#201 10/26/2026

(R-2027-101)

RESOLUTION NUMBER R- 316999

DATE OF FINAL PASSAGE OCT 30 2026

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS PROPOSAL TO OVERRULE THE SAN DIEGO AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE PROPOSED AMENDMENT TO THE AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE IS INCONSISTENT WITH THE AIRPORT LAND USE COMPATIBILITY PLAN FOR MARINE CORPS AIR STATION MIRAMAR

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The City of San Diego is proposing to amend the Airport Land Use Compatibility Overlay Zone (Project) within the San Diego Municipal Code (Municipal Code) in Chapter 13, Article 2, Division 15.

B. The Airport Land Use Compatibility Overlay Zone (ALUCOZ) implements the Airport Land Use Compatibility Plans (ALUCPs) within the Brown Field, Gillespie Field, Gibbs-Montgomery Executive Airport, Marine Corps Air Station (MCAS) Miramar, Naval Outlying Field (NOLF) Imperial Beach, Naval Air Station (NAS) North Island, and San Diego International Airport (SDIA).

C. On May 11, 2026, the City Council adopted the 2026 Land Development Code Update. The amendment was part of the 2026 Land Development Code Update as Item 93: Airport Land Use Compatibility Overlay Zone (ALUCOZ) – safety compatibility for child care centers in the MCAS Miramar Airport Influence Area Transition Zone and was submitted to the San Diego County Regional Airport Authority (SDCRAA), serving as the Airport Land Use Commission (ALUC), for a consistency determination with the ALUCPs.

D. At its meeting on July 9, 2026, the SDCRAA, acting in its capacity as the ALUC, reviewed the 2026 Land Development Code Update, including Item 93: Airport Land Use Compatibility Overlay Zone (ALUCOZ) – safety compatibility for child care centers in the MCAS Miramar Airport Influence Area Transition Zone. The ALUC took two actions: 1) determined that the amendments to the Municipal Code associated with Item 93 to be inconsistent with the MCAS Miramar ALUCP because it would allow Child Care Centers as a limited use with a 0.42 floor area ratio within the MCAS Miramar Transition Zone; and 2) determined all other amendments to the Municipal Code in the 2026 Land Development Code Update to be consistent with the applicable ALUCPs.

E. California Public Utilities Code (Public Utilities Code) section 21676.5 grants the San Diego City Council (City Council) the authority to overrule a determination of inconsistency from the ALUC if the governing body undertakes a two-part process, with both parts requiring a two-thirds vote as follows: (1) a first hearing to propose a decision to overrule and make proposed findings regarding the purpose and intent of Public Utilities Code section 21670, and (2) a second hearing to approve the overrule at a noticed public hearing.

F. Municipal Code section 132.1555 requires any decision by the City Council to overrule the ALUC's determination of inconsistency to obtain a recommendation from the Planning Commission. If the City Council votes to initiate the overrule at the first hearing, the matter will be scheduled before the Planning Commission for a recommendation prior to the second City Council hearing.

G. Municipal Code section 132.1555 also requires that for the City Council to overrule a determination of inconsistency it must adopt not only the proposed findings regarding the purpose and intent set forth in Public Utilities Code section 21670, but also three findings

that the development is not detrimental to the public health, safety, and welfare, and that the development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.

H. The matter was set for a public hearing on October 26, 2026, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same.

I. Pursuant to Public Utilities Code section 21676.6 and Municipal Code section 132.1555, a two-thirds vote of the City Council is required for passage of this resolution.

J. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The City Council declares its proposal to Overrule the ALUC, finding that the project is consistent with the purpose of Public Utilities Code section 21679, and adopts these findings as set forth in Municipal Code section 132.1555:

a. The proposed development regulations would not be detrimental to the public health, safety, and welfare.

Neither the MCAS Miramar AICUZ Study nor the Airport Land Use Planning Handbook contains or recommends establishing a "Transition Zone." The ALUC established the Transition Zone as an extra buffer between less restricted areas and Accident Potential Zones, where land use restrictions are greatly restricted. The proposed overrule would permit Child Care Centers as a limited use with a maximum floor area ratio of 0.42 within the Transition Zone. Child Care Center regulations would be the same maximum

floor area ratio applied to indoor small assembly rooms in the Transition Zone. By limiting the development intensity to a maximum floor area ratio of 0.42 for Child Care Centers in the Transition Zone, the proposed regulation protects public health, safety, and welfare.

b. The proposed development regulations would minimize the public's exposure to excessive noise and safety hazards to the extent feasible.

Safety: While the MCAS Miramar ALUCP prohibits new Child Care Centers in the Transition Zone, it allows existing Child Care Centers to expand or rebuild up to a maximum intensity of 300 people per acre. The proposed 0.42 floor area limit for new Child Care Centers would be aligned with the 300 people per acre threshold. This is based on the occupancy factor of 60 square feet per person. This ensures new Child Care Centers would be limited to the same intensity limits already determined to be acceptable for the expansion of existing Child Care Centers; therefore, the proposed development regulation would minimize the public's exposure to safety hazards to the extent feasible.

Noise: Child Care Centers within the Transition Zone would still be subject to the existing noise compatibility criteria under SDMC Section 132.1515, which applies to Child Care Centers up to the 65-decibel community noise equivalent level (dB CNEL), with noise attenuated to achieve an indoor noise level of 45 dB CNEL. Child Care Centers are not permitted above the 65 dB CNEL noise level. New Child Care Centers in the Transition Zone would be subject to the existing ALUCOZ regulations for noise compatibility; therefore, the proposed development regulation would not increase the public's exposure to excessive noise.

c. The proposed development will meet the purpose and intent of the California Public Utilities Code section 21670.

The purpose and intent of the California Public Utilities Code section 21670 is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. The section also has the purpose and intent to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards and to prevent the creation of new noise and safety problems.

Safety: The proposed amendment would limit new Child Care Centers to 300 people per acre, which is implemented using a maximum floor area ratio of 0.42 as addressed in Findings 1 and 2. This is based on the occupancy factor of 60 square feet per person. The proposed regulation would limit the intensity of development for Child Care Centers to a maximum floor area ratio of 0.42 within the Transition Zone; therefore, it protects public health, safety, and welfare, which meets the purpose and intent of the California Public Utilities Code section 21670.

Noise: Child Care Centers within the Transition Zone would still be subject to the existing noise compatibility criteria under SDMC section 132.1515 as addressed in Finding 2; therefore, the proposed development regulation minimizes the public's exposure to excessive noise, which meets the purpose and intent of the California Public Utilities Code section 21670.

2. Direct staff to send the Notice of Proposed Decision to Overrule with the three

draft findings to the Airport Land Use Commission, California Department of Transportation, Caltrans Division of Aeronautics, and the U.S Marine Corps as the MCAS Miramar Operator.

3. Direct staff to schedule the Overrule of the ALUCs Determination of Inconsistency for Item 93 of the 2026 Land Development Code Update before the Planning Commission for a recommendation before returning to the City Council for a second hearing and final decision.

APPROVED: HEATHER FERBERT, City Attorney

By _____
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:jdf
10/12/2026
Or.Dept: Planning Department
Doc. No. 4570748

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on OCT 26 2026.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: 10/30/26 _____
(date) TODD GLORIA, Mayor

Vetoed: _____ _____
(date) TODD GLORIA, Mayor

#201

Passed by the Council of The City of San Diego on October 26, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☐	☐	☒	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☐	☐	☒	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☐	☐	☒	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage OCT 30 2026.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-316999**