

**Article 2: Barrio Logan Planned District**

*(“Barrio Logan Planned District” added 3-27-2007 by O-19592 N.S.)*

**Division 2: Permits and Procedures**

*(“Permits and Procedures” added 3-27-2007 by O-19592 N.S.)*

**§152.0201 Administrative Regulations**

(a) General Provisions

- (1) Any use, except for those uses permitted in the Barrio Logan Planned District which existed on March 2, 1992, shall be considered a previously conforming use. Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses) shall apply except that expansion or enlargement of previously conforming uses is not permitted.
- (2) If an applicant proposes to move a building from one location to another, the applicant shall first obtain a Neighborhood Development Permit pursuant to Land Development Code Section 143.0302.
- (3) All City projects, government subsidized projects, public facilities, structures and improvements, and redevelopment projects, shall conform to the purpose and intent of the Barrio Logan Planned District and shall be subject to the same regulations, conditions and standards established in the Barrio Logan Planned District.

(b) Exceptions

- (1) The amendments herein shall not apply to any project for which a building permit has been obtained or for which a complete application has been received and accepted by the City prior to March 2, 1992. Amendments to approved permits shall be subject to the provisions of the Barrio Logan Planned District.
- (2) Unless the work would expand a previously conforming use, approval by the City Manager is not required for interior modifications, repairs or alterations for which a building permit is not required as of March 2, 1992.

- (3) A Hearing Officer may approve, conditionally approve or deny, in accordance with Process Three, any or all of the following exceptions listed in Section 152.0201(b)(3)(A) through (b)(4) to certain Redevelopment Subdistrict regulations provided such exception(s) would serve to carry out the purpose and intent of the Redevelopment Subdistrict. These exceptions shall be limited to the area within the Redevelopment Subdistrict bounded by Harbor Drive, the Coronado Bay Bridge rights-of-way and the Barrio Logan Redevelopment Project Area boundaries, and shall apply only if this portion of the Redevelopment Subdistrict continues to be used for marine oriented industries, and port related transportation uses. The exceptions are:
- (A) Section 152.0405 (Outdoor Display, Operation and Storage) shall only apply to the portion of the property lying within 50 feet of the Harbor Drive property line. All other property included within the exception area described in Section 152.0201(b)(3), is exempt from the regulations of Section 152.0405.
  - (B) Enclosure requirements shall not apply to equipment and installations which are integral parts of the manufacturing or industrial process on the premises.
  - (C) Merchandise, material or equipment may be stored at a height greater than the wall or fence which screens it from Harbor Drive as allowed in Section 152.0201(b)(3)(A) above, provided the merchandise, material, or equipment is located at least 50 feet from the Harbor Drive property line.
  - (D) Except for office buildings, the height of structures may exceed the maximum building height of 35 feet or 2 stories established in Section 152.0319 (Figure 4). However, this exception shall apply only to structures which are an integral part of the exclusive use and directly related to the existing industrial operations on the property.
  - (E) Should a property span 2 or more Barrio Logan Subdistricts or spans the Barrio Logan Planned District and the Centre City Planned District, that property shall be subject to consistent regulations to be determined by the Hearing Officer at the time of review.

- (4) In granting any exception, the Hearing Officer shall make the following findings:
  - (A) The proposed exception shall not result in any substantial reduction of public views toward San Diego Bay or Centre City.
  - (B) The proposed exception is consistent with the goals, objectives and intent of the Barrio Logan Redevelopment Plan and the Redevelopment Subdistrict of the Barrio Logan Planned District.

*(“Administrative Regulations” added 3-27-2007 by O-19592 N.S.; effective 4-26-2007.)*

*(Amended 3-22-2018 by O-20917 N.S.; effective 4-21-2018.)*

**§152.0202 Permit Application, Review and Issuance**

- (a) General Permit Procedures
  - (1) No permit shall be issued for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration, rehabilitation, demolition, move on, addition or enlargement of any building, structure or improvement, or for the occupancy of any building, structure or premises, or for the grading, subdivision or street closure, nor shall any site be used in any portion of the Barrio Logan Planned District until the application has been approved pursuant to Section 152.0202(b)(1) through (b)(5). Each applicant shall state the purpose for which the proposed building, structure or improvement is intended to be used. Applications for grading permits and demolition of structures shall not be accepted unless application is made concurrently for a building permit.

- (2) The City Manager shall review projects which affect historic sites designated pursuant to all applicable Municipal Code sections. All applications for the demolition or removal of any building shall be submitted to the City Manager for review. The City Manager may approve, in accordance with Process One, an application for a demolition permit if it is determined that the site in question is not a potential historic site.

The City Manager shall make that determination within 10 working days of the receipt of the application. If the City Manager does not make the determination within the specified period, the site shall be deemed not to be a potential historic structure. If the site is a potential historic structure, the demolition or removal permit application may be approved, conditionally approved or denied by the Planning Commission, in accordance with Process Four. The application shall not be approved for 90 calendar days or until the Historical Resources Board has evaluated and acted on the site's historical significance, whichever occurs first. The provisions of Section 152.0202(a)(2) do not apply to the following:

- (A) Any building or structure found by the Building Official of the City of San Diego to present a hazard to public health or safety and for which an emergency permit for demolition must be issued; or
- (B) Any permit approved as part of a development project submitted, reviewed and approved in accordance with the Barrio Logan Planned District, and provided that the development application includes an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property. The environmental document shall be reviewed by the Historical Resources Board for the purpose of recommending to the City Manager whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

- (3) If any structure or building is intentionally demolished or substantially damaged without obtaining a demolition permit, a building permit for that site will not be issued for a period of one year, or a previously issued permit may be revoked for a period of one year from the date the City is made aware of the demolition. If the demolished or damaged structure was a designated historic site, a building permit will not be issued for 2 years, or a previously issued building permit may be revoked for a period of 2 years from the date the City is made aware of the demolition.
  - (4) The City Manager or designee shall review all development proposals located within the Redevelopment Subdistrict of the Barrio Logan Planned District, and make recommendations to the Hearing Officer.
- (b) Barrio Logan Planned District Permit
- (1) A Barrio Logan Planned District Permit (Process Three) is required for all proposed development within the Redevelopment Subdistrict of the Barrio Logan Planned District. Additions to existing developments within the Redevelopment Subdistrict which meet all development regulations and do not exceed 20 percent of the existing floor area shall be reviewed as a Process One. All proposed development outside the redevelopment subdistrict which meets the relevant development regulations shall be reviewed as a Process One. The City Manager may conduct further review and approve or deny an application for an exception from the provisions of the Barrio Logan Planned District in accordance with Process Two, when the application is for limited relief in the case of new construction or remodeling which would result in a finished product (all structures on the premises) deviating 20 percent or less from applicable development regulation pertaining to: required yards or setbacks, coverage, or special character design criteria included in Section 152.0310(h). However, the City Manager shall require additional landscaping that may be feasibly placed on the site or parkway according to City-wide landscape standards, and/or other architectural features or improvements.
  - (2) The City Manager shall in no case provide Administrative Review or approve an application for an exception from floor area ratio, height, density, amount of parking, or use.

- (3) The decision of the City Manager shall be based upon substantial conformance with the regulations and the Purpose and Intent of the Barrio Logan Planned District. The granting of a deviation shall be for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community.
  - (4) The City Manager's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0504. Prior to the filing of the application, the applicant shall pay to the City a deposit equal to the estimated cost of processing the application. The deposit shall be adjusted periodically by the City Manager to ensure full cost recovery. A current list of all deposits is kept in the office of the City Clerk.
  - (5) The permit application shall be filed in accordance with Land Development Code Section 112.0102. An application for a Barrio Logan Planned District Permit may be approved, conditionally approved or denied by a Hearing Officer, in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) Coastal Development Permit
- A Coastal Development Permit is required for all proposed development within the Barrio Logan Planned District except for development specifically exempted under Land Development Code Section 126.0704 or categorically excluded pursuant to Categorical Exclusion Order No. (Editor's note: a number will be inserted if and when a Categorical Exclusion Order is issued by the California Coastal Commission.)
- (d) Variances and Conditional Use Permits.
- (1) Variances and conditional use permits may be granted where variances or permits would serve to carry out the purpose and intent of the Barrio Logan Planned District, provided findings are made in accordance with Land Development Code Section 126.0305 or Section 126.0805 as applicable.
  - (2) Applications for zone variances or conditional use permits shall be processed concurrently with any other required discretionary actions relating to the subject property, in accordance with Land Development Code Section 112.0103.

- (3) The procedure for application for Variance, Conditional Use Permit and Subdivision, as well as the procedures for taking action on such matters, shall be the same as set forth in Land Development Code Chapter 11 (Land Development Procedures) and Chapter 12 (Land Development Reviews).

*(“Permit Application, Review and Issuance” added 3-27-2007 by O-19592 N.S.; effective 4-26-2007.)*

*(Amended 5-7-2012 by O-20156 N.S.; effective 6-6-2012.)*