

## DOCKETED

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## Updated LORS Tables: Alamitos Energy Center

The following Staff testimony supplements and clarifies the Final Staff Assessment Part 1, by making edits to the Laws, Ordinances, Regulations, and Standards (LORS) tables. The primary change is to remove LORS that do not apply to the project but were originally included in the tables. New text is underlined. Removed text is ~~stuck through~~. Where appropriate, and to add clarity, additional information on how the project meets the LORS has been added.

### ALAMITOS ENERGY CENTER BIOLOGICAL RESOURCES SUPPLEMENTAL TESTIMONY

The applicant must comply with the applicable LORS listed in Biological Resources Table 1 during project construction, demolition, and operation. Staff also reviewed these project aspects relative to the Marine Mammal Protection Act, Clean Water Act, and the California Fish and Game Code (FGC) section 1600 (Lake and Streambed Alteration). It was determined these LORS do not apply to the project, since the AEC does not contain suitable habitat for marine mammals, nor any waters of the US subject to the Clean Water Act, nor any aquatic features subject to FGC section 1600. Staff also reviewed the City of Long Beach's General Plan and Local Coastal Plan, which require buffers between new development and environmentally-sensitive habitats. It was determined these LORS don't directly apply to the project because the nearest such habitat, the Los Cerritos Wetlands, is 1,000 feet from the closest AEC boundary.

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**Biological Resources Table 1  
Laws, Ordinances, Regulations, and Standards**

Applicable LORS	Description	<u>Complies?</u>	<u>Basis of Compliance</u>
<b>Federal</b>			
<p>Endangered Species Act (Title 16, United States Code, section 1531 et seq., and Title 50, Code of Federal Regulations, part 17.1 et seq.)</p>	<p>Designates and provides for protection of threatened and endangered plant and animal species, and their critical habitat. Take of federally listed species as defined in the Act is prohibited without incidental take authorization, which may be obtained through Section 7 consultation (between federal agencies) or Section 10 Habitat Conservation Plan. The administering agencies are the USFWS and NOAA (National Marine Fisheries Service).</p>	<p><u>Yes</u></p>	<p><u>BIO-5 (Worker Environmental Awareness Program [WEAP]) creates a training program for the on-site personnel on how to protect sensitive biological resources and the consequences of non-compliance. BIO-6 (Biological Resources Mitigation Implementation and Monitoring Plan [BRMIMP]) requires preparation of a BRMIMP, which consolidates and ensures compliance with/effectiveness of all biological resource mitigation, monitoring, and compliance measures, as well as impact avoidance/minimization. BIO-7 (Impact Avoidance and Minimization Measures) would require good practice measures for open trenches and flagging of environmentally sensitive areas. BIO-8 (Preconstruction Nest Surveys and Impacts Avoidance and Minimization Measures for Breeding Birds) would require preconstruction nest surveys and buffer zones if active nests are found. With the implementation of these measures adverse impacts to wildlife and birds would be less than significant.</u></p>

Applicable LORS	Description	<u>Complies?</u>	<u>Basis of Compliance</u>
<p>Marine Mammal Protection Act (Title 16, United States Code, Chapter 31)</p>	<p>Protects all marine mammals, including cetaceans (whales, dolphins, and porpoises), pinnipeds (seals and sea lions), sirenians (manatees and dugongs), sea otters, and polar bears within the waters of the United States. The National Marine Fisheries Service is responsible for the protection of cetaceans and pinnipeds; the United States Fish and Wildlife Service is responsible for the protection of sea otters.</p>		
<p>Clean Water Act (Title 33, United States Code, sections 1251 through 1376, and Code of Federal Regulations, part 30, section 330.5(a)(26))</p>	<p>Requires the permitting and monitoring of all discharges to surface water bodies. Section 404 requires a permit from the U.S. Army Corps of Engineers (USACE) for a discharge of dredged or fill materials into Waters of the U.S., including wetlands. Section 401 requires a permit from a regional water quality control board (RWQCB) for the discharge of pollutants.</p>		

Applicable LORS	Description	<u>Complies?</u>	<u>Basis of Compliance</u>
Migratory Bird Treaty (Title 16, United States Code, sections 703 through 711)	Makes it unlawful to take or possess any migratory nongame bird (or any part of such migratory nongame bird including nests with viable eggs). The administering agency is the USFWS.	<u>Yes</u>	<u>BIO-5 (Worker Environmental Awareness Program [WEAP]) creates a training program for the on-site personnel on how to protect sensitive biological resources and the consequences of non-compliance. BIO-6 (Biological Resources Mitigation Implementation and Monitoring Plan [BRMIMP]) requires preparation of a BRMIMP, which consolidates and ensures compliance with/effectiveness of all biological resource mitigation, monitoring, and compliance measures, as well as impact avoidance/minimization. BIO-8 (Preconstruction Nest Surveys and Impacts Avoidance and Minimization Measures for Breeding Birds) would require preconstruction nest surveys and buffer zones if active nests are found. With the implementation of these measures adverse impacts to wildlife and birds would be less than significant.</u>

Applicable LORS	<u>Description</u>	<u>Complies?</u>	<u>Basis of Compliance</u>
<b>State</b>			
California Endangered Species Act of 1984 (Fish and Game Code, sections 2050 through 2098)	Protects California's rare, threatened, and endangered species. The administering agency is CDFW.	<u>Yes</u>	<u>BIO-5 (Worker Environmental Awareness Program [WEAP]) creates a training program for the on-site personnel on how to protect sensitive biological resources and the consequences of non-compliance. BIO-6 (Biological Resources Mitigation Implementation and Monitoring Plan [BRMIMP]) requires preparation of a BRMIMP, which consolidates and ensures compliance with/effectiveness of all biological resource mitigation, monitoring, and compliance measures, as well as impact avoidance/minimization. BIO-7 (Impact Avoidance and Minimization Measures) would require good practice measures for open trenches and flagging of environmentally sensitive areas. BIO-8 (Preconstruction Nest Surveys and Impacts Avoidance and Minimization Measures for Breeding Birds) would require preconstruction nest surveys and buffer zones if active nests are found. With the implementation of these measures adverse impacts to wildlife and birds would be less than significant.</u>

<b>Applicable LORS</b>	<b><u>Description</u></b>	<b><u>Complies?</u></b>	<b><u>Basis of Compliance</u></b>
California Code of Regulations (Title 14, sections 670.2 and 670.5)	Lists the plants and animals of California that are declared rare, threatened, or endangered. Take of state listed species is prohibited without incidental take authorization, according to Section 2081 or 2080.1 of the Act. The administering agency is CDFW.	<u>Yes</u>	<u>BIO-5 (Worker Environmental Awareness Program [WEAP]) creates a training program for the on-site personnel on how to protect sensitive biological resources and the consequences of non-compliance. BIO-6 (Biological Resources Mitigation Implementation and Monitoring Plan [BRMIMP]) requires preparation of a BRMIMP, which consolidates and ensures compliance with/effectiveness of all biological resource mitigation, monitoring, and compliance measures, as well as impact avoidance/minimization. With the implementation of these measures adverse impacts to wildlife and birds would be less than significant.</u>

