

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

1775 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

(619) 767-2370



RECORD PACKET COPY

September 23, 2003

**Thu 7a**

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **CITY OF SAN DIEGO DE MINIMIS LOCAL COASTAL PROGRAM  
AMENDMENT NO. 2-03 (Chrome-plating facilities)** (For Commission  
review at its meeting of October 7 - 10, 2003)

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs (LCP). Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

**PROPOSED AMENDMENT**

The City of San Diego has submitted an LCP amendment package which includes revisions to the Barrio Logan Planned District Ordinance to prohibit the location of new chrome plating facilities. The planned district ordinance is the certified LCP Implementation Plan for the Barrio Logan community in the City of San Diego. The Barrio Logan Planned District Ordinance currently includes the permitted uses in the four different subdistricts which include Subdistrict A -Mixed Use-residential preference, B - Mixed Use, C - Residential and D - Industrial. 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. As noted by the City, although the citywide I-H zones intend to promote efficient industrial land use with minimal development standards and proper safeguards for adjoining properties, the Barrio Logan PDO does not contain the same safety measures as the citywide zones. As a result, the Barrio Logan PDO permits residential development to be located adjacent to heavy industrial uses. The Barrio Logan PDO also does not specifically call out chrome plating businesses as an allowable activity, but this type of business has operated in the Barrio Logan PDO area, up until recently.

In recent years it has been determined by the California Air Resources Board and State of California Office of Environmental Health Hazard Assessment that hexavalent chromium used in chrome-plating businesses is a cancer-causing chemical. Therefore, the proposed amendment to the Barrio Logan PDO permanently bans new chrome-plating establishments.

The City Council resolutions that approve and convey the proposed de minimis LCP amendment are attached. The amendment was properly noticed through newspaper publication and direct mail and there are no known interested parties. The amendment request was received in the Commission office on June 11, 2003 and includes four separate components (one land use plan amendment and three implementation plan amendments). The subject component consists of changes to the Barrio Logan Planned District Ordinance which would prohibit the establishment of new chrome plating businesses in the Barrio Logan Planned District Ordinance.

Following is a summary of the proposed changes along with a brief explanation of the purpose for or intent of the change and a reason why it is de minimis pursuant to Section 30514 of the Coastal Act.

### **DISCUSSION**

The revisions to the Barrio Logan Planned District Ordinance addressed in this action are de minimis in nature. They include minor changes to clarify existing language addressing the definitions of permitted uses in the PDO as well as the uses that are expressly prohibited in the industrial subdistrict of the PDO. Specifically, under the Definitions section of the PDO which address "manufacturing establishments" and "maintenance, repair and service facilities", a sentence is proposed to be added which specifies that "manufacturing" does not include establishment engaged in chrome plating of materials and that "maintenance, repair and service facilities" do not include establishments engaged in chrome plating of materials. In addition, in District D – under "Permitted Uses", the PDO lists the types of uses that are expressly prohibited which include churches, residential uses, etc. A new category is proposed to be added which identifies establishments engaged in the chrome-plating of materials. The proposed de minimis changes do not change any land use designations. They simply provide that one narrow category of industrial activity which is not currently addressed in the PDO is not an allowable form of industrial activity. The proposed restrictions on chrome plating do not have any potential for impact to coastal resources. All the proposed de minimis modifications are consistent with Chapter 3 of the Coastal Act.

### **CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval

program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the de minimis LCP amendment, as submitted, can be supported.

#### **DETERMINATION**

The Executive Director determines that the City of San Diego LCP amendment is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

#### **MOTION:**

*I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.*

#### **STAFF RECOMMENDATION:**

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) days after the date of the Commission meeting.

