

## 5.6 Land Use

This section discusses environmental and regulatory setting and analyzes the potential land use impacts of the Huntington Beach Energy Project (HBEP). For the purpose of this analysis, the affected environment study area is defined as those areas within 1 mile of the HBEP site and within 1 mile of the 16-acre offsite construction laydown area at the AES Alamos Generating Station (AGS) (California Code of Regulations [CCR], Title 20, Appendix B). Section 5.6-1 describes the project setting and Section 5.6.2 describes the environment that could be affected by HBEP. Section 5.6.3 presents an environmental analysis of the development of HBEP. Section 5.6.4 discusses potential cumulative effects and Section 5.6.5 discusses mitigation measures. Section 5.6.6 presents the laws, ordinances, regulations, and standards (LORS) applicable to land use related to HBEP. Section 5.6.7 provides the agencies and agency contacts for land use issues related to HBEP and Section 5.6.8 provides a discussion of permits. Section 5.6.9 lists the references used in preparing this section.

The California Energy Commission's (CEC) authority to permit power plants includes jurisdiction over all state and local laws including all local ordinances such as zoning, land use plans, and specific code requirements. The HBEP site is designated by the Huntington Beach General Plan as Public (P). The Huntington Beach General Plan states that typical permitted uses include governmental administrative and related facilities, such as public utilities, schools, public parking lots, infrastructure, and similar uses. The HBEP property is zoned Public-Semi-public (PS). Permitted uses in this district include major and minor utilities, cemeteries, cultural institutions, hospitals, park and recreation facilities, public safety facilities, general residential care, and schools. Power generating facilities are permitted uses within the PS district subject to a conditional use permit (CUP). While the City's zoning requires a CUP and site approval before a power generating facility can be approved on a property zoned PS, the CEC's licensing process supersedes the City's land use permitting requirements, and therefore a CUP is not required. Nevertheless, HBEP will otherwise comply with these permit approval requirements because it will be sited on land already used for power generation.

### 5.6.1 Setting

The HBEP site is located in an industrial area of Huntington Beach at 21730 Newland Street, just north of the intersection of the Pacific Coast Highway (Highway 1) and Newland Street. The project will be located entirely within the existing Huntington Beach Generating Station, an operating power plant. The HBEP site is bounded on the west by a manufactured home/recreational vehicle park, on the north by a tank farm, on the north and east by the Huntington Beach Channel and residential areas, on the southeast by the Huntington Beach Wetland Preserve / Magnolia Marsh wetlands, and to the south and southwest by the Huntington Beach State Park and the Pacific Ocean. The site is located on a gently sloping coastal plain.

HBEP is a 939-megawatt combined-cycle power plant, consisting of two power blocks. Each power block is composed of three combustion turbines with supplemental fired heat recovery steam generators, a steam turbine generator, an air-cooled condenser, and ancillary facilities. HBEP will reuse existing onsite potable water, natural gas, stormwater, process wastewater, and sanitary pipelines and electrical transmission facilities. No offsite linear developments are proposed as part of the project.

The project will use potable water, provided by the City of Huntington Beach, for construction and operational process and sanitary uses. During operation, stormwater and process wastewater will be discharged to a retention basin and then ultimately to the Pacific Ocean via an existing outfall. Sanitary wastewater will be conveyed to the Orange County Sanitation District via the existing City of Huntington Beach sewer connection. Two 230-kilovolt (kV) transmission interconnections will connect HBEP Power Blocks 1 and 2 to the existing onsite Southern California Edison (SCE) 230-kV switchyard.

HBEP construction will require the removal of the existing Huntington Beach Generating Station Units 1, 2, and 5. Demolition of Unit 5, scheduled to occur between the fourth quarter of 2014 and the end of 2015, will provide the space for the construction of HBEP Block 1. Construction of Blocks 1 and 2 are each expected to take approximately 42 and 30 months, respectively, with Block 1 construction scheduled to occur from the first quarter of 2015 through the second quarter of 2018, and Block 2 construction scheduled to occur from the first quarter of

2018 through the second quarter of 2020. Removal/demolition of existing Huntington Beach Generating Station Units 1 and 2 is scheduled to occur from the fourth quarter of 2020 through the third quarter of 2022.

Existing Huntington Beach Generating Station Units 3 and 4 were licensed through the California Energy Commission (00-AFC-13C) and demolition of these units is authorized under that license and will proceed irrespective of the HBEP. Therefore, demolition of existing Huntington Beach Generating Station Units 3 and 4 is not part of the HBEP project definition. However, to ensure a comprehensive review of potential project impacts, the demolition of existing Huntington Beach Generating Station Units 3 and 4 is included in the cumulative impact assessment. Removal/demolition of existing Huntington Beach Generating Station Units 3 and 4 will be in advance of the construction of HBEP Block 2.

The Assessor's Parcel Numbers for the HBEP site are 114-150-82 and 114-150-96. HBEP will utilize 28.6 acres, using only a portion of APN 114-150-96. Following project approval, the Project Owner will obtain a lot line adjustment to establish a single parcel for the 28.6 acre HBEP site, prior to commencing construction of the first power block.

HBEP construction will require both onsite and offsite laydown and construction parking areas. Approximately 22 acres of construction laydown will be required, with approximately 6 acres at the Huntington Beach Generating Station used for a combination of laydown and construction parking, and 16 acres at the AES Alamitos Generating Station (AGS) used for construction laydown (component storage only/no assembly of components at AGS). During HBEP construction, the large components will be hauled from the construction laydown area at the AGS site to the HBEP site as they are ready for installation.

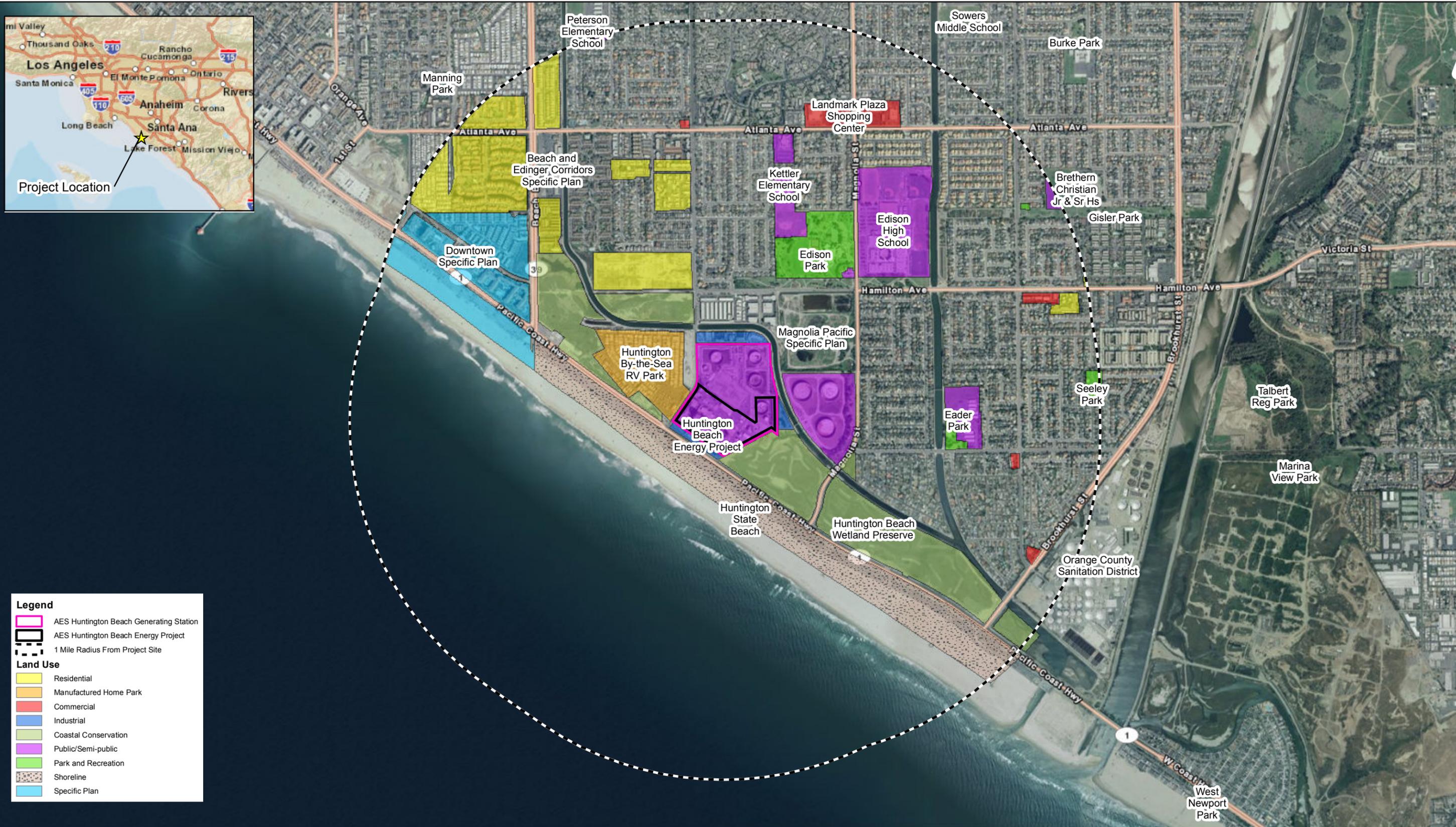
Construction worker parking for HBEP and the demolition of the existing units at the Huntington Beach Generating Station will be provided by a combination of onsite and offsite parking. A maximum of 330 parking spaces will be required during construction and demolition activities. As shown on Figure 2.3-3 in Section 2.0, Project Description, construction/demolition worker parking will be provided at the following locations:

- Approximately 1.5 acres onsite at the Huntington Beach Generating Station (approximately 130 parking stalls)
- Approximately 3 acres of existing paved/graveled parking located adjacent to HBEP across Newland Street (approximately 300 parking stalls)
- Approximately 2.5 acres of existing paved parking located at the corner of Pacific Coast Highway and Beach Boulevard (approximately 215 parking stalls)
- 225 parking stalls at the City of Huntington Beach shore parking west of the project site.
- Approximately 1.9 acres at the Plains All American Tank Farm located on Magnolia Street (approximately 170 parking stalls)

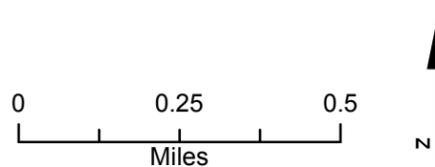
## 5.6.2 Affected Environment

### 5.6.2.1 Existing Land Uses within the Study Area

The HBEP study area encompasses the southerly portion of Huntington Beach in western Orange County, California. Huntington Beach State Park is located adjacent to the study area on the south, beyond which is the Pacific Ocean. Interstate Highway 405 (I-405), State Highway 1 (Pacific Coast Highway) and Beach Boulevard (also designated as State Highway 39) are the main transportation corridors in the study area. The Santa Ana River runs north-south approximately 0.25 mile east of the study area, marking the jurisdictional boundaries between City of Huntington Beach and the cities of Newport Beach and Costa Mesa. Because Huntington Beach is largely built-out there is limited new development within 1 mile of the HBEP site, although several large-scale pending redevelopment projects are planned beyond the study area boundary (refer to Table 5.6-5). Specific land uses within the study area are described in greater detail in Section 5.6.2.1.2. Figure 5.6-1 shows existing uses in the area of HBEP and the surrounding area.



Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community



**FIGURE 5.6-1**  
**City of Huntington Beach**  
**Existing Land Use**  
 AES Huntington Beach Energy Project  
 Huntington Beach, California

As discussed previously, a 16-acre offsite construction laydown area will be used to support construction of HBEP. The proposed laydown area is a vacant, unpaved parcel within the fenced area of the AGS, which will be used for construction laydown (component storage only/no assembly of components at AGS). Existing wetlands are located south and west of the AGS. The San Gabriel River runs north-south adjacent to the laydown area on the east, and across the river the area is predominantly industrial. The AGS is included within the City of Long Beach Southeast Area Development Improvement Plan (SEADIP) area. The offsite laydown area is located in Subarea 19 of the SEADIP area, which allows for industrial use.

#### 5.6.2.1.1 City of Huntington Beach

The HBEP site is located in Huntington Beach. Land uses west of the HBEP site transition from industrial to residential. To the west and south of the project site is State Highway 1 (Pacific Coast Highway), beyond which are Huntington Beach State Park and the Pacific Ocean. Immediately southeast of the project site is the Huntington Beach Wetland Preserve / Magnolia Marsh Restoration Project area, a designated Environmentally Sensitive Habitat Area (ESHA). To the east, land uses transition from industrial to low-density residential approximately 0.25 mile from the project site. Immediately north of HBEP on the existing Huntington Beach Generating Station site is an approved seawater desalination facility site. Other land uses north of the project site transition from industrial warehouses to low-density residential and recreational approximately 0.25 mile from the project site.

#### 5.6.2.1.2 Specific Land Uses within the Project Study Area

In accordance with CEC siting regulations, this section provides a description of certain types of land uses located near the HBEP site, including residential, commercial, industrial, recreational, scenic, agricultural, natural resource protection and extraction, educational, religious, cultural, historic, and unique land uses. Table 5.6-1 lists non-residential sensitive receptors located within the 1-mile study area. Appendix 5.9A presents the sensitive receptors within 6 miles of the study area.

