



PO Box 6064, Chula Vista, CA 91909, (619) 425-5771

6/4/08

RE: Comments on Socio Economic Section of the PSA for the public record:

Mr. Christopher Myers:

The socio-economic area being impacted should be one mile around the site not Chula Vista-San Diego Region.

### **Existing Peaker**

MMC or, perhaps PG&E, will have to tear down the existing peaker in any case whether the 100mw plant is built or not. Therefore, this is not a benefit of the new large generating facility, requiring an upgrade of the substation. When PG&E abandoned the peaker for over 12 months they essentially voided their special use permit and became a non-conforming use that could not be replaced on the site according to:

**CVMC 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. City ordinance specifically says that electrical generating plants belong in a heavy industrial zone. This is a light industrial zone. A peaker is a non-conforming use and it is city policy to eliminate non-conforming uses. It is also the policy of code enforcement to require that the site be returned to bare ground before the code violation case is closed.

**CVMC 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***

### **Workers**

We question whether most workers will be drawn from San Diego area, because the construction of a power plant must require specialized skills. MMC has built another plant in San Diego County. We feel the CEC staff needs to verify where those workers came from and indeed if the same crew is not used at each of the sites they build. Nothing that MMC says can be taken at face value since they have lied at least to the public about a contract with SDGE and their permit.

## Demographic Screening:



This is an environmental justice community as staff correctly states. The problem is that staff has not evaluated the current negative impacts to this population and accurately described the setting, and “unique circumstances” have not been analyzed. Any new impacts would be cumulatively significant due to the current situation. This is a short video on demographic data for the southwestern part of Chula Vista: <http://www.youtube.com/watch?v=NBEOgrtlq3Y> . The speaker is Councilman Ramirez.

We have regional traffic problems. We have three times the industrial uses as the northwestern part of Chula Vista and three times the commercial needed to provide for the needs of the residents (Montgomery Specific Plan).

We have more criteria and toxic pollutants in our air.

<http://voiceofsandiego.org/articles/2007/01/02/news/01pollution.txt> There is a cement plant in the river bottom within ¾ mile of the proposed peaker.

Metropolitan Transit keeps its buses next to Otay Recreation across Main Street from the entrance to this peaker. We have two sets of high power transmission lines- towers and steel poles- going through our community. We have a maze of overhead wires. Our streets are a mess. We have drainage problems and many neighborhoods do not have sidewalks, gutters or curbs.

**It is totally inappropriate to subject this community to this proposed heavy industrial use in a light industrial zone. As pointed out earlier the issue of the existing peaker is moot since it violated an ordinance that makes its existence illegal.**



<http://www.youtube.com/watch?v=ea7LvJWZ-Cw> Some of our streets look like a third world country. The impacts of this project upon the populace are from its negative image, air pollution, negative visual impact, and inappropriate land use violating many policies, the General Plan and zoning ordinances. This would not happen in a non-environmental justice community.

Since they would have only one employee and little traffic, other than if they were vandalized frequently, they would have little impact on services, but they would not help matters any either just make them worse.



## **Fiscal/Non-Fiscal**

Table 2 is rather hard to believe. There is no way they are going to need 633 workers to build a peaker like this. Again staff needs to get the figures from a recently built 100mw plant to verify these figures. They are not building a city here. Even 160 seems high. They already have operation workers. Do they plan to fire them and hire someone local?

What exactly would they need to buy regularly that would generate over \$23,000 in sales tax? We don't believe natural gas charges sales tax and surely they won't buy that much ammonia. Instead of these made up figures provided by MMC how about some actual facts? (A local used car lot generates \$17,000 in sales tax a quarter.)

The current property tax paid on 3497 Main Street is \$49,108.33. The land is assessed at \$2,055,521, which would not change. The improvement value is \$2,199,766. This presumably is the value of the current peaker plant. In the Southwest Redevelopment area 40% of the tax increment goes to the RDA, 20% to the county, 20% to schools and 20% to affordable housing. The city General Fund only gets what it always has gotten which would be about 14% of the part of the tax that is on the land or about \$3,400. This is all it would get if this new large generating facility were to be built. The RDA spends 85% of what it collects on administrative costs and debt service. This is of absolutely no value or benefit to the community. The amount of money from this facility would be used to pay one or two employees. We question the figure of \$855,220. This seems like a huge amount. We also question whether the value of a 100mw peaker is \$80 million. Certainly the CEC has access to actual costs of these peakers and their assessed values? It makes no sense that if a 44.5mw plant was valued at \$2 million in 2001 a 100mw plant would be valued at \$80 million in 2008, especially in this economy. The distribution figures are not correct in any case, because the correct %'s were not used. Also the city of Chula Vista will not get any more than they are getting now for their General Fund, since this is a redevelopment area.

We also question the sales tax figure for construction, since it is our understanding that these generators are not made in California but need to be trucked in from somewhere in the Midwest. It is also questionable as to where this construction materials money will be spent. We suspect that most of what is needed to build a generating plant is not available at White Cap Construction around the corner. Again please verify the capital costs. What needs to be bought and where it will be purchased. These are very relevant questions for determining actual benefit, if any, to the community.

