



# Monterey County Planning Commission

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Agenda Item No. 3

July 29, 2020

Legistar File Number: PC 20-044

**Introduced:** 7/20/2020

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

### **PLN190253 - DYNEGY MOSS LANDING LLC (VISTRA ENERGY)**

Public hearing to consider the installation of a 1,200-megawatt (MW) battery energy storage system (BESS), comprised of constructing of four (4) two-story buildings totaling of 391,200 square feet, installation of up to 500 inverters and converters, placement of two (2) substations totaling 92,000 square feet, and up to four (4) 150-foot monopole towers and one (1) 100-foot dead-end 500-kilovolt tower, on the Moss Landing Power Plant site.

**Project Location:** 11283 Dolan Road, Moss Landing, North County Land Use Plan, Moss Landing Community Plan, Coastal Zone

**Proposed CEQA action:** Adopt an Initial Study/Mitigated Negative Declaration that was prepared and circulated.

### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

1. Adopt a Mitigated Negative Declaration for the Dynegy Moss Landing LLC (Vistra Energy project), dated May 15, 2020;
2. Approve a Coastal Administrative Permit to establish a 1200-megawatt (MW) battery energy storage system including:
  - a. Construction of four (4) two-story buildings totaling 391,200 square feet: Building 1 - 106,500 square feet/300-MW; Building 2 - 94,500 square feet/300-MW, Building 3 - 66,000 square feet/300-MW; and Building 4 - 124,200 square feet/300-MW.
  - b. Installation of up to 500 inverters and converters.
  - c. Placement of two (2) substations totaling 92,000 square feet: (Substation 1 - 32,000 square feet and Substation 2 - 60,000 square feet) which include installation of up to four (4) 150 foot monopole towers and a 100-foot dead-end 500-kv tower.
  - d. Grading of 124,000 cubic yards of cut.
3. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Program.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval of the project subject to 14 conditions of approval including three (3) mitigation measures.

### PROJECT INFORMATION:

**Agent:** Eric Cherniss

**Owner:** Dynegy Moss Landing LLC (Vistra Energy)

**APN:** 133-181-011-000

**Zoning:** HI (CZ)

**Parcel Size:** 137.5 acres

**Plan Area:** North County Land Use Plan, Moss Landing Community Plan, Coastal Zone  
**Flagged and Staked:** No

SUMMARY:

The subject property is a 137.5 acre parcel located in Moss Landing's industrial area, located within the Moss Landing Power Plant site (MLPP). Adjoining the property to the north is PG&E's electric transmission operations and maintenance headquarters, and to the south is Dolan Road and the Moss Landing Business Park. Moss Landing Harbor lies west of the property on the other side of Highway 1. See **Exhibit D**.

In 2019, Monterey County prepared an Initial Study-Mitigated Negative Declaration (IS-MND) for a different battery storage project on the same site, (Duke Energy - PLN180394). Similarly, that project included installation of battery modules within the previous MLPP turbine building; a power conversion system and transformers, and a new substation building.

The subject project will expand the capability of the existing storage facility, by installing a 1,200-megawatt (MW) standalone lithium ion Battery Energy Storage System (BESS). This includes construction of four (4) new operational buildings totaling approximately 391,200 square feet. Each building will house a 300-MW battery energy storage unit, with associated conversion systems adjacent to the building. Two substations are also proposed as a part of the overall BESS. All of the work proposed through this subject project is contained within the previously disturbed, paved areas of the site.

An Initial Study/Mitigated Negative Declaration was prepared and circulated for this project. Potential impacts to air quality, biological resources, tribal cultural resources and transportation caused by temporary construction activities and site excavation resulting from project implementation have been identified and mitigation measures have been recommended to reduce these impacts to a less than significant level.

During circulation of the IS/MND, public comments were received requesting additional information regarding topics such as potential impacts to birds, visual impacts, site plan details, hauling of construction debris, and consistency with the Local Coastal Program. Pursuant to CEQA Guidelines, staff has added clarification and/or amplification to the previously circulated IS/MND to address these questions.

DISCUSSION:

The purpose of the project is to support renewable energy initiatives established by the State of California; specifically, to reduce the loss of energy procured from alternative energy sources, such as wind and solar, and aid in providing consistent reliable energy on demand. This would occur through storage of power during off peak use times and dispersing that power back to the electrical grid for use during high peak use times.

