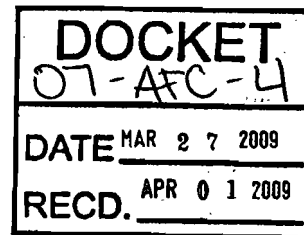




OFFICE OF THE CITY COUNCIL

March 27, 2009

Board of Commissioners
Chula Vista Energy Upgrade Project AFC Committee
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814



Docket No. 7-AFC-4 Chula Vista Energy Upgrade Project (MMC Peaker Plant)

Dear Honorable Commissioners:

As city councilmembers living closest to the proposed MMC peaker plant, we would like to thank you, and offer our strong support for the Preliminary Decision released in January. We think you are correct in your understanding of our local ordinances and support the recommendation that this project should be denied at this location.

You have received comments from our city staff on your proposed decision. In order to avoid any misunderstanding, we wish to take this opportunity to provide some clarification of our own views about the project and the General Plan. It is important for you to know that City staff's comments on the proposed decision were not reviewed by the City Council. Nor was the City Council involved in drafting the comments regarding how the City typically interprets its policies. We have asked for a full Council discussion of the comments, but this discussion will not be held prior to the Committee Conference on April 13.

We would like to raise two significant points of clarification for your consideration regarding application of General Plan Policy E 6.4 and the adequacy of alternatives analysis.

MMC's Peaker Plant Proposal Violates General Plan Policy E6.4

Both of us, in different capacities, were integrally involved in the drafting of Chula Vista's General Plan Update beginning in 2003 and ending with adoption of the plan in 2005. As members of both the Open Space, Environment, and Historical Resources Committee (the committee that originally drafted and proposed the policy) and the General Plan Steering Committee, we remember the intent of this policy vividly.

Chula Vista is home to two power plants, located close to homes and schools. The original peaking power plant on Main Street was a particularly egregious example of mixing of inappropriate land uses in an already heavily impacted community. The policy was not meant to be broad in its application, but very narrow. It was meant to ensure that no polluting power plant would ever be located again in the city of Chula Vista closer than 1,000 feet to homes and schools. In the record are the documents that clearly demonstrate this legislative history. They show that staff desired qualifying language to allow location of plants within 1,000 feet of sensitive receivers if there was a health risk assessment done. These documents also show that the City Council disagreed and deleted that

qualifying language from the policy. This demonstrates the City Council's intent that, unconditionally, power plants should not be located within 1,000 feet of neighborhoods.

On the simple grounds that the proposed plant is within 1,000 feet of homes, the application should be denied. We thank you for making that recommendation in your proposed decision, and we ask that this recommendation be upheld.

There are even more viable alternative locations for the power plant that comply with policy E 6.4 that have not been analyzed.

In discussions with our City Manager, it has been clarified that the city memo was not intended to endorse or in any way find adequate the alternatives assessment done by the CEC staff. In fact, there are many additional locations, within city boundaries, that could comply with Policy E 6.4 that were not analyzed and should have been. We request that you ask for clarification from our staff regarding these possible alternative sites during the April 13 Committee Conference. In particular, it is our understanding that there are several undeveloped sites near or adjacent to the landfill and within city limits that would comply with the buffer in the policy. We will be requesting a briefing from our staff on these alternative sites at our Energy Subcommittee meeting on April 6th.

We will raise these issues with our staff when we are afforded the opportunity, but we wanted to offer these comments for your consideration at the formal hearing on April 13.

Thank you for your consideration.

Respectfully,



Pamela Bensoussan
Councilmember
City of Chula Vista



Rudy Ramirez
Councilmember
City of Chula Vista

PB-RM/soj

cc: Board of Commissioners