

DYNEGY – MORRO BAY: Laws, Ordinances, Regulations and Standards (“LORS”) That Conflict with Alternative Cooling Options at Morro Bay Power Plant

Policy #	Policy Text	Why Alternative Cooling Is Not Consistent with Program, Policy or Regulation
California Coastal Act (PRC Section 30000 et seq.) (“CCA”)		
CCA 30253(c)	New development shall “be consistent with the requirements imposed by an air pollution control district or the State ARB as to each particular development.”	The additional PM10 emissions from wet cooling towers will not meet local Air District requirements.
CCA 30251	The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.	The additional cooling towers would have significant negative impacts on the views of Morro Rock, from visitor serving areas in Morro Bay, and would not be subordinate to the setting.
City Of Morro Bay – General Plan		
II. Land Use, Open Space and Conservation Easements		
Sensitive Lands and Open Space		
GP Program LU-39.1	Power plant expansion shall be limited to small facilities whose location would not further affect the views of Morro Rock from State Highway One and high use visitor-serving areas, consistent with Policy 12.11 of the LCP.	The additional cooling towers would have significant negative impacts on the views of Morro Rock and from visitor serving areas in Morro Bay.
GP Program LU-39.4	In the areas designated for industrial land uses, Coastal-dependent uses shall have priority over non-coastal-dependent uses.	Conversion of MBPP to a non-OTC cooling technology would make MBPP a non-coastal dependent use.
GP Program LU-62.1	All developments at or adjacent to the harbor or beach areas shall provide for physical and visual public access to these features.	The additional cooling towers would have significant negative impacts on the views of Morro Rock and from visitor serving areas in Morro Bay.
City of Morro May – Coastal Land Use Plan (“LUP”)		
Chapter VII Energy / Industrial Development		
LCP Text	According to a California Energy Commission report entitled "Feasibility of Expansion of Existing Coastal Zone Power Plants". the power plant site is the minimal adequate for expansion of small	The additional cooling towers would have significant negative impacts on the views of Morro Rock and from visitor areas in Morro Bay.

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	facilities whose location would not further affect the unique view corridor of Morro Rock and the report indicates that conversion is unfeasible due to a variety factors. The study does conclude that expansion is feasible for a small scale facility utilizing either steam turbine, the existing generating system, combined cycle or combustion turbine. (LUP p. 107 & 109).	
LCP Policy 5.01	... Power plant expansion on PG&E owned property shall have priority over other coastal dependent industrial uses, Power plant expansion shall be limited to small facilities whose location would not further affect the views of Morro Rock from State Highway One and high use visitor-serving areas, consistent with Policy 12.11.	The additional cooling towers would create significant adverse impacts on the view of Morro Rock from visitor serving areas in Morro Bay.
LCP Policy 5.21	Substantial landscaping and screening to mitigate the visual impacts of existing and future facilities; with particular emphasis on screening the facilities located between the power plant and Highway One.	The additional cooling towers would create significant adverse impacts on the view of Morro Rock from visitor serving areas in Morro Bay.
Chapter XIII Visual Resources		
E. Visual Resources Policies		
LCP Policy 12.01	The scenic and visual qualities of coastal areas shall be considered and protected as a resource as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated on Figure 31 shall be subordinate to the character of its setting.	MBPP is designated on Figure 31 as an area of visual significance. The additional cooling towers would create significant adverse impacts on the view of Morro Rock and from visitor serving areas in Morro Bay.
LCP Policy 12.02	Permitted development shall be sited and designed to protect views to and along the coast and designated scenic areas and shall be visually compatible with the surrounding areas. Specific design criteria shall be established for the following areas: The Embarcadero (as defined in Policy 2.03) Downtown commercial area. The criteria shall include the following specific requirements and shall be applied to proposed projects on a case-by-case basis during	The additional cooling towers would create significant adverse impacts on the view of Morro Rock and from visitor serving areas in Morro Bay.

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	<p>architectural review:                  Building height/bulk relationship compatible with existing surrounding uses; landscaping to restore and enhance visually degraded areas using native and drought resistant plant and tree species; Preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock; Any other requirements applicable from Coastal Commission conceptual approval of the Urban Waterfront Restoration Plan.</p>	
LCP Policy 12.06	<p>New development in areas designated in Figure 31 as having visual significance shall include as appropriate the following:                  Height /bulk relationships compatible with the character of the surrounding areas or compatible with neighborhoods or special communities which, because of their unique characteristics, are popular visit destination points for recreation uses.                  Designation of land for parks and open space in new developments which because of their location are popular visitor destination points for recreation uses. View easements or corridors designed to protect views to and along the ocean and scenic and coastal areas.</p>	<p>MBPP is identified on Figure 31. The additional cooling towers would create significant adverse impacts on the view of Morro Rock and from visitor serving areas in Morro Bay. The cooling towers would introduce two large bulky obstacles to the coastal viewer and degrade view corridors.</p>
LCP Policy 12.11	<p>Industrial development shall be sited and designed in areas specifically designated in the Land Use Plan to protect views to and along the ocean and scenic coastal areas, to minimize land alteration, to be visually compatible with the character of the surrounding areas, and where feasible, shall include measures to restore and enhance visually degraded areas. In addition, industrial development shall be subordinate to the character of its setting.</p>	<p>The additional cooling towers would create significant adverse impacts on the view of Morro Rock and from visitor serving areas in Morro Bay.</p>
City Of Morro Bay Zoning Ordinance (Municipal Code Section 17) (“MC”)		
Coastal Dependent Industrial (M2) District)		
17.24.150	<p>Thermal power plant and support facilities which must be located on or adjacent to the sea in order to function (may be allowed with the appropriate permits and licenses)                  Conditional use permit is required                  Thirty foot building height limit. (for new construction only).</p>	<p>While the modernization and replacement project, as originally proposed in the AFC, complies with the height requirement, compliance of an air cooled or hybrid system could be challenged as the additional structures could be considered a new facility and therefore non-conforming due to the height limitation.</p>