

DATE ISSUED: October 19, 2005

REPORT NO: 05-213

ATTENTION: Natural Resources and Culture Committee
Agenda of October 26, 2005

SUBJECT: Revisions to Council Policy 600-23, Open Space Acquisition, Retention,
Management and Disposition

SUMMARY

Issue– Should the Natural Resources and Culture Committee recommend approval of proposed revisions to Council Policy 600-23?

Directors' Recommendation – Recommend approval of the proposed revisions.

Park and Recreation Board Recommendation – Recommend approval of the revised Council Policy with modifications.

Other Recommendations – The following groups have reviewed the proposed project. Any recommendations made by these groups are discussed below:

Community Planners Committee (CPC)
Mission Trails Regional Park Citizens Advisory Committee (CAC)
Black Mountain Park Citizens Advisory Committee
Los Peñasquitos Canyon Citizens Advisory Committee
Tecolote Canyon Citizens Advisory Committee
Planning Commission

Fiscal Impact – None with this action.

Environmental – Exempt per Section 15061(b)(3) of the state California Environmental Equality Act (CEQA) Guidelines. Any future acquisition or disposition of property would be subject to further CEQA review.

BACKGROUND

Council Policy 600-23, Open Space Preservation and Maintenance, was originally adopted in May 1976 (and amended August 1981 and December 1984) in order to “identify the various means by which open space may be retained, acquired and preserved, and to define management and maintenance responsibilities.” The policy defined Designated Open Space, and described the City goal to preserve open space through 1) retention of City-owned lands, 2) acquisition of land in fee title, and 3) acquisition of easements (positive and negative). It also stated that “The City Manager shall keep an up-to-date inventory of all City-owned open space. A major purpose of this inventory is to guide the City’s maintenance program.” Maintenance is defined largely as performing litter abatement and control of fire hazards, as well as restricting off-road vehicle use and maintaining trails and access roads. In terms of Open Space Dedication, the policy references Council Policy 700-17, Dedication and Designation of Park Lands.

On July 31, 2001, during a City Council meeting regarding the Headquarter’s Point Project in Sorrento Valley, Councilmember Maienschein requested that 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.

City staff reviewed various policies related to the disposition of property and vacation of easements. On January 16, 2002, City Planning Department staff recommended to the LU&H Committee a proposal to modify Council Policy 600-23 to include criteria for when Council could consider vacation of open space for lease or sale. The LU&H Committee directed that a citizen group be formed, made up of individuals with knowledge of open space and land use policies, who would help draft language and revise the existing Council Policy 600-23. Per this direction, an advisory committee was convened comprised of the following citizens:

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

The group’s goal was to provide recommendations on revisions to Council Policy 600-23 and the criteria for the vacation of open space. The committee met four times over the summer of 2002 with staff from the Planning, Park and Recreation, and Real Estate Assets Departments. Staff and committee members agreed that Council Policy 600-23 should 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, definitions, and criteria regarding when open space could be vacated. An open public meeting was held in March 2003, to which all community planning groups, open space citizen advisory committees (CACs) and environmental groups were invited to provide input on the policy changes. The initial draft revisions were provided for review to the Black Mountain, Los Peñasquitos, Tecolote, and Mission Trails CACs during the

summer/fall of 2003. The Mission Trails CAC formed a subcommittee to comment on the policy revisions, which worked closely with Park and Recreation Department staff on refining the revisions. The CPC chairs reviewed the revised draft policy revisions at their November 25, 2003 meeting, and the majority of their suggested changes were subsequently incorporated into the document.

Because implementation of this policy affects Park and Recreation Department managed lands, an advisory recommendation to the City Council was requested from the Park and Recreation Board. The revised draft was presented to the Park and Recreation Board at their meeting on June 17, 2004. The Park and Recreation Board recommended City Council approval of the updated policy with several minor modifications, which were subsequently incorporated into the document.

