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ORDINANCE NUMBER O- 20047 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 11 2011

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 112.0301 AND 112.0302; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTIONS 126.0402 AND 126.0404; BY AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 BY AMENDING SECTION 126.0502; BY AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0102; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0220; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0320; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0420; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0520; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0620; BY AMENDING CHAPTER 13, ARTICLE 2, DIVISION 1 BY AMENDING SECTIONS 132.0102 AND 132.0104; BY AMENDING CHAPTER 13, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 132.0301, 132.0302, 132.0306, 132.0309, AND 132.0310 AND BY AMENDING DIAGRAM 132-03A; AMENDING CHAPTER 13, ARTICLE 2 BY ADDING A NEW DIVISION 15, TITLED "AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE," SECTIONS 132.1501, 132.1502, 132.1505, 132.1510, 132.1515, 132.1520, 132.1525, 132.1530, 132.1535, 132.1540, 132.1545, 132.1550 AND 132.1555; AND AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, ALL RELATED TO AIRPORT LAND USE COMPATIBILITY.

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

Section 1. That Chapter 11, Article 2, Division 3 of the San Diego Municipal Code is amended by amending Sections 112.0301 and 112.0302 to read as follows:

§112.0301 Types of Notice

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

(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 132.1555 (Overrule Process).

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

(d) Reserved Notice of Availability.

(e) Notice of Request for Airport Land Use Compatibility Overrule Hearing.

A Notice of Request for Airport Land Use Compatibility Overrule Hearing is a written notice to advise of the availability of supporting materials for an overrule action requested in accordance with Section 132.1555 that will be acted on by the City Council at a future date.

(1) Content. The Notice of Request for Airport Land Use

Compatibility 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 132.1555(e) will be scheduled no sooner than 6 weeks following the mailing date of the Notice of Request for Airport Land Use Compatibility Overrule hearing.
- (2) Distribution.
 - (A) The City Manager shall distribute the Notice of Request for Airport Land Use Compatibility 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 Airport Land Use Compatibility 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 in text.]
- (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 in text.]
 - (6) The San Diego County Regional Airport Authority (SDCRAA),

sitting as 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.

(c) [No change in text.]

Section 2. That Chapter 12, Article 6, Division 4 of the San Diego Municipal Code is amended by amending Sections 126.0402 and 126.0404 to read as follows:

§126.0402 When a Neighborhood Development Permit is Required

(a) through (k) [No change in text.]

(l) A Neighborhood Development Permit is required for the following types of *development* within the Airport Land Use Compatibility Overlay Zone:

(1) Non-residential *development* where alternative compliance is requested to demonstrate safety compatibility in accordance with Section 132.1515(d) using an equivalent calculation of intensity (people per acre).

(2) Non-residential *development* within the Brown Field or Montgomery Field airport influence areas where additional intensity (people per acre) is requested for a building designed to minimize risk and increase the safety of building occupants beyond the minimum requirements of the California Building Code in accordance with Section 132.1515(g)(2).

§126.0404 Findings for Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section

126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (e) that are applicable to the proposed *development* as specified in this section.

(a) through (d) [No change in text.]

(e) Supplemental Findings – Additional Intensity for Non-residential Development in the Brown Field or Montgomery Field Airport Influence Areas. The *applicant* shall demonstrate that the building has been designed to minimize risk and increase the safety of the occupants beyond the minimum requirements of the California Building Code through evaluation of the following:

- (1) The proposed building provides increased fire resistant rated construction to prevent or delay fire-induced structural damage;
- (2) The proposed building provides increased fire protection systems to allow occupants more time to exit the building and to delay the spread of fire to adjacent buildings;
- (3) The building provides enhanced means for building egress; and
- (4) The design of the building's structural systems addresses light aircraft impact loads to reduce the potential for structural damage.

Section 3. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending Section 126.0502 to read as follows:

§126.0502 When a Site Development Permit is Required

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

(c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.

- (1) through (7) [No change in text.]

(8) *Development* within the Airport Land Use Compatibility Overlay Zone as required for safety compatibility in accordance with Section 132.1515.

(d) [No change in text.]

(e) A Site Development Permit decided in accordance with Process Five is required for the following types of *development*.

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

(4) *Development* within the Airport Land Use Compatibility Overlay Zone proposing deviations from the overlay zone requirements, or *development* that includes a rezone or *land use plan* approval.

Section 4. That Chapter 12, Article 7, Division 1 of the San Diego Municipal Code is amended by amending Section 127.0102 to read as follows:

§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 in text.]

(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, or amendment thereto, are located in Section 132.1535.

Section 5. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending Section 131.0220 to read as follows:

§131.0220 Use Regulations of Open Space Zones

The regulations of Section 131.0222 apply in the open space zones unless

otherwise specifically provided by footnotes indicated in Table 131-02B. The uses permitted in any zone may be further limited if the *premises* is located within the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15), or if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) through (e) [No change in text.]

Section 6. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending Section 131.0320 to read as follows:

§131.0320 Use Regulations of Agricultural Zones

The regulations of Section 131.0322 apply in the agricultural zones unless otherwise specifically provided by footnotes indicated in Table 131-03B. The uses permitted in any zone may be further limited if the *premises* is located within the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15), or if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) through (e) [No change in text.]

Section 7. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending Section 131.0420 to read as follows:

§131.0420 Use Regulations of Residential Zones

The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131-04B. The uses permitted in any zone may be further limited if the *premises* is located within the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2,

Division 15), or if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) through (e) [No change in text.]

Section 8. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending Section 131.0520 to read as follows:

§131.0520 Use Regulations of Commercial Zones

The regulations of Section 131.0522 apply in the commercial zones unless otherwise specifically provided by footnotes indicated in Table 131-05B. The uses permitted in any zone may be further limited if the *premises* is located within the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15), or if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) through (e) [No change in text.]

Section 9. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending Section 131.0620 to read as follows:

§131.0620 Use Regulations of Industrial Zones

The regulations of Section 131.0622 apply in the industrial zones unless otherwise specifically provided by footnotes indicated in Table 131-06B. The uses permitted in any zone may be further limited if the *premises* is located within the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15), or if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(a) through (e) [No change in text.]

Section 10. That Chapter 13, Article 2, Division 1 of the San Diego Municipal Code is amended by amending Sections 132.0102 and 132.0104 to read as follows:

§132.0102 Overlay Zone Designations

[No change in text.]

Table 132-01A

Overlay Zone Designations

Division Number	Title of overlay zone	Map Designation
Division 2	Airport Approach Overlay Zone	AAOZ
Division 3	Airport Environs Overlay Zone	AEOZ
Division 4	Coastal Overlay Zone	COZ
Division 5	Coastal Height Limit Overlay Zone	CHLOZ
Division 6	Sensitive Coastal Overlay Zone	SCOZ
Division 7	Mobilehome Park Overlay Zone	MHPOZ
Division 8	Parking Impact Overlay Zone	PIOZ
Division 9	Residential Tandem Parking Overlay Zone	RTPOZ
Division 10	Transit Area Overlay Zone	TAOZ
Division 11	Urban Village Overlay Zone	UVOZ
Division 12	Mission Trails Design District	MTDD
Division 13	Clairemont Mesa Height Limit Overlay Zone	CMHLOZ
Division 14	Community Plan Implementation Overlay Zone	CPIOZ
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.

Section 11. That Chapter 13, Article 2, Division 3 of the San Diego Municipal Code is amended by amending Sections 132.0301, 132.0302, 132.0306, 132.0309 and 132.0310 and by amending Diagram 132.03A to read as follows:

§132.0301 Purpose of the Airport Environs Overlay Zone

The purpose of the Airport Environs Overlay Zone is to provide supplemental regulations for property surrounding, San Diego International Airport (SDIA).

The intent of these regulations is as follows:

- (a) To ensure that land uses are compatible with the operation of airports by implementing the Airport Land Use Compatibility Plan for SDIA adopted by the Airport Land Use Commission for the San Diego region;
- (b) through (c) [No change in text.]

§132.0302 Where the Airport Environs Overlay Zone Applies

- (a) This overlay zone applies to properties identified in the Airport Land Use Compatibility Plan for SDIA as areas within a noise contour zone, accident potential zone, or flight activity zone that are located within the boundaries shown on Map No. C-885, filed in the office of the City Clerk as generally shown on Diagram 132-03A.
- (b) [No change in text.]

Table 132-03A [No change in text.]

