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| <b>Docket Number:</b>   | 12-AFC-02C   |
| <b>Project Title:</b>   | Huntington Beach Energy Project - Compliance                         |
| <b>TN #:</b>            | 210262   |
| <b>Document Title:</b>  | Project Owner's Response to City of Huntington Beach Comments on PTA |
| <b>Description:</b>     | Project Owner's Response to City of Huntington Beach Comments on PTA |
| <b>Filer:</b>           | Judith Warmuth   |
| <b>Organization:</b>    | Stoel Rives LLP  |
| <b>Submitter Role:</b>  | Applicant  |
| <b>Submission Date:</b> | 2/10/2016 1:47:31 PM   |
| <b>Docketed Date:</b>   | 2/10/2016  |



500 Capitol Mall, Suite 1600  
Sacramento, CA 95814  
main 916.447.0700  
fax 916.447.4781  
www.stoel.com

February 10, 2016

MELISSA A. FOSTER  
Direct (916) 319-4673  
melissa.foster@stoel.com

**VIA ELECTRONIC FILING**

Mr. John Heiser, Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

**Re: Huntington Beach Energy Project - Petition to Amend (12-AFC-02C)  
Response to City of Huntington Beach Comments on the PTA  
Additional Information in Support of the HBEP PTA**

Dear Mr. Heiser:

Project Owner AES Southland Development, LLC (“AES” or “Project Owner”) herein provides information in support of the pending Petition to Amend (“PTA”) for the Huntington Beach Energy Project (“HBEP”). Project Owner has received and reviewed the comments filed by the City of Huntington Beach (“City”) dated November 20, 2015 (TN# 206751). Project Owner has also continued to engage with the City regarding the City’s written comments, as well as additional information requests. Project Owner provides the following and attached additional information in response to the comments filed by the City. **Attachment A** hereto provides additional details regarding the proposed intersection at Magnolia/Banning for access to the Plains site for construction worker parking and construction laydown as well as additional information related to a cumulative impact analysis focused on the Ascon project. In addition, AES would like to confirm that the Amended HBEP will comply with all relevant City of Huntington Beach laws, ordinances, regulations, and standards (“LORS”), including those related to fire access road width and turning radii requirements and as set forth in existing Condition of Certification Worker Safety-6.

The Project Owner and the City continue to discuss proposed architectural screening for the Amended HBEP. Status updates will be provided to CEC Staff when additional information is available. As agreed during the December 8 Workshop, Project Owner will provide CEC Staff with visual simulations that contain screening approved by the City and without any landscape treatments, after City approval of an architectural screening plan.



Mr. John Heiser  
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Lastly, in addition to the information set forth herein and in **Attachment A** hereto, AES would also like to clarify one comment in the City's letter as it relates to the existing Coastal Development Permit ("CDP") and Mitigated Negative Declaration ("MND") related to the tank and pipeline removal at the Plains All American Tank Farm site ("Plains site"). Comment 8 of the City's letter asks Staff to "include compliance with all previously adopted conditions of approval contained within" the CDP and MND into the Petition to Amend. To clarify, Project Owner does not seek to include the work covered by the CDP and MND in the CEC license. The CDP, including all conditions and mitigation measures required by the MND, is under the jurisdiction of the City and the City retains authority to enforce the CDP and MND. The PTA does not affect the existing CDP. None of the work contemplated in the CDP and MND is included within the scope of the PTA. The PTA does propose additional work at the Plains site that goes beyond the scope of the CDP, as required to prepare the site for use as a construction laydown and parking area. This additional work is evaluated as part of the PTA and will be under the jurisdiction of the CEC. Thus, it is inappropriate to include compliance with all previously adopted conditions of approval contained within the CDP and MND into the Petition to Amend as such work remains under the jurisdiction of the City as the permitting agency. Any additional activity proposed by AES on the Plains site beyond what is covered by the CDP and MND must be evaluated as part of the PTA process and will be under the CEC's jurisdiction.

Please feel free to contact me or Robert Mason at CH2M Hill if you have any questions or need additional information.