TABLE 5.6-1  
Sensitive Land Uses within 1 Mile of the HBEP Site

Name of Facility	Approximate Distance from Project Site (miles)
<b>Educational/Child Care</b>	
Edison High School	0.40
Kettler Elementary	0.60
Brethren Christian Junior High and High School	1.00
<b>Religious</b>	
Church of Jesus Christ of Latter-day Saints	0.75
Seaside Community Church	0.30
Surf City Synagogue	0.90
<b>Recreational Facilities</b>	
Huntington Beach State Park	0.10
Edison Park	0.30
Eader Park	0.50
Gisler Park	0.90
Seeley Park	0.95

Source: Google Earth; ESRI ArcGIS; City of Huntington Beach, 2011

#### **Residential**

The HBEP site is located within an area that has historically been dominated by industrial uses. However, as Huntington Beach has grown, residential and limited commercial development has gradually encroached on the industrial development. As shown on Figure 5.6-1, Existing Land Use, residential areas are interspersed throughout the study area to the north, east, and west. Residences are located along Newland Street west to

northwest of the project site; along Hamilton Avenue north of the project site; and beyond Magnolia Street east of the project site. The residences closest to the HBEP site are located in the Huntington By-the-Sea RV Park on Newland Street and Biscayne Drive approximately 330 feet northwest of the project site, and a low-density residential neighborhood approximately 1,500 feet east of the project site.

### ***Commercial***

There are limited commercial facilities within the study area, although Landmark Plaza Shopping Center is located approximately 0.8 mile north of the project site and includes several restaurants, retail shops, and two grocery stores.

### ***Industrial***

In addition to the existing Huntington Beach Generating Station and the SCE switchyard located within the existing Huntington Beach Generating Station site, several other industrial developments are located in the study area. The Orange County Sanitation District wastewater treatment facility is located approximately 0.9 mile southeast of the project site on Brookhurst Street. Various Industrial uses including tank farms, storage yards, and warehouses, are also located within 1 mile of the project site.

### ***Recreation***

The HBEP site is located along the coast in an area used by residents and visitors for beach- and ocean-related activities. Huntington Beach State Park is adjacent to the HBEP site across Pacific Coast Highway. Four community parks are located within the study area: Edison Park, Eader Park, Gisler Park, and Seely Park.

### ***Scenic Land Use***

The scenic character of the area adjacent to the HBEP site is industrial. The study area is dominated by the existing Huntington Beach Generating Station and the SCE switchyard and electrical transmission lines, which contains two 200-foot tall stacks (one stack for existing Units 1 and 2, and one stack for existing Units 3 and 4), five large aboveground storage tanks, and several other auxiliary industrial structures. The HBEP site is visible from the Pacific Coast Highway (located immediately southwest of the project site), which is eligible for State Scenic Highway status, although it has not been officially designated as such (Caltrans, 2011). In addition, the project site is visible from Huntington Beach State Park, Huntington Beach City beach and the Huntington Beach pier, and the Huntington Beach Wetland Preserve / Magnolia Marsh Wetlands.

### ***Agricultural Use***

Due to extensive industrial and residential land use, no active agricultural land exists within the study area. The California Department of Conservation (DOC), Farmland Mapping and Monitoring Program (FMMP) developed categorical definitions of important farmlands for land inventory purposes. Important farmlands provide the best opportunity for agricultural production. Land designated as Prime Farmland or Farmland of Statewide Importance has a good combination of physical and chemical features for the production of agricultural crops. All land within the project study area is designated Urban Built-up Land or Other Land (DOC, 2010). The project site does not have Williamson Act contracts (DOC, 2004).

### ***Natural Resource Protection and Natural Resource Extraction Areas***

HBEP is located immediately adjacent to an environmentally sensitive habitat area (ESHA), the Huntington Beach Wetland Preserve/ Magnolia Marsh Wetlands. HBEP will comply with ESHA policies in the Huntington Beach Coastal Element, including setbacks. Additional discussion of conformance with these policies is provided in Table 5.6-7.

No other known natural resource protection or natural resource extraction areas occur within the project study area. The potential for geologic resources of recreational, commercial, or scientific value, or rare mineral or fossil deposits is very low, given the geologic conditions and extensive development in the study area (City of Huntington Beach, 1996).

### **Education**

Three educational facilities occur in the study area, including an elementary school (Kettler Elementary), a high school (Edison High), and a private junior high and high school (Brethren Christian). The location of these facilities and distance from the project site are provided in Figure 5.6-1 and Table 5.6-1.

### **Religious**

Three religious institutions occur within the study area. The proximity of these facilities is listed in Table 5.6-1.

### **Cultural and Historic**

According to the Huntington Beach General Plan Historic and Culture Resources Element, no significant or potentially significant cultural resources are known to exist within the study area (City of Huntington Beach, 1996). No impact to any cultural resources is expected to occur within the HBEP site. See Section 5.3, Cultural Resources, for additional discussion, including implementation of standard mitigation measures to address incidental discovery of cultural or historic resources during project construction and demolition activities.

### **Unique Land Uses**

The Huntington Beach Wetland Preserve / Magnolia Marsh Wetlands, an open space conservation area and ESHA as designated by the Huntington Beach Coastal Element (City of Huntington Beach, 2001) and defined by California Coastal Act provisions (California Public Resources Code [PRC], 2001), are located immediately southeast of the project site.

#### **5.6.2.2 Land Use at the HBEP Site and AGS Offsite Construction Laydown**

The existing Huntington Beach Generating Station was built in 1958 with additional generating capacity added in 2003. The existing Huntington Beach Generating Station was previously owned by SCE; the site was acquired by AES in 1998. Fuel oil was originally used to operate the existing Huntington Beach Generation Station; however, the facility now uses natural gas as its only fuel source. Five generating units are located on the existing Huntington Beach Generation Station. Four of the units generate steam to produce electricity (Units 1–4). Currently Units 1 through 4 are in operational status; however, Units 3 and 4 are scheduled for retirement in 2012; the fifth unit (Unit 5) is a combustion turbine that was retired from service in 2002. The current nominal generating output of the existing Huntington Beach Facility is 880 megawatts. An electrical switchyard, owned and operated by SCE, is located in the central part of the Huntington Beach Generating Station. Two fuel tanks are located along the eastern side of the site. The fuel tanks in the northern portion of the existing Huntington Beach Generating Station site are now owned by the City of Huntington Beach. Two detention basins are located along the southwestern edge of the site. Most of the site is paved or landscaped with the exception of the open sandy areas around the fuel storage tanks. The new generating units (Blocks 1 and 2) that will be constructed for the HBEP will be located in the southern portion of the existing Huntington Beach Generating Station where the existing generating units and fuel tanks are located.

The entire HBEP site has been previously developed. Figure 5.6-1 shows the project site in relation to the mix of industrial, residential, and recreational uses in this area. A screening wall and a row of landscape trees separate the HBEP site from Pacific Coast Highway. The 114-acre Huntington Beach Wetland Preserve / Magnolia Marsh Wetlands area is located adjacent to the eastern property line of the existing Huntington Beach Generating Station. The project site is relatively flat with an approximate elevation of 14 feet above mean sea level, and has been graded in a manner that it drains into an existing onsite stormwater system that includes an onsite stormwater basin. There is no significant drainage from the project site into the adjacent Huntington Beach Wetland Preserve / Magnolia Marsh Wetlands to the east, and it is anticipated that these wetlands will not be adversely affected by construction or operation of the HBEP. This topic is addressed in greater detail in Section 5.2, Biological Resources.

As discussed previously, a 16-acre offsite construction laydown area will be used to support construction of HBEP. The proposed laydown area is a vacant, unpaved parcel within the fenced area of the AGS, which will be used for construction laydown (component storage only/no assembly of components at AGS). Existing wetlands are located south and west of the AGS. The San Gabriel River runs north-south adjacent to the laydown area on the

east, and across the river the area is predominantly industrial. The AGS is included within the City of Long Beach SEADIP area. The offsite laydown area is located in Subarea 19 of the SEADIP area, which allows for industrial use.

### 5.6.2.3 General Plan Land Use Designations

#### 5.6.2.3.1 General Plan Land Use Designations within the Study Area

Land use provisions included in every California city and county general plan (California State Planning Law, Government Code §65302 et seq.) reflect the goals and policies that guide the physical development of land in their jurisdiction. This section describes the land use designations for properties located within 1 mile of the HBEP site. Figure 5.6-2 shows the General Plan Land Use Designations within this study area, which are described in Table 5.6-2.

TABLE 5.6-2

#### City of Huntington Beach General Plan Land Use Designations in the Study Area

General Plan Land Use Designation	Description
Public (P) - Project site	Allows for governmental administrative and related facilities, such as public utilities, schools, public parking lots, infrastructure, religious and similar uses.
Public (P(RL))	Allow for schools, hospitals, and religious facilities intended to serve an underlying land use designation (e.g. Residential Low Density) in adjacent neighborhoods.
Industrial (I-F2-d)	Allows for uses such as light manufacturing, research and development, warehousing, business parks and professional offices, warehouse and sales outlets, supporting retail, financial, and restaurants, and similar uses. Industrial uses require a maximum FAR: 0.50
Commercial –Visitor (CV-F7-sp, CV-F2)	Intended to provide hotels/motels, restaurants, recreation-related retail sales, cultural uses (e.g., museums) and similar uses oriented to coastal and other visitors to the City. The specific plan overlay (-sp) permits underlying land uses and requires that a Specific or Development Plan be formulated for large scale, mixed-use multi-phased development projects which provides greater specificity for land use and infrastructure plans, design and development standards, and phasing/implementation. Commercial visitor uses require a maximum FAR: 0.5 (F2); 3.0 (F7)
Commercial – Neighborhood (CN-F1)	Allows for small-scale retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drug stores, personal services, cultural facilities, institutional, health, government offices, and similar uses. Generally, individual establishments should not exceed 10,000 square feet. If permitted, their frontage should be designed to convey the visual character of small storefronts. Commercial neighborhood uses require maximum FAR: 0.35
Mixed Use (M-sp-d)	Allows for a variety of uses including single uses containing Commercial Neighborhood (CN), or Commercial General (CG) or Residential uses as listed above. Mixed use areas that may include Vertically Integrated Housing (MV) or Horizontally Integrated Housing (MH) uses, townhomes, garden apartments, and mid-/high-rise apartments, Neighborhood (CN) and Commercial General (CG) uses.  The exact density, location, and mix of uses in this category are intended to be governed by a Specific Plan (“sp”) to allow greater design flexibility and to address the uniqueness of a particular area. The design overlay (d) permits underlying land uses in accordance with special design standards.
Residential High Density (RH-30-sp)	Provides for townhomes, garden apartments, and apartments. This designation allows a maximum of 30.0 dwelling units per net acre. The specific plan overlay (-sp) permits underlying land uses and requires that a Specific or Development Plan be formulated for large scale, mixed-use multi-phased development projects which provides greater specificity for land use and infrastructure plans, design and development standards, and phasing/implementation.
Residential Medium Density (RM-15, RM-15-sp, RM-25)	Allows for single family residential units, duplexes, townhomes, and garden apartments. The land use designation allows for a maximum of 15.0 or 25.0 dwelling units per net acre. The specific plan overlay (-sp) permits underlying land uses and requires that a Specific or Development Plan be formulated for large scale, mixed-use multi-phased development projects which provides greater specificity for land use and infrastructure plans, design and development standards, and phasing/implementation.

TABLE 5.6-2  
**City of Huntington Beach General Plan Land Use Designations in the Study Area**

General Plan Land Use Designation	Description
Residential Low Density (RL-7)	Provides for single family residential units; clustered zero-lot line developments; and “granny” flats. This land use designation allows a maximum of 7.0 dwelling units per net acre.
Open Space – Conservation (OS-C)	Allows for properties to be retained for environmental resource conservation and management purposes (e.g., wetlands protection). Ancillary buildings, such as maintenance equipment storage, may be permitted, as determined by City review and approval.
Open Space – Park (OS-P)	Allows for public parks and recreational facilities.
Open Space – Shore (OS-S)	Allows for publicly owned coastal beaches. Ancillary buildings may be permitted, such as food stands and recreation equipment rentals, as determined by City review and approval.
Open Space – Water (OS-W)	Provides for lakes and other water bodies used for recreational purposes, such as boating, swimming, and water skiing.

### 5.6.2.3.2 General Plan Land Use Designations, Project Site

The HBEP site is designated by the Huntington Beach General Plan as Public (P). The Huntington Beach General Plan states that typical permitted uses include governmental administrative and related facilities, such as public utilities (including power generation), schools, public parking lots, infrastructure, religious and similar uses. The goal of this land use designation is to achieve the development of a mix of governmental service, institutional, educational, and religious uses that support the needs of Huntington Beach’s residents. HBEP is located in the vicinity of two specific plan areas. While not included within either specific plan area, the Downtown Specific Plan and Magnolia Specific Plan identify the project site use as electrical power generation.