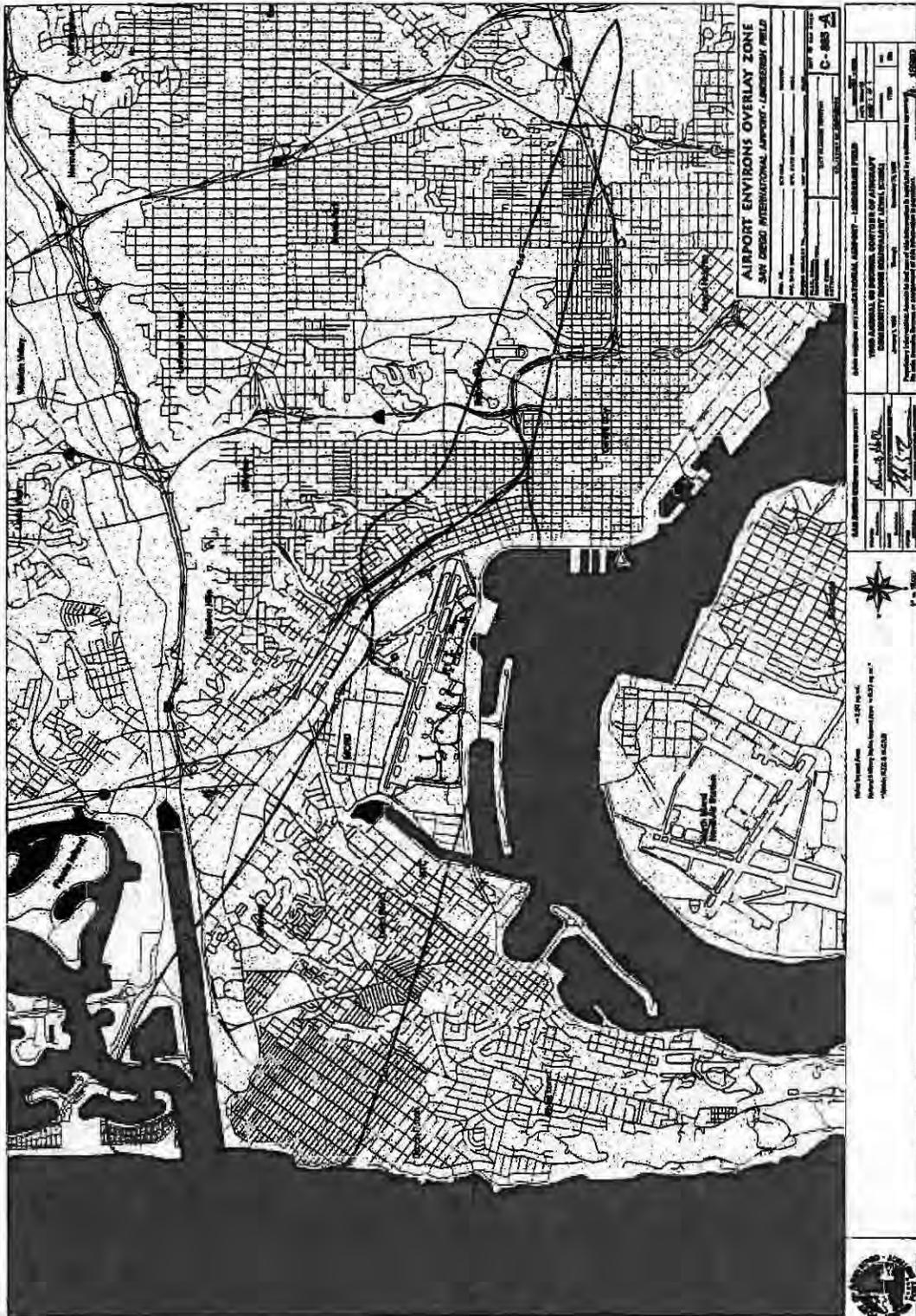


DIAGRAM 132-03A
Airport Environs Overlay Zone
This is reproduction of Map No. C-885
for illustration purposes only.

§132.0306 Supplemental Regulations

The Airport Land Use Compatibility Plan for SDIA contains community noise equivalent level contour maps, which identify areas subject to potential airport noise impacts, and airport approach maps, which identify areas of potential safety hazards. The Airport Land Use Compatibility Plan also provides a land use compatibility table which specifies the types of land uses that are incompatible within specified noise contours.

- (a) For residential *development* within the 60dB CNEL contour, the applicant must demonstrate that indoor noise levels that are attributable to airport operations shall not exceed 45dB. For uses not specifically identified, the City Manager shall determine the standard based upon applicable City and State statutory and regulatory requirements. The applicant will be required to spend no more than 10 percent of construction costs to meet noise attenuation requirements.
- (b) *Development* proposals shall comply with the standards of the Runway Protection Zones and Airport Approach Overlay Zone as described by the Airport Land Use Compatibility Plan.

§132.0309 Requirement for Avigation Easement

- (a) An avigation easement for *development* within the Airport Environs Overlay Zone is required on a *premises* located within the 1990 60dB or greater CNEL contour of the SDIA airport influence area where the *development* would result in an increase in the number of *dwelling units* within the Overlay Zone.
- (b) [No change in text.]

§132.0310 City Council Override

- (a) The *applicant* may file a petition to the City Council to override the City Manager’s recommendation of noncompliance with the land use recommendations of the adopted Airport Land Use Compatibility Plan, within 10 *business days* of that decision. The City Council may, at its discretion, request a recommendation from the Airport Land Use Commission before deciding whether the petition will be heard.
- (b) The City Council, may, by a two-thirds vote, override the City Manager’s decision and determine that the proposed use meets the intent of the Airport Land Use Compatibility Plan if the City Council makes the following findings:

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

Section 12. That Chapter 13, Article 2, of the San Diego Municipal Code is amended by adding Division 15 titled “Airport Land Use Compatibility Overlay Zone,” by adding new Sections 132.1501, 132.1502, 132.1505, 132.1510, 132.1515, 132.1520, 132.1525, 132.1530, 132.1535, 132.1540, 132.1545, 132.1550, and 132.1555 to read as follows:

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, public safety, 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 zones as identified on the listed maps, on file in the office of the City Clerk.

Table 132-15A

Airport Influence Areas

Airport	Map Number Showing Boundaries of Airport Influence Areas
Marine Corps Air Station Miramar (MCAS) Miramar	C-933
Brown Field	C-944
Gillespie Field	C-947
Montgomery Field	C-939

- (b) Airport influence area maps identified in Table 132-15A indicate the boundary of the airport influence area for a particular airport and divide the airport influence area into Review Areas 1 and 2, as further explained in Section 132.1505.
- (c) 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**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
<i>Development that complies with the applicable compatibility regulations or that is listed as exempt in Section 132.1505.</i>	132.1505	No permit required by this Division
Non-residential <i>development</i> where alternative compliance is requested to demonstrate safety compatibility in accordance with Section 132.1515(d) using an equivalent calculation of people per acre.	132.1515	Neighborhood Development Permit/ Process Two
Non-residential <i>development</i> in the Brown Field or Montgomery Field airport influence areas where additional intensity is requested for a building designed to minimize risk and increase safety of building occupants beyond the minimum requirements of the California Building Code in accordance with Section 132.1515(g)(2).	132.1515	Neighborhood Development Permit/ Process Two
<i>Development</i> as required for safety compatibility in accordance with Section 132.1515	132.1515	Site Development Permit/ Process Three
<i>Development</i> proposing to deviate from this Division, or new <i>development</i> that includes a rezone or <i>land use plan</i> approval.	132.1510 132.1515 132.1520 132.1535 132.1540	Site Development Permit/ Process Five

§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, filed in the office of the City Clerk.
- (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.
 - (3) *Development* in Review Area 1 that would be consistent with the existing *development* pattern of the surrounding area, but would include uses, densities or intensities inconsistent with the noise or safety compatibility criteria in Sections 132.1510 or 132.1515, may be determined to be compatible infill *development* in accordance with Section 132.1540.
 - (4) Properties located within the Brown Field, Montgomery Field, or Gillespie Field airport influence areas shall comply with requirements to dedicate aviation easements in accordance with Section 132.1530.
- (c) The following shall be exempt from the requirements of this Division:
- (1) *Development* that is limited to interior modifications or repairs, or any exterior repairs or maintenance, that does not increase the *density, floor area ratio* or height of an existing *structure*;
 - (2) Changes in non-residential occupancy within an existing building that would not require an increase in the number of parking spaces in accordance with Chapter 14, Article 2, Division 5;
 - (3) *Development* of an *accessory structure* that would result in a maximum increase of 1,500 square feet of *gross floor area*, where

- it would not be located within Safety Zone 1 (Runway Protection Zone), and would not require an increase in the number of parking spaces in accordance with Chapter 14, Article 2, Division 5; or
- (4) A Special Event approved in accordance with Chapter 2, Article 2, Division 40 or a temporary use approved in accordance with Chapter 12, Article 3, Division 4.
- (d) The Airport Land Use Compatibility Plan in effect at the time an application was *deemed complete* shall be the basis for compatibility review. Modifications to an approved *development permit* that are not in *substantial conformance* with the previously approved permit shall be compatible with the Airport Land Use Compatibility Plan in effect at the time the application for permit amendment is *deemed complete*.

§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) Aircraft noise exposure is identified on Airport Land Use Compatibility Plan community noise equivalent level (CNEL) noise contour maps prepared and adopted by the Airport Land Use Commission for each airport, and filed in the office of the City Clerk. Adopted noise contour maps identified in Table 132-15C and noise compatibility criteria identified in Table 132-15D shall be used to determine land use compatibility in accordance with Section 132.1510(b).

Table 132-15C

Adopted Noise Contour Maps

Airport Influence Area	Map Number
MCAS Miramar	C-929
Brown Field	C-942
Montgomery Field	C-937

- (b) *Development* in an airport influence area shall be considered noise compatible where:
- (1) The proposed *development* is consistent with the use regulations of the underlying base zone; and
 - (2) The proposed *development* is permitted within the applicable noise exposure range in Noise Compatibility Criteria Table 132-15D that corresponds to the identified aircraft noise exposure for the proposed location.
- (c) Where noise attenuation is required for compatibility, the *applicant* shall demonstrate to the satisfaction of the City Manager that all interior spaces exposed to exterior aircraft noise sources will achieve the indoor noise level indicated on Table 132-15D.
- (d) Only aircraft-related noise sources shall be considered in determining compliance with Table 132-15D, except as otherwise required by the California Building Code for *hotel/motel and multiple dwelling units*.
- (e) Applicability to parcels with multiple noise contours
- (1) For uses conducted indoors, noise compatibility shall be determined by the noise exposure range that applies to 75 percent or more of the building.

- (2) For uses conducted outdoors, noise compatibility shall be determined by the noise exposure range that applies to the proposed location of the use on the *premises*.
- (f) Where an *applicant* disputes the City Manager's determination of the use category for a proposed *development*, an *applicant* may request an interpretation by the Planning Commission in accordance with Section 131.0110(b).