Very truly yours,

Melissa A. Foster  
MAF:jmw

**ATTACHMENT A**

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# Huntington Beach Energy Project

(12-AFC-02C)

## Additional Information in Support of the Petition To Amend

Submitted to  
**California Energy Commission**

Prepared by  
**AES Southland Development, LLC**

With Assistance from

**CH2MHILL®**  
2485 Natomas Park Drive  
Suite 600  
Sacramento, CA 95833

February 9, 2016

**Huntington Beach Energy Project (12-AFC-02C)**  
**Additional Support for HBEP PTA**

Project Owner has received and reviewed the comments filed by the City of Huntington Beach (“City”) dated November 20, 2015 (TN# 206751). Project Owner has also continued to engage with the City regarding the City’s written comments, as well as additional information requests. In response to the City requests, the following information is provided in support of the HBEP Petition to Amend (“PTA”).

**Intersection at Magnolia and Banning**

The PTA for the HBEP (hereinafter referred to as “Amended HBEP”) specifies that additional construction worker parking will be located at the former Plains All American Tank Farm (“Plains”) site located on the west side of Magnolia Street.<sup>1</sup> The Plains site will also be used as a construction laydown area. A new private entrance to the Plains site will be constructed at the existing “T” intersection at Magnolia Street and Banning Avenue.

The City of Huntington Beach has requested additional traffic analysis for the signalization at the intersection of the Magnolia Street/Banning Avenue.

**Project Background**

As noted in the Project Owners’ responses to CEC Staff Data Request Set 1A - Data Request Responses A43 and A44, the new entrance to the former Plains site at the existing “T” intersection of Magnolia Street and Banning Avenue has not yet been designed. The existing intersection is a three-way signalized intersection and, based on the City of Huntington Beach *Draft Existing Circulation Conditions Technical Report Traffic Study*, this intersection currently operates at LOS A during both the AM and PM peak hours. As part of the Amended HBEP, this intersection will be reconfigured as a four-way signalized intersection to accommodate ingress and egress from the Plains All-American site from/to Magnolia Street.

To ensure Amended HBEP construction related traffic (construction workers and construction deliveries) use Pacific Coast Highway (“PCH”) to Magnolia Street, to the Magnolia Street/Banning Avenue intersection to enter the Plains All-American site; the reconfigured signalized intersection will be specifically designed with posted signage and street markings that for vehicles traveling southbound on Magnolia Street no right turns are allowed at the Magnolia Street/Banning Avenue entrance to the Plains All-American site. Upon exiting the Plains All-American site, there will be posted signage and street markings indicating that no left turns are allowed on to Magnolia Street; rather, all construction workers and trucks existing the Plains All-American site must turn right at the Magnolia/Banning intersection to use PCH to leave the area.

The new entrance road to the Plains site will extend approximately 150 feet from the existing Magnolia Street/Banning Avenue T-intersection through a low portion of the existing Plains All

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<sup>1</sup> No changes to the construction parking areas approved in the Final Decision are contemplated by the PTA.

American earthen landscaped berm that is parallel to Magnolia Street. This new entrance road will be 35 to 40 feet wide, allowing two lanes in each direction. As a private entrance, this road will not require a parking lane on each side of the new road. As noted above, the existing 3-way signal at the intersection of Magnolia and Banning will be improved to a 4-way signal with no left turn allowed for vehicles leaving the Plains All-American site. The Project Owner will consult with the City of Huntington Beach regarding the reconfiguration of the intersection, signalization, signage and street markings. The Project Owner will submit Street Improvement Plans, Traffic Modification Plans, Signal Improvement Plan, and an Encroachment Permit Application to the City of Huntington Beach Public Works Department.

