

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-07-0053
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AFFIRMING THE ADOPTION BY
5 THE BOARD OF HARBOR COMMISSIONERS OF AND
6 ALSO ADOPTING THE NEGATIVE DECLARATION FOR
7 THE LONG BEACH GENERATION STATION
8 EMERGENCY REPOWERING PROJECT AND MAKING
9 FINDINGS RELATING THERETO
10

11 WHEREAS, the Board of Harbor Commissioners of the City of Long Beach
12 (“Board”) at its meeting of April 2, 2007 adopted Resolution No. HD-2358, a copy of
13 which is attached hereto and incorporated by this reference, wherein the Board, among
14 other things, adopted the Negative Declaration for the Long Beach Generation Station
15 Emergency Repowering Project (“Project”).

16 WHEREAS, Californians for Renewable Energy (CARE) (including their
17 members or officers Michael Boyd and Lynne Brown) and Coalition for a Safe
18 Environment (CFASE) (including their members or executive director Jesse Marquez,
19 Gabrielle Weeks, and Tom Politeo) (collectively, “Appellants”) appealed the adoption of
20 the subject Negative Declaration pursuant to Public Resources Code Section 21151(c)
21 and Long Beach Municipal Code Section 21.21.507; and

22 WHEREAS, the appeal was placed on the City agenda of the City Council
23 and Appellants had notice and opportunity to be heard.

24 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
25 follows:

26 Section 1. The City Council hereby finds on the basis of the whole record
27 before it that there is no substantial evidence that the Project will have a significant effect
28 on the environment and that the Negative Declaration reflects the Board’s independent

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1 judgment and analysis as lead agency under the California Environmental Quality Act.

2 Sec. 2. Based on the above recitals, findings, and determinations, the City
3 Council hereby affirms the adoption by the Board of Harbor Commissioners of and also
4 adopts the Negative Declaration for the Long Beach Generation Station Emergency
5 Repowering Project and rejects the appeals of all Appellants in their entirety.

6 Sec. 3. The Managing Director of Environmental Affairs and Planning for
7 the Harbor Department, whose office is located at 925 Harbor Plaza, Long Beach,
8 California 90802, is hereby designated as the custodian of the documents and other
9 materials which constitute the record of proceedings upon which the City Council's
10 decision is based, which documents and materials shall be available for public inspection
11 and copying in accordance with the provision of the California Public Records Act
12 (Government Code Section 6250 et seq.).

13 Sec. 4. The Managing Director of Environmental Affairs and Planning for
14 the Harbor Department shall file a notice of determination with the County Clerk of the
15 County of Los Angeles and with the State Office of Planning and Research.

16 Sec. 5. This resolution shall take effect immediately upon its adoption by
17 the City Council, and the City Clerk shall certify to the vote adopting this resolution.

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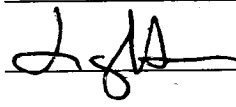
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I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Long Beach at its meeting of April 24, 2007 by the following vote:

Ayes: Councilmembers: B. Lowenthal, S. Lowenthal,
DeLong, O'Donnell, Schipske,
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.


City Clerk

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RESOLUTION NO. HD- 2358

A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH ADOPTING A NEGATIVE DECLARATION AND APPLICATION SUMMARY REPORT FOR THE LONG BEACH GENERATION STATION EMERGENCY REPOWERING PROJECT, APPROVING THE PROJECT, AND MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATIVE THERETO

RECEIVED
CITY CLERK
LONG BEACH, CALIF.
07 APR -3 AM 10:36

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-1200

WHEREAS, the City of Long Beach, acting by and through its Board of Harbor Commissioners ("Board"), as lead agency under the California Environmental Quality Act ("CEQA") and as the permitting authority under the California Coastal Act, caused the preparation of a Negative Declaration ("ND") and Application Summary Report ("ASR") describing the Long Beach Generation Emergency Repowering Project ("Project") and discussing the environmental impacts resulting therefrom; and

WHEREAS, the purpose of the Project is to meet the demand for electricity during peak electricity use events by partially repowering the existing Long Beach Generation Station; and

WHEREAS, the Project is a permitted use under the Port Master Plan for the Terminal Island Harbor Planning District; and

WHEREAS, the Project is consistent with the goals and objectives for this District, including utilities; and

WHEREAS, the Board on February 12, 2007 issued the ND/ASR for public and agency comments; and

WHEREAS, the comment period for the ND/ASR closed on March 14, 2007 and comments were received; and

1 WHEREAS, the Board has reviewed and considered the ND and ASR,
2 and any communications regarding the ND/ASR.

3 NOW, THEREFORE, the Board of Harbor Commissioners of the City of
4 Long Beach resolves as follows:

5 Section 1. Findings - Preparation and Review of Negative Declaration
6 and Application Summary Report. The Board finds as follows:

7 1.1 The ND and ASR for the Project were prepared by staff for the
8 Board.

