

DOCKETED

Docket Number:	13-AFC-01
Project Title:	Alamitos Energy Center
TN #:	202619
Document Title:	CEC Letter to The City of Long Beach Development Services
Description:	N/A
Filer:	Cenne Jackson
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	6/26/2014 3:50:03 PM
Docketed Date:	6/26/2014

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



June 26, 2014

Jeffrey Winklepleck, Director
City of Long Beach Development Services
333 West Ocean Blvd, 4th Floor
Long Beach, CA 90802

Re: Alamitos Energy Center (13-AFC-01)

Dear Mr. Winklepleck:

Last March, California Energy Commission staff discussed with you and your staff the Energy Commission's licensing process and its exclusive authority to license all new or modified thermal power plant facilities, 50 megawatts or greater, in the state (Pub. Resources Code, § 25500). We also discussed with your staff what steps the city would take to license a project of this type were they the lead agency under the California Environmental Quality Act (CEQA). I have included the staff-to-staff communications as an attachment.

To ensure the Alamitos Energy Center's compliance with the city of Long Beach's applicable laws, ordinances, regulations, and standards (LORS), Energy Commission staff is continuing to seek input and guidance from city of Long Beach planning staff on what steps the city would take to permit the proposed project if the city were the lead agency under CEQA. Specifically, staff is looking to city of Long Beach staff to provide guidance on two issues:

1. Whether the Planned Development Zone District (PD-1), Subarea 19, and the South East Area Development Improvement Plan (SEADIP) are the applicable land use documents for this project.
2. Or, as your staff has communicated to Energy Commission staff, the project would require site plan review and direction from the city council regarding project development standards, and then possible final approval by the City Council, were the city the lead agency.

The Alamitos Energy Center's Application for Certification (AFC), states that Subarea 19 (where the project is located) defers to the IG zone district (General Industrial) for project development standards, yet staff-to-staff discussions indicate this may not be the case. Energy Commission staff is looking to the city of Long Beach to provide input in an advisory capacity so our environmental analysis can ensure that the proposed Alamitos Energy Center is consistent with the city's applicable LORS and complies with the city's development standards, either as

Mr. Jeffrey Winklepleck

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identified in the IG zone district, or as established through the city's advisory site plan review process.

Energy Commission staff understands that a commitment of this kind could burden the planning department staff if costs for staff time is not reimbursed. Public Resources Code Section 25538 (Review by local agencies; fees; lost permit fees; reimbursement) states that,

“Upon receiving the commission's request for review under subdivision (f) of Section 25519 and Section 25506, the local agency may request a fee from the commission to reimburse the local agency for the actual and added costs of this review by the local agency. The commission shall reimburse the local agency for the added costs that shall be actually incurred by the local agency in complying with the commission's request. The local agency may also request reimbursement for permit fees that the local agency would receive but for the operation of Section 25500, provided, however, that such fees may only be requested in accordance with actual services performed by the local agency. The commission shall either request a fee from the person proposing the project or devote a special fund in its budget, for the reimbursement of such costs incurred by local agencies.”

This provision would allow city staff to be compensated while providing Energy Commission staff the necessary input and guidance regarding the project's compliance with the city of Long Beach's applicable LORS. If the city of Long Beach is unable to provide the requested assistance, then Energy Commission staff will perform the LORS compliance analysis using the applicable development standards from the IG zone district, and the city will have the opportunity to comment on the Preliminary Staff Assessment (PSA) when it is published.

Please let Michael Baron of my staff know whether your staff can provide the requested guidance on the Alamitos Energy Center Project. He can be reached at at (916) 653-1643 or michael.baron@energy.ca.gov. The AFC and other project materials can be accessed via web link at: <http://www.energy.ca.gov/sitingcases/alamitos/index.html>. We appreciate your time and look forward to working with you.