General Plan land use designations for the four temporary HBEP offsite construction/demolition parking areas are as follows:

- Newland Street – Residential Medium Density (RM-15)
- Pacific Coast Highway and Beach Boulevard – Commercial Visitor (CV-F2)
- City of Huntington Beach shore parking – Open Space Shoreline (OS-S)
- Plains All American Tank Farm – Public (PS)

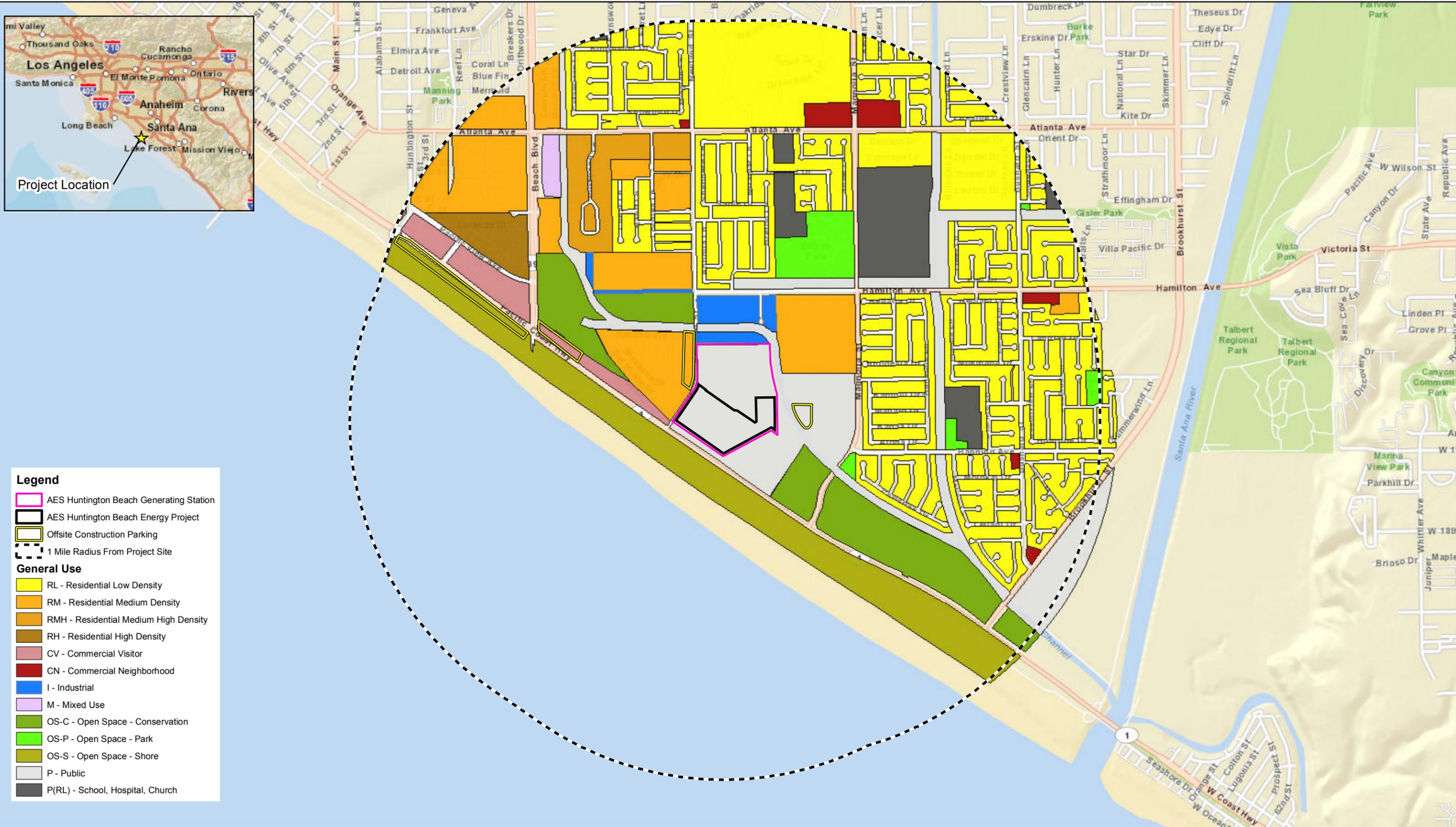
### 5.6.2.4 Zoning

#### 5.6.2.4.1 Project Area Zoning

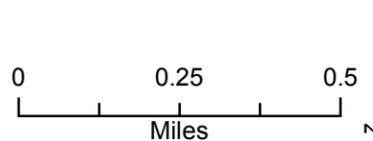
The current adopted City of Huntington Beach Zoning and Subdivision Ordinance is amended on an as-needed basis. The purpose of the Zoning and Subdivision Ordinance is to implement the policies of the City of Huntington Beach General Plan, as provided in the California Government Code, Title 7, Division 1, Planning and Zoning, and Division 2, Subdivisions, and in the California Constitution, Chapter 11, and Section 7. The Huntington Beach Zoning and Subdivision Ordinance also functions as the Local Coastal Program Implementation Plan, the purpose of which is to implement the policies of the City of Huntington Beach certified Land Use Plan (Coastal Element) and the public access and recreation policies of the Coastal Act. The zoning code promotes and protects the public health, safety, and general welfare of Huntington Beach residents and provides the physical, economic and social advantages that result from a comprehensive and orderly planned use of land resources. Figure 5.6-3 depicts the zoning districts in the study area and Table 5.6-3 provides definition and information about the zoning districts.

TABLE 5.6-3  
**City of Huntington Beach Zoning Districts in the Study Area**

Zoning Designation	Description
(PS) Public – Semi-public (project site)	Provides areas for large public or semi-public uses. The intent of this district in the coastal zone is to implement the Public, Quasi-Public, and Institutional land use designation of the certified Local Coastal Program Land Use Plan.
(IG) Industrial General	Provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution.
(IL) Industrial Limited	Provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing.
(CG) Commercial General	Provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.
(CV) Commercial Visitor	Implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services.
(RL) Residential Low Density	Provides opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. Cluster development is allowed. Maximum density is seven (7) units per acre.
(RM) Residential Medium Density	Provides opportunities for housing of a more intense nature than single-family detached dwelling units, including duplexes, triplexes, town houses, apartments, multi-dwelling structures, or cluster housing. Maximum density is fifteen (15) units per acre.
(RMH) Residential Medium High Density	Provides opportunities for a more intensive form of development than is permitted under the medium density designation while setting an upper limit on density that is lower than the most intense and concentrated development permitted in the City. Maximum density is twenty-five (25) units per acre.
(RA) Residential Agricultural	Intended to serve as a transition or holding zone for property with current agricultural activities and as a zone where restricted residential development is permitted. Allows for unregulated agricultural and horticultural uses such as orchards, field or bush crops, vegetable and flower gardening. Single family dwellings and accessory buildings which are permanently located on a parcel and greenhouses, barns, tool sheds, and buildings accessory to farming uses shall be permitted subject to the approval of a building permit.
(RMP) Residential Manufactured Home Park	Provides sites for mobile home or manufactured home parks, including parks with rental spaces and parks where spaces are individually owned. Maximum density is nine (9) spaces per acre.
(CC) Coastal Conservation	<p>The purpose of the CC Coastal Conservation District is to implement the General Plan and Local Coastal Program land use designation of Open Space: Conservation; and provide for the protection, maintenance, restoration and enhancement of wetlands and ESHAs located within the Coastal Zone while allowing for appropriate utilization to occur.</p> <p>The following uses and structures may be permitted in the CC District subject to Planning Commission approval of a CUP where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided.</p> <p><i>New or expanded energy and coastal-dependent industrial facilities where no feasible, less environmentally damaging alternative exists and where consistent with the study titled Designation of Coastal Zone Areas Where Construction of an Electric Power Plant Would Prevent Achievement of the Objectives of the California Coastal Act of 1976 (re-adopted by the California Coastal Commission December 1985).</i></p>
(OS-S, OS-PR)) Open Space	Provides areas for public or private use and areas for preservation and enhancement. Sub-districts of the OS District include the Open Space - Parks and Recreation Sub-district (OS-PR) and the Open Space – Shoreline Sub-district (OS-S).
(SP 5, SP 10, SP 14) Specific Plan	Provides areas for the development and administration of Specific Plans, prepared in accord with the Government Code and consistent with the General Plan and, for specific plans located within the coastal zone, the Local Coastal Program.

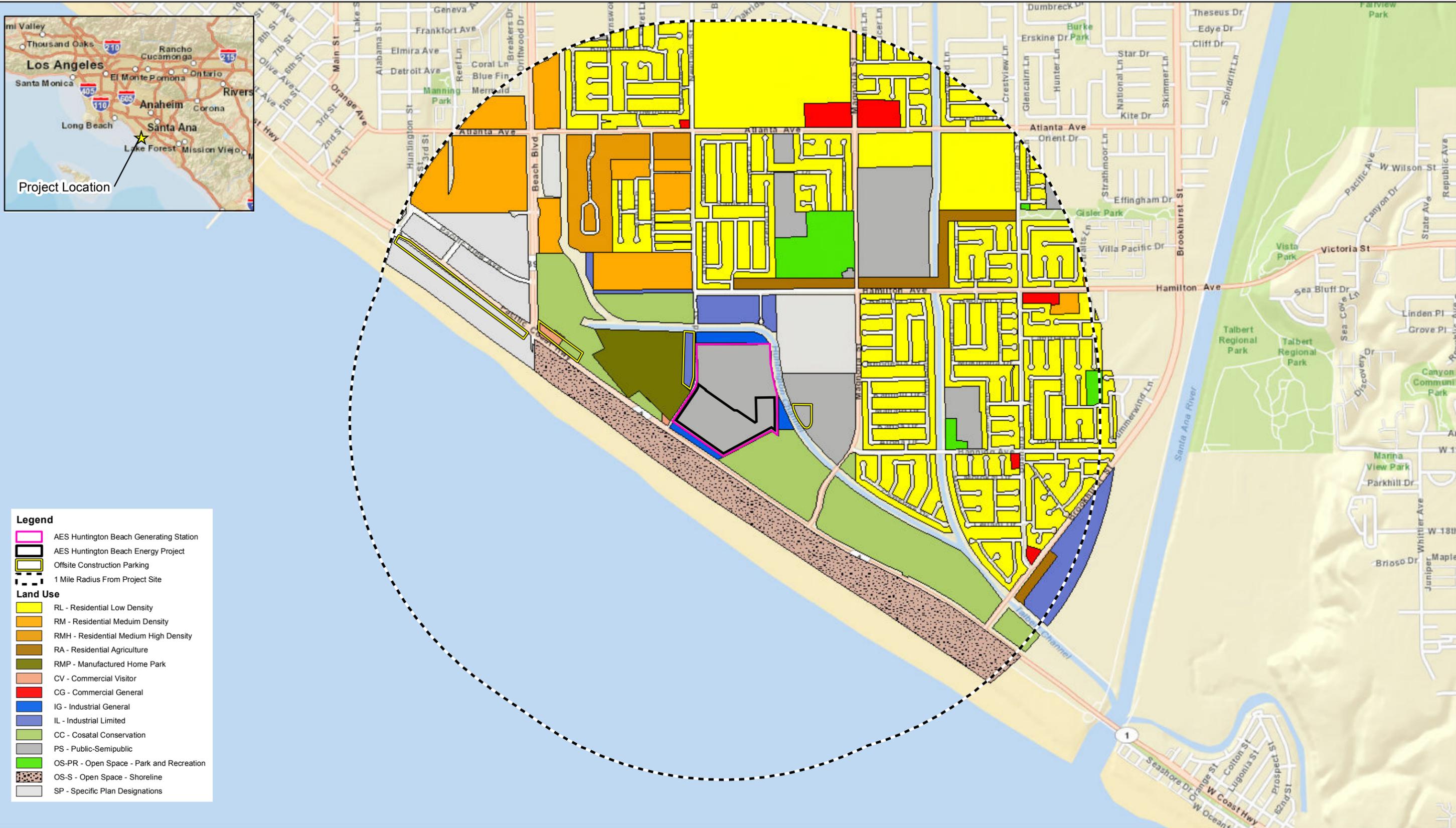


Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

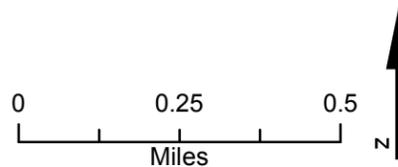


Note: "SP" designates specific Plan Overlay, "d" designates Design Overlay.

**FIGURE 5.6-2**  
**City of Huntington Beach General Plan**  
**Land Use Designations**  
 AES Huntington Beach Energy Project  
 Huntington Beach, California



Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community



**FIGURE 5.6-3**  
**City of Huntington Beach**  
**Zoning and Subdivision Ordinance**  
 AES Huntington Beach Energy Project  
 Huntington Beach, California

#### 5.6.2.4.2 Project Site Zoning

The HBEP site is zoned Public–Semi-public (PS), and is included in the Coastal Zone Overlay District (CZ), as well as the Oil Production Overlay District (O). Uses allowed in the PS district include major and minor utilities, cemeteries, cultural institutions, hospitals, park and recreation facilities, public safety facilities, general residential care, and schools. The zoning code provides that major utilities are subject to a conditional use permit. Major utilities are defined as:

Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities.

Within the O overlay district, oil operations are permitted subject to certain conditions. Because the project does not concern oil operations, the O overlay district is not discussed further. Within the CZ overlay district, any development requires a Coastal Development Permit.

