply with maximum height limitations, the portions that exceed the maximum 50 ft height limit are a small percentage of the overall improvements on the 28.6 acre site. Therefore, exceeding maximum height limitations for HBEP and associated architectural improvements will not be materially detrimental to the public welfare or injurious to property in the same zoning classification and is consistent with the General Plan.

SECTION 5. The City of Huntington Beach City Council recommends that CEC's final action incorporate an architectural plan based on the visual simulations and architectural enhancements as depicted Exhibit A with the following modifications: 1. the surfboard design shall be substantially three-dimensional and of a sufficient size and proportion for a realistic representation of a surfboard; 2. the trompe l'oeil painting on the air cooled condensers be revised to be more reflective of resort hotel windows and hotel improvements; 3. The entire HBEP be painted a combination of tans and browns on the lower portions and light blue on the upper portions. 4. No signs or other identifying features be painted or attached to the stacks, air cooled condensers, or heat recovery steam generators; 5. The final architectural plan and color scheme shall be subject to review and approval by the Planning and Building Department.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 7th day of April, 2014.

Mayor

REVIEWED AND APPROVED:

City Manager

APPROVED AS TO FORM:

for City Attorney MJV 4-1-14

INITIATED AND APPROVED:

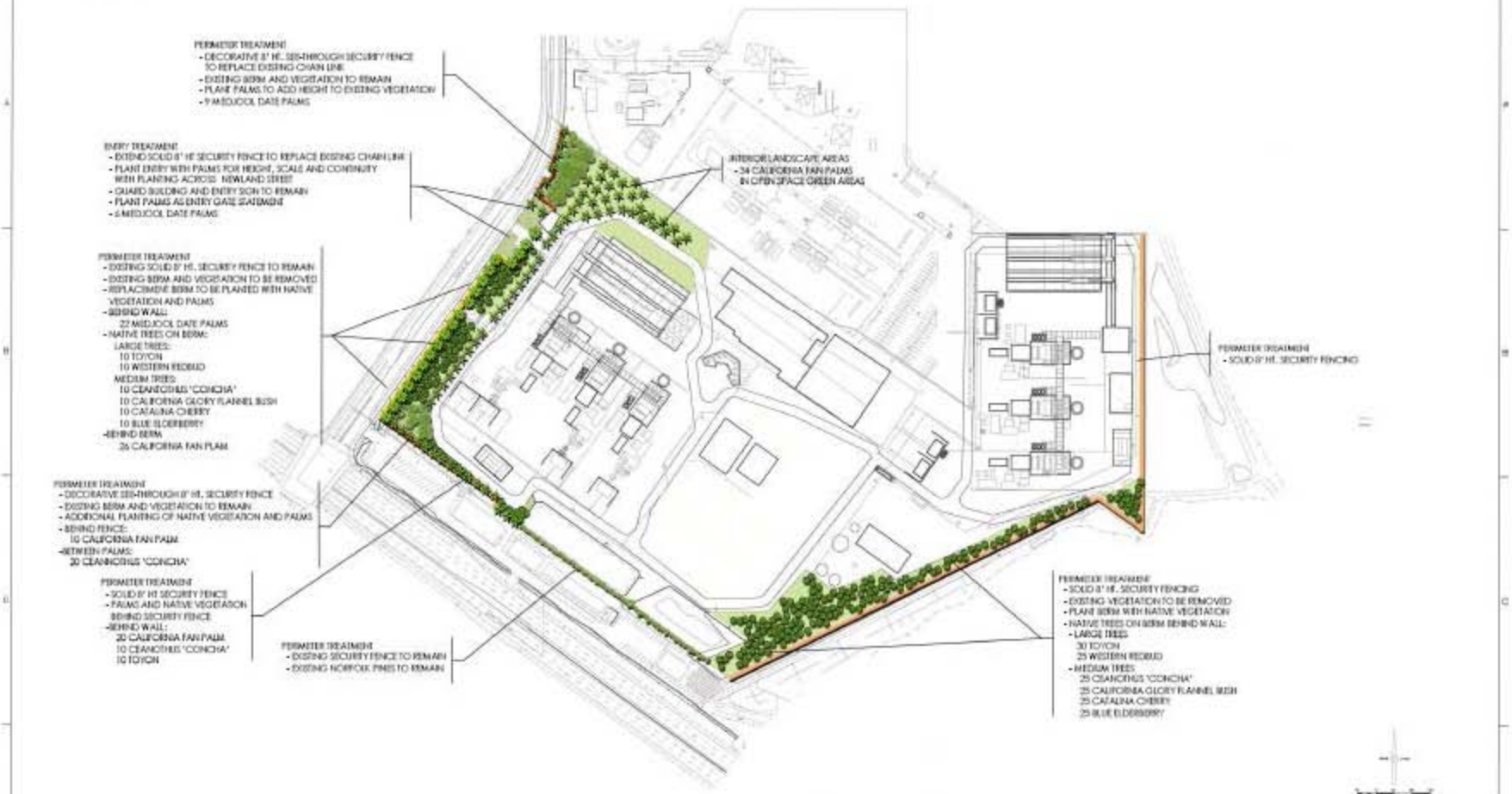
Director of Planning and Building

Huntington Beach Energy Project

March 17, 2014

- Building Height
  - Maximum 50 ft height in Public Semi-Public zone
  - Approximately 120 ft for six stacks
  - Approximately 125 ft for three surfboards

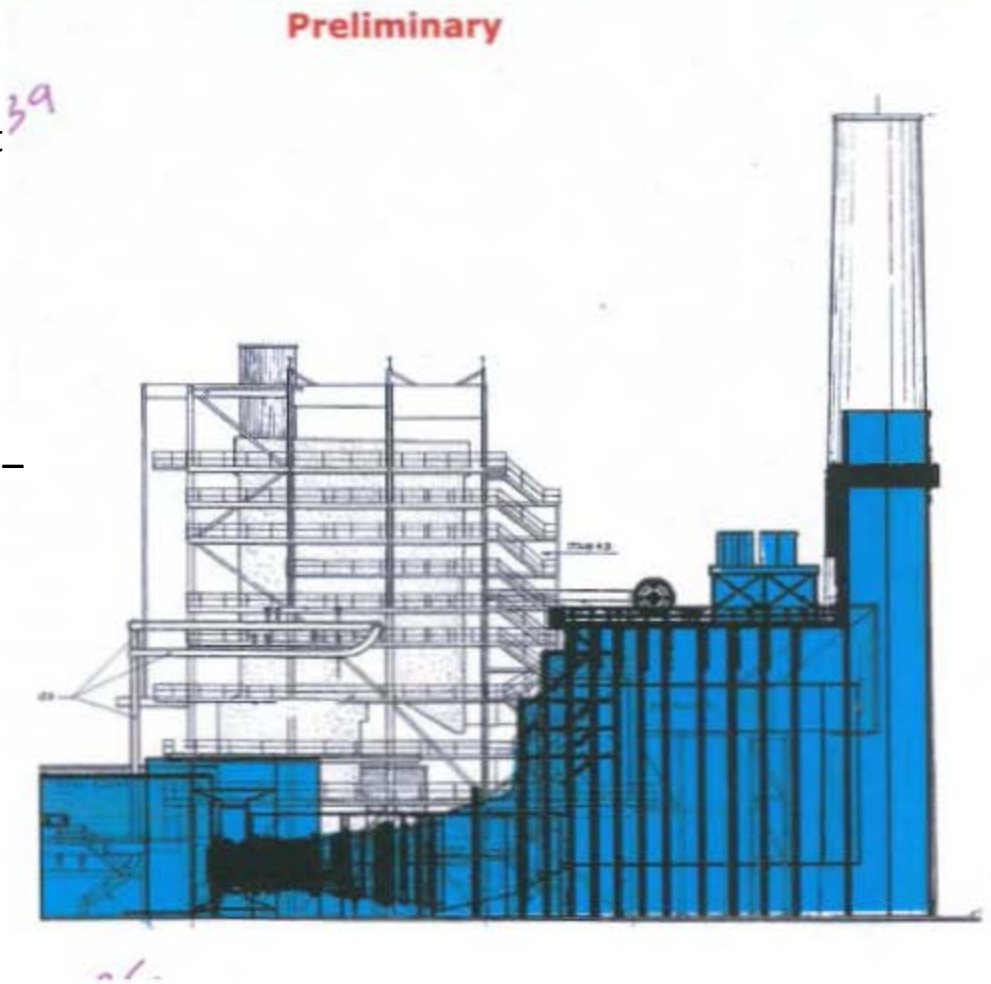
- Architectural Improvements: Recommended Revisions
  - Surfboards: substantially three-dimensional and of sufficient size and proportion for realistic representation of a surfboard
  - Trompe l'oeil painting on ACC: more reflective of resort hotel
  - Entire HBEP: painted combination of tans and browns on lower portions and light blues on upper portion
  - No signs or other identifying features on stacks, ACCs, or HRSGs

