

# CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



**Date** : January 7, 2003  
**Telephone**: (916) 653-  
1245  
**ATSS**

**To** : Robert Pernel, Commissioner and Presiding Member  
William J. Keese, Chairman and Associate Member

**From** : **California Energy Commission - James W. Reede, Jr.**  
1516 Ninth Street Energy Commission Project Manager  
Sacramento, CA 95814-5512

**Subject** : **EL SEGUNDO POWER REDEVELOPMENT PROJECT, 00-AFC-14**  
**2<sup>nd</sup> RESPONSE TO COMMENTS AND ERRATA TO THE FINAL STAFF**  
**ASSESSMENT – LAND USE**

After publication of the El Segundo Power Redevelopment Project Final Staff Assessment, Errata and Agreed-to-Conditions, the applicant submitted additional Land Use information on December 16<sup>th</sup>. The City of El Segundo submitted in its Status Report of December 9<sup>th</sup> and at the December 18<sup>th</sup> workshop comments on Land Use issues.

Attached are staff's response to comments and supplemental testimony. This document is being filed to meet the Committee's orders put forth in the 2<sup>ND</sup> Notice of Pre-Hearing Conference and Scheduling Order of December 12, 2002.

Enclosures

cc: El Segundo Proof of Service  
Agency List

**CITY OF EL SEGUNDO COMMENTS DATED DECEMBER 9, 2002**

**COES COMMENT 1:** “The City is concerned that the Land Use analysis in the AFC, Staff Assessment, and Final Staff Assessment does not contain an adequate analysis of the conformance of the use of the off-site laydown/staging areas with the City of El Segundo LORS. The City understands that certification of the project by the CEC would include land use approval of the off-site facilities, pursuant to Section 25500 of the Warren Alquist Act. It is therefore the CEC’s responsibility to make adequate consistency findings prior to certification.”

**STAFF RESPONSE:** Staff concurs with the City’s concern regarding the project’s parking and staging/laydown area(s) being consistent with the local jurisdiction’s general plan designation and zone district.

The project owner has stated in their response - Committee Request for Parking and Staging Information dated December 16, 2002 that

*“ESP II recognizes that the City of El Segundo will need to review the proposed offsite uses located within the City’s jurisdiction for consistency with their zoning code and other applicable land use policies in effect at the time that the proposed use is formally requested. ESP II further recognizes that the CEC will act as the lead agency for the purpose of permitting offsite uses.”*

Staff has reviewed the affected jurisdiction’s general and specific plans and zone regulations for the project’s potential parking and staging/laydown areas. On December 18, 2002, staff visited each of the sites and took pictures pursuant to the Siting Committee’s request on November 7, 2002. Staff provides the following summary of sites:

**1. Kramer Staging Area**

Location/Jurisdiction:	City of El Segundo
Site Size:	11.5 acres
Potential Use of Site:	Storage of equipment to be installed at the ESPR project.
General Plan:	Light Industrial - Permits light manufacturing, warehousing, research and development, and office. Light manufacturing is defined as the assembly, packaging, fabrication, and processing of materials into finished products, rather than the conversion or extraction of raw materials. The light industrial activity shall be conducted primarily within structures; outside storage areas and assembly activity should be limited.

Zone: Light Industrial (M-1) - This Zone is intended to provide for the location and grouping of light industrial activities, research, and technological processes, and related offices and auxiliary uses performing support services for existing and permitted establishments, companies or business firms within the Zone.

## **2. Federal Express Staging/Parking Area**

Location/Jurisdiction: City of El Segundo  
Site Size: 46 acres (approx.)  
Potential Use of Site: Parking and storage of equipment to be installed at the ESPR project.  
General Plan: Corporate Campus Specific Plan– Urban Mixed-Use North - Permits a mixture of office, research and development, retail, and hotel uses. Light industrial uses conducted within a fully enclosed building shall be permitted if approved with a discretionary application.  
Zone: Unknown

## **3. Grand Avenue Parking Area**

Location/Jurisdiction: \_ City of Los Angeles, \_ City of El Segundo (State beach parking area maintain by LA County Dept. Beaches and Harbors)  
Site Size: 115 parking spaces  
Potential Use of Site: Parking  
Local Coastal Plan (LCP): El Segundo Local Coastal Program (see description under item 4 (below) - Chevron Marine Terminal Staging Area)  
LCP Designation: Marine Terminal & Shoreline Area  
General Plan: LA County Land Use Policy Map - Open Space  
Zone: Unknown - State owned beach area

## **4. Chevron Marine Terminal Staging Area**

Location/Jurisdiction: City of El Segundo  
Site Size: 18 acres (approx.)  
Potential Use of Site: Storage of equipment to be installed at the ESPR project.  
Local Coastal Plan: El Segundo Local Coastal Program  
LCP - Designation: Marine Terminal & Shoreline Area  
Marine Terminal uses - petroleum refineries, together with all plants and facilities incidental to the operation thereof in connection with the manufacture of all present and future by-products of oil, gas, gasoline and other

hydrocarbon substances. Petroleum storage, processing, transportation and distribution of oil, gas, gasoline and other hydrocarbon substances.

Accessory buildings and other structure incidental to the normal operation of a marine terminal.

Shoreline Areas Uses – Public beach facilities and beach activity amenities, seawalls and other structures to prevent shoreline erosion.