The existing entrance road to the Plains site is a single lane track on the north side of the property. The existing entrance is located mid-street approximately 80 feet north of the intersection of Magnolia and Bermuda. Absent the new entrance road at the Magnolia/Banning intersection, the existing single lane track entrance would need to be widened to allow 2-lanes in each direction. Given the height of the berm at the existing entrance (25 to 30 feet high, which is 10 to 15 feet higher than the berm near the Magnolia/Banning intersection), the earth work and grading that would be necessary to widen the existing single track entrance road to 2-lanes in each direction would exceed the earth work and grading required for the new entrance from the Magnolia Street/Banning Avenue intersection. In addition, there is no existing signage, street marking or signalization at the existing entrance road to the Plains site and the existing landscaping to the north of this entrance limits visibility for vehicles exiting the site at this location. The existing entrance is also located closer to the nearest residence than the proposed Magnolia/Banning intersection. The proposed Magnolia/Banning would also eliminate project truck traffic along most of the residential lined portion of Magnolia compared with the existing entrance.

The new entrance to the Plains site from the Magnolia/Banning intersection will result in the removal of a mix of approximately 20 to 25 eucalyptus/pine trees, turf grass and bushes; and would require the cutting/removal of the existing curb and sidewalk along Magnolia Street. While the modification of this intersection has not been designed, the following information is provided. The biological and cultural surveys for this area did not identify any sensitive resources; therefore, no impacts are expected. Approximately 2 to 3 feet of soil would be graded, re-compacted and a gravel layer placed to form the road base for the intersection improvements, and then finished with an asphalt layer. The Project Owner will confer with the City of Huntington Beach regarding the upgrade of intersection including the reconfiguration of the traffic signals to a 4-way signal.

At the end of the Amended HBEP construction and commissioning, the use of the former Plains site is no longer required by AES HBEP, and the Project Owner will restore the intersection to a 3-way intersection.

### Traffic Analysis

Peak hour intersection turning movement counts for the existing Magnolia/Banning intersection were obtained from the City of Huntington Beach *Draft Existing Circulation Conditions Technical Report Traffic Study*. The intersection LOS was calculated for the AM and PM peak

hours, with and without HBEP project construction traffic. The intersection is projected to operate at LOS A during both peak hours with the proposed intersection improvements for HBEP. There would be no significant HBEP construction-related impacts on Magnolia Street or at the reconfigured Magnolia/Banning intersection.

Pursuant to the CEC's Final Decision for Licensed HBEP and the proposed Amended HBEP, the following construction-related Traffic and Transportation Conditions of Certification ("COCs") will apply:

- TRANS-1: Roadway Use Permits and Regulations
- TRANS-2: Restoration of all Public Roads, Easements and Rights-of-Way
- TRANS-3: Traffic Control Plan (construction and operations)
- TRANS-4: Encroachment into Public Rights-of-Way
- TRANS-5: Hazardous Materials (permits secured for transport of hazardous materials)

Of particular relevance, TRANS-1 requires the project owner to apply to each jurisdiction along the route of travel for all necessary transportation permits and to comply with all conditions imposed by Caltrans and other relevant jurisdictions on vehicle sizes and weights, driver licensing, and truck routes. TRANS-4 requires that prior to any ground disturbance, improvements, or obstruction of traffic within any public road, easement, or right-of-way, the project owner or its contractor(s) shall obtain all required encroachment permits and comply with all applicable regulations with all relevant jurisdictions (i.e., County, City, Caltrans).<sup>2</sup>

Project Owner is working with the City to provide additional construction and operational information related to the new proposed intersection at Magnolia and Banning. The City has requested such information in anticipation of receipt of an application for an encroachment permit related to the intersection work (as set forth in existing Conditions of Certification TRANS-1 through TRANS-5). Such additional information will be docketed upon completion. In particular, the existing COCs requires the Project Owner to submit to the City the following: Street Improvement Plans, Traffic Modification Plans, Signal Improvement Plan, and an Encroachment Permit Application, and the City will complete the following pursuant to local LORS: Grading Plan Check and Inspection, Public Improvement Plan Check, Traffic Signal Plan Check, Traffic Signs and Striping Plan Check, Traffic Control Plan Check.