<b>Applicable LORS</b>	<b><u>Description</u></b>	<b><u>Complies?</u></b>	<b><u>Basis of Compliance</u></b>
Fully Protected Species (Fish and Game Code sections 3511, 4700, 5050, and 5515)	Designates certain species as fully protected and prohibits the take of such species unless for scientific purposes (see also Title 14, California Code of Regulations, section 670.7). The administering agency is CDFW.	<u>Yes</u>	<u>BIO-5 (Worker Environmental Awareness Program [WEAP]) creates a training program for the on-site personnel on how to protect sensitive biological resources and the consequences of non-compliance. BIO-6 (Biological Resources Mitigation Implementation and Monitoring Plan [BRMIMP]) requires preparation of a BRMIMP, which consolidates and ensures compliance with/effectiveness of all biological resource mitigation, monitoring, and compliance measures, as well as impact avoidance/minimization. BIO-7 (Impact Avoidance and Minimization Measures) would require good practice measures for open trenches and flagging of environmentally sensitive areas. BIO-8 (Preconstruction Nest Surveys and Impacts Avoidance and Minimization Measures for Breeding Birds) would require preconstruction nest surveys and buffer zones if active nests are found. These measures would ensure the project does not result in take of fully protected species, should they occur onsite.</u>

<b>Applicable LORS</b>	<b><u>Description</u></b>	<b><u>Complies?</u></b>	<b><u>Basis of Compliance</u></b>
Nest or Eggs (Fish and Game Code section 3503)	Protects California's birds by making it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. The administering agency is CDFW.	<u>Yes</u>	<u>BIO-5 (Worker Environmental Awareness Program [WEAP]) creates a training program for the on-site personnel on how to protect sensitive biological resources and the consequences of non-compliance. BIO-6 (Biological Resources Mitigation Implementation and Monitoring Plan [BRMIMP]) requires preparation of a BRMIMP, which consolidates and ensures compliance with/effectiveness of all biological resource mitigation, monitoring, and compliance measures, as well as impact avoidance/minimization. BIO-8 (Preconstruction Nest Surveys and Impacts Avoidance and Minimization Measures for Breeding Birds) would require preconstruction nest surveys and buffer zones if active nests are found. With the implementation of these measures adverse impacts to wildlife and birds would be less than significant.</u>

<b>Applicable LORS</b>	<b><u>Description</u></b>	<b><u>Complies?</u></b>	<b><u>Basis of Compliance</u></b>
Migratory Birds (Fish and Game Code section 3513)	Protects California's migratory birds by making it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame birds. The administering agency is CDFW.	<u>Yes</u>	<u>BIO-5 (Worker Environmental Awareness Program [WEAP]) creates a training program for the on-site personnel on how to protect sensitive biological resources and the consequences of non-compliance. BIO-6 (Biological Resources Mitigation Implementation and Monitoring Plan [BRMIMP]) requires preparation of a BRMIMP, which consolidates and ensures compliance with/effectiveness of all biological resource mitigation, monitoring, and compliance measures, as well as impact avoidance/minimization. BIO-8 (Preconstruction Nest Surveys and Impacts Avoidance and Minimization Measures for Breeding Birds) would require preconstruction nest surveys and buffer zones if active nests are found. With the implementation of these measures adverse impacts to wildlife and birds would be less than significant.</u>

<u>Applicable LORS</u>	<u>Description</u>	<u>Complies?</u>	<u>Basis of Compliance</u>
<p>Lake and Streambed Alteration Agreement (Fish and Game Code sections 1600 et seq.)</p>	<p>Regulates activities that may divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake in California designated by CDFW in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit. Impacts to vegetation and wildlife resulting from disturbances to waterways are also reviewed and regulated during the permitting process. The administering agency is CDFW.</p>		

<b>Applicable LORS</b>	<b><u>Description</u></b>	<b><u>Complies?</u></b>	<b><u>Basis of Compliance</u></b>
<p>California Coastal Act (Public Resources Code, sections 30000 et seq.)</p>	<p>Establishes comprehensive land use planning along the California coast; sets forth general policies (§30200 et seq.) which govern the California Coastal Commission's review of permit applications and local plans. Specific to energy facilities, requires that the Coastal Commission designate specific locations within the coastal zone where a thermal power plant subject to the Warren-Alquist Act could prevent the achievement of the objectives of the Coastal Act (30413(b)). Section 30231 requires actions that minimize adverse impacts to biological productivity of coastal waters. Section 30240 mandates protection of environmentally sensitive habitats from the degradation of habitat value. The administering agency is the California Coastal Commission.</p>	<p><u>Yes</u></p>	<p><u>While the project is located within the Coastal Zone as defined by the California Coastal Act, the City of Long Beach's General Plan and Local Coastal Plan, which require buffers between new development and environmentally-sensitive habitats, would not directly apply to the project. The nearest environmentally-sensitive habitat, the Los Cerritos Wetlands, is 1,000 feet from the closest AEC boundary.</u></p>

Applicable LORS	Description	Complies?	Basis of Compliance
Porter-Cologne Water Quality Control Act	Regulates discharges of waste and fill materials to waters of the state, including "isolated" waters and wetlands. The administering agency is the State Water Resources Control Board.	<u>Yes</u>	<u>The proposed project would not result in loss or fill of wetlands or waters of the US or the state as there are none present on the site or pipeline alignment. Indirect impacts to adjacent wetlands and coastal waters from construction runoff or operational discharges would be less than significant with implementation of Conditions of Certification SOIL&amp;WATER-1 and SOIL&amp;WATER-4, and ensure compliance with the Porter Cologne Water Quality Act by requiring control of runoff from the project area and operational discharges to be treated in accordance with NPDES permit requirements.</u>
<b>Local</b>			
City of Long Beach General Plan/Southeast Area Development and Improvement Plan (SEADIP)/Local Coastal Program (LCP)	The city of Long Beach regulates new development through design review and permit issuance to ensure consistency with Coastal Act requirements and minimize adverse impacts to identified environmentally sensitive habitats and wetland areas. New development projects that are contiguous to wetlands or environmentally sensitive habitat areas must include a buffer.		

## Cultural Resources

Staff submits the following changes to **Cultural Resources Table 1, Laws Ordinances, Regulations, and Standards** to remove those laws and regulations that are not directive toward the applicant or the facility. Government Code, § 6250.10 is struck out because that act is directive to State agencies' handling of information, not private parties. In addition, staff has struck the City of Long Beach regulations and standards in the table because they contain no provisions pertinent to cultural resources.

**Cultural Resources Table 7** requires no editing, as it describes conformance with the two parts of the Public Resources Code and the Health and Safety Code, all of which are directive to the applicant.

**Cultural Resources Table 1  
Laws, Ordinances, Regulations, and Standards**

Applicable LORS	Description
<b>State</b>	
Pub. Resources Code, §§ 5097.98(b) and (e)	Requires a landowner on whose property Native American human remains are found to limit further development activity in the vicinity until s/he confers with the Native American Heritage Commission (NAHC)-identified Most Likely Descendants (MLDs) to consider treatment options. In the absence of MLDs or of a treatment acceptable to all parties, the landowner is required to reinter the remains elsewhere on the property in a location not subject to further disturbance.
Pub. Resources Code, § 5097.99	Section 5097.99 prohibits the acquisition, possession, sale, or dissection with malice or wantonness of Native American remains or artifacts taken from a Native American grave or cairn.
Health and Safety Code, § 7050.5	This code prohibits the disturbance or removal of human remains found outside a cemetery. It also requires a project owner to halt construction if human remains are discovered and to contact the county coroner.
Government Code, § 6250.10— California Public Records Act	<del>Provides for non-disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation (DPR), the State Historical Resources Commission, the State Lands Commission, the NAHC, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.</del>
<b>Local</b>	
City of Long Beach Cultural Heritage Commission Ordinance (Municipal Code: Title 2, Chapter 2.63)	<del>The ordinance contains no requirements that apply to the proposed facility.</del>

Applicable LORS	Description
City of Long Beach Historical Landmarks Ordinance (Municipal Code: Title 16, Chapter 16.52)	The ordinance contains no requirements that apply to the proposed facility.
City of Long Beach Historic Preservation Element (2010)	The Historic Preservation Element of the city's General Plan Update 2030 (in preparation) contains no requirements that apply to the proposed facility.
Southeast Area Development and Improvement Plan (SEADIP)	The SEADIP contains no cultural resources requirements (City of Long Beach 2006).



Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p><b>Section 30240</b> requires development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas to be sited and designed to prevent impacts which would significantly degrade those areas, and be compatible with the continuance of those habitat and recreation areas.</p> <p><b>Section 30250</b> requires new residential, commercial, or industrial development, except as otherwise provided in this division, to be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.</p>	<p><u>YES</u></p> <p><u>YES</u></p>	<p><u>additional access is not necessary.</u></p> <p><b>Section 30240: <u>The project is consistent with Section 30240 because t</u></b>The 21-acre proposed AEC would be located entirely within the 71.1-acre existing AGS property and would not be directly adjacent to environmentally sensitive habitat areas and parks and recreation areas.</p> <p><b>Section 30250: By constructing the proposed AEC within the existing AGS property, the project would <u>be consistent</u></b> with this section. The project would be located within an existing developed industrial area with adequate resources to accommodate it. The 10-acre laydown area outside of the AGS property would be compatible with the existing zoning of that parcel (IG), and its use would be temporary.</p>
<p>Warren-Alquist Act</p> <p>Public Resources Code, section 25529</p>	<p><b>Section 25529:</b> The Energy Commission shall require the establishment of an area for public use as a condition of certification of a facility proposed in the coastal zone as follows:</p> <p><i>When a facility is proposed to be located in the Coastal Zone or any other area with</i></p>	<p><u>YES</u></p>	<p><b><u>The project would be consistent with Public Resources Code Section 25529, because it would not require the establishment of an area for public use.</u></b></p> <p>The AEC project site would be located entirely within an existing industrial area <u>and predominately within the</u></p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p><i>recreational, scenic, or historic value, the [Energy] Commission shall require, as a condition of certification of any facility contained in the application, that an area be established for public use, as determined by the Commission. Lands within such area shall be acquired and maintained by the applicant and shall be available for public access and use, subject to restrictions required for security and public safety. The applicant may dedicate such public use zone to any local agency agreeing to operate or maintain it for the benefit of the public. If no local agency agrees to operate or maintain the public use zone for the benefit of the public, the applicant may dedicate such zone to the state. The [Energy] Commission shall also require that any facility to be located along the coast or shoreline of any major body of water be set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic values.</i></p>		<p><u>existing AGS. The project is located 2 miles inland from the coastline and only a portion of the site would be within the coastal zone.</u><del>and</del> <del>None of the project components would restrict any existing beach public access or use of activities in the coastal zone.</del> The nearby coastline also provides many public use opportunities (i.e., beaches, etc.) with adequate access to them. Therefore, additional access is not necessary. It should be noted that while Section 25529 does not specifically indicate an exemption from compliance, Section 30212 of the Coastal Act does allow for situations where there is existing adequate access. As summarized under the California Coastal Act Section 30212 consistency discussion above, new development is not required to provide public access if adequate access already exists nearby. <del>or require additional access along a coastline or shoreline.</del> Therefore, <del>s</del>Staff believes that in this case reasonable access for public use of the nearby coastal areas currently exists and no additional lands would need to be acquired by the applicant. Based on the specific facts of the AEC project and consistency with these statutes, additional access is not necessary and consistency with LORS is met.</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
<b>Local</b>			
<p>City of Long Beach General Plan</p> <p>Land Use Element</p> <p>July 1, 1989</p> <p>Revised April 1997</p>	<p><b>Land Use District No. 7</b> provides a blending of different types of land uses that serve to save time and energy in transportation and communications, simplify and shorten transactions of goods and services, vitalize a site, and give it more importance in the urban structure of the city.</p>	<p><u>YES</u></p>	<p><del>The 1989 Land Use Element established neighborhoods (now called PD districts) that facilitate special design policies and standards suitable for that district. The AEC would be located within the SEADIP neighborhood (PD-1).</del></p> <p><del>For each designated neighborhood, the Element identifies land use districts to provide general guidance as to the types of land uses considered appropriate to the city, and to provide the policy base for future zoning regulations.</del> The AEC would be located within LUD No. 7 (Mixed Uses), <u>and would be consistent with the characteristics of this land use district, because the</u> proposed AEC would be developed on the property where <u>an the existing</u> <del>AG</del> <u>Electrical generating</u> facility currently operates. <u>Therefore, project development</u> <del>and</del> would not create <u>any</u> incompatibilities with the required provisions of the LUD No. 7 designation.</p>
<p>City of Long Beach Local Coastal Program</p> <p>Adopted February 12, 1980 Certified by California</p>	<p><u>The Southeast Area Development and Improvement Plan (SEADIP) is adopted in this Local Coastal Program (LCP) by reference. LCP goals and policies are provided within the SEADIP, while applicable development and use standards are</u></p>	<p><u>YES</u></p>	<p><u>The AEC would be consistent with the goals and policies of the LCP as provided within the SEADIP, because none of the project components would require changes to the land use or zoning within the SEADIP (see consistency discussion below for the</u></p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
<p>Coastal Commission on July 22, 1980</p> <p>Amended January 1994</p>	<p><u>provided in the City of Long Beach Municipal Code.</u></p> <p>SEADIP Recommendation #8: Environmental considerations of special significance include seismic safety, water protections, problems of uncontrolled landfill, methane gas generated in landfill, wildlife protections, the impact of traffic, preserving unique natural habitats, and the requirement of landfill for many vacant areas.</p>		<p><u>SEADIP). Further, the AEC would be consistent with the development and use standards applicable to the project site per the city's Municipal Code (see consistency discussion below for the City of Long Beach Municipal Code). Therefore, the project would not conflict with implementation of the LCP, as prescribed in the SEADIP and the city's Municipal Code.</u></p> <p>The SEADIP Specific Plan and Ordinance are adopted in this LCP by reference, and specific LCP development and use standards are provided within the SEADIP Specific Plan.</p> <p>The LCP designates planning sub-areas within the city's coastal zone, and the proposed AEC would be located within LCP Subarea 8, which is the SEADIP. The LCP designates the proposed project site as Mixed Use.</p> <p>Construction of the proposed AEC at the existing AGS property would be consistent with the city's General Plan and LCP designation of the site as Mixed Use, and with the SEADIP's zoning of the site as IG (General Industrial). The proposed AEC would be constructed within the existing AGS property and would not impact coastal resources or the implementation of the LCP. Offsite components would</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
			<p><del>either be adjacent to the existing AGS property on a vacant parcel designated for IG use, or along rights-of-way in areas that would not affect coastal zone uses. As such, the project would meet the findings required for approval of a local coastal development permit, which are summarized in “City of Long Beach Local Coastal Program (LCP)” subsection above.</del></p> <p><del>The project has also been designed to provide adequate protection to surrounding uses from the impacts of noise, light, visibility of activity, vehicular traffic, and other potential nuisance impacts, as discussed in the Noise, Visual Resources, Traffic and Transportation, Air Quality, Hazardous Materials Management, and Public Health sections.</del></p>
<p>Southeast Area Development and Improvement Plan (SEADIP)</p> <p>Amended January 3, 2006</p>	<p><u>Goals and policies</u> Development and Use Standards that are specific to the PD-1 subareas applicable to the proposed project include the following:</p> <p><b>Subarea 9:</b> Land uses are designated residential, and the area is considered fully developed in accordance with</p>	<p><u>YES</u></p>	<p>The SEADIP identifies 33 subareas within its plan area and establishes goals and policies that are specific to each subarea. The AEC site and offsite laydown area would be located within SEADIP Subarea 19. The wastewater pipeline would be located within SEADIP Subareas 9, 22(b), and 24 South.</p> <p>Subarea 9: <del>The wastewater pipeline would be subsurface (with the exception of a portion that crosses over Los Cerritos Channel), and <u>The</u></del></p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p><del>a special permit (No. S-158-62) and two subdivision tracts (No. 24883 and 22087).</del></p> <p><b>Subarea 19:</b> Land uses are designated industrial, and the area is considered fully developed in accordance with the provisions of the MG zone (now defined as IG-General Industrial zone). Commercial storage/self-storage shall be allowed by Conditional Use Permit.</p> <p><b>Subarea 22(b):</b> Land uses are designated residential with accommodations for a golf course. <del>No additional street access to Seventh Street shall be permitted.</del></p>	<p><u>YES</u></p> <p><u>YES</u></p>	<p><u>project would be consistent with the goals and policies of Subarea 9 as no changes to the land use or zoning along the wastewater pipeline are proposed. Further, the proposed AEC would not change the use of the existing sewer system in adjacent residential areas.</u></p> <p>Subarea 19: <u>Because the project is an industrial use and would be located within a General Industrial (IG) zone, the project would be consistent with the industrial goals and polices of Subarea 19. In addition, the Project design plans in the Supplemental Application for Certification (SAFC) demonstrate compliance with the General Development Standards that apply to the IG zone district, as summarized in the consistency discussion below for the City of Long Beach Municipal Code. Electric services are a conditionally permitted use within the IG zone (Long Beach Municipal Code, ch. 21.33, Table 33-2).</u></p> <p>Subarea 22(b): <u>The wastewater pipeline would be subsurface (with the exception of a portion that crosses over Los Cerritos Channel), and The project would be consistent with the goals and policies of Subarea 22(b) because no changes to the land use or zoning along the wastewater pipeline are proposed. Further,</u></p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p><b>Subarea 24 South:</b> Land uses are to be developed as an overlook area and interpretive center for the bordering marsh.</p> <p>The following SEADIP provisions apply to all subareas:</p> <p>1. Prior to issuance of a building permit, all infrastructure, including street improvements, fire hydrants, water lines, storm drains, and sanitary sewers shall be constructed on a block basis in accordance with the approved plans. Such improvements, including engineering plans, shall be financed by subdivider(s) or by an assessment district or both.