THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: November 10, 2026 REPORT NO. PC-26- 049

HEARING DATE: November 19, 2026

SUBJECT: Overrule of the Airport Land Use Commission's Determination of Inconsistency with the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan Regarding Amendments to the Municipal Code for the Allowance of Child Care Centers within the Transition Zone of the MCAS Miramar Airport Influence Area; Process 5

SUMMARY

Issue: Should the Planning Commission recommend that the City Council approve an overrule of the Airport Land Use Commission's determination of inconsistency with the Airport Land Use Compatibility Plan for Marine Corps Air Station (MCAS) Miramar regarding the amendments to the Municipal Code (SDMC) Chapter 13, Article 2, Division 15 to allow Child Care Centers as a limited use with a maximum 0.42 floor area ratio within the Transition Zone of MCAS Miramar Airport Influence Area and with the required findings?

Proposed Action:

RECOMMEND to the City Council to APPROVE an overrule of the Airport Land Use Commission's determination of inconsistency regarding the amendments to the Municipal Code (SDMC) Chapter 13, Article 2, Division 15 with the required findings.

Fiscal Considerations: None with this action.

Code Enforcement Impact: None

Housing Impact Statement: None

Community Planners Committee (CPC) Recommendation: On February 24, 2026, as part of the 2026 Land Development Code (LDC) Update, the CPC recommended opposition to 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 CPC's opposition was based on their recommendation that Child Care Centers be allowed in the Transition Zone only with a Site Development Permit, rather than under a ministerial permit, due to the proximity to the Accident Potential Zone.

Environmental Review:

The Environmental Policy Section of the City Planning Department has reviewed this action and determined that it would not result in any new or more severe significant impacts over and above those disclosed in the following previously certified environmental documents:

1. Final Environmental Impact Report (EIR) for the Land Development Code (DEP No. 96-033/SCH No. 1996081056) certified by the San Diego City Council on November 18, 1997 (Resolution R-289458);
2. Final Program EIR (PEIR) for the General Plan (Project No. 104495/SCH No. 2006091032) certified by the San Diego City Council on March 10, 2008 (Resolution R-303472); and
3. Addendum to the General Plan PEIR for the Housing Element Update (Project No. 104495/SCH No. 2006091032) certified by the San Diego City Council on June 16, 2020 (Resolution R-313099).

Approval of this action is a subsequent discretionary action within the scope of the development programs analyzed in the above-listed environmental documents and is not considered to be a separate project for the purposes of CEQA review pursuant to the CEQA Guidelines Sections 15378(c) and 15060(c)(3). Pursuant to CEQA Statute Section 21166 and CEQA Guidelines Section 15162, there is no change in circumstances, additional information, or project changes to warrant additional environmental review for this amendment.

BACKGROUND

Land Development Code Update

On February 19, 2026, the Planning Commission provided a recommendation to the City Council to approve the 134 amendments to the Land Development Code (LDC) to simplify the City's development regulations, make the code more adaptable, eliminate redundancies and contradictions, standardize the code framework, and increase predictability in applying regulations. On May 11, 2026, the City Council heard and approved 134 amendments to the LDC.

ALUC Determination on the LDC:

State law requires that land use plans and municipal code amendments, as well as rezone actions within an Airport Influence Area, be submitted to the Airport Land Use Commission for consistency determinations with Airport Land Use Compatibility Plans. Prior to the second City Council reading, these code amendments, referred to as the 2026 LDC Update, were submitted to the Airport Land Use Commission (ALUC) for a determination of consistency with the Airport Land Use Compatibility Plans.

The 2026 LDC 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, was heard at the July 9, 2026, ALUC meeting. The ALUC took the following actions:

1) Found the allowance for single Child Care Centers in the Transition Zone to be inconsistent with the MCAS Miramar Airport Land Use Compatibility Plan (Item 93); and
2) Found all other amendments to the Municipal Code to be consistent with applicable Airport Land Use Compatibility Plans (including previously overruled components per statutory requirements).

The Airport Land Use Commission actions allow the City to proceed with implementing the code amendments found to be consistent with the Airport Land Use Compatibility Plans. However, to implement Item 93: ALUCOZ – Safety Compatibility for Child Care Centers in the MCAS Miramar Airport Influence Area Transition Zone, the City Council would need to overrule the Airport Land Use Commission's inconsistency determination.