To further address the City's comments, the following additional COCs are proposed:

**HBEP Construction Worker Parking/Construction Laydown Access:** The Project Owner will provide the engineering plan/drawings for the design and reconfiguration of

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<sup>2</sup> For example, the Project Owner is aware that the City requires a Grading Plan Check and Inspection, Public Improvement Plan Check, Traffic Signal Plan Check, Traffic Signs and Striping Plan Check, and Traffic Control Plan Check, and will be complying with the City's requirements as part of the TRANS COCs.



the Magnolia/Banning intersection (signal and street striping/signage), including the grading of the existing earthen berm at the Plains site to the CPM for review and approval, and to the City of Huntington Beach Public Works Department for review and approval.

In addition to the above, the modification to the Magnolia/Banning intersection may result in removal of existing street parking in the vicinity of the intersection. To mitigate any impacts resulting from loss of street parking on Magnolia Street, the Project Owner proposes the following new COC:

**Replacement of Street Parking Due to Reconfiguration of Magnolia/Banning Intersection:** If existing street parking on Magnolia Street is reduced as a result of the Project's reconfiguration of the Magnolia/Banning intersection and the construction of the new entrance to the Plains site, the Project Owner shall replace the loss of street parking on a one-for-one basis within "walking distance" of the displaced parking spaces as required by Section 231.28 of the City of Huntington Beach Zoning Code. Replacement parking shall be assured before removal of any existing parking to ensure no reduction in available parking spaces.

### **Cumulative Impacts - Ascon**

The City has requested information related to the potential cumulative impacts of HBEP construction coinciding with the Ascon Landfill Remediation Action Plan ("RAP"). Additional information is provided below.

#### **Background**

The California Department of Toxic Substances Control ("DTSC") is the lead agency for the Environmental Impact Report ("EIR") for the Ascon Landfill RAP. The Ascon Landfill is located at 21641 Magnolia Street in Huntington Beach. DTSC certified the Ascon Landfill Final EIR on June 22, 2015. The Ascon Landfill RAP represents a potential source of cumulative truck trip as it relates to the construction of Amended HBEP.

As part of the Ascon Landfill RAP, approximately 32,250 cubic yards (cys) of contaminated soil/materials will be removed from the site, and approximately 206,000 cys of suitable soil will be imported to the site for backfill and construction of an earthen cap for the site. Per DTSC's CEQA Notice of Determination (NOD) for the Ascon Landfill Remedial Action Plan Final EIR (May 2015), with the exception of Traffic and Circulation, the environmental impacts for the Ascon Landfill RAP can be mitigated to a less than significant level (DTSC's CEQA Notice of Determination pp 55 – 57).

#### **Impact Analysis**

The CEC's Final Decision for HBEP contemplated the Ascon Landfill RAP as part of the cumulative environment. (California Energy Commission Final Decision, Huntington Beach Energy Project: November 4, 2014 CEC-800-2014-001-CMF; Docket 12-AFC-02). DTSC's approval of the RAP does not change the cumulative impact analysis in the CEC's Final Decision and no additional cumulative impact analysis is required for the HBEP PTA.

The Ascon Landfill EIR found that truck trips associated with implementation of the Ascon Landfill RAP will result in significant and unavoidable impacts to the following Beach Boulevard intersections during the a.m., mid-day, and/or p.m. peak hour:

- Beach Blvd at Edinger Ave – AM and PM peak hours
- Beach Blvd at Heil Ave – PM peak hour
- Beach Blvd at Warner Ave – PM peak hour
- Beach Blvd at Slater Ave – PM peak hour
- Beach Blvd at Talbert Ave – mid-day and PM peak hours

Based on this finding, the Ascon Landfill Remedial Action Plan EIR includes the following mitigation measure:

- Mitigation Measure RTFAF-1: The Project shall limit the maximum hourly one-way haul truck trips during each of the PM peak hours (4 pm to 5 pm, and 5 pm to 6 pm) to 10 utilizing Beach Boulevard (10 in-bound trips per hour and 10 out-bound trips per hour), and 15 utilizing Brookhurst Street (15 in-bound trips per hour and 15 out-bound trips per hour).

The HBEP PTA does not propose to use Beach Boulevard or Brookhurst Street for construction-related traffic and, therefore, HBEP will not contribute to cumulative traffic impacts associated with the Ascon Landfill RAP.