Sincerely,

Eric Knight, Manager
Environmental Office
Energy Facilities Siting, Transmission, and
Environmental Protection Division

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Attachments: Facility Site Map, Project Elevations

**cc: Ira Brown, city of Long Beach
Keith Winstead, Project Manager
Amanda Stennick, Planner III/Supervisor**

Baron, Michael@Energy

From: Baron, Michael@Energy
Sent: Monday, March 24, 2014 12:55 PM
To: 'jeffrey.winklepleck@longbeach.gov'
Cc: Stennick, Amanda@Energy; Knight, Eric@Energy; DeCarlo, Lisa@Energy
Subject: Alamitos Energy Center (13-AFC-01) Land Use Meeting
Attachments: Elevations.pdf; Facility Site Map.pdf

Dear Mr. Winklepleck,

The California Energy Commission is currently in a discovery phase for the proposed Alamitos Energy Center Re-power Project (13-AFC-01). Energy Commission staff are analyzing the proposed facility for consistency with federal, state and local laws, ordinances, regulations and standards (LORS) and would like to discuss some of the provisions of the City of Long Beach's Zoning Ordinance with you.

More specifically, staff would like clarification from city planning staff on whether the Planned Development Zone District (PD-1) or Subarea 19 of the South East Area Development Improvement Plan (SEADIP) is the guidance document for a project of this type. It is our understanding that the Planned Development Zone District (PD-1) has no development standards and would require review and approval by the City Council. Energy Commission staff is interested in finding out what development standards would be imposed on this type of project, if the City of Long Beach were the lead permitting agency.

If possible, we would like to setup a conference call with city planning staff to discuss these matters at your convenience.

I have attached a rough site and elevation plan of the proposed facility for you to review. I have also provided you with a link to the California Energy Commission website to view additional project information and key dates for the Alamitos Energy Center Re-power Project.

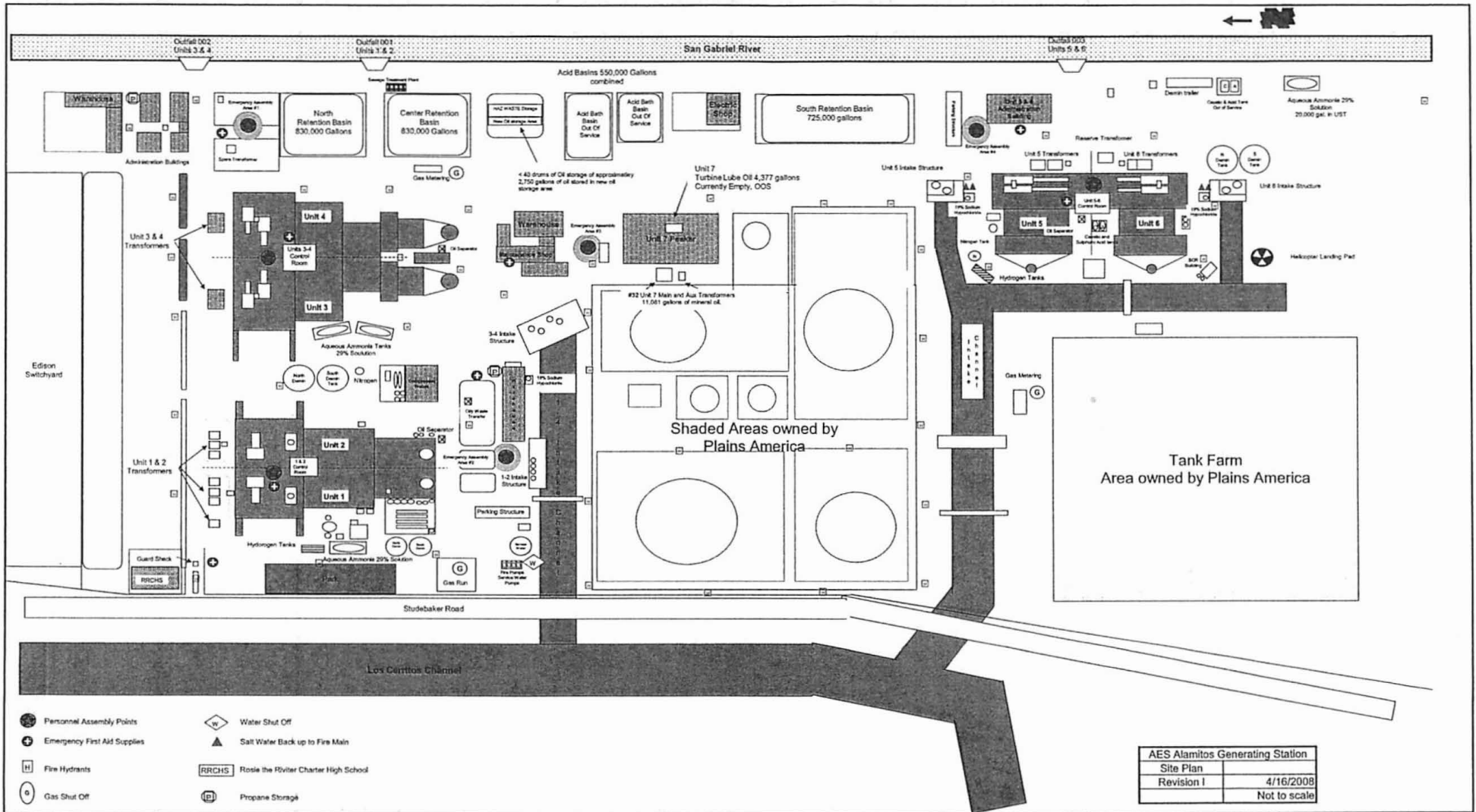
Link: <http://www.energy.ca.gov/sitingcases/alamitos/index.html>

