

If staff had spent any time at all in evaluating the condition of the area around this location they would agree this is an environmental justice issue. The special circumstances of the two or three miles or even one mile around this location clearly show this neighborhood has been neglected and treated unfairly for many years. Here is a map showing parks in the city. As you can see there are numerous parks in the east but almost none in the southwest. In the one mile circle there are three-one of them in San Diego. Also look at the colors on the pavement map. Where are the streets in the worst condition in the city? Clearly in the southwest-1 red and 5 orange within a mile of this site 4 million of the drainage problems are within a mile of this site and the majority of them are in the southwest (south of L Street). The ¼ circles around the schools showing needed pedestrian infrastructure show close to 50 million of repairs needed within a mile of this site. The largest amount of need again is in the southwest-south of L. Our community has been treated unequally and unfairly for 24 years by the city, although neighborhoods in the southwest that were annexed earlier also have suffered from the lack of concern of the city. Our neighborhood deserves equal treatment. Targeting us for a heavy industrial use such as this is totally unacceptable. We ask the state to help us, since the city does not respect the community at all. It annexed with the intention to exploit us and is now continuing to try to do this. Our zoning ordinances are supposed to protect us against a heavy industrial use in a light industrial zone.

The number one problem I have with this project (other than it is in the wrong location) is that it violates the laws and policies of the city of Chula Vista. I don't care if the city is willing to lie for money or not, and its employees are afraid of losing their jobs if they disagree with a mayor and some councilmen who only care about money. We are tired of being dumped on. In 2000 the city had absolutely no concern for the residents. If you read the minutes of the various meetings held about the existing peaker you noticed the residents were mentioned once and there was absolutely no community participation. The residents were lied to and misinformed as the city and MMC tried to do this time as well, but they learned there lesson as soon as they saw what that peaker. I did not know what a peaker was. I did not know where they were talking about, and I did not know how close the homes were to it. Nothing was in the newspaper. One day I was driving along Beyer to school and I saw it. I could not believe the city allowed something like that almost in the river bottom and so close to homes.

This is typical of the way the southwest community has been treated by the city. They will stick anything down here and just hope no one notices or says anything until it is too late. Well the community has had it with this attitude. Over twelve hundred people have signed petitions. Hundreds of people have gone to rallies and protests against this peaker. We have spoken at council meetings and at energy commission hearings. The people are aroused now. We see clearly that our community is being attacked by this New York company, and the city does not care about or respect our community at all.

We are pleading with the energy commissioners to listen to the residents. The residents have come together to fight this injustice. They need to win this. We deserve to win this. This is clearly a huge ugly heavy industrial use. This is clearly zoned as light industrial.

Many of us live close to light industrial zones in the southwest. When this was County land there were Fertilizer factories and chemical plants across the street from homes. The community was led to believe that if they voted for

DOCKET	
07-AFC-4	
DATE	
REC'D.	OCT 08 2008

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.*

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:

Objective - E 20 Ensure that facilities using, storing, and handling hazardous materials and waste do not result in significant adverse effects to existing and planned surrounding land uses.

The situation around this plant now is totally different than in 2001 when it was surrounded by junkyards and other storage facilities with a variety of hazardous materials. Now to the west and soon to the east are large meat processing plants. (Will consumers think that the particulate matter might contaminate the meat?) Across a 20 foot driveway to the east is an upscale design studio and a print shop. These businesses depend upon client visits. A facility such as a large generating facility with a cheap chain link fence with slats and two 70 foot tall smoke stacks will likely have a significant adverse effect upon these businesses just due to visual blight and public perception. Will international business people wish to attend workshops at a studio adjacent to something like this or come to drop off work or view show room samples? Modello Studios bought this condo. They were told by the developer that the plant was not functioning and would be torn down within 10 years and

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.

It also violates the following ordinances:

Chapter 19.46

I – GENERAL INDUSTRIAL ZONE

19.46.010 Purpose.

The purpose of the I zone is to encourage sound industrial development by providing and protecting an environment exclusively for such development, subject to regulations necessary to insure the purity of the airs and waters in Chula Vista and San Diego County, and the protection of nearby residential, commercial and industrial uses of the land from hazards and noise or other disturbances. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(A)).