Following the ALUC's determination of inconsistency, state law requires two separate public hearings, with each decision requiring a minimum two-thirds vote, to overrule the ALUC's determination of inconsistency for Item 93. On October 26, 2026, the City Council held the first hearing and voted by a two-thirds vote to initiate the overrule process. A second hearing will be required for the City Council to make a final decision with the required findings on the proposed overrule to allow Child Care Centers as a limited use with a maximum 0.42 floor area ratio within the Transition Zone of MCAS Miramar.

DISCUSSION

Proposed Overrule:
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 of the MCAS Miramar Airport Influence Area. The Transition Zone includes property within the following community plan areas: Kearny Mesa, Clairemont, University, Torrey Pines, and Mira Mesa.

Required Overrule Hearings:

City Council
Pursuant to California Public Utilities Code Section 21676.5, for the City Council to overrule the Airport Land Use Commission determination of inconsistency, the City Council must hold two public hearings. Decisions at both hearings must pass with a minimum of a two-thirds vote of the City Council.

- **First Hearing**: On October 26, 2026, at the first hearing, the City Council determined with a two-thirds vote to proceed with the overrule initiation process to overrule the determination of inconsistency with the MCAS Miramar ALUCP by the San Diego County Regional Airport Authority (SDCRAA), acting as the ALUC for San Diego County. The City Council also directed staff to send the Notice of Proposed Decision to overrule and the draft findings to the ALUC, Caltrans Division of Aeronautics, and the U.S Marine Corps as the MCAS Miramar Operator.
- **Second Hearing**: The City Council would need to make a final decision to overrule the Airport Land Use Commission's determination of inconsistency for Item 93 of the LDC Update with the required findings. This decision should take into consideration any comments received from the Airport Land Use Commission, the California Department of Transportation, Division of Aeronautics, and the U.S. Marine Corps as the MCAS Miramar Operator for the City Council's consideration.

Planning Commission
Under SDMC Section 132.1555, any decision by the City Council to overrule an Airport Land Use Commission inconsistency determination requires a recommendation from the Planning Commission. If the City Council votes to propose a decision to overrule at the first hearing, the matter will be scheduled before the Planning Commission for a recommendation prior to the second City Council hearing.

Required Noticing:

State law requires that the proposed decision to overrule the ALUC be noticed at least 45 days before the second City Council hearing. Should the City Council decide to propose the overrule, City staff will distribute the Notice of Final Decision to Overrule with the required findings to the Airport Land Use Commission, California Department of Transportation, Division of Aeronautics, and the U.S. Marine Corps as the MCAS Miramar Operator. In November 2026, City staff is anticipated to submit a Notice of Final Decision with the required findings to the agencies to begin the 45-day review period.

Airport Land Use Compatibility Framework:

MCAS Miramar Air Installation Compatible Use Zones Study

The Marine Corps Air Station (MCAS) Miramar Air Installation Compatible Use Zones (AICUZ) Study was prepared by the U.S. Marine Corps in 2020. The AICUZ Study establishes compatibility guidelines around MCAS Miramar based on noise contours and Accident Potential Zones (APZs) to protect airfield operations and public safety. The AICUZ Study is intended to advise the City on compatible development in the vicinity of MCAS Miramar.

Airport Land Use Compatibility Plans

Adopted by the San Diego County Regional Airport Authority acts as the ALUC for San Diego County pursuant to the state Aeronautics Act under California Public Utilities Code section 21670. ALUCPs provide policy guidance on appropriate land uses surrounding airports to protect the health and safety of people and property within an airport influence area, which is comprised of noise, safety, airspace protection, and overflight factors. For military airports, the Public Utilities Code section 21675 also requires ALUCPs to align directly with noise and safety recommendations in the AICUZ Study.

Airport Land Use Planning Handbook

The Airport Land Use Planning Handbook (Handbook), published by the California Department of Transportation Division of Aeronautics, serves as the primary technical guidance for safety and land use criteria for preparing ALUCPs.

MCAS Miramar Land Use Compatibility Plan

The ALUC adopted the MCAS Miramar ALUCP in 2008 and was last amended in 2011. The MCAS Miramar ALUCP addresses the following four compatibility factors:

- Safety Zones, which include the Clear Zone (CZ), Accident Potential Zone (APZ) I, Accident Potential Zone (APZ) II, and the Transition Zone, as well as policies and criteria to minimize risks to people by restricting or limiting people-intensive development in these zones.
- Noise Contours as well as policies and criteria to restrict noise-sensitive uses or require noise attenuation to minimize exposure to high noise levels.
- Airspace Protection compatibility policies to ensure that structures and other uses of the land do not cause hazards to aircraft in flight within the airport vicinity.
- Overflight compatibility policies to notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas.

