

Docket Optical System - CVEUP

From: THERESA ACERRO <thacero@yahoo.com>
To: <rrenaud@energy.state.ca.us>
Date: 9/28/2008 2:23 PM
Subject: CVEUP

DOCKET
07-AFC-4

DATE SEP 29 2008

RECD. SEP 29 2008

The peaker is contrary to these six goals of the current Five Year Redevelopment Plan:

Eliminate Blight: Eliminate and prevent the spread of blight and deterioration and to conserve, rehabilitate, and redevelop the Project Areas in accordance with the Redevelopment Plans.

Stimulate Economic Growth: Attract, expand, and retain desirable business and industry which effectively increases employment opportunities for community residents and enhance the tax base of local governments.

Jobs for the Neighborhood: Promote local employment opportunities.

Protect Local Businesses: Encourage the cooperation and participation of residents, businesses, businesspersons, public agencies, and community organizations in the redevelopment/revitalization of the Project Areas.

Promote Compatible Development: To encourage the development of residential, commercial, and industrial environments which positively relate to adjacent land uses, upgrade and stabilize existing uses, and preserve artistically, architecturally, and historically worthwhile structures and sites. To provide for the development of distinct commercial districts, to attain consistent image and character, and to enhance their economic viability.

Provide Quality Design: To remove impediments to land assembly and development through acquisition and reparationization of land into reasonably sized and shaped parcels. To expand the resource of developable land by making underutilized public and privately owned property available for redevelopment. To achieve an environment reflecting a high level of concern for architectural, landscape, and urban design principals appropriate to the objectives of the Redevelopment Plans. Create physical buffers, which ameliorate the adverse effects of changing land uses along interfaces and discourage "spot zoning" and piecemeal planning practices.

**The two 70 foot towers will create visual blight for businesses, homes and users of the OVRP. The building itself will be a significant blight for the commercial type buildings on the east and west. <http://www.youtube.com/watch?v=fOuSraebOqc>
A building such as this operating 20 feet away will not attract businesses to the industrial building to the east. The people who bought here thought it was going away. This does not help their business potential at all. <http://www.youtube.com/watch?v=vFbu8tcCaWA>
One part time employee does not promote employment opportunities or security. <http://www.youtube.com/watch?v=rdgO1M8blZI>**

A peaker plant does not protect local businesses.

This is not compatible development. It does not positively relate to adjacent landuses, particularly on the east and south.

This is NOT a quality design for the area. There is no buffer with the businesses to the east. This is "spot zoning" and piecemeal planning. This heavy industrial use belongs elsewhere. Placing it here totally contradicts all the plans for this area.

The Redevelopment Plan further states about the Montgomery area: *It is also characterized, however, by numerous light-industrial uses and large-sized parcels, particularly along Main Street, that will provide important redevelopment and economic development opportunities to the City, including the creation of new commercial and light-industrial uses, and the environmental cleanup of contaminated properties.*

The peaker is NOT light industrial.

The peaker does none of this, just adds visual blight that will discourage the sale of the rest of the condos adjacent to it.

Page 4.5-8 clearly indicates the problems the peaker will cause: *In general, a power plant and its related facilities may also be incompatible with existing or planned land uses, resulting in potentially significant impacts, if they create unmitigated noise, dust, or a public health or safety hazard or nuisance; results in adverse traffic or visual impacts; or precludes, interferes with, or unduly restricts existing or future uses.*

Table 4

As previous stated there is no auto body painting shop anymore. The land now belongs to Voit and is planned for another upscale condo project which would be incompatible with a peaker plant. According to the city's zoning ordinances this use belongs in an I General Industrial zone NOT a limited industrial zone. The surrounding uses have drastically changed since 2000. The peaker is now the source of blight.

Violates the General Plan:

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.

There has been no effort expended to avoid this placement. A citizen has an I zoned lot at the end of Energy Way. There is a small substation already near-by at the landfill. It would have to be upgraded but so would the Otay substation, which the community opposes. There is a big potential problem with upgrading the Otay substation and adding more voltage. The existing transmission lines through out the area are old and dilapidated. There was already a fire and explosion caused by a short on these lines a few weeks ago. The video on alleys shows what a mess of wires is all over this area.

Some more General Plan provisions violated by peaker at this location:

LUT 5.6 talks of revitalization. An intensification of the peaker and addition of two 70 foot towers will lower the property values and development potential in the area, since surrounding uses have radically changed since 2000.

LUT 6.8 There is no guarantee that people will not be negatively impacted by the transport of ammonia. The County gave 80% credit for containment of ammonia due to polyballs, which are an unproven controversial technology. Essentially the protection is doubtful in the event of an accident or spill.