The Planning Commission reviewed the subsequent draft as an information item at their meeting on July 21, 2005. The Planning Commission was supportive of the update with requested modifications to clarify or strengthen certain concepts in the new policy. Most of the Planning Commission’s changes were incorporated into the current draft, including clarification of the definition of environmentally sensitive lands and the addition of land “trades” as a category of property disposition. The Planning Commission also discussed their concerns related to the budget and operational functions of the Park and Recreation and Real Estate Assets Departments with respect to the objectives of the Council Policy 600-23. The Planning Commission’s ongoing concerns are the need for an increase in open space park maintenance staff, increased funding for open space management, possibly by incorporating management of natural parks into Maintenance Assessment Districts, and the long range need for more public recreational space within City-owned land currently leased for commercial recreation purposes.

DISCUSSION

The attached Council Policy 600-23 has now been extensively revised in order to update it and to address the issue of open space vacation. The following is a summary of the most significant proposed changes to the policy:

Council Policy 600-23 Proposed Revisions		
Section	Revision	Explanation
Background	Addition of paragraph explaining the Multiple Species Conservation Program/Multi Habitat Planning Area.	Update.
Purpose	Addition of the concept of potentially leasing, selling or exchanging open space land <i>where appropriate</i> .	Not addressed in other policies. Occasionally parcels acquired for open space no longer have open space use.
Definitions	Complete rewrite. Clarifies distinction between “City-owned Designated” and “City-owned Dedicated” open space, and “Land Use Plan Designated” open space.	Provides clarity and reflects current definitions in charter, municipal code and land use plans.

Council Policy 600-23 Proposed Revisions

Section	Revision	Explanation
Policy Section 1 Retention	Adds open space easements to lands that should be retained.	Reflects current more extensive usage of open space/ conversation easements.
Policy Section 1a	All Dedicated open space park land should be retained as open space.	Emphasizes the importance of the City's Dedicated park land.
Policy Section 1b	Lists criteria when City-owned or Land Use Plan-Designated Open Space should be retained: environmentally sensitive lands; significant cultural/historic/paleontological resources; floodplains; unique scenic features; etc.	Makes it very clear when land should be retained, which is important in knowing when it can be sold.
Policy Section 3a-b Easements	Adds conservation easements to the list, which currently includes only positive and negative easements.	Reflects current practice with use of conservation easements for privately-held Multiple Habitat Protection Agency lands.
Policy Section 4 Management	Adds that the inventory of City-owned open space land and easements should be made available electronically to the public and identify the responsibility for maintenance.	Requested by CPC. An inventory of City-owned land is available; a complete list of easements is not.
Policy Section 5 Maintenance	Adds components of annual open space maintenance: litter control, brush management, control off-road activity, repair trails/roads, install/maintain signs and manage sensitive resources.	Clarification of minimum maintenance expectations.
Policy Section 6 Sale, Lease, Exchange or Vacation	Adds when it would be appropriate to sell, lease, exchange or vacation of open space land: must comply with all criteria in this policy; result in overriding public benefit; infrastructure needed to access sold land cannot adversely impact open space; environmental impacts must be mitigated in or near same community; any proceeds must be placed in City open space acquisition fund to buy land in or near same community. Must be reviewed by staff, Park & Recreation advisory groups/Park & Recreation Board, and Planning Commission. City Manager makes recommendation to City Council.	This is the major initial reason for revising this policy, per City Council direction. Sets a very high bar for when City-owned open space property could be sold, leased, exchanged, or easements vacated.

ALTERNATIVES

Do not recommend adoption of the proposed revisions or recommend additional revisions.

Respectfully submitted,

Ann Hix
Deputy Director, Open Space Division

Approved: Ellen Oppenheim
Deputy City Manager

Betsy McCullough, AICP
Deputy Planning Director

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Attachment: [Proposed Revisions to Council Policy 600-23, dated October 20, 2005](#)

cc: Office of the Mayor
Council Districts