

The City of West Palm Beach



OFFICE OF THE CITY ADMINISTRATOR

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West Palm Beach, Florida 33401

"The Capital City of the Palm Beaches"

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August 26, 2009

Cindy Mulkey
Engineering Specialist
Department of Environmental Protection
Siting Coordination Office
3900 Commonwealth Blvd.
Tallahassee, FL 32399

RE: Riviera Beach Energy Center;
City of West Palm Beach Agency Report

Dear ~~Mr. Halpin~~ *Ms. Mulkey*:

The City of West Palm Beach has reviewed Florida Power & Light's application for the site certification for the Riviera Beach Energy Center. Pursuant to Section 403.507, Florida Statutes, the City hereby submits the attached Agency Report with proposed conditions of certification in connection with the certification of the proposed site and associated facilities. The City represents that there are no City non procedural requirements not specifically listed in the application from which a variance, waiver, exemption or other relief is necessary in order for the proposed site and associated facilities to be certified.

Based upon the City's review and assessment of the application and the proposed conditions of certification, the City recommends approval of the Riviera Beach Energy Center.

If you have any questions or concerns, please contact Eric Schneider, the City's principal planner at (561) 822-1446, or Suzanne Payson, Assistant City Attorney, at (561) 822-1369.

Sincerely,

Dorritt Miller,
Deputy City Administrator

cc: Attached service list by e mail only

"An Equal Opportunity Employer"

CITY OF WEST PALM BEACH AGENCY REPORT FOR THE RIVIERA BEACH ENERGY CENTER

The City of West Palm Beach recommends approval of the certification of the site and associated facilities proposed, subject to the following conditions, which conditions shall be binding on the applicant, any owner of the site property, or their assigns.

Assessment

The proposed use of the property included within the Riviera Beach Energy Center Site Certification that is located within the City of West Palm Beach falls into two separate Future Land Use and Zoning categories. The proposed use of the property located north of 59th Street and west of North Flagler Drive, which has a Single Family (SF) Future Land Use and a Single Family Low Density (SF7) Residential zoning designation, as a landscape buffer is not inconsistent with the City of West Palm Beach ordinances. The use of the proposed use of the property located on the east side of North Flagler Drive at the terminus of 59th Street, which has a Multifamily (MF) Future Land Use and a Multifamily High Density (MF32) zoning designation, as a Manatee Viewing Center is not inconsistent with the City of West Palm Beach ordinances.

Conditions of Certification

1. Any contractor who will perform demolition or construction activity on property included within the Riviera Beach Energy Center Site Certification that is within the corporate limits of the City of West Palm Beach shall be registered to work in the City of West Palm Beach. {Sections 18-3 and 22-101 of the City of West Palm Beach Code of Ordinances}
2. Any contractor or sub-contractor who will utilize the Construction Support Area shall register to work within the City of West Palm Beach prior to utilizing the Construction Support Area. {Sections 18-3 and 22-101 of the City of West Palm Beach Code of Ordinances}
3. The demolition, construction and operation of the Riviera Beach Energy Center, the Construction Support Area and the Manatee Viewing Center shall not create direct or indirect light exceeding 0.5 foot candles when measured in a residential district. {Section 94-310(d) of the City of West Palm Beach Code of Ordinances}
4. Florida Power & Light (FPL) shall provide a Construction Traffic Management Plan (Plan) to the City of West Palm Beach that addresses the impact of the construction traffic no later than 120 days prior to the commencement of demolition activities at the Riviera Beach site or the beginning of site preparation work for the Construction Support Area on North Flagler Drive, whichever first occurs. The Construction Traffic Management Plan shall address the items listed in a. through f. below and shall provide for mitigation of the impacts of the construction traffic. The Plan will be reviewed by the City's Traffic Engineer and the Planning and Zoning Department Staff to ensure that the mitigation measures listed in the Plan are appropriate. If the City identifies additional mitigation measures or modifies the

proposed measures, these shall be incorporated into the Plan by FPL. {Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances}

