



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: March 17, 2009

TO: Members of the Community Planners Committee (CPC)

FROM: Kelly G. Broughton, Director, Development Services

SUBJECT: Airport Land Use Compatibility Plan Implementation

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In accordance with state law, the San Diego County Regional Airport Authority is in the process of adopting Airport Land Use Compatibility Plans (ALUCPs) for each public and military airport in the county. ALUCPs regulate the "airport influence area" surrounding airport facilities and are based on the respective airport master plan. State law requires that the City implement ALUCPs as they are adopted by the Airport Authority. On March 9, 2009, the City Council adopted a resolution to initiate land use plan amendments and zoning actions, as necessary, to meet applicable ALUCP implementation requirements.

**General Strategy to Address**

The City's adopted General Plan includes policy statements related to airport facilities and surrounding airport influence areas. Staff intends to incorporate brief airport related policy statements into all community plans with airport influence areas. Existing sections that directly conflict with an adopted ALUCP would be removed.

Staff is also proposing to consolidate all airport related regulations into a new overlay zone that would address airport compatibility issues related to noise, safety, airspace protection, and aircraft overflight. The overlay zone would establish measurable standards to evaluate compatibility within the context of the Land Development Code. All properties within an airport influence area would be subject to the new overlay zone.

The Airport Land Use Compatibility overlay zone and associated land use plans would initially be processed to implement the Miramar ALUCP, and would later be amended as other ALUCPs are adopted. Implementation of the amendments and zoning actions will require a Planning Commission recommendation, City Council adoption, determination of consistency by the Airport Authority, and Coastal Commission certification.

**Phase I: MCAS Miramar**

The MCAS Miramar ALUCP was adopted by the Airport Authority on October 2, 2008, and will be the first adopted ALUCP to be presented to the City Council for a decision regarding implementation. The Miramar ALUCP became effective on the date of adoption. All new development within the airport influence area is required to comply. The adopted Miramar ALUCP is available on the City's website: <http://www.sandiego.gov/development-services/industry/airportamend.shtml>

Community Plans Impacted:

Black Mountain Ranch, Carmel Mountain Ranch, Carmel Valley, Clairemont Mesa, Del Mar Mesa, East Elliott, Kearny Mesa, La Jolla, Los Penasquitos Canyon Preserve, Miramar Ranch North, Mira Mesa, Pacific Highlands Ranch, Rancho Bernardo, Rancho Encantada, Rancho Penasquitos, Sabre Springs, Scripps Miramar Ranch, Tierrasanta, Torrey Highlands, Torrey Hills, Torrey Pines, University

Opportunities for Public Participation:

The Miramar ALUCP adoption process is complete. Additional opportunities for public participation will occur in association with the City's land use plan amendment, code amendment, and rezone process. However, it should be noted that the scope of discretion in the City's pending approvals will be limited in accordance with state law. Staff's proposal is a translation of the adopted ALUCP policies/regulations into the City's regulatory framework in a manner that avoids direct conflict with the adopted ALUCP. City decision makers will be unable to modify the policies adopted by the Airport Authority, unless by a two-thirds majority they vote to overrule. The first public hearing (Planning Commission) to address ALUCP implementation is expected to be scheduled in late May or early June 2009.

Related Projects in Process:

The Department of Navy released a draft Environmental Impact Statement (EIS) for the proposed basing of the MV-22 Osprey tilt-rotator aircraft at MCAS-Miramar. The document is available at [www.mv22eiswest.net/](http://www.mv22eiswest.net/) Comments may be submitted to [comments@marinescience.saic.com](mailto:comments@marinescience.saic.com) until April 3, 2009. Similarly, the United States Marine Corps is in the process of preparing an EIS for the proposed basing of the F-35B Joint Strike Fighter at MCAS-Miramar. The significance of these proposals is that approval of new aircraft for Miramar may impact the Air Installations Compatible Use Zones (AICUZ) for MCAS Miramar, which in turn may require the Airport Authority to amend the Miramar ALUCP and the City to amend associated implementing documents.

**Phase II: Urban Airports: Brown Field, Gillespie Field, and Montgomery Field**

The Urban Airports ALUCP is currently in process with the Airport Authority.

Community Plans Potentially Impacted:

*Brown Field:* Otay Mesa, Otay Mesa-Nestor, San Ysidro, Tijuana River Valley; *Gillespie Field:* East Elliott, Navajo, Tierrasanta; *Montgomery Field:* Clairemont Mesa, College Area, Greater North Park, Kearny Mesa, Linda Vista, Mid City, Mission Valley, Navajo, Serra Mesa, Tierrasanta, University, Uptown



**Opportunities for Public Participation:**

The draft Urban Airports ALUCP and associated environmental document are expected to be released by the Airport Authority for public review in spring 2009. The Airport Authority public hearing process would follow shortly thereafter.

**Phase III: San Diego International Airport (SDIA)**

The ALUCP for SDIA has not yet been drafted by the Airport Authority.

**Community Plans Potentially Impacted:**

Clairemont Mesa, Centre City, Greater Golden Hill, Greater North Park, Linda Vista, Mid City, Midway-Pacific Highway, Mission Bay Park, Mission Beach, Mission Valley, Ocean Beach, Old San Diego, Peninsula, Serra Mesa, Southeastern San Diego, Uptown

**Opportunities for Public Participation:**

The Airport Authority is coordinating the Airport Technical Advisory Group (ATAG) Committee for SDIA. Interested members of the public should contact the Airport Authority for additional information. The draft ALUCP and associated environmental document are expected to be released by the Airport Authority for public review in fall 2009. The Airport Authority public hearing process would follow shortly thereafter.

**Related Projects in Process:**

The Destination Lindbergh Plan will be scheduled for consideration by the Airport Authority in Spring 2009, which may amend the SDIA Airport Master Plan and associated environmental document previously reviewed and considered on May 1, 2008.

**Phase IV: Navy Airports: NAS North Island and NOLF Imperial Beach**

The ALUCP for the Navy airports has not yet been drafted by the Airport Authority.

**Community Plans Potentially Impacted:**

*NAS North Island:* Barrio Logan, Centre City, Greater Golden Hill, Linda Vista, Midway-Pacific Highway, Mission Bay Park, Mission Valley, Ocean Beach, Old San Diego, Peninsula, Southeastern San Diego, Uptown; *NOLF Imperial Beach:* Otay Mesa, Otay Mesa-Nestor, San Ysidro, Tijuana River Valley

**Opportunities for Public Participation:**

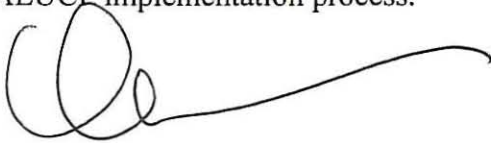
The AICUZ studies for these military airports are being finalized by the Department of Navy. No documents are available for public review at this time. Once the AICUZ studies become available, the Airport Authority will begin coordinating an ATAG group for the Navy airports.

Members of the public are encouraged to continue to monitor and participate in the process, particularly for those airports where ALUCPs have not yet been adopted by the Airport Authority. Information is available on the San Diego County Regional Airport Authority website at [www.san.org](http://www.san.org)

**Requested Action**

Staff requests that the Community Planners Committee review the draft code amendments and provide input. There will be additional opportunities for CPC input, prior to final action by the City Council. Community planning groups subject to the Miramar ALUCP are encouraged to provide a recommendation on the proposed amendments. Staff is available to attend individual planning group meetings as necessary.

Please contact Tait Galloway, Senior Planner, City Planning and Community Investment Department, at (619) 533-4550 or [tgalloway@sandiego.gov](mailto:tgalloway@sandiego.gov) for information related to the proposed land use plan amendments or ALUCPs in process with the Airport Authority. Please contact Amanda Lee, Senior Planner, Development Services Department, at (619) 446-5367 or [ajohnsonlee@sandiego.gov](mailto:ajohnsonlee@sandiego.gov) for information related to the proposed code amendments and the ALUCP implementation process.



Kelly G. Broughton  
Director, Development Services

AJL

Attachment: Draft Code Amendment Language

cc: Mayor Jerry Sanders  
Members of the City Council  
William Anderson, Director, CPCI  
Tait Galloway, Senior Planner, CPCI  
Amanda Lee, Senior Planner, DSD



**Airport Land Use Compatibility Plan Implementation: Phase I MCAS-Miramar  
Summary of Draft Land Development Code Amendments (March 17, 2009)**

The City is required by state law to implement the MCAS-Miramar Airport Land Use Compatibility Plan (ALUCP) as adopted by the Airport Authority on October 2, 2008. To clarify the applicable ALUCP regulations, all airport related regulations are proposed to be transferred into the City's existing regulatory format. Amendments are proposed to Land Development Code Chapter 11, Article 2; Chapter 12, Article 6; Chapter 13, Article 2; and Chapter 15, Article 1 to create a new overlay zone that would address airport compatibility issues related to noise, safety, airspace protection, and aircraft overflight.

