

RESOLUTION NUMBER R- 310585

DATE OF FINAL PASSAGE JUL 11 2016

ITEM # 201  
SUB-A  
7/11/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING THE FINAL DECISION TO OVERRULE THE INCONSISTENCY DETERMINATION MADE BY THE SAN DIEGO REGIONAL AIRPORT AUTHORITY FOR A PROPOSED CHICK-FIL-A RESTAURANT LOCATED AT 9370 SCRANTON ROAD – PROJECT NO. 411128.

WHEREAS, Chick-fil-A is proposing to construct a new 2,892-square-foot restaurant on a vacant 1.12-acre property located at 9370 Scranton Road within the Mira Mesa Community Planning area; and

WHEREAS, because of the property’s location within the Airport Influence Area of MCAS Miramar, Chick-fil-A must obtain a consistency determination from the San Diego Regional Airport Authority (SDCRAA); and

WHEREAS, on September 17, 2015, the SDCRAA determined that the proposed Chick-fil-A restaurant was inconsistent with the MCAS Miramar Airport Land Use Compatibility Plan (ALUCP); and

WHEREAS, the SDCRAA’s inconsistency determination was based primarily on the fact that the property is located within Accident Potential Zone 2, where eating and drinking establishments are prohibited by the ALUCP; and

WHEREAS, pursuant to San Diego Municipal Code 132.1555, an applicant may request a decision from the City Council to overrule a determination of inconsistency made by the SDCRAA; and

WHEREAS, on December 24, 2015, Chick-fil-A requested an overrule by the City Council of SDCRAA’s inconsistency determination; and

WHEREAS, on April 26, 2016, the City Council voted to propose to overrule the SDCRAA and to set a hearing for a final decision to consider an overrule in order to allow for the proposed Chick-fil-A restaurant within the Accident Potential Zone II of the ALUCP for MCAS; and

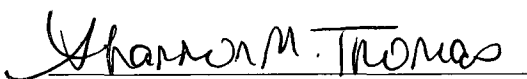
WHEREAS, notice of the proposed final decision and the proposed findings to overrule the SDCRAA were provided to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and MCAS Miramar and any comments received have been included in the final record; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, under the San Diego Municipal Code section 132.1555, a two-thirds vote of the Council is required for passage of this resolution; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it adopts the final decision to overrule the inconsistency determination made by the SDCRAA to allow this restaurant use in Accident Potential Zone II.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
06/01/2016  
Or.Dept:DSD  
Doc. No.: 1297381

Passed by the Council of The City of San Diego on JUL 11 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 11 2016.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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