

25.04: Combining Zones

25.04.001 Purpose and Application of Combining Zones

The Combining Zones in this chapter provide specific regulations that affect land whose characteristics require standards that are different from those of the base zoning districts listed in Chapter 25.03.

Combining Zones may:

- Supplement the standards of a base zoning district by leaving in place the base and adding additional new standards; or
- Replace the standards of the base zoning district by specifying different standards than provided in the base zone.

Requests to apply or remove a combining designation shall be accomplished pursuant to the rezoning procedures in Chapter 25.01.011

25.04.002 Combining Zones Established

The following Combining Zones are established:

Designation	Combining Zone Name
ES	Emergency Shelter Combining Zone
AS	Airport Safety Combining Zone
FLA	Frazier Lake Airpark Combining Zone
HMA	Hollister Municipal Airport Combining Zone

Refer to the Zoning Map to determine where these combining zones apply.

25.04.003 Emergency Shelter (ES) Combining Zone

A. Intent

The purpose and intent of the Emergency Shelter (ES) Combining Zone is to establish locations at which emergency shelters serving homeless and other local populations in need of emergency housing are permitted.

B. Areas Designated Emergency Shelter

Areas designated with the ES Combining Zone shall be shown on the Zoning Map.

C. Permitted Uses

In addition to uses permitted in the underlying zoning district, the following are permitted in the ES Combining Zone:

1. Emergency shelters as defined in Cal. Health and Safety Code § 50801(e) and Cal. Gov't Code § 65582(d).

D. Nondiscretionary Permits for Emergency Shelters

Review by the County of a proposal for an emergency shelter shall not be considered a discretionary act within the meaning of the California Environmental Quality Act (Cal. Public Resources Code, Division 13, commencing with § 21000).

E. Site and Development Standards

All development standards of the underlying zone shall apply, plus the following:

1. Off-street parking shall be provided at a rate of one vehicle parking space per employee (by shift) plus one vehicle parking space for every ten beds. Off-street parking within 500 feet devoted to the shelter during its operating hours by formal contractual agreement between the shelter operator and the property owner may be approved by the Planning Department as satisfying the off-street parking requirement. Parking available on-street along the street frontage of the property on which the shelter is located may also be counted toward satisfying the off-street parking requirement.
2. The County shall not approve emergency shelters in hazardous areas unless it is unavoidable or the facility is designed and constructed in a manner that minimizes or eliminates potential impacts.

F. Facility Operation Standards

The following standards apply to the operation of emergency shelters:

1. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services. The shelter shall provide at least one qualified on-site supervisory-level staff member during hours of operation, and adequate management, support staff, and security must be present during the hours of operation of the facility, including but not limited to at least one employee or volunteer of the same sex as the clients being served.
2. A security plan shall be submitted to the County Sheriff's Department for approval and

shall be approved before the facility begins operation and annually thereafter.

3. The maximum length of stay shall be no longer than that established by the Cal. Health and Safety Code for emergency shelters.

25.04.004 Airport Safety (AS) Combining Zone

A. Intent

The intent of the airport safety district is to establish special regulations and development policies in areas adjacent to those airports without a County adopted Airport Land Use Compatibility Plan, for the purpose of assuring land use compatibility and safety of persons and property.

B. Areas Subject the AS Combining Zone

The AS Combining Zone shall apply to all public and private airport facilities licensed by the state's Department of Transportation Division of Aeronautics with a total of 20 or more operations per month (a takeoff and a landing are each considered a separate operation) and five or more permanently based aircraft and which do not have a County adopted Airport Land Use Compatibility Plan.

For regulations applicable to the Frazier Lake Airpark and the Hollister Municipal Airport, see the sections specific to those facilities.

C. Definitions

The following terms are used in this section. For definitions, see the Glossary in Chapter 25.09 of this Code. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Approach Safety Zone
2. Clear Zone
3. Hazard to Air Navigation
4. Overflight Zone
5. Primary Surface
6. Runway
7. Runway Protection Zone
8. Utility Runway

9. Utility Runway Visual Approach Zone

10. Visual Runway.

D. Density, Coverage and Land Use Limitations in Safety Areas

The following standards apply to areas subject to this section.

