

DATE ISSUED: June 10, 2002

REPORT NO. 02-139

ATTENTION: Land Use And Housing Committee  
Agenda of June 12, 2002

SUBJECT: Barrio Logan Chrome Plating

REFERENCE: March 29, 2002, Memorandum from Councilmember Inzunza

#### SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL.

#### BACKGROUND

This information item is in response to a memorandum from Councilmember Inzunza dated March 29, 2002 (see Attachment 1). The Councilmember requested that the Land Use and Housing Committee consider what short, mid and long-term actions the City could undertake to address incompatible land uses in Barrio Logan. Specifically, the memo requests that staff address the possibility of amending the Barrio Logan Planned District Ordinance along with the implementation of the California Land Environmental Restoration and Reuse Act, also known as Senate Bill 32 (SB 32). The following discussion outlines the land use history of Barrio Logan, describes applicable land use policy and regulatory documents, and provides environmental information relating to the Master Plating site and SB 32. In addition, the process for identifying potential short, mid and long-term measures to address incompatible land uses in Barrio Logan is addressed.

#### DISCUSSION

## **Land Use Planning/Zoning**

Barrio Logan is a community comprised of a concentrated mixture of homes, commercial buildings, and industrial facilities. Several studies have been conducted since the 1950's of what is today known as the Barrio Logan/Harbor 101 Community Planning Area. These studies focused primarily on the potential for waterfront industrial development. It was generally assumed that the entire area would eventually be redeveloped privately with industrial enterprises. However, due to complicated economic, physical and social considerations, residential uses have remained interspersed with industrial development.

Land use planning in Barrio Logan began in earnest in August of 1974 with formation the Barrio Logan Community Planning Association (BLCPA). The BLCPA was comprised of residents and industry representatives charged with crafting a community plan that would take into account all interests in the community. However, as work on the community plan progressed, industry representatives felt that their needs were not being met and the BLCPA was disbanded. Nonetheless, the Barrio Logan/Harbor 101 Community Plan was adopted by the City Council in November 1978 and remains in effect today. The plan accommodates more residential use than anticipated in the 1950's, with some recommended restrictions on the external effects of industrial uses.

In 1983, the City hired a consultant to create the Barrio Logan Planned District Ordinance (PDO), a tailored zoning ordinance for Barrio Logan. The PDO accommodates residential, commercial and industrial land uses and contains provisions for industry to make physical improvements to their properties to buffer residential areas. In addition, under a draft proposal, the PDO would have required improvements to be made to industrial uses within seven years from the PDO adoption date. Subsequently, the City Council adopted the PDO without the amortization period due to concerns from industry that they could not conform to the regulations in a seven-year period.

Zoning regulations contained in the Barrio Logan PDO currently include the IH-2-1 zone, which allows for manufacturing with some office uses. While the IH zones intend to promote efficient industrial land use with minimal development standards and proper safeguards for adjoining properties and the community, the PDO only relies on the citywide zones for identifying uses and does not contain the same safeguards for adjoining properties. As a result, the Barrio Logan PDO permits residential uses alongside heavy industrial uses.

In addition to the policies and regulations outlined above, the Barrio Logan Redevelopment Plan was adopted in May, 1991 for a portion of the Barrio Logan Community. The Barrio Logan Revitalization Action Plan was adopted in 1996 to address strategies to revitalize the community.

Any long term actions to address land use incompatibilities in Barrio Logan would include a review of community plan policies and land uses, an update of zoning regulations (currently the Barrio Logan PDO) and an evaluation of the redevelopment plan boundary.

