

## DOCKETED

<b>Docket Number:</b>	12-AFC-03
<b>Project Title:</b>	Redondo Beach Energy Project
<b>TN #:</b>	201869
<b>Document Title:</b>	City of Redondo Beach Interim Ordinance, dated January 14, 2014
<b>Description:</b>	N/A
<b>Filer:</b>	Alicia Campos
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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**URGENCY ORDINANCE NO. 3120-14**

**AN EXTENSION OF AN URGENCY INTERIM  
ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF REDONDO BEACH, CALIFORNIA, IMPOSING A  
MORATORIUM ON DEVELOPMENT OF  
ELECTRICAL GENERATING FACILITIES IN THE  
COASTAL ZONE**

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO  
BEACH, CALIFORNIA, DOES HEREBY FIND AS FOLLOWS:**

**WHEREAS, the AES Power Plant was built within the City of Redondo  
Beach prior to the enactment of the California Coastal Act in 1976, at a time  
when large electrical generation plants were commonly located near the ocean in  
order to allow the use of ocean water for cooling of the generating facilities; and**

**WHEREAS, the California Coastal Act was enacted to protect and  
preserve the California Coastal Zone as an environmental, recreational and  
economic resource for the benefit of all Californians; and**

**WHEREAS, under the California Coastal Act industrial uses, including  
electrical power generating facilities, are a disfavored use and are encouraged  
only where the use is coastal dependent, meaning that the use requires a  
location on or near the ocean in order to be able to function, or where the use is  
directly supportive of other coastal-related uses, such as fishing or boating; and**

**WHEREAS, it is necessary to phase out existing land uses that do not  
conform to the development policies and priorities of the Coastal Act in order to  
achieve the purposes of the Coastal Act and to maximize long-term beneficial  
use of the Coastal Zone; and**

**WHEREAS, the AES Power Plant is located in the coastal zone of the City  
and is incompatible with other existing and permitted uses in the Harbor-Pier  
area and adjoining areas of the City, and the AES Power Plant is a source of  
major visual blight, noise and air pollution that has discouraged economically  
beneficial new development and redevelopment for higher priority coastal uses in  
the City's coastal zone and in the Harbor-Pier area in particular; and**

**WHEREAS, the City is now undertaking major efforts to encourage  
redevelopment and revitalization of the Harbor/Pier area of the City's coastal  
zone for the benefit of City residents, visitors and businesses; and**

**WHEREAS, on May 4, 2010 the State Water Resources Control Board  
adopted Resolution No. 2010-0020, generally requiring that the use of existing**

power plant cooling systems that rely on natural ocean waters be terminated throughout the State of California by 2020; and

WHEREAS, on October 11, 2012, citizens of the City of Redondo Beach qualified an initiative measure, subsequently designated as Measure A, for the March 5, 2013 municipal election ballot. Measure A, if enacted, would have required termination of all electrical power generating on the AES property by December 31, 2020, and removal of all electrical generating facilities by December 31, 2022. Measure A further substantially limited future redevelopment of the AES property for other economically beneficial uses and required that 60-70% of the property be reserved for open space and public recreational uses; and

WHEREAS, public discussion and debate of Measure A confirmed that the great majority of residents, businesses and property owners in Redondo Beach believe that use of the AES property for electrical generating purposes is inconsistent with the policies of the California Coastal Act, economically damaging to the City as a whole and harmful to the public health, welfare and safety, and that such use should not be continued. Public discussion and debate also confirmed that the majority of residents, business and property owners in the City believe that the owners of the AES property should be treated fairly and should be allowed the opportunity to redevelop the AES property in an economically beneficial manner, consistent with the policies of the California Coastal Act and with the overriding purposes of the City's General Plan and certified Local Coastal Program.

WHEREAS, on November 20, 2012 AES filed an application with the California Energy Commission for approval of plans to substantially reconstruct the existing AES Power Plant and continue its operations on the AES property for the foreseeable future; and

WHEREAS, the reconstructed AES Power Plant would not be a coastal, dependent facility within the meaning of the Coastal Act, and would therefore be inconsistent with the development policies and priorities of the Coastal Act; and

WHEREAS, existing plans and studies have shown that continued use of the AES property for electrical generating facilities is not necessary to guarantee an adequate supply of electricity for the State of California; and

WHEREAS, notwithstanding the plant modifications now proposed by AES, continued operation of electrical generating facilities on the AES property would continue to be incompatible with existing and other permitted uses of property in the surrounding area; would continue to be a source of visual blight, noise and air pollution; and would continue to discourage economically beneficial new development for public recreational uses, visitor-serving commercial uses and other beneficial uses in the City's coastal zone; and

**WHEREAS, on March 5, 2012, Measure A failed to pass by a vote of 6,553 votes against versus 6,295 votes in favor; and**

