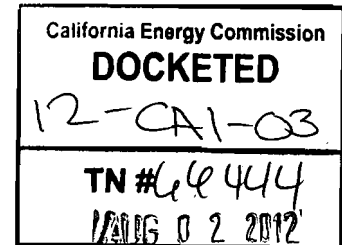


Memorandum

To: Chair Robert Weisenmiller

Date : August 2, 2012

From : **California Energy Commission** Robert P. Oglesby
1516 Ninth Street
Sacramento CA 95814-5512
Executive Director



Subject: STAFF REPORT ON FORMAL COMPLAINT ALLEGING NON-COMPLIANCE WITH SPECIFIED CONDITIONS OF CERTIFICATION FOR THE EL SEGUNDO POWER REDEVELOPMENT PROJECT (12-CAI-03)

On July 3, 2012, a formal complaint was filed, pursuant to Title 20, California Code of Regulations, section 1237, by Manhattan Beach residents, Michelle Murphy and Bob Perkins whose residence is located on 45th Street in the City of Manhattan Beach, directly south of the El Segundo Power Redevelopment Project. Staff prepared a report on the complaint, and a copy is attached for your information and review.

The July 3, 2012 complaint raises the issues of visual impacts stemming from noncompliance with Visual Resource Conditions of Certification as well as public safety along the southern boundary of the project property. The complaint addresses the following factors:

1. The placement of the perimeter chain-link fence and the hazards it creates to pedestrians in its current location.
2. The construction of a concrete retaining wall near the southern boundary of the property.
3. The timing of construction and landscaping of the 45th Street berm at the southern boundary of the property.
4. The construction of an open concrete drain at the southern boundary of the property.
5. The construction of a road along the southern boundary of the property.
6. The site lighting along the western boundary of the property.

Energy Commission staff has reviewed the complaint and conducted site visits to the El Segundo project to review each of the complaint items. It is staff's opinion that in regard to Item 3 (Temporary Landscaping) and Item 6 (Lighting) of the complaint, the project owner is in compliance with the applicable conditions of certification in the Commission Decision. Staff concludes that Item 1 (Chain Link Fence), Item 2 (Concrete Retaining Wall), Item 4 (Concrete Drain), and Item 5 (Road) appear to be valid complaints, but more information is needed as noted in the staff report. Staff is docketing, posting to the

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web and mailing the report today, and a written comment period will be open until August 16, 2012.

Staff is recommending, pursuant to Title 20, California Code of Regulations, section 1237(e)(3), that the Chair of the Energy Commission conduct a hearing to further investigate the matter and then issue a written decision on the complaint.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Oglesby', with a long horizontal stroke extending to the right.

Robert P. Oglesby
Executive Director

Attachment