</p> <p>2. A minimum of 30 percent of the site shall be developed and maintained as usable open space (building footprint, streets, parking areas and sidewalks adjacent to streets shall not be considered usable open space. Bicycle and pedestrian trails not included within the public right-of-way may be considered usable open space). All buildings shall</p>	<p><u>YES</u></p>	<p><del>the proposed AEC would not change the use of the existing sewer system in adjacent residential areas.</del></p> <p>Subarea 24 South: <del>The wastewater pipeline within this subarea would be subsurface, and</del> <u>The project would be consistent with the goals and policies of Subarea 24 South because no changes to the land use or zoning in Subarea 24 areis proposed.</u></p> <p><del>SEADIP provisions that apply to all subareas:</del>  Provision 1: The existing AGS has various ancillary facilities that would support the AEC; see the “Proposed Project” subsection above. Any construction of natural gas compressors, water treatment facilities, and emergency services would be constructed within the existing site footprint. The AEC would include a new 1,000-foot process/sanitary wastewater pipeline from the western edge of the facility connected to the bridge on Loynes Drive. The pipeline would cross Los Cerritos Channel to the first point of interconnection with the existing LBWD sewer system along Loynes Drive. The pipeline would eliminate the current practice of treatment and discharge of process/sanitary wastewater into the San Gabriel River.  Condition of Certification</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p>be set back a minimum of twenty feet from all public streets and a wider setback may be required by individual subarea. Within this minimum 20-foot setback area, a strip having a minimum width of 10 feet and abutting the street shall be attractively landscaped.</p> <p>5. The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein.</p> <p>6. Minimum parking for commercial and industrial uses shall be provided in accordance with parking standards as specified in the zoning regulations.</p> <p>9. All development shall be designed and constructed to be in harmony with the character and quality of surrounding development so as to create community unity within the entire area.</p> <p>10. Developers shall construct public open space, trails, pathways and bicycle trails for each development in such a manner that they will be generally accessible to the public and that they will interconnect with similar facilities in adjacent developments so as to form an integrated system of open space and trails connecting major points of destination.</p>		<p>SOIL&amp;WATER-5 would require the project owner to pay the city of Long Beach all fees normally associated with industrial connections to the city's sanitary sewer and water supply system.</p> <p>Provision 2: Condition of Certification VIS-3 would require the project owner to provide landscaping that reduces the visibility of the power plant structures in accordance with local policies. In addition, the applicant identified a commitment to work cooperatively with the city in submitting landscape plans for review and approval (AECF 2015, pg. 5.13-21). Implementation of Condition of Certification VIS-3 would ensure conformance.</p> <p>Provision 5: The proposed AEC would comply with the General Development Standards that apply to the IG zone district. Stack heights at the existing AGS are over 200 feet. The proposed AEC design would result in significantly shorter stacks (140-foot and 80-foot stack heights), and new project features would appear more streamlined overall.</p> <p>Provision 6: Project design plans in the SAFC demonstrate that adequate space would be available to comply with the General Development Standards that apply to the IG zone district, including</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p>12. Public views to water areas and public open spaces shall be maintained and enhanced to the maximum extent possible, consistent with the wetlands restoration plan.</p> <p>13. Adequate landscaping and required irrigation shall be provided to create a park-like setting for the entire area. A landscaped parkway area shall be provided along all developments fronting on Pacific Coast Highway, Westminster Avenue, Studebaker Road, Seventh Street and Loynes Drive.</p> <p>14. No additional curb cuts shall be permitted on Pacific Coast Highway, Westminster Avenue, Studebaker Road, or Seventh Street, unless it can be shown that inadequate access exists from local streets or unless specifically permitted by Subarea regulations provided herein. This restriction shall not preclude the provision of emergency access from these streets as may be required by the city.</p> <p>15. All utility lines shall be placed underground and utility easements shall be provided as required unless waived by the Commission on the advice of the Director of Public Works.</p>		<p>parking standards.</p> <p>Provision 9: The design of the proposed AEC would be compatible with the existing electrical uses at the project site and with the standards of the IG zone.</p> <p>Provision 10: Project components outside of the AGS property would be located adjacent to existing industrial uses or within existing rights-of-way that are compatible with that component (i.e., wastewater pipeline). None of the project components would affect the access or use of public open space or trails.</p> <p>Provision 12: The proposed AEC would be located on the property of an existing power generating facility and would utilize existing infrastructure. The project would include more streamlined equipment and facilities, such as new stacks with lower overall structure height than currently exist at the AGS property. The project would not introduce a new barrier to public views.</p> <p>Provision 13: The AEC site boundary does not reach to Studebaker Road and implementation of the AEC would not affect landscaping that is already in place along Studebaker Road.</p> <p>It should be noted that the city submitted a comment letter requesting all perimeter and public-facing landscape areas</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
			<p><del>of the AGS be cleared and replanted with a comprehensively designed landscape plan for the entire site (LB 2016d). In addition, the applicant identified a commitment to work cooperatively with the city in submitting landscape plans for review and approval (AECF 2015, pg. 5.13-21). Implementation of Condition of Certification VIS 3 would ensure conformance:</del></p> <p><del>Provision 14: The proposed AEC would be accessed from Studebaker Road along the west side of the project site, which is currently the main entrance to the existing AGS. No additional curb cuts are proposed.</del></p> <p><del>Provision 15: The proposed wastewater pipeline would be placed underground with the exception of a portion that would be affixed to the bridge as it crosses over Los Cerritos Channel.</del></p>
<p>City of Long Beach Municipal Code (LBMC) Supplement 12 Update 3; Codified through Ordinance No. ORD-16-0001 Enacted January 19,</p>	<p>Chapter 21.33 defines the IG zone as the following:</p> <p><b>21.33.020(C)- General Industrial:</b> The IG district is considered the city's <i>industrial sanctuary</i> district where a wide range of industries that may not be desirable in other districts may locate. The emphasis is on traditionally heavy industrial and manufacturing uses. The IG district is intended to promote</p>	<p><u>YES</u></p>	<p><b><u>The project would be consistent with the IG zone standards for the reasons enumerated below.</u></b></p> <p>21.33.020(C): Municipal Code chapter 21.33, Table 33-3, lists permitted uses within industrial zones. Within the IG zone district, electric, gas, and sanitary services are a conditionally permitted use. The proposed AEC would be developed in accordance with</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
2016	<p>an <i>industrial sanctuary</i> where land is preserved for industry and manufacturing, and where existing industries are protected from non-industrial users that may object to the operating characteristics of industry. Performance standards still must be met, but the development standards are the minimum necessary to assure safe, functional, and environmentally-sound activities.</p> <p>General Development Standards for IG District:</p> <p><b>Max. Lot Coverage-</b> 80 percent</p> <p><b>Max. Building Height-</b> 65 ft.</p> <p><b>Max. Non-Building Structure Height-</b> no restriction</p> <p><b>Max. Accessory Office Space-</b> 25 percent of gross floor area</p> <p><b>Parking Lot Setback for Yard Fronting on a Street-</b> 5 ft.</p>		<p>the provisions of the IG zone, which are also consistent with PD-1 development and use standards for that site. The proposed AEC would utilize an existing industrial site already developed for power generation and surrounded by other industrial facilities. The project would also utilize existing infrastructure such as the SCE switchyard and transmission facilities, connections to a natural gas pipeline system, water connections, process water supply lines, and certain administrative, maintenance, and warehouse buildings.</p> <p>The proposed AEC would comply with the General Development Standards that apply to the IG zone district, which are also consistent with PD-1 development and use standards for that site. Proposed project features would include the following:</p> <p><b>Proposed Lot Coverage-</b> 25 percent</p> <p><b>Proposed Building Heights-</b> 25 ft.</p> <p><b>Proposed Office Space-</b> 5,000 sq. ft. of office space at the 21-acre site, which is 0.55 percent of the total project area.</p> <p><b>Parking Lot Setback-</b> no changes are proposed to the location of the parking lot relative to the street.</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	<p>Chapter 21.37 <u>describes requirements for development plans</u> defines standards for PD districts, as the following: <del>21.37.050</del> <b>Development Standards:</b> Development plans, <u>which approved by the City Council shall serve as the applicable zoning regulations for a PD zone. Whenever a PD zone does not contain any standards for a particular aspect of development, then the development standards for that aspect of a zoning district which is closest to the overall intent of the particular planned development district shall apply.</u></p> <p><del>21.37.060</del> <b>Site Plan Review:</b> Site plan review is required for all development proposals within PD districts. The Site Plan Review Committee shall refer to the Planning</p>	<p><u>YES</u></p>	<p>Staff has determined that the proposed project would be consistent with the city's community development standards of the PD-1 district.</p> <p><del>21.37.050:</del> The proposed AEC site would be located within PD-1, <del>which is a planned development district also known as SEADIP. Within the SEADIP, the proposed AEC would be located in a subarea (i.e. Subarea 19), which has been designated for development consistent with the provisions of the IG (General Industrial) zone. As summarized above under the consistency discussion for Municipal Code chapter 21.33, the project would be consistent with the development standards for a PD district because the proposed AEC would be developed in accordance with the provisions of the IG zone (see discussion of IG General Development Standards, above). Project design plans demonstrate compliance with the General Development Standards that apply to the IG zone district.</del></p> <p><del>21.37.060:</del> The proposed AEC would be developed in accordance with the provisions of the IG zone, which are also consistent with PD-1 development and use standards for that site. Staff</p>