We appreciate and look forward to receiving your input on this project.

Sincerely,

Michael Baron, Planner II
California Energy Commission
Siting, Transmission and Environmental Protection Division
(916) 653-1643
(916) 651-8868 FAX
michael.baron@energy.ca.gov

**AES Alamitos
Facility Site Map**



AES Alamitos Generating Station	
Site Plan	
Revision I	4/16/2008
	Not to scale

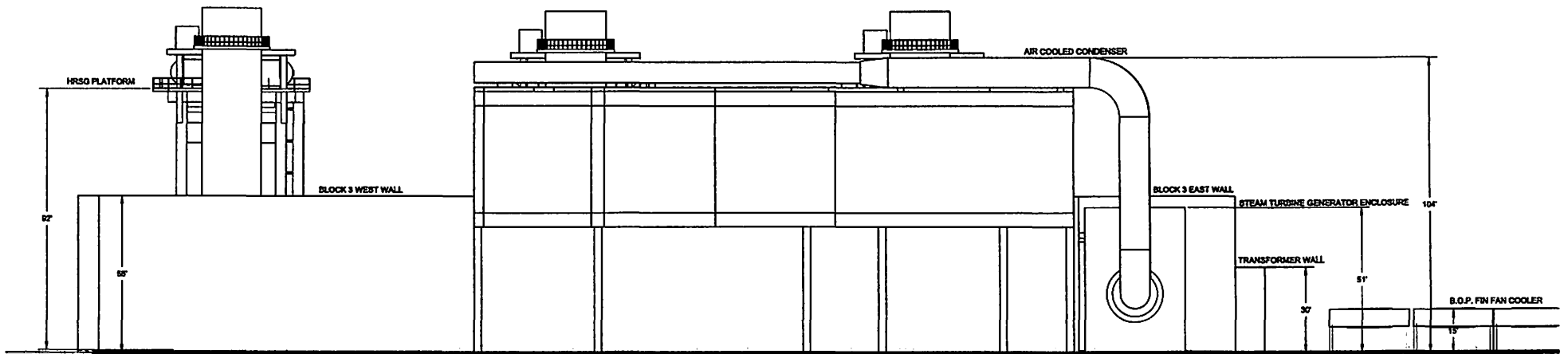


FIGURE 2.1-3a
 Elevation Drawings (Looking East)
 Alamos Energy Center
 Long Beach, California