Zoning for the four temporary offsite construction/demolition parking areas are as follows:

- Newland Street – Industrial Limited (IL)
- Pacific Coast Highway and Beach Boulevard – Commercial Visitor (CV) and Coastal Conservation (CC)
- City of Huntington Beach shore parking – Downtown Specific Plan (SP-5)
- Plains All American Tank Farm – Public–Semi-public (PS)

But for the CEC process, which supersedes local permitting requirements, in PS and CZ zone districts, approval of a CUP and Coastal Development Permit (CDP) would be required by the Huntington Beach City Planning Commission/City Council for the HBEP. However, because the CEC process supersedes these permitting requirements, a CUP and CDP are not required for HBEP and will not be issued by the City. As the permitting authority for HBEP, the CEC ensures that the City’s General Plan, Local Coastal Plan and Coastal Element, Zoning Code and Development Standards requirements are achieved by HBEP.

Development standards applicable to parcel size, setbacks, structure height, and landscaping within the PS and CZ zone districts are listed in Table 5.6-6, Project Conformity with Local Land Use Plans and Policies, accompanying the discussion of project conformity with local land use requirements.

#### 5.6.2.5 Other Applicable Planning Documents

##### 5.6.2.5.1 City of Long Beach General Plan Land Use Element (1989)

The City of Long Beach General Plan Land Use Element addresses the long-range use and development of land within the City. The 16-acre offsite HBEP construction laydown area at the AGS is located in an area designated as Mixed Use District. As discussed above, this offsite construction laydown area is for component storage only and no assembly of components will occur at this laydown area. This designation is intended for use in large, vital activity centers regulated by area-wide planned development plans and ordinances.

The offsite construction laydown area is located within the SEADIP area. The 1,470-acre SEADIP area includes residential, commercial, retail, office, hotel, and light industrial uses. The AGS is located within the SEADIP, in addition to vacant land and active oil operations within the area; general industrial use is not expressly addressed in the district neighborhood description.

##### 5.6.2.5.2 City of Long Beach Zoning Code

The City of Long Beach Zoning Regulations (Title 21 of the City of Long Beach Municipal Code), in conformance with the General Plan, regulates land use and development within the City. The project’s offsite construction laydown area and adjacent parcels are located in an area zoned PD-1 (Planned Development) SEADIP. The goal of the SEADIP is to provide for planned development of residential and business and light industrial uses integrated by an extensive system of parks, open space and trails. Within the SEADIP, the project’s offsite construction laydown area and surrounding parcels are located in Subarea 19, which allows for and is currently developed with

industrial uses. The temporary offsite construction laydown area will be consistent with the City's zoning regulations, and is considered an allowable use within Subarea 19, therefore no further discussion is required in Section 5.6.2.2. Figure 5.6-4 depicts the zoning districts in the HBEP's offsite construction laydown area at AGS.

### 5.6.2.5.3 Huntington Beach Local Coastal Plan

As defined in Coastal Act §30108.6, a Local Coastal Plan (LCP) consists of a local government's land use plans, zoning ordinances, zoning district maps, and other implementing actions, which taken together, meet the requirements of and implement the provisions and policies of the Coastal Act at the local level.

An LCP consists of two parts:

1. A coastal element including policies and a land use plan, and
2. An implementation program with zoning ordinances, zoning district maps and other implementing actions.

The implementation portion of the LCP must be consistent with the goals and policies of the certified land use plan and must contain adequate measures to ensure their implementation. The Huntington Beach General Plan Coastal Element constitutes Part 1 of the Huntington Beach LCP Program. The City's Zoning and Subdivision Ordinance is the primary implementing measure of the Coastal Element. It sets forth regulations regarding land use, development review processes, and development standards for the entire City. The Zoning Ordinance is the Implementation Program, or Part 2 of the City's LCP.

As discussed above, but for the CEC process, which supersedes local permitting requirements, a CUP and CDP would be required by the Huntington Beach City Planning Commission/City Council for the HBEP. However, because the CEC process supersedes local permitting requirements, a CUP and CDP are not required for HBEP and will not be issued by the City. As the permitting authority for HBEP, the CEC ensures that the City's General Plan, LCP, Local Coastal Element, Zoning Code and Development Standards requirements are achieved by HBEP.

### 5.6.2.5.4 Huntington Beach General Plan

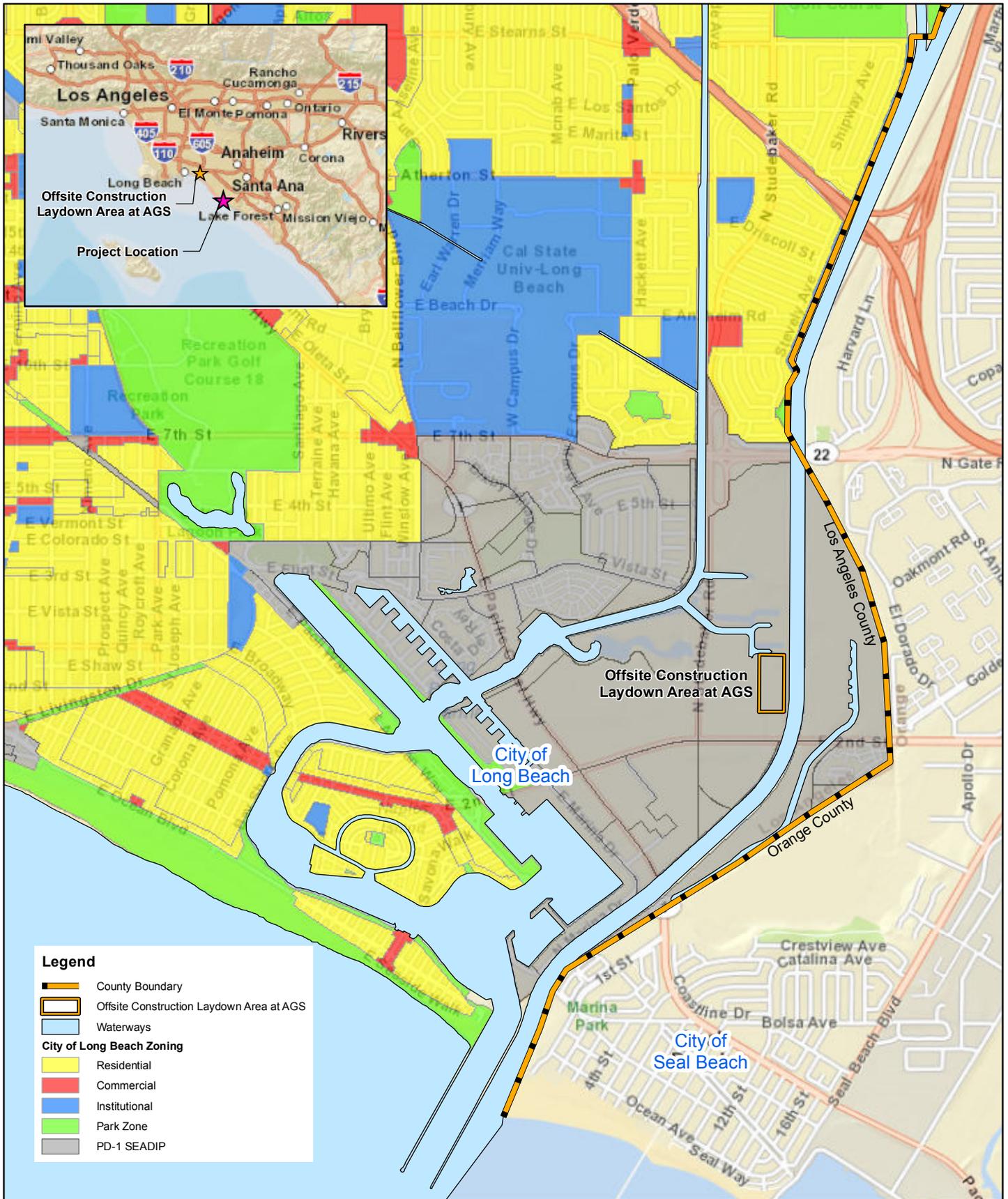
#### *Coastal Element (2001, amended 2008)*

The purpose of the Huntington Beach Coastal Element is to meet the requirement of the Coastal Act and guide civic decisions regarding growth, development, enhancement and preservation of the City's Coastal Zone and its resources. The Huntington Beach Coastal Element was initially certified by the California Coastal Commission in 1985. The Coastal Element was comprehensively updated in 2001, and subsequently amended in 2008, for the purpose of ensuring consistency with the policies and format of the 1996 Huntington Beach General Plan and incorporating revisions of the Coastal Act to date.

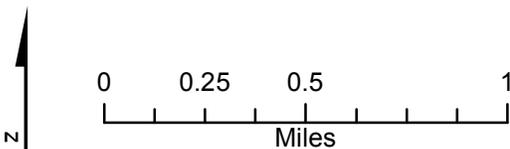
The following stated goals of the Coastal Element are relevant to the HBEP and land use:

- Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.
- Preserve, enhance and restore, where feasible, ESHAs in the City's Coastal Zone.
- Accommodate energy facilities with the intent to promote beneficial effects while mitigating any potential adverse impacts.

The existing Huntington Beach Generating Station site is recognized in the General Plan Coastal Element as an important coastal-dependent facility within the Coastal Zone. Recognizing the greater-than-local significance of the City's energy resources, the Coastal Element policies allow for the continuation, and in some cases expansion, of these facilities while ensuring the community's public health and safety, environmental protection, and minimization of negative aesthetic impacts to the maximum extent feasible. The Coastal Element anticipates that the existing Huntington Beach Generating Station will continue to operate for at least 20 years following the document's date of amendment (2008). Coastal policy and adjacent vacant land provide opportunity for potential expansion, if needed.



Source: Esri, I-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community



**FIGURE 5.6-4**  
**City of Long Beach**  
**Zoning Ordinance**  
 AES Huntington Beach Energy Project  
 Huntington Beach, California

### ***Noise Element (1996)***

The primary stated goal of the Noise Element is to ensure that necessary and appropriate actions are taken to protect Huntington Beach residents, employees, visitors, and noise sensitive uses from the adverse impacts created by excessive noise levels from stationary and ambient sources. The Noise Element outlines several objectives and related policies relating to the following items:

- Noise ordinances, regulations and guidelines
- Ambient noise impacts on the community
- Noise impact encroachment of commercial and industrial land uses, and within multi-occupant structures
- Noise impacts of traffic, mechanical equipment, mixed-use structures, construction, entertainment and restaurant/bar land use, rail uses, aircraft operations, oil operations
- Analysis and mitigation of city-side stationary (fixed source) noise impacts

### ***Urban Design Element (1996)***

The Urban Design Element evaluates the quality of the physical and visual character of Huntington Beach as a function of the organization, scale, density, and pattern of the community's built environment and open spaces. The proposed project site is identified as a distinct industrial district identified by its function, scale of development, and intensity of activity. The main goals of the Urban Design Element are to enhance the image of the City of Huntington Beach, protect and enhance the City's public coastal views and character, and screen any uses that detract from the City's character.

### ***Utilities Element (1996)***

The Utilities Element focuses on the City's water supply, sanitation treatment (wastewater), storm drainage, solid waste disposal, natural gas, electricity, and telecommunications systems by evaluating existing conditions and developing goals and policies going forward. The main goal relevant to the proposed project is to maintain and expand service provision to City of Huntington Beach residences and businesses.

#### **5.6.2.5.5 Huntington Beach Municipal Code Noise Control Ordinance**

The Huntington Beach Municipal Code Noise Control Ordinance was established in order to control unnecessary, excessive and annoying sounds emanating from incorporated areas of the City by prohibiting activities and land uses that maintain or cause noise at levels that could be detrimental to the public health, welfare and safety. The code designates four noise zones related to particular land uses, and defines maximum exterior and interior noise standards, beyond which is prohibited.

#### **5.6.2.6 Recent Proposed Zone Changes and General Plan Amendments**

##### **5.6.2.6.1 City of Huntington Beach**

Huntington Beach has five pending General Plan amendments and four rezones, as shown in Table 5.6-4. While pending amendments and rezones are in progress, these are specific to small residential and commercial development within the City. An expanded discussion of these projects is not necessary at this time.