Applicable LORS	Description of Applicable LORS	Consistent?	Basis for Consistency
	Commission all planned development project applications which vary from the general or specific use and development standards but which are consistent with the intent of the particular planned development district.		has determined that the proposed project would be consistent with the city's community development standards of the PD-1 district.

### Land Use Table 3

#### Project Compliance with Draft Land Use LORS\*\*

<b><u>Applicable Draft LORS</u></b>	<b><u>Description of Applicable Draft LORS</u></b>	<b><u>Consistent?</u></b>	<b><u>Basis for Consistency</u></b>
<p>City of Long Beach General Plan</p> <p>Draft Land Use Element</p> <p>February 2016 (not adopted)</p>	<p><b>Allowable Building Height at AEC site:</b> 65 feet (Map LU-7, p. 67).</p> <p><b>Allowable Non-Building Structure Height at AEC site:</b> No restriction</p> <p><b>Proposed Area of Change at AEC site:</b> Designation #3- Promote Regional-Serving Uses</p>	<p><u>YES</u></p>	<p>The Draft Land Use Element defines PlaceTypes that identify permitted land uses, development patterns, streetscapes, and urban form features for specific areas. The proposed AEC would be located within an Industrial PlaceType. As stated in the Draft Element, “where the Industrial PlaceType is applied, continued industrial activities are strongly encouraged. Industrially-developed lands should be preserved, particularly for the expansion of quality employment opportunities. Conversion of industrial lands to nonindustrial uses is generally discouraged in this plan.”</p> <p>The Draft Element also identifies 9 major areas of change within the city. The proposed AEC would be located within Proposed Area of Change #3 (Promote Regional-Serving Uses). This area would be intended to accommodate future development of facilities (e.g., AES Los Alamitos) in order to promote their continued success in generating exceptional employment opportunities.</p> <p>The proposed AEC would be consistent with the Draft Land Use Element given that it would be located on the property of an existing power generating facility and would utilize existing infrastructure. The project would include more streamlined equipment and facilities, such as new stacks with lower overall structure height than currently exist at the AGS property.</p>

\*\* Land Use Table 3 has been updated to clarify that the table is for discussion purposes only. The draft LORS listed in Land Use Table 3 have not been adopted, therefore are not applicable to the project. The text in Land Use Table 3 has been marked in strike-through for deletions and bold/underline for additions.

