



Staff Report

TO: City Council
FROM: Jeff Hart, Director of Public Works
DATE: March 21, 2023
SUBJECT: Improvement Deferral Agreement between Beaumont ESS, LLC, and the City of Beaumont

Description: Improvement Deferral Agreement between Beaumont ESS, LLC, and the City of Beaumont regarding delayed offsite improvements associated with the relocation of Southern California Edison (SCE) transmission power poles for the Terra-Gen Battery Energy Storage Project (PP2021-0335).

Background and Analysis:

On October 26, 2021, Planning Commission approved Plot Plan 2021-0335 (Project) for a 100-megawatt lithium-ion stationery battery energy storage project located on the east side of Veile Avenue, west of Elm Avenue, south of Fourth Street, and north of First Street.

The Project was conditioned (Attachment A) to construct street improvements along their frontage for both Veile Avenue and Elm Avenue. More specifically, condition 64 regarding Veile Avenue states that:

64. PRIOR TO ISSUANCE OF ANY OCCUPANCY PERMIT (COO): The Applicant shall construct half-width improvements for Veile Avenue, coincident with the project boundary and as necessary to safety transition to the existing improvements beyond the project boundary.

The improvements along Veile Avenue require the relocation of Southern California Edison (SCE) owned transmission power poles which are in conflict with the ultimate improvements. Relocation of transmission power poles are currently seeing delays of 9 months or more. Due to these delays, the developer has requested deferral of these improvements for up to one year from the date of the issuance of the Certificate of Occupancy, unless a time extension is granted by the City Manager as stated in the Deferral Agreement (Attachment B). The requested deferral agreement is in accordance with Beaumont Municipal Code section 17.11.050 which requires City Council approval.

Terms of the agreement require the developer to provide an improvement security to guarantee construction and completion of the off-site improvements. The improvement security shall be provided prior to the issuance of occupancy as stated in the agreement. Due to delays associated with relocating SCE's transmission poles, staff is able to support the developers request with the implementation of the agreement and improvement securities.

Fiscal Impact:

The cost of preparing the staff report is estimated to be \$350. The developer will maintain all associated improvements during construction and maintenance period. The City is not liable for public improvement maintenance until the public improvements are accepted into the City's publicly maintained system.

Recommended Action:

Authorize the Mayor to execute a Deferral Improvement Agreement between Beaumont ESS, LLC, and the City of Beaumont regarding delayed offsite improvements associated with the Terra-Gen Battery Energy Storage Project.

Attachments:

- A. PP2021-0335 Conditions of Approval
- B. Cooperative Agreement