Safety Area	Density	Coverage	Land Use
Runway Protection Zone	No people	No structures	No residential. No petroleum or explosives. No above grade power lines.
Approach Safety Zone	No more than 10 people on an annual average per acre	Maximum structural coverage must be less than 25%	Low density residential. No multi-family. No hotels/motels, bars, schools, hospitals, government services, concert halls, auditoriums, industries involved in flammable materials or processes. Commercial and Industrial uses generally acceptable if density and lot coverage restrictions are applied.

E. Prohibited Uses in AS Combining Zone

The following uses are prohibited in the AS Combining Zone, even if permitted by the underlying zone:

1. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport other than an FAA approved navigational signal light or visual approach slope indicator.
2. Any use which would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport.
3. Any use which would generate smoke or which would attract large concentrations of birds or which may otherwise affect safe air navigation within this area.
4. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

5. Any use which would cause an object to extend above the Utility Runway Visual Approach Slope.

F. Non-Conforming Uses

1. The regulations prescribed in this section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this title, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this title and is diligently prosecuted.
2. Notwithstanding the preceding provision of this section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of the markers and lights as shall be deemed necessary by the county's Planning Director to indicate to the operators of aircraft in the vicinity of the airport the presence of the airport obstruction. The markers and lights shall be installed, operated and maintained at the expense of the owner of the affected airport facility.

G. Variance from AS Combining Zone Standards

1. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this section, may apply for a variance from the regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this section.
2. Any permit or variance granted may, if the action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditional as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, the markings and lights as may be necessary.

25.04.005 Frazier Lake Airpark (FLA) Combining Zone

A. Intent

The intent of the Frazier Lake Airpark (FLA) Combining Zone is to establish additional regulations applicable in the vicinity of Frazier Lake Airpark to protect people and property

on the ground, minimize injury to aircraft occupants and prevent creation of hazards to aircraft using the airport.

B. Areas Subject the FLA Combining Zone

The FLA Combining District shall be applied to every parcel within the Airport Influence Area, as defined in the Frazier Lake Airpark Airport Land Use Compatibility Plan (ALUCP), adopted by the San Benito County Airport Land Use Commission (ALUC).

C. Definitions

The following terms are used in this section. For definitions, see the Glossary in Chapter 25.09 of this Code. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning

1. Frazier Lake Airpark Combining District boundary
2. ALUC
3. ALUCP
4. FAR Part 77
5. Roof Elements

D. FLA Combining Zone Permitted Uses

FLA Combining District land use and permit requirements that are supplemental to the base zoning district requirements Where the standards are in conflict, the more restrictive shall prevail.

<p>Table 25.04-A</p> <p>FLA Combining District Permitted Uses</p>						
<p>Land Use</p> <p>Note (2)</p>	<p>Airport Safety Zones (1)</p>					
	<p>Runway Protection Zone (3)</p>	<p>Inner Safety Zone (4)</p>	<p>Turning Safety Zone (5)</p>	<p>Outer Safety Zone (4)</p>	<p>Side Safety Zone (4)</p>	<p>Traffic Pattern Zone (6)</p>
Auditoriums, Meeting Halls, Religious assembly, Outdoor assembly facilities	NP	NP	NP	NP	NP	P
Small Day Care (6 or fewer)	NP	NP	NP	P	P	P
Large Day Care	NP	NP	NP	NP	NP	NP
Educational Institutions operated by a non-profit or government agency	NP	NP	NP	NP	NP	P
Hospital, Nursing Home	NP	NP	NP	NP	NP	P
Residential	NP	NP	APR	APR	APR	P
Commercial uses	NP	P (4)	P (5)	P (6)	P (5)	P(7)
Industrial uses with structures	NP	APR (4)	APR (5)	APR (6)	APR (5)	P (7)
Industrial uses without structures	NP	APR	APR	APR	APR	P
Above Ground Fuel Storage in conjunction with agriculture	NP	NP	NP	NP	NP	APR
Telecommunication towers	NP	NP	NP	NP	NP	P
Governmental enterprises and/or private enterprise performing governmental	NP	P (4)	P (5)	P (6)	P (5)	P