- a. Provide specifics on how the Construction Support Area and the Riviera Beach site and staging area will be accessed, to include hours, types and numbers of vehicles, access route, etc.
 - b. Provide information on who will park at the Construction Support Area and the plan to regulate the use of the parking.
 - c. Provide information on how FPL will prevent construction traffic from parking on the City of West Palm Beach local street network.
 - d. Provide information on how FPL will prevent construction trucks and equipment from driving on the local street network to access the construction support area or the south portion of the plant (Gate 9).
 - e. Provide an updated traffic study showing the impact/distribution of the vehicles using the Construction Support Area.
 - f. Provide the specification on the re-striped left turn lane on Broadway Avenue north of 59th Street and the specifics of how the new turn lane will function.
5. No construction traffic, to include workers, deliveries, or construction vehicles, shall park on the City's local street network (North Flagler Drive, 58th and 59th Streets). {City of West Palm Beach Comprehensive Plan Transportation Element Map 7 "Future (2018) Roadway Functional Classification"; Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances}
 6. No construction vehicles, including deliveries of fuel and materials, shall utilize the City's local street network, unless the City Administration has granted prior permission and outlined the conditions of the use of the street network (North Flagler Drive, 58th and 59th Streets). {City of West Palm Beach Comprehensive Plan Transportation Element Map 7 "Future (2018) Roadway Functional Classification; Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances}
 7. No removal of demolition debris shall occur on the City's local street network (North Flagler Drive, 58th and 59th Streets). {City of West Palm Beach Comprehensive Plan Transportation Element Map 7 "Future (2018) Roadway Functional Classification; Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances}
 8. No construction vehicles or outdoor storage of materials or debris is permitted on the Construction Support Area property. {Section 94-273(d)(74) of the City of West Palm Beach Code of Ordinances}
 9. FPL shall install "Do not block intersection" signs at the intersection of Broadway Avenue and 59th Street at locations as approved by the Florida Department of Transportation in conjunction with the re-striping of Broadway Avenue. {Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances}
 10. The layout of the Construction Support Area, including trailer location, parking, drive aisles, buffering, ADA compliance, etc., shall conform to all City Codes and be submitted for review and approval as a Level I Site Plan (Informal Site Plan Review) at least 180 days

prior to beginning site preparation work for the Construction Support Area. {City of West Palm Beach Comprehensive Plan Coastal Management Element Policy 1.1.1; Section 94-35 of the City of West Palm Beach Code of Ordinances}

11. A landscape buffer, including a hedge, shall be installed on the perimeter of any fencing used to secure the Construction Support Area. {Section 94-443 of the City of West Palm Beach Code of Ordinances}
12. The Construction Support Area shall have a six (6) foot high perimeter fence, 24 hour security on-site, with lighting to illuminate the site, the fence perimeter and the parking area. {City of West Palm Beach Comprehensive Plan Future Land Use Element Objective 2.3 and Policy 2.3.2}
13. At least 60 days prior to beginning site preparation work for the Construction Support Area, FPL shall submit a Construction Site Security and Management Plan which shall include, but is not limited to, temporary lighting, security personnel, vehicle barriers, construction/visitor pass, reduce/minimize entry/exit points, encourage subcontractors to secure machinery, tools at end of work day, fencing with screening and or any other measure deemed appropriate to provide a safe and secure working environment for approval by the City of West Palm Beach Police Department CPTED official. {City of West Palm Beach Comprehensive Plan Future Land Use Element Objective 2.3 and Policy 2.3.2}
14. After site clearing and placement of construction trailers, FPL shall institute the security measures outlined in the Construction Site Security and Management Plan and maintain the measures throughout until the construction is complete. {City of West Palm Beach Comprehensive Plan Future Land Use Element Objective 2.3 and Policy 2.3.2}
15. FPL shall post "No Trespassing" signs every 500 feet around the Construction Support Area. {City of West Palm Beach Comprehensive Plan Future Land Use Element Objective 2.3 and Policy 2.3.2}
16. No burning may be used to remove the vegetation. {Section 38-44 of the City of West Palm Beach Code of Ordinances}
17. The large trees on the Construction Support Area shall be preserved in place so that they may be designed into the Manatee Viewing Center. The Tree Alteration Calculations are required for any non-invasive trees removed, and the mitigation plan for any lost canopy shall be provided at least 180 days prior to beginning site preparation work for the Construction Support Area. All non-native and invasive non-native vegetation shall be removed. The fee to review the Tree Alteration plan shall be submitted concurrently with the mitigation plan. {City of West Palm Beach Comprehensive Plan Coastal Management Element Policies 1.1.1 and 1.1.4; Sections 94-41 and 94-448 of the City of West Palm Beach Code of Ordinances}
18. FPL shall provide a Stormwater Pollution Prevention Plan for the set up and use of the Construction Support Area and construction of the manatee viewing area. The Pollution Control Plan shall include the paving of the parking area, including all drive aisles and the access point, and a 20 foot sodded area surrounding all paved areas and structures, including the construction trailers. The Pollution Control Plan shall be submitted at least 180 days

prior to beginning site preparation work for the Construction Support Area for review and approval by the City's Engineering Services Department including payment of the applicable Engineering Services review fee {City of West Palm Beach Comprehensive Plan Utilities Element, Stormwater Management Sub-element Policy 1.1.1; Sections 90-201 to 90-207 and Section 94-450 of the City of West Palm Beach Code of Ordinances; Ordinance No. 4098-07)}

19. A site restoration bond shall be posted to the City's Engineering Services Department 30 days prior to the site preparation work for the Construction Support Area. {Section 94-450 of the City of West Palm Beach Code of Ordinances}
20. At least 180 days prior to beginning site preparation work for the Construction Support Area, FPL shall assist the City in correcting the location of the drainage easement that exists on the property on 59th Street.
21. At least 180 days prior to beginning site preparation work for the Construction Support Area, FPL shall coordinate with the City regarding what may be constructed over the stormwater pipe located within the drainage easement.
22. Within seven (7) days of operations commencing at the Riviera Beach Energy Center, the trailers, parking and other construction related items shall be removed from the Construction Support Area. Within thirty (30) days from removal of the trailers, the Construction Support Area shall be brought to grade, tilled and planted with ground cover to include sodding or seeding which shall have irrigation in conformance with. {Section 94-273(d)(74) of the City of West Palm Beach Code of Ordinances, Section 94-450(e)(1)(f) of the City's Zoning and Land Development Regulations}
23. The layout of the Manatee Viewing Center parcel, including the building location, parking, drive aisles, landscape, ADA compliance, lighting levels, provision of overflow parking, bus access, preservation of on-site trees, signage, etc., shall conform to all City Code requirements and be submitted for review and approval as a Level I Site Plan (Informal Site Plan Review) at least 180 days prior to the start of construction of the Manatee Viewing Center parcel improvements. {City of West Palm Beach Comprehensive Plan Coastal Management Element Policy 1.1.1; Section 94-35 of the City of West Palm Beach Code of Ordinances}
24. FPL shall begin construction of the Manatee Viewing Center parcel improvements as proposed by FPL in the Riviera Beach Energy Center Site Certification Application within one (1) year from the issuance of the commencement of operations at the Riviera Beach Energy Center. {City of West Palm Beach Comprehensive Plan Coastal Management Element Policy 1.1.19}
25. FPL shall get its potable water and wastewater service for all properties within the City of West Palm Beach's municipal boundary (59th Street landscape buffer and the North Flagler property) from the City of West Palm Beach. {Section 90-1 of the City of West Palm Beach Code of Ordinances}