Legend for Table 132-15D

Symbol In Table 132-15D	Description Of Symbol
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 132-15D
Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space				
Active Recreation	P	P	-	-
Passive Recreation	P	-	-	-
Natural Resources Preservation	P	P	P	P
Park Maintenance Facilities	P	P	-	-
Agriculture				
Agricultural Processing	P	P	P ¹	-
Aquaculture Facilities	P	P	P	-
Dairies	P	P	P	-
Horticulture Nurseries & Greenhouses	P	P	P	-
Raising & Harvesting of Crops	P	P	P	-
Raising, Maintaining & Keeping of Animals	P	P	P	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Separately Regulated Agriculture Uses				
Agricultural Equipment Repair Shops	P	P	P ¹	-
Commercial Stables	P	P	P	-
Community Gardens	P	P	P	-
Equestrian Show & Exhibition Facilities	P	P	-	-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	P	P	-	-
Residential				
<i>Mobilehome Parks</i>	P ²	-	-	-
<i>Multiple Dwelling Units</i>	P ²	-	-	-
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	P ²	-	-	-
<i>Single Dwelling Units</i>	P ²	-	-	-
Separately Regulated Residential Uses				
<i>Boarder & Lodger Accommodations</i>	Classify with primary use			
Companion Units	P ²	-	-	-
Employee Housing	P ²	-	-	-
Fraternities, Sororities and Student Dormitories	P ²	-	-	-
Garage, Yard, & Estate Sales	Classify with primary use			
Guest Quarters	P ²	-	-	-
Home Occupations	Classify with primary use			
Housing for Senior Citizens	P ²	-	-	-
Live/Work Quarters	P ²	-	-	-
Residential Care Facilities:				
6 or Fewer Persons	P ²	-	-	-
7 or More Persons	P ²	-	-	-
Transitional Housing:				
6 or Fewer Persons	P ²	-	-	-
7 or More Persons	P ²	-	-	-
Watchkeeper Quarters	Classify with primary use			
Institutional				
Separately Regulated Institutional Uses				
Airports	P	P	P	P
Botanical Gardens & Arboretums	P	P	P	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Cemeteries, Mausoleums, Crematories	P	P	P ²	-
<i>Churches & Places of Religious Assembly</i>	P ²	-	-	-
Correctional Placement Centers	P ²	P ²	-	-
Educational Facilities:				
Kindergarten through Grade 12	P ²	-	-	-
Colleges / Universities	P ²	P ²	-	-
Vocational / Trade School	P ²	P ²	-	-
Energy Generation & Distribution Facilities	P	P	P	P
Exhibit Halls & Convention Facilities	P	P ²	-	-
<i>Flood Control Facilities</i>	P	P	P	P
<i>Historical Buildings Used for Purposes Not Otherwise Allowed</i>	Classify with primary use			
Homeless Facilities:				
Congregate Meal Facilities	P	P ¹	P ^{1,3}	-
Emergency Shelters	P ²	P ²	-	-
Homeless Day Centers	P	P ¹	P ¹	-
Hospitals, Intermediate Care Facilities & Nursing Facilities	P ²	-	-	-
Interpretive Centers	P ²	-	-	-
Museums	P ²	-	-	-
Major Transmission, Relay, or Communications Switching Stations	P	P	P	P
<i>Satellite Antennas</i>	P	P	P	P
<i>Social Service Institutions</i>	P	P ¹	P ¹	-
<i>Wireless communication facility</i>	P	P	P	P
Retail Sales				
Building Supplies & Equipment	P	P ¹	P ^{1,3}	-
Food, Beverages and Groceries	P	P ¹	P ^{1,3}	-
Consumer Goods, Furniture, Appliances, Equipment	P	P ¹	P ^{1,3}	-
Pets & Pet Supplies	P	P ¹	P ^{1,3}	-
Sundries, Pharmaceuticals, & Convenience Sales	P	P ¹	P ^{1,3}	-
Wearing Apparel & Accessories	P	P ¹	P ^{1,3}	-
Separately Regulated Sales Uses				
Agriculture Related Supplies & Equipment	P	P ¹	P ^{1,3}	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Alcoholic Beverage Outlets	P	P ¹	P ^{1,3}	-
Plant Nurseries	P	P ¹	P ^{1,3}	-
Swap Meets & Other Large Outdoor Retail Facilities	P	P	-	-
Commercial Services				
Building Services	P	P ¹	P ¹	-
Business Support	P	P ¹	P ¹	-
Eating & Drinking Establishments	P	P ¹	P ^{1,3}	-
Financial Institutions	P	P ¹	P ¹	-
Funeral & Mortuary Services	P	P ¹	P ^{1,3}	-
Maintenance & Repair	P	P ¹	P ¹	-
Off-Site Services	P	P ¹	P ¹	-
Personal Services	P	P ¹	P ^{1,3}	-
Radio & Television Studios	P	P ¹	P ¹	-
Assembly & Entertainment	P	P ¹	P ¹	-
Visitor Accommodations	P ²	P ²	P ²	-
Separately Regulated Commercial Services Uses				
Adult Entertainment Establishments:				
Adult Book Store	P	P ¹	P ¹	-
Adult Cabaret	P	P ¹	P ¹	-
Adult Drive-In Theater	P	P ¹	-	-
Adult Mini-Motion Picture Theater	P	P ¹	P ¹	-
Adult Model Studio	P	P ¹	P ¹	-
Adult Motel	P ²	P ²	P ²	-
Adult Motion Picture Theater	P	P ¹	P ¹	-
Adult Peep Show Theater	P	P ¹	P ¹	-
Adult Theater	P	P ¹	P ¹	-
Body Painting Studio	P	P ¹	P ¹	-
Massage Establishment	P	P ¹	P ¹	-
Sexual Encounter Establishment	P	P ¹	P ¹	-
Bed & Breakfast Establishments:				
1-2 Guest Rooms	P ²	P ²	-	-
3-5 Guest Rooms	P ²	P ²	-	-
6+ Guest Rooms	P ²	P ²	-	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Boarding Kennels	P	P ¹	P ^{1,3}	-
Camping Parks	P	-	-	-
<i>Child Care Facilities:</i>				
Child Care Centers	P ²	-	-	-
Large Family Day Care Homes	P ²	-	-	-
Small Family Day Care Homes	P ²	-	-	-
Eating and Drinking Establishments Abutting Residentially Zoned Property	P	P ¹	P ^{1,3}	-
Fairgrounds	P	P	-	-
Golf Courses, Driving Ranges, and Pitch & Putt Courses	P	P	-	-
Helicopter Landing Facilities	P	P	P	P
Instructional Studios	P	P ¹	P ¹	-
Massage Establishments, Specialized Practice	P	P ¹	P ^{1,3}	-
<i>Medical marijuana consumer cooperatives</i>	P	P ¹	P ^{1,3}	-
Nightclubs & Bars over 5,000 square feet in size	P	P ¹	P ^{1,3}	-
<i>Parking Facilities as a Primary Use:</i>				
Permanent Parking Facilities	P	P	P	-
Temporary Parking Facilities	P	P	P	-
Private Clubs, Lodges and Fraternal Organizations	P	P ¹	P ¹	-
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽⁴⁾	P	P	-	-
Pushcarts	P	P	P	-
<i>Recycling Facilities:</i>				
Large Collection Facility	P	P	P	-
Small Collection Facility	P	P	P	-
Large Construction & Demolition Debris Recycling Facility	P	P	P	-
Small Construction & Demolition Debris Recycling Facility	P	P	P	-
Drop-off Facility	P	P	P	P
Green Materials Composting Facility	P	P	P	-
Mixed Organic Composting Facility	P	P	P	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	P	P	P	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Large Processing Facility Accepting All Types of Traffic	P	P	P	-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	P	P	P	-
Small Processing Facility Accepting All Types of Traffic	P	P	P	-
Reverse Vending Machines	P	P	P	P
Tire Processing Facility	P	P	P	-
Sidewalk Cafes	P	P	-	-
Sports Arenas & Stadiums	P	P ²	P ^{2,4}	-
Theaters that are outdoor or over 5,000 square feet in size	P	P ¹	P ^{1,3}	-
Urgent Care Facilities	P	P ¹	P ¹	-
Veterinary Clinics & Animal Hospitals	P	P ¹	P ^{1,3}	-
Zoological Parks	P	P	-	-
Offices				
Business & Professional	P	P ¹	P ¹	-
Government	P	P ¹	P ¹	-
Medical, Dental, & Health Practitioner	P	P ¹	P ¹	-
Regional & Corporate Headquarters	P	P ¹	P ¹	-
Separately Regulated Office Uses				
Real Estate Sales Offices & Model Homes	P	P ¹	P ¹	-
<i>Sex Offender</i> Treatment & Counseling	P	P ¹	P ¹	-
Vehicle & Vehicular Equipment Sales & Service				
Commercial Vehicle Repair & Maintenance	P	P	P ¹	-
Commercial Vehicle Sales & Rentals	P	P	P ¹	-
Personal Vehicle Repair & Maintenance	P	P	P ¹	-
Personal Vehicle Sales & Rentals	P	P	P ¹	-
Vehicle Equipment & Supplies Sales & Rentals	P	P	P ¹	-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses				
Automobile Service Stations	P	P	P ¹	-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>	P	P	P ¹	-
Wholesale, Distribution, Storage				

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Equipment & Materials Storage Yards	P	P	P	-
Moving & Storage Facilities	P	P	P ¹	-
Warehouses	P	P	P ¹	-
Wholesale Distribution	P	P	P ¹	-
Separately Regulated Wholesale, Distribution, and Storage Uses				
Impound Storage Yards	P	P	P	-
Junk Yards	P	P	P	-
Temporary Construction Storage Yards Located off-site	P	P	P	-
Industrial				
Heavy Manufacturing	P	P	P ¹	-
Light Manufacturing	P	P	P ¹	-
Marine Industry	P	P	P ¹	-
Research & Development	P	P	P ¹	-
Trucking & Transportation Terminals	P	P	P ¹	-
Separately Regulated Industrial Uses				
<i>Hazardous Waste</i> Research Facility	P	P	P ¹	-
<i>Hazardous Waste</i> Treatment Facility	P	P	P ¹	-
Marine Related Uses Within the Coastal Overlay Zone	P	P	P ¹	-
Mining and Extractive Industries	P	P	P	-
Newspaper Publishing Plants	P	P	P ¹	-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises	P	P	P ¹	-
Very Heavy Industrial Uses	P	P	P ¹	-
Wrecking & Dismantling of Motor Vehicles	P	P	P	-

Footnotes to Table 132-15D

- ¹ Interior spaces exposed to exterior aircraft noise sources shall be attenuated to achieve an indoor noise level of 50 dB CNEL.
- ² Interior spaces exposed to exterior aircraft noise sources shall be attenuated to achieve an indoor noise level of 45 dB CNEL.
- ³ This use classification is not permitted for outdoor spaces exposed to aircraft noise greater than 70 dB CNEL.
- ⁴ Outdoor stadiums are not compatible in the 70-75dB CNEL aircraft noise exposure range.

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

- (a) Relative aircraft accident risk exposure for property surrounding an airport is identified on Airport Land Use Compatibility Plan safety zone maps set forth in Table 132-15E, prepared and adopted by the Airport Land Use Commission for each airport, and filed in the office of the City Clerk. Adopted safety zone maps identified in Table 132-15E and applicable safety compatibility tables shall be used to determine land use compatibility in accordance with Section 132.1515(b).

**Table 132-15E
Adopted Safety Zone Maps**

Airport Influence Area	Map Number
MCAS Miramar	C-930
Brown Field	C-940
Montgomery Field	C-935

- (b) *Development* in an airport influence area shall be considered compatible with respect to safety as follows:
 - (1) The proposed *development* is consistent with the use and development regulations of the underlying base zone, including required *development permits* as applicable.
 - (2) The proposed *development* is permitted within the designated safety zone, as applicable, or is compatible infill *development* in

accordance with Section 132.1540

(3) The proposed *development* complies with the maximum residential *density* and non-residential intensity regulations for applicable safety zones, as measured in accordance with Section 132.1515(c), or is compatible infill *development* in accordance with Section 132.1540.