**WHEREAS, in order to protect the public health, safety and welfare, it is now necessary for the City to undertake action to review and revise applicable provisions of the City's General Plan, certified Local Coastal Program and the Harbor/Civic Center Specific Plan in order to provide for elimination, within a reasonable time, of electrical generating facilities in the City's coastal zone and replacement of electrical generating facilities on the AES property with alternate uses that are consistent with the policies of the California Coastal Act and overriding purposes of the City's certified Local Coastal Program, and which will also provide for reasonable economically beneficial use of the property by the owner or owners; and**

**WHEREAS, an application for approval of any new electrical generating facilities or modified electrical generating facilities in the City's coastal zone poses an immediate threat to the public health, safety, and welfare, in that approval of such application would serve to perpetuate and extend unnecessary noise, air pollution and visual and economic blight of the City's coastal zone to the detriment of the public health, safety and welfare, and would prevent implementation of the statewide policies of the California Coastal Act and overriding policies of the City's General Plan and certified Local Coastal Program; and**

**WHEREAS, Government Code § 65858 provides that a city council may adopt by a four fifths vote as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a general plan or zoning measures that the city is considering or studying or intends to study within a reasonable time; and**

**WHEREAS, on December 3, 2013, at a duly noticed public hearing, the City Council adopted Urgency Interim Ordinance No. 3116-13, imposing a 45-day moratorium on the approval of any conditional use permit, coastal development permit, or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Redondo Beach; and**

**WHEREAS, prior to adoption of Urgency Interim Ordinance No. 3116-13, City planning staff fully evaluated the potential environmental effects of adoption of the interim ordinance, and any extensions thereof, temporarily barring discretionary approvals for new or modified electrical generating facilities in the City's coastal zone, and the City Council, concurrently with its consideration of the ordinance, approved a negative declaration certifying that the interim**

ordinance would not have any significant environmental effects within the meaning of the California Environmental Quality Act (CEQA); and

WHEREAS, Urgency Interim Ordinance No. 3116-13 expires on January 17, 2014; and

WHEREAS, at least ten days prior to the expiration of an interim ordinance, Government Code § 65858(d) requires the city council to issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance; and

WHEREAS, on December 26, 2013, at a duly noticed public hearing, the City Council unanimously voted to issue a Moratorium Status Report describing such measures; and

WHEREAS, Government Code § 65858 provides that a city council, after notice and a public hearing, may by a four fifths vote extend the interim ordinance for 22 months and 15 days; and

WHEREAS, notice of a public hearing on the extension of Urgency Interim Ordinance No. 3116-13 was published in the Easy Reader on January 2, 2014 in compliance with Government Code §§ 65858(b) and 65090; and

WHEREAS, a public hearing to consider the extension of Urgency Interim Ordinance No. 3116-13 was held by the City Council on January 14, 2014; and

WHEREAS, City planning staff have fully evaluated the potential environmental effects of extension of the interim ordinance pursuant to the Initial Environmental Study and Negative Declaration approved and adopted on December 3, 2013 and the City Council has, concurrently with its consideration of the extension, determined that no further environmental review is required under CEQA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. There is hereby imposed a moratorium on the approval of any conditional use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Redondo Beach.

SECTION 2. It is the intent of the City Council that any proposal for new or modified non-coastal dependent electrical generating facilities within the City's coastal zone during the period of the moratorium shall be considered inconsistent

with this Ordinance and with the City's land use policies and zoning regulations for all purposes, and by all agencies charged with reviewing any application for such use.

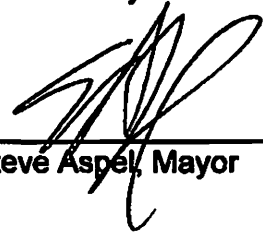
**SECTION 3.** This Ordinance shall be of no further force and effect 22 months and 15 days from its date of adoption.

**SECTION 4.** The City Council hereby finds that the above recitals are true and correct and incorporates the recitals herein by reference as if set forth in full.

**SECTION 5.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 6.** The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records and proceedings of the City Council at which the same is passed and adopted. This ordinance shall be published by one insertion in the Easy Reader, the official newspaper of said City, and the same shall go into effect and be in full force and operation immediately.

PASSED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of January, 2014.

  
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Steve Aspel, Mayor

ATTEST:

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )    SS  
CITY OF REDONDO BEACH       )

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Urgency Interim Ordinance No. 3120-14 was duly introduced, approved and adopted at a regular meeting of the City Council held on the 14th day of January, 2014, by the following vote:

AYES:       GINSBURG, BRAND, AUST, SAMMARCO, KILROY

NOES:       NONE

ABSENT:    NONE

ABSTAIN:   NONE

  
\_\_\_\_\_  
Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael W. Webb, City Attorney