19.46.020 Permitted uses.

Permitted uses in an I zone are as follows:

E. Electrical generating plants and liquefied natural gas plants;

The existing plant clearly violates this ordinance and should be immediately issued a “cease and desist order” and be required to clear to bare land as soon as this improperly located plant is rejected:

19.64.070 Cessation of use defined – Time limits.

A use shall be deemed to have ceased when it has been discontinued either temporarily or permanently, whether with the intent to abandon said use or not.

A. Cessation of Use of Building Designed for Nonconforming Use. A building or structure which was originally designed for a nonconforming use shall not be put to a nonconforming use again when such use has ceased 12 months or more.

This peaker did not operate for two years. It was illegally restarted several times by MMC Energy. For any other business in the I-L zone this would be considered illegal. For this business it should also be considered illegal. By ceasing operations for more than a year they voided their SUP and have been operating without a permit. They are a non-conforming use with no SUP. This is in violation of zoning codes and city code enforcement policy. The original MND also required that the generators and pollution equipment be updated every two years. PG&E chose to close down instead of doing this.

<u>Kings Co.</u>				mile	agriculture
<u>Calpine Gilroy</u>	135 mw	7acres	More than a mile	1400 ft. n.	Adjacent another plant, agriculture, industrial Food Warehouse 3,900 hr/yr
<u>Niland Imperial Co</u>	96mw	22 ac	More than a mile	1600ft. (3)	Trailer park 2,600 ft. w.
<u>Wildflower Indigo</u>	135 mw	10 ac.	More than a mile	a mile	Undeveloped desert habitat
<u>Hanford</u>	95mw	10 ac.	More than a mile	3,200'	Industrial Park, Agricultural
<u>Sentinel Riverside</u>	850 mw	37 ac.	More than a mile	1 mile ne	Business park se
<u>Grand Terrace Highgrove</u>	300mw	9.8 ac.	More than a mile	More than a mile	Industrial zone, decommissioned plant, agriculture, railroad,
<u>MMC Chula Vista</u>	100mw	3.8 ac.	1300 ft.	350 ft.	Albany Headstart, PreK, Otay Elementary 1300 feet

At one of the sites there was a house 350 feet away but the plant owners had an agreement to buy it before the plant would be built. At another there were some farm workers living 1,000 feet away and there was a plan to relocate them.

Why in this case are the 50 plus families within 1,000 feet not being considered? These families count. They are tired of being ignored. They are entitled to security within their homes. They are entitled to the protection of the government. If the city won't protect them, it is the responsibility of the energy commission. There are negative impacts. We don't care if they meet the level of significance or not. They are cumulatively significant, and there are negative health affects as well as negative socioeconomic effects. The two research papers cited by staff are not consistent with the experience of local brokers and appraisers. We don't want and won't accept any more pollution from anything in our neighborhood. We want to be treated like the residents in an affluent community. We want our zoning ordinances protected.

