

City of



2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(559) 621-8003 • FAX (559) 498-1012
www.fresno.gov

Planning and Development Department

Nick P. Yovino
Director

DOCKET	
06-AFC-8	
DATE	<u>JAN 30 2007</u>
RECD.	<u>FEB 02 2007</u>

January 30, 2007

Douglas L. Hahn, Project Manager, URS
8181 E. Tullis Avenue
Denver, CO 80237
(303)694-2770
(303)694-3946 (fax)

California Energy Commission
1516 Ninth Street, MS-38
Sacramento, CA 95814
(916)654-4989

RE: PROPOSED BULLARD ENERGY CENTER, FRESNO, CALIFORNIA

Dear Mr. Hahn:

This is in response to a request from URS on behalf of your client, Bullard Energy Center, LLC, for the "City of Fresno [to] review the BEC project for consistency with the Fresno Zoning Ordinances, Section 12-408 Directors Classification CUP."

Fresno certainly needs the additional peak period energy this proposed plant would deliver. However, the specific site selected by Bullard Energy Center, LLC, with its current land use plan designation and zoning classification is problematic.

Based upon our review of the project materials URS provided describing the project, it is the City's determination that this project is not consistent with the Fresno Zoning Ordinance and the policies of the Fresno 2025 General Plan. This project is not an approved use in the M-1 (Light Manufacturing) zone district either by right or by conditional use permit ("CUP"), including under the Section 12-408 Director's Classification.

PROOF OF SERVICE (REVISED 2/02/07), FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 2/02/07

Douglas L. Hahn, Project Manager, URS
California Energy Commission
Proposed Bullard Energy Center, Fresno, California
January 30, 2007
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Additionally, under 12-304-B, any CUP approved under that section must be processed and considered under sections 12-405 and 12-406. These sections provide the necessary procedures and findings to approve a CUP or other special permit in the City. The City's position is that this project could not be approved under this Section 12-403-B process.

We understand that pursuant to Public Resources Code Section 25525, should the local agency find that the proposed site is not in conformance with local land use plans, ordinances and standards, the site will not be approved unless the local agency amends its ordinances, plans or standards or the CEC makes overriding findings of public necessity. The City is available to the CEC and or the applicant to discuss the nonconformity issues.

Yours truly,



KEITH BERGTHOLD
Acting Director

c: Brian Calhoun, Councilmember, District 2
Andy Souza, City Manager
Kathryn Phelan, Deputy City Attorney



Planning and Development Department

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Fresno, California 93721-3604
(559) 621-8003 — FAX (559) 498-1012

FACSIMILE TRANSMITTAL SHEET

Number of pages transmitted, including this transmittal sheet: 3

DATE: 1/31/07

To: Douglas Hahn & California Energy Commission

Organization: _____

Phone No.: _____

FAX No.: 303-694-3946, 916-654-4189

From: Keith Bergthold

Department: Planning & Development

Phone No.: 621-8049

FAX No.: _____

SUBJECT: Proposed Bullard Energy Center

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

ATTENTION!

This communication is confidential. Should this communication be received by someone other than the addressee, please return it immediately.

If transmission is incomplete or illegible, please contact the person indicated above as soon as possible.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION
FOR THE **BULLARD ENERGY
CENTER (BEC)**

Docket No. 06-AFC-8
PROOF OF SERVICE

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-8
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

Gary Chandler, President
Bullard Energy Center, LLC
P.O. Box 95592 South Jordan, UT
84095-0592
grchandler@gmail.com

David Jenkins
Environmental Consultant
Bullard Energy Center, LLC
1293 E Jessup way
Mooresville, IN 46158
davidjenk@gmail.com

APPLICANT'S CONSULTANTS

Margaret Fitzgerald,
Senior Project Manager
URS Corporation
2020 East First Street, Suite 400
Santa Ana, CA 92705
maggie_fitzgerald@urscorp.com

COUNSEL FOR APPLICANT

Allan Thompson
21 "C" Orinda Way, No. 314
Orinda, CA 94563
allanori@comcast.net

INTERESTED AGENCIES

Larry Tobias
Ca. Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
LTobias@caiso.com

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
esaltmarsh@eob.ca.gov

INTERVENORS

ENERGY COMMISSION

JOHN L. GEESMAN
Presiding Member
jgeesman@energy.state.ca.us

JEFFREY D. BYRON
Associate Member
jbyron@energy.state.ca.us

Garret Shean
Hearing Officer
Gshean@energy.state.ca.us

Mary Dyas
Project Manager
Mdyas@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

Margret J. Kim
Public Adviser
pao@energy.state.ca.us

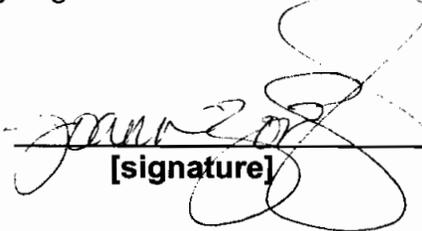
DECLARATION OF SERVICE

I, Joann Gonzales, declare that on February 2, 2007, I deposited copies of the attached Notice of Public Information Hearing & Site Visit, in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



[signature]