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11-AFC-3

DATE JUN 20 2012

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From: Stephen Goldfarb [mailto:steveg50_94609@yahoo.com]
Sent: Wednesday, June 20, 2012 8:31 PM
To: Solorio, Eric@Energy; Douglas, Karen@Energy; Peterman, Carla@Energy
Subject: Quail Brush Project 11-AFC-03

Dear Project Manager Solorio, Commissioners Douglas and Peterman:

FYI

I have attached a letter I sent to the San Diego Planning Commission for their June 28 meeting. The letter recommends that the San Diego Planning Commission *not* vote to initiate an amendment to change local zoning and open space designations on environmental preserve to accommodate the Quail Brush power plant.

The premise is that the Planning Commission has the responsibility, and should exercise it, to determine what is in the best interests of San Diego citizens as regards the applicant's wish to overturn long-standing regulations that protect sensitive species, open space and residential development.

Whatever the outcome, I understand that the Energy Commission intends to look at the issue of alternate sites for the power plant. The applicant is evidently resistant to considering any alternate site outside of the East Elliott Planning Area. If the issue gets past the San Diego Planning Commission, I look forward to the Energy Commission's rigorous deliberations and action on this issue.

Thank you for your thorough and challenging work on this project.

Stephen Goldfarb
(619) 282-9208



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Date: June 19, 2012
To: City of San Diego Planning Commission
From: Stephen Goldfarb
Re: Quail Brush Project – Agenda for June 28, 2012

Dear Planning Commission Member:

Introduction. The San Diego Planning Commission met on April 26, at which time Cogentrix, the Quail Brush Power Plant applicant, asked for an extension to make “design” changes in their project. I wrote you a letter dated April 23, 2012 describing issues and problems with siting a power plant at the applicant’s chosen site on environmentally protected preserve. I expressed that your Commission had enough information to make a decision, without further ado, to *not* initiate the applicant’s requested amendment. That letter remains pertinent.

It is a wonder that this issue should even be before the Commission. The applicant is making a frontal challenge to the City’s well-thought-through values and standards as incorporated in its zoning, community planning, the Multiple Species Conservation Program (MSCP), and the Mission Trails Design Ordinance. It contradicts the substance and purpose of the recently revised General Plan.

In this case, an aggressive, entrepreneurial East Coast based power plant company, with extensive financial resources, has found inexpensive land that it proposes to purchase for a massive, fossil fuel powered electrical generating plant. The land is in the MSCP. It is dedicated to open space and low-density residential development. It is near schools and residential neighborhoods. It adjoins Mission Trails Regional Park. The fact that this project has been allowed to proceed this far has the community in an uproar.

Kicking the can down the road. The City’s processes for decision-making are complex. There are not well-coordinated areas where components of a decision are determined, e.g., Development Services, the Planning Commission, and the City Council. For power plant siting, the main decision maker is the California Energy Commission. However, the Commission is reliant on the City to make determinations about its local laws, ordinances and regulations. Those local decisions are crucial to protect City priorities, and to restore reason to this situation. But the temptation to defer to a later authority, to kick the issue down the road, has to be avoided. Kicking the issue down the road serves the applicant’s interest. For example, the applicant sought to encourage the Tierrasanta Community Planning group to defer authority to others who would examine the power plant later on. The Tierrasanta Community Planning Group however, decided not to approve the power plant. The applicant may decline to answer Public Intervener questions on the premise that issues will be decided later on. At the Navajo Community Council meeting of June 18, the applicant made the same assertions. Later on is too late.

No compelling reason for siting the power plant at the applicant’s desired location. It is noteworthy that the applicant has established no compelling reason why it is necessary to overturn the City’s laws, ordinances and regulations to site a power plant on

environmentally conserved land and land zoned for residential development. According to an SDG&E executive, the applicant had wide latitude where it chose to site a power plant. Two other companies responded to the SDG&E 2009 Request for Offers. One plant is to be located in Escondido. The other plant is in Otay Mesa. The applicant insists on the East Elliott location. The City is not obligated to fulfill the applicant's wishes or to assist the company to respond to a business opportunity.

