

DOCKETED

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City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division

714/536-5271

Code Enforcement Division

714/375-5155

Building Division

714/536-5241

December 1, 2016

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

**SUBJECT: CITY OF HUNTINGTON BEACH COMMENTS REGARDING
FINAL STAFF ASSESSMENT PART 1
HUNTINGTON BEACH ENERGY PROJECT PETITION TO AMEND
DOCKET NO. 12-AFC-02C**

Dear Mr. Heiser:

On October 17, 2016, the California Energy Commission (CEC) published the Final Staff Assessment PART 1 (PSA) of the Huntington Beach Energy Project Petition to Amend (HBEP PTA) and encouraged interested parties to participate in the public review of the document. The City of Huntington Beach appreciates the opportunity to review the CEC's FSA for AES Southland Development, LLC's Petition to Amend as originally submitted to the California Energy Commission on September 14, 2015.

General Comments:

1. Pg. 3-3 Project Description: The FSA states that Plains All-American Tank Farm site received approval to remove the tanks and grade the site for future, undisclosed development. This description implies that grading for future parking or other site use is approved. In fact, any future uses of the site, including parking and construction laydown may be subject to new grading permits, potential soil testing and soil remediation, and review of emergency access plans. The Coastal Development Permit approved by the City permits removal of three tanks and level grading of the site only, no future uses were contemplated, and grading for future, undisclosed uses has not been reviewed or approved.
2. Page 3-4 Project Description: The discussion regarding the extent of demolition of Units 1 and 2 remains unclear. The FSA indicates that the Licensed HBEP included demo of Units 1 and 2 to grade but the applicant's most recent Petition to Amend describes as demolition to turbine deck. Table 1 also describes demolition of Units 1 and 2 to turbine deck. The FSA seems to conclude that since the applicant amended the description of amount of demo in the PTA, then the new description of demo to turbine deck is acceptable. The City believes the CEC should condition the total and complete removal of old, obsolete, and replaced structures. The project site occupies a significant portion of Surf City's iconic coastline and our community deserves better than obsolete, 30 ft high, turbine decks left on site. The complete demolition to grade is also required for consistency with

General Plan and Coastal Element policies to enhance visual resources and improve the appearance of visually degraded areas in the coastal zone.

3. Page 3-6 Project Description: The City previously commented that a Traffic Impact Assessment is required to evaluate the proposed new intersection improvements at Magnolia and Banning. The FSA states that AES is working with the City regarding these proposed improvements. As indicated in comments from Public Works staff below, the City will work with AES to evaluate traffic engineering plans regarding the proposal but we continue to comment that the PSA does not address or conclude this issue adequately.
4. Page 3-9 Project Description: The FSA now includes a list of equipment and operations newly proposed at the Plains All-American Tank Farm site for construction laydown on 22 acres. The construction laydown site involves activities such as preparation and cutting of materials, assembly, and welding activities in addition to large amounts of loading, unloading, storage, and transport of construction materials. The FSA concludes that noise from this equipment, operations, and materials assembly on 22 acres is the same as construction worker parking on 1.9 acres. However, the FSA does not provide any background analysis to support this conclusion. The City of Huntington Beach residents on the east side of Magnolia Street have expressed their concern regarding potential noise impacts to their residences and they should be assured any potential impacts have been mitigated.
5. Page 3-9 Project Description: The FSA states that construction activities will occur six days per week from 7:00 AM-8:00 PM, with additional hours needed. The 7:00 AM-8:00 PM hours align with the City's Municipal Noise Code for construction activities with valid building permits. However, the FSA's description of, "Overtime and additional shift work may be required to maintain or enhance the construction schedule," and, "...additional hours needed," is very concerning to the City. Additionally, construction should be prohibited Sundays and Federal holidays. The City acknowledges the anticipated need for occasional nighttime activity due to critical construction needs (concrete pours) and mitigation measures should reduce potential impacts to sensitive receptors to the maximum extent feasible. The Conditions for Certification should strictly limit nighttime activity and should specify that no construction staging, warm-up activity, arrival of construction workers at off-site parking facilities, on-site, or queuing outside the facility or outside the Plains site, should begin before 7:00 AM.
6. Page 4.2-3 Biological Resources: The FSA identifies that several trees within the vegetated berm will be removed for the proposed intersection improvements. In accordance with General Plan and Coastal Element policies, removal of any mature trees should be replaced at a 2:1 ratio.
7. Page 4.5-12 Land Use: Condition of Certification Land-1 states that City approval of a Lot Line Adjustment is required. Based on the site's location in the Coastal Zone a coastal development permit is required in conjunction with any proposed lot line adjustment.
8. Page 4.10-12 Traffic and Transportation: The Parking/Staging Plan required in Condition of Certification Trans-3 should be expanded to identify that parking and laydown areas shall operate only during approved construction hours. Additionally, construction workers and equipment/material deliveries shall not be permitted to arrive on site nor stage on surrounding street system prior to 7:00 AM. Furthermore, the text should be amended to reflect that, "The Parking/Staging Plan shall prohibit use of the Huntington Beach City *Beach* parking area."
9. Page 4.10-15 Traffic and Transportation: The on-going question of permit authority for off-site improvements remains unresolved. The new Condition of Certification Trans-8 describes that the CBO shall review and approve civil engineering plans/drawings for traffic signing, striping, and