The project is intended to expand the capacity of the previously approved BESS on the site. It is considered a separate project as proposed components would be constructed on the same site but not

within the same footprint as the previous BESS project (see plans in **Exhibit C**). The project is comprised of the following:

- Batter Energy Storage Modules: Construction of four (4) two-story buildings totaling 391,200 square feet (sf) in size (Building 1 - 106,500 sf, Building 2 - 94,500, Building 3 - 66,000 sf, Building 4 - 124,200 sf). Each building will house up to 125 battery modules at 300-MW (approximately 500 battery modules);
- Power Conversion System: Installation of up to 500 inverters and transformer groups outside and adjacent to the battery energy storage;
- Substation: Two (2) substations totaling 92,000 sf [Substation 1 - 32,000 sf (Expansion) and Substation 2 - 60,000 (new)]; and
- Transmission Improvements: Installation of up to (4) new monopoles at a height of 150 feet each above ground and 50 feet below ground. Installation of a dead-end tower at a height of 100 feet above ground and 50 feet below ground.

The battery energy storage modules, power conversion systems, and substations are further described in **Exhibit B**.

Each BESS would have three major components: battery energy storage modules, power conversion system, and a substation. Energy storage is achieved through the following process:

1. The substation receives renewable energy from the electrical grid;
2. The energy is processed through the power conversion system; and
3. The energy is stored within the battery energy storage modules until is needed.

Ultimately, when the stored energy is needed, it is routed out from the battery energy storage modules, through the power conversion system and substation, and back into the electrical transmission grid for use.

### **Land Use**

Development of the property is subject to the policies and regulations contained in the 1982 General Plan (General Plan), North County Land Use Plan (NC LUP), Moss Landing Community Plan (MLCP), the Coastal Implementation Plan, Part 2 (CIP), and the Monterey County Zoning Ordinance (Title 20). Zoning of the property is Heavy Industrial, Coastal Zone which allows uses accessory to established industrial uses. As explained above, the project is for establishment of four new BESS within an existing energy/industrial site that will support the efficient storage and use of electricity. Therefore, the project is consistent with the land use designation and zoning. The project has been found to be consistent with NC LUP, MLCP, and CIP policies and regulations for such development and no issues remain.

Construction, including asphalt removal and grading, would result in a temporary increase to traffic in the area. Consistent with the MLCP and CIP, this traffic will avoid Highway 1 and use the existing primary access along Dolan Road. This routing has been included in a Construction Management Plan as a condition of project approval.

Consistent with biological policies and regulations contained in the NC LUP and CIP the proposed project is not within an area of known environmentally sensitive habitat areas such as riparian corridors, wetlands, dunes, sites of known rare and endangered species, rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery. Based on previous discussions with the

California Department of Fish and Wildlife, they have record of special status species such as Peregrine Falcon, California Tiger Salamander and Santa Cruz Long-Toed Salamander occurring within the area. Therefore, the applicant provided a biological report that identifies potential impacts to these resources and the development includes a mitigation measure and standard condition of approval to reduce any potential impact to a less than significant level.

#### *Coastal-Dependent*

MLCP Figure 2 identifies the land use designation for the subject property as a Heavy Industrial - Coastal Dependent. MLCP Section 5.2.1.A - Coastal Dependent Industry, describes existing industries in Moss Landing and states that they “are generally dependent for their existence upon a location near the coastline, and as such are considered ‘coastal dependent’. These industries include commercial fishing, aquaculture, energy facilities and manufacturing facilities.” This section recognizes that coastal dependent facilities shall be encouraged to expand within existing sites, and shall be allowed for growth consistent with the protection of the area’s natural resources. MLCP Section 5.2.1.A.2 identifies full buildout of the Moss Landing Power Plant and refers to policies contained in MLCP Section 5.5 for upgrading energy facilities. CIP Section 20.144.160.C.1.a states that coastal dependent industrial facilities should be encouraged to expand within existing sites before off-site expansion shall be considered. The project proposes is to establish a BESS and supporting infrastructure fully within the existing industrial site, and in support of energy facilities. The power conversion system and substation will be located adjacent to the newly constructed buildings within a paved and previously disturbed area. Since the MLCP identifies energy facility as coastal dependent; the project, as proposed, is consistent with land use requirements for energy facilities and industrial development within the MLCP.

#### **Design Review**

The subject property is not located within a Design Control Zoning District; however, NC LUP Chapter 5.6, MLCP - Visual Resources and Community Character provides policies for protection of scenic and visual resources of the area, specifically in the Public Viewshed. These policies are implemented through regulation contained in CIP Section 20.144.160.D. A project site is considered to be in the Public Viewshed if any portion of the proposed development is visible from or impedes the visual access to the Moss Landing Community, harbor and dunes from Highway 1 or any other public viewing area. The project is located adjacent to and east of Highway 1. An onsite inspection was performed and it was determined that site improvements would not be visible from and would not impede views of the community, harbor, or dunes from Highway 1, because it is located east of Highway 1. Based on visual simulations provided, the new structures proposed as part of the project would not be visible from off-site locations, with the exception of views facing north from Dolan Road (partially visible through trees), and facing east from Highway 1. However, adjacent to these proposed structures are four (4) 145-foot kV transmission towers and other associated infrastructures. The proposed structure would be consistent and blend with the existing development. Further, as illustrated in **Exhibit B**, there are existing industrial facilities including a three-story building approximately 75-feet in height, two 500-foot smokestacks, four 145-foot smokestacks, existing 100-foot 500 kV and 230 kV transmission towers, and other associated infrastructure. Therefore, the addition of the project would be consistent with the existing visual character and quality of the project site. Existing development on the property is related to power generation and transmission and is industrial in character. The proposed development will not change the industrial character of the site.