Airport Land Use Compatibility Overlay Zone

The Airport Land Use Compatibility Overlay Zone *(*ALUCOZ) was adopted into SDMC Chapter 13, Article 2, Division 15 in 2011 to implement the adopted ALUCPs with supplemental regulations to ensure compatibility with applicable ALUCP policies related to noise, safety, airspace protection, and aircraft overflight.

Overrule Findings:

The City Council's decision to overrule the Airport Land Use Commission's determination would need to be supported by the following findings:

Finding 1: The proposed development regulation would not be detrimental to the public health, safety, and welfare:

Neither the MCAS Miramar AICUZ Study nor the Airport Land Use Planning Handbook contain or recommend 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 use 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.

Finding 2: 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 ratio 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.

Finding 3: 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.

Liability of Overruling the Airport Land Use Commission:
Under California Public Utilities Code Section 21678, if a local agency overrules an Airport Land Use Commission's determination regarding an airport it does not operate, the airport operator (U.S. Marine Corps) is granted immunity from damages or personal injury liabilities directly or indirectly resulting from the overrule decision.

CONCLUSION

City staff has prepared findings in support of the overrule request and recommends that the Planning Commission recommend to the City Council to overrule the ALUC's determination of inconsistency with the MCAS Miramar ALUCP related to the allowance of Child Care Centers as a limited use with a maximum 0.42 floor area ratio within the Transition Zone of the MCAS Miramar Airport Influence Area.

Respectfully submitted,

Seth Litchney
Deputy Director
City Planning Department

Megan Covarrubias
Senior Planner
City Planning Department

SL/MC

Attachments:
1. ALUC Letter of Determination and Resolution
2. City Council Resolution No. 2027-101
3. Community Planners Committee Memo for 2/24/2026

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

September 1, 2026

Ms Megan Covarrubias
City of San Diego
202 C Street
San Diego, California 92101

Re: Airport Land Use Commission Consistency Determination – Municipal Code Update including Implementation of the San Diego International Airport - Airport Land Use Compatibility Plan; Amendment of Code Standards Implementing the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan; and Amendment of the Downtown Community Plan of the City General Plan, City of San Diego

Dear Ms Covarrubias:

As the Airport Land Use Commission (ALUC) for San Diego County, the San Diego County Regional Airport Authority (SDCRAA) has reviewed your application for a determination of consistency for the project described above. The area covered by this project lies within the Airport Influence Areas (AIA) for the Brown Field Municipal Airport, Gillespie Field, Marine Corps Air Station (MCAS) Miramar, Montgomery-Gibbs Executive Airport, Naval Air Station (NAS) North Island, Naval Outlying Landing Field (NOLF) Imperial Beach, and San Diego International Airport (SDIA) Airport Land Use Compatibility Plans (ALUCPs).

In accordance with SDCRAA Policy 8.30 and applicable provisions of the State Aeronautics Act (Cal. Pub. Util. Code §21670-21679.5), the ALUC has considered this project at its meeting of July 9, 2026, and finds that the proposed project is **conditionally consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, NAS North Island, NOLF Imperial Beach, and SDIA ALUCPs** and **not consistent with the MCAS Miramar ALUCP.** A copy of Resolution 2026-0001 ALUC making this determination is enclosed.

Pursuant to Cal. Pub. Util. Code §21676(b):

Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division [of Aeronautics, Caltrans] a copy of the proposed decision and findings. The

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AIRPORT LAND USE COMMISSION

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

Any determination rendered by the ALUC is limited to the project plans and descriptions submitted with the application and is not transferable to any revision of this or any similar, future project involving a change in land use, in building or crane height, or in building area of any prior ALUC determination. Any change or exceedance in these characteristics requires a new consistency determination prior to decision-making consideration by the local agency.

Please contact me at (619) 400-2244 or egowens@san.org if you have any questions regarding this letter.