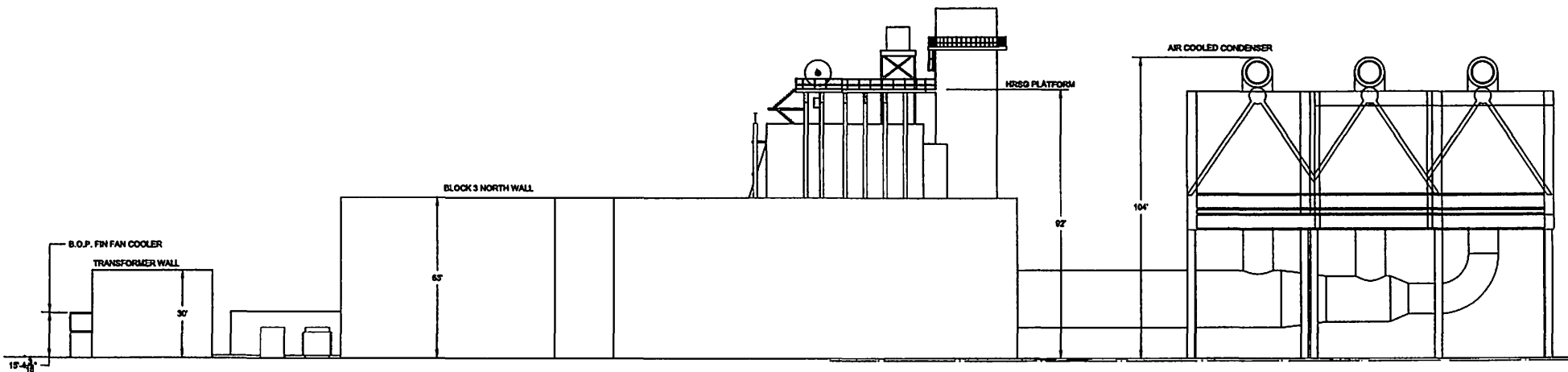
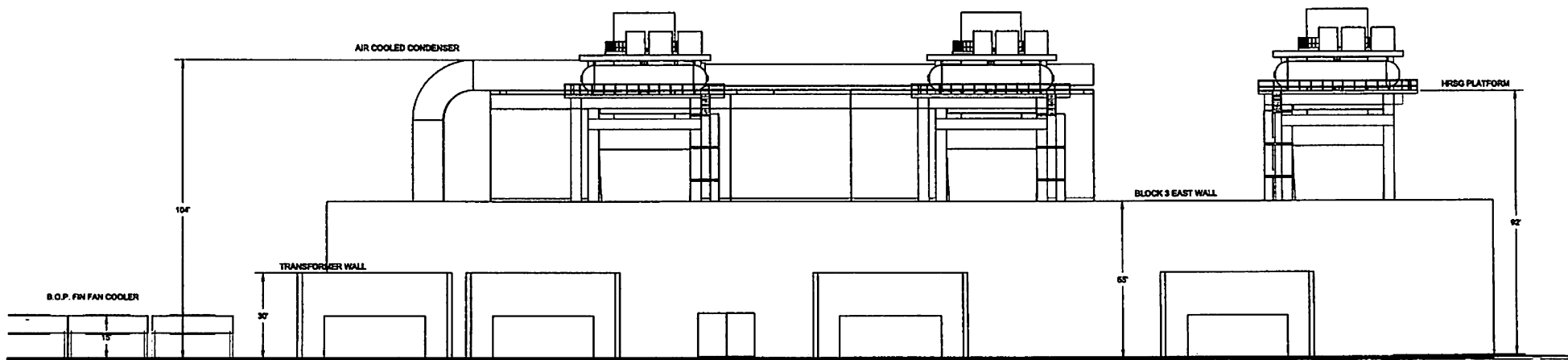


FIGURE 2.1-3b
 Elevation Drawings (Looking South)
 Alamos Energy Center
 Long Beach, California



Source: Power Engineers Collaborative, LLC.

0281011122175AC Figure_2.1-3c.dwg 07/15/2013

FIGURE 2.1-3c
 Elevation Drawings (Looking West)
 Alamos Energy Center
 Long Beach, California