## **Senate Bill 32**

As a short-term measure to address health concerns related to the co-location of residential, abandoned or underutilized properties, the City's Environmental Services Department is actively preparing an implementation plan for Senate Bill 32, the California Land Environmental Restoration and Reuse Act. Senate Bill 32 (Escutia, Chapter 764, Statutes of 2001) is commonly referred to as the Brownfields Statute. Similar to the Polanco Act of 1990, which gave the redevelopment agencies the authority to order cleanup of sites contaminated with hazardous materials, SB 32 gives the City the power to either order or undertake the investigation and cleanup of vacant or abandoned property. SB 32 focuses on blighted pockets of contaminated properties, or those perceived to be contaminated, that have slipped through the regulatory process. The Environmental Services Department will appear before the Committee on Public Safety and Neighborhood Services on July 10, 2002, to describe the implementation of SB 32.

Properties eligible for remediation under SB 32 must be less than five acres in size, must be outside a redevelopment zone, must not be subject to environmental remediation requirements under other applicable laws, and must not be currently in productive use such as operating businesses and residences.

To implement SB 32 the City must first approve a new ordinance that describes and authorizes the process. Once the ordinance is adopted, the designated SB 32 Program will compile a list of potentially eligible properties. Requests for information on the history and past use of hazardous materials at the site will be sent to the property owners. Using this and other information the City will determine if the site may be affected by hazardous materials and if it is, a notice to require the owner to conduct a Phase I Environmental Assessment will be issued. If sufficient evidence exists of a release of hazardous materials, the City is authorized to require the owner to investigate further and implement a remediation plan approved by the oversight agency. If the owner refuses to cooperate the City can initiate remedial action pursuant to the oversight agency approval and by resolution of the City Council. The owner or operator of the property is liable for all costs incurred by the City if hazardous materials contamination is found.

### **On-Going Monitoring**

City and County of San Diego staff have also been undertaking an ongoing monitoring process of two chrome-plating companies located in Barrio Logan. In December 2001, the California Air Resources Board (ARB) detected high levels of hexavalent chromium in the ambient (outside) air, in a special monitoring study conducted near Master Plating, 2109 Newton Avenue, and Carlson & Beauloye, 2141 Newton Avenue in the Barrio Logan area of San Diego. Long-term exposure to the elevated levels of hexavalent chromium detected in the air would increase the risk of developing cancer; no immediate acute health risks were expected at the levels detected, however.

As soon as ARB discovered the high levels of hexavalent chromium in the December study, ARB and the San Diego County Air Pollution Control District (APCD) initiated an intensive monitoring program, including additional ambient monitoring, testing of air pollution control equipment at the two platers, and selected indoor monitoring at both platers. The data

collected implicated the chrome plating operations at Master Plating as the cause of elevated levels of hexavalent chromium at a residence located between the platers. The incremental cancer risk estimated from all data collected at an ambient monitor outside that residence was approximately 125 chances in a million, for exposures over 70 years, 24 hours a day.

Continued monitoring revealed that hexavalent chromium was being emitted from Master Plating even after Master Plating temporarily stopped chrome plating. Inspections and investigation eliminated other neighboring facilities as possible sources of the high levels of hexavalent chromium detected at that residence.

The County of San Diego and APCD petitioned the Superior Court to close the operations of Master Plating as a result of the hexavalent chromium emissions as well as for hazardous materials violations. Superior Court Judge Charles Wickersham granted a preliminary injunction on May 24, 2002, ordering Master Plating to perform no more chrome plating operations until trial on the request for a permanent injunction, and further ordering Master Plating to comply with secondary containment requirements for all other (non-chrome) plating operations within 60 days.

### **Conclusion**

Based on Committee direction, City staff could evaluate short, mid and long-term measures to reduce land use conflicts in Barrio Logan. Measures could potentially include modification of the Barrio Logan Community Plan, Planned District Ordinance and Redevelopment Plan and/or implementation of SB 32. Funding for any measures not currently in departmental work plans would have to be identified and could potentially include grant funding and/or the reallocation/prioritization of work.

Respectfully submitted,

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Planning Director

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Approved: P. Lamont Ewell  
Assistant City Manager

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Tina Christiansen, AIA  
Development Services Director

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Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

- Attachment:
1. Memorandum from Councilmember Inzunza
  2. Map of the Barrio Logan Community Plan Area