(4) Compatible *development* may be approved with a *construction permit*, except where the *development* otherwise requires a *development permit*.

(c) Rules for calculation and measurement of safety compatibility.

The intent is to measure the total number of *dwelling units* for a proposed residential *development* and the total intensity (people per acre) for a proposed non-residential *development* to determine compliance with the applicable safety zone. Uses that are identified as permitted in a safety zone are presumed to comply with the limits for that safety zone. Uses that are identified as a limited use or require a *development permit* in accordance with Table 132-15F or 132-15G shall be subject to a calculation of *density* or intensity as follows:

(1) Residential *development density*

(A) For the purpose of this section, the total number of people for a residential *development* shall be measured in terms of *dwelling units* per acre. 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 *dwelling units* per acre specified in the applicable safety compatibility table.

- (B) Maximum *densities* indicated in each safety table below are calculated as *dwelling units* per gross acre on a site-wide average. Alternatively, within the Brown Field and Montgomery Field airport influence areas *density* may be calculated as *dwelling units* per net acre in which case, a 20 percent increase in the maximum *dwelling units* per acre for the safety zone may be permitted.
- (C) Residential *density* limitations shall not be equated to the maximum intensity (people per acre) limits for non-residential uses.
- (D) Residential *development* that requires a Site Development Permit for safety compatibility in accordance with Section 126.0502(c)(8) shall be designed as follows:
 - (i) *Dwelling units* shall be located to minimize safety hazards by taking maximum advantage of the topography and other site design features; and
 - (ii) *Dwelling units* shall be clustered to provide the maximum amount of open land; however, the minimum dimensions of the open land shall be 75 feet by 300 feet, with a maximum slope of 5 percent.

- (2) Non-residential *development* intensity

- (A) The total number of people for a non-residential *development* shall be measured in terms of intensity (people per acre). Non-residential *development* shall comply with the maximum intensity specified in the applicable safety compatibility table.
- (B) The intensity (people per acre) of a non-residential *development* is equivalent to the ratio of the estimated number of people for the *development* divided by the acreage of the *premises*.
- (C) Maximum intensities indicated in each safety table are calculated as people per gross acre on a site-wide average. Alternatively, within the Brown Field and Montgomery Field airport influence areas non-residential intensity may be calculated as people per net acre, in which case a 20 percent increase in the maximum intensity level identified for the safety zone in Table 132-15G may be permitted.
- (D) There are a variety of methods available to estimate the number of people associated with a non-residential *development*, and therefore proposed *development* shall comply with either:
- (i) The maximum *floor area ratio* indicated in the safety compatibility table; or
 - (ii) The maximum intensity (people per acre) limits and maximum *lot coverage* where specified in the

applicable safety compatibility table. *Lot coverage* shall be calculated in accordance with Section 113.0240.

- (E) For the purpose of this section, *floor area ratio* may be used to estimate the number of people by dividing the square footage of the proposed use by the square feet per occupant typically associated with the proposed use category, as listed in the applicable safety compatibility table and as set forth further below:
- (i) When a mix of non-residential uses are proposed from more than one use category in Table 132-15F or 132-15G, the maximum *floor area ratio* for each use shall be calculated as a proportion of the total *floor area ratio* allowable for the respective safety zone.
 - (ii) For example, a project containing a mix of office (70 percent of total project square footage) and retail (30 percent of total project square footage) would be limited to 70 percent of the *floor area ratio* allowable for office as indicated in the applicable safety compatibility table, and 30 percent of the allowable *floor area ratio* for retail as indicated in the applicable safety compatibility table.

- (iii) Non-residential *accessory uses* permitted in accordance with Section 131.0125 may exempt up to 10 percent of the total floor area from the people per acre calculation where the *accessory use* is neither an assembly room designed to accommodate more than 650 people, nor an institutional use identified as “not permitted” in the designated safety zone.
 - (iv) *Gross floor area* shall be calculated in accordance with Section 113.0234; however, parking garages may be excluded from the calculation of *gross floor area*.
- (F) As an alternative to Section 132.1515(c)(2)(E), a *development permit* may be recorded to demonstrate compliance with the maximum number of people in the applicable safety zone.
 - (i) Where a Site Development Permit is required in accordance with Table 132-15F or 132-15G, the *applicant* shall demonstrate compliance with the maximum intensity (people per acre) of the safety zone through project design. Permit conditions may be added as necessary to ensure compliance with the maximum people per acre.
 - (ii) For all other uses where an alternative method to

floor area ratio would provide a more accurate estimate of the associated number of people, a Neighborhood Development Permit may be requested in accordance with Section 132.1515(d).

- (3) Within a mixed use *development*, the residential and non-residential portions of the project are allowed a proportionate share of the respective allowable *density* or intensity of the safety zone. The residential portion shall not exceed the allowable residential *density* for the safety zone in accordance with Section 132.1515(c)(1), and the non-residential portion shall not exceed the allowable intensity for the safety zone in accordance with Section 132.1515(c)(2).
- (4) Safety compatibility shall be evaluated based on the location of the safety zone boundary line.
 - (A) Any portion of the *development* located within a designated safety zone shall comply with the regulations for that safety zone.
 - (B) Where 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 or to areas of the site located outside of a designated safety zone,

but shall not be redistributed to the more restrictive safety zone.

- (d) An *applicant* may request approval of a Neighborhood Development Permit for a non-residential *development* where an alternative method of calculation is requested to demonstrate compliance with the maximum intensity (people per acre).
- (1) The alternative method of calculation shall be to the satisfaction of the City Manager and may include, for example, an estimate based on the proposed number of parking spaces associated with the *development* or an estimate based on a survey of similar uses.
 - (2) When compliance is demonstrated by an alternate method of calculation, the non-residential *development* may exceed the maximum *floor area ratio* specified in the applicable safety compatibility table if the maximum intensity limit is not exceeded.
 - (3) The *development permit* shall specify the maximum intensity for the site, and shall require amendment of the *development permit* in accordance with Section 126.0113 for any future *development* that would exceed the maximum intensity specified in the permit.
 - (4) As a condition of permit approval:
 - (A) Occupancy limits more restrictive than California Building Code occupancy standards may be required to be posted on-site for the proposed *development*; and
 - (B) A maximum number of allowable parking spaces may be specified in the permit.

- (e) 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).
- (f) Safety Compatibility Review for MCAS Miramar.
 - (1) Table 132-15F identifies the maximum residential *density* and non-residential intensity limits for the Accident Potential and Transition safety zones located in the MCAS Miramar airport influence area as identified on the adopted safety zone map referenced in Table 132-15E.
 - (2) *Development* is not permitted in the Clear Zone (zone with the greatest potential for aircraft accidents located immediately beyond the airport runway) as identified on the adopted safety zone map referenced in Table 132-15E.

Legend for Table 132-15F

Symbol In Table 132-15F	Description Of Symbol
P	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.
L	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.

Symbol In Table 132-15F	Description Of Symbol
LX Percent (Floor Area Ratio)	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 <i>floor area ratio</i> may be used as an equivalent measurement for the maximum people per acre in that safety zone.
SDP	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.
-	Use or use category is incompatible with the identified safety zone and is not permitted.

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
	Maximum People Per Acre	25	50
Open Space			
Active Recreation	P ¹	P	P
Passive Recreation	P	P	P
Natural Resources Preservation	P	P	P
Park Maintenance Facilities	P	P	P
Agriculture			
Agricultural Processing [1000 sq ft per person]	-	L/.34	P
Aquaculture Facilities [1000 sq ft per person]	L/.57	P	P
Dairies [1000 sq ft per person]	L/.57	P	P
Horticulture Nurseries & Greenhouses [1000 sq ft per person]	L/.57 ¹⁰	L/1.15	P
Raising & Harvesting of Crops [1000 sq ft per person]	L/.57 ⁴	P	P
Raising, Maintaining & Keeping of Animals [1000 sq ft per person]	L/.57	P	P
Separately Regulated Agriculture Uses			
Agricultural Equipment Repair Shops [300 sq ft per person]	L/.17	L/.34	P
Commercial Stables [1000 sq ft per person]	L/.57	P	P
Community Gardens	P ⁴	P	P
Equestrian Show & Exhibition Facilities [15 sq ft per person]	-	-	SDP ²
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	-	-	P

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Residential			
<i>Mobilehome Parks</i>	-	SDP ³	SDP ³
<i>Multiple Dwelling Units</i>	-	SDP ³	SDP ³
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]	-	SDP ³	SDP ³
<i>Single Dwelling Units</i>	- ¹¹	SDP ³	SDP ³
Separately Regulated Residential Uses			
<i>Boarder & Lodger Accommodations</i>	Classify with primary use		
Companion Units	P	P	P
Employee Housing	-	SDP ³	SDP ³
Fraternities, Sororities and Student Dormitories	-	SDP ³	SDP ³
Garage, Yard, & Estate Sales	Classify with primary use		
Guest Quarters	Classify with primary use		
Home Occupations	Classify with primary use		
Housing for Senior Citizens	- ¹¹	SDP ³	SDP ³
Live/Work Quarters	-	SDP ³	SDP ³
Residential Care Facilities:			
6 or Fewer Persons	- ¹¹	SDP ³	SDP ³
7 or More Persons	-	SDP ³	SDP ³
Transitional Housing:			
6 or Fewer Persons	- ¹¹	SDP ³	SDP ³
7 or More Persons	-	SDP ³	SDP ³
Watchkeeper Quarters	Classify with primary use		
Institutional			
Separately Regulated Institutional Uses			
Airports	P	P	P
Botanical Gardens & Arboretums	P	P	P
Cemeteries, Mausoleums, Crematories	P ¹	P ¹	P
<i>Churches & Places of Religious Assembly</i> [60 sq ft per person]	-	L/.07	L/.42
Correctional Placement Centers	-	-	- ¹⁴
Educational Facilities:			
Kindergarten through Grade 12	-	-	- ¹⁴
Colleges / Universities	-	-	SDP

