

DATE ISSUED: December 4, 2002

REPORT NO. 02-289

ATTENTION: Honorable Mayor and City Council  
Agenda of December 9, 2002

SUBJECT: Barrio Logan Emergency Ordinance and Planned District Ordinance  
Amendment

REFERENCE: March 29, 2002, Memorandum from Councilmember Inzunza  
June 12, 2002, Land Use and Housing Committee Meeting on Barrio Logan  
Chrome Plating  
September 18, 2002 Land Use and Housing Committee Meeting on Barrio  
Logan Land Use Issues/ Work Program

### SUMMARY

#### Issues -

1. Should the Mayor and City Council approve a temporary emergency ordinance to prohibit new chrome plating establishments from locating within the Barrio Logan Planned District?
2. Should the Mayor and City Council direct staff to prepare an amendment to the Barrio Logan Planned District Ordinance to permanently prohibit new chrome plating establishments from locating within the Barrio Logan Planned District?

Managers Recommendation - Approve the temporary emergency ordinance and direct staff to prepare an amendment to the Barrio Logan Planned District Ordinance to permanently prohibit new chrome plating establishments.

Fiscal Impact - The total estimated cost to implement a temporary emergency ordinance to prohibit new chrome plating establishments within the Barrio Logan Planned District would be \$1,402 and would be borne by the Development Services Department. However, this cost does not include processing costs for the planned district ordinance revisions.

Housing Impact Statement None with this action.

### BACKGROUND

In response to a memorandum from Councilmember Inzunza dated March 29, 2002 (Attachment 1) staff identified the preparation of a temporary emergency ordinance and Barrio Logan Planned District Ordinance (PDO) amendment as the best short-term remedies to address incompatible land uses within the Barrio Logan community. The Land Use and Housing Committee

(Committee), at its meeting on September 18, 2002, unanimously supported the recommendation to prepare a temporary emergency ordinance to prohibit the location of new chrome plating establishments in Barrio Logan in conjunction with a PDO amendment to permanently ban chrome plating establishments.

## DISCUSSION

### **Temporary Emergency Ordinance**

Chrome plating establishments have been a permitted land use within the Barrio Logan community for many years, in some cases locating immediately adjacent to residences. However, in recent years, studies have determined that this mixture of chrome plating establishments and residences within this community was not without its consequences. Monitoring of several chrome plating establishments within this community has detailed the exposure of the general public to unacceptable health risks.

In 1986 the California Air Resources Board (ARB) identified hexavalent chromium as a toxic air contaminant pursuant to Health and Safety Code sections 39657 and 39660 et seq. in conjunction with the State of California Office of Environmental Health Hazard Assessment (OEHHA) and after the review by the Scientific Review Panel for Toxic Air Contaminants (Attachments 2 and 3). A toxic air contaminant is an air pollutant that the Board of the Department of Food and Agriculture finds may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health (Attachment 2). Hexavalent chromium is a cancer-causing chemical and has been identified in worker health studies as causing lung cancer (Attachment 4). It has been found that chrome plating and the use of hexavalent chromium as a corrosion inhibitor in cooling towers accounted for most of the known hexavalent chromium emissions within the State of California (Attachment 2).

In order to evaluate the levels of hexavalent chromium in the air, the ARB conducted monitoring in December of 2001 and February through April of 2002 near two chrome plating establishments within the Barrio Logan community. In both cases, the ARB detected high concentrations of hexavalent chromium in the ambient (outside) air near one of the establishments, known as Master Plating. After analyzing the data, the ARB opined that the levels detected near this establishment would present an unacceptably high risk (Attachment 5, 6 and 7). Particularly troubling was the fact that some of the highest concentrations were detected in the front yard and in an alley adjacent to a single-family home. On March 25, 2002, the owner of Master Plating voluntarily agreed during court proceedings to cease all chrome-plating operations and a temporary restraining order was then entered, requiring that no chrome-plating be done until further order of the court (Attachment 8). Since the issuance of the restraining order, the owner of Master Plating has decided to close the business.

While the closing of Master Plating addresses this particular use, current zoning regulations would still permit a new chrome-plating business to be legally established on this premise or a number of others within the Barrio Logan community. The adoption of a temporary emergency ordinance would prevent this from occurring until a PDO amendment could be implemented.

**Barrio Logan PDO Amendment**

Barrio Logan is a community comprised of a concentrated mixture of residential, commercial and industrial land uses. In 1983, the City hired a consultant to create the Barrio Logan PDO, a tailored zoning ordinance to implement the policies of the Barrio Logan/Harbor 101 Community Plan. The resultant PDO accommodated residential, commercial and industrial development but contains minimal development regulations to buffer incompatible land uses. The zoning regulations contained in the Barrio Logan PDO also refer to the permitted uses in the citywide IH-2-1 (Industrial--Heavy) zone, which allows for manufacturing uses with limited office uses. While the citywide 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 IH zone for identifying permitted uses and does not contain the same safeguards as the citywide zones. As a result, the Barrio Logan PDO permits residential development alongside heavy industrial uses, such as chrome plating establishments.

To address this land use incompatibility, an amendment to the Barrio Logan PDO would be necessary to permanently ban chrome-plating establishments. The Barrio Logan PDO is divided into five sub- districts (A, B, C, D and the Redevelopment Subdistrict), three of which currently permit chrome plating, which is considered to be a heavy industrial use. Minor amendments to the permitted uses within each of these sub-districts (Attachment 9) would prohibit any new chrome plating businesses from locating within the Barrio Logan community.

CONCLUSION

In order to address short-term land use incompatibilities within the Barrio Logan community, Development Services staff recommends the adoption of a temporary emergency ordinance (Attachment 10) and the preparation of an amendment to the Barrio Logan Planned District Ordinance (Attachment 9) to permanently prohibit the location of any new chrome-plating establishments.

ALTERNATIVES

- 1. Do not adopt a temporary emergency ordinance and Barrio Logan Planned District Ordinance amendment that would permanently prohibit the location of new chrome plating establishments within the Barrio Logan community.

Respectfully submitted,

Tina P. Christiansen, A.I.A.                      Approved by: P. Lamont Ewell  
Development Services Director    Assistant City Manager

CHRISTIANSEN/SDD

Note: Attachments 9 and 10 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

- Attachments:
1. [Memorandum from Councilmember Inzunza dated March 29, 2002](#)
  2. [Air Resources Board Staff Report dated December 9, 1985](#)
  3. [Declaration to the Superior Court of the State of California of Robert Blaisdell, Ph.D., dated March 25, 2002](#)
  4. [Office of Environmental Health Hazard Assessment Barrio Logan Hexavalent Chromium Health Effects Fact Sheet](#)
  5. [Supplemental Declaration to the Superior Court of the State of California of Robert Blaisdell, P.h.D, dated May 24, 2002](#)
  6. [Declaration to the Superior Court of the State of California of Linda Murchison, dated March 25, 2002](#)
  7. [Declaration to the Superior Court of the State of California of Jeffrey Cook, dated March 25, 2002.](#)
  8. [Letter from Peter D. Venturini, Chief of the Stationary Source Division of the Air Resources Board dated April 23, 2002.](#)
  9. Proposed Ordinance amending the Barrio Logan PDO
  10. Proposed Emergency Ordinance