TABLE 5.6-4  
**Pending General Plan Amendments and Rezones in Huntington Beach**

Project Number	Description/Applicability	Status	Within 1-mile Study Area?
ZTA 10-04	Amend Huntington Beach Zoning and Subdivision Ordinance Sections 236 (Non-conforming structures) and 241 (CUP). As confirmed by City of Huntington Beach Planning Staff, this amendment would not apply to HBEP (Medel, pers. comm., 2012).	Submitted 7/7/10. On hold.	Yes, citywide
GPA 09-03/LCPA 09-04	Establish the land use designations of RL, OS-PR and CC at Bolsa Chica at Los Patos. Not applicable.	Submitted 12/18/09	No
GPA 08-09	Update to Historic & Cultural Resources Element. Not applicable.	Submitted 10/15/08. In progress.	Yes, Citywide
GPA 08-05/ZMA 08-05/EA 08-13	Amend GP/zoning, 61 SFR subdivision at 10251 Yorktown (former Lamb School site). Not applicable.	Submitted 6/16/08	No
GPA 08-04/ZMA 08-04/EA 08-12	Amend GP/zoning, 42 SFR subdivision at 9191 Pioneer (former Wardlow School site). Not applicable.	Submitted 6/16/08	No
GPA 05-01/ZMA 05-01/EIR 07-01	Amend GP/zoning from RM to I and CG. Demolition of historic building. Not applicable.	Submitted 11/8/05.	No
GPA 11-01/EIR 09-01	Update to Circulation Element. Not applicable.	Submitted 5/30/06. In progress.	Yes, Citywide

GPA = General Plan Amendment; ZMA – Zoning Map Amendment; ZTA – Zoning Text Amendment  
 Source: City of Huntington Beach, 2012

### 5.6.2.7 Recent Discretionary Review by Public Agencies

In addition to the projects listed in Table 5.6-4, Table 5.6-5 describes pending major projects in the area. The project list based on a review of publicly available data from the City of Huntington Beach October 2011 Major Projects list, consultation with Jane James, City of Huntington Beach Senior Planner, and review of recent environmental review documents that include updated nearby projects including the Seawater Desalination Project at Huntington Beach Draft Environmental Impact Report (2010). Table 5.6-5 includes projects that are in process, have been approved, or may be in construction. The projects (both within 1 mile and beyond 1 mile of HBEP) were conservatively screened based on their scale and/or projected temporal construction periods to determine which projects could be considered a potential significant contribution to cumulative impacts in conjunction with the proposed HBEP. These lists identify numerous residential subdivisions ranging from 105 to 516 units, as well as larger commercial, industrial, and mixed use projects (City of Huntington Beach, 2012). Cumulative construction-related impacts, such as degraded air quality and increased noise or traffic, are not expected because a temporal overlap with the construction periods of listed projects and HBEP is unlikely. Long-term cumulative impacts, such as permanent impacts to biological resources or diminished visual character within the city, are not anticipated with the implementation of HBEP. The potential cumulative impacts for the listed projects are addressed in each individual resource section, and in Section 5.6.4.

TABLE 5.6-5  
Major Projects List

No.	Project Name	Major Project Features	Distance From Project Site	Status
<b>City of Huntington Beach</b>				
<i>Less than 1 mile from proposed project site</i>				
1	Beach/Edinger Corridor Specific Plan	The City of Huntington Beach has adopted a new vision and zoning for properties along Beach Boulevard and Edinger Avenue. Specifications to guide land use and development intensity, site layout, building design, site landscaping, and signage are detailed in the Specific Plan. Future development along the Specific Plan area is envisioned differently along different portions of the corridor; therefore, the Specific Plan area has been divided into five informal "districts." Overall, the Specific Plan would allow for the addition of up to approximately 4,500 dwelling units, 738,400 square feet of retail, 350 hotel rooms, and 112,000 square feet of office uses.	0.6 mile	Specific Plan approved March 1, 2010. FEIR Adopted December 2009
2	Downtown Specific Plan Update	The updated Specific Plan No. 5, Downtown Specific Plan, reconfigures the existing 11 Specific Plan districts into 7 districts; modifies development and parking standards; incorporates design guidelines; and provides recommendations for street improvements, public amenities, circulation enhancements, infrastructure and public facility improvements, and parking strategies.	0.5 mile	Approved by City of Huntington Beach; certified by Coastal Commission October 2011
3	Magnolia Pacific Specific Plan (Ascon/Nesi Landfill Cleanup)	Specific Plan allowing 502 dwelling units on 40 acres located on southwest corner of Hamilton Avenue and Magnolia Street. The California Department of Toxic Substances Control is the lead agency for cleanup of site and is currently working on remedial action plan/California Environmental Quality Act (CEQA) compliance.	0.1 mile	Clean-up in progress, ongoing
4	Orange Coast River Park	Passive park that extends east from the HBGS facility through Costa Mesa and Newport Beach.	~0.1 mile	Planning stages
5	Huntington Beach Wetlands Conservancy Restoration Plan	Restoration of degraded wetlands (130 acres) along the inland side of Pacific Coast Highway from the HBGS facility east to Brookhurst Street.	~0.1 mile	Restoration in progress
6	Pacific City	A 31-acre mixed-use project, including 516 dwelling units, 165 hotel rooms, and 207,853 square feet of commercial space.	1.0 mile	Entitlement plan amendment to change under new ownership
7	Waterfront Third Hotel	Approved master site plan allows for a 250-room hotel located between the existing Waterfront Hilton and the Hyatt Regency Huntington Beach Resort and Spa along Pacific Coast Highway. Application submitted for additional 151 hotel rooms, meeting room space and health spa.	0.9 mile	Application under review by City
8	Beach Promenade	39,000-square-foot addition to existing commercial center at 21022 Beach Boulevard.	1.0 mile	Under construction
9	Pacific Shores Residential	204-unit residential development and 2-acre park at Newland Street and Hamilton Avenue.	0.1 mile	Under construction

TABLE 5.6-5  
Major Projects List

No.	Project Name	Major Project Features	Distance From Project Site	Status
10	Poseidon Desalination Plant	The project consists of the construction and operation of a 50 million gallon per day seawater desalination facility within the City of Huntington Beach. The facility would utilize existing AES HBGS seawater intake and outfall pipelines for its operations. The proposed desalination facility is located on an 11-acre portion of the 22-acre HBGS facility located at 21730 Newland Street, off Pacific Coast Highway.	0.0	EIR certified September 2005. Recirculated 2010. Securing agency permits
11	Demolition of retired HBGS generating units	Units 3 & 4 of existing HBGS are slated for demolition in 2018.	0.0	Pending current project approval
<b>Greater than 1 mile from proposed project site</b>				
12	Beachwalk Residential	Proposal for 173 apartment units on the west side of Beach, north of Adams. Existing office buildings would be demolished.	1.7 miles	Currently under review by City.
13	The Village at Bella Terra	A project was approved for the demolition of an existing 181,115 sq. ft. vacant, retail building and construction of a mixed use project consisting of a 154,113 sq. ft. Costco, approximately 30,000 sq. ft. of other commercial, 468 residential units, and associated parking structures, landscaping, and infrastructure improvements. The project site on the north side of Edinger, west of the Bella Terra Shopping Mall.	7.1 miles	The Costco opened in May 2012; the mixed use portion of the project is under construction.
14	Beach and Ellis Mixed Use Development	Project consisting of up to 105 residential units, 37,000 square feet of commercial space and common area on the 2.7 acre site. Project would remove existing gas station, restaurant and office space.	3.3 miles	EIR has been approved by City. Application to develop is under review by City.
15	Senior Center	Construction of 45,000 sq. ft. senior center at corner of Goldenwest and Talbert, on vacant open parcel in Huntington Central Park.	4.0 miles	Approved by City; revised EIR, GPA and CUP are being processed.
16	Beach Warner Mixed Use	Mixed Use project at corner of Beach and Warner to redevelop existing commercial site. Would add 279 residential units, 35,600 sq. ft. of commercial area and public open space.	4.8 miles	EIR being processed by City. No application to develop has been submitted.
17	Talbert Lake Water Quality Project	Diversion project would divert up to 3 million gallons per day of urban runoff through pre-treatment devices, and into a 15-acre area in Central Park for treatment to remove pollutants. Project components will include a channel diversion structure, a pump station, a control system, existing pipeline rehabilitation, new conveyance piping, Talbert Lake rehabilitation, and groundwater recharge enhancement.	6.1 miles plus conveyance system	Entitlements approved. Project on hold pending funding.
18	Brightwater	Residential project consists of 349 single-family units on 105.3 acres of the upper bench portion of Bolsa Chica.	6.0 miles	130 homes constructed, 13 homes under construction, 206 remain to be constructed.
19	Rainbow Environmental Services	Master plan for Rainbow to expand the existing Material Recovery Facility and Transfer Station from 2,800 to 4,000 tons per day and construct a phased addition of 193,000 square feet of new building area.	5.0 miles	Entitlements approved

TABLE 5.6-5  
Major Projects List

No.	Project Name	Major Project Features	Distance From Project Site	Status
20	Wardlow School	42 single-family dwellings	2.0 miles	Environmental review underway
21	Lamb School	61 single-family dwellings	2.8 miles	Environmental review underway
22	Red Oak/ Archstone Mixed Use Project	Mixed-use with 384 dwelling units and 10,000 square feet of commercial space.	6.1 miles	Entitlements/EIR approved by City. Developer preparing construction level plans.
23	The Boardwalk Mixed Use (Murdy Commons)	Mixed-Use Project proposes development of up to 487 dwelling units and 14,500 sq ft of commercial area on a 12.5-acre site at the northeast corner of Edinger Ave and Gothard St.	5.8 miles	Demolition of former building not begun. Approval of site remediation plans in progress.
<b>City of Newport Beach – Greater than 1 mile from proposed project site</b>				
24	Banning Ranch – 4520 West Coast Highway	1,375 dwelling units, 75,000 gross square feet of commercial retail, 75-room accommodations, parks and open space.	3.7 miles	DEIR review period completed in November 2011, PC hearing scheduled March & April 2012.

Sources: City of Huntington Beach Major Projects List, May 2012; Jane James, City of Huntington Beach Senior Planner, May 2012; City of Newport Beach Planning Division Pending Projects List, February 2012; Seawater Desalination Project at Huntington Beach Draft Subsequent Environmental Impact Report, May 2010.

### 5.6.2.8 Population and Growth Trends

Land use and growth trends identified for the HBEP study area are based on population estimates, projections, and current land use plans. Huntington Beach's 2010 population estimate is 189,992. In 2000, it was estimated to be 189,594 (DOF, 2011). Through ongoing redevelopment efforts, the City's population is projected to grow to over 200,000 by 2020 (City of Huntington Beach, 2011).

The City of Huntington Beach enjoys a relatively high median household income of \$80,280 and the majority of homes are owner-occupied (U.S. Census Bureau, 2011). The City also has a low unemployment rate of 6.1 percent, significantly lower than the state unemployment rate of 10.9 percent (EDD, 2012). The City has evolved into a recreation-focused tourist destination and prides itself on being "Surf City U.S.A" with over 16 million beach visitors each year.

## 5.6.3 Environmental Analysis

### 5.6.3.1 Significance Criteria

Significance criteria for impacts on land use were determined through review of applicable state and local regulations. Because of the CEC's Site Certification Process pursuant to the Warren-Alquist Act, a certified agency program pursuant to CEQA, the following criteria developed from the CEQA Guidelines and the CEQA Checklist were used to evaluate the potential environmental impacts of the HBEP project:

- Will the project physically divide an established community?
- Will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?
- Will the project convert prime farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to nonagricultural use?
- Will the project involve other changes in the existing environment which, given their location and nature, could result in conversion of farmland to nonagricultural use?

### **5.6.3.2 Potential Effects on Land Use during Project Construction and Operation**

#### **5.6.3.2.1 Divide an Established Community**

HBEP would not physically divide an established community because it is proposed on land occupied by the existing Huntington Beach Generating Station. The land is designated for industrial and energy-related uses under the Huntington Beach General Plan and Huntington Beach Zoning Ordinance, which allows coastal-dependent electrical generation and transmission facilities. Therefore, implementation of HBEP will not divide an established community, affect access to the City or the HBEP area or introduce incompatible land uses. The project would not involve the displacement of any existing non-industrial development, nor would it result in new development that would physically divide an existing neighborhood.

#### **5.6.3.2.2 Conflict with an Applicable Land Use Plan, Policy, or Regulation**

The HBEP site is located on land that is designated for public uses, including utilities such as energy facilities under the Huntington Beach General Plan (P - Public) and Huntington Beach Zoning Ordinance (PS – Public–Semi-public). This zoning district provides areas for large public or semi-public uses including major utilities, for which approval of a CUP from the City would be required but for the CEC licensing process. The intent of this district in the coastal zone is to implement the Public, Quasi-Public, and Institutional land use designation of the certified Local Coastal Program Land Use Plan. This district is also consistent within the Public General Plan land use designation that currently applies to the project. Due to the nature of the allowable activities, HBEP is considered to be consistent with various City of Huntington Beach’s plans, policies and regulations. The project’s conformity with the City’s General Plan and zoning policies is detailed in Table 5.6-6.