**5. LAX Pershing Staging/Parking Area**

Location/Jurisdiction: City of Los Angeles  
Site Size: 40 acres (approx.)  
Potential Use of Site: Parking and storage of equipment to be installed at the ESPR project.  
General Plan: Coastal Transportation Corridor Specific Plan. Within Airport Corridor Area. Requires Approval from Los Angeles Dept. of Airports.  
Uses: Public and semi-public facilities, open space (LA County Land Use Policy Map)  
Zone: Unknown – Los Angeles International Airport

**6. Marina Del Rey Boat Launch Parking Area**

Location/Jurisdiction: County of Los Angeles (LA County Dept. of Beaches and Harbors)  
Site Size: 422 parking spaces  
Potential Use of Site: Parking  
General Plan: Uses: Public and semi-public facilities, major commercial (LA County Land Use Policy Map)  
Zone: Unknown

**7. Dockweiler State Beach Parking Area**

Location/Jurisdiction: City of Los Angeles (State beach parking area maintain by LA County Dept. Beaches and Harbors)  
Site Size: 3 parking lots of 300 spaces  
Potential Use of Site: Parking  
General Plan: Coastal Transportation Corridor Specific Plan Open Space (LA County Land Use Policy Map)  
Zone: Unknown - State owned beach area

**8. Hyperion Parking Area**

Location/Jurisdiction:	City of Los Angeles (State beach parking area maintain by LA County Dept. Beaches and Harbors)
Site Size:	461 parking spaces
Potential Use of Site:	Parking
General Plan:	Open Space (LA County Land Use Policy Map)
Zone:	Unknown - State owned beach area

Based on this information, staff has revised the proposed Condition of Certification **LAND-2** that was included in the agreed-upon conditions published by staff on December 13, 2002. (A version of this condition had been included in the September Final Staff Assessment Condition **LAND-4**; the numbering was changed in the December filing because the FSA Conditions **LAND-1** through **LAND-3** were combined into a single condition.) Staff's proposed language reads as follows:

**LAND-2:** The project owner shall identify the secured lay down/staging area(s) for the project prior to site mobilization. The project owner shall provide a plot plan and location map showing the lay down/staging area(s) to the affected local jurisdiction(s) planning department(s) (i.e. County of Los Angeles, the City of El Segundo, City of Manhattan Beach, etc.) and to the Executive Director of the California Coastal Commission if located within the State designated Coastal Zone for review and comment. The local jurisdiction(s) and the Executive Director (if applicable) shall have 60 calendar days to review the lay down/staging area(s) and provide written comments to the project owner. The project owner shall provide a copy of the local jurisdiction's and the Executive Director's (if applicable) written comments and a copy of the secure lay down/staging area(s) to the CPM for review and approval.

**Verification:** The project owner shall provide a copy of the lay down/staging area(s) to the affected local jurisdiction and the Executive Director of the California Coastal Commission (if applicable) for written comment.

At least 30 days prior to the start of site mobilization, the project owner shall provide any plan(s), map(s) showing the secured laydown and staging area(s) along with any comment letters from the local jurisdiction and the California Coastal Commission to the CPM for review and approval.

**COES COMMENT 2:** "The City is concerned about the extent of the accessibility that is proposed by the applicant for the proposed public use area." The City has requested that the condition state the "property as depicted on the Landscape Concept Plan, shall be designated for *'public use' and available for public access at all times.*"

**STAFF RESPONSE:** Staff had recommended a language change in the errata that had not been incorporated into the agreed upon conditions. Staff inadvertently included the original FSA condition. Staff maintains that **LAND-11** as found in the El Segundo FSA Errata remains appropriate as modified by staff (see new **LAND-9** below) to address the ongoing concerns of the City of El Segundo. LAND-11 becomes LAND-9 due to the consolidation of LAND- 1, 2, AND 3.

Staff has modified the condition to include wording from Section 25529 of the Warren-Alquist Act (the Energy Commission's enabling legislation). Section 25529 states "*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 specific wording "*subject to restrictions required for security and public safety*" has been incorporated into the condition of certification. In addition, the wording provides the CPM flexibility in the case of decisions, recommendations or directives from the State's joint-agency committee on security (Attorney General's Office, the Dept. Justice, the Highway Patrol, Energy Commission, etc.) created during the aftermath of the September 11, 2001 terrorist actions.

The City has requested that the revised **LAND-9** stipulate that the public use area be "*available for public access at all times.*" However, the beach and the parking area are closed to the public at night. On December 18, 2002, staff met with a representative from the Los Angeles County Department of Beaches and Harbors on the Class 1 bicycle path, which borders the southern perimeter of the ESGS. The Los Angeles County Department of Beaches and Harbors maintains the state owned beaches, the public parking areas and the bicycle path within the County of Los Angeles. The County representative informed staff that The Strand parking area is closed to the public at 8:00 PM. The beach is closed to the public at 10:00 PM. Signs are posted showing these times. He also said, in general people voluntarily leave the beach shortly after sunset. The representative also said that the bicycle pathway legally prohibits pedestrian use, however it is not enforced by law enforcement.

In review of the above information, staff presents the following revised **LAND-9** condition:

**LAND-9:** The project owner shall provide copies of the final perimeter landscape plans to the CPM pursuant to Condition of Certification VIS-2. Said landscape plans shall show and identify the area to be designated for "public use" subject to restrictions for security and public safety as determined by the CPM. The project owner shall install park type benches for public use within the public use area designated on the final perimeter landscape plan.

**Verification:** The public park type benches shall be installed pursuant to the schedule contained in Visual Resources Condition of Certification **VIS-2**.

Within 14 days after completion of the public use area the project owner shall contact the CPM to request a final inspection.