<b>Sections</b>	<b>Description of Proposed Amendment</b>
112.0301 112.0302	<u>Public Notice.</u> Incorporates new notice provisions to inform airport stakeholders of discretionary permits in process, creates a new notification process for requests to overrule the Airport Land Use Commission, and clarifies the connection to the existing "notice of availability" required in accordance with the Coastal Act.
126.0402 126.0502 132.1502	<u>Required Reviews and Development Permits.</u> Clarifies applicability of the overlay zone with respect to required review processes and permit types. Neighborhood Development Permits and Site Development Permits are the two main types of required discretionary permits that would be associated with the proposed overlay zone. In general, new development that would not increase the density or floor area ratio of an existing building, or that would otherwise comply with the specified compatibility criteria, would not require a special permit for the proposed overlay zone.
132.0102 132.0104 151.0103	<u>Base Zones/Planned Districts and Overlay Zone.</u> Clarifies the connection between citywide base zones, planned district base zones, and the new overlay zone. A use indicated as permitted in accordance with the base zone (including a planned district base zone) may be further limited or restricted to meet the purpose of the overlay zone.
132.1501 132.1502 132.1505	<u>Purpose and Boundaries of Airport Influence Area.</u> Clarifies the purpose and applicability of the proposed Airport Land Use Compatibility Overlay Zone and identifies the boundaries of the airport influence areas. The airport influence area maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.
132.1510	<u>Noise Compatibility.</u> Identifies compatible uses based on noise exposure. The noise contour maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.

**Airport Land Use Compatibility Plan Implementation: Phase I MCAS-Miramar  
Summary of Draft Land Development Code Amendments (March 17, 2009)**

132.1515	<p><u>Safety Compatibility.</u> Identifies compatible uses in each safety zone and describes the method for calculation and measurement of density (dwelling units per acre) and intensity (people per acre) for the purpose of this overlay zone. The safety zone maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.</p>
132.1520	<p><u>Airspace Protection Compatibility.</u> Identifies the FAA notification area and Part 77 height limits for airspace protection. The airspace protection maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.</p>
132.1525	<p><u>Aircraft Overflight Notification.</u> Identifies where new residential development is required to record a notice of aircraft overflight. The overflight maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.</p>
132.1530	<p><u>Previously Conforming.</u> Describes applicability to previously conforming development (meaning development that was legally established prior to adoption of an ALUCP).</p>
132.1535	<p><u>Infill Development Criteria.</u> Identifies criteria for proposed infill development (meaning new development that would be consistent with the existing development pattern for surrounding area established prior to ALUCP, but incompatible with ALUCP noise or safety criteria).</p>
132.1540	<p><u>Real Estate Disclosure.</u> Restates existing state law regarding real estate disclosure. (A required component of the implementation ordinance per Airport Authority staff.)</p>
132.1545	<p><u>Airport Land Use Commission Review.</u> Clarifies where Airport Land Use Commission review would be required for new development proposals following adoption of new overlay zone.</p>
132.1550	<p><u>Overrule Process.</u> Identifies the overrule process for City Council consideration of requests to overrule a determination made by the Airport Land Use Commission as provided for in state law.</p>

**§112.0301 Types of Notice**

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

(c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, or Process Five, or an appeal of Process Two, Process Three, Process Four decision, or of an *environmental determination*. A Notice of Public Hearing shall also be provided before a decision is made by the City Council in accordance with Section 132.1550 (Overrule Process).

(1) through (3) [No change.]

(d) Notice of Availability. A Notice of Availability is a written notice to advise of the availability of supporting materials for an action that will be taken by the City Council at a future date. A Notice of Availability is required as part of the certification process for Local Coastal Program Amendments in accordance with Section 122.0106.

(1) Content. The Notice of Availability shall include the following:

(A) A general description of the project.

(B) The location of the property that is the subject of the application;

(C) The applicable community planning area(s);

(D) The name, telephone number, and city address of the City staff person to contact for additional information;

(E) The name of the *applicant* and, with the consent of the *applicant*, the applicant's address and telephone number; and

(F) An explanation that the final decision by the City Council will occur no sooner than 6 weeks after the date of mailing the Notice of Availability.

(2) Distribution.

(A) The City Manager shall distribute the Notice of Availability at least 6 weeks prior to the City Council hearing to approve or deny an amendment to the *Local Coastal Program*.



- (B) The City Manager shall distribute the Notice of Availability to the persons described in Section 112.0302(b) and to the public agencies required in accordance with the applicable provisions of the California Coastal Act and Guidelines for *Local Coastal Program* certification
- (C) The Notice of Availability may be combined into a single notice document with the Notice of Public Hearing (Planning Commission).
- (3) A subsequent Notice of Public Hearing shall be provided in accordance with Section 112.0301(c) prior to final decision by the City Council.
- (e) Notice of Request for Overrule Hearing. A Notice of Request for Overrule Hearing is a written notice to advise of the availability of supporting materials for an overrule action requested in accordance with Section 132.1550 that will be acted on by the City Council at a future date.
- (1) Content. The Notice of Request for Overrule Hearing shall include the following:
- (A) A general description of the project.
- (B) The location of the property that is the subject of the application;
- (C) The applicable community planning area(s);
- (D) The name, telephone number, and city address of the City staff person to contact for additional information;
- (E) The name of the *applicant* and, with the consent of the *applicant*, the applicant's address and telephone number; and
- (F) An explanation that a City Council hearing related to the matter of whether to overrule the Airport Land Use Commission in accordance with Section 132.1550(e) will be scheduled no sooner than 6 weeks following the mailing date of the Notice of Request for Overrule hearing.
- (2) Distribution.
- (A) The City Manager shall distribute the Notice of Request for

Overrule Hearing at least 6 weeks prior to the first City Council hearing related to the matter of whether to overrule the Airport Land Use Commission.

(B) The City Manager shall distribute the Notice of Request for Overrule Hearing to the persons described in Section 112.0302(b).

(3) A subsequent Notice of Public Hearing shall be provided in accordance with Section 112.0301(c).

**§112.0302 Notice by Mail**

(a) [No change.]

(b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:

(1) through (5) [No change.]

(6) The Airport Land Use Commission, California Department of Transportation, Division of Aeronautics, and the airport operator, as applicable, for any *development* within the Airport Land Use Compatibility Overlay Zone.

**§126.0402 When a Neighborhood Development Permit is Required**

(a) A Neighborhood Development Permit is required for the following types of *development* on sites with *previously conforming premises* or uses:

(1) through (5) [No change.]

(6) Expansion of a *multi dwelling unit structure* that is *previously conforming* with the Airport Land Use Compatibility Overlay Zone in accordance with Section 132.1530 where it can be demonstrated that an increase in *gross floor area* is necessary to meet California Building Code standards for public health and safety, with no associated increase in *density*.

(b) through (l) [No change.]

**§126.0502 When a Site Development Permit is Required**

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

- (c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.
- (1) through (7) [No change.]
- (8) Development within the Airport Land Use Compatibility Overlay Zone as required for safety compatibility, or proposed in accordance with the infill *development* criteria specified in Section 132.1535.
- (d) A Site Development Permit decided in accordance with Process Four is required for the following types of *development*.
- (1) through (9) [No change.]
- (10) Non-residential *development* within the Airport Land Use Compatibility Overlay Zone where an alternative method of calculation is requested to demonstrate compliance with the maximum people per acre for safety compatibility in accordance with Section 132.1515(a)(5).
- (e) A Site Development Permit decided in accordance with Process Five is required for the following types of *development*.
- (1) through (3) [No change.]
- (4) Development within the Airport Land Use Compatibility Overlay Zone proposing deviations from the overlay zone requirements, or that includes a rezone, new *land use plan*, or *land use plan* amendment.

#### **§127.0102 General Rules for Previously Conforming Premises and Uses**

The following general rules apply to all *previously conforming premises* and uses:

- (a) through (i) [No change.]
- (j) Regulations for *premises* in the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan are located in Section 132.1530.



**§132.0102 Overlay Zone Designations**

[No change first paragraph.]

Table 132-01A  
Overlay Zone Designations

Add row to Table:

Division 15 Airport Land Use Compatibility Overlay Zone (ALUCOZ)

**§132.0104 Applicability of Base Zone Regulations**

The use and development regulations of the applicable base zone (including planned district base zones) apply in the overlay zones except as modified by the supplemental overlay zone regulations.

**Article 2: Overlay Zones****Division 15: Airport Land Use Compatibility Overlay Zone****§132.1501 Purpose of the Airport Land Use Compatibility Overlay Zone**

The purpose of the Airport Land Use Compatibility Overlay Zone is to implement adopted Airport Land Use Compatibility Plans, in accordance with state law, as applicable to property within the City. The intent of these supplemental regulations is to ensure that new *development* located within an airport influence area (identified in Table 132-15A) is compatible with respect to airport-related noise, safety concerns, airspace protection, and aircraft overflight areas.

**§132.1502 Where the Airport Land Use Compatibility Overlay Zone Applies**

- (a) This overlay zone applies to properties that are located within an airport influence area as identified in an adopted Airport Land Use Compatibility Plan for a public use or military airport. Property within this overlay zone may be located within multiple airport influence areas. Table 132-15A lists the airport influence areas that apply within the boundaries of the overlay zone as identified on a Map filed in the office of the City Clerk.

Table 132-15A  
Applicable Airport Land Use Compatibility Plans

<u>Airport Influence Area</u>	<u>Map Number Showing Boundaries of Airport Land Use Compatibility Overlay Zone Area</u>
MCAS Miramar	C-


(b) Table 132-15B indicates the type of permit required by this division, if any, for specific types of *development* proposals within this overlay zone.