<b>Applicable Draft LORS</b>	<b>Description of Applicable Draft LORS</b>	<b>Consistent?</b>	<b>Basis for Consistency</b>
			Project construction and operation would also provide opportunities for employment.
Southeast Area Specific Plan (SEASP) Draft EIR July 2016	<p><b>Land Use Designation: Industrial Use-</b> Provides for general industrial uses including utilities and oil extraction operations. Industrial uses must comply with Long Beach Municipal Code Chapter 21.33, except that:</p> <ul style="list-style-type: none"> <li>- No heavy industrial, commercial, distribution, warehousing or public storage uses are permitted.</li> <li>- Oil and gas operations consistent with Title 12, Oil and Gas Production, of the LBMC and Section 30262, Oil and Gas Development, of the Coastal Act are permitted uses.</li> </ul>	<u>YES</u>	The SEASP Draft EIR identifies the AEC project site as an Industrial Use. The AEC project would be consistent with SEASP Draft EIR land use designations given that it would be constructed on the property of an existing power generating facility and would utilize existing infrastructure.

**ALAMITOS ENERGY CENTER  
SOCIOECONOMICS  
SUPPLEMENTAL TESTIMONY**

On page 4.8-23 of the Final Staff Assessment Part 1, staff discusses the AEC’s consistency with applicable LORS. Staff has included a new table to assist the committee with this proceeding. This table lists the applicable socioeconomics LORS, the project’s consistency with the LORS, and the basis for consistency.

**Project Compliance with Adopted Socioeconomics LORS**

Applicable LORS	Description	AEC Consistency
<b>State</b>		
California Education Code, Section 17620	The governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement for the purpose of funding the construction or reconstruction of school facilities.	<b>Consistent.</b> SOCIO-1 requires the project owner to pay school impact fees to the Long Beach Unified School District.
California Government Code, Sections 65995-65998	Except for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education Code, state and local public agencies may not impose fees, charges, or other financial requirements to offset the cost for school facilities.	<b>Consistent.</b> See the previous explanation.
<b>Local</b>		
Long Beach Municipal Code Chapter 18.22	A Police Facilities Impact Fee is imposed on residential and nonresidential development for the purpose of assuring that the impacts created by said development pay its fair share of the costs required to support needed police facilities and related costs necessary to accommodate such development.	<b>Consistent.</b> SOCIO-2 requires the project owner to pay the police facilities impact fees to the city of Long Beach.

**ALAMITOS ENERGY CENTER  
TRAFFIC AND TRANSPORTATION  
SECOND SUPPLEMENTAL TESTIMONY**

**Traffic and Transportation Table 12  
Project Compliance with Adopted Traffic and Transportation LORS**

APPLICABLE LAW	DESCRIPTION	AEC Consistency
<b>FEDERAL</b>		
Title 14, Code of Federal Regulations, Section 77.13 (1)	This regulation requires notification of the Federal Aviation Administration (FAA) of construction or alteration of more than 200 feet above the ground level at its site.	<b>Consistent. TRANS-6</b> requires the project owner or contractor(s) to notify FAA for any construction equipment for AEC 200 feet above ground level or taller.
Title 14, Code of Federal Regulations, Section 77.13 (2)(i)	This regulation requires notification of the Federal Aviation Administration (FAA) of any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of an airport with at least one runway more than 3,200 feet in length.	<b>Consistent.</b> The applicant submitted FAA Form 7460-1 for the two 140-ft and two 80-ft. exhaust stacks and the 104-ft. air cooled condenser proposed for AEC. The applicant received a Determination of No Hazard to Aviation. The applicant may file another 7460-1 form if the construction crane is 132 feet above ground level or taller.
Title 49, Code of Federal Regulations, Parts 171-177	Requires proper handling and storage of hazardous materials during transportation.	<b>Consistent. TRANS-4</b> requires the project owner to contract with licensed hazardous material and waste hauler companies.
<b>STATE</b>		
California Department of Transportation CA Manual of Uniform Traffic Control Devices (MUTCD) Part 6 (Traffic Manual)	Provides traffic control guidance and standards for continuity of function (movement of traffic, pedestrians, bicyclists, transit operations), and access to property/utilities when the normal function of a roadway is suspended.	<b>Consistent. TRANS-2</b> requires the project owner to prepare and implement a Traffic Control Plan.
California Health and Safety Code, Section 25160	Addresses the safe transport of hazardous materials.	<b>Consistent. TRANS-4</b> requires the project

APPLICABLE LAW	DESCRIPTION	AEC Consistency
		owner to secure the proper permits and/or licenses from the California Highway Patrol, Caltrans and all other relevant jurisdictions for the transport of hazardous materials.
California Streets and Highways Code, Sections 660, 670, 672, 1450, 1460, 1470, 1480 et seq., 1850-1852	Requires encroachment permits for projects involving excavation in state and county highways and city streets.	<b>Consistent. TRANS-5</b> requires the project owner to coordinate with all relevant jurisdictions, obtain all required encroachment permits, and comply with all applicable regulations.
<b>California Vehicle Code</b>		
Sections 13369, 15275, 15278	Requires licensing of drivers and the classification of license for the operation of particular types of vehicles. A commercial driver's license is required to operate commercial vehicles. An endorsement issued by the Department of Motor Vehicles (DMV) is required to drive any commercial vehicle identified in Section 15278.	<b>Consistent. TRANS-1</b> requires the project owner to comply with driver licensing limitations.
Sections 31303-31309	Requires transportation of hazardous materials to be on the state or interstate highway that offers the shortest overall transit time possible.	<b>Consistent. TRANS-4</b> requires the project owner to secure the proper permits and/or licenses from the California Highway Patrol, Caltrans and all other relevant jurisdictions for the transport of hazardous materials. As part of the permitting process, the proposed route would be reviewed for the shortest overall transit time.
Sections 32100-32109	Requires shippers of inhalation hazards in bulk packaging to comply with rigorous equipment standards,	<b>Consistent. TRANS-4</b> requires the project owner to secure the

APPLICABLE LAW	DESCRIPTION	AEC Consistency
	inspection requirements, and route restrictions.	proper permits and/or licenses from the California Highway Patrol, Caltrans and all other relevant jurisdictions for the transport of hazardous materials. As part of the permitting process, route restrictions could be imposed.
Sections 34000-34100	Establishes special requirements for vehicles having a cargo tank and for hazardous waste transport vehicles and containers, as defined in Section 25167.4 of the Health and Safety Code.	<b>Consistent.</b> TRANS-4 requires the project owner to secure the proper permits and/or licenses from the California Highway Patrol, Caltrans and all other relevant jurisdictions for the transport of hazardous materials. The permits and/or licenses would incorporate the necessary special requirements.
Section 35550-35551	Provides weight guidelines and restrictions vehicles traveling on freeways and highways.	<b>Consistent.</b> TRANS-1 requires the project owner to comply with limitations on vehicle sizes and weights, driver licensing, and truck routes.
Section 35780	Requires a single-trip transportation permit to transport oversized or excessive loads over state highways.	<b>Consistent.</b> TRANS-1 requires the project owner to comply with limitations on vehicle sizes and weights, driver licensing, and truck routes.
<b>LOCAL</b>		
2010 Los Angeles County Congestion Management Program (CMP)	LOS E is the lowest acceptable performance standard for CMP intersections except where the base year LOS is worse than E. In these cases, the base year LOS is the standard.	<b>Consistent.</b> The AEC would not cause a project study intersection with a CMP roadway to become worse than the