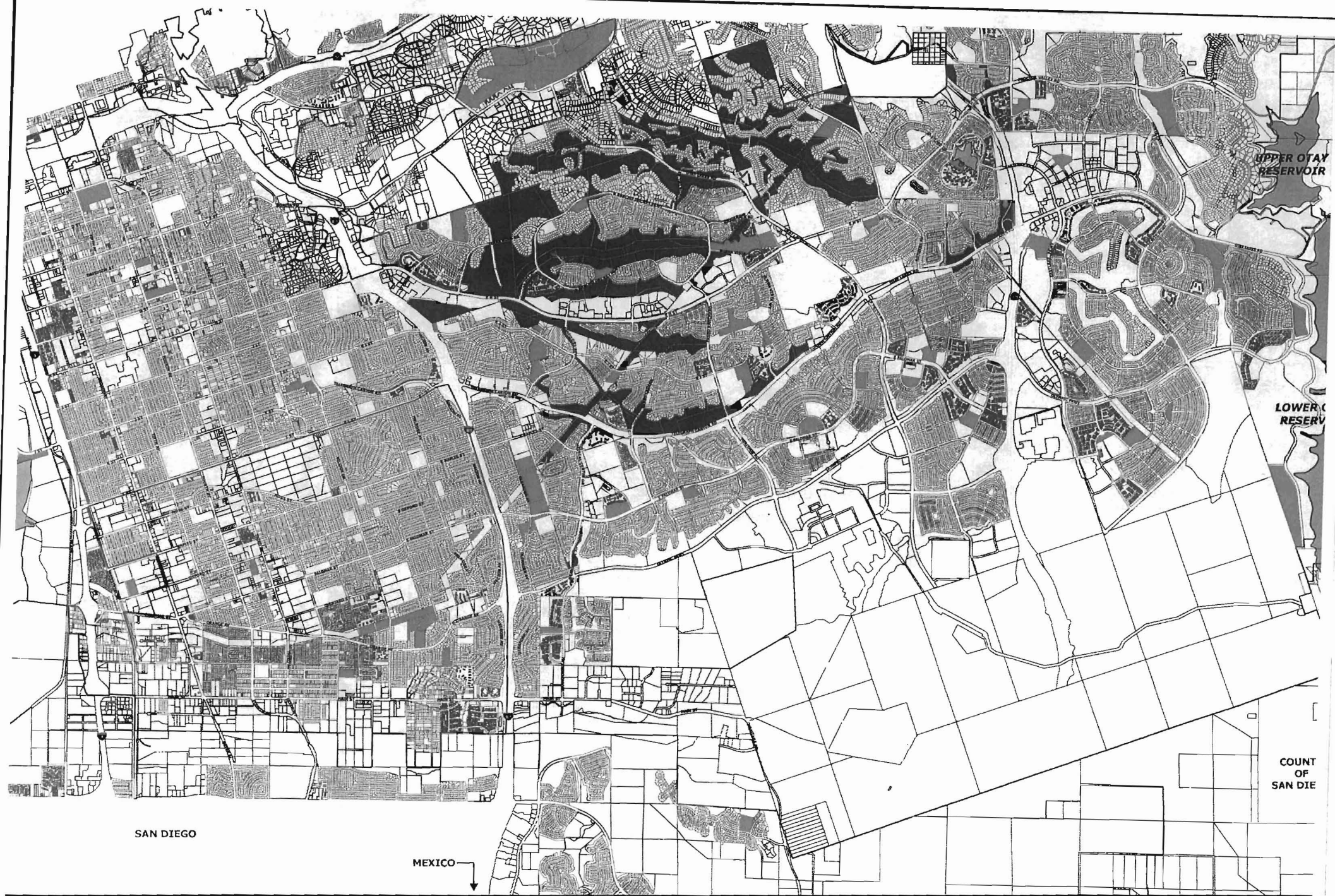
2. We want to make it 100% clear that the city **NEVER** made any effort to work with the community on this issue. The city never held a meeting of any kind. The city never talked to any resident. The city negotiated in secret with MMC without any community input. After we complained about the city's letter- 129 protestors appeared at city hall- the city sent staff out to try to convince people living within 1,000 feet to take the money offered by MMC. The people we talked to- well over half of the residents- completely rejected the city's offer and felt insulted by it. Comments made were "we aren't a bunch of dumb Mexicans, we don't take bribes", etc. The city's efforts did help to organize the community against this plant.

When questioned staff acknowledged they only listened to comments made a public meetings, but they did not listen to the comments made at public meetings, because the vast majority of the comments dealt with the negative health affects expected and demanded another location be found. The city never negotiated avoidance of this site

impact on the community. It is able to mostly hide its cars from view. It is not compatible with a heavy industrial use such as this with acknowledged emissions. The sewing factory is just sewing machines operated by people. It is also not compatible with a peaker power plant in any way shape or form.

8. Depending on the applicable code, close proximity is defined as "within 1000 feet" of a school (California Health & Safety Code §§42301.6–9) or within 0.25 miles of a sensitive receptor, under CEQA (CCR 2006; CCR 2008). Sensitive receptors are too close by these laws. 4.4-24







9. pdf page 336 The surrounding uses have changed in the presence of a peaker plant that never operated. It is unknown whether anyone would have bought the industrial condos or even if they would have been built if the peaker were fully operational for the two years it did not operate. Actually the redevelopment of these areas occurred after the plant stopped operating and the developer insisted it would never operate again. The research cited was written specifically to justify specific projects. Its validity is questionable as well as its applicability to this situation. We already have high voltage wires in our community. We should not have to also bear a peaker plant.