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Vocational / Trade School	-	-	SDP
Energy Generation & Distribution Facilities	L ⁵	L ⁵	L ⁵
Exhibit Halls & Convention Facilities [15 sq ft per person]	-	-	SDP
Flood Control Facilities	P	P	P
Historical Buildings Used for Purposes Not Otherwise Allowed	Classify with primary use		
Homeless Facilities:			
Congregate Meal Facilities [60 sq ft per person]	-	L/.07	L/.42
Emergency Shelters	-	SDP	SDP
Homeless Day Centers [60 sq ft per person]	-	L/.07	L/.42
Hospitals, Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	L ^{6, 14}
Interpretive Centers [60 sq ft per person]	-	L/.07	L/.42 ²
Museums [60 sq ft per person]	-	L/.07	L/.42 ²
Major Transmission, Relay, or Communications Switching Stations	- ¹⁴	- ¹⁴	P
Satellite Antennas	P ⁷	P ⁷	P
Social Service Institutions [215 sq ft per person]	-	L/.25	P
Wireless communication facility	P ⁷	P ⁷	P
Retail Sales			
Building Supplies & Equipment [170 sq ft per person]	-	L/.20	P
Food, Beverages and Groceries [170 sq ft per person]	-	L/.20	P
Consumer Goods, Furniture, Appliances, Equipment [170 sq ft per person]	-	L/.20	P
Pets & Pet Supplies [170 sq ft per person]	-	L/.20	P
Sundries, Pharmaceuticals, & Convenience Sales [170 sq ft per person]	-	L/.20	P
Wearing Apparel & Accessories [170 sq ft per person]	-	L/.20	P
Separately Regulated Sales Uses			
Agriculture Related Supplies & Equipment [250 sq ft per person]	-L/.14	L/.29	P
Alcoholic Beverage Outlets [170 sq ft per person]	-	L/.20	P
Plant Nurseries [250 sq ft per person]	-L/.14	L/.29	P
Swap Meets & Other Large Outdoor Retail Facilities [250 sq ft per person]	-	L/.29	P

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Commercial Services			
Building Services [215 sq ft per person]	-	L/.25	P
Business Support [215 sq ft per person]	-	L/.25	P
Eating & Drinking Establishments [60 sq ft per person]	-	- ¹³	P
Financial Institutions [215 sq ft per person]	-	L/.25	P
Funeral & Mortuary Services [215 sq ft per person]	-	L/.25	P
Maintenance & Repair [215 sq ft per person]	-	L/.25	P
Off-Site Services [215 sq ft per person]	-	L/.25	P
Personal Services [200 sq ft per person]	-	L/.23	P
Radio & Television Studios [215 sq ft per person]	-	L/.25	P
Assembly & Entertainment [60 sq ft per person]	-	L/.07	L/.42 ²
Visitor Accommodations	-	-	P
Separately Regulated Commercial Services Uses			
Adult Entertainment Establishments:			
Adult Book Store [170 sq ft per person]	-	L/.20	P
Adult Cabaret	-	-	P
Adult Drive-In Theater	-	-	SDP
Adult Mini-Motion Picture Theater [15 sq ft per person]	-	-	P ²
Adult Model Studio [200 sq ft per person]	-	L/.23	P
Adult Motel [200 sq ft per person]	-	-	P
Adult Motion Picture Theater [15 sq ft per person]	-	-	P ²
Adult Peep Show Theater [15 sq ft per person]	-	-	P ²
Adult Theater [15 sq ft per person]	-	-	P ²
Body Painting Studio [200 sq ft per person]	-	L/.23	P
Massage Establishment [200 sq ft per person]	-	L/.23	P
Sexual Encounter Establishment [200 sq ft per person]	-	L/.23	P
Bed & Breakfast Establishments:			
1-2 Guest Rooms	-	-	P
3-5 Guest Rooms	-	-	P
6+ Guest Rooms	-	-	P
Boarding Kennels [200 sq ft per person]	-	L/.23	P
Camping Parks	SDP	SDP	P

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
<i>Child Care Facilities:</i>			
Child Care Centers	-	-	- ¹⁴
Large Family Day Care Homes	-	-	P
Small Family Day Care Homes	-	-	P
Eating and Drinking Establishments Abutting Residentially Zoned Property [60 sq ft per person]	-	- ¹³	P
Fairgrounds	-	-	-
Golf Courses, Driving Ranges, and Pitch & Putt Courses	P ¹	P ¹	P
Helicopter Landing Facilities	-	-	P
Instructional Studios [200 sq ft per person]	-	L/.23	P
Massage Establishments, Specialized Practice [200 sq ft per person]	-	L/.23	P
<i>Medical marijuana consumer cooperatives</i>	-	L/.23	P
Nightclubs & Bars over 5,000 square feet in size [60 sq ft per person]	-	-	P
<i>Parking Facilities as a Primary Use:</i>			
Permanent Parking Facilities	P	P	P
Temporary Parking Facilities	P	P	P
Private Clubs, Lodges and Fraternal Organizations [60 sq ft per person]	-	L/.07	L/.42 ²
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size	-	SDP	SDP ²
Pushcarts	P	P	P
<i>Recycling Facilities:</i>			
Large Collection Facility	P ^{4,8}	P ^{4,8}	P ⁸
Small Collection Facility	P ^{4,8}	P ^{4,8}	P ⁸
Large Construction & Demolition Debris Recycling Facility	P ^{4,8}	P ^{4,8}	P ⁸
Small Construction & Demolition Debris Recycling Facility	P ^{4,8}	P ^{4,8}	P ⁸
Drop-off Facility	P ^{4,8}	P ^{4,8}	P ⁸
Green Materials Composting Facility	P ^{4,8}	P ^{4,8}	P ⁸
Mixed Organic Composting Facility	P ^{4,8}	P ^{4,8}	P
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	P ^{4,8}	P ^{4,8}	P ⁸
Large Processing Facility Accepting All Types of Traffic	P ^{4,8}	P ^{4,8}	P ⁸

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	P ^{4,8}	P ^{4,8}	P ⁸
Small Processing Facility Accepting All Types of Traffic	P ^{4,8}	P ^{4,8}	P ⁸
Reverse Vending Machines	P	P	P
Tire Processing Facility	P ⁸	P ⁸	P ⁸
Sidewalk Cafes	-	-	P
Sports Arenas & Stadiums	-	-	-
Theaters that are outdoor or over 5,000 square feet in size [15 sq ft per person]	-	-	SDP
Urgent Care Facilities [215 sq ft per person]	-	L/.25	P
Veterinary Clinics & Animal Hospitals [215 sq ft per person]	-	L/.25	P
Zoological Parks	-	-	-
Offices			
Business & Professional [215 sq ft per person]	-	L/.25	P
Government [215 sq ft per person]	-	L/.25	P
Medical, Dental, & Health Practitioner [215 sq ft per person]	-	L/.25	P
Regional & Corporate Headquarters [215 sq ft per person]	-	L/.25	P
Separately Regulated Office Uses			
Real Estate Sales Offices & Model Homes [215 sq ft per person]	-	L/.25	P
<i>Sex Offender Treatment & Counseling</i> [215 sq ft per person]	-	L/.25	P
Vehicle & Vehicular Equipment Sales & Service			
Commercial Vehicle Repair & Maintenance [300 sq ft per person]	L/.17 ⁹	L/.34 ⁹	P ⁹
Commercial Vehicle Sales & Rentals [250 sq ft per person]	L/.14	L/.29	P
Personal Vehicle Repair & Maintenance [300 sq ft per person]	L/.17 ⁹	L/.34 ⁹	P ⁹
Personal Vehicle Sales & Rentals [250 sq ft per person]	L/.14	L/.29	P
Vehicle Equipment & Supplies Sales & Rentals [250 sq ft per person]	L/.14	L/.29	P
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses			
Automobile Service Stations [300 sq ft per person]	L/.17 ⁹	L/.34 ⁹	P ⁹
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [250 sq ft per person]	L/.14	L/.29	P
Wholesale, Distribution, Storage			

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
	Maximum People Per Acre	25	50
Equipment & Materials Storage Yards	P ⁸	P ⁸	P
Moving & Storage Facilities [1,000 sq ft per person]	L/.57 ¹⁰	L/1.15	P
Warehouses [1,000 sq ft per person]	L/.57 ¹⁰	L/1.15	P
Wholesale Distribution [1,000 sq ft per person]	L/.57 ¹⁰	L/1.15	P
Separately Regulated Wholesale, Distribution, and Storage Uses			
Impound Storage Yards	P ⁸	P ⁸	P
Junk Yards	P ⁸	P ⁸	P
Temporary Construction Storage Yards Located off-site	P ⁸	P ⁸	P
Industrial			
Heavy Manufacturing [300 sq ft per person]	-	L/.34 ⁸	P
Light Manufacturing [490 sq ft per person]	L/.28 ⁸	L/.56 ⁸	P
Marine Industry [300 sq ft per person]	-	L/.34 ⁸	P
Research & Development [300 sq ft per person]	-	L/.34 ⁸	P ⁸
Trucking & Transportation Terminals	P ⁹	P ⁹	P ⁹
Separately Regulated Industrial Uses			
<i>Hazardous Waste</i> Research Facility	-	-	-
<i>Hazardous Waste</i> Treatment Facility	-	-	-
Marine Related Uses Within the Coastal Overlay Zone [300 sq ft per person]	-	L/.34 ⁸	P
Mining and Extractive Industries	P ¹²	P ¹²	P ¹²
Newspaper Publishing Plants [490 sq ft per person]	L/.28	L/.56	P
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises [300 sq ft per person]	-	L/.34	P
Very Heavy Industrial Uses [300 sq ft per person]	-	L/.34 ⁸	P
Wrecking & Dismantling of Motor Vehicles	P ⁸	P ⁸	P

Footnotes to Table 132-15F

- 1 Facilities designed to accommodate 50 people or more in a confined space are not permitted.
- 2 Fixed outdoor seating facilities designed to accommodate 300 or more people, or fixed indoor seating facilities designed to accommodate 650 or more people, are not permitted.
- 3 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 in accordance with Section 132.1515(c)(1)(D) (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).