**Table 132-15B**  
**Airport Land Use Compatibility Overlay Zone Applicability**

<u>Type of Development Proposal</u>	<u>Supplemental Development Regulations</u>	<u>Required Permit Type/ Decision Process</u>
<u>Development that is limited to interior modifications or repairs, or any exterior repairs or maintenance that does not increase the <i>density</i> or <i>floor area ratio</i> of an existing building.</u>	<u>132.1502</u> <u>132.1505</u>	<u>No permit required by this division</u>
<u>New <i>development</i> or expansion of existing <i>development</i> that complies with Section 132.1505.</u>	<u>132.1502</u> <u>132.1505</u> <u>132.1510</u> <u>132.1515</u> <u>132.1520</u> <u>132.1525</u> <u>132.1530</u>	<u>No permit required by this division</u>
<u>Expansion of a <i>previously conforming multi dwelling unit structure</i> in accordance with Section 132.1530 where it can be demonstrated that an increase in <i>gross floor area</i> is necessary to meet California Building Code standards for public health and safety, with no associated increase in <i>density</i>.</u>	<u>132.1502</u> <u>132.1505</u> <u>132.1530</u>	<u>Neighborhood Development Permit/ Process Two</u>
<u>Development as required for safety compatibility in accordance with Section 132.1515, or <i>development</i> proposed in accordance with the <i>infill development</i> criteria specified in Section 132.1535.</u>	<u>132.1502</u> <u>132.1505</u> <u>132.1515</u> <u>132.1535</u>	<u>Site Development Permit/ Process Three</u>
<u>Non-residential <i>development</i> where an alternative method of calculation is requested to demonstrate compliance with the maximum people per acre for safety compatibility.</u>	<u>132.1502</u> <u>132.1505</u> <u>132.1515</u>	<u>Site Development Permit/ Process Four</u>
<u>Development proposing to deviate from this division, or that includes a <i>rezone</i>, <i>new land use plan</i>, or <i>land use plan amendment</i></u>	<u>132.1502</u> <u>132.1505</u> <u>132.1510</u> <u>132.1515</u> <u>132.1520</u> <u>132.1525</u> <u>132.1545</u> <u>132.1550</u>	<u>Site Development Permit/ Process Five</u>

**§132.1505 Development Review for Compatibility**

- (a) Properties located within this overlay zone are designated as either Review Area 1 or Review Area 2 for a particular airport as identified on adopted airport influence area maps.
- (b) New *development* or expansion of existing *development* within this overlay zone shall be subject to review for compatibility as follows:
  - (1) Properties located within Review Area 1 shall comply with the *noise*, *safety*, and *airspace protection compatibility* requirements in Sections 132.1510 through 132.1520 and with the aircraft

overflight notification requirements in accordance with Section 132.1525.

- (2) Properties located within Review Area 2 shall comply with the airspace protection compatibility requirements in accordance with Section 132.1520 and the aircraft overflight notification requirements in accordance with Section 132.1525.
- (c) New development that is limited to interior modifications or repairs, or any exterior repairs or maintenance that does not increase the density or floor area ratio of an existing building shall be exempt from the requirements of this Division.
- (d) Marine Corps Air Station Miramar

Properties with restricted use easements recorded for the United States Department of Navy are subject to Marine Corps review for conformance. Prior to the issuance of a permit for development, the applicant shall submit documentation from the Marine Corps stating that the development is in conformance with the restrictive use easement designated on the property.

#### **§132.1510 Noise Compatibility**

Noise compatibility between airport operations and proposed development within Review Area 1 of this overlay zone shall be evaluated as follows:

- (a) Development shall be considered noise compatible where:
- (1) The development is consistent with the use regulations of the underlying base zone, and
- (2) The use is permitted within the designated noise exposure range as indicated in Noise Compatibility Criteria Table 132-15C.
- (3) For the purpose of this section, exterior noise exposure for a particular location is measured by Community Noise Equivalent Level (CNEL) and may be obtained from adopted airport-related noise contour maps.
- (b) Where sound attenuation is required for noise compatibility, the applicant shall demonstrate to the satisfaction of the City Manager that all interior spaces exposed to exterior sources will achieve the indoor noise level indicated.
- (c) Table 132-15C indicates noise compatibility criteria within this overlay



zone.

### Legend for Table 132-15C

<u>Symbol In Table 132-15C</u>	<u>Description Of Symbol</u>
P	Use or use category is compatible with the identified exterior noise exposure level, and is permitted subject to the regulations of the underlying base zone. Regulations pertaining to a specific use may be referenced.
⊖	Use or use category is incompatible with the identified exterior noise exposure level and is not permitted.

### Table 132-15C Noise Compatibility Criteria

<u>Use Categories/ Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>Exterior Noise Exposure (dB CNEL)</u>			
	<u>60-65</u>	<u>65-70</u>	<u>70-75</u>	<u>75-80</u>
<b><u>Open Space</u></b>				
<u>Active Recreation</u>	P	P <sup>1</sup>	⊖	⊖
<u>Passive Recreation</u>	P <sup>1</sup>	⊖	⊖	⊖
<u>Natural Resources Preservation</u>	P	P	P	P
<u>Park Maintenance Facilities</u>	P	P	⊖	⊖
<b><u>Agriculture</u></b>				
<u>Agricultural Processing</u>	P	P	P	⊖
<u>Aquaculture Facilities</u>	P	P	P	⊖
<u>Dairies</u>	P	P	P	⊖
<u>Horticulture Nurseries &amp; Greenhouses</u>	P	P	P	⊖
<u>Raising &amp; Harvesting of Crops</u>	P	P	P	⊖
<u>Raising, Maintaining &amp; Keeping of Animals</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	⊖
<b><u>Separately Regulated Agriculture Uses</u></b>				
<u>Agricultural Equipment Repair Shops</u>	P	P <sup>2</sup>	P <sup>2</sup>	⊖
<u>Commercial Stables</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	⊖
<u>Community Gardens</u>	P	P <sup>1</sup>	P <sup>1</sup>	
<u>Equestrian Show &amp; Exhibition Facilities</u>	P	P <sup>1</sup>	⊖	⊖
<u>Open Air Markets for the Sale of Agriculture-Related Products &amp; Flowers</u>	P	P <sup>1</sup>	⊖	⊖
<b><u>Residential</u></b>				
<u>Mobilehome Parks</u>	P <sup>3</sup>	⊖	⊖	⊖
<u>Multiple Dwelling Units</u>	P <sup>3</sup>	⊖	⊖	⊖
<u>Rooming House</u> [See Section 131.0112(a)(3)(A)]	P <sup>3</sup>	⊖	⊖	⊖
<u>Single Dwelling Units</u>	P <sup>3</sup>	⊖	⊖	⊖

<b>Separately Regulated Residential Uses</b>				
<i>Boarder &amp; Lodger Accommodations</i>	<u>Classify with primary use</u>			
<i>Companion Units</i>	P <sup>3</sup>	=	=	=
<i>Employee Housing</i>	P <sup>3</sup>	=	=	=
<i>Fraternities, Sororities and Student Dormitories</i>	P <sup>3</sup>	=	=	=
<i>Garage, Yard, &amp; Estate Sales</i>	<u>Classify with primary use</u>			
<i>Guest Quarters</i>	P <sup>3</sup>	=	=	=
<i>Home Occupations</i>	<u>Classify with primary use</u>			
<i>Housing for Senior Citizens</i>	P <sup>3</sup>	=	=	=
<i>Live/Work Quarters</i>	P <sup>3</sup>	=	=	=
<b><u>Residential Care Facilities:</u></b>				
<i>6 or Fewer Persons</i>	P <sup>3</sup>	=	=	=
<i>7 or More Persons</i>	P <sup>3</sup>	=	=	=
<b><u>Transitional Housing:</u></b>				
<i>6 or Fewer Persons</i>	P <sup>3</sup>	=	=	=
<i>7 or More Persons</i>	P <sup>3</sup>	=	=	=
<i>Watchkeeper Quarters</i>	<u>Classify with primary use</u>			
<b><u>Institutional</u></b>				
<b><u>Separately Regulated Institutional Uses</u></b>				
<i>Airports</i>	P	P	P	P
<i>Botanical Gardens &amp; Arboretums</i>	P	P	P <sup>1</sup>	=
<i>Cemeteries, Mausoleums, Crematories</i>	P	P	P <sup>1,3</sup>	=
<i>Churches &amp; Places of Religious Assembly</i>	P <sup>3</sup>	=	=	=
<i>Correctional Placement Centers</i>	P <sup>3</sup>	P <sup>3</sup>	=	=
<b><u>Educational Facilities:</u></b>				
<i>Kindergarten through Grade 12</i>	P <sup>3</sup>	=	=	=
<i>Colleges / Universities</i>	P <sup>3</sup>	P <sup>3</sup>	=	=
<i>Vocational / Trade School</i>	P <sup>3</sup>	P <sup>3</sup>	=	=
<i>Energy Generation &amp; Distribution Facilities</i>	P	P	P	P
<i>Exhibit Halls &amp; Convention Facilities</i>	P	P <sup>2</sup>	P <sup>2</sup>	=
<i>Flood Control Facilities</i>	P	P	P	P
<i>Historical Buildings Used for Purposes Not Otherwise Allowed</i>	<u>Classify with primary use</u>			
<b><u>Homeless Facilities:</u></b>				
<i>Congregate Meal Facilities</i>	P	P <sup>2</sup>	P <sup>2,4</sup>	=
<i>Emergency Shelters</i>	P <sup>3</sup>	P <sup>3</sup>	=	=
<i>Homeless Day Centers</i>	P	P <sup>2</sup>	P <sup>2</sup>	=
<i>Hospitals, Intermediate Care Facilities &amp; Nursing Facilities</i>	P <sup>3</sup>	=	=	=
<i>Interpretive Centers</i>	P <sup>3</sup>	=	=	=
<i>Museums</i>	P <sup>3</sup>	=	=	=

<u>Major Transmission, Relay, or Communications Switching Stations</u>	P	P	P	P
<u>Satellite Antennas</u>	P	P	P	P
<u>Social Service Institutions</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Wireless communication facility</u>	P	P	P	P
<b>Sales</b>				
<u>Building Supplies &amp; Equipment</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Food, Beverages and Groceries</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Consumer Goods, Furniture, Appliances, Equipment</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Pets &amp; Pet Supplies</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Sundries, Pharmaceuticals, &amp; Convenience Sales</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Wearing Apparel &amp; Accessories</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<b>Separately Regulated Sales Uses</b>				
<u>Agriculture Related Supplies &amp; Equipment</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Alcoholic Beverage Outlets</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Plant Nurseries</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Swap Meets &amp; Other Large Outdoor Retail Facilities</u>	P	P <sup>1</sup>	∅	∅
<b>Commercial Services</b>				
<u>Building Services</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Business Support</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Eating &amp; Drinking Establishments</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Financial Institutions</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Funeral &amp; Mortuary Services</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Maintenance &amp; Repair</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Off-Site Services</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Personal Services</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Radio &amp; Television Studios</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Assembly &amp; Entertainment</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	∅
<u>Visitor Accommodations</u>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	∅
<b>Separately Regulated Commercial Services Uses</b>				
<u>Adult Entertainment Establishments:</u>				
<u>Adult Book Store</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Adult Cabaret</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Adult Drive-In Theater</u>	P	P <sup>1,2</sup>	∅	∅
<u>Adult Mini-Motion Picture Theater</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Adult Model Studio</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Adult Motel</u>	P <sup>3</sup>	P <sup>3</sup>	∅	∅
<u>Adult Motion Picture Theater</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Adult Peep Show Theater</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅
<u>Adult Theater</u>	P	P <sup>2</sup>	P <sup>2</sup>	∅



<u>Body Painting Studio</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Massage Establishment</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Sexual Encounter Establishment</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Bed &amp; Breakfast Establishments:</u>				
<u>1-2 Guest Rooms</u>	P <sup>3</sup>	P <sup>3</sup>	=	=
<u>3-5 Guest Rooms</u>	P <sup>3</sup>	P <sup>3</sup>	=	=
<u>6+ Guest Rooms</u>	P <sup>3</sup>	P <sup>3</sup>	=	=
<u>Boarding Kennels</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Camping Parks</u>	P	=	=	=
<u>Child Care Facilities:</u>				
<u>Child Care Centers</u>	P <sup>3</sup>	=	=	=
<u>Large Family Day Care Homes</u>	P <sup>3</sup>	=	=	=
<u>Small Family Day Care Homes</u>	P <sup>3</sup>	=	=	=
<u>Eating and Drinking Establishments Abutting Residentially Zoned Property</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	=
<u>Fairgrounds</u>	P	P <sup>1</sup>	=	=
<u>Golf Courses, Driving Ranges, and Pitch &amp; Putt Courses</u>	P	P <sup>1</sup>	=	=
<u>Helicopter Landing Facilities</u>	P	P	P	P
<u>Instructional Studios</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Massage Establishments, Specialized Practice</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	=
<u>Nightclubs &amp; Bars over 5,000 square feet in size</u>	P	P <sup>2</sup>	P <sup>2,4</sup>	=
<u>Parking Facilities as a Primary Use:</u>				
<u>Permanent Parking Facilities</u>	P	P	P <sup>2</sup>	=
<u>Temporary Parking Facilities</u>	P	P	P <sup>2</sup>	=
<u>Private Clubs, Lodges and Fraternal Organizations</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(4)</sup></u>	P	P <sup>1</sup>	=	=
<u>Pushcarts</u>	P	P	P	=
<u>Recycling Facilities:</u>				
<u>Large Collection Facility</u>	P	P	P	P <sup>2</sup>
<u>Small Collection Facility</u>	P	P	P	P <sup>2</sup>
<u>Large Construction &amp; Demolition Debris Recycling Facility</u>	P	P	P	P <sup>2</sup>
<u>Small Construction &amp; Demolition Debris Recycling Facility</u>	P	P	P	P <sup>2</sup>
<u>Drop-off Facility</u>	P	P	P	P <sup>2</sup>
<u>Green Materials Composting Facility</u>	P	P	P	P <sup>2</sup>
<u>Mixed Organic Composting Facility</u>	P	P	P	P <sup>2</sup>
<u>Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial &amp; Industrial Traffic</u>	P	P	P	P <sup>2</sup>
<u>Large Processing Facility Accepting All Types of Traffic</u>	P	P	P	P <sup>2</sup>
<u>Small Processing Facility Accepting at Least 98% of Total</u>	P	P	P	P <sup>2</sup>

<u>Annual Weight of Recyclables From Commercial &amp; Industrial Traffic</u>				
<u>Small Processing Facility Accepting All Types of Traffic</u>	P	P	P	P <sup>2</sup>
<u>Reverse Vending Machines</u>	Classify with primary use			
<u>Tire Processing Facility</u>	P	P	P	P <sup>2</sup>
<u>Sidewalk Cafes</u>	P	P <sup>1</sup>	=	=
<u>Sports Arenas &amp; Stadiums</u>	P	P <sup>1,2</sup>	P <sup>1,2</sup>	=
<u>Theaters that are outdoor or over 5,000 square feet in size</u>	P	P <sup>1,2</sup>	P <sup>2,4</sup>	=
<u>Urgent Care Facilities</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Veterinary Clinics &amp; Animal Hospitals</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Zoological Parks</u>	P <sup>1</sup>	P <sup>1</sup>	=	=
<b>Offices</b>				
<u>Business &amp; Professional</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Government</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Medical, Dental, &amp; Health Practitioner</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Regional &amp; Corporate Headquarters</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Separately Regulated Office Uses</u>				
<u>Real Estate Sales Offices &amp; Model Homes</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<u>Sex Offender Treatment &amp; Counseling</u>	P	P <sup>2</sup>	P <sup>2</sup>	=
<b>Vehicle &amp; Vehicular Equipment Sales &amp; Service</b>				
<u>Commercial Vehicle Repair &amp; Maintenance</u>	P	P	P <sup>2</sup>	=
<u>Commercial Vehicle Sales &amp; Rentals</u>	P	P	P <sup>2</sup>	=
<u>Personal Vehicle Repair &amp; Maintenance</u>	P	P	P <sup>2</sup>	=
<u>Personal Vehicle Sales &amp; Rentals</u>	P	P	P <sup>2</sup>	=
<u>Vehicle Equipment &amp; Supplies Sales &amp; Rentals</u>	P	P	P <sup>2</sup>	=
<u>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</u>				
<u>Automobile Service Stations</u>	P	P	P <sup>2</sup>	=
<u>Outdoor Storage &amp; Display of New, Unregistered Motor Vehicles as a Primary Use</u>	P	P	P <sup>2</sup>	=
<b>Wholesale, Distribution, Storage</b>				
<u>Equipment &amp; Materials Storage Yards</u>	P	P	P <sup>2</sup>	=
<u>Moving &amp; Storage Facilities</u>	P	P	P <sup>2</sup>	=
<u>Warehouses</u>	P	P	P <sup>2</sup>	=
<u>Wholesale Distribution</u>	P	P	P <sup>2</sup>	=
<u>Separately Regulated Wholesale, Distribution, and Storage Uses</u>				
<u>Impound Storage Yards</u>	P	P	P <sup>2</sup>	=
<u>Junk Yards</u>	P	P	P <sup>2</sup>	=
<u>Temporary Construction Storage Yards Located off-site</u>	P	P	P <sup>2</sup>	=
<b>Industrial</b>				

<b>Heavy Manufacturing</b>	P	P	P <sup>2</sup>	=
<b>Light Manufacturing</b>	P	P	P <sup>2</sup>	=
<b>Marine Industry</b>	P	P	P <sup>2</sup>	=
<b>Research &amp; Development</b>	P	P	P <sup>2</sup>	=
<b>Trucking &amp; Transportation Terminals</b>	P	P	P <sup>2</sup>	=
<b>Separately Regulated Industrial Uses</b>				
<i>Hazardous Waste Research Facility</i>	P	P	P <sup>2</sup>	=
<i>Hazardous Waste Treatment Facility</i>	P	P	P <sup>2</sup>	=
<i>Marine Related Uses Within the Coastal Overlay Zone</i>	P	P	P <sup>2</sup>	=
<i>Mining and Extractive Industries</i>	P	P	P <sup>2</sup>	=
<i>Newspaper Publishing Plants</i>	P	P	P <sup>2</sup>	=
<i>Processing &amp; Packaging of Plant Products &amp; Animal By-products Grown Off-premises</i>	P	P	P <sup>2</sup>	=
<i>Very Heavy Industrial Uses</i>	P	P	P <sup>2</sup>	=
<i>Wrecking &amp; Dismantling of Motor Vehicles</i>	P	P	P <sup>2</sup>	=

#### Footnotes to Table 132-15C

<sup>1</sup> The owner shall post notice on-site to notify the public that activities may be disrupted by aircraft noise. Uses that are conducted indoors or restricted to private use shall be exempt from this requirement.

<sup>2</sup> Interior spaces exposed to exterior sources shall be attenuated to achieve an indoor noise level of 50 dB CNEL.

<sup>3</sup> Interior spaces exposed to exterior sources shall be attenuated to achieve an indoor noise level of 45 dB CNEL.