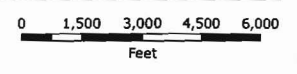


PARKS AND OPEN SPACE

City of Chula Vista

Legend

- | | |
|--|---|
|  Parks |  City Boundaries |
|  Open Space |  Parcel Boundary |
|  SWA Project Area |  Street |



City of Chula Vista PAVEMENT CONDITION

Inspected between
February 2, 2006 and
June 2, 2006

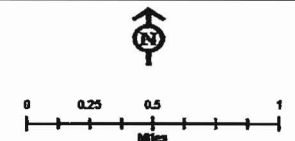
Engineering Department
Infrastructure Services Division

- DRAFT -

Legend

Current Pavement Condition Index

- Very Poor: .5%
(PCI 6.50 - 25.00)
- Poor: 7.3%
(PCI 25.01 - 50.00)
- Fair: 13.7%
(PCI 50.01 - 70.00)
- Good - Very Good: 78%
(PCI 70.01 - 100)
- Freeway, Private
or Alley
(Not Included)
- Cross Gutter



Map Note:
The City of Chula Vista does not guarantee the
accuracy of information contained on this map and cautions
against the use of this data in making land use decisions.

All rights reserved. No part of this map or data may be
reproduced or transmitted in any form or by any means,
electronic or mechanical, including photocopying and
recording, or by any information storage or retrieval system,
except as expressly permitted in writing by the City of
Chula Vista.






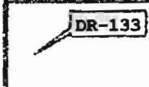


CITY OF
CHULA VISTA
GEOGRAPHIC INFORMATION SYSTEM
April 2, 2007
P:\Projects\Infrastructure\PCI_11x17.mxd

DRAINAGE CHALLENGES

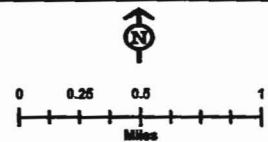
Engineering Department
Infrastructure Services Division

- DRAFT -

-  100 Year Flood Plain
-  Reported Flooded Area
-  Drainage Priorities
-  Priority Rank and Preliminary Cost Estimate
-  Storm Water - Major Drainage Way
-  Current Drainage CIP Projects

