

DATE ISSUED: November 6, 2002

REPORT NO. 02-260

ATTENTION: Land Use and Housing Committee
Agenda of November 13, 2002

SUBJECT: Policy of Vacation of Open Space

SUMMARY

Issue – Should the City Manager forward recommended revisions to Council Policy 600-23 to the Community Planners Committee (CPC) for distribution to community planning groups, and to Park and Recreation advisory boards for further recommendations?

Manager's Recommendation – Forward suggested modifications to Council Policy 600-23 (Open Space Preservation and Maintenance) to the CPC for distribution to community planning groups, and to Park and Recreation advisory boards for further recommendations.

Environmental Impact – This action will require environmental review to be completed prior to action by the City Council.

Fiscal Impact – None with this action.

BACKGROUND

On July 31, 2001, during the City Council meeting regarding the Headquarter's Point Project in Sorrento Valley, Councilmember Maienschein requested City staff examine the City's policies regarding vacating open space and report back to the Land Use and Housing (LU&H) Committee. Of concern was the lack of clarity surrounding when open space could be considered for vacation.

On January 16, 2002, City staff recommended to the LU&H Committee a proposal to modify existing Council Policy 600-23 (Open Space Preservation and Maintenance) to update the 18-year old policy and include criteria for when Council could consider

vacation of open space for lease or sale. The LU&H Committee directed City staff to form a citizen group, made up of a diverse group of individuals with knowledge of open space policies, who would help draft language and revise existing Council Policy.

DISCUSSION

Per the LU&H Committee direction, a Citizens' Advisory Committee was developed consisting of a diverse group of citizens (listed below) with experience in land use and open space issues to provide recommendations on revision to Council Policy 600-23 and the criteria for the vacation of open space. Meeting four times over the summer with staff from the Planning, Park and Recreation, and Real Estate Assets Departments, staff and committee members agreed that Council Policy 600-23 (Open Space Preservation and Maintenance) could be revised to update the out-of-date language and meet the City's needs for criteria for the vacation of open space. Subsequently, the committee worked cooperatively with City staff to create a draft of Council Policy 600-23 with revised language and criteria regarding when open space could be vacated.

The committee and staff proposed an updated definition of open space. Public open space consists of land owned by the City and designated or dedicated as open space, as well as private open space land where the City has a real property interest (e.g., open space easement). Private open space consists of lands that have been identified in an adopted land use plan and proposed for open space, but where the City has no real property interest. The committee and staff believed it was necessary to include these types of open space in the revised Council Policy. The revised draft Council Policy provides for a clearer updated policy and includes criteria for when open space could be considered for other uses.

One clear recommendation that resulted from the committee meetings was the need to involve the community planning groups, through the CPC, and Park and Recreation advisory boards, to gather further recommendations on revisions to the policy. Staff agreed with this direction and recommends the language be sent to CPC and Park and Recreation Advisory Board for additional review.

The following individuals comprised the Citizen's Advisory Committee:

Bruce Dammann, Architect
Beth Fischer, Pardee Homes
Jan Johnston, Otay Valley River Park
Victoria Touchstone, Rancho Bernardo Community Planners Group
Joanne Pearson, Sierra Club
Mike Kelly, Friends of Peñasquitos Canyon
Dave Potter, Chairman, CPC

CONCLUSION

City staff believes Council Policy 600-23 should be modified to update the Council Policy and include criteria for when open space could be considered for vacation. Furthermore, staff supports the Citizen's Advisory Committee's recommendation and will present the draft Council

Policy to CPC at their next available regularly scheduled meeting. In addition, staff will forward the draft Council Policy to the Park and Recreation Advisory Board for their review.

Respectfully submitted,

S. Gail Goldberg, AICP
Planning Director

Approved: P. Lamont Ewell
Assistant City Manager

GOLDBERG/BAM/KG/BW

Note: The attachment is not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachment: Strikeout-underline version of Council Policy 600-23