

From: Susan Brown
To: Docket Optical System
CC: Elena Miller
Date: 3/27/2009 12:18 PM
Subject: Fwd: Letter sent by Scott Tulloch in the name of the city of Chula Vista regarding CVEUP
Attachments: Susan Brown.vcf

Please docket this e-mail correspondence in the Chula Vista MMC AFC. The docket number is 07-AFC-4.
Thank you.---Susan J. Brown

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DOCKET	
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DATE	<u>MAR 27 2009</u>
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>>> THERESA ACERRO <thacerro@yahoo.com> 3/27/2009 11:58 AM >>>
Commissioner Boyd,

Please disregard the letter sent by Assistant City Manager Scott Tulloch on March 16. It is totally inappropriate for a staff member, other than the City Attorney, to give a legal analysis of the ordinances of the city. The city's Ordinance on Unclassified Uses clearly lists the uses it applies to. As you rightly stated Electrical Power Plants are classified as a General Industrial Use.

The earlier letter sent by the city where Mr. Tulloch stated the mitigations offered by MMC cleared up the General Plan conflict also is invalid, since as you rightly stated in your preliminary decision mitigation is irrelevant legally to the interpretation of a General Plan, which is essentially a city's constitution. General Plans would be irrelevant if anyone could come along and buy whatever interpretation they wanted as Mr. Tulloch suggested.

The City Council and/or, perhaps, at times The Planning Commission can interpret the General Plan, but this is not the role of staff. These interpretations need to occur in public hearings where the public can comment. There has never been a public hearing on this matter by either of these bodies.

The perverted, nonsensical interpretation copied from MMC's lawyer is ridiculous. If this were the interpretation of the city then people and animals would have to remain a 1,000 feet from sensitive receptors. Clearly this was never the intention of the Environmental and Open Space Committee, which I was a member of. Using this broad definition of "energy generator" meaning anything that converts energy from one form to another could actually even include plants (light to chemical), but definitely would include people who commonly convert chemical energy to kinetic energy when they eat.

The last sentence is clearly a policy statement about Energy Production in the city. This has never been discussed in public or voted on by the council or any other body in the city. In fact the city once told Dynergy that the city had an alternate site for the SBPP but then withdrew the site. I am sure Dynergy would be happy to pursue this again if the city has changed its mind, but there would likely be political consequences.

Sincerely,
Theresa Acerro
President of South West Chula Vista Civic Association.