grading for the off-site intersection improvements at Magnolia Ave. and Banning Street, pedestrian crossings, and replacement parking in the Coastal Zone. However, Trans-8 states that the City can only review and comment on the proposed plans. The City will issue grading and Public Works related permits for all off-site improvements.

10. Page 4.10-16 Traffic and Transportation: The City's July 22, 2016 letter should be referenced.
11. Page 4.12-17 Visual Resources: The City of Huntington Beach agrees with CEC staff that Visual Screening plans must be submitted earlier in the process to ensure that screen walls can physically be accommodated on site, can adequately screen proposed structures, and will not conflict with other site design issues, such as emergency access. Waiting until after construction is underway to plan for the architectural enhancements is too late and too limiting in design. See additional comments in Fire Department comments below.
12. Page 4.12-27 Visual Resources: The City disagrees with the timing of visual screening plans identified in Vis-2 Verification. The power plant should not operate for a full nine months before the architectural enhancements are installed. It is common practice to complete all conditions of approval and all project components prior to operation of the proposed use. The City is also opposed to the delays in landscaping installations. In accordance with General Plan and Coastal Zone policies regarding visual enhancements, the City and surrounding community deserve the architectural screening based on the initial operation of the new power plant.

Public Works Department Comments:

1. Page 4.10-1: The FSA concludes no additional analysis is required for the amended HBEP, that the 2014 environmental analysis and conclusions are adequate. Staff believes that supplemental environmental analysis is required for examining Traffic and Transportation related impacts related to the Magnolia Street/Banning Avenue intersection reconfiguration, cumulative project traffic analysis, and that the responses to the Preliminary Staff Assessment (PSA) comments from City of Huntington Beach provided in the FSA are insufficient. Please refer to the following items.
2. Page 4.10-3, 4.10-8, 4.10-15 (TRANS-8): Adding the project's entrance road to the Magnolia Street/Banning Avenue intersection along with the additional project related trips will reduce the Level-of-Service (LOS) at this location. The FSA indicates no additional examination is needed to the 2014 environmental analysis for Traffic and Transportation related impacts, however, this intersection was not evaluated in the 2014 environmental analysis or in the amended HBEP.

The proposed Magnolia Street/Banning Avenue intersection reconfiguration is stated to provide two entrance lanes and two exit lanes, however, no analysis was presented to support the need for two ingress and two egress lanes. The number of proposed entrance and exit lanes affects the number of on-street parking removed, the amount of public right-of-way that would be disturbed, and how the intersection will operate in terms of the vehicular movements.

Although the amended HBEP did not include environmental analysis of providing a project driveway at the existing signalized intersection of Magnolia Street/Banning Avenue, staff will continue to work with the applicant regarding the intersection reconfiguration during the engineering drawings/plans processing.

3. Page 4.10-4, 4.10-7, 4.10-8, 4.10-15 (TRANS-8): The proposed Magnolia Street/Banning Avenue intersection reconfiguration could remove existing coastal zone on-street parking on Magnolia Street. The FSA recognizes the City's requirement to replace any lost on-street parking within

walking distance of the displaced parking spaces and proposes to implement Condition of Certification TRANS-9 to comply with City requirements. However, at that location staff is not aware of any existing public right-of-way areas within walking distance that could be used for replacement parking. Should parking be displaced due to the intersection reconfiguration staff could assist the applicant with finding means of replacing the parking.