- 4 Facilities shall be designed and operated to avoid attracting birds.
- 5 A primary power plant in the APZ I, APZ II, or Transition Zone, or electrical substation in the APZ I or APZ II, that contains no petrochemical storage or *development* features that would generate smoke, heat, or visibility hazards that could interfere with the safety of aircraft flight shall be permitted, if the *applicant* obtains a determination of consistency from the Airport Land Use Commission in accordance with Section 132.1550(c). Peaker plants and electrical substations are permitted in the Transition Zone without limitation or need for a consistency determination.
- 6 New hospitals are not permitted. Existing hospitals may expand up to 1.65 *floor area ratio*. Intermediate care facilities and nursing facilities are permitted in the Transition Zone up to a maximum .69 *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 Identified use categories are subject to maximum *lot coverage* of 40 percent.
- 11 New residential subdivision *development* is not permitted in the APZ I zone. However, a new *single dwelling unit* may be developed in accordance with the underlying base zone.
- 12 The use of explosives is not permitted.
- 13 In the APZ II Zone, retail food and drink service is permitted for consumption off of the *premises*. Limited on-site consumption may be permitted up to a maximum of 3,000 square feet as an *accessory use* within a commercial or industrial *development*.
- 14 Expansion of *previously conforming development* in this land use category is subject to Section 132.1535(d).

(g) Safety Compatibility Review for Brown Field and Montgomery Field.

(1) Table 132-15G identifies the maximum residential *density* and non-residential intensity limits for each designated safety zone in the Brown Field and Montgomery Field airport influence areas as identified on adopted maps referenced in Table 132-15E.

(2) Intensity Bonus for Incorporation of Risk Reduction Measures

(A) An *applicant* may request additional intensity for non-residential *development* in the Brown Field or Montgomery Field airport influence areas through a Process Two Neighborhood Development Permit by demonstrating that the building is designed to minimize risk and exceed the minimum safety requirements of the California Building Code.

(B) Buildings that incorporate risk reduction design features consistent with the *findings* in Section 126.0404(e) are

eligible for maximum intensities as follows:

- (i) Zone 2: up to 105 people per acre.
- (ii) Zones 3 and 4: up to 260 people per acre.
- (iii) Zone 5: up to 400 people per acre.

Legend for Table 132-15G

Symbol In Table 132-15G	Description Of Symbol
P	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.
L	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 and <i>lot coverage</i> .
L/X Percent (Floor Area Ratio)	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 <i>floor area ratio</i> may be used as an equivalent measurement for the maximum people per acre and <i>lot coverage</i> in that safety zone.
SDP	A Site Development Permit is required to evaluate compatibility with the identified safety zone and the specified maximum intensity (people per acre). Additional regulations pertaining to a specific use may be referenced.
-	Use or use category is incompatible with the identified safety zone and is not permitted.

Table 132-15G
Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
	Maximum People Per Acre	N/A	70	130	130	200
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Open Space						
Active Recreation	-	P ¹	P ²	P ²	P ¹	P ^{2,3}
Passive Recreation	P	P	P	P	P	P

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Natural Resources Preservation	P	P	P	P	P	P
Park Maintenance Facilities	P	P	P	P	P	P
Agriculture						
Agricultural Processing [300 sq ft per person]	-	L/.48	L/.90	L/.90	L/1.38	P
Aquaculture Facilities	-	P	P	P	P	P
Dairies	-	P	P	P	P	P
Horticulture Nurseries & Greenhouses	-	P	P	P	P	P
Raising & Harvesting of Crops	-	P	P	P	P	P
Raising, Maintaining & Keeping of Animals	-	P	P	P	P	P
Separately Regulated Agriculture Uses						
Agricultural Equipment Repair Shops	-	-	P	P	P	P
Commercial Stables	-	-	P	P	P	P
Community Gardens	-	P	P	P	P	P
Equestrian Show & Exhibition Facilities	-	-	-	-	-	P ³
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	-	-	-	-	-	P
Residential						
Mobilehome Parks	-	-	SDP ⁴	SDP ⁴	-	P
Multiple Dwelling Units	-	-	SDP ⁴	SDP ⁴	-	P
Rooming House [See Section 131.0112(a)(3)(A)]	-	-	SDP ⁴	SDP ⁴	-	P
Single Dwelling Units	-	-	SDP ⁴	SDP ⁴	-	P
Separately Regulated Residential Uses						
Boarder & Lodger Accommodations	Classify with primary use					
Companion Units	-	-	P	P	-	P
Employee Housing	-	-	SDP ⁴	SDP ⁴	-	P
Fraternities, Sororities and Student Dormitories	-	-	SDP ⁴	SDP ⁴	-	P
Garage, Yard, & Estate Sales	Classify with primary use					

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Guest Quarters	Classify with primary use					
Home Occupations	Classify with primary use					
Housing for Senior Citizens	-	-	SDP ⁴	SDP ⁴	-	P
Live/Work Quarters	-	-	SDP ⁴	SDP ⁴	-	P
Residential Care Facilities:						
6 or Fewer Persons	-	-	SDP ⁴	SDP ⁴	-	P
7 or More Persons	-	-	SDP ⁴	SDP ⁴	-	P
Transitional Housing:						
6 or Fewer Persons	-	-	SDP ⁴	SDP ⁴	-	P
7 or More Persons	-	-	SDP ⁴	SDP ⁴	-	P
Watchkeeper Quarters	Classify with primary use					
Institutional						
Separately Regulated Institutional Uses						
Airports	P	P	P	P	P	P
Botanical Gardens & Arboretums	-	P	P	P	P	P
Cemeteries, Mausoleums, Crematories	-	P ¹	P ²	P ²	P ²	P
<i>Churches & Places of Religious Assembly</i> [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P ³
Correctional Placement Centers	-	-	- ¹²	- ¹²	-	P
Educational Facilities:						
Kindergarten through Grade 12	-	-	- ¹²	- ¹²	-	P
Colleges / Universities	-	-	SDP	SDP	-	P
Vocational / Trade School	-	-	SDP	SDP	-	P
Energy Generation & Distribution Facilities ¹⁴	-	-	L ¹⁴	L ¹⁴	-	L ¹⁴
Exhibit Halls & Convention Facilities	-	-	-	-	-	P ³
<i>Flood Control Facilities</i>	P	P	P	P	P	P
<i>Historical Buildings</i> Used for Purposes Not Otherwise Allowed	Classify with primary use					
Homeless Facilities:						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Congregate Meal Facilities [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Emergency Shelters	-	-	SDP	SDP	-	P
Homeless Day Centers [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Hospitals, Intermediate Care Facilities & Nursing Facilities [240 sq ft per person]	-	-	L ^{6,12}	L ^{6,12}	-	P
Interpretive Centers [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Museums [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P ³
Major Transmission, Relay, or Communications Switching Stations	-	-	P	P	-	P
<i>Satellite Antennas</i>	-	P	P	P	P	P
<i>Social Service Institutions</i> [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
<i>Wireless communication facility</i>	-	P	P	P	P	P
Retail Sales						
Building Supplies & Equipment [250 sq ft per person]	-	L/.40	L/.75	L/.75	L/1.15	P
Food, Beverages and Groceries [170 sq ft per person]	-	L/.27 ⁷	L/.51	L/.51	L/.78	P
Consumer Goods, Furniture, Appliances, Equipment [170 sq ft per person]	-	L/.27 ⁷	L/.51	L/.51	L/.78	P
Pets & Pet Supplies [170 sq ft per person]	-	L/.27 ⁷	L/.51	L/.51	L/.78	P
Sundries, Pharmaceuticals, & Convenience Sales [170 sq ft per person]	-	L/.27 ⁷	L/.51	L/.51	L/.78	P
Wearing Apparel & Accessories [170 sq ft per person]	-	L/.27 ⁷	L/.51	L/.51	L/.78	P
Separately Regulated Sales Uses						
Agriculture Related Supplies & Equipment [250 sq ft per person]	-	L/.40	L/.75	L/.75	L/1.15	P
Alcoholic Beverage Outlets [170 sq ft per person]	-	L/.27 ⁷	L/.51	L/.51	L/.78	P
Plant Nurseries [250 sq ft per person]	-	L/.40	L/.75	L/.75	L/1.15	P
Swap Meets & Other Large Outdoor Retail Facilities [250 sq ft per person]	-	L/.40	L/.75	L/.75	L/1.15	P
Commercial Services						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Building Services [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Business Support [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Eating & Drinking Establishments [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Financial Institutions [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Funeral & Mortuary Services [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Maintenance & Repair	-	P	P	P	P	P
Off-Site Services [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Personal Services [200 sq ft per person]	-	L/.32	P	P	P	P
Radio & Television Studios [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Assembly & Entertainment [60 sq ft per person]	-	L/.10 ^{2,7}	L/.18 ²	L/.18	L/.28	P ^{2,3}
Visitor Accommodations [200 sq ft per person]	-	L/.32	L/.60	L/.60	L/.92	P
Separately Regulated Commercial Services Uses						
Adult Entertainment Establishments:						
Adult Book Store [170 sq ft per person]	-	L/.27 ⁷	L/.51	L/.51	L/.78	P
Adult Cabaret [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Adult Drive-In Theater	-	-	-	-	-	P
Adult Mini-Motion Picture Theater [15 sq ft per person]	-	-	L/.04	L/.04	-	P
Adult Model Studio [200 sq ft per person]	-	L/.32	P	P	P	P
Adult <i>Motel</i> [200 sq ft per person]	-	L/.32	L/.60	L/.60	L/.92	P
Adult Motion Picture Theater [15 sq ft per person]	-	-	L/.04	L/.04	-	P
Adult Peep Show Theater [15 sq ft per person]	-	-	L/.04	L/.04	-	P
Adult Theater [15 sq ft per person]	-	-	L/.04	L/.04	-	P
Body Painting Studio [200 sq ft per person]	-	L/.32	P	P	P	P
Massage Establishment [200 sq ft per person]	-	L/.32	P	P	P	P
Sexual Encounter Establishment [200 sq ft per person]	-	L/.32	P	P	P	P

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Bed & Breakfast Establishments:						
1-2 Guest Rooms	-	P	P	P	P	P
3-5 Guest Rooms	-	P	P	P	P	P
6+ Guest Rooms [200 sq ft per person]	-	-	L/.60	L/.60	L/.92	P
Boarding Kennels [200 sq ft per person]	-	L/.32	P	P	P	P
Camping Parks	-	P	P	P	P	P
Child Care Facilities:						
Child Care Centers	-	-	- ¹²	- ¹²	-	P
Large Family Day Care Homes	-	-	P	P	-	P
Small Family Day Care Homes	-	-	P	P	-	P
Eating and Drinking Establishments Abutting Residentially Zoned Property [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Fairgrounds	-	-	-	-	-	P ^{2,3}
Golf Courses, Driving Ranges, and Pitch & Putt Courses	-	P	P	P	P	P
Helicopter Landing Facilities	-	P	P	P	P	P
Instructional Studios [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Massage Establishments, Specialized Practice [200 sq ft per person]	-	L/.32	P	P	P	P
<i>Medical marijuana consumer cooperatives</i>	-	L/.32	P	P	P	P
Nightclubs & Bars over 5,000 square feet in size [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Parking Facilities as a <i>Primary Use</i>:						
Permanent Parking Facilities	P ⁵	P	P	P	P	P
Temporary Parking Facilities	P ⁵	P	P	P	P	P
Private Clubs, Lodges and Fraternal Organizations [60 sq ft per person]	-	L/.10 ⁷	L/.18	L/.18	L/.28	P
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size	-	-	SDP	SDP	-	P ^{2,3}

