

From: Raoul Renaud
To: Docket Optical System
Date: 9/22/2008 3:04 PM
Subject: Fwd: Fw: CVEUP

please docket, 07-AFC-4

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>>> THERESA ACERRO <[REDACTED]> 9/22/2008 2:18 PM >>>

DOCKET 07-AFC-4	
DATE	SEP 22 2008
RECD.	SEP 22 2008

Honorable Commissioners Pfannenstiel and Boyd:

I am writing today to urge you to deny the application of MMC Energy for CVEUP. The project is way too close to our homes and schools.

It directly violates the CV GP provision:

E 6.4 Avoid siting new or re-powered energy generation facilities and other major toxic air emitters within 1,000 feet of a sensitive receiver, or the placement of a sensitive receiver within 1,000 feet of a major toxic emitter.

The fact that the city ever allowed the small plant that is here now as well as the fact that they are inventing reasons to not enforce this provision that was deliberately written to prevent the expansion of this specific plant, since in 2001 PGE tried to expand it and was defeated soundly by the city clearly proves our contention that our community has been dumped on and our environmental justice rights under the law have been consistently violated by the City of Chula Vista since annexation in 1986. At the hearing on 10/2 we will present over an hour of video testimony documenting some of the worst other incidents of social and environmental injustice in SW Chula Vista.

Allowing this plant to be built in the proposed spot is outrageous. This is not commonly done in CA and definitely not in the County of San Diego. The fact that it is even considered for our neighborhood is a clear indication of the lack of respect and concern for our community by the city of Chula Vista.

We also have the matter of the zoning Ordinances which clearly limit light industrial uses even with CUP's to light industrial uses that provide and protect an environment free from nuisances created by some industrial uses and to insure the purity of the total environment of Chula Vista and San Diego County and to protect nearby residential, commercial and industrial uses from any hazards or nuisances. The existing plant has many nuisances such as noise and an oily discharge coating

walls and cars. The new one which would run longer hours and be more than twice as powerful will have more. Also on 5/12 the lawyer for MMC made it clear this was a "large generating plant" requiring an upgrade to the substation. This makes this essentially a totally NEW use. (<http://www.youtube.com/v/TA5yuuBqW3M>) The existing peaker is a small plant and did not require an upgrade. This again affirms that this is totally a NEW use and the fact that the old plant received a SUP is irrelevant!

The General Industrial zone specifically lists E. Electrical Generating Plants and Liquified Natural Gas plants. This location is light industrial not general or heavy industrial. This is a clear and specific violation of a LORS. The city can not be allowed to weasel out of this.

CLEARLY THE CVEUP AND THE EXISTING PLANT ARE NON-CONFORMING USES AND AS SUCH ARE A PRIORITY FOR ELIMINATING FOR CODE ENFORCEMENT. (On May 13th we were told that code enforcement was trying to eliminate all the non-conforming uses from this zone.

19.64.010 Declaration of policy.

Many nonconforming uses within the city are detrimental to the orderly development of the city and adverse to the general welfare of persons and property, in that said nonconforming uses constitute a special benefit or monopoly. In conformance with good zoning practices, it is the policy of the city that nonconforming uses shall be eliminated as soon as it is economically feasible and equitable to do so. (Ord. 1212 § 1, 1969; prior code § 33.1101 (A)). 19-181 Chula Vista Municipal Code 19.64.080

On 8/7 at a code enforcement workshop our city manager said there was absolutely no discretion in interpreting this policy in our zoning codes: <http://www.youtube.com/watch?v=McBhNfhCmDg>. Our Interim Planning Director also said this was a clear policy of the city: <http://www.youtube.com/watch?v=8kndyCPG9hY>

They were both referring specifically to local businesses who wanted to expand their non-conforming uses, but it is unjust to apply ordinances unequally to all businesses.

Please defend our rights and deny this application, which clearly violates the LORS of the city of Chula Vista. There are alternative locations and alternative ways of generating energy. It is criminal to consider approving something like this when CA is poised to adopt AB32 and totally change the way energy is generated in the state in order to fight global warming. We simply do not need another gas fired plant at this time of adoption of an 80% renewable goal.

Sincerely,

Theresa Acerro