9 1.2 The ND/ASR was issued on February 12, 2007 to responsible
10 agencies and interested persons.

11 1.3 The comment period closed on March 14, 2007 and comments
12 were received.

13 1.4 A copy of the ND and ASR are available for inspection in the
14 office of the Managing Director of Environmental Affairs and Planning and are by
15 this reference made a part hereof.

16 1.5 Members of the Board have been provided copies of the ND
17 and ASR and related documents. The Board has reviewed and considered the
18 information contained in these documents together with any communications
19 regarding these documents prior to approval of this resolution.

20 Sec. 2. Findings - Conformity with Port Master Plan. The Board finds on
21 the basis of the whole record before it that the Project is in conformity with the Port
22 Master Plan, as a permitted use consistent with the goals and objectives of the Plan.

23 Sec. 3. Findings - No Significant Effect and Independent Judgment. The
24 Board finds on the basis of the whole record before it that there is no substantial
25 evidence that the Project will have a significant effect on the environment and that the
26 ND/ASR reflects the Board's independent judgment and analysis as lead agency under
27 the California Environmental Quality Act.

28 Sec. 4. Adoption and Approvals. Based on its review and consideration

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 of the ND/ASR, all written and oral communications regarding the Project which have
2 been submitted to and received by the Board, and the findings and determinations set
3 forth above, the Board:

4 4.1 Adopts the ND/ASR, including the special conditions set forth
5 therein.

6 4.2 Approves the Project.

7 4.3 Approves the issuance of a Level II Harbor Development
8 Permit pursuant to the California Coastal Act, certified Port Master Plan, and
9 Article XII, Section 1215 of the Long Beach City Charter.

10 Sec. 5. Location and Custodian of Record Proceedings. The Managing
11 Director of Environmental Affairs and Planning of the Long Beach Harbor Department,
12 whose office is located at 925 Harbor Plaza, Long Beach, California 90802, is hereby
13 designated as the custodian of the documents and other materials which constitute the
14 record of proceedings upon which the Board's decision is based, which documents and
15 materials shall be available for public inspection and copying in accordance with the
16 provisions of the California Public Records Act (Cal. Government Code Sec. 6250 et
17 seq.)

18 Sec. 6. Notice of Determination. The Managing Director of
19 Environmental Affairs and Planning shall file a Notice of Determination with the County
20 Clerk of the County of Los Angeles.

21 Sec. 7. Certification, Posting and Filing. This resolution shall take effect
22 immediately upon its adoption by the Board of Harbor Commissioners, and the
23 Secretary of the Board shall certify to the vote adopting this resolution and shall cause
24 a certified copy of this resolution to be filed forthwith with the City Clerk. The City Clerk
25 shall post the resolution in three conspicuous places in the City of Long Beach.

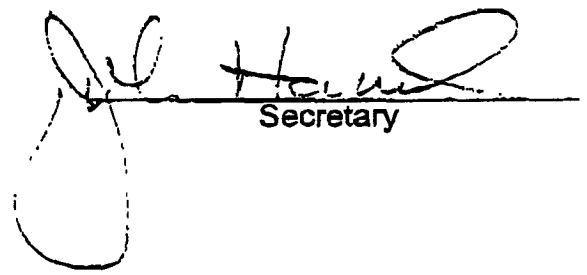
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Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-1664
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I hereby certify that the foregoing resolution was adopted by the Board of Harbor Commissioners of the City of Long Beach at its meeting of April 2, 2007 by the following vote:

Ayes:	Commissioners:	<u>Topsy-Elvord, Hancock,</u>
		<u>Cordero, Hankla</u>
Noes:	Commissioners:	_____
Absent:	Commissioners:	<u>Walter</u>
Not Voting:	Commissioners:	_____



Secretary

Robert E. Sheehan
 City Attorney of Long Beach
 333 West Ocean Boulevard
 Long Beach, California 90802-4664
 Telephone (562) 570-2200

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 RESOLUTION [03/29/07]