4. Page 4.10-6, 4.10-9: Staff disagrees with the assessment of not needing to identify the Poseidon Desalination project in a cumulative project analysis of traffic and transportation impacts. This page suggests that because the Poseidon Desalination project is required to pay "Fair Share Traffic Impact Fee" to fund project related transportation impacts it can be excluded from the cumulative analysis. In a cumulative analysis, regardless of what conditions of approval are assigned individually to projects, all vicinity located projects are to be included to determine what cumulative transportation impacts would result. Due to the lack of supporting analysis and documentation, staff disagrees with the statement in the FSA that the project's (Poseidon Desalination) incremental effects would not be cumulatively considerable.
5. Page 4.10-7, 4.10-8, 4.10-15 (TRANS-8): Staff discussed the pedestrians crossing Newland Street from the three acre proposed construction parking area, however, did not indicate a marked pedestrian crosswalk as the determined crossing treatment (Condition of Certification TRANS-8). Rather, staff discussed the need of a traffic engineering study, compliant with standards and guidelines of the California Manual on Uniform Traffic Control Devices (state's official standards and specifications for all official traffic control devices as mandated by Section 21400 of the California Vehicle Code and accepted by the Federal Highway Administration per Title 23, Code of Federal Regulations), to determine what appropriate traffic control device treatment(s) and/or measure(s) that should be implemented to provide for safe and efficient pedestrian travel across Newland Street. City staff will coordinate with the applicant in determining the proper traffic control devices for that activity. Related to that concern, the text on page 4.10-15 should read "pedestrian crossing" rather than "pedestrian crosswalk" which implies the treatment is a marked crosswalk only.
6. Page 4.10-15 TRANS-8 Verification: Due to the City's plan review processing timelines, submittals of engineering drawings of at least 30 days prior to construction is insufficient time for staff to review, comment, and final (approve) plans. Staff recommends submittal of engineering drawings/plans a minimum of six months prior to the scheduled begin of construction.

The condition should read that the engineering plans for the intersection reconfiguration and pedestrian crossing are to be "reviewed and approved" rather than "review and comment" by the City of Huntington Beach Public Works Department. This would be consistent with the Huntington Beach's Encroachment Permit requirements and statements in the FSA, for example on page 4.10-8, which states that engineering plans shall be reviewed and approved prior to construction.

Fire Department Comments:

1. Page 3-1: The FSA states that the Plains All American Site will be used as a parking lot and staging area for the AES construction activity. The plans also indicate that a new intersection will be created at Magnolia and Banning. The HBFD will require to review and approve a plan showing the location of the items listed below prior to the issuance of construction permits by the Chief Building Official:
 - a. Parking Locations
 - b. Staging Locations

- c. Fire Department Access (Compliant with City Specification #401)
 - d. Fire Hydrant Locations
2. Section 4.4: Add a statement to the Hazardous Materials section that the AES site is required to disclose all hazardous materials and quantities to the California Environmental Reporting System (CERS) as required by the Huntington Beach Fire Department Hazardous Materials Program.
 3. Section 4.9: Add to Table 2 on 4.9-2 that the soil at the AES site has shown compliance with the soil and vapor requirements stated in City Specification #429 and 431-92. Reference the following reports.
 - a. Soil and Soil Gas Sampling Report, AES Huntington Beach Peaker Building, 21730 Newland Street, Huntington Beach, California dated August 8, 2016.
 - b. Soil and Soil Gas Sampling Report, AES Huntington Beach, 21730 Newland Street, Huntington Beach, California dated August 8, 2016.
 4. The HBFD concurs with the FSA's statement on page 4.12-17 that plans are required to be submitted to the Chief Building Official and the HBFD to confirm that the "Visual Screening Wall" does not travel over the fire department access lane. The HBFD also needs to ensure that the location of the screening wall is not located in a place that would interfere with firefighting operations to the either the existing or new power plants facilities. The HBFD will require review of the visual screening wall location prior to issuance of construction permits by the Chief Building Official.
 5. The shown "Visual Screening Wall" shown on Visual Resources – Figure 10 will not be an acceptable layout for the wall. The wall travels over the fire department access lanes and would block portions of the existing and new power plant facilities from firefighting operations. The location of the wall must be reconfigured.
 6. The HBFD concurs with the FSA's statement on 4.14-7, in that the applicant shall provide the HBFD with the proposed site access plan. The access plans shall show compliance with City Specification #401 and be provided with the items listed below from the FSA. The HBFD will require review of the final fire department access lane prior to issuance of construction permits by the Chief Building Official.

Thank you for the opportunity to review and provide these initial staff comments on this important project in the City of Huntington Beach. We are committed to participating in the CEC processing of the application to ensure a high quality outcome for the citizens of Huntington Beach. Please do not hesitate to contact me at 714-536-5596 if you have any questions or need any additional information.

Sincerely,



Jane James
Planning Manager

cc: Fred Wilson, City Manager
Ken Domer, Deputy City Manager
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