functions (federal, state, and local)						
Library, or museum operated by a non-profit or governmental entity	NP	P (4)	P (5)	P (6)	P (5)	P
Park, playground or recreational community center	NP	P (4)	P (5)	P (6)	P (5)	P
Private club, fraternity house, sorority house, union hall, senior citizen center	NP	P (4)	P (5)	P (6)	P (5)	P
Scientific or educational research center, public utility facility	NP	P (4)	P (5)	P (6)	P (5)	P
P	Permitted use					
APR	Administrative Permit required					
NP	Not permitted					

1. Airport Safety Zones are specified in the ALUCP and shown on the County GIS system.
2. The permit requirements in this table are supplemental to the requirements in the base zoning district. All land uses listed and not specifically listed in this table must comply with requirements of the base zoning district and supplemental standards for building height, population density and land use in this chapter.
3. Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be zero persons per acre but an exception may be granted for agricultural activities, roads and transient automobile parking.
4. Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 20 persons per acre.
5. Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 60 persons per acre.
6. Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 85 persons per acre.

7. Where population is concentrated on a portion of a property or an assembly use is proposed, the population density shall not exceed the threshold for the maximum number of persons per single acre in this table.

E. Referral To ALUC

All discretionary development permit applications must also be submitted to the ALUC for determination that the proposed development is consistent with the Frazier Lake ALUCP.

F. Avigation Easement Required

All discretionary development permit applications must include the requirement that an avigation easement be recorded on the property's deed by the land-owner for the benefit of the County of San Benito per ALUCP, Appendix A, Exhibit 1.

G. Supplemental Information Form Required

A Supplemental Information Form prepared by the applicant or the County of San Benito shall be submitted with any discretionary development permit application, building permit or change of use on property located in the FLA Combining Zone. The Director shall have the authority to waive the requirement where it can be determined with certainty that there is no conflict with the standards listed in this section.

The Supplemental Information Form shall include the following information:

1. The site address and APN number(s).
2. The property owner's name and contact information. The project applicant's name and contact information if different from that of the property owner.
3. A detailed description of the proposed project.
4. A map showing the location of the proposed project in relation to the FLA Combining District. (Utilization of the San Benito County GIS system is recommended for these maps.)
5. A map drawn to scale, showing the location of the proposed project in relation the Airport Safety Zones referenced in Section E and described more fully in the ALUCP and shown on the County GIS system.
6. A map drawn to scale, showing the location of the proposed project in relation the Frazier Lake Airpark Noise Contours Map, as shown in the ALUCP and on the County GIS system.
7. Include the maximum number of persons per acre that could result from the proposed activity, as instructed on the Supplemental Information Form. A supplemental calculation of the proposed density per acre shall be required for assembly uses or

where population is concentrated on a portion of a property or as determined by the Director.

8. Building Height is defined as the height of the land above mean sea level (MSL) plus the maximum height of the building including associated roof elements. All applications for new construction or that will increase the height of an existing structure (including roof elements) shall include the project's maximum Building Height and must be less than associated FAA Part 77 Surfaces established in the ALUCP and shown in the County GIS system.