<sup>4</sup> This use classification is not permitted for outdoor spaces exposed to noise greater than 70 dB CNEL.

(d) Only airport-related noise shall be considered in determining compliance with Table 132-15C, except as otherwise required by the California Building Code for hotel/motel and multiple dwelling unit residential development.

(e) Applicability to parcels with multiple noise contours

(1) Noise compatibility shall be evaluated based on the location of individual buildings.

(2) Where a building falls within multiple CNEL ranges, the higher CNEL range shall apply.

(f) Where an applicant disputes the City Manager's determination of use

category for a proposed *development*, an *applicant* may request an interpretation by the Planning Commission in accordance with Section 131.0110(b).

### **§132.1515 Safety Compatibility**

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated as follows:

(a) Safety Compatibility Review for MCAS Miramar:

- (1) *Development* consistent with the underlying base zone and maximum safety zone criteria may be approved with a Construction Permit (Process One), except where otherwise identified in Table 132-15D.
- (2) New *development* is not permitted in the Clear Zone (zone with the greatest potential for aircraft accidents located immediately beyond the airport runway). Table 132-15D indicates the safety compatibility criteria for all other MCAS Miramar safety zones.

#### **Legend for Table 132-15D**

<u>Symbol In Table 132-15D</u>	<u>Description Of Symbol</u>
P	<u>Permitted use. Use or use category is compatible with the identified safety zone without a limitation on maximum people per acre. The use is permitted subject to the regulations of the underlying base zone.</u>
L	<u>Limited use. Use or use category is conditionally compatible with the identified safety zone, and is permitted subject to the regulations of the underlying base zone and other limitations including maximum people per acre.</u>
<u>L/X Percent (Floor Area Ratio)</u>	<u>Limited use. Use or use category is conditionally compatible with the identified safety zone, and is permitted subject to the regulations of the underlying base zone and other limitations including maximum people per acre. The referenced maximum floor area ratio may be used as an equivalent measurement for the maximum people per acre in that safety zone.</u>
SDP	<u>A Site Development Permit is required to evaluate compatibility with the identified safety zone and the specified maximum people per acre. Additional regulations pertaining to a specific use may be referenced.</u>
=	<u>Use or use category is incompatible with the identified safety zone and is not permitted.</u>

**Table 132-15D**  
**Safety Compatibility Criteria for MCAS Miramar**

<u>Use Categories/ Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>APZ I</u>	<u>APZ II</u>	<u>TZ</u>
<u>Maximum People Per Acre</u>	<u>25</u>	<u>50</u>	<u>300</u>
<u>Open Space</u>			



<b>Use Categories/ Subcategories</b> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<b>APZ I</b>	<b>APZ II</b>	<b>TZ</b>
<b>Maximum People Per Acre</b>	25	50	300
<b>Active Recreation</b> [15 sq ft per person]	L <sup>1</sup>	L <sup>2</sup>	P
<b>Passive Recreation</b> [15 sq ft per person]	L	L	P
<b>Natural Resources Preservation</b>	P	P	P
<b>Park Maintenance Facilities</b> [1,000 sq ft per person]	L	L	P
<b>Agriculture</b>			
<b>Agricultural Processing</b> [1,000 sq ft per person]	L/57	P	P
<b>Aquaculture Facilities</b> [1,000 sq ft per person]	L/57	P	P
<b>Dairies</b> [1,000 sq ft per person]	L/57	P	P
<b>Horticulture Nurseries &amp; Greenhouses</b> [1,000 sq ft per person]	L/57	P	P
<b>Raising &amp; Harvesting of Crops</b> [1,000 sq ft per person]	L/57	P	P
<b>Raising, Maintaining &amp; Keeping of Animals</b> [1,000 sq ft per person]	L/57	P	P
<b>Separately Regulated Agriculture Uses</b>			
<b>Agricultural Equipment Repair Shops</b> [250 sq ft per person]	=	P	P
<b>Commercial Stables</b> [1,000 sq ft per person]	L/57	P	P
<b>Community Gardens</b> [1,000 sq ft per person]	L	P	P
<b>Equestrian Show &amp; Exhibition Facilities</b> [15 sq ft per person]	=	L <sup>2</sup>	L <sup>2</sup>
<b>Open Air Markets for the Sale of Agriculture-Related Products &amp; Flowers</b> [250 sq ft per person]	L <sup>1</sup>	L <sup>2</sup>	L <sup>2</sup>
<b>Residential</b>			
<b>Mobilehome Parks</b>	=	SDP <sup>3</sup>	SDP <sup>3</sup>
<b>Multiple Dwelling Units</b>	=	SDP <sup>3</sup>	SDP <sup>3</sup>
<b>Rooming House</b> [See Section 131.0112(a)(3)(A)]	=	SDP <sup>3</sup>	SDP <sup>3</sup>
<b>Single Dwelling Units</b>	L <sup>11</sup>	SDP <sup>3</sup>	SDP <sup>3</sup>
<b>Separately Regulated Residential Uses</b>			
<b>Boarder &amp; Lodger Accommodations</b>	L	P	P
<b>Companion Units</b>	L	P	P
<b>Employee Housing</b>	=	SDP <sup>3</sup>	SDP <sup>3</sup>
<b>Fraternities, Sororities and Student Dormitories</b>	=	SDP <sup>3</sup>	SDP <sup>3</sup>
<b>Garage, Yard, &amp; Estate Sales</b>	Classify with primary use		
<b>Guest Quarters</b>	L	P	P
<b>Home Occupations</b>	=	P	P
<b>Housing for Senior Citizens</b>	=	SDP <sup>3</sup>	SDP <sup>3</sup>
<b>Live/Work Quarters</b>	=	SDP <sup>3</sup>	SDP <sup>3</sup>
<b>Residential Care Facilities:</b>			
<b>6 or Fewer Persons</b>	L	P	P
<b>7 or More Persons</b>	=	L	L

<u>Use Categories/ Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>APZ I</u>	<u>APZ II</u>	<u>TZ</u>
<u>Maximum People Per Acre</u>	25	50	300
<u>Transitional Housing:</u>			
<u>6 or Fewer Persons</u>	L	P	P
<u>7 or More Persons</u>	=	L	L
<u>Watchkeeper Quarters</u>	=	P	P
<b><u>Institutional</u></b>			
<b><u>Separately Regulated Institutional Uses</u></b>			
<u>Airports</u>	P	P	P
<u>Botanical Gardens &amp; Arboretums [1,000 sq ft per person]</u>	L	L	P
<u>Cemeteries, Mausoleums, Crematories</u>	L <sup>1</sup>	L <sup>2</sup>	P <sup>2</sup>
<u>Churches &amp; Places of Religious Assembly [60 sq ft per person]</u>	=	L/.07 <sup>2</sup>	L/.42 <sup>2</sup>
<u>Correctional Placement Centers</u>	=	=	=
<b><u>Educational Facilities:</u></b>			
<u>Kindergarten through Grade 12</u>	=	=	=
<u>Colleges / Universities</u>	=	=	L <sup>2</sup>
<u>Vocational / Trade School</u>	=	=	L <sup>2</sup>
<u>Energy Generation &amp; Distribution Facilities</u>	P <sup>3</sup>	P	P
<u>Exhibit Halls &amp; Convention Facilities [15 sq ft per person]</u>	=	L <sup>2</sup>	L <sup>2</sup>
<u>Flood Control Facilities</u>	P	P	P
<u>Historical Buildings Used for Purposes Not Otherwise Allowed</u>			
<b><u>Homeless Facilities:</u></b>			
<u>Congregate Meal Facilities [60 sq ft per person]</u>	=	=	P
<u>Emergency Shelters [60 sq ft per person]</u>	=	=	P
<u>Homeless Day Centers</u>	=	=	P
<u>Hospitals, Intermediate Care Facilities &amp; Nursing Facilities [240 sq ft per person]</u>	=	=	L/.69 <sup>4</sup>
<u>Interpretive Centers [60 sq ft per person]</u>	=	L/.07 <sup>2</sup>	L/.42 <sup>2</sup>
<u>Museums [60 sq ft per person]</u>	=	L/.07 <sup>2</sup>	L/.42 <sup>2</sup>
<u>Major Transmission, Relay, or Communications Switching Stations</u>	=	=	P
<u>Satellite Antennas</u>	P <sup>1</sup>	P <sup>1</sup>	P
<u>Social Service Institutions [215 sq ft per person]</u>	=	=	P
<u>Wireless communication facility</u>	P <sup>2</sup>	P <sup>2</sup>	P