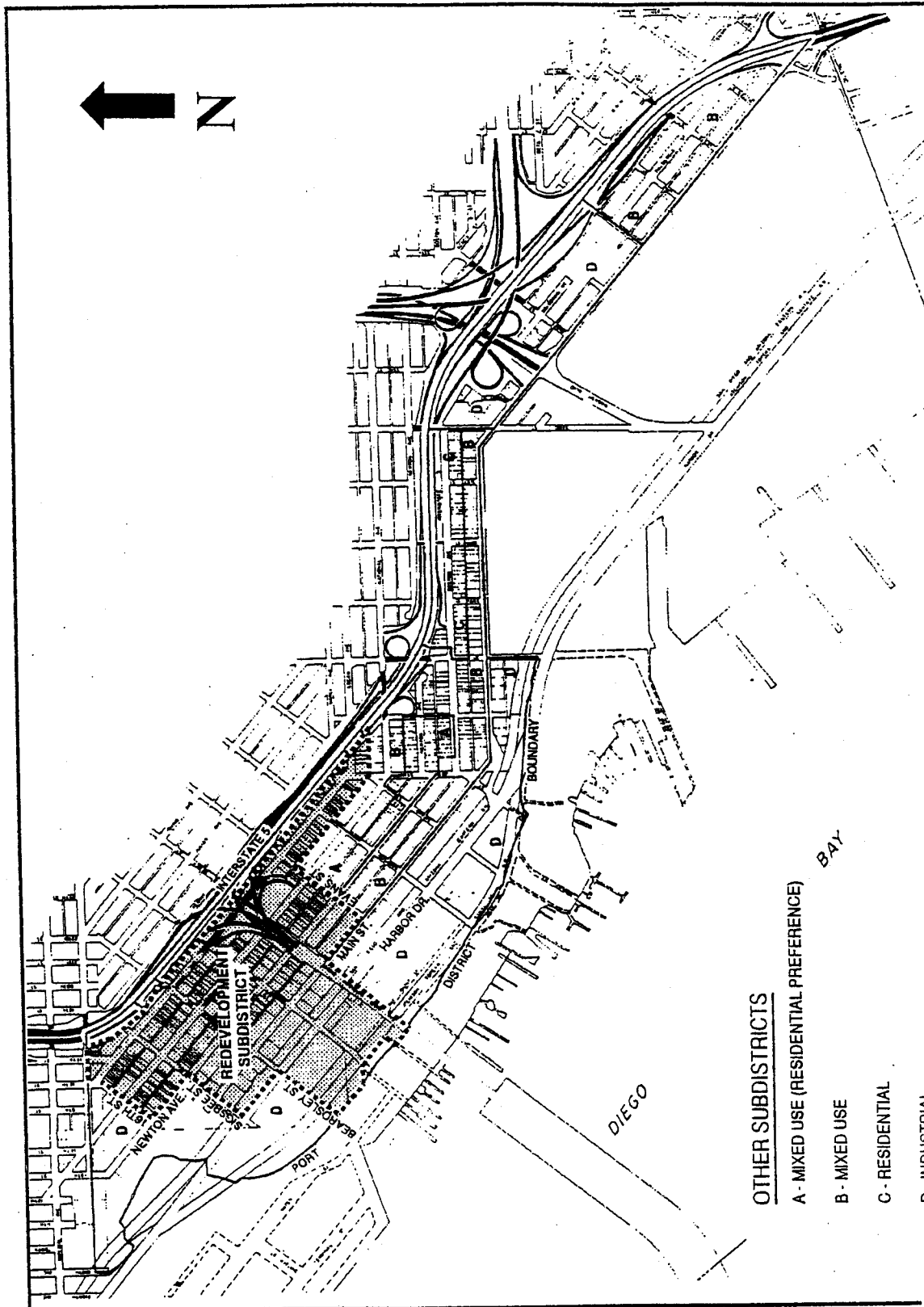


FIGURE 1 OF  
CHAPTER X, ARTICLE 3,  
DIVISION 9

# BARRIO LOGAN PLANNED DISTRICT SUBDISTRICTS

EXHIBIT NO. 1  
APPLICATION NO.  
**City of San  
Diego LOPA  
#2-03**  
Map of Barrio Loga  
Subdistricts

(O-2003-92)

ORDINANCE NUMBER O- 19145 (NEW SERIES)

ADOPTED ON JAN 28 2003

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO  
AMENDING CHAPTER 10, ARTICLE 3, DIVISION 9, OF THE SAN DIEGO  
MUNICIPAL CODE, BY AMENDING SECTIONS 103.0902, 103.0926, AND  
103.0946, ALL RELATING TO BARRIO LOGAN PLANNED DISTRICT.

WHEREAS, on September 18, 2002, the Committee on Land Use and Housing  
unanimously supported the recommendation to prepare an emergency ordinance to prohibit the  
location of new chrome plating establishments in Barrio Logan in conjunction with a Barrio  
Logan Planned District Ordinance amendment; and

WHEREAS, California Air Resources Board's monitoring of several chrome plating  
establishments within the Barrio Logan community has revealed exposure of the general public  
to unacceptable health risks; and

WHEREAS, the toxic effects of air contamination has been thoroughly documented in  
City Manager Report No. 02-289 and attachments thereto which are incorporated in this  
ordinance by this reference; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter 10, Article 3, Division 9, of the San Diego Municipal Code, is  
amended by amending Sections 103.0902, 103.0926, and 103.0946, to read as follows:

§103.0902      Definitions

EXHIBIT NO. 2
APPLICATION NO.
<b>City of San</b>
<b>Diego LCPA</b>
<b>#2-03</b>
City Ordinance

(a) through (oo) [No change.]