H. Standards For The FLA Combining District

1. Air Emissions. No approved land use shall generate or cause any visible dust, gasses, heat, odor, or smoke to be emitted into the atmosphere that would disturb aircraft, and the operation of motor vehicles on the site, or would violate the requirements of the Monterey Bay Area Unified Air Pollution Control District.
2. Electronic Interference. No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station.
3. Glare. No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using Frazier Lake Airpark.
4. Ground Vibration. No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.
5. Height. Structures including roof elements, that exceed the FAR Part 77 elevation shall be prohibited.
6. Lighting. There shall be no illumination that produces a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify airport lights.
7. Maximum Density Per Gross Acre or Single Acre. A discretionary permit or building permit shall not be issued for new construction or alterations to a structure or a land use established in the FLA Combining District where population density exceeds that maximum allowed per this section.
8. Noise. Office buildings, motels, hotels and schools shall be designed to include noise attenuation measures to maintain an interior noise level not to exceed 55 dB CNEL.

25.04.006 - Hollister Municipal Airport Combining Zone

A. Intent

The intent of the Hollister Municipal Airport (HMA) Combining Zone is to establish additional regulations applicable in the vicinity of Hollister Municipal Airport protect people and property on the ground, minimize injury to aircraft occupants and prevent creation of hazards to aircraft using the airport.

B. Areas Subject the HMA Combining Zone

The HMA Combining District shall be applied to every parcel within the Airport Influence Area, as defined in the Hollister Municipal Airport Land Use Compatibility Plan (ALUCP), adopted by the San Benito County Airport Land Use Commission (ALUC).

C. Definitions

The following terms are used in this section. For definitions, see the Glossary in Chapter 25.09 of this Code. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. ALUC
2. ALUCP
3. FAR Part 77
4. Roof Elements

D. HMA Combining Zone Permitted Uses

HMA Combining District land use and permit requirements that are supplemental to the base zoning district requirements. Where the standards are in conflict, the more restrictive shall prevail.

Table 25.04-B

HMA Combining District Permitted Uses

Land Use(1)	Runway Protection Zone 1 (2)	Inner Approach/Departure Zone 1 (3)	Inner Turning Zone 3 (3)	Outer Approach/Departure Zone 4(4)	Side Line Zone 5 (4)	Traffic Pattern Zone 6 (5)
Public—Semipublic Uses						
Assembly Uses: (6)						
Auditorium	NP	NP	CUP	CUP	CUP	NP
Meeting Hall	NP	NP	CUP	CUP	CUP	CUP
Religious Assembly	NP	NP	CUP	CUP	CUP	CUP
Stadium	NP	NP	CUP	CUP	CUP	NP
Theater	NP	NP	CUP	CUP	CUP	CUP
Day Care: (6)						
Small DayCare	NP	NP	NP	NP	CUP	P
Large Day Care	NP	NP	NP	NP	CUP	APR
Schools (with the exception of aviation-related schools)	NP	NP	NP	NP	NP	CUP avoid
Hospital, Nursing Home	NP	NP	NP	NP	NP	NP
Residential Land Uses						
Residential	NP	NP	NP	NP	NP	P
Caretaker	NP	CUP	CUP	P	P	P
Commercial Uses						
Auto Parking	APR	APR	APR	APR	APR	P
Office Building:						
One Story	NP	P	P	P	P	P P APR

Two Story Three Story	NP NP	NP NP	P APR	CUP CUP	P APR	
Restaurant: Deli Restaurant Drive-through	NP NP NP	APR APR NP	APR APR CUP	APR APR CUP	APR APR CUP	P P P
Shopping Center	NP	NP	CUP	CUP	APR	APR
Other Commercial Uses	NP	P(3)	P(4)	P(4)	P(5)	P(5)
Industrial Uses						
Agriculture	P	P	P	P	P	P
Auto Parking	APR	APR	APR	APR	APR	APR
Other Industrial Uses With Structures	NP	P(2)	P(3)	P(3)	P(4)	P(5)
Fuel Storage	NP	NP	NP	CUP	CUP	CUP
Hazardous Uses	NP	NP	NP	CUP	CUP	CUP
No Structure	CUP	AP	AP	AP	AP	AP
Silos	NP	NP	NP	NP	NP	NP
Telecommunication Towers	NP	NP	NP	NP	NP	CUP

Notes:

P - Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the building owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP - Administrative Permit required. Permit is issued at Development Services Department.