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Pushcarts	-	P	P	P	P	P
Recycling Facilities:						
Large Collection Facility	-	P	P	P	P	P
Small Collection Facility	-	P	P	P	P	P
Large Construction & Demolition Debris Recycling Facility	-	P	P	P	P	P
Small Construction & Demolition Debris Recycling Facility	-	P	P	P	P	P
Drop-off Facility	-	P	P	P	P	P
Green Materials Composting Facility	-	P	P	P	P	P
Mixed Organic Composting Facility	-	P	P	P	P	P
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	-	P	P	P	P	P
Large Processing Facility Accepting All Types of Traffic	-	P	P	P	P	P
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	-	P	P	P	P	P
Small Processing Facility Accepting All Types of Traffic	-	P	P	P	P	P
Reverse Vending Machines	-	P	P	P	P	P
Tire Processing Facility	-	P	P	P	P	P
Sidewalk Cafes [60 sq ft per person]	-	-	L/.18	L/.18	L/.28	P
Sports Arenas & Stadiums	-	-	-	-	-	P ^{2,3}
Theaters that are outdoor or over 5,000 square feet in size [15 sq ft per person]	-	-	L/.04	L/.04	-	P
Urgent Care Facilities [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Veterinary Clinics & Animal Hospitals [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Zoological Parks	-	-	-	-	-	P ^{2,3}
Offices						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Business & Professional [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Government [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Medical, Dental, & Health Practitioner [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Regional & Corporate Headquarters [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Separately Regulated Office Uses						
Real Estate Sales Offices & Model Homes [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
<i>Sex Offender Treatment & Counseling</i> [215 sq ft per person]	-	L/.35	L/.64	L/.64	L/.99	P
Vehicle & Vehicular Equipment Sales & Service						
Commercial Vehicle Repair & Maintenance [300 sq ft per person]	-	P	P	P	P	P
Commercial Vehicle Sales & Rentals [250 sq ft per person]	-	L/.40	L/.75	L/.75	L/1.15	P
Personal Vehicle Repair & Maintenance [300 sq ft per person]	-	P	P	P	P	P
Personal Vehicle Sales & Rentals [250 sq ft per person]	-	L/.40	L/.75	L/.75	L/1.15	P
Vehicle Equipment & Supplies Sales & Rentals [250 sq ft per person]	-	L/.40	L/.75	L/.75	L/1.15	P
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses						
Automobile Service Stations	-	P	P	P	P	P
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i> [250 sq ft per person]	-	L/.40	L/.75	L/.75	L/1.15	P
Wholesale, Distribution, Storage						
Equipment & Materials Storage Yards	P ¹³	P	P	P	P	P
Moving & Storage Facilities	-	P	P	P	P	P
Warehouses	-	P	P	P	P	P
Wholesale Distribution	-	P	P	P	P	P
Separately Regulated Wholesale, Distribution,						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
and Storage Uses						
Impound Storage Yards	P ¹³	P	P	P	P	P
Junk Yards	P ¹³	P	P	P	P	P
Temporary Construction Storage Yards Located off-site	P ¹³	P	P	P	P	P
Industrial						
Heavy Manufacturing [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P
Light Manufacturing [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P
Marine Industry	-	P	P	P	P	P
Research & Development [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P ⁸
Trucking & Transportation Terminals	-	P ⁹	P	P	P ⁹	P
Separately Regulated Industrial Uses						
<i>Hazardous Waste</i> Research Facility	-	-	-	-	-	P
<i>Hazardous Waste</i> Treatment Facility	-	-	-	-	-	P
Marine Related Uses Within the Coastal Overlay Zone [300 sq ft per person]	-	P	P	P	P	P
Mining and Extractive Industries	-	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Newspaper Publishing Plants [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P
Very Heavy Industrial Uses [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P
Wrecking & Dismantling of Motor Vehicles	P ^{8,13}	P ⁸	P ⁸	P ⁸	P ⁸	P

Footnotes to Table 132-15G

- 1 Facilities designed to accommodate 50 people or more in a confined space are not permitted.
- 2 Fixed outdoor seating facilities are permitted up to a maximum of 240 people in Zone 3, up to a maximum of 300 people in Zone 4, and up to a maximum of 1,000 people in Zone 6. In Zone 6, additional people may occupy areas without fixed seating, but an additional exit is required in accordance with Table 132-15G footnote 3.
- 3 Facilities designed to accommodate 1,000 people or more shall provide exits in accordance with the California Building Code, plus one additional exit for every 1,000 people that would be concentrated in a confined space.

The additional exit(s) shall provide occupants with the ability to exit the facility more quickly in case of emergency.

- 4 Residential *development* may be permitted up to a maximum *density* of 4 *dwelling units* per acre in Zones 3 and 4 with issuance of a Building Permit. Additional *density* may be requested with a Site Development Permit up to a maximum 16 *dwelling units* per acre in Zone 3, and up to a maximum of 20 *dwelling units* per acre in Zone 4 in accordance with Section 132.1515(c)(1)(D).
- 5 Above *grade* structured parking is not permitted in Zone 1. Surface parking is not permitted in the Zone 1 designated object free area.
- 6 New hospitals are not permitted. Existing hospitals may expand up to .72 *floor area ratio* in accordance with Section 132.1535(d)(3)(B). Intermediate care facilities and nursing facilities are permitted up to a maximum .30 *floor area ratio*.
- 7 In Zone 2, this use category is not eligible for an intensity bonus for incorporation of risk reduction measures in accordance with Section 132.1515(g)(2). Eating and drinking establishments in Zone 2 are limited to a maximum of 3,000 square feet.
- 8 Processing, manufacturing, or storage of bulk quantities of hazardous materials (greater than 10,000 gallons) is not permitted.
- 9 Transportation terminals are not permitted in Zones 1, 2, or 5.
- 10 The use of explosives is not permitted.
- 11 In cases where a maximum allowable *floor area ratio* is indicated for a use category, new *development* may comply with either 1) the maximum floor area or 2) the maximum *lot coverage* and maximum intensity for the safety zone.
- 12 Expansion of *previously conforming development* in this land use category is subject to Section 132.1535(d).
- 13 Accessory offices are not permitted in Zone 1.
- 14 A power plant that contains no petrochemical storage or *development* features that would generate smoke, heat, or visibility hazards that could interfere with the safety of aircraft flight shall be permitted in Zones 3, 4, and 6, if the *applicant* obtains a determination of consistency from the Airport Land Use Commission in accordance with Section 132.1550(c). Peaker plants are permitted in Zone 6, and electrical substations are permitted in Zones 3, 4, and 6, without limitation or need for a consistency determination.

§132.1520 Airspace Protection Compatibility

Airspace protection compatibility within Review Areas 1 and 2 of this overlay zone shall be evaluated in accordance with this Section.

- (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 (Federal Aviation Regulations Part 77). The airspace protection area geographically consists of locations within the Federal Aviation Regulations Part 77 surfaces, surfaces identified as high terrain areas, and the Federal Aviation Administration notification area identified on Airport Land Use Compatibility Plan airspace protection maps, prepared and

adopted by the Airport Land Use Commission for each airport and filed in the office of the City Clerk. Adopted airspace protection maps identified in Table 132-15J shall be used to determine land use compatibility in accordance with Section 132.1520(b).

Table 132-15J

Adopted Airspace Protection Maps

Airport Influence Area	Map Number
MCAS Miramar	C-932
Brown Field	C-943
Gillespie Field	C-946
Montgomery Field	C-938

- (b) Potential airspace obstructions shall be evaluated for compatibility with Federal Aviation Regulations Part 77, Subpart C in accordance with the following:
- (1) Within the primary surface and beneath the approach or transitional surface area, *development* shall not exceed the Federal Aviation Regulations Part 77 surfaces or airspace protection surfaces identified by the United States Standard for Terminal Instrument Procedures (TERPS).
 - (2) Within the horizontal or conical surface area, *development* may exceed the Federal Aviation Regulations Part 77 surfaces or airspace protection surfaces identified by TERPS, up to a maximum height of 35 feet above *grade* where determined to be compatible in accordance with Section 132.1520(b)(3).

- (3) *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;
 - (ii) The proposed design of the *development* reflects recommendations of the FAA aeronautical study and recommendations provided by the California Department of Transportation, Division of Aeronautics related to acceptability of the proposed height of the *development*; and
 - (iii) An aviation easement in accordance with Section 132.1530 is recorded prior to approval.

(c) FAA Notification Requirements

- (1) The applicant shall notify the FAA for:
- (A) *Development* located within the FAA notification area that exceeds the 100:1 notification surface;
 - (B) *Development* within the Airport Land Use Compatibility Overlay Zone that would be 200 feet or greater above *grade*;
 - (C) *Development* that would exceed the Federal Aviation Regulations Part 77 surfaces or airspace protection surfaces identified by the United States Standard for Terminal Instrument Procedures (TERPS);

- (D) *Development* in designated high terrain areas;
 - (E) *Development* on the *premises* of a public use airport or heliport; or
 - (F) *Development* with the potential to cause visual, electronic, or wildlife hazards in conflict with FAA Regulations Part 77.
- (2) Where FAA notification is required in accordance with Section 132.1520(c)(1), prior to the issuance of any permit, 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; or
 - (C) In accordance with Section 77.15 of the Federal Aviation Regulations Part 77, submit a “No FAA Notification Self Certification Agreement” to the satisfaction of the City Manager for *development* that meets the criteria in Section 132.1520(c)(3).
- (3) FAA notification is not required for *development* that meets the following unless otherwise requested by the City, SDCRAA, California Department of Transportation, or FAA:
- (A) *Development* that would be shielded by existing *structures* of a permanent and substantial character or by natural

terrain or topographic features of equal or greater height;

and

(B) Where it is evident beyond all reasonable doubt that the proposed *structure* would not adversely affect public health and safety with respect to air navigation.

(4) A determination of consistency by the SDCRAA in accordance with Section 132.1550 may not be used to satisfy the FAA notification requirement.

