

DOCKETED

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RESOLUTION NO 2016-27

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH SUPPORTING PROPOSED ARCHITECTURAL
IMPROVEMENTS AS MODIFIED AND APPROXIMATE 150-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 City Council previously adopted 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."

On September 9, 2015, AES submitted a petition to amend the HBEP Project to the CEC The Amended project will replace the existing AES Huntington Beach Generating Station (HBGS) with a natural gas-fired, combined cycle and simple-cycle, air-cooled, 844-megawatt electrical generating facility AES' Amended 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 95 and 40 feet, and each has one air cool condenser with a proposed height of 110 and 24 feet, as well as two stacks each at heights of 150 feet and 80 feet, respectively

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

On February 29, 2016 AES submitted a letter and application for design review 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 214 feet 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 Amended HBEP's stacks (approximately 150 and 80 feet 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 for HBEP 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-foot-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-foot height limit for the proposed approximately 150- and 80-foot-high electrical generating plant along with approximately 120-foot-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-foot-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.

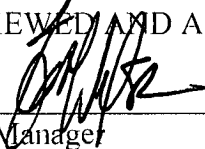
SECTION 4. Exceeding maximum height limitations will not be materially detrimental to the public welfare or injurious to property in the same zone classification and will not adversely affect the General Plan. The overall site has favorable geology and soils suitable for the power plant development. 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 Amended HBEP may result in the reduction of certain environmental impacts as compared to the existing HBGS. Construction of the Amended HBEP also includes architectural enhancements to soften the view of the new structures, using a marine inspired screen wall design treatment in varying shades of blue. 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-foot 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 in the February 29, 2016 letter and attachments from AES Southland, with the following modifications: 1. No signs or other identifying features be painted or attached to the stacks, air cooled condensers, or heat recovery steam generators, 2. The final architectural plan and color scheme shall be subject to review and approval by the Community Development Department.


PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 2nd day of May, 2016



Mayor

REVIEWED AND APPROVED


City Manager

APPROVED AS TO FORM


City Attorney

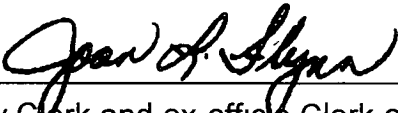
INITIATED AND APPROVED


Director of Community Development

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 **May 2, 2016** by the following vote

AYES: Posey, O'Connell, Sullivan, Katapodis, Hardy, Delgleize, Peterson
NOES: None
ABSENT: None
ABSTAIN: None



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