

STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 01-AFC-24
	)	
Application for Certification of the	)	COMMISSION STAFF'S
Palomar Energy Project	)	INITIAL BRIEF
	)	(UNCONTESTED TOPICS)
_____	)	

The Energy Commission staff ("staff") offers its Initial Brief following the April 8 Evidentiary Hearing on uncontested topics. Those uncontested topics are:

- Compliance
- Cultural Resources
- Geological/Paleontological Resources
- Facility Design
- Hazardous Materials
- Noise and Vibration
- Power Plant Reliability
- Power Plant Efficiency
- Project Description
- Socioeconomics
- Traffic and Transportation
- Transmission System Engineering
- Transmission Line Safety and Nuisance
- Waste Management
- Worker Safety and Fire Protection

The record in the above topic areas except Traffic and Transportation was closed at the conclusion of the April 8 Evidentiary Hearing.

Following a review of the record, we recommend that the Committee adopt the conclusions and conditions proposed in the Final Staff Assessment (Exhibit 50) and Addendum (Exhibit 51) for the above topic areas except Traffic and Transportation.

The record regarding Traffic and Transportation was not closed in order to allow for additional discussion of construction traffic mitigation of the business park with representatives of the City of Escondido at the April 28 hearing on contested topics. We therefore reserve the right to provide further comment, if necessary, following the close of that hearing.

On the adequacy of mitigation of the Palomar Energy Project's (PEP) traffic impacts, specifically traffic flow on existing streets, staff believes that the proposed conditions of certification reduce the potential environmental impacts of the project to below a level of significance. The CEQA Guidelines provide:

(a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(c). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

...

(3) An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

(Cal. Code Regs., tit. 14, §15130(a), emphasis added.) The proposed conditions of certification contained in Exhibit 50, as revised by Exhibits 51 and 51A, would mitigate the potential direct and cumulative traffic flow impacts of the PEP by requiring:

- A construction traffic control plan addressing “measures and incentives to maximize employee ridesharing; timing of heavy equipment and building materials deliveries; detour of construction traffic with a flagperson; signing, lighting, and traffic control device placement necessary to provide safe travel through work zones; establishment of construction work hours and arrival/departure times outside of peak traffic periods; methods for insuring access for emergency vehicles to the project site; provisions for temporary travel lane closure if necessary for traffic safety; and maintaining access to adjacent residential and commercial property during the construction of all linear facilities related to the project.” (TRANS-5)
- A “plan approved by the City Engineer of the City of Escondido to implement mitigation measures at the Citracado Parkway/Vineyard Avenue intersection consistent with the requirements of the City of Escondido’s Conditions of Approval for the ERTC Specific Plan.” (TRANS-6)
- Contribution of the “fair share” cost of a traffic signal at the Country Club Drive/Citracado Parkway intersection and inclusion of specific measures to mitigate construction traffic impacts on that intersection into the plan required under condition TRANS-6. (TRANS-8)

The measures required by TRANS-5, TRANS-6, and TRANS-8 would substantially reduce the project’s direct impacts to traffic. In addition, the three conditions would compensate for PEP’s contribution to potentially significant cumulative impacts to traffic associated with development of the entire industrial park in which PEP is proposed to be located. TRANS-6 and TRANS-8, in particular, would require the applicant to pay its share of the cost of a needed traffic signal and install its share of measures consistent with the City’s Specific Plan and traffic mitigation for the industrial park. Thus, in this case, the operational and construction traffic impacts, after the application of the above

mitigation measures, would be less than cumulatively considerable. Therefore staff has concluded that the traffic impacts of the PEP are not significant.

Staff will offer its overall recommendations regarding this application in its briefs following the close of the Evidentiary Hearings on contested topics scheduled for April 28 and 29.

DATED: April 21, 2003

Respectfully submitted,

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PAUL A. KRAMER JR  
Staff Counsel