APPLICABLE LAW	DESCRIPTION	AEC Consistency
		lowest acceptable performance standard.
City of Long Beach General Plan, Mobility Element	<p>The Mobility Element is a required chapter of the General Plan which evaluates the transportation needs of the city and provides a transportation plan to meet those needs.</p> <p><u>The maximum allowable peak hour LOS is D for regional corridor, boulevard, and major avenues. Impacts are significant if an unacceptable LOS (E or F) at any of the key intersections is projected and if current LOS is unacceptable, the project increases traffic by 2 percent of capacity, causing or worsening LOS E or F.</u></p>	<p><b>Consistent.</b> The addition of AEC project trips to the traffic volumes estimated on the study roadways and intersections in the city of Long Beach during the AEC peak construction period (January 2021) does not create a significant impact. The AEC is consistent with LOS standards for the city of Long Beach.</p>
City of Seal Beach General Plan, Circulation Element	<p>The Circulation Element establishes LOS standards for local city streets and intersections.</p> <p><u>The minimum LOS standard for city roadway segments and intersections during peak hours is D.</u></p>	<p><b>Consistent with compliance with TRANS-2.</b> The addition of AEC project trips to the traffic volumes estimated on the study roadways and intersections in the city of Seal Beach during the AEC peak construction period (January 2021) creates a significant impact for one intersection (PCH and Seal Beach Boulevard) during the a.m. peak period.</p> <p><u>As described in Staff's supplemental testimony (TN 214089), with</u> <del>While the AEC is not consistent with LOS standards for the city of Seal Beach, the impact would be temporary and TRANS-2, requiring</del> <u>the project owner to stagger the arrival time of the workforce during the a.m. peak</u></p>

APPLICABLE LAW	DESCRIPTION	AEC Consistency
		<p>period, <u>the project would be consistent with this standard and would not result in a project-related ICU increase over the 0.01 threshold, so that impacts are reduced the a less than significant level.</u></p>
<p>City of Seal Beach Traffic Impact Study Guidelines</p>	<p>Identifies the minimum requirements for a Traffic Impact Study submitted to the city of Seal Beach. These guidelines specify increases in ICU that are considered significant and require mitigation.</p> <p><u>An intersection with a v/c ratio of 0.90+ would be significantly impacted if increased by 0.01 or more from project traffic.</u></p>	<p><b>Consistent with compliance with TRANS-2.</b> See the previous explanation.</p>
<p><b>City of Long Beach Municipal Code</b></p>		
<p>Title 10 Vehicles and Traffic, Chapter 10.18.10 Vehicles restricted from streets- Vehicles prohibited in central traffic district</p>	<p>Prohibits specific vehicles (freight vehicles) in the central traffic district between 7:00 a.m. and 6:00 p.m.</p>	<p><b>Consistent.</b> While the applicant's proposed heavy haul route includes the use of the section of Ocean Boulevard in the central traffic district, heavy haul trips are typically permitted for late night and would be outside of the restricted hours for this district.</p>
<p>Title 10 Vehicles and Traffic, Chapter 10.41 Use of streets by Overweight Vehicles. 10.41.020 Special Permit Required</p>	<p>Requires an oversize vehicle permit for vehicles, mobile equipment or loads which exceed the requirements of the Vehicle Code.</p>	<p><b>Consistent. TRANS-1</b> requires the project owner to obtain necessary transportation permits from all relevant jurisdictions.</p>
<p>Title 18 Buildings and Construction, Chapter 18.17 Transportation Improvement Fee</p>	<p>Transportation Improvement Fee is imposed on new development in the city of Long Beach. The fee assures the transportation level of service goals are met with respect to the additional demands placed on transportation</p>	<p><b>Consistent.</b> The Transportation Improvement Fee would be collected at the time an encroachment permit</p>

APPLICABLE LAW	DESCRIPTION	AEC Consistency
	system by traffic generated by new development.	is obtained. <b>TRANS-5</b> requires consultation with the city of Long Beach to obtain an encroachment permit.
City of Seal Beach, Municipal Code Title 8 Vehicles and Traffic, Section 8.10.135 Movement of Oversize Vehicles.	Requires an oversize vehicle permit for vehicles, mobile equipment or loads which exceed the requirements of the Vehicle Code.	<b><u>Consistent.</u></b> <b>TRANS-1</b> requires the project owner to obtain necessary transportation permits from all relevant jurisdictions.
Los Angeles County Municipal Code, Title 16- Highways, Division 1- Highway Permits, Chapter 16.22 Moving Permits, 16.22.030 Moving Permit issuance conditions for overweight loads.	Requires an oversize vehicle permit for vehicles, mobile equipment or loads which exceed the requirements of the Vehicle Code.	<b><u>Consistent.</u></b> See the previous explanation.

**ALAMITOS ENERGY CENTER  
VISUAL RESOURCES  
SECOND SUPPLEMENTAL TESTIMONY**

**Visual Resources Table 2  
Proposed Project Consistency with Applicable Visual Resources LORS**

Applicable Law	Consistency Determination	Basis for Consistency
<b>California Coastal Act of 1976</b>		
<p>Section 30251 Scenic and visual qualities. The scenic and visual qualities of coastal areas shall be considered and protected. Permitted development shall be visually compatible with the character of the area and, where feasible, to restore and enhance visual quality in visually degraded areas.</p>	<p><del>Refer to the analyses (below) under Provision A2 for the SEADIP Specific Plan.</del> <u>Consistency with Section 30251 of the California Coastal Act to consider and protect the scenic and visual qualities of coastal areas in the project area would be achieved with the applicant's proposed design of the AEC and with implementation of VIS-3.</u></p>	<p><u>Condition of Certification VIS-3 requires the project owner to provide landscaping that reduces the visibility of the power plant structures.</u></p> <p><u>In addition, the applicant identified a commitment to work cooperatively with the city of Long Beach in submitting landscape plans for review and approval (AEC 2015, pg. 5.13-21). Implementation of Condition of Certification VIS-3 would ensure the project owner achieves this commitment.</u></p> <p><u>In addition, AEC would be designed to be in harmony with the industrial zone in which it is located. Condition of Certification VIS-3 would ensure the project owner develops the AEC in compliance with applicable development policies set forth in the City of Long Beach General Plan and SEADIP.</u></p> <p><u>Lastly, the applicant's proposed design of the AEC would not block views of water areas and public open spaces.</u></p>