(pp) Manufacturing: Establishments engaged in the manufacturing, fabricating, assembly, treatment, servicing, packaging, processing, and handling of finished products and product parts primarily from previously prepared materials. Manufacturing does not include establishments engaged in chrome plating of materials.

(qq) Maintenance Repair and Service Facilities: Establishments engaged in servicing or repairing industry machines and equipment, carpentry, welding and metal forming shops, print shops, laundry and dry cleaning plants, and other similar facilities. As a land use classification, this excludes vehicle dismantling, salvage and wrecking of automobiles and of other similar light vehicles, processing of scrap metals, junk yards and storage of salvaged materials, and similar uses. Maintenance Repair and Service Facilities does not include establishments engaged in chrome plating of materials.

(rr) through (ww) [No change.]

**§103.0926 Subdistrict "B" Permitted Uses**

[No change to first sentence.]

(a) through (c) [No change.]

(d) Any nonresidential use permitted in the IH-2-1 zone (except

establishments engaged in the chrome plating of materials) as set forth in Land Development Code Section 131.0622.

(e) through (g) [No change.]

**§103.0946 Subdistrict "D"- Permitted Uses**

In Subdistrict "D," no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for one or more of the uses permitted in the IH-2-1 zone as set forth in Land Development Code Section 131.0622 provided, however, that the following uses are prohibited:

(1) through (7) [No change.]

(8) Establishments engaged in the chrome plating of materials.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the date it is effectively certified by the California Coastal Commission as a Local Coastal Program amendment.

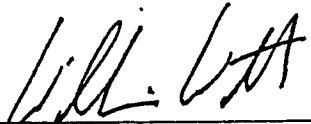
Section 7. That the City Manager is directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

Section 8. That upon its effective date, this ordinance shall supersede Ordinance No. ~~19133~~

19133 (C.A. O-2003-82).

APPROVED: CASEY GWINN, City Attorney

By

  
for Prescilla Dugard  
Deputy City Attorney

PD:cdk

11/19/02

Or.Dept:Dev.Srvcs.

O-2003-92



OLD LANGUAGE: ~~Struck Out~~  
NEW LANGUAGE: Underlined

(O-2003-82)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 10, ARTICLE 3, DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 103.0902, 103.0926, AND 103.0946, ALL RELATING TO BARRIO LOGAN PLANNED DISTRICT.

§103.0902 Definitions

(a) through (oo) [No change.]

(pp) Manufacturing: Establishments engaged in the manufacturing, fabricating, assembly, treatment, servicing, packaging, processing, and handling of finished products and product parts primarily from previously prepared materials. Manufacturing does not include establishments engaged in chrome plating of materials.

(qq) Maintenance Repair and Service Facilities: Establishments engaged in servicing or repairing industry machines and equipment, carpentry, welding and metal forming shops, print shops, laundry and dry cleaning plants, and other similar facilities. As a land use classification, this excludes vehicle dismantling, salvage and wrecking of automobiles and of

EXHIBIT NO. 3  
APPLICATION NO.  
**City of San  
Diego LCPA  
#2-03**

Emergency  
Ordinance  
w/Strikeout/Underlin

other similar light vehicles, processing of scrap metals, junk yards and storage of salvaged materials, and similar uses. Maintenance Repair and Service Facilities does not include establishments engaged in chrome plating of materials.

(rr) through (ww) [No change.]

**§103.0926 Subdistrict "B" Permitted Uses**

[No change to first sentence.]

(a) through (c) [No change.]

(d) Any nonresidential use permitted in the IH-2-1 zone (except establishments engaged in the chrome plating of materials) as set forth in Land Development Code Section 131.0622.

(e) through (g) [No change.]

**§103.0946 Subdistrict "D"- Permitted Uses**

In Subdistrict "D," no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for one or more of the uses permitted in the IH-2-1 zone as set forth in Land Development Code Section 131.0622 provided, however, that the following uses are prohibited:

(1) through (7) [No change.]

(8) Establishments engaged in the chrome plating of materials.

PD:cdk  
11/20/02  
O-2003-82