Yours truly,



Ed Gowens
Senior Airport Planner

Enclosure: Resolution 2026-0001 ALUC

cc: Lee Kaminetz, SDCRAA General Counsel
Sjohnna Knack, SDCRAA Planning, Noise, and Environment
Kristin Camper, MCAS Miramar Community Plans & Liaison Office
Nathen Causman, City of San Diego

RESOLUTION NO. 2026-0001 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: MUNICIPAL CODE UPDATE INCLUDING IMPLEMENTATION OF THE SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN; AND AMENDMENT OF THE DOWNTOWN COMMUNITY PLAN OF THE CITY GENERAL PLAN, CITY OF SAN DIEGO, IS CONSISTENT WITH THE BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MONTGOMERY-GIBBS EXECUTIVE AIRPORT, NAVAL AIR STATION NORTH ISLAND, NAVAL OUTLYING LANDING FIELD IMPERIAL BEACH, AND SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLANS, AND THE AMENDMENT OF CODE STANDARDS IMPLEMENTING THE MARINE CORPS AIR STATION MIRAMAR AIRPORT LAND USE COMPATIBILITY PLAN IS NOT CONSISTENT WITH THE MARINE CORPS AIR STATION MIRAMAR AIRPORT LAND USE COMPATIBILITY PLAN

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to §21670.3 of the California Public Utilities Code (PUC), was requested by the City of San Diego to determine the consistency of a proposed project: Municipal Code Update including Implementation of the San Diego International Airport - Airport Land Use Compatibility Plan; Amendment of Code Standards Implementing the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan; and Amendment of the Downtown Community Plan of the City General Plan, City of San Diego (City), which is located within the Airport Influence Areas (AIAs) for the Brown Field Municipal Airport, Gillespie Field, Marine Corps Air Station (MCAS) Miramar, Montgomery-Gibbs Executive Airport, Naval Air Station (NAS) North Island, Naval Outlying Landing Field (NOLF) Imperial

Beach, and San Diego International Airport (SDIA) Airport Land Use Compatibility Plans (ALUCPs); and

WHEREAS, the proposed project consists of amendments to the City Municipal Code that revise the noise, safety, airspace protection, and overflight notification compatibility factor maps to apply the policies and standards of the SDIA ALUCP to the use of properties located within its AIA through the City's Airport Land Use Compatibility Overlay Zone (ALUCOZ); and

WHEREAS, the ALUCOZ of the existing Municipal Code integrates the noise, safety, airspace protection, and overflight notification compatibility criteria of the SDIA ALUCP, with the exception of allowing residential density as part of mixed-use development in Safety Zones 2 East and 2 West, 3 Northeast and 3 Northwest, and 4 West, which is not consistent with the SDIA ALUCP, but the City has previously exercised its prerogative to overrule that policy of the SDIA ALUCP in accordance with all statutory requirements such that no new overrule of further codification of that allowance under the current project is required; and

WHEREAS, the proposed project would amend the applicability of certain policies and standards of the existing ALUCOZ for the MCAS Miramar ALUCP to be less restrictive than per current Municipal Code but not less restrictive than the MCAS Miramar ALUCP, with three exceptions: (1) allowing up to 60 dwelling units per acre within the Transition Zone (TZ); (2) applying to the entire structure the standards of the noise contour range in which 50 percent or more of a structure's gross floor area lies instead of applying the highest noise contour standards to the entire building; and (3) allowing child care centers up to a maximum floor area ratio (FAR) of 0.42 in the TZ, and while these exceptions are not consistent with the MCAS Miramar ALUCP, in which the TZ limits density to 20 dwelling units per acre; noise contour range standards are applied differently for buildings located in more than one noise contour; and child care centers are incompatible in the TZ, the City has previously exercised its prerogative to overrule the policies of the MCAS Miramar ALUCP associated with exceptions (1) and (2) above, in accordance with all statutory requirements such that no new overrule of further

codification of those exceptions is required, but the City has not overruled exception (3) above to allow for child care centers in the TZ; and

WHEREAS, the proposed project contains amendments to the Downtown Community Plan of the City General Plan and numerous other amendments to the Municipal Code to reform regulatory processes, align the Code with State law or City General Plan goals, or correct errors and provide clarification to Code requirements, and these additional amendments do not directly affect ALUCP policies or standards; and

WHEREAS, a local agency is required by law to implement ALUCPs by referring all proposed land use projects located within AIAs to the ALUC for a determination of consistency with the applicable ALUCP, amending its applicable codes to incorporate the ALUCP policies and standards to ensure the same ALUCP consistency in its own project reviews, or overrule the ALUCP in whole or in part according to specified statutory procedures; and