### **California Environmental Quality Act (CEQA)**

An Initial Study/ Mitigated Negative Declaration or “IS/MND” (**Exhibit E**) was prepared and circulated for public review. The IS/MND identified potential impacts to air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, hazard/hazardous materials, hydrology and water quality, transportation and tribal cultural resources. These potential impacts were determined to be a less than significant impact, or less than significant with mitigation measures, as briefly discussed below and within the attached Detailed Discussion (**Exhibit B**).

The public review comment period was from May 15, 2020 through June 15, 2020. A comment from the California Department of Transportation (Caltrans) was received appreciating the initiatives to reduce the amount of vehicle trips and prohibit the use of Highway 1 for access. Caltrans requested that a monitoring plan or report be incorporated for the duration of the project. The project has been conditioned for the applicant to submit a Final CMP (Condition No. 10) that requires the applicant to monitor and report on compliance with the CMP traffic initiatives. Another comment was received from Molly Erickson with Stamp Erickson expressing concerns related to whether the project was coastal-dependent, if the transmission towers were existing, the details/location of the proposed monopoles, whether there is proposed exterior lighting and if a bird flying analysis was done. As described above, the MLCP identifies energy facilities to be coastal-dependent and expansions are encouraged within the existing site. As such, the proposed project is a BESS to obtain, convert and store energy from the electrical grid until it is ready for use to disperse back onto the grid. The project will be within an existing industrial site, with ground disturbance within previously disturbed areas. Further, as discussed and illustrated in **Exhibit B and C**, there are existing transmission towers, some of which are proposed to be removed and replaced with up to four (4) monopoles. The monopoles are proposed to be at a height of approximately 150 feet above ground and 50 feet depth below ground. There is no proposed exterior lighting on the existing transmission towers and proposed monopoles. Exterior motion sensor lighting is planned on the proposed buildings and substation area for egress and ingress. The lighting would be consistent compared to the existing industrial site. A standard condition of approval has been applied to the project to ensure the lighting chosen is downlit and in compliance with County requirements. Further, upon analysis of development on the existing site, a bird-flying analysis was not required. As illustrated in the **Exhibit B and C**, the site has existing transmission towers and transmission lines that run from the north and south of the property within the development area. There is an existing 100-foot 500 kV transmission tower with transmission lines in the area where the monopoles and transmission lines are proposed. Staff found that based on the existing site conditions, the proposed monopoles and transmission lines would not create a new impact to birds flying in the area.

Based on the comments received, staff amplified and/or clarified information within the IS/MND. A redline version of these changes are shown in **Exhibit E**. Pursuant to Section 15073.5 (c), recirculation was not required for such revision as the information did not result in an environmental impact not already identified nor did the information create any new environmental impacts or mitigation measures.

A more detailed discussion of the project has been included as **Exhibit B**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

Environmental Health Bureau  
RMA-Public Works  
RMA-Environmental Services  
North County Fire Protection District  
Cal-Trans  
California Department of Fish and Wildlife

LAND USE ADVISORY COMMITTEE:

The project was referred to the North County Land Use Advisory Committee (LUAC) for review on October 16, 2019. The LUAC recommended approval of the project as proposed with a vote of 7 to zero, with one member absent (**Exhibit G**).

Prepared by: Jacquelyn M. Nickerson, Management Analyst I, Ext. 5240  
Reviewed by: Craig Spencer, RMA Planning Services Manager  
Approved by: John M. Dugan, FAICP RMA Deputy Director of Land Use and  
Development Services

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet  
Exhibit B - Detailed Discussion  
Exhibit C - Draft Resolution, including:

- Conditions of approval
- Site plans

Exhibit D - Vicinity Map  
Exhibit E - Initial Study/Mitigated Negative Declaration (Redline Version)  
Exhibit F - Initial Study/Mitigated Negative Declaration (Clean Version)  
Exhibit G - North County LUAC Minutes  
Exhibit H - Public Comments on Initial Study/Mitigated Negative Declaration

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Brandon Swanson, Acting Chief of Planning; Craig Spencer, Acting RMA Planning Manager; Eric Cherniss, Vistra Energy, Agent; Dynegy Energy Moss Landing LLC, Owner; Sheila Sannadan, Interested Party; Kevin Vickers, Interested Party; Navi Dhillon, Interested Party; Christopher Carr, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190253