<b>Use Categories/ Subcategories</b> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<b>APZ I</b>	<b>APZ II</b>	<b>TZ</b>
<b>Maximum People Per Acre</b>	25	50	300
<b>Sales</b>			
<b>Building Supplies &amp; Equipment</b> [250 sq ft per person]	L/.14	L/.20	P
<b>Food, Beverages and Groceries</b> [170 sq ft per person]	L/.14	L/.20	P
<b>Consumer Goods, Furniture, Appliances, Equipment</b> [170 sq ft per person]	L/.14	L/.20	P
<b>Pets &amp; Pet Supplies</b> [170 sq ft per person]	L/.14	L/.20	P
<b>Sundries, Pharmaceuticals, &amp; Convenience Sales</b> [170 sq ft per person]	L/.14	L/.20	P
<b>Wearing Apparel &amp; Accessories</b> [170 sq ft per person]	L/.14	L/.20	P
<b>Separately Regulated Sales Uses</b>			
<b>Agriculture Related Supplies &amp; Equipment</b> [250 sq ft per person]	L/.14	L/.20	P
<b>Alcoholic Beverage Outlets</b> [170 sq ft per person]	L/.14	L/.20	P
<b>Plant Nurseries</b> [250 sq ft per person]	L/.14	L/.29	P
<b>Swap Meets &amp; Other Large Outdoor Retail Facilities</b> [250 sq ft per person]	=	L <sup>2</sup>	L <sup>2</sup>
<b>Commercial Services</b>			
<b>Building Services</b> [215 sq ft per person]	=	L/.25	P
<b>Business Support</b> [215 sq ft per person]	=	L/.25	P
<b>Eating &amp; Drinking Establishments</b> [60 sq ft per person]	=	L/.25	P <sup>2</sup>
<b>Financial Institutions</b> [215 sq ft per person]	=	L/.25	P
<b>Funeral &amp; Mortuary Services</b> [215 sq ft per person]	=	L/.25 <sup>2</sup>	P <sup>2</sup>
<b>Maintenance &amp; Repair</b> [300 sq ft per person]	=	L/.25	P
<b>Off-Site Services</b> [215 sq ft per person]	=	L/.25	P
<b>Personal Services</b> [200 sq ft per person]	=	L/.23	P
<b>Radio &amp; Television Studios</b> [215 sq ft per person]	=	L/.25	P
<b>Assembly &amp; Entertainment</b> [60 sq ft per person]	=	L/.07 <sup>2</sup>	L/.42 <sup>2</sup>
<b>Visitor Accommodations</b> [200 sq ft per person]	=	=	P <sup>2</sup>
<b>Separately Regulated Commercial Services Uses</b>			
<b>Adult Entertainment Establishments:</b>			
<b>Adult Book Store</b> [170 sq ft per person]	=	L/.25	P
<b>Adult Cabaret</b> [60 sq ft per person]	=	L/.25	P
<b>Adult Drive-In Theater</b> [15 sq ft per person]	=	L/.07 <sup>2</sup>	L/.42 <sup>2</sup>
<b>Adult Mini-Motion Picture Theater</b> [15 sq ft per person]	=	L/.07 <sup>2</sup>	L/.42 <sup>2</sup>
<b>Adult Model Studio</b> [60 sq ft per person]	=	L/.25	P

<u>Use Categories/ Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>APZ I</u>	<u>APZ II</u>	<u>TZ</u>
<u>Maximum People Per Acre</u>	25	50	300
<u>Adult Motel [200 sq ft per person]</u>	-	-	P
<u>Adult Motion Picture Theater [15 sq ft per person]</u>	-	<u>L/.07<sup>2</sup></u>	<u>L/.42<sup>2</sup></u>
<u>Adult Peep Show Theater [15 sq ft per person]</u>	-	<u>L/.07<sup>2</sup></u>	<u>L/.42<sup>2</sup></u>
<u>Adult Theater [15 sq ft per person]</u>	-	<u>L/.07<sup>2</sup></u>	<u>L/.42<sup>2</sup></u>
<u>Body Painting Studio [60 sq ft per person]</u>	-	<u>L/.25</u>	P
<u>Massage Establishment [60 sq ft per person]</u>	-	<u>L/.23</u>	P
<u>Sexual Encounter Establishment [60 sq ft per person]</u>	-	<u>L/.23</u>	P
<u>Bed &amp; Breakfast Establishments:</u>			
<u>1-2 Guest Rooms [200 sq ft per person]</u>	-	-	P
<u>3-5 Guest Rooms [200 sq ft per person]</u>	-	-	P
<u>6+ Guest Rooms [200 sq ft per person]</u>	-	-	P
<u>Boarding Kennels [215 sq ft per person]</u>	-	<u>L/.25</u>	P
<u>Camping Parks [60 sq ft per person]</u>	<u>L<sup>1</sup></u>	<u>L<sup>2</sup></u>	P
<u>Child Care Facilities:</u>			
<u>Child Care Centers</u>	-	-	-
<u>Large Family Day Care Homes</u>	-	P	P
<u>Small Family Day Care Homes</u>	-	P	P
<u>Eating and Drinking Establishments Abutting Residentially Zoned Property [60 sq ft per person]</u>	-	<u>L<sup>2</sup></u>	P
<u>Fairgrounds [15 sq ft per person]</u>	-	-	-
<u>Golf Courses, Driving Ranges, and Pitch &amp; Putt Courses [15 sq ft per person]</u>	<u>L<sup>1</sup></u>	<u>L<sup>2</sup></u>	P
<u>Helicopter Landing Facilities</u>	P	P	P
<u>Instructional Studios [60 sq ft per person]</u>	-	<u>L<sup>2</sup></u>	<u>L<sup>2</sup></u>
<u>Massage Establishments, Specialized Practice [215 sq ft per person]</u>	-	<u>L/.23</u>	P
<u>Nightclubs &amp; Bars over 5,000 square feet in size [60 sq ft per person]</u>	-	-	<u>P<sup>2</sup></u>
<u>Parking Facilities as a Primary Use:</u>			
<u>Permanent Parking Facilities</u>	P	P	P
<u>Temporary Parking Facilities</u>	P	P	P
<u>Private Clubs, Lodges and Fraternal Organizations [60 sq ft per person]</u>	-	<u>L/.07<sup>2</sup></u>	<u>L/.42<sup>2</sup></u>
<u>Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(4)</sup> [15 sq ft per person]</u>	-	<u>L/.07<sup>2</sup></u>	<u>L/.42<sup>2</sup></u>
<u>Pushcarts [60 sq ft per person]</u>	L	L	P
<u>Recycling Facilities:</u>			
<u>Large Collection Facility</u>	-	<u>L<sup>4</sup></u>	P
<u>Small Collection Facility</u>	<u>L<sup>4</sup></u>	<u>L<sup>4</sup></u>	P



<u>Use Categories/ Subcategories</u> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<u>APZ I</u>	<u>APZ II</u>	<u>TZ</u>
<b>Maximum People Per Acre</b>	<u>25</u>	<u>50</u>	<u>300</u>
<u>Large Construction &amp; Demolition Debris Recycling Facility</u>	-	<u>L<sup>4</sup></u>	P
<u>Small Construction &amp; Demolition Debris Recycling Facility</u>	<u>L<sup>4</sup></u>	<u>L<sup>4</sup></u>	P
<u>Drop-off Facility</u>	<u>L<sup>4</sup></u>	<u>L<sup>4</sup></u>	P
<u>Green Materials Composting Facility</u>	-	-	P
<u>Mixed Organic Composting Facility</u>	-	-	P
<u>Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial &amp; Industrial Traffic</u>	-	<u>L<sup>4</sup></u>	P
<u>Large Processing Facility Accepting All Types of Traffic</u>	-	<u>L<sup>4</sup></u>	P
<u>Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial &amp; Industrial Traffic</u>	<u>L<sup>4</sup></u>	<u>L<sup>4</sup></u>	P
<u>Small Processing Facility Accepting All Types of Traffic</u>	<u>L<sup>4</sup></u>	<u>L<sup>4</sup></u>	P
<u>Reverse Vending Machines</u>	<u>L</u>	<u>L</u>	P
<u>Tire Processing Facility</u>	P	P	P
<u>Sidewalk Cafes [60 sq ft per person]</u>	-	<u>L<sup>2</sup></u>	P
<u>Sports Arenas &amp; Stadiums [15 sq ft per person]</u>	-	-	-
<u>Theaters that are outdoor or over 5,000 square feet in size [15 sq ft per person]</u>	-	<u>L/.07<sup>2</sup></u>	<u>L/.42<sup>2</sup></u>
<u>Urgent Care Facilities [240 sq ft per person]</u>	-	-	<u>L/1.65</u>
<u>Veterinary Clinics &amp; Animal Hospitals [240 sq ft per person]</u>	-	<u>L/.25</u>	P
<u>Zoological Parks [15 sq ft per person]</u>	-	-	-
<b>Offices</b>			
<u>Business &amp; Professional [215 sq ft per person]</u>	-	<u>L/.25<sup>2</sup></u>	P <sup>2</sup>
<u>Government [215 sq ft per person]</u>	-	<u>L/.25<sup>2</sup></u>	P <sup>2</sup>
<u>Medical, Dental, &amp; Health Practitioner [215 sq ft per person]</u>	-	<u>L/.25<sup>2</sup></u>	P <sup>2</sup>
<u>Regional &amp; Corporate Headquarters [215 sq ft per person]</u>	-	<u>L/.25<sup>2</sup></u>	P <sup>2</sup>
<b>Separately Regulated Office Uses</b>			
<u>Real Estate Sales Offices &amp; Model Homes [215 sq ft per person]</u>	-	<u>L/.25<sup>2</sup></u>	P <sup>2</sup>
<u>Sex Offender Treatment &amp; Counseling [215 sq ft per person]</u>	-	<u>L/.25<sup>2</sup></u>	P <sup>2</sup>
<b>Vehicle &amp; Vehicular Equipment Sales &amp; Service</b>			
<u>Commercial Vehicle Repair &amp; Maintenance [300 sq ft per person]</u>	<u>L/.17</u>	<u>L/.34</u>	P
<u>Commercial Vehicle Sales &amp; Rentals [250 sq ft per person]</u>	<u>L/.17</u>	<u>L/.34</u>	P
<u>Personal Vehicle Repair &amp; Maintenance [300 sq ft per person]</u>	<u>L/.17</u>	<u>L/.34</u>	P
<u>Personal Vehicle Sales &amp; Rentals [250 sq ft per person]</u>	<u>L/.17</u>	<u>L/.34</u>	P
<u>Vehicle Equipment &amp; Supplies Sales &amp; Rentals [250 sq ft per person]</u>	<u>L/.17</u>	<u>L/.34</u>	P
<b>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</b>			
<u>Automobile Service Stations [300 sq ft per person]</u>	<u>L/.17</u>	<u>L/.34</u>	P
<u>Outdoor Storage &amp; Display of New, Unregistered Motor Vehicles as</u>	<u>L/.17</u>	<u>L/.34</u>	P