WHEREAS, referral of individual land use projects to the ALUC is not mandatory when the ALUC has either deemed a local agency's plan and implementing ordinance consistent with the ALUCPs or when the local agency has overruled the ALUC pursuant to PUC §21676(a), except for the following actions: (1) the adoption of and/or amendment to a general, specific, or other land use plan, zoning ordinance (including rezones), or building regulation; (2) any project proposed in a military airport Clear Zone or public-use airport Safety Zone 1; (3) any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); (4) any master plan for the expansion of an existing airport or construction of a new airport; and (5) any project that would include nonaviation uses on public-use airport property; and

WHEREAS, once a local agency has revised its general plan, specific plans, or zoning code to be consistent with an adopted ALUCP or overruled the ALUC pursuant to PUC §21676(a), the local agency can still voluntarily refer individual projects to the ALUC for a non-binding, advisory review; and

WHERAS, ALUC staff evaluation of the proposed project finds that the existing ALUCOZ continues to implement the ALUCPs for Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, Montgomery-Gibbs Executive Airport, NAS North Island, and NOLF Imperial Beach, and would be revised to implement the SDIA ALUCP, acknowledging the aforesaid exceptions to the SDIA and MCAS Miramar ALUCPs which have been overruled by the City according to statutory requirements, such that the proposed project is consistent with those ALUCPs; and

WHEREAS, ALUC staff evaluation of the proposed project finds that the ALUCOZ deviates from any of the aforesaid ALUCPs only with respect to allowing child care centers up to a maximum FAR of 0.42 in the TZ of the MCAS Miramar ALUCP, such that that aspect of the proposed project is not consistent with the MCAS Miramar ALUCP; and

WHEREAS, in any instance in which a local agency proposes to deviate from the compatibility policies and standards of an ALUCP, the agency must follow a procedure prescribed by State law to overrule that portion of the ALUCP with which its implementation deviates from the ALUCP; and

WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

WHEREAS, the ALUC has provided an opportunity for the City of San Diego, the U.S. Marine Corps, and interested members of the public to present information regarding this matter.

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: Municipal Code Update including Implementation of the San Diego International Airport - Airport Land Use Compatibility Plan; Amendment of Code Standards Implementing the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan; and Amendment of the Downtown Community Plan of the City General Plan, City of San Diego, is consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, NAS North Island, NOLF Imperial

Beach, and San Diego International Airport ALUCPs, but that it is not consistent with the MCAS Miramar ALUCP with respect to its exception which would allow for child care centers up to a maximum FAR of 0.42 in the TZ, but is in all other policies and standards consistent with the MCAS Miramar ALUCP, based upon the following facts and findings:

(1) The proposed project consists of amendments to the City Municipal Code that revise the ALUCOZ to implement the SDIA ALUCP and amend the applicability of certain policies and standards of the existing ALUCOZ for the MCAS Miramar ALUCP to be less restrictive than per current Municipal Code but not less restrictive than the MCAS Miramar ALUCP, with only one exception which the City has not overruled per statutory procedure: the allowance of child care centers up to a maximum FAR of 0.42 in the TZ. Other elements of the proposed project which deviate from the ALUCPs have previously been addressed by statutory overrules by the City such that no new overrule is required to further codify standards related to those ALUCP policies already overruled. Additional amendments to the Downtown Community Plan of the City General Plan and other Municipal Code amendments of the proposed project do not directly affect ALUCP policies or standards as implemented by the ALUCOZ.

(2) The ALUCOZ implements the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, Montgomery-Gibbs Executive Airport, NAS North Island, NOLF Imperial Beach, and SDIA ALUCPs, such that the proposed project is consistent with those ALUCPs, but the ALUCOZ deviates with respect to the aforesaid exception to the MCAS Miramar ALUCP, such that that exception in the proposed project is not consistent with the MCAS Miramar ALUCP.

(3) In instances in which a local agency proposes to deviate from the compatibility policies and standards of an ALUCP, the agency must follow the procedure and timeline prescribed by PUC §21676(b) to overrule that portion of the ALUCP.

(4) As a local agency is required by law to implement ALUCPs by amending its applicable codes to incorporate the ALUCP policies and standards to ensure ALUCP consistency in its own project reviews, or else refer all proposed land use projects located within AIAs to the ALUC for a determination of consistency with the applicable ALUCP, or overrule the ALUCP in whole or in part according to specified statutory procedures, the proposed project satisfies the legal requirement for the City as a local agency to amend its Municipal Code by incorporating all the applicable ALUCPs within its land use jurisdiction, such that consistency with ALUCP policies and standards will be administered by the City by applying the ALUCOZ, and no individual project referrals to the ALUC are required except as noted below.

(5) While the local agency can still voluntarily refer individual projects to the ALUC for a non-binding, advisory review at its discretion, PUC §21676(b) and the ALUCPs mandate local agency referral of the following actions to the ALUC, irrespective of any local agency implementation otherwise: (a) the adoption of and/or amendment to a general, specific, or other land use plan, zoning ordinance (including rezones), or building regulation; (b) any project proposed in a military airport Clear Zone or public-use airport Safety Zone 1; (c) any project that has been determined to be an airspace hazard by the FAA; (d) any master plan for the expansion of an existing airport or construction of a new airport; and (e) any project that would include nonaviation uses on public-use airport property.

(6) Therefore, the proposed project is consistent with the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, Montgomery-Gibbs Executive Airport, NAS North Island, NOLF Imperial Beach, and SDIA ALUCPs, but is not consistent with MCAS Miramar ALUCP only with regard to the allowance of child care centers up to a maximum FAR of 0.42 in the TZ.

BE IT FURTHER RESOLVED that the ALUC finds this determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065, is not a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106, and requires no federal approvals warranting review under the National Environmental Policy Act (NEPA).

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 9th day of July, 2026, by the following vote:

AYES:	Commissioners:	Ball, Benzian, Montgomery Steppe, Perez, Sanchez, Vaus
NOES:	Commissioners:	
ABSENT:	Commissioners:	Kuperschmid, Sly, von Wilpert

ATTEST:

ANNETTE FAGAN ORTIZ
AUTHORITY CLERK

APPROVED AS TO FORM:

LEE KAMINETZ
GENERAL COUNSEL

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

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
Senior 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 _____.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: _____ _____
(date) TODD GLORIA, Mayor

Vetoed: _____ _____
(date) TODD GLORIA, Mayor

San Diego Community Planners Committee
City Planning Department • City of San Diego • 202 C Street, MS 413 San Diego, CA 92101
SDPlanningGroups@sandiego.gov • (619)-235-5200

MEMO

TO: City of San Diego Planning
FROM: Victoria LaBruzzo, CPC Chair
DATE: February 24~~January 27~~, 2026
RE: Community Planners' Committee (CPC) Comments on 2025 LDC Update

MOTION to adopt the subcommittee recommendations as presented at the ~~February~~ February 24~~27~~, 2026 CPC regular meeting. Furthermore, CPC urges the city to publish remaining code language as soon as possible to inform the public. Motion: Peninsula Second: North Park

A) CPC DOES NOT OPPOSE (as written)

*CPC does not oppose Items **1–9, 11, ~~13–24, 26–29~~13-28, 31–35, 39, 42–53, 55–57, 59–60, 62–84, 86–88, 90, 94–100, and 105–107, AND those portions of Item 61 which pertain to the Central Urbanized Planned District (CU PDO).***

B) CPC DOES NOT OPPOSE *IF MODIFIED* (amendments requested)

*CPC does not oppose **Items 38 and 54** provided the City incorporates the amendments below:*

Item #38 – Pedestrian Path of Travel Parameters

*State law did not specify parameters for a pedestrian path of travel. CPC recommends applying an already adopted standard from the City's Street Planning Manual—specifically the bicycle design standard—to provide clear, objective criteria for implementation. Using this established City Design Manual standard ensures consistent treatment of factors such as **grade steepness** and supports accessible pedestrian movement to and from shared parking areas for all users, including **older adults and individuals with disabilities**.*

Item #54 – Incentives Waivers Report (IWR)

State law allows for an "Incentives Waivers Report," and CPC recommends that the City create a simple, standardized version of this report for applicants to complete at the outset of a project. Establishing a uniform form and terminology will prevent applicants and members of the public from searching for a report that is not otherwise required and will ensure consistent documentation across projects. CPC further recommends that the City include a dedicated, searchable database field for this report so staff and the public can efficiently retrieve, compile, and analyze waiver-related information now and in the future.

C) CPC OPPOSES (non-state-mandated)

CPC opposes Items 29, 30, 85, 89, 91, 92, and 93, 102 *and requests the City revise these items as reflected in the requested amendments below.*

Item # 29 – 30 - Opposing because of the allowance for "rehabbed" NOAH units to count as, and take the place of, new deeded affordable units. New units provide 55 years of affordable housing, while a rehabbed unit possibly adds only 25, or even 15 years of affordable housing to the supply because in their current state they could have 10, 20 or even 30 years of useful life ahead of them as NOAH housing. At the time of rehabilitation, rehabbed units don't grow the unit count of affordable housing by even one unit

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Item #85 – Appeal Fees

CPC recommends that All CPG appeals fees to be waived.

Item #89 – *Oppose changing to Process 1. The change to Process 2 would allow for public comment and align with the work done by the Utility Undergrounding Advisory Committee previously adopted by City Council.*

Item #91 – Transition Planes and Buffers from Adjacent Freeways

The proposed code change would set the transition plane angle to 65 degrees between commercial development abutting adjacent residences of 15 DU/AC or fewer or an open space zone (OC, OP, OC). CPC recommends a 45-degree transition plane angle, particularly to minimize development impacts adjacent to parks and open space.

Items #92 and #93 – Transition Zone (TZ) adjacency to Miramar APZ

CPC references language from the adopted University Community Plan (2024) which states:

"The University Community also has land categorized as Accident Potential Zone (APZ) I and II and Transition Zone (TZ)...where there is greatest potential for accidents."

Item #92 – Housing up to 60 DU/AC in Transition Zone (TZ)

Housing up to 60 DU/AC is currently allowed in the Transition Zone (TZ) with an SDP. Code amendment #92 would eliminate the SDP and replace it with a ministerial decision. CPC recommends an SDP continue to be required due to adjacency to the Miramar Airport Accident Potential Zone (APZ).

Item #93 – Child Care facilities in Transition Zone (TZ)

Childcare facilities are currently disallowed in the Transition Zone (TZ). The proposed amendment would allow childcare with a ministerial decision. CPC recommends childcare not be disallowed, but that an SDP be required due to adjacency to the Miramar Airport Accident Potential Zone (APZ).

Item #102 - Mobility Choice Regulations – VMT Reduction Measures Buy-Out Fee – Mobility Zones 2 and 3

This update would create negative impacts for multiple communities—primarily, though not exclusively, within District 5—by reducing the requirement for onsite VMT Reduction Measures in Mobility Zones 2 and 3. Many neighborhoods in these districts have limited access to major transit centers due to distance,

roadway constraints, and significant changes in topography, making localized VMT mitigation especially critical. Despite these conditions, the update would instead allow developers to pay the VMT Reduction Measure Buyout Fee, permitting the City to allocate those funds elsewhere rather than applying them within the communities where the transportation impacts are actually occurring.

D) CPC OPPOSES (state-mandated items, noted)

***CPC opposes Items 36, 37, 40, 41, and 58**, while recognizing these amendments are mandated by state law, and requests the City provide clarity on statutory basis and implementation impacts.*

E) NO CPC ACTION / NO MOTION

***CPC takes no action on Items 10, 101, 103, and 104, AND those portions of Item 61** which apply to the Cass Street Planned District (PB PDO) and the Carmel Valley Planned District (CV PDO).*

F) OUTSTANDING ITEMS (Needs further information from Planning): 12~~, 25~~, ~~89~~ Tabled ~~until February board meeting.~~

G) ADDITIONAL LATE-ADDED ITEMS

CPC makes no comment on Items 108 and 109 due to lack of notice, absence of draft code language, and no opportunity for public review prior to CPC consideration. CPC requests these items follow the standard public notice and review process before adoption.

VOTE RECORD

~~**Vote: 22 Yes / 0 No / 0 Abstain**~~

Vote: 23 Yes / 1 No / 1 Abstain

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Links to Environmental Documents Referenced in the Overrule of the Airport Land Use Commission's Determination of Inconsistency with the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan Regarding Amendments to the Municipal Code for the Allowance of Child Care Centers within the Transition Zone of the MCAS Miramar Airport Influence Area– CEQA Guidelines Section 15162 Evaluation:

Final EIR for the Land Development Code:

- https://www.sandiego.gov/sites/default/files/land_devel._code_eir_no._96-0333_with_reso.pdf

Final PEIR for the General Plan:

- https://www.sandiego.gov/planning/genplan/documents/peir

Addendum to the General Plan PEIR for the Housing Element Update:

- https://www.sandiego.gov/sites/default/files/addendum_to_the_general_plan_peir_for_the_housing_element_update_2021-2029.pdf