

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
STATUS OF THE COUNTY ISLAND - SCRIPPS MIRAMAR RANCH COMMUNITY
PLAN AMENDMENT

The City Council has asked our opinion regarding the status of the "County Island" as either Planned Urbanizing or Future Urbanizing under the Progress Guide and General Plan.

Based on a review of the past actions of the City Council, it is our opinion that the area in question was included in the Planned Urbanizing area. However, it must be noted that this is an opinion based on the review of the facts presented by this case and reasonable minds may differ on the subject. Because, at least in part, of the possibility of differing opinions regarding the boundaries between Planned and Future Urbanizing, hearings were held that concluded in January 1987 with the ratification by the City Council of the maps prepared by the Planning Department. Our view on this matter is based on the following analysis of actions taken by the City Council.

On March 4, 1980, the City Council approved the Miramar Ranch North Community Plan (Resolution No. 251317, Exhibit A). The island area is addressed in the adopted community plan on several occasions as shown on Exhibit B.

On September 23, 1980, the City Council amended the Progress Guide and General Plan by Resolution No. 252722 (Exhibit C) to incorporate therein several community plans including the Miramar Ranch North Community Plan. This action was recommended by the Planning Department Report dated August 8, 1980 (Exhibit D). Included in this action was the adoption of a Phased Development Area Map. The Phased Development Area map is attached to the Planning Department Report. The Phased Development Area Map does not show a designation for the island. However, at that time, no Phased Development designation had been applied to areas not within the City limits. Such designations were applied in December 1981. It must also be noted that a portion of the planned area lies outside of the City of San Diego but was not reflected on the Phased Development Area Map.

In June 1981, the City Council adopted Resolution No. 254490 (Exhibit E) which authorized initiation of annexation of the island. This action was consistent with the Miramar Ranch North Community Plan provisions relating to the island.

On December 15, 1981, the City Council, by Resolution No. 255519 (Exhibit F), adopted an amendment to the Progress Guide and General Plan. The amendment included approval of an updated

Phased Development Area Map. This action was supported by Planning Department Report No. 81-623 (Exhibit G). Attached to this report are maps showing the Prospective Annexation Area and the Phased Development Area Map shows designation for these areas. This represented the first instance in which Phased Development designations were applied to areas outside of The City of San Diego. The text of the report contains no references to the Prospective Annexation Areas other than to indicate on page 4 that the designation for such areas are shown on the map. The Phased Development Area Map attached to Report No. 81-623 (Exhibit G) shows the island with both Future and Planned Urbanizing designations and appears to leave part of the area undesignated. In order to resolve this ambiguity, it is necessary to refer to other sources in an effort to determine what this map was meant to reflect. In this case, the community plan, Council Policies 100-1 (Exhibit H), 600-28 (Exhibit I), 600-29 (Exhibit J) and City Council approval of the initiation of the annexation proceedings support the designation of the area as Planned Urbanizing. The need to refer to the community plan in an effort to interpret the Phased Development Area Map is shown by comparing the Otay Mesa Community Plan Map attached to Exhibit G and the Phased Development Area Map also attached to Exhibit G. Since the question of designation was considered by the City Council in December of 1981 when the Progress Guide and General Plan was amended to incorporate the Miramar Ranch North Community Plan, any subsequent Progress Guide and General Plan amendment would not alter the decision of 1981 unless there was specific action taken that addressed the area in question. We have been directed to no subsequent Progress Guide and General Plan amendment that did so. While it may be true that subsequent maps of the Phased Development Areas may have been inconsistent with that adopted in 1981, the approval of such maps would not reverse the prior action of the City Council in the absence of a report or other documentation addressing the matter. It does not appear that any new evidence or information has been brought forth since the City Council made its decision in January of this year. In the absence of such evidence or information, there appears to be no basis or necessity for further action on the question of the Planned Urbanizing designation of the island. If a majority of the City Council finds that the facts presented lead it to conclude that the area was intended to be Future Urbanizing, the City Council may consider the plan on its merits and, if found acceptable to the City Council, approve the plan subject to the matter being submitted to the people for a vote on the issue in accordance with Proposition A. In the absence of such finding, the City Council may consider the plan amendment on

its merits.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachments

RC-87-19