CH2MHILL

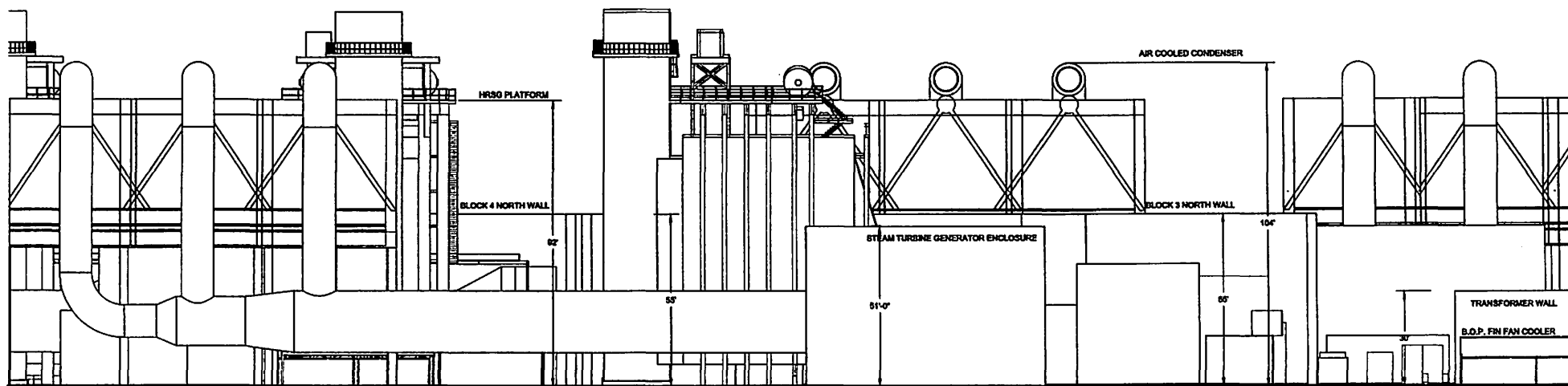


FIGURE 2.1-3d
 Elevation Drawings (Looking North)
 Alamos Energy Center
 Long Beach, California

Baron, Michael@Energy

From: Baron, Michael@Energy
Sent: Wednesday, April 09, 2014 8:51 AM
To: 'Jeffrey.Winklepleck@longbeach.gov'
Cc: Stennick, Amanda@Energy
Subject: RE: Alamos Energy Ceneter Site Plan Review

Sounds great.

Thanks!

Michael Baron, Planner II
California Energy Commission
Siting, Transmission and Environmental Protection Division
(916) 653-1643
(916) 651-8868 FAX
michael.baron@energy.ca.gov

From: Jeffrey.Winklepleck@longbeach.gov [<mailto:Jeffrey.Winklepleck@longbeach.gov>]
Sent: Wednesday, April 09, 2014 8:50 AM
To: Baron, Michael@Energy
Subject: Re: Alamos Energy Ceneter Site Plan Review

Hi Michael,

The project is being reassigned to Ira Brown. In order to keep the project moving forward, I scheduled the project for our internal Site Plan Review Committee meeting later today. I have gone over the plans and will, along with Ira, present the project to obtain feedback. One of us will contact you later this week to discuss.

From: "Baron, Michael@Energy" [michael.baron@energy.ca.gov]
Sent: 04/09/2014 03:40 PM GMT
To: Jeffrey Winklepleck
Cc: Heidi Eidson; "Stennick, Amanda@Energy" <Amanda.Stennick@energy.ca.gov>
Subject: Alamos Energy Ceneter Site Plan Review

Hi Jeffrey,

I was able to talk with Angie Zetterquist on 4/7 in regard to the Alamos Energy Center site plan review application and she informed me that it was going to be re-assigned. If at all possible, we would like to setup a conference call with the assigned planner and any other city staff to discuss the details of the project like general plan consistency, zoning requirements, traffic issues, and visual resources etc.

Sincerely,

Michael Baron, Planner II
California Energy Commission
Siting, Transmission and Environmental Protection Division

(916) 653-1643
(916) 651-8868 FAX
michael.baron@energy.ca.gov

Baron, Michael@Energy

From: Baron, Michael@Energy
Sent: Wednesday, April 16, 2014 1:08 PM
To: jeffrey.winklepleck@longbeach.gov
Cc: Stennick, Amanda@Energy; Knight, Eric@Energy; Winstead, Keith@Energy; DeCarlo, Lisa@Energy
Subject: 13-AFC-01 Alamos Energy Center Application for Certification (AFC) 4/15 Meeting Follow-up Information
Attachments: CEC-Warren-Alquist code sections.docx; Power Plant Permitting Timeline.pdf

Hi Jeff,

We really appreciate you taking the time to talk with us yesterday!

Here is the link for the Alamos Energy Center Project <http://www.energy.ca.gov/sitingcases/alamitos/index.html>. To view the application materials click on Documents for this Proceeding (Docket Log) on the right and scroll down the list to Docketed Date 2/3/13 to view the different technical sections of the proposed project.

Also, the following is an explanation of the Energy Commission's permitting authority. In short, the Energy Commission has the exclusive authority to license all new or modified power facilities, 50 MW or greater in the state (Public Resources Code section 25500). The Energy Commission's license takes the place of all other state, regional, or local permits (e.g., conditional use permit), and other entitlements for use, that would otherwise be required. The Energy Commission's facility certification process carefully examines public health and safety, environmental impacts, and engineering aspects of proposed power plants, and all related facilities such as electric transmission lines and natural gas and water pipelines. The Energy Commission's responsibilities are those of a lead agency under the California Environmental Quality Act (CEQA), except the Energy Commission's analysis includes multiple environmental and decision documents rather than an Environmental Impact Report.