Applicable Law	Consistency Determination	Basis for Consistency
<b>City of Long Beach General Plan</b>		
<b>Open Space and Recreation Element</b>		
<p><b>Policy 1.2</b> Protect and improve the community's natural resources, amenities and scenic values including nature centers, beaches, bluffs, wetlands and water bodies.</p>	<p>Consistency with Policy 1.2 to protect community natural resources, amenities, and scenic values is achieved with the project's proposed design.</p>	<p>The <u>applicant's</u> proposed arrangement of the AEC would locate components further away from surrounding areas (e.g., Los Cerritos Channel). The proposed lighting design (e.g., hooded lighting, lighting directed onsite) would minimize the potential for glare and light spillage into nearby recreation and open space areas.</p>
<b>Land Use Element</b>		
<p><b>Urban Design Analysis - Conclusions and Policy Directions</b>            Certain city entrances at arterial and freeways should be beautified to enhance the city's image. Of particular importance are the entrances at Seventh Street and Studebaker Road, and all the entrances from the Long Beach Freeway.</p>	<p>Consistency with Urban Design Analysis to beautify entrances along Studebaker Road is achieved with the project's proposed design.</p>	<p>The existing AEC has landscaping in place that complies with the requirements for setbacks, screening, and vegetation. The AEC site boundary does not reach to Studebaker Road and implementation of the AEC would not affect landscaping that is already in place along Studebaker Road.</p> <p>It should be noted that the city submitted a comment letter requesting all perimeter and public-facing landscape areas of the AGS be cleared and replanted with a comprehensively-designed landscape plan for the entire site (Long Beach 2016b).</p> <p>In addition, the applicant identified a commitment to work cooperatively with the city in</p>

Applicable Law	Consistency Determination	Basis for Consistency
		submitting landscape plans for review and approval (AEC 2015, pg. 5.13-21). Implementation of Condition of Certification <b>VIS-3</b> would ensure conformance.
<b>Conservation Element</b>		
<b>Goals for the City No. 2</b> To create and maintain a productive harmony between man and his environment through conservation of natural resources and protection of significant areas having environment and aesthetic value.	Consistency with Goals for the city to protect significant areas with aesthetic value is achieved with the project's proposed design.	The <u>applicant's</u> proposed design for AEC would comply with all setback and buffer requirements. The applicant identified a commitment to work cooperatively with the city in submitting landscape plans for review and approval (AEC 2015, pg. 5.13-21). Implementation of Condition of Certification <b>VIS-3</b> would ensure conformance.
<b>Local Coastal Program</b>		
The LCP adopted the SEADIP Specific Plan by reference. Specific development and land use standards are provided within the SEADIP Specific Plan.	Refer to the analyses (below) under Provision A2 for the SEADIP Specific Plan.	
<b>South East Area Development and Improvement Plan (SEADIP) Specific Plan</b>		
<b>Provision A2</b> A minimum of thirty percent of the site shall be developed and maintained as usable open space (building footprint, streets, parking areas and sidewalks adjacent to streets shall not be considered usable open space. Bicycle and pedestrian trails not included within the public right-of-way may be considered usable open space). All buildings shall be set back a minimum of twenty feet from all public streets and a wider setback may be required by individual subarea. Within this minimum	Consistency with Provision A2 to identify open space areas on the AEC site would be achieved <u>by project design and</u> with implementation of <b>VIS-3</b> .	<u>As seen in Visual Resources Figure 1, the project would develop less than 70 percent of the project site thereby greater than 30 percent of the site would remain undeveloped. Because the AEC is a proposed power plant with no public access, staff considers the greater than 30% undeveloped area of the site to be consistent with the requirement for 30% usable open space.</u>

Applicable Law	Consistency Determination	Basis for Consistency
<p>twenty-foot setback area, a strip having a minimum width of ten feet and abutting the street shall be attractively landscaped.</p>		<p><u>In addition, the components of the proposed power plant would be set back greater than 20 feet from public streets.</u></p> <p>Condition of Certification <b>VIS-3</b> requires the project owner to provide landscaping that reduces the visibility of the power plant structures in accordance with local policies.</p> <p>In addition, the applicant identified a commitment to work cooperatively with the city in submitting landscape plans for review and approval (AECIP 2015, pg. 5.13-21). Implementation of Condition of Certification <b>VIS-3</b> would ensure conformance.</p>
<p><b>Provision A9</b> All development shall be designed and constructed to be in harmony with the character and quality of surrounding development so as to create community unity within the entire area.</p>	<p>Consistency with Provision A9 to construct and design in harmony with the character and quality of surrounding development is achieved with the project's proposed design.</p>	<p>AEC would be designed to be in harmony with the industrial zone in which it is located. Condition of Certification <b>VIS-3</b> would ensure the <u>project owner develops the AEC would comply in compliance</u> with applicable development policies set forth in the General Plan and SEADIP.</p>
<p><b>Provision A12</b> Public views to water areas and public open spaces shall be maintained and enhanced to the maximum extent possible, consistent with the wetlands restoration plan.</p>	<p>Consistency with Provision A12 to maintain and enhance public views to water areas and public open spaces is achieved with the project's proposed design.</p>	<p>The <u>applicant's proposed design of the AEC</u> would not block views of water areas and public open spaces.</p>

<b>City of Long Beach Municipal Code Zoning Ordinance</b>		
<p><b>21.42.010 Landscaping Standards</b>  <b>Landscaping Purpose -</b>  Landscapes are intended to improve the physical appearance of the city by providing visual, ecological, and psychological relief in the urban environment. Successfully designed and maintained landscape areas provide an attractive living, working, and recreating environment in addition to their role in reducing water and energy consumption.</p> <p><b>General Requirement C -</b>  Plans Required. When applicable, a Landscape Document Package shall be approved prior to the issuance of any planning or building permit. For projects proposing landscape area coverage with a minimum of ninety percent (90%) very low to low water use plantings, ETWU and MAWA calculations are not required in the Landscape Document Package submittal. Applicable landscaping, irrigation, planter drainage, water reuse, retention and filtration improvements shall be implemented before any final building and planning inspection is approved.</p>	<p>Consistency with Municipal Code Section 21.42.010 to provide a Landscape Document Package would be achieved with implementation of <b>VIS-3</b>.</p>	<p>Condition of Certification <b>VIS-3</b> requires the project owner to provide a landscaping plan whose proper implementation would satisfy the Municipal Code requirements.</p>
<p><b>21.42.040 Landscaping standards for R-3, R-4 and Nonresidential Districts.</b>  <b>Landscape Area Requirements.</b>  A. Applicability. All portions of a lot not paved or occupied by a structure shall be attractively landscaped. All required set back areas shall be landscaped unless used for a permitted use.  B. Landscape Area Requirements  On-Site Street Frontage - Within the required setback area along all street frontages, except at</p>	<p>Consistency with Municipal Code Section 21.42.040 to provide landscaped area along street frontages is achieved with the project's proposed design.</p>	<p>The AEC site boundary does not reach to Studebaker Road and implementation of the AEC would not affect landscaping that is already in place along Studebaker Road.</p> <p>It should be noted that the city submitted a comment letter requesting all perimeter and public-facing landscape areas of the AGS be cleared and</p>

<p>driveways, a minimum five-foot (5') wide landscaping strip (inside dimension to planter) shall be provided. This area shall be landscaped with one (1) tree for each fifteen (15) linear feet of street frontage and three (3) shrubs for each tree.</p> <p>Fences and retaining walls. All required fences and retaining walls shall be landscaped with vines planted no more than ten feet (10') on center on all accessible sides of a wall or alternative plant materials approved by the Director of Development Services.</p>		<p>replanted with a comprehensively-designed landscape plan for the entire site (Long Beach 2016b).</p> <p>In addition, the applicant identified a commitment to work cooperatively with the city in submitting landscape plans for review and approval (AECPC 2015, pg. 5.13-21). Implementation of Condition of Certification <b>VIS-3</b> would ensure conformance.</p>
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