



Agenda Item # \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Wilson and Members of the City Council

**FROM:** Robert V. Wadden Jr., City Attorney  
Laurie Jester, Senior Planner

**DATE:** January 18, 2005

**SUBJECT:** Report on El Segundo Power Project

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### **RECOMMENDATION:**

Staff recommends that the City Council receive and file this report.

### **FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

### **BACKGROUND:**

When it was announced that the owners of the El Segundo power plant were seeking to expand its capacity the City Council, in response to the concerns of neighboring residents, assigned staff to oversee and participate in the approval process to ensure that Manhattan Beach residents were adequately protected.

### **DISCUSSION:**

On December 23, 2004 the California Energy Commission adopted, with minor changes, the decision proposed by the three member committee assigned to review the El Segundo Power Redevelopment Project. The decision rejected the recommendations of the California Coastal Commission, Heal The Bay, Santa Monica Baykeeper, Energy Commission staff and several others who urged that marine biology testing be completed before construction was authorized. The decision did require a monetary contribution by the applicant to a Santa Monica bay-wide study of environmental conditions. However, this study would not be site specific to the renovated plant and would be completed after construction on the project is commenced and would thus have no impact on the design or operation of the facility.

Neither the proposed committee decision nor the final approval modified the conditions advanced by Manhattan Beach on behalf of its residents. These included conditions regarding hours of construction, access routes to the construction site, the complaint process, ambient noise standards, noise measurement methodology, noise limits, applicable noise regulations, use and rehabilitation of the tank farm site adjacent to the plant (the project calls for the tank farm structures to be eliminated), landscaping and placement of a berm around portions of the site. These conditions are spelled out with great specificity in the final approval with both the City and the applicant having given considerable input as to the exact wording of each condition. Energy Commission staff will be responsible for monitoring compliance with these conditions, however in most cases City staff

will be notified of potential violations. City staff will also have the opportunity to review plans for certain elements of the project (e.g. landscaping plans and the tank farm renovation) and comment on them.

Certain intervenors were dissatisfied with the Commission's decision to not require marine biology testing prior to construction. These parties (including the Heal The Bay) are seriously considering litigation to challenge this aspect of the decision. The Coastal Commission has formally announced that it will not participate. They will have thirty days from the date of the decision to initiate legal action. The California Supreme Court would have original jurisdiction for any case brought to contest an Energy Commission decision.