As part of the licensing process, the Energy Commission must determine whether a proposed facility complies with all applicable state, regional, and local laws, ordinances, regulations, and standards (LORS) (Public Resources Code section 25523(d)(1)). The Energy Commission must either find that a project conforms with all applicable LORS or make specific findings that a project's approval is justified even where the project is not in conformity with all applicable LORS (Public Resources Code section 25525).

I provided the expanded code sections referred to above in an attachment as well as a flow chart showing the permitting timeline/process for a power plant

Link to Warren Alquist Act:

http://www.energy.ca.gov/reports/Warren-Alquist_Act/

Please feel free to contact me if you have any questions.

Sincerely,

Michael Baron, Planner II
California Energy Commission
Siting, Transmission and Environmental Protection Division
(916) 653-1643

(916) 651-8868 FAX
michael.baron@energy.ca.gov

Baron, Michael@Energy

From: Baron, Michael@Energy
Sent: Monday, May 12, 2014 11:56 AM
To: 'Ira Brown'
Cc: Stennick, Amanda@Energy; Knight, Eric@Energy; jeffrey.winklepleck@longbeach.gov; Winstead, Keith@Energy; DeCarlo, Lisa@Energy
Subject: RE: 13-AFC-01 Alamitos Energy Center Application for Certification (AFC)

Hi Ira,

Sounds great! I will be in the office all week.

Thanks,

Michael Baron, Planner II
California Energy Commission
Siting, Transmission and Environmental Protection Division
(916) 653-1643
(916) 651-8868 FAX
michael.baron@energy.ca.gov

From: Ira Brown [<mailto:Ira.Brown@longbeach.gov>]
Sent: Thursday, May 08, 2014 8:28 AM
To: Baron, Michael@Energy
Cc: Stennick, Amanda@Energy; Knight, Eric@Energy; jeffrey.winklepleck@longbeach.gov; Winstead, Keith@Energy; DeCarlo, Lisa@Energy
Subject: Re: 13-AFC-01 Alamitos Energy Center Application for Certification (AFC)

Hi Michael

I spoke to the Jeff, the planning manager, about our conversation on April 29th and this email this morning. He will follow up with you directly this afternoon.

Thanks.

Ira Brown
Planner

Long Beach Development Services | Planning Bureau
T 562.570.5972 F 562.570.6068
333 West Ocean Blvd., 5th Fl | Long Beach, CA 90802
ira.brown@longbeach.gov | lbsd.longbeach.gov

From: "Baron, Michael@Energy" <michael.baron@energy.ca.gov>
To: "ira.brown@longbeach.gov" <ira.brown@longbeach.gov>,
Cc: "jeffrey.winklepleck@longbeach.gov" <jeffrey.winklepleck@longbeach.gov>, "Stennick, Amanda@Energy" <Amanda.Stennick@energy.ca.gov>, "Winstead, Keith@Energy" <keith.winstead@energy.ca.gov>, "DeCarlo, Lisa@Energy" <Lisa.DeCarlo@energy.ca.gov>, "Knight, Eric@Energy" <Eric.Knight@energy.ca.gov>
Date: 05/08/2014 07:26 AM
Subject: 13-AFC-01 Alamitos Energy Center Application for Certification (AFC)

Hi Ira,

I just wanted to follow-up on our conversation from 4/29 in regard to the Alamitos Energy Center re-power project. If I understand correctly, had the city of Long Beach been the permitting authority, the applicant would be required to submit an application for the site plan review process for this type of project. Please identify any other reviews or permits the city would require for this type of project, were they the CEQA lead agency. I want to confirm what the city's process would be because we are working with the applicant to provide payment to the city to process a site plan review (or any other land use entitlement) in an advisory capacity. This way city staff time could be compensated for and we would be able to receive the feedback from the city that we are looking for.

Thanks,

Michael Baron, Planner II
California Energy Commission
Siting, Transmission and Environmental Protection Division
(916) 653-1643
(916) 651-8868 FAX
michael.baron@energy.ca.gov