<b>Use Categories/ Subcategories</b> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<b>APZ I</b>	<b>APZ II</b>	<b>TZ</b>
<b>Maximum People Per Acre</b>	<u>25</u>	<u>50</u>	<u>300</u>
a <i>Primary Use</i> [250 sq ft per person]			
<b>Wholesale, Distribution, Storage</b>			
<b>Equipment &amp; Materials Storage Yards</b>	P <sup>8</sup>	P <sup>8</sup>	P
<b>Moving &amp; Storage Facilities</b> [1,000 sq ft per person]	<u>L/.57</u> <sup>10</sup>	<u>L/1.15</u>	P
<b>Warehouses</b> [1,000 sq ft per person]	<u>L/.57</u> <sup>10</sup>	<u>L/1.15</u>	P
<b>Wholesale Distribution</b> [1,000 sq ft per person]	<u>L/.57</u> <sup>10</sup>	<u>L/1.15</u>	P
<b>Separately Regulated Wholesale, Distribution, and Storage Uses</b>			
<b>Impound Storage Yards</b>	P	P	P
<b>Junk Yards</b>	P	P	P
<b>Temporary Construction Storage Yards Located off-site</b>	P	P	P
<b>Industrial</b>			
<b>Heavy Manufacturing</b> [300 sq ft per person]	=	<u>L/.34</u> <sup>8</sup>	L <sup>8</sup>
<b>Light Manufacturing</b> [490 sq ft per person]	<u>L/.28</u> <sup>8</sup>	<u>L/.56</u> <sup>8</sup>	L <sup>8</sup>
<b>Marine Industry</b> [300 sq ft per person]	<u>L/.17</u> <sup>8</sup>	<u>L/.34</u> <sup>8</sup>	L <sup>8</sup>
<b>Research &amp; Development</b> [300 sq ft per person]	=	<u>L/.34</u> <sup>8</sup>	P <sup>2,8</sup>
<b>Trucking &amp; Transportation Terminals</b>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>
<b>Separately Regulated Industrial Uses</b>			
<b>Hazardous Waste Research Facility</b>	=	=	=
<b>Hazardous Waste Treatment Facility</b>	=	=	=
<b>Marine Related Uses Within the Coastal Overlay Zone</b> [300 sq ft per person]	L	L	P
<b>Mining and Extractive Industries</b>	L	L	P
<b>Newspaper Publishing Plants</b> [490 sq ft per person]	=	<u>L/.34</u>	P
<b>Processing &amp; Packaging of Plant Products &amp; Animal By-products Grown Off-premises</b> [300 sq ft per person]	=	<u>L/.34</u>	P
<b>Very Heavy Industrial Uses</b> [215 sq ft per person]	=	=	=
<b>Wrecking &amp; Dismantling of Motor Vehicles</b>	P	P	P

## Footnotes to Table 132-15D

- Assembly facilities for 50 people or greater are not permitted in the APZ I Zone.
- Assembly facilities are limited to a maximum capacity of 299 people in the APZ II Zone, and a maximum capacity of 999 people (maximum fixed seating for 299 people) in the Transition Zone.
- New residential *development* is permitted up to a maximum density of .2 dwelling units per acre in the APZ II Zone, and up to a maximum density of 2 dwelling units per acre in the Transition Zone. Additional density may be requested with a Site Development Permit (up to a maximum of 2 dwelling units per acre in the APZ II

- Zone and up to a maximum 20 dwelling units per acre in the Transition Zone) where buildings would be clustered to provide a maximum amount of open land.
- 4 Facilities shall be designed and operated to avoid attracting birds.
  - 5 Major overhead power lines shall be located underground.
  - 6 New hospitals not permitted. Existing hospitals may expand up to 1.65 *floor area ratio*.
  - 7 Frequencies shall not interfere with military communications or navigation frequencies.
  - 8 Processing, manufacturing, or storage of bulk quantities of hazardous materials (greater than 10,000 gallons) is not permitted.
  - 9 Fuel storage must be located underground.
  - 10 Subject to a maximum lot coverage of 40 percent in the APZ I zone.
  - 11 New *development* of multiple *single dwelling units* is not permitted in the APZ I zone. A new *single dwelling unit* may be developed in accordance with the underlying base zone.
- (3) Safety compatibility shall be evaluated based on the location of the safety zone boundary line.
- (A) For a parcel located within multiple safety zones:
- (i) Where new residential *development* would be located in a building within multiple safety zones, the most restrictive safety zone shall apply.
  - (ii) Where new non-residential *development* is proposed on a *premises* with multiple safety zones, the maximum *gross floor area* permitted shall be the sum of the *gross floor area* permitted in each of the zones. *Gross floor area* may be redistributed to the least restrictive safety zone.
  - (iii) New mixed use *development* with both residential uses and non residential uses shall comply with both the residential *density* and non-residential intensity criteria as specified. Residential *density* limitations shall not be equated to the maximum intensity limits for non-residential uses.
- (B) For a parcel with areas located both inside and outside of a designated safety zone, the area of the entire parcel may be used to calculate the maximum *gross floor area* in accordance with the underlying base zone. Any portion of the *development* that would be located within a designated safety zone, shall comply with the regulations for that safety zone.

(4) Rules for calculation and measurement of safety compatibility:

(A) Residential development

The total proposed *density* (including any *density* bonus in accordance with Chapter 14, Article 3, Division 7) for new residential *development* shall comply with the maximum *density* specified in Table 132-15D. For the purpose of this section, the *density* calculation for the project may include multiple parcels.

(B) Non-residential development

(i) For new non-residential *development*, an *applicant* shall demonstrate the proposed *development* would comply with either the maximum intensity limits (people per acre) or the maximum *floor area ratio* and maximum *lot coverage* as applicable in Table 132-15D.

(ii) *Gross floor area* and *lot coverage* shall be calculated in accordance with Sections 113.0234 and 113.0240. (Parking garages may be excluded from the calculation of *gross floor area*.)

(iii) "People per acre" shall be calculated by dividing the total *gross floor area* of the proposed *development* by the sum of the minimum square feet per occupant for each proposed use (in accordance with the California Building Code or as otherwise listed in Table 132-15D), then dividing the estimated occupancy by the size of the premises (in acres).

(iv) When a building would include more than one occupancy type (as defined by the California Building Code or as otherwise listed in Table 132-15D), the sum of the ratios for each separate occupancy type divided by the total allowable intensity for each separate occupancy type shall not exceed one.

(5) An *applicant* may request approval of a Site Development Permit (Process Four) for a proposed non-residential *development* where an alternative method of calculation to Section 132.1515(a)(4)(B) is requested to demonstrate compliance with the maximum people

per acre.

- (A) Alternative methods for calculation of people per acre shall be provided in a form to the satisfaction of the City Manager and may include an estimate based on the number of total parking spaces or an estimate based on a survey of similar uses.
  - (B) In such cases, the proposed non-residential *development* may exceed the maximum *floor area ratio* specified in Table 132-15D if the maximum intensity limit is not exceeded.
  - (C) The *development permit* shall specify the maximum intensity limit for the site, and that future *development* that would exceed the specified maximum intensity shall require amendment of the *development permit* in accordance with Section 126.0113.
  - (D) Occupancy limit shall be reposted on the site accordingly.
- (b) Safety Compatibility Review for Public Use Airports:  
(Blank)
- (c) Where an *applicant* disputes the City Manager's determination of use category for a proposed *development*, an *applicant* may request an interpretation by the Planning Commission in accordance with Section 131.0110(b).

### **§132.1520 Airspace Protection Compatibility**

Airspace protection compatibility within Review Areas 1 and 2 of this overlay zone shall be evaluated as follows:

- (a) Within each airport influence area, an airspace protection area is designated to protect navigable airspace and avoid creation of hazards to aircraft in flight in accordance with Code of Federal Regulations, Title 14, Part 77. The airspace protection area geographically consists of locations within the Federal Aviation Regulations Part 77 surfaces, surfaces identified by the United States Standard for Terminal Instrument Procedures (TERPS), and the Federal Aviation Administration notification area, as designated on Map x filed with the City Clerk.
- (b) Evaluation of potential airspace obstructions in accordance with Federal Aviation Regulations, Part 77, Subpart C



- (1) Within the primary surface and beneath the approach or transitional surface area, *development* shall not exceed the Federal Aviation Regulations Part 77 surfaces.
  - (2) Within the horizontal or conical surface area.
    - (A) *Development* is permitted up to a maximum height of 35 feet above grade, even where it would exceed the Federal Aviation Regulations Part 77 surfaces.
    - (B) *Development* that would exceed the airspace protection surface elevation may be determined to be compatible if:
      - (i) The Federal Aviation Administration (FAA) determines that the *development* would not be a hazard to air navigation; and
      - (ii) Conditions of approval as directed by the FAA aeronautical study or the California Department of Transportation, Division of Aeronautics are incorporated into the permit.
- (c) FAA Notification Requirements
- (1) FAA notification is required for:
    - (A) New *development* located within the FAA notification area.
    - (B) New *development* located outside of the FAA notification area that would be 200 feet or greater above grade, or
    - (C) New *development* that would exceed the Federal Aviation Regulations Part 77 surfaces.
  - (2) Where FAA notification is required in accordance with Section 132.1520(c)(1), the *applicant* shall:
    - (A) Provide evidence that notification (FAA Form 7460-1) was submitted to the FAA in accordance with Federal Aviation Regulations Part 77, and
    - (B) Provide evidence of a final FAA determination of No Hazard to Air Navigation.
- (d) California Department of Transportation, Division of Aeronautics

Development that would include structures greater than 500 feet above grade shall obtain a permit from the California Department of Transportation unless approval is obtained from the Federal Communications Commission or the FAA (Public Utilities Code, Section 21656).

#### **§132.1525 Aircraft Overflight Notification**

- (a) An overflight notification area has been designated for areas subject to aircraft overflight within this overlay zone.
- (b) New residential development located within the overflight notification area shall record an overflight notification document with the County of San Diego as a deed notice to inform people about the presence of aircraft overflight.
  - (1) The overflight notification document shall contain the language indicated in the applicable Airport Land Use Compatibility Plan.
  - (2) The County of San Diego recording number from the overflight notification deed notice document shall be noted on the building plans.

#### **§132.1530 Previously Conforming**

This section applies to the development, maintenance and operation of existing uses and structures located within the Airport Land Use Compatibility Overlay Zone that were legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan.

- (a) Development that is limited to interior modifications or repairs, or any exterior repairs or maintenance that does not increase the density or floor area ratio of an existing building shall be exempt from the requirements of this division.
- (b) Reconstruction, alteration or expansion of a previously conforming use or structure may be permitted with a Building Permit (Process One) as follows:
  - (1) Previously conforming single dwelling units, and associated companion units as applicable, may be reconstructed, altered or expanded in compliance with the development regulations of the underlying base zone.
  - (2) Previously conforming multi dwelling units may be reconstructed

or altered where the *development* would not increase the density or *floor area ratio*, or exceed the maximum *structure height* limit for airspace protection. A Neighborhood Development Permit (Process Two) may be requested in accordance with Section 126.0402(a)(6) to increase the *gross floor area* of a *previously conforming multi dwelling unit structure* where necessary to comply with public health and safety requirements of the California Building Code. Additional *floor area ratio* shall not be permitted where it would increase *density*.

(3) *Previously conforming non-residential development* may be reconstructed or altered where the *development* would not increase the *floor area ratio* or increase the number of people per acre, or as otherwise described in Section 132.1530(d).

(4) A *previously conforming use* that is discontinued temporarily due to fire, natural disaster, or an act of public enemy, or for repairs, remodeling, or major alterations may be resumed within 2 years by maintenance of an active *construction permit* and continuance of the Business Tax Certificate.

(c) Where the existing use or *structure* is also *previously conforming* with respect to the underlying base zone regulations, new *development* shall be subject to Section 127.0103 (Previously Conforming) in addition to Section 132.1530.

(d) Within the MCAS Miramar Transition Zone, existing facilities for the following *previously conforming uses* may be reconstructed, altered, or expanded as follows:

(1) Educational facilities (Kindergarten through Grade 12) where the expansion is limited to a maximum of 50 students.

(2) Child care centers where the expansion is limited to a maximum of 50 students.

(3) Hospitals where the expansion is limited to a maximum *floor area ratio* of 1.65 or 300 people per acre, or

(4) Correctional facilities where the expansion would result in a maximum capacity of 999 people with fixed seating for a maximum of 299 people.

### **§132.1535 Infill Development Criteria**

(a) This section applies to new *development* in Review Area 1 of the overlay

zone that would be consistent with the existing *development* pattern for the surrounding area established prior to adoption of an Airport Land Use Compatibility Plan, but would include uses, densities, or intensities incompatible with Sections 132.1510 or 132.1515.

- (b) An applicant may request approval of a Site Development Permit (Process Three) for new infill *development* consistent with the following:
- (1) The proposed infill *development* would not be located within an area designated as Prop A Lands in the City's General Plan.
  - (2) The proposed *development* would comply with the Land Development Code.
  - (3) The proposed *development* would be consistent with applicable *land use plans*.
  - (4) Within the MCAS Miramar airport influence area, infill *development* shall be limited to non-residential *development* located within a designated Transition Zone. Infill *development* shall not exceed the average intensity of all similar existing uses located within the Transition Zone and within a quarter mile of the proposed development, or 110 percent of the usage intensity permitted in accordance with Section 132.1515, whichever is greater.

#### **§132.1540 Real Estate Disclosure**

In accordance with state law (Business and Professional Code Section 11010, and Civil Code Sections 1102.6, 1103.4, and 1353), residential real estate transactions within this overlay zone shall disclose that property within is located within an airport influence area.

#### **§132.1545 Airport Land Use Commission Review**

- (a) The Airport Land Use Commission was established to adopt Airport Land Use Compatibility Plans and advise local agencies on the compatibility of new *development* with respect to airport-related noise, safety concerns, airspace protection, and aircraft overflight areas in accordance with adopted Airport Land Use Compatibility Plans.
- (b) The Airport Land Use Commission has no authority over existing land uses or the operation of airports. Maintenance of an existing land use or structure that does not conform to the applicable Airport Land Use Compatibility Plan shall be permitted in accordance with Section 132.1530.

- (c) Prior to approval of new *development* within the Airport Land Use Compatibility Overlay Zone, the *applicant* shall obtain a consistency determination from the Airport Land Use Commission for the following types of *development*:
- (1) *Development* projects requesting a deviation from this Division.
  - (2) *Development* projects that include rezones, new *land use plans*, or *land use plan* amendments, or
  - (3) *Development* projects that include aviation uses, non-aviation related uses located on airport property (public use airport only), or Airport Master Plans.
- (d) An updated consistency determination is required from the Airport Land Use Commission for any *development* project listed in 132.1545(c) that is subsequently modified in a manner that could be incompatible with the noise, safety, or airspace protection requirements such as:
- (1) An increase in residential *density*;
  - (2) An increase of *gross floor area*, *lot coverage*, or change in use intensity that would result in more people on the site for non-residential *development*;
  - (3) An increase of *structure height*; or
  - (4) A major change in site design.
- (e) Prior to adoption of amendments to the Land Development Code that affect land within the Airport Land Use Compatibility Overlay Zone, the City shall submit the proposed amendments to the Airport Land Use Commission for a consistency determination with applicable adopted Airport Land Use Compatibility Plans.
- (f) Consistency determinations are advisory actions made by the Airport Land Use Commission and may be overruled in accordance with Section 132.1550.

#### **§132.1550 Overrule Process**

- (a) An *applicant* may request a decision from the City Council to overrule a consistency determination made by the Airport Land Use Commission in accordance with Section 132.1545.



- (b) Associated *development permits* may be consolidated and decided by the City Council as part of the hearing to overrule the Airport Land Use Commission.
- (c) A Notice of Request for Overrule Hearing and a Notice of Public Hearing shall be provided in accordance with Section 112.0311.
- (d) A decision to overrule the Airport Land Use Commission shall be made by a minimum two-thirds vote of the City Council and shall be supported by the following findings:
- (1) The proposed *development* will not be detrimental to the public health, safety, and welfare;
  - (2) The proposed *development* will minimize the public's exposure to excessive noise and safety hazards to the extent feasible; and
  - (3) The proposed *development* will meet the purpose and intent of the California Public Utilities Code Section 21670.
- (e) Where the City Council decides to overrule:
- (1) Information supplemental to the findings listed in Section 132.1550(d) shall be entered into the hearing record as candidate overrule findings.
  - (2) A copy of the proposed decision and candidate overrule findings shall be provided to the airport operator, Airport Land Use Commission, and California Department of Transportation, Division of Aeronautics. State law requires that these agencies be granted 45 days to review the candidate overrule findings prior to final action by the City Council.
  - (3) A second hearing related to the matter of whether to overrule the Airport Land Use Commission shall be scheduled for the City Council to consider final action to overrule. The hearing date shall be scheduled at least 45 days from the date that the proposed decision and candidate overrule findings are made available in consideration of Section 132.1550(e)(2).
- (f) Where the City Council is unable to make the required findings to overrule in accordance with Section 132.1550(d), a second hearing related to the matter of whether to overrule shall not be necessary.

**§151.0103 Applicable Regulations**

- (a) The applicable zoning regulations in a planned district are those included in the planned district and any Land Development Code zoning regulations expressly incorporated into that planned district. Planned district regulations shall supersede any zoning regulations in the Land Development Code that are inconsistent or not expressly incorporated into the planned district regulations-, except as follows:
- (1) Within the Coastal Overlay Zone, exceptions to the standards in a planned district shall not be granted except as specifically provided for in the planned district.
  - (2) The Airport Land Use Compatibility Overlay Zone, as applied to individual property through a zoning or rezoning action, shall supersede in case of conflict with applicable planned district zoning regulations.
  - (3) Subdivision, building, plumbing and mechanical, and electrical regulations are not zoning regulations for purposes of this section and are not superseded by adoption of a planned district.
- (b) The following regulations apply in all planned districts:
- (1) Land Development Code, Chapter 11 (Land Development Procedures);
  - (2) Land Development Code, Chapter 12 (Land Development Reviews); ~~and~~
  - (3) Land Development Code, Chapter 13, Article 2 (Overlay Zones);  
and
  - ~~(3)~~(4) Child care facilities regulations contained in Land Development Code Section 141.0606.