It is noteworthy that the Otay Mesa plant, originally slated for a conserved land area within the MSCP, moved to another location without problem. The Union-Tribune wrote an article on the subject: "Plans Recharged for Otay Mesa 'Peaker' Plant, This time, proposed location for Pio Pico facility is away from sensitive vernal pools, Wendy Fry, U-trib, May 31, 2011.

The amendment conflicts with the General Plan. The Report to the Planning Commission (PC-12-027) states the amendment request appears to be consistent with the goals and policies of the General Plan. It selectively refers to the Public Facilities, Services and Safety Element's goals. It entirely ignores the very fundamental tenets of the General Plan.

The City completely re-wrote the San Diego General Plan, completing the task in 2006. The new plan is based on two fundamental precepts, (1) that there was little remaining land for housing (4% in 2006), and (2) that San Diego had expanded outward onto land in its natural state. The General Plan Strategic Framework states, "This is the first General Plan in the City's continuing history that must address most future growth without expansion onto its open spaces." The Plan depicts the need to protect open space and recreational areas. It also refers to the City's critical housing needs. The Plan states, "San Diego faces a severe housing affordability crisis. Not only are low-income people and special needs populations having difficulty finding adequate affordable housing, but now many working people are finding it difficult to remain in San Diego due to the high cost of housing."

We are now in a position in which the City is considering whether to allow installation of a project that makes a frontal assault on the General Plan's priorities and principles to preserve open space and provide housing.

The Multiple Species Conservation Program (MSCP). The fundamental purpose of the MSCP, on which land the applicant seeks to site its power plant, is to provide land for conservation (75%), dedicated in perpetuity, and land for residential development (25%). The land is zoned for residential development (RS-1-8). The power plant project is in opposition to both.

Public Input. The public has been making the environmental and recreational issues known. The public is concerned with health, proximity to schools, residences, healthcare facilities, and the plant's impact on Mission Trails Regional Park. Citizens are troubled by decreases in property values. Property values are expected to decrease 3-7% within 2

miles of the power plant. This information is from a University of California study. The study may be seen at this link: <http://faculty.haas.berkeley.edu/ldavis/pp.pdf>.

The applicant's response, while claiming to have heard the public outcry, is to make "design" changes.

Environmental Issues are extensive and known. Development Services Report to the Planning Commission (No. PC-12-027) states that the project would be subject to later environmental review. However, environmental issues are extensive, already known, and are relevant to determining whether to initiate an amendment. Project issues include that the project is inconsistent with the community plan's current Open Space designation, and the site contains Sensitive Lands in the form of sensitive biology and steep hillsides. Land is to be removed from the Multi-Habitat Planning Area.

The project requires moving 500,000 cubic yards of grading. This would be significant in a highly scenic area within environmentally sensitive lands, according to the Development Services Project Manager.

The project may impact wetlands, including Vernal Pools. The Development Services Project Manager states, "In addition to Biology, Archaeology, Land Use, Air Quality, Greenhouse Gas Emissions, grading and water quality, City Staff has identified Visual Effect and Neighborhood Character, Health and Safety, including Ordinance, Brush Management, proximity to an active landfill, MCAS Miramar ALUCP (Airport Land Use Compatibility Plans), AEOZ (Airport Environs Overlay Zone), and traffic."

This information is available from Development Services Preliminary Review and the Project Manager's letter to the applicant.

Visual Impact. With regard to visual impact, an excellent study, photographically illustrated, has been published on the California Energy Commission website. The author states:

"The visual resources evaluation (Section 4.5) of the Application for Certification (August 2011) significantly understates the negative impact of the proposed power plant location on the visual and aesthetic value of the surrounding area, particularly Mission Trails Regional Park (MTRP). It shows that the applicant has misstated the visual impact of the power plant."