TABLE 5.6-6

**Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency
City of Huntington Beach General Plan	
Land Use Element	
<p>Goal LU 2 - Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.</p> <p>Policy LU 2.1.2 - Require that the type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services.</p>	<p>Yes. Project proposed within existing electrical power facility served by infrastructure and services adequate to support additional development.</p>
<p>Objective LU 4.1. Promote the development of residential, commercial, industrial, and public buildings and sites that convey a high quality visual image and character.</p> <p>Policy LU 4.1.2 – Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.</p> <p>Policy LU 4.1.6 – Require that commercial and industrial development incorporate adequate drought-conscious irrigation systems and maintain the health of the landscape.</p>	<p>Yes. Project will comply with City’s landscaping requirements through incorporation of landscape concepts as discussed in Section 5.13, Visual Resources. Therefore, as proposed the project will be consistent with these policies.</p>
<p>Objective LU 5.1 - Provide for the protection and maintenance of environmental resources as new development and redevelopment projects occur during the planning, project review and permitting process.</p> <p>Policy LU 5.1.1 - Require that development protect environmental resources by consideration of the policies and standards contained in the Environmental Resources/Conservation Element of the General Plan and Federal (NEPA) and CEQA regulations. During the development review process:</p> <ul style="list-style-type: none"> <li>a) Review any development proposal for the Bolsa Chica area, Huntington Beach Wetlands and throughout the City to ensure that no development is permitted in Federally and state delineated wetlands; and</li> <li>b) Review any development proposed for non-wetland areas to ensure that appropriate setbacks and buffers are maintained between developments and protect ESHAs.</li> </ul> <p>Policy LU 5.1.6 - Promote site development that limits impact on and protects the natural integrity of topography, drainage systems, infiltration and water bodies.</p> <p>Policy LU 5.1.7 - Promote integration of water quality protection into construction and post-construction activities at all development and redevelopment sites.</p>	<p>Yes. Project will comply with applicable policies set forth in the General Plan, and as required by state regulations. As proposed, the project has been designed to comply with all setback and buffer requirements.</p> <p>Yes. As discussed in Section 5.15, Water Resources, the project will be subject to CEC standard conditions of certification that require minimizing impacts to storm drain systems, water resources, and water quality. Therefore, HBEP will comply with these policies.</p>

TABLE 5.6-6

**Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency
<b>Coastal Element</b>	
<p>Goal C1 - Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.</p>	
<p>Objective C1.1 - Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.</p>	
<p>Policy C 1.1.1 -With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous 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 service and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.</p>	<p>Yes. The project will be developed within an existing electricity generating facility and will not result in a land use change that adversely affects coastal resources.</p>
<p>Policy C 1.1.2 - Coastal dependent developments shall have priority over other developments on or near the shoreline. Coastal-related developments should be accommodated within reasonable proximity of the coastal-dependent uses they support.</p>	<p>Yes. The existing Huntington Beach Generating Station is defined as a coastal-dependent energy facility within the City of Huntington Beach. Based on the priority of the City of Huntington Beach's Local Coastal Plan to redevelop existing industrial parcels in the coastal zone rather than establishing new industrial parcels in the coastal zone, the repowering of the existing Huntington Beach Generating Station through the implementation of the HBEP is consistent with the Local Coastal Plan as it will reuse and connect to existing industrial infrastructure, including the: existing SCE switchyard, existing Southern California Gas Company high pressure natural gas pipeline, existing City of Huntington Beach potable water and sanitary sewer pipelines, and the existing Huntington Beach Generating Station's ocean outfall for discharge of stormwater and process water.</p>
<p>Goal C7 - Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City's Coastal Zone, including the Bolsa Chica which is within the City's Sphere of Influence.</p>	
<p>Objective C 7.1 - Regulate new development through design review and permit issuance to ensure consistency with Coastal Act requirements and minimize adverse impacts to identified ESHAs and wetland areas.</p>	
<p>Policy C 7.1.3 - Development in areas adjacent to ESHAs and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.</p>	<p>Yes. The project will not prohibit preservation of ESHAs such as the Huntington Beach Wetland Preserve, and will not impact the Huntington Beach Wetland Preserve. Therefore, HBEP will comply with these policies.</p>

TABLE 5.6-6

**Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency
<p>Policy C 7.1.4 - Require that new development contiguous to wetlands or ESHAs include buffer zones. Buffer zones shall be a minimum of one hundred feet setback from the landward edge of the wetland, with the exception of the following:</p> <p>A lesser buffer may be permitted if existing development or site configuration precludes a 100 foot buffer, or conversely, a greater buffer zone may be required if substantial development or significantly increased human impacts are anticipated. In either case, the following factors shall be considered when determining whether a lesser or wider buffer zone is warranted. Reduced buffer zone areas shall be reviewed by the Department of Fish and Game prior to implementation.</p> <ul style="list-style-type: none"> <li>a) Biological significance of adjacent lands: The buffer should be sufficiently wide to protect the functional relationship between wetland and adjacent upland.</li> <li>b) Sensitivity of species to disturbance: The buffer should be sufficiently wide to ensure that the most sensitive species will not be disturbed significantly by permitted development, based on habitat requirements of both resident and migratory species and the short and long term adaptability of various species to human disturbance.</li> <li>c) Susceptibility of parcel to erosion: The buffer should be sufficiently wide to allow for interception of any additional material eroded as a result of the proposed development based on soil and vegetative characteristics, slope and runoff characteristics, and impervious surface coverage.</li> <li>d) Use existing cultural features to locate buffer zones: The buffer zone should be contiguous with the ESHA and make use of existing features such as roads, dikes, irrigation canals, and flood control channels where feasible.</li> </ul>	<p>Yes. Project is designed to maintain a minimum 100 foot buffer zone between project elements and landward edge of wetland on the east (Huntington Beach Wetland Preserve), with the exception of existing Huntington Beach Generating Station equipment that will remain as part of the project.</p>
<p>Goal C8 - Accommodate energy facilities with the intent to promote beneficial effects while mitigating any potential adverse impacts.</p> <p>Objective C8.2 - Encourage the production of energy resources as efficiently as possible with minimal adverse impacts.</p> <p>Policy C 8.2.4 - Accommodate coastal dependent energy facilities within the Coastal Zone consistent with Sections 30260 through 30264 of the Coastal Act.</p>	<p>Yes. The existing Huntington Beach Generating Station is defined as a coastal-dependent energy facility within the City of Huntington Beach. Based on the priority of the City of Huntington Beach's Local Coastal Plan to redevelop existing industrial parcels in the coastal zone rather than establishing new industrial parcels in the coastal zone, the repowering of the existing Huntington Beach Generating Station through the implementation of the HBEP is consistent with the Local Coastal Plan as it will reuse and connect to existing industrial infrastructure, including the: existing SCE switchyard, existing Southern California Gas Company high pressure natural gas pipeline, existing City of Huntington Beach potable water and sanitary sewer pipelines, and the existing Huntington Beach Generating Station's ocean outfall for discharge of stormwater and process water.</p>

TABLE 5.6-6  
**Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency
<b>Noise Element</b>	
Objective N 1.2 - Prevent and mitigate the adverse impacts of excessive noise exposure on the residents, employees, visitors, and noise sensitive uses of Huntington Beach.	
Policy N 1.2.2 - Require new industrial and new commercial land uses or the major expansion of existing land uses to demonstrate that the new or expanded use would not be directly responsible for causing ambient noise levels to exceed an exterior $L_{dn}$ of 65 dB(A) on areas containing “noise sensitive” land uses.	Yes. As discussed in Section 5.7, Noise, the project will comply with City noise standards and CEC standard conditions of certification, for minimizing noise impacts. Therefore, HBEP will comply with these policies.
Policy N 1.2.3 - Require development, in all areas where the ambient noise level exceeds an $L_{dn}$ of 60 dB (A), to conduct an acoustical analysis and incorporate special design measures in their construction, thereby, reducing interior noise levels to the 45 dB(A) $L_{dn}$ level (see Figure N-2).	
Policy N 1.2.5 - Require development that generates increased traffic and subsequent increases in the ambient noise levels adjacent to noise sensitive land uses to provide for appropriate mitigation measures in accordance with the acceptable limits of the City noise ordinance.	
<hr/>	
Objective N 1.12 - Ensure any use determined (by the City of Huntington Beach) to be a potential generator of significant stationary noise impacts, be properly analyzed and ensure that the recommended mitigation measures are implemented.	
Policy N 1.12.1 - Require detailed and independent acoustical studies be conducted for any new or renovated land uses or structures determined to be potential major stationary noise sources. Recommended mitigation measures must be successfully implemented and tested, prior to the issuance of a Certificate of Occupancy for the land use or structure.	Yes. As discussed in Section 5.7, Noise, the project will comply with City noise standards and CEC standard conditions of certification for minimizing noise impacts. Therefore, Therefore, HBEP will comply with these policies.
Policy N 1.12.2 - Encourage major stationary noise generating sources throughout the City of Huntington Beach to install additional noise buffering or reduction mechanisms within their facilities to reduce noise generation levels to the lowest extent practicable.	
<hr/>	
<b>Recreation and Community Services Element</b>	
Goal RCS 6 - Provide a beach environment which enhances the enjoyment of the natural resources by the community.	
Policy RCS 6.1.5 - Provide a level of beach related facilities, maintenance, and lifeguarding that enhances the enjoyment of the natural resources by the community.	Yes. Parking for construction workers is proposed for a portion of the City’s beach parking lot northwest of the HBEP site. However, temporary parking for a portion of the construction workforce would not have a significant impact on beach parking access for recreational users nor obstruct the City from providing satisfactory community facilities.

TABLE 5.6-6

**Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency
<b>Urban Design Element</b>	
<p>Goal UD 1 - Enhance the visual image of the City of Huntington Beach.</p> <p>Policy UD 1.2.1 - Require public improvements to enhance the existing setting for all key nodes and pedestrian areas through the consideration of the following:</p> <p>f. Incorporate landscaping to mask oil operations and major utilities, such as the SCE generating station.</p>	<p>Yes. The project will comply with the City's landscaping and buffering requirements through implementation of landscape concepts discussed in Section 5.13, Visual Resources. Therefore, HBEP will comply with these policies.</p>
<p>Goal UD 2 – Protect and enhance the City's public coastal views and Oceanside character and screen any uses that detract from the City's character.</p> <p>Objective UD 2.1. Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and the wetlands.</p> <p>Policy UD 2.1.1 – Require that new development be designed to consider coastal views in its massing, height and site orientation.</p>	<p>Yes. The project will comply with the City's development standards related to massing, height and site orientation, as discussed in Section 5.13 Visual Resources. Therefore, the project will comply with this policy.</p>
<p>Objective UD 2.2. Minimize the visual impacts of oil production facilities and other utilities where they encroach upon view corridors or are visually incompatible with their surrounding uses.</p> <p>Policy UD 2.2.1 – Require landscape and architectural buffers and screens around oil production facilities and other utilities visible from public rights-of-way.</p> <p>Policy UD 2.2.5 – Require the review of new and or expansions of existing industrial and utility facilities to ensure that such facilities will not visually impair the City's coastal corridors and entry nodes.</p>	<p>Yes. The project will comply with the City's landscaping and buffering requirements through the implementation of landscape concepts discussed in Section 5.13, Visual Resources. Therefore, HBEP will comply with these policies.</p>
<b>Utilities Element</b>	
<p>Goal U5 - Maintain and expand service provision to City of Huntington Beach residences and businesses.</p> <p>Objective 5.1 Ensure that adequate natural gas, telecommunication and electrical systems are provided.</p> <p>Policy U 5.1.4 - Require the review of new and or expansions of existing industrial and utility facilities to ensure that such facilities will not visually impair the City's coastal corridors and entry nodes.</p>	<p>Yes. As discussed in Section 5.13, Visual Resources, the project will be subject to City and CEC review to ensure it will not visually impair the adjacent coastal corridor and entry node.</p>

**TABLE 5.6-6  
Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency
City of Huntington Beach Municipal Code	
<b>Zoning Ordinance</b>	
214.08 – Development Standards for Public–Semi-public District	
Minimum lot area – 2 acres	Yes. HBEP site is larger than 2 acres. Project will include setbacks of greater than 10 feet for any new project elements.
Minimum setbacks – 10 ft for front and street side, 0 ft for side and rear	
Maximum height of structures – 50 ft; in the coastal zone, the maximum allowable height of structures shall be reduced as necessary to retain compatibility with the established physical scale of the area and to preserve and enhance public visual resources.	The existing Huntington Beach Generation Station’s Units 1 – 4 stacks are 200 feet tall and, as such, are an allowable existing use greater than 50 feet. The stacks for HBEP Blocks 1 and 2 will be approximately 120 feet tall.
Maximum floor-area ratio (FAR) – 1.5	Section 230.72, Exceptions to Height Limits states that the Zoning Administrator may approve structures with heights greater than 50 feet through issuance of a conditional use permit (CUP). Within the coastal zone, exceptions to height limits may be granted only when public visual resources are preserved and enhanced where feasible. But for the CEC process, that supersedes local permitting requirements, in this zone district, approval of a CUP would be required by the Zoning Administrator.
Minimum site landscaping – 8%	Section 236.06, Alterations to Non-Conforming Structure or Use states that the Planning Director may permit alteration of non-conforming structures if alteration will improve the aesthetic appearance, will not increase the number of stories, and will not cause FAR to exceed more than 10 percent of the floor area at the time the use became nonconforming.
	Construction of HBEP will maintain (or improve) existing state of public visual resources in the coastal zone as there are preexisting uses onsite of equivalent or greater height, and will otherwise meet the requirements for modification to a non-conforming structure. Therefore, HBEP will be in compliance with these policies.
	The project site is located within the boundary of the existing developed Huntington Beach Generating Station. Application of the FAR provision does not pertain to modifications to an existing approved use within its current footprint.
	The project will comply with the City’s landscaping and buffering requirements through the implementation of landscape concepts discussed in Section 5.13, Visual Resources. Therefore, the project will comply with these policies.