Storm Water Basins

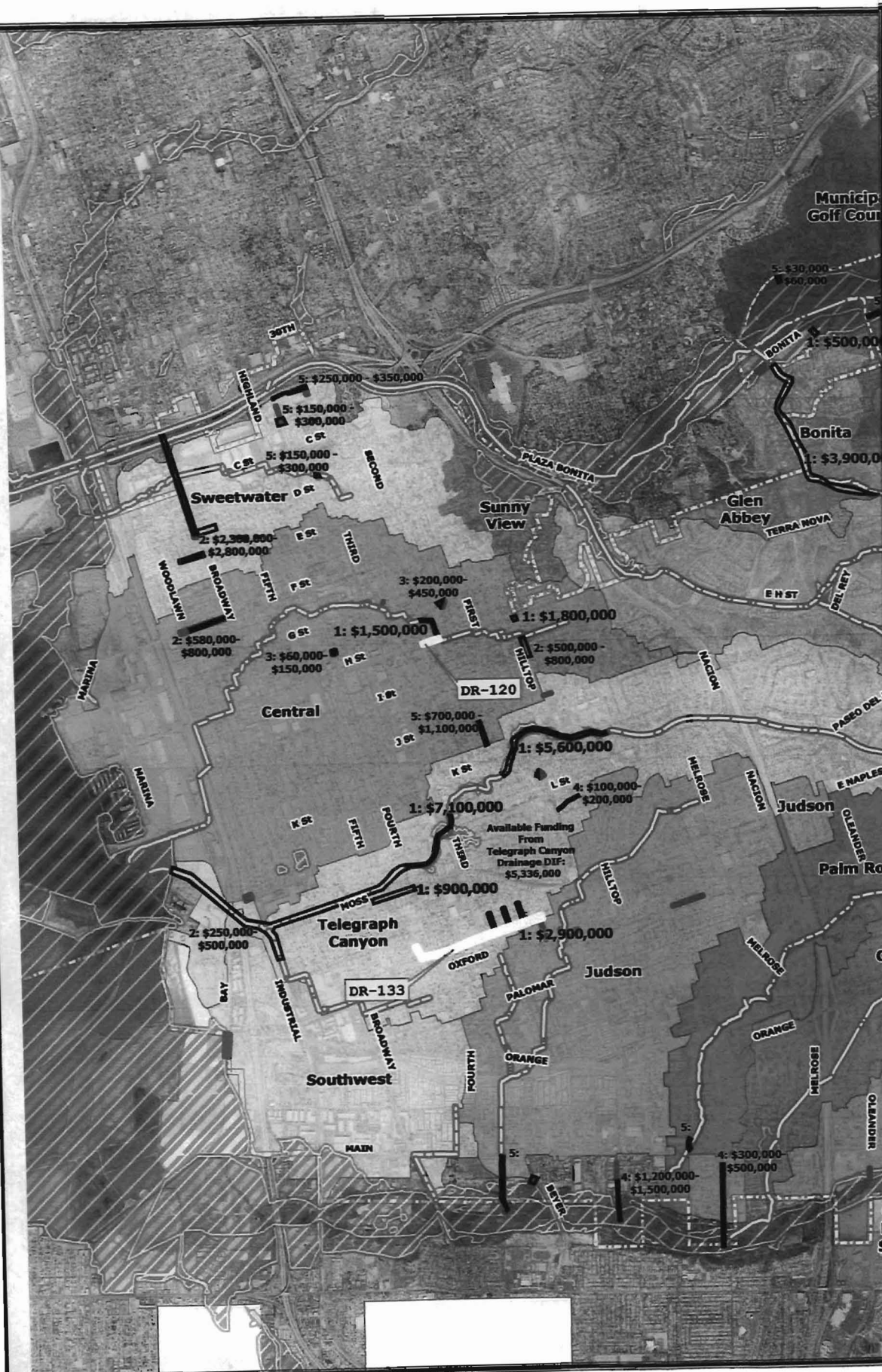
-  Bonita
-  Central
-  Glen Abbey
-  Judson
-  Long Canyon
-  Municipal Golf Course
-  Otay Lakes
-  Otay River
-  Otay River South
-  Palm Road
-  Poggi Canyon
-  Rice Canyon
-  Rolling Hills
-  Salt Creek
-  Southwest
-  Sunny Vista
-  Sweetwater
-  Telegraph Canyon
-  Wolf Canyon



Map Notes
The City of Chula Vista does not guarantee the accuracy of information contained on this map and cautions against the use of this data in making land use decisions.
All rights reserved. No part of this map or data may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, except as expressly permitted in writing by the City of Chula Vista.



CITY OF
CHULA VISTA
GEOGRAPHIC INFORMATION SYSTEM
April 12, 2007
H:\Projects\GIS\ChulaVista\11417.mxd



City of Chula Vista

MISSING PEDESTRIAN INFRASTRUCTURE (West Side)

Engineering Department
Infrastructure Services Division

- DRAFT -

Legend

- Missing Sidewalk and Curb
- Missing Sidewalk
- Missing Pedramp

Street CIP Projects

- STL-299
- STL-305
- STL-303
- STL-304
- STL-291
- STL-305

1/4 Mile School Buffer

School Attendance Boundary

School Name
Attendance
Infrastructure Cost

Private School

Redevelopment Areas

May Note: The City of Chula Vista does not guarantee the accuracy of information contained on this map and contains against the use of this data in making land use decisions.

All rights reserved. No part of this map or data may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, except as expressly permitted in writing by the City of Chula Vista.