The study may be seen at this link:

http://www.energy.ca.gov/sitingcases/quailbrush/documents/others/comments/2012-05-03_Steve_Blanchard_Comment_TN-64876.pdf

The amendment is not consistent with the Navajo Community Plan. The Report to the Planning Commission states the amendment request appears to be consistent with the goals and policies of the Navajo Community Plan. However, the report is silent on what the Navajo Community Plan says.

A review of the Navajo Community Plan leads to the conclusion that the proposed power plant is not consistent. According to the Community Plan section on Community Environment, the primary goal is the improvement, restoration, and protection of the quality of the natural and built environment.

The Navajo Community Plan includes the following:

- Protect distinct areas and communities from intrusion and encroachment of *incompatible uses*.
- Implement development controls on urban development in accordance with the *Mission Trails District Design Manual*, which provides that no structure shall exceed four stories and in no case shall a structure exceed fifty feet in height.
- Establish and maintain an open space system to conserve natural resources, preserve scenic beauty, and define urban form.

The Navajo Community Plan presents an extensive section on Open Space Retention. The Plan states, “For the long-range good of the entire community, generous expansions of natural open space must be preserved. According to the Plan:

A unique feature in the Navajo Community Plan is the open space element designed to preserve the river, scenic canyon and hillside areas, and to link elements of the community. The proposed open space areas will become green belts and will provide areas for pedestrian, bicycle or equestrian uses. The open space system conceived from the Navajo community envisions that the canyon and hillside areas could be used for both active and passive recreational uses. The majority of open space, however, will probably remain in its natural state, with pathways and picnic areas.

The Community Plan open space preservation objectives and proposals are extensive.

The power-plant project is clearly incompatible with the values of the Navajo Community Plan.

An unusual concept. The Development Services Report to the Planning Commission has this statement: “The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design...”

Environmental preserved open space has a high purpose as described in the General Plan. Its essential feature is based on preserved land not being developed. The General Plan puts a premium on preserving open space because the City has grown outward into its natural areas. To say that a massive power plant provides additional benefits compared to the existing land use flies in the face of the carefully thought through reasons for preserving open space, habitat area, and sensitive biological species as described in the City’s General Plan. Given this approach to the subject, one could rationalize putting

nearly anything into conserved areas. However, it would be hard to top the applicant's present proposal to convert land designated for open space conservation into land zoned heavy industrial.

The applicant's attempts to buy favor. According to the Santee Patch, Cogentrix is contributing funds to various groups. This appears to be an attempt to buy favor. Cogentrix reportedly contributed funds to the Mission Trails Regional Park Foundation. It also gave funds to the San Diego River Coalition Foundation. This did not stop the Coalition from voting to oppose the power plant siting. Cogentrix has offered to increase land provided for "mitigation" of their power plant to 4 acres for every 1 acre developed, and contribute that acreage to expansion of Mission Trails Regional Park. That offer appears aimed at park advocates who would ordinarily be expected to oppose the power plant.

The Planning Commission has the opportunity to stop the power plant before it gets further along. The most efficient time to stop the power plant application is at the June 28 meeting. This would help to protect City priorities, and restore order and reason to the planning process. The Planning Commission has every reasonable basis to uphold the City's laws, ordinances and regulations. The applicant's proposal seeks draconian changes. It overturns regulations and priorities carefully crafted over decades.

To allow this process to continue has great risk. The San Diego Planning Commission has the responsibility to determine what is in the best interests of the City's citizens, and in upholding the City's laws. The California Energy Commission does not have the City's same interests. It may be subject to technical arguments that allegedly mitigate the Commission's concerns, or other unknown influence.

I hope you will consider these reasons. This will help to restore public confidence in the City's planning process. A vote against initiating the amendment is a vote for doing the right thing.

Sincerely,

Stephen Goldfarb
(619) 282-9208