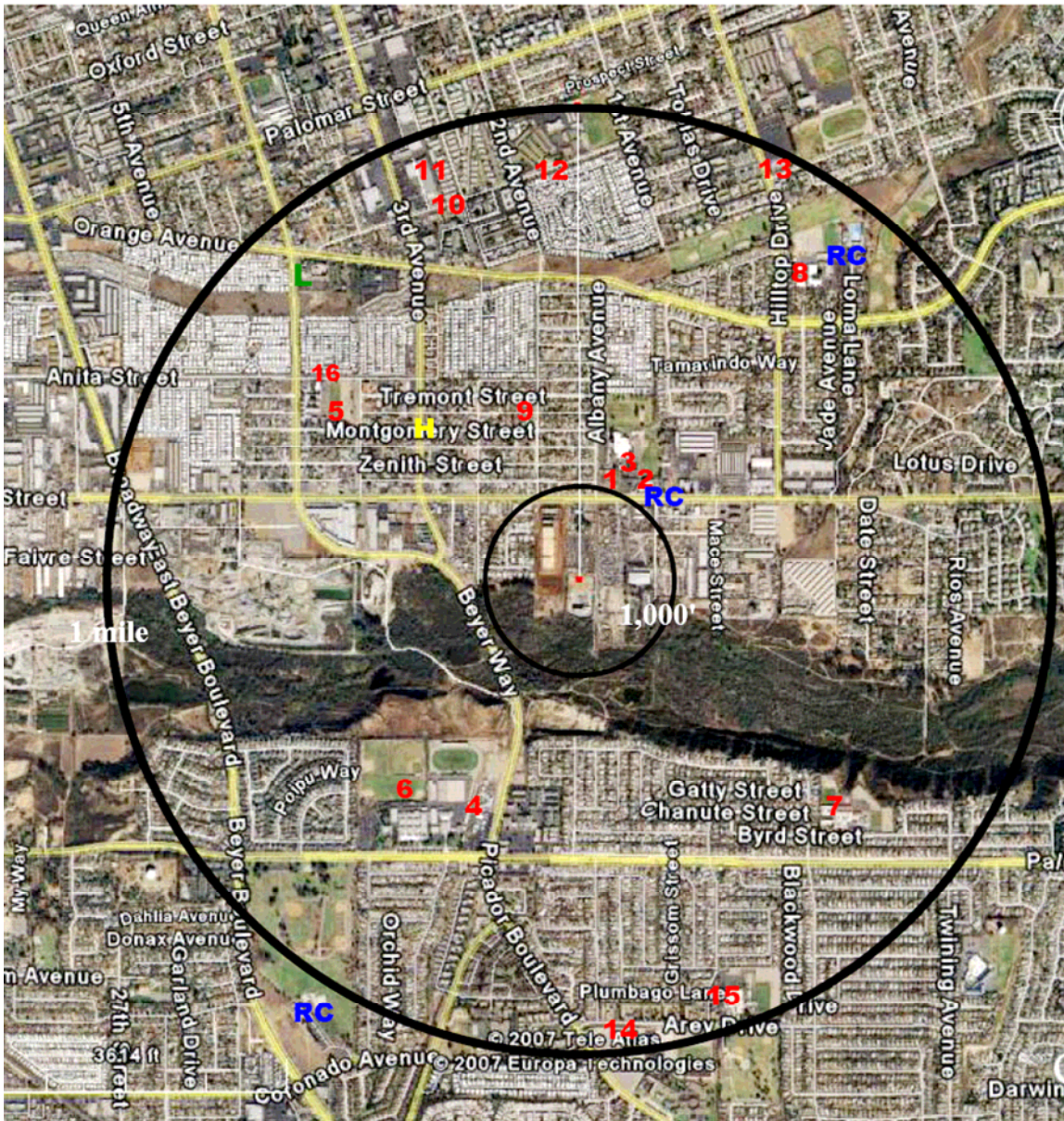
**Staff needs to validate all the supposed benefits figures.**

## **Schools**

MMC did a faulty survey when they concluded there were 9 schools within six miles of this peaker. There actually are 12 schools, two recreation centers, and a health clinic within one mile as the map on the next page shows. MMC did not count the South Bay Union schools, or the Headstarts, or the CVESD pre-K, or the private Apostolic School. MMC has been less than honest since they first applied. Last year they told us they had a contract with SDGE, which is why we might as well accept what they were planning to do. This month we found out they do NOT have a contract with SDG&E and SDG&E does not need peaker power in the southbay. They also said they had a 30 year permit. We now know they don't have any permit at all. Their lack of truthfulness makes us doubt everything about this project. We urge staff to be more skeptical and not base conclusions on data supplied by MMC.

## **Conditions of Approval**

If this large generating facility is permitted, which it should not be, there needs to be a condition of approval requiring upgrading to the highest and best technology of all pollution control equipment and the generators every two years or as upgrades become available. The community should not be forced to bear increased pollution as the plant ages. All power lines around the substation and within one mile of the site need to be under-grounded. The pollution from the cement plant must be substantially reduced. All truck traffic must be eliminated from the west driveway at the warehouse on the west. The east side must be used both to enter and exit. Some physical barrier needs to be in place to insure this.



Goggle measurements: nearest house 350', 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' **H**, 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**

Sincerely,

Theresa Acerro  
 President of Southwest Chula Vista Civic Association

PS: At this site can be viewed three maps showing how the southern part of the county bears a disproportional amount of impacts of fossil fuel electrical generation <http://www.chulavistaissues.org/psa.htm> (LAND USE)