LUT 7.3 **The minimal requirement of 1,000 feet from schools is new. The older requirement was a half mile, which was minimal.** This is not being met for 6 schools: Montgomery Headstart, Montgomery Adult, Montgomery High, Otay Elementary, Albany Headstart, and CVESD Pre-K which are all less than a half mile from the peaker. This plant running up to 800 hours per year will make this situation worse. <http://www.youtube.com/v/5y1GdmNfA3s>

LUT 45.5 **The proposed peaker is NOT consistent with this policy since the planned use is for upscale light industrial, NOT heavy industry. The north and south sides of Zenith are residential and would not be compatible with heavy industrial or even many light industrial uses. The community is totally opposed to this section of the General Plan and plans to petition for an amendment. The city does not have eminent domain due to Proposition C so the lots on the north of Main St. will not be extended.**

LUT 45.6 CVEUP would violate this objective because of its heavy industrial nature. The plan calls for light industrial and an elimination of non-conforming uses such as CVEUP.

ED1.3 Again CVEUP is not the kind of industrial envisioned by the General Plan.

PFS 22.4 This use does not minimize impacts to the community. Nothing is being under grounded and there is a maze of wires all around the substation and along the driveway. Actually CVEUP should go elsewhere and the substation should be moved to the site with under grounded wires. It is not true that this area needs 100mw more of power. Looking at the map one can see we already have almost 62 mw 100,000 people, which is way beyond our current and future needs. Many other areas in San Diego County have less than 10mw. This plant could be put anywhere in the region and serve the same effect for stabilizing and providing peak energy. The eastern area of Chula Vista has the highest energy demand. The west is lower so if this logic made sense the plant would be in the east.

Staff is totally misinterpreting what happened in 2000. We were ignorant about what a peaker was. It was unclear as to where it was going to be. The only people receiving notices called and were told not to worry about it. It was just to keep the lights on. The commissioners were told it would hardly ever operate. As soon as it was built we all realized our mistake. I taught at MOH a year round school and could see it operated practically every day during the summer for the first couple of years. The plume was visible from our native plants garden and Beyer Way, which I traveled to and from school. The plant is very visible from Montgomery Adult, Montgomery

Headstart and the homes on the ridge. It is a blight on the river bottom highly visible from the road. I live off of Hilltop and I can see the power poles and the roof now. I know I will be able to see the 70- foot towers as will the people living within 500 feet and the people living on Main Street. The new plant will be a bigger visual blight and further discourage revitalization of the area and reinforce the idea that we are not important to the city. The existing one is more visible from the San Diego side and the bridge. The people near by can see the plume from it and they do hear it at night as a low whine. Everyone feels they were lied to initially.

We expect the CEC staff has acknowledged that it is expected to produce more contamination per hour. This garbage about the city obviously doesn't consider it a major polluter because they okayed it in 2000 totally ignores how opposed the city was to an additional plant in 2001, after they knew what they were dealing with. I think they were as ignorant as we were. MMC has been amazingly dishonest in their comments for the entire time this issue has been on the table. They have been hesitant to provide data from day one. There are no redeeming features of this proposal at all. Until 5/12 they were insisting 400 hours or less per year. On 5/12 they stated up to 800 were likely <http://www.youtube.com/v/5y1GdmNfA3s>.

Our neighborhood is consistently dumped on and ignored by the city. We have the worst infrastructure and the worst image in the city. We are sick and tired of being treated this way by the city of Chula Vista. At annexation in 1985 we were promised improved roads and sidewalks. We have gotten very little of what was promised. Instead the city dumped this wretched peaker on us with totally inadequate information and oversight and a poorly written MND in 2000. The plant actually used a used generator and was never updated as required.

We already endure a bus terminal, a cement plant with visible particulate pollution, a cogeneration plant, excessive truck traffic day and night, regional traffic and the southbay power plant. We have had it. MMC's profit is not worth a further increase in cancer and asthma or a further degrading of our community visually and socially.

4.5-21 The current peaker does not have a valid permit, because the operation ceased for more than 12 months, therefore, the assumption that it is compatible with existing land uses is totally unsupported by fact. It is unfortunate but true that when dealing with minority communities in this section of Chula Vista, Community Development has been historically uninterested in the well being of residents or existing businesses. Social, economic and environmental justice issues continually arise in our neighborhood because of the continued insensitivity of staff and the city to our community. The comments written in 2000 just confirm what the community has felt for years. This near by neighborhood is 81% people of color 99% Hispanic. This would not be happening in Eastlake or Otay Ranch where the residents are more affluent and vocal. These peakers are targeted for these kinds of neighborhoods statewide, and the city's latest brilliant idea is to locate a Wastewater Treatment Plant in the Main Street area, which shows their lack of concern for our neighborhood.

A few more links: **The location is unacceptable. It is 350 feet from a home, less than 1,000 feet from 50 homes, 1300 feet from a school, less than a mile from 18 schools, a health clinic, two rec centers a library and two parks. There is also a senior nutrition program [within 1200 feet or so](#). From searching CEC records this appears to be an anomaly.**

Sincerely,
Theresa Acerro