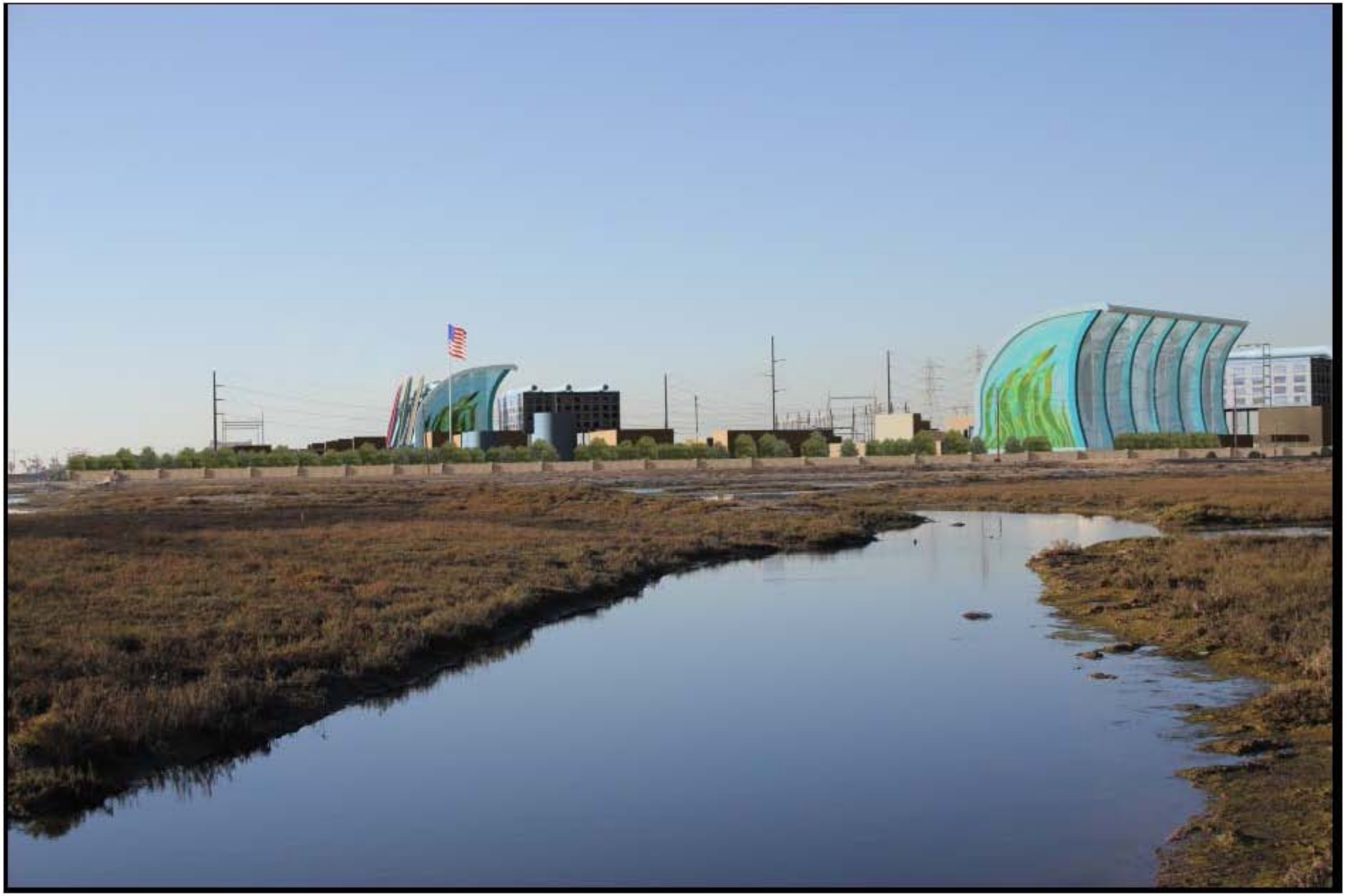


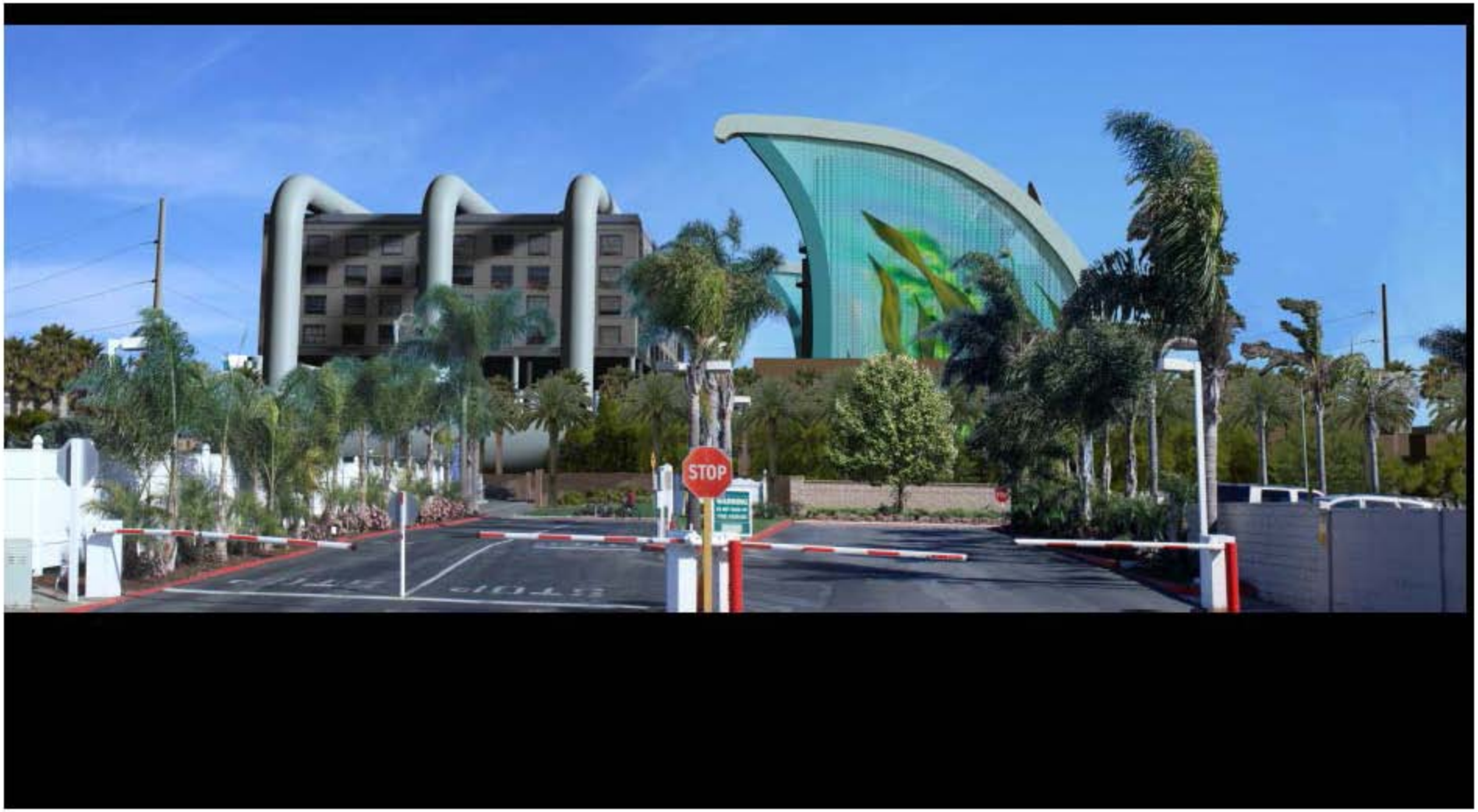
SCALE: AS NOTED	WARNING: 0 1/2 1 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE	D SIZE 36"x24"	HUNTINGTON BEACH ENERGY PROJECT HUNTINGTON BEACH, CA	CONCEPTUAL LANDSCAPE PLAN APPROXIMATE QUANTITY OF PROPOSED PLANTS	AUGUST 2013	

Project Attributes

Height (feet)	Stack – 202 ft	Stack – 120 ft
	Units 1 and 2 Boiler – 152 ft	HRSG – 92 ft
		ACC – 104 ft
	Units 3 and 4 Boiler - 138 ft	Architectural – approx 125 ft






STOP

Res. No. 2014-18

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **April 7, 2014** by the following vote:

AYES: Katapodis, Hardy, Shaw, Harper, Boardman, Sullivan, Carchio
NOES: None
ABSENT: None
ABSTAIN: None

City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California