APR - Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

CUP - Conditional Use Permit.

NP - Not permitted.

1. The permit requirements in this table are supplemental to the requirements in the base zoning district. All land uses listed and not specifically listed on this table must comply with requirements of the base zoning district and supplemental standards for building height, population density and land use in this chapter.
- (2) Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be zero persons per acre but an exception may be granted for agricultural activities, roads and automobile parking.
- (3) Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 25 to 40 persons per acre.
- (4) Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 60 to 80 persons per acre.
- (5) Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 150 persons per acre.
- (6) Where population is concentrated on a portion of a property or an assembly use is proposed, the population density shall not exceed the threshold for the maximum number of persons per single acre in this table.

E. HMA Combining Zone Submittal Requirements

A supplemental application on a form prepared by the city of Hollister shall be submitted with any application for a discretionary permit, building permit or change of use on property located in the Airport Safety Overlay Zone. The Director shall have the authority to waive the requirement where it can be determined with certainty that there is no question that the alterations to the property conflict with the standards listed below (e.g., wall sign, low intensity use). The supplemental application form shall be used to verify that the proposed building permit or change of use on the property complies the following standards to protect persons, property and aircraft in the Airport Safety Overlay Zone:

a. Application Submittal Requirements.

i. Type of land use.

- ii. List the type of airport safety zone(s) that overlies the property (Zone 1—Runway Protection; Zone 2—Inner Approach/Departure; Zone 3—Inner Turning Zone; Zone 4—Outer Approach/Departure; Zone 5—Sideline; Zone 6—Traffic Pattern) from the city of Hollister Geographic Information System Airport Overlay Zone Map. If multiple airport safety zones overlay the property, the safety zones shall be plotted to scale on the site plan.

- iii. The maximum number of persons per acre that could result from the activity proposed on calculated on a form prepared by the city of Hollister. The city of Hollister will prepare forms that use the most current edition of the Caltrans, California Airport Land Use Planning Handbook. A supplemental calculation of the density per proposed density per acre shall be required for assembly uses or where population is concentrated on a portion of property or as determined by the Director.
- iv. Building height. All applications for new construction or that will increase the height of a structure shall include the FAR Part 77 elevation for the subject property based on the FAR Part 77 Surfaces established in the most recently adopted Comprehensive Land Use Plan for the Hollister Municipal Airport, the elevation of the ground and the building height of the proposed structure.

F. Standards for the HMA Combining Zone

- 1. Air Emissions. No approved land use shall generate or cause any visible dust, gasses, heat, odor, or smoke to be emitted into the atmosphere that would disturb aircraft, and the operation of motor vehicles on the site, or would violate the requirements of the Monterey Bay Area Unified Air Pollution Control District.
- 2. Electronic Interference. No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station.
- 3. Glare. No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the Hollister Municipal Airport.
- 4. Ground Vibration. No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.
- 5. Height. Structures that exceed the FAR elevation shall be prohibited.
- 6. Lighting. There shall be no illumination that produces a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify Airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify Airport lights.
- 7. Maximum Density Per Gross Acre or Single Acre. A discretionary permit or building permit shall not be issued for new construction or alterations to a building or a land use established in an airport safety overlay zone where the population density exceeds that maximum allowed per the standards in this section.
- 8. Noise. Office buildings, motels, hotels and schools shall be designed to include noise attenuation measures to maintain an interior noise level not to exceed 55 dB CNEL.

G. Findings for Conditional Use Permits in the HMA Combining Zone

1. The development proposal incorporates risk reduction factors to minimize harm to occupants of a building from an aircraft such as:
 - a. Concrete walls
 - b. Limited numbers and size of windows
 - c. Upgraded roof strength
 - d. No skylights
 - e. Enhanced fire sprinkler system
 - f. Single story height or increased number of emergency exits
2. The population per acre or concentration of people on the property does not exceed the thresholds for population density established in this section.
3. The development has been designed to orient buildings and open areas in relation to surrounding land uses to provide a continuous open area.