(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, pursuant to 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. Adopted aircraft overflight maps identified in Table 132-15K are filed in the office of the City Clerk.

**Table 132-15K
Adopted Aircraft Overflight Maps**

Airport Influence Area	Map Number
MCAS Miramar	C-931
Brown Field	C-941
Gillespie Field	C-945
Montgomery Field	C-936

- (b) Zoning actions to apply the Airport Land Use Compatibility Overlay Zone shall constitute property owner notification of aircraft overflight in accordance with adopted Airport Land Use Compatibility Plans.
 - (1) Property in the designated aircraft overflight area may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations. Individual sensitivities to those annoyances can vary from person to person.
 - (2) The airport operator may be contacted for information regarding hours of operation, master plans, and other relevant information regarding airport operations.
 - (A) The FAA has sole and exclusive regulatory authority over the operation of aircraft for municipal airports.
 - (B) The FAA and Department of Defense share regulatory authority over the operation of military aircraft for MCAS Miramar.

§132.1530 Requirement for Avigation Easement

- (a) Within the airport influence area for Brown Field or Montgomery Field, an *applicant* may be required to dedicate an avigation easement as a condition of approval for:
 - (1) *Development* that would deviate from the noise compatibility requirements in Section 132.1510;
 - (2) *Development* at a location with associated aircraft noise exposure of 65 dB or greater that would be subject to a Neighborhood Use Permit or Conditional Use Permit in accordance with Chapter 14,

Article 1 (Separately Regulated Use Regulations);

- (3) *Development* that would be located within Safety Zone 1 (runway protection zone); or
- (4) *Development* that would exceed a Federal Aviation Regulations Part 77 airspace protection surface, including *development* where *existing grade* exceeds a Federal Aviation Regulations Part 77 airspace protection surface.

(b) The aviation easement document shall be recorded with the County Recorder to provide the following as applicable:

- (1) Allowance for noise exposure associated with adopted noise contour and aircraft overflight; or
- (2) The right of flight in the airspace above the property in accordance with adopted airspace protection and aircraft overflight maps, which may include:
 - (A) Limiting the *structure height* and trees as applicable to help reduce or avoid potential obstructions to aircraft overflight;
 - (B) Permitting the airport operator access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
 - (C) Prohibiting electrical interference, glare, and other potential hazards to aircraft flight from being created on the property.

§132.1535 Previously Conforming

This section applies to the *development* and operation of existing uses of

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 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 multiple dwelling units* may be reconstructed, altered, or expanded where the *development* would not increase the *density*, or create a hazard in conflict with airspace protection requirements.
 - (3) *Previously conforming non-residential development* may be reconstructed, altered, or expanded where the *development* would not increase the maximum number of people allowed on the site unless otherwise allowed by Section 132.1535(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 of

discontinuance 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, *development* shall be subject to Sections 127.0103 and 132.1535.
- (d) Existing facilities for the following *previously conforming* uses may be expanded as follows:
 - (1) In the Transition Zone and in Safety Zones 3 and 4, educational facility (Kindergarten through Grade 12) expansion shall be limited to a maximum of 50 students.
 - (2) In the Transition Zone and in Safety Zones 3 and 4, child care center expansion shall be limited to a maximum of 50 children.
 - (3) Hospital expansion shall be limited to:
 - (A) A maximum *floor area ratio* of 1.65 or 300 people per acre in the Transition Zone of the MCAS Miramar airport influence area; or
 - (B) A maximum *floor area ratio* of .72 or 130 people per acre in Safety Zones 3 and 4 of the Brown Field or Montgomery Field airport influence area.
 - (4) Correctional facility expansion shall be limited to:
 - (A) A maximum of 300 people within the Transition Zone of the MCAS Miramar airport influence area;
 - (B) A maximum of 60 percent *lot coverage* and a maximum of 130 people per acre within Safety Zone 3 of the Brown

Field or Montgomery Field airport influence areas; or

- (C) A maximum of 70 percent *lot coverage* and a maximum of 130 people per acre within Safety Zone 4 of the Brown Field or Montgomery Field airport influence areas.

§132.1540 Infill Development Criteria

- (a) This section applies to *development* in those areas recognized as appropriate for infill *development* on maps that have been identified by the City and have received the concurrence of the Airport Land Use Commission. *Development* may occur in Review Area 1 of an airport influence area that is consistent with the existing *development* pattern of the surrounding area, but includes uses, *densities*, or intensities inconsistent with the noise or safety compatibility criteria in Sections 132.1510 or 132.1515.
- (b) Infill *development* is permitted through Process One consistent with the following:
 - (1) Within the MCAS Miramar airport influence area:
 - (A) Infill *development* shall be limited to non-residential *development* located within the Transition Zone as identified on the applicable safety zone map in Table 132-15E.
 - (B) 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 within the

safety zone in accordance with Section 132.1515,
whichever is greater.

- (2) Within the airport influence areas for Brown Field and Montgomery Field:
- (A) Infill *development* shall not be permitted in Safety Zone 1 (Runaway Protection Zone).
- (B) Infill residential *development* shall not be permitted as follows:
- (i) Where *dwelling units* would be exposed to aircraft noise levels greater than 70 dB CNEL; or
- (ii) Where *dwelling units* would be located within Safety Zones 1, 2, or 5.
- (C) Infill *development* shall not exceed 110 percent of the average intensity or *density* of similar uses within a quarter mile of the proposed *development*, or 110 percent of the use intensity or density permitted within the safety zone, whichever is greater.
- (c) For regulations applicable to new *development* on a *premises* with *previously conforming* uses or *development* legally established in an airport influence area prior to adoption of an Airport Land Use Compatibility Plan, refer to Section 132.1535.

§132.1545 Real Estate Disclosure

In accordance with state law (Business and Professions 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 for sale is located within a designated airport influence area.

§132.1550 SDCRAA Review

- (a) The SDCRAA was established for the San Diego region 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 SDCRAA has no authority over existing land uses or the operation of airports. Continuation of existing land uses and maintenance of existing structures that do not conform to the applicable Airport Land Use Compatibility Plan shall be allowed in accordance with Section 132.1535.
- (c) Prior to approval of *development* within the Airport Land Use Compatibility Overlay Zone, the *applicant* shall obtain a consistency determination from the SDCRAA for the following types of *development*:
 - (1) *Development* in the Clear Zone or Safety Zone 1;
 - (2) *Development* that would deviate from this Division;
 - (3) *Development* that has been determined to be a hazard by the FAA;
 - (4) *Development* that includes a rezone or approval of a *land use plan*;
 - (5) *Development* that would include aviation uses, non-aviation uses located on airport property (public use airport only), or approval of an airport master plan; and
 - (6) *Development* of a power plant or electrical substation in

accordance with the regulations for safety compatibility of Energy Generation and Distribution Facilities in Section 132.1515.

- (d) Consistency determinations requested pursuant to Section 132.1550(c) shall be updated if the proposal is subsequently revised to:
 - (1) Include a change in land use that conflicts with Sections 132.1510 (Noise) or 132.1515 (Safety);
 - (2) Increase the *density* for residential *development* in conflict with Section 132.1515 (Safety);
 - (3) Increase the people per acre or *floor area ratio* for non-residential *development* in conflict with Section 132.1515 (Safety); or
 - (4) Increase the height of the proposed *development* in conflict with Section 132.1520 (Airspace Protection).
- (e) Prior to becoming effective, amendments to the Land Development Code that would affect *structure height*, *density*, or non-residential intensity (people per acre) within the Airport Land Use Compatibility Overlay Zone, shall be submitted to the Airport Land Use Commission for a consistency determination.
- (f) Consistency determinations made by the Airport Land Use Commission may be overruled in accordance with Section 132.1555.

§132.1555 Overrule Process

- (a) *An applicant* may request a decision from the City Council to overrule a determination of inconsistency made by the SDCRAA in accordance with the consistency determination process in Section 132.1550. Any decision by the City Council to overrule a determination of inconsistency requires

two hearings. The first hearing shall be a proposed decision to overrule and the second hearing shall be a final decision to overrule.

- (b) Associated *development permits* shall 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 proposed decision to overrule the SDCRAA's determination 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) A City Council proposed decision to overrule the determination of inconsistency and the findings shall be provided to SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the airport influence areas in which the *development* is located.
- (f) A City Council hearing to make a final decision to overrule the SDCRAA shall be scheduled at least 45 days from the date that the proposed decision and *findings* are provided pursuant to Section

132.1555(e). A final decision to overrule the determination of inconsistency shall include consideration of any comments received by from the SDCRAA and the California Department of Transportation, Division of Aeronautics. A final decision to overrule the determination of inconsistency shall be made by a minimum of two-thirds vote.

Section 13. That Chapter 15, Article 1, Division 1 of the San Diego Municipal Code is amended by amending Section 151.0103 to read as follows:

§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) through (2) [No change in text.]
 - (3) Child care facilities regulations contained in Section 141.0606;
 - (4) [No change in text.]
 - (A) [No change in text.]
 - (B) In any planned district zone, subdistrict, district or overlay that allows light industrial uses; and
 - (5) Land Development Code, Chapter 13, Article 2 (Overlay Zones).

Section 14. That the following community plan maps, as represented in the City of San Diego General Plan, Land Use and Community Planning Element, Figure LU-3, approved by Resolution R-303473, identify areas appropriate for infill development: Clairemont Mesa Community; Kearny Mesa Community; Linda Vista Community; Mira Mesa Community; Serra Mesa Community; Torrey Hills Community; Torrey Pines Community; Tierrasanta Community; and University Community.

Section 15. 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 prior to the day of its passage.

Section 16. That prior to becoming effective, this ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

Section 17. That if the SDCRAA finds this ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports, this ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, except that the provisions of

this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 18. That if the SDCRAA determines that this ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, the ordinance shall be submitted to the City Council for reconsideration.

Section 19. That if the SDCRAA determines that this ordinance is conditionally consistent with the ALUCPs for MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, but that consistency is subject to proposed modifications, the City Council may amend this ordinance to accept the proposed modifications, and this ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 20. That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports; and the City

Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 21. That if the City Council makes a final decision to overrule a determination of inconsistency, this ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon Thomas
Deputy City Attorney

ST:als
03/29/2011
Or.Dept:DSD
PL#2010-01397

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 26 2011.

ELIZABETH S. MALAND
City Clerk

By *Carmen L. Trujano*
Deputy City Clerk

Approved: *5.11.11*
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor