



## Legislation Details (With Text)

<b>File #:</b>	22-961	<b>Version:</b>	1
<b>Type:</b>	Consent Calendar	<b>Status:</b>	Passed
<b>File created:</b>	11/2/2022	<b>In control:</b>	City Council/Public Financing Authority
<b>On agenda:</b>	11/15/2022	<b>Final action:</b>	11/15/2022
<b>Title:</b>	Adopt Resolution No. 2022-77 approving the decertification of Subsequent Environmental Impact Report (SEIR) No. 10-001; rescission of Conditional Use Permit (CUP) No. 02-004, Entitlement Plan Amendment (EPA) No. 10-001, Coastal Development Permit (CDP) No. 10-014, and Tentative Parcel Map (TPM) No. 10-130; and termination of related agreements (Poseidon)		
<b>Attachments:</b>	1. Att #1 Resolution No. 2022-77, 2. Att #2 November 7, 2022 Poseidon Water Letter		

Date	Ver.	Action By	Action	Result
11/15/2022	1	City Council/Public Financing Authority	approved	Pass

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Al Zelinka, City Manager

**VIA:** Ursula Luna-Reynosa, Director of Community Development

**PREPARED BY:** Ricky Ramos, Principal Planner

### Subject:

**Adopt Resolution No. 2022-77 approving the decertification of Subsequent Environmental Impact Report (SEIR) No. 10-001; rescission of Conditional Use Permit (CUP) No. 02-004, Entitlement Plan Amendment (EPA) No. 10-001, Coastal Development Permit (CDP) No. 10-014, and Tentative Parcel Map (TPM) No. 10-130; and termination of related agreements (Poseidon)**

### Statement of Issue:

In May 2022, the California Coastal Commission denied a Coastal Development Permit for the Poseidon Desalination Plant proposed at 21730 Newland Street. This denial effectively prevents the plan's construction and operation in Huntington Beach. As such, City Council is requested to adopt Resolution No. 2022-77, which would rescind local project approvals: decertify SEIR No. 10-001; rescind CUP No. 02-004, EPA No. 10-001, CDP No. 10-014, and TPM No. 10-130; and terminate related agreements for the Poseidon seawater desalination project.

### Financial Impact:

Not applicable.

### Recommended Action:

Approve decertification of SEIR No. 10-001; rescission of CUP No. 02-004, EPA No. 10-001, CDP No. 10-014, and TPM No. 10-130; and termination of related agreements by adopting Resolution No.

2022-77 “A Resolution of the City Council of the City of Huntington Beach Decertifying Final Subsequent Environmental Impact Report No. 10-001 and Repealing Resolution No. 2010-63 and Rescinding all City Entitlement Approvals and Terminating All Agreements (Attachment No. 1).”

**Alternative Action(s):**

The City Council may make the following alternative motion(s):

Do not approve the recommended action, and direct staff accordingly. This may include not accepting any or all of the recommendations listed above.

**Analysis:**

In May 2022, the California Coastal Commission denied a CDP for the Poseidon Desalination Plant, ending its bid to construct and operate in Huntington Beach. On November 1, 2022, the City Council directed staff to prepare an agenda item to decertify the EIR and withdraw all local approvals issued by the City for the Poseidon project. On November 7, 2022 Poseidon Water submitted a letter requesting termination of all City agreements and permits (see Attachment 2), which include:

- SEIR No. 10-001
- Conditional Use Permit No. 02-004
- Entitlement Plan Amendment No. 10-001
- Coastal Development Permit No. 10-014
- Tentative Parcel Map No. 10-130
- Franchise agreement
- Owner participation agreement
- Exchange agreement and escrow instructions and lease agreement for water storage purposes

As such, staff has prepared Resolution No. 2022-77, which will withdraw local approvals for each of the items above, since the subject project is no longer viable on the proposed project site.

**Environmental Status:**

The recommended action is not subject to further environmental review because there is no project being approved.

**Strategic Plan Goal:**

Financial Sustainability, Public Safety or Other

**Attachment(s):**

1. Resolution No. 2022-77
2. November 7, 2022 Poseidon Water Letter