26. After construction on the Riviera Beach Energy Center is complete, fuel trucks shall not access the new oil tank from 59th Street or North Flagler Drive. {Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances}
27. After construction on the Riviera Beach Energy Center is complete only passenger vehicles may enter the site through Gate 9. {Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances}
28. After construction on the Riviera Beach Energy Center is complete, no FPL generated traffic, except passenger and security vehicles, may use 59th Street or North Flagler Drive. {Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances}
29. FPL shall maintain an opaque wall at least six (6) feet high at the northern boundary of the 59th Street landscape buffer area. {Section 94-443 of the City of West Palm Beach Code of Ordinances}
30. FPL shall maintain the existing landscape in the 59th Street buffer and add additional material if gaps become evident or if notified by the City of West Palm Beach, within 14 calendar days of notification. {Section 94-448 of the City of West Palm Beach Code of Ordinances}
31. The artificial reef program located on the North Flagler property shall be discontinued within 180 days of the issuance of the Final Order of Certification for the Riviera Beach Energy Center. {Section 94-272(d) of the City of West Palm Beach Code of Ordinances}
32. Unless the existing dock on the site is integrated into the Manatee Viewing Center, it shall be removed by the time the Construction Support Area is vacated. {Section 94-304(a) of the City of West Palm Beach Code of Ordinances}
33. At least 60 days prior to beginning site preparation work for the Construction Support Area, FPL shall submit to the City of West Palm Beach, for its review and approval, completed City building permit forms and drawings demonstrating that the Construction Support Area structures and improvements that do not directly involve the generation, transmission or distribution of electricity, conform with all provisions of the City of West Palm Beach Code of Ordinances, to include Construction Services, Fire, Engineering and Land Development. {Section 18-32 of the City of West Palm Beach Code of Ordinances}
34. At least 60 days prior to beginning site preparation work for the Manatee Viewing Center parcel improvements that do not directly involve the generation, transmission or distribution of electricity, FPL shall submit to the City of West Palm Beach, for its review and approval, completed City building permit forms and drawings demonstrating that the Manatee Viewing Center parcel improvements conform with all provisions of the City of West Palm Beach Code of Ordinances, to include Construction Services, Fire, Engineering and Land Development. {Section 18-32 of the City of West Palm Beach Code of Ordinances}
35. FPL shall request inspections in accordance with the requirements of the building permits issued for any structures or improvements that do not directly involve the generation, transmission or distribution of electricity for the property included within the Riviera Beach

Energy Center Site Certification that is within the corporate limits of the City of West Palm Beach. {Section 18-32 of the City of West Palm Beach Code of Ordinances}

36. Concurrent with the submittal of the Level I Site Plan for the Construction Support Area and the Construction Support Area structures and improvements, FPL shall pay all of the City of West Palm Beach's fees for staff review, to include Construction Services, Fire, Engineering and Land Development, of the documents required as part of the Level I Site Plan. {Section 94-41 of the City of West Palm Beach Code of Ordinances; Ordinance No. 4098-07}
37. Concurrent with the submittal of the building permit forms and drawings for the Construction Support Area structures and improvements and the Manatee Viewing Center structures and improvements that do not directly involve the generation, transmission or distribution of electricity, FPL shall pay all of the City of West Palm Beach's fees for staff review, to include Construction Services, Fire, Engineering and Land Development, of the documents, inspections, and any other fees related to the building permits. {Sections 18-1 and 94-41 of the City of West Palm Beach Code of Ordinances; Ordinance No. 4098-07}
38. All activity, to include construction related activity, on property included within the Riviera Beach Energy Center Site Certification that is within the corporate limits of the City of West Palm Beach shall adhere to the City of West Palm Beach Code of Ordinances. {Chapters 18, 22, 34, 38, 78, 86, 90 and 94 of the City of West Palm Beach Code of Ordinances}

**FPL RIVIERA BEACH ENERGY CENTER
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