TABLE 5.6-6

**Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency
<p>221.10 Requirements for New Development Adjacent to Resource Protection Area</p> <p>As a condition of new development adjacent to a resource protection area, which includes any wetland, ESHA, associated buffers, land zoned Coastal Conservation, as the same are defined in the City's Local Coastal Program, an applicant shall comply with the requirements listed below. These requirements shall be applicable to all lots within new subdivisions as well as development proposed on existing lots within and/or adjacent to resource protection areas.</p> <p>A. Landscape Plan shall be prepared that prohibits the planting, naturalization or persistence of invasive plants, and encourages low-water-use plants, and plants primarily native to coastal Orange County.</p> <p>C. Pest Management Plan shall be prepared that, at a minimum, prohibits use of rodenticides, and restricts the use of pesticides, and herbicides in outdoor areas, except necessary Vector Control conducted by the City or County.</p> <p>D. Street lighting, exterior residential lighting and recreational lighting adjacent to resource protection areas shall not significantly disrupt habitat values within the resource protection areas.</p> <p>I. Uses allowed adjacent to designated wetlands and ESHAs shall assure the continuance of the habitat value and function of preserved and restored wetlands and ESHA.</p>	<p>Yes. Project will comply with the City's requirements as follows by: 1) preparing an approved Landscape Plan and Pest Management Plan; 2) addressing exterior lighting requirements to minimize light exposure to the adjacent ESHA; 3) not prohibiting preservation of the adjacent ESHA or disruption of habitat values or function of wetland area.</p>
<p>221.22 - Buffer Requirements</p> <p>As a condition of development adjacent to ESHAs delineated in the General Plan and, for development in the coastal zone, ESHAs identified in the Local Coastal Program, a minimum 100-foot buffer from the edge of the habitat as determined by a site specific biological assessment area shall be provided. In the case of substantial development or significantly increased human impacts, a wider buffer may be required in accordance with an analysis of the factors identified in A through C below. If the existing development or site configuration cannot accommodate a 100-foot buffer, then the buffer shall be reviewed by the California Department of Fish and Game and designed to: (3334-6/97)</p> <p>A. Protect the functional relationship between wetland and adjacent upland;</p> <p>B. Ensure that the most sensitive species will not be disturbed significantly by permitted development, based on habitat requirements of both resident and migratory species, and the short- and long-term adaptability of various species to the presence of human beings; and</p> <p>C. Allow for interception of any additional material eroded as a result of the proposed development, based on soil, vegetation, slope and runoff characteristics, and impervious surface coverage.</p>	<p>Yes. Project will comply with the 100-foot setback requirement to the adjacent ESHA. Therefore, as proposed, the project is expected to comply with all buffer requirements.</p>

TABLE 5.6-6

**Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency
<p>221.28 - Maximum Height - The maximum height limits within the CZ Overlay District are 35 feet for a residential structure and 50 feet for a commercial structure, or the base district height limit, whichever is lower.</p>	<p>Yes. The existing Huntington Beach Generation Station’s Units 1 – 4 stacks are 200 feet tall and, as such, are an allowable existing use greater than 50 feet. The stacks for HBEP Blocks 1 and 2 will be approximately 120 feet tall.</p> <p>Section 230.72, Exceptions to Height Limits states that the Zoning Administrator may approve structures with heights greater than 50 feet through issuance of a conditional use permit (CUP). Within the coastal zone, exceptions to height limits may be granted only when public visual resources are preserved and enhanced where feasible. But for the CEC process, that supersedes local permitting requirements, in this zone district, approval of a CUP would be required by the Zoning Administrator.</p> <p>Section 236.06, Alterations to Non-Conforming Structure or Use states that the Planning Director may permit alteration of non-conforming structures if alteration will improve the aesthetic appearance, will not increase the number of stories, and will not cause FAR to exceed more than 10 percent of the floor area at the time the use became nonconforming.</p> <p>Construction of HBEP will maintain (or improve) existing state of public visual resources in the coastal zone as there are preexisting uses onsite of equivalent or greater height, and will otherwise meet the requirements for modification to a non-conforming structure. Therefore, HBEP will comply with this policy.</p>

**Noise Control Ordinance**

8.40.050 Exterior noise standards.

(a) The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone:

Exterior Noise Standards

Noise Zone	Noise Level	Time Period
1 (Residential properties)	55 db(A)	7 a.m. - 10 p.m.
	50 db(A)	10 p.m. – 7 a.m.
2 (Professional office and public institutional properties)	55 db(A)	Anytime
3 (Commercial properties)	60 db(A)	Anytime
4 (Industrial Properties)	70 db(A)	Anytime

Yes. As discussed in Section 5.7, Noise, the project will be subject to the City’s exterior noise standards and CEC standard conditions of certification for minimizing noise impacts. Therefore, as proposed, the project will comply with this policy.

TABLE 5.6-6

**Project Conformity with Local Land Use Plans and Policies**

Goal/Objective/Policy	Project Consistency												
<p>8.40.070 Interior noise standards.</p> <p>(a) The following noise standards, unless otherwise specifically indicated, shall apply to all real property within a designated noise zone:</p>	<p>Yes. As discussed in Section 5.7, Noise, the project will be subject to the City's interior noise standards and CEC standard conditions of certification for minimizing noise impacts. Therefore, the project will comply with this policy.</p>												
<p>Interior Noise Standards</p>													
<table border="1"> <thead> <tr> <th data-bbox="199 459 310 482">Noise Zone</th> <th data-bbox="415 459 527 482">Noise Level</th> <th data-bbox="632 459 743 482">Time Period</th> </tr> </thead> <tbody> <tr> <td data-bbox="199 500 212 522">1</td> <td data-bbox="415 500 499 522">55 db(A)</td> <td data-bbox="632 500 779 522">7 a.m. -10 p.m.</td> </tr> <tr> <td></td> <td data-bbox="415 540 499 563">45 db(A)</td> <td data-bbox="632 540 779 563">10 p.m. – 7 a.m.</td> </tr> <tr> <td data-bbox="199 581 260 604">2, 3, 4</td> <td data-bbox="415 581 499 604">55 db(A)</td> <td data-bbox="632 581 716 604">Anytime</td> </tr> </tbody> </table>	Noise Zone	Noise Level	Time Period	1	55 db(A)	7 a.m. -10 p.m.		45 db(A)	10 p.m. – 7 a.m.	2, 3, 4	55 db(A)	Anytime	
Noise Zone	Noise Level	Time Period											
1	55 db(A)	7 a.m. -10 p.m.											
	45 db(A)	10 p.m. – 7 a.m.											
2, 3, 4	55 db(A)	Anytime											
<p>8.40.090 Special provisions. The following activities shall be exempt from the provisions of this chapter:</p>	<p>Yes. The project will comply with this policy. (See Section 5.7, Noise)</p>												
<p>(d) Noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the City; and provided said activities do not take place between the hours of 8 p.m. and 7 a.m. on weekdays, including Saturday, or at any time on Sunday or a federal holiday.</p>													

Table 5.6.7 provides a discussion related to consistency of temporary construction parking with the City of Huntington Beach's General Plan land use designations and zoning codes. Offsite construction/demolition worker parking in the four locations described in Section 5.6.1 would be temporary and therefore consistent with City of Huntington Beach zoning and General Plan land use designations.

TABLE 5.6-7  
Land Use Policy Consistency of HBEP Offsite Parking Areas

Parking Area	Zoning	General Plan Land Use Designation	Consistency
Newland Street	IL	RM-15	Temporary construction parking is an acceptable use in areas zoned IL. While typical permitted uses in the RM designation include single family residential units, duplexes, townhomes, and garden apartments; construction parking would be an acceptable use due to its temporary nature.
Pacific Coast Highway and Beach Boulevard	CV/CC	CV	Zoning Code Chapter 216.08 states that for the portion of any parcel which is not designated Conservation under the certified land use plan in the CC zone, any use authorized by and in conformance with the CV District. But for the CEC process, City of Huntington Beach Zoning Code Chapter 231.18 states that seasonal and temporary parking lots may be allowed in the CV District upon approval of a conditional use permit by the Zoning Administrator for a maximum of five years.
City of Huntington Beach shore parking	SP-5	OS-S	Site is located within an existing beach parking lot, and no improvements would be made. Temporary use for dedicated construction parking is an acceptable use in this zone and land use designation.
Plains All American Tank Farm	PS	P	Comparable to the main project site, parking lots are an acceptable use in areas designated/zoned P/PS.

The following provides an expanded discussion of general requirements related to structure height and setbacks. The parcel/lot area, height, and setback limitations for the PS district are listed in Table 5.6-6. The Huntington Beach Generating Station's stack height for existing Units 1–4 (two stacks, which are each 200 feet tall) do not conform to the Zoning Ordinance that was adopted following original construction of Units 1–4, but the existing Huntington Beach Generating Station is a recognized pre-existing use and is therefore in compliance. Due to the nature of the allowable activities, HBEP is considered to be consistent with the standards applying to this zone district. In addition, the stacks for HBEP Blocks 1 and 2 (three stacks each for Blocks 1 and 2 for a total of six stacks) will be approximately 120 feet tall as compared to the two existing stacks which are 200 feet tall.

But for the CEC process which supersedes local permitting requirements, exceptions from the height limits would be subject to approval by the Huntington Beach Zoning Administrator, and modifications to the existing non-conforming use may be subject to approval by the Huntington Beach Planning Department. However, because the CEC process supersedes this approval requirement, local approval of the exception to the height limit will not be issued by the City. As the permitting authority for HBEP, the CEC ensures that the City's requirements for such an exception are achieved by HBEP. The project's conformity with the cities' Zoning and Subdivision Ordinance is detailed in Table 5.6-6.

### 5.6.3.2.3 Conflict with an Applicable Habitat Conservation Plan

The HBEP site is located within the limits of the Orange County Transportation Authority's (OCTA) Natural Community Conservation Plan (NCCP) / Habitat Conservation Plan (HCP) planning area. Presently, the OCTA NCCP/HCP is in the planning phase; therefore, no formal policies affecting the study area are in place (California Department of Fish and Game, 2011). The City of Huntington Beach Wetland Preserve/Magnolia Marsh Restoration Project is located immediately adjacent to the southeastern boundary of the HBEP site. As a result of this sensitive resource, HBEP will be required to comply with existing ESHA policies set forth in the Huntington Beach Coastal Element. The project has been sited and is designed to be compatible with its adjacent developed land uses. Project implementation will not adversely affect protection of the ESHA.

#### 5.6.3.2.4 Convert Farmland to Nonagricultural Uses

The project does not involve the conversion of prime farmland, unique farmland, or farmland of statewide importance, and no designated farmland occurs on, adjacent to, or within the 1-mile buffer of the HBEP site. No impacts to agricultural resources would occur as a result of the development of the project.

#### 5.6.3.2.5 Cause Changes that Would Result in the Conversion of Farmland

The project does not involve changes to the existing environment that could result in conversion of farmland to nonagricultural use. The project site has been designated and zoned for public-semi-public uses, and the Huntington Beach General Plan views the overall existing Huntington Beach Generating Station's land use as an acceptable development within the City. HBEP will not attract residential or commercial development or other uses to the project area that would result in farmland conversion.

#### 5.6.3.3 Compatibility with Existing and Designated Land Uses and Applicable Planning Policies

Table 5.6-6 lists applicable local plans and policies and describes the project's conformity with them.

### 5.6.4 Cumulative Effects

A cumulative impact refers to a proposed project's incremental effect together with other closely related past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project (PRC Section 21083; CCR, Title 14, Sections 15064(h), 15065(c), 15130, and 15355).

The CEQA Guidelines further note that:

*The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative effects can result from individually minor, but collectively significant, projects taking place over a period of time.*

Cumulative land use impacts could occur if the development of a proposed project and other related past, present, and reasonably foreseeable probable future projects would be inconsistent with applicable plans and policies, or have other cumulative land use related impacts. Long-term cumulative impacts are not anticipated with the implementation of HBEP and the listed projects because each project is required to comply with CEQA guideline requirements for evaluating potential cumulative impacts, and/or obtain approval from the City prior to permitting and construction by demonstrating conformance to existing land use policies.

In addition, HBEP would not involve the conversion of farmland on the existing Huntington Beach Generating Station. Other pending residential, commercial, and industrial projects in the area also would not result in the loss of land currently used for agriculture, as there is very little identified farmland in Huntington Beach, nor are there projects pending on this land. The Huntington Beach General Plan does not discuss agriculture within the City in detail, except to note that in aggregate, there are 310 acres of coastal land, open space, wetlands, and agriculture within the City's jurisdiction. Additionally, the project site has been designated for Public Use (Huntington Beach General Plan). The Huntington Beach Zoning and Subdivision Ordinance assigns a Residential Agriculture (RA) district to a limited number of parcels within the City intended to serve as a transition or holding zone for property with current agricultural activities. However, the project site is not located within this zoning district, nor will its implementation have an impact on any parcels currently zoned RA. For these reasons, HBEP will not cause a significant cumulative impact related to farmland conversion. The project is consistent with land use plans and policies and compatible with adjacent uses. Therefore, the project will not contribute to cumulative impacts associated with land use compatibility. Moreover, there are no proposed projects that would result in adjacent incompatible land uses.

### 5.6.5 Mitigation Measures

Because HBEP would result in no significant adverse land use impacts, no specific land use mitigation measures are necessary.

## 5.6.6 Laws, Ordinances, Regulations and Standards

This section lists and discusses the land use LORS that apply to HBEP. Consistent with Application for Certification (AFC) requirements, all plans and policies applicable to the 1-mile area surrounding the project site are summarized below. The project site, including all project components (plant site, natural gas, water, and sewer lines, switchyard, and the transmission line), are located in the city of Huntington Beach.