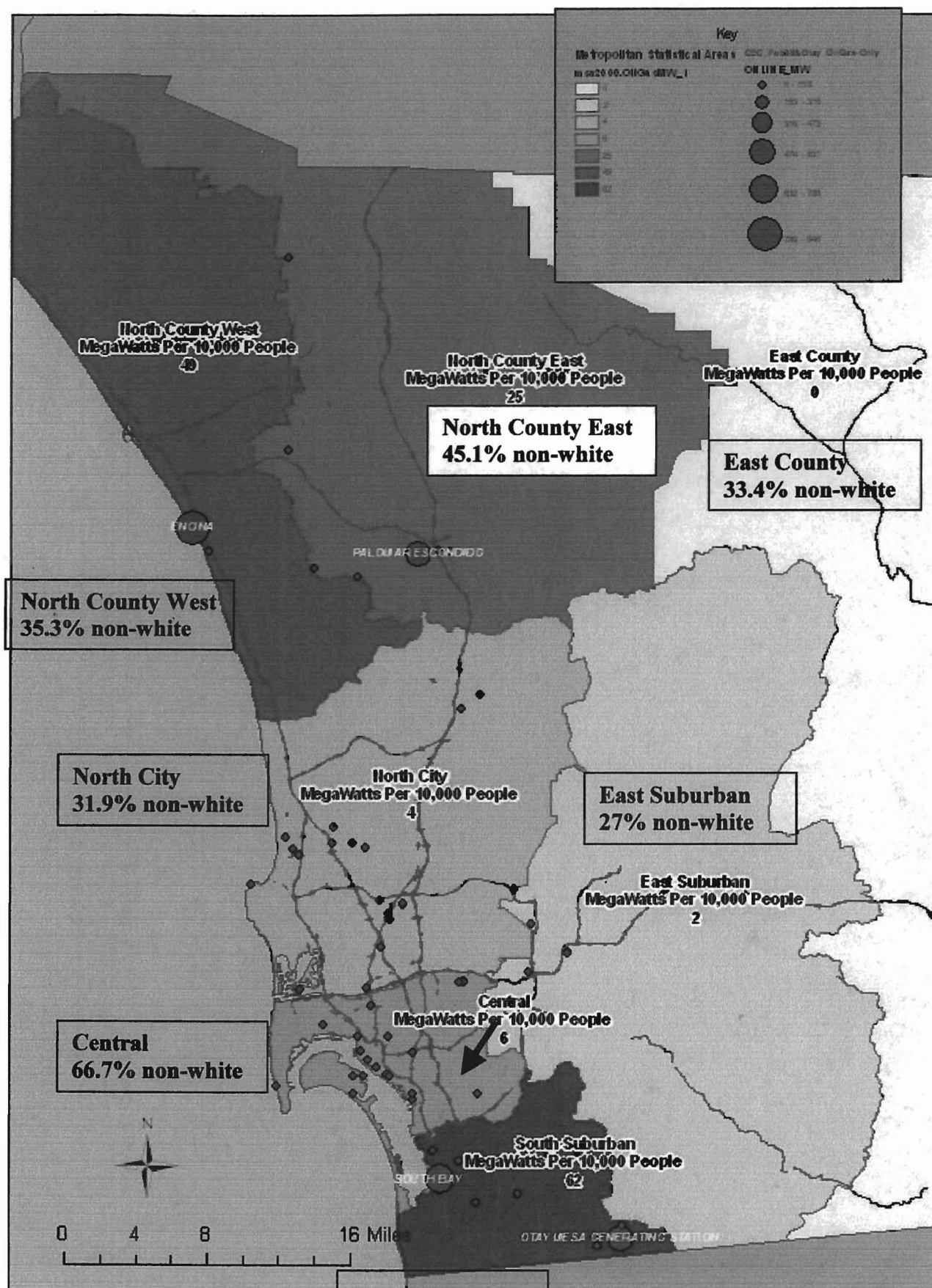
CITY OF
CHULA VISTA
GEOGRAPHIC INFORMATION SYSTEM

March 28, 2007

P:\Projects\Infrastructure\MissingPedestrian\W11x17.mxd



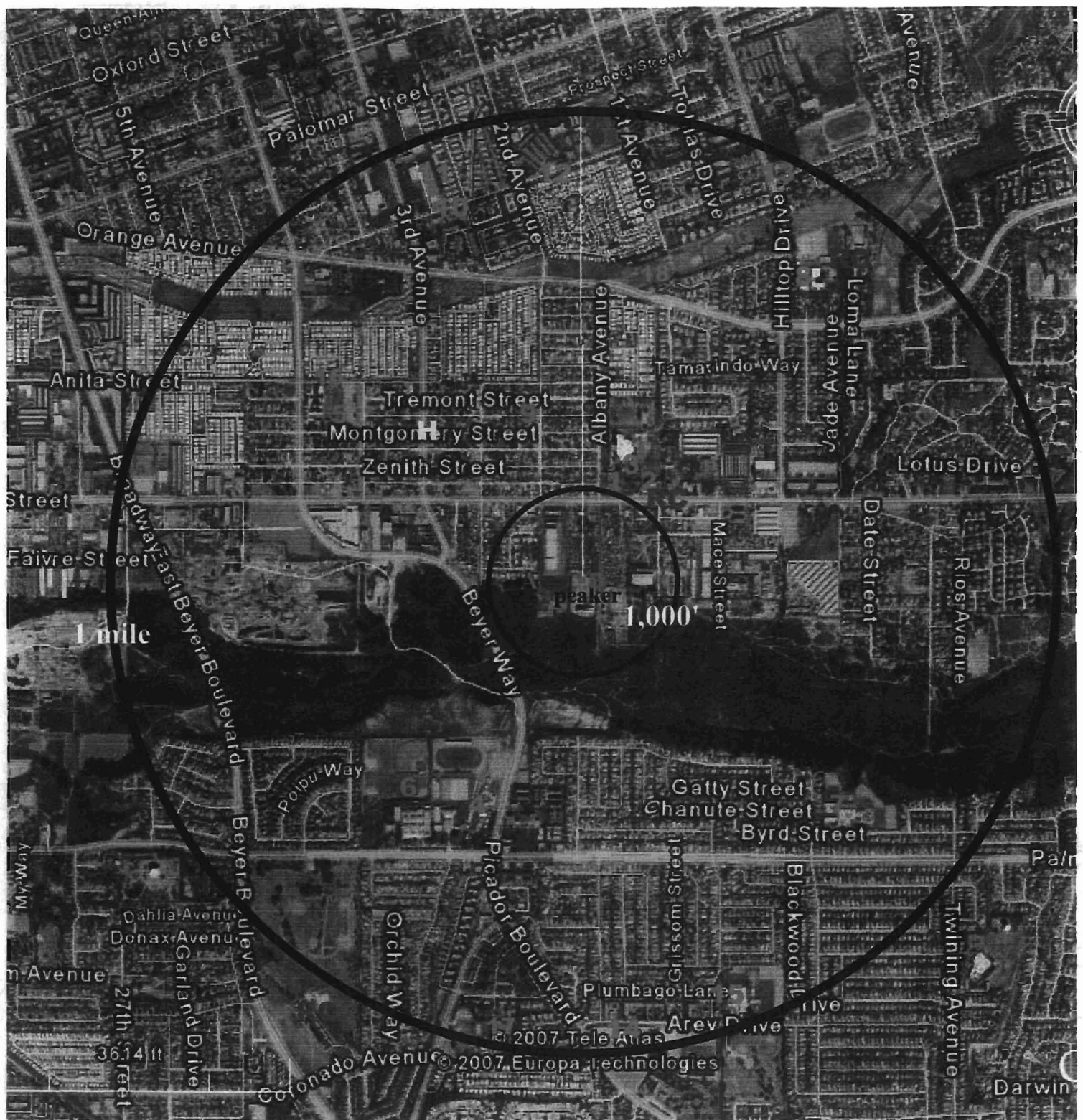
MegaWatts Per 10,000 People, by Metropolitan Statistical Area Natural Gas & Landfill Gas Facilities Only



Sources: CEC (Power plants)
SANDAG: MSA map layer

South suburban
71.6% non-white

Feature edit map.mxd
Environmental Health Coalition, 2008.



Google measurements: nearest house 350' A, CVESD pre-K 1,200' 1, Albany Headstart 1,228' 2, Otay Elem. 1,338' 3, Otay Rec. 1,164' RC, Montgomery Headstart 2,640' 4, Montgomery Elementary 3,022' 5, Otay Community Health Clinic 2,386' , Montgomery High School 2,008' 6, closest San Diego house 1,638', Finney elem. 3,361' 7, Loma Verde Elem. 4,067' 8, Loma Verde pool and Rec Center RC, Otay Apostolic church and elem. school 2,074' 9, just inside of a mile: MAAC Charter School 10, MAAC Headstart 11, Castle Park Middle 12, Castle Park High 13, Montgomery Middle 14, Silverwing Elementary 15, Montgomery Elementary Headstart 16, South Chula Vista Library L, Howard Pence Elementary 17., Orange Pre-school 3,200' 18, new businesses B

Youth Asthma Rates for City of San Diego, by Community