### 5.6.6.1 Federal LORS

Title 14, Code of Federal Regulations, Section 77.17, requires an applicant to submit a Notice of Proposed Construction or Alteration (Federal Aviation Administration [FAA] Form No. 7460-1) to the FAA for construction within 20,000 feet of the nearest runway of an airport with at least one runway longer than 3,200 feet. No airport meets these criteria in the vicinity of HBEP; therefore, no further action is required by the Applicant.

### 5.6.6.2 State LORS

#### 5.6.6.2.1 Warren-Alquist Act

The CEC's AFC process is equivalent to CEQA under the Warren-Alquist Act; therefore the AFC fulfills the requirements of CEQA. CEQA is codified in the California PRC, Sections 21000 through 21178.1. Guidelines for implementation of CEQA are codified in CCR Sections 1500 through 15387. As noted above, the CEC's permitting process under the Warren Alquist Act also supplants CDP requirements under the Coastal Act. The CEC's permitting process under the Warren Alquist Act also supplants local government permitting and approvals.

PRC Section 25500 of the Warren-Alquist Act provides that the CEC "shall have the exclusive power to certify all sites and related facilities in the state." Thus, the CEC has exclusive jurisdiction over the permitting of HBEP. The authority of the CEC is "in lieu of any permit, certificate, or similar document required by any state, local or regional agency... and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency..."

The CEC's authority to permit power plants, thus, supersedes all local ordinances including zoning or land use plans. The CEC normally, however, defers to and allows the local land use jurisdiction to make changes to plans, zones, and allowed uses. Where such a local jurisdiction does not or will not make changes, the CEC is allowed to permit the facility where special findings are made. Specifically, PRC Section 25525 allows the CEC to permit facilities not in compliance with local ordinances where it "determines that the facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving public convenience and necessity."

#### 5.6.6.2.2 California Coastal Commission, Coastal Act

The California Coastal Commission (CCC) was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. California Coastal Act, Public Resources Code Section 30000 et seq., establishes a comprehensive scheme to govern land use planning along the entire California coast. The coastal zone varies in width from several hundred feet in highly urbanized areas up to 5 miles in certain rural areas, and offshore the coastal zone includes a 3-mile-wide band of ocean. The CCC, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. But for the CEC process, which supersedes CCC permitting requirements, development activities generally require a CDP from either the CCC or the local government (CCC, 2011). The HBEP site is within in the Coastal Zone and therefore subject to the Coastal Act. Although the City of Huntington Beach has a certified Local Coastal Program (LCP) and the HBEP site is within the retained jurisdiction of the Coastal Commission, the Coastal Commission's permitting authority is subject to the CEC's jurisdiction over power plants. (Public Resources Code, §§ 25500, 30600). Were the CCC to exercise its permitting authority, it would review the project against the policies of the City of Huntington Beach's LCP, general plan, and zoning ordinance as well as the Coastal Act. When exercising its jurisdiction, the CEC conducts a similar analysis and solicits and considers the views of the agencies that would otherwise have jurisdiction over a proposed project, such as the CCC.

The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works. The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the CCC and by local governments.

The Coastal Act sets forth general policies that govern the CCC's review of permit applications and local plans. Specific to energy facilities, the Coastal Act requires that the CCC designate specific locations within the coastal zone where the establishment of a thermal power plant subject to the Warren-Alquist Act could prevent the achievement of the objectives of the Coastal Act. Pursuant to PRC Section 30500, each local government lying within the coastal zone is required to prepare an LCP for management of that portion of the coastal zone within its jurisdiction. Once the CCC certifies an LCP, the authority to issue CDPs for development within the coastal zone is delegated to the local jurisdiction. However, if the CCC has not certified the LCP, or a portion of an LCP, the CCC retains permit authority under the Coastal Act.

When the CEC undertakes the processing of an AFC for any power plant (including required offsite linears) or transmission line proposed to be located, in whole or in part, within the coastal zone, the CCC may participate in the CEC process. The CCC's participation in the CEC process replaces the normal Coastal Act permitting process and the CDP that would normally apply to a project in the coastal zone. Pursuant to Section 30413(d), the CCC is required to analyze each Notice of Intent (NOI) and, prior to completion of the CEC staff's preliminary report on the NOI, forward to the CEC a written report on the suitability of the proposed site and related facilities specified in that notice. Such CCC reports, however, are not required by law or regulation in CEC Application for Certification (AFC) only proceedings. CCC involvement is allowed in AFC proceedings pursuant to Section 30413(e), but is completely discretionary of the part of the CCC.

The Coastal Act also provides that "[c]oastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted as reasonable long-term growth where consistent with [the Coastal Act]" (PRC Section 30260.) The HBEP will be located entirely within the footprint of the existing Huntington Beach Generating Station, which remains coastal-dependant. Section 30264 of the Coastal Act states that "new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the [CEC] to have greater relative merit... than available alternative sites and related facilities for an applicant's service area..." (PRC Section 30264).

Public Resources Code section 30101 defines "Coastal-dependent development or use" as "any development or use which requires a site on, or adjacent to, the sea to be able to function at all." Locating the HBEP and its associated facilities/features on-site at the existing Huntington Beach Generating Station allows the HBEP to utilize the plant's infrastructure (natural gas supply lines and electricity transmission lines), thereby avoiding off-site construction of new linear facilities. Constructing the HBEP on this site would avoid the need to develop in areas of Huntington Beach or Orange County unaccustomed or unsuited to this type of industrial development. In addition, by replacing existing Huntington Beach Generating Station's Units 1, 2, and 5 the HBEP would enhance the marine environment by eliminating the use of seawater for once through cooling.

Public Resources Code section 30255 provides: "Coastal-dependent developments shall have priority over other developments on or near the shore line. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support."

The Coastal Act read as a whole calls for a balance between resource protection and economic interests:

#### Section 30001.2 Legislative findings and declarations; economic development

The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments

in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

#### Section 30001.5 Legislative findings and declarations; goals

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

A final avenue of Coastal Act compliance is found in Section 30264 of the Act:

Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413 , new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.

HBEP is located at the existing Huntington Beach Generating Station, which is a "coastal dependent use" pursuant to the Coastal Act, inasmuch as it uses once-through cooling technology. Coastal dependent uses are encouraged to expand "within existing sites and shall be permitted reasonable long-term growth where consistent with this division." (Pub. Resources Code, § 30260).

HBEP, proposed inside the existing boundaries of the Huntington Beach Generating Station site, is consistent with the Coastal Act policy that prefers onsite expansion of existing power plants to development of new power plants in undeveloped areas of the Coastal Zone. The existing Huntington Beach Generating Station property is zoned for public utility use and has been previously developed in its entirety for industrial uses. Construction of HBEP on the site of an existing industrial property with access to existing power infrastructure, has greater relative merit to development of a power plant at an alternative site. Therefore, HBEP is consistent with Section 30260 of the Coastal Act. Although Public Resources Code section 30255 gives "priority" to coastal dependent development, it does not prohibit development that is not coastal dependent.

#### ***Environmentally Sensitive Habitat Areas***

Public Resources Code section 30240 (b) provides: "Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."

The Huntington Beach Wetland Preserve / Magnolia Marsh Wetland is adjacent to the HBEP site, and there are several recreational resources within 1 mile of the HBEP site. Section 5.2, Biological Resources, provides a detailed analysis HBEP's compliance with this Coastal Act requirement. Section 5.13, Visual Resources, addresses HBEP's visual impacts on surrounding land uses (including recreational resources), and how HBEP would comply with this section of the Coastal Act.

From a land use perspective, HBEP construction and operation would not significantly impact environmentally sensitive habitat areas and parks, including the Huntington Beach Wetland Preserve / Magnolia Marsh Wetland and the recreational facilities adjacent to the existing Huntington Beach Generating Station site, because HBEP

would be entirely within the fenced perimeter of the existing Huntington Beach Generating Station, which is an existing power plant facility.

Lastly, Section 30212(a) of the Coastal Act provides: “Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby; or (3) agriculture would be adversely affected...” Here, Pacific Coast Highway, which is between the existing Huntington Beach Generating Station and Huntington State Beach, already provides adequate access to the sea. Because HBEP will occupy a portion of the longstanding existing Huntington Beach Generating Station industrial facility, whose fence lines will not change in a way to deny access to the shoreline, HBEP is consistent with Coastal Act access policies.

The existing Huntington Beach Generating Station property is zoned for public utility use and has been previously developed in its entirety for industrial uses. Construction of HBEP on the site of an existing power plant has greater relative merit to development than an alternative site. In addition, there are no available alternative sites within the city of Huntington Beach, which are zoned for public utility use and which are located outside of the coastal zone.

### 5.6.6.2.3 California Land Conservation Act (Williamson Act)

The California Land Conservation Act of 1965, commonly known as the Williamson Act, was enacted to encourage preservation of agricultural lands. The main purposes of the Williamson Act are to preserve agricultural land and to encourage open space preservation and efficient urban growth. The Williamson Act provides incentives to landowners through reduced property taxes to create an agricultural preserve and agree to keep their land in agricultural production (or another compatible use) for at least 10 years. Maps, statistics, and reports on Williamson Act lands are available online. The existing Huntington Beach Generating Station property is not designated as preserved agricultural lands under the Williamson Act.

### 5.6.6.3 Local LORS

Land use provisions that are included in every California city and county General Plan (California State Planning Law, Government Code Section 65302 et seq.) reflect the goals and policies that guide the physical development of land in their jurisdiction. The city and county zoning ordinances are enforced by their respective planning and building departments. Table 5.6-8 lists the LORS, the agencies that administer them, and the AFC section that discusses the project’s conformance with the LORS. As discussed in Section 5.6.1.5.2, the temporary offsite construction laydown area will be consistent with the City of Long Beach’s zoning regulations, and be considered an allowable use within Subarea 19, therefore comprehensive analysis of City of Long Beach land use plans and policies are not included in this analysis of the offsite construction laydown area at the AGS that will serve HBEP.

TABLE 5.6-8  
Laws, Ordinances, Regulations, and Standards for Land Use

LORS	Requirement/Applicability	Administering Agency	AFC Section Explaining Conformance
<b>State</b>			
CEQA California PRC, Sections 21000-21178.1, including Guidelines for implementation of CEQA are codified in the CCR Sections 15000-15387	Establishes policies and procedures for review of proposed power plants in California.	CEC	Section 5.6.3
Warren-Alquist Act (PRC Section 25000 et seq.)	Establishes policies and procedures for review of proposed power plants greater than 50 MW in California.	CEC	Section 5.6.6.2.1
California Coastal Act (California PRC, Division 20, Sections 30000-30900)	Establishes policies to guide orderly development within California’s coastal zone.	California Coastal Commission, Energy Unit	Section 5.6.6.2.2.

TABLE 5.6-8  
**Laws, Ordinances, Regulations, and Standards for Land Use**

LORS	Requirement/Applicability	Administering Agency	AFC Section Explaining Conformance
California Lands Conservation Act (Williamson Act)	Preserves agricultural land and to encourages open space preservation and efficient urban growth.	Natural Resources Conservation Service (NRCS)	Section 5.6.6.2.3
<b>Local</b>			
City of Huntington Beach General Plan (1996, 2001)	Comprehensive long-range plan to serve as the guide for the physical development of the city.	City of Huntington Beach Planning Division	Section 5.6.2.3, Table 5.6-6
City of Huntington Beach Municipal Code (2006)	Establishes zoning districts governing land use and the placement of buildings and district improvements.	City of Huntington Beach Planning Division	Section 5.6.2.4, Table 5.6-6
City of Long Beach General Plan (1989)	Sets forth the goals, policies and directions the City will take in managing its future.	City of Long Beach Planning Division	Section 5.6.2.4.1
City of Long Beach Zoning Ordinance (2012)	Regulates land use development within the City.	City of Long Beach Planning Division	Section 5.6.2.4.2

### 5.6.7 Agencies and Agency Contacts

Agencies and agency contacts related to land use are provided in Table 5.6-9.

TABLE 5.6-9  
**Agency Contacts for Land Use**

Issue	Agency	Contact Person	Date of Initial Contact
Planning & Land Use	City of Huntington Beach, Planning Division	Jane James, Senior Planner 2000 Main Street 3rd Floor Huntington Beach, CA 92648 714-536-5596 jjames@surfcity-hb.org	March 19, 2012
Building Permits	City of Huntington Beach, Building & Safety Division	Mark Carnahan, Inspection Manager 2000 Main Street 3rd Floor Huntington Beach, CA 92648 (714) 374-1792 mcarnahan@surfcity-hb.org	N/A

### 5.6.8 Permits and Permit Schedule

Except as identified in other sections of this AFC that apply to air quality, water quality, and roadways, because of the exclusive jurisdiction of the CEC, no other discretionary land use-related permits are required for the HBEP.

### 5.6.9 References

California Coastal Commission (CCC). 2011. Coastal Commission Program Overview. Accessed online at: <http://www.coastal.ca.gov/whoweare.html>.

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- City of Huntington Beach. 1996. Zoning and Subdivision Ordinance of the City of Huntington Beach. Accessed online at: [http://www.huntingtonbeachca.gov/government/elected\\_officials/city\\_clerk/zoning\\_code/](http://www.huntingtonbeachca.gov/government/elected_officials/city_clerk/zoning_code/).
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