



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: November 28, 2007 REPORT NO: 07-196

ATTENTION: Council President and Members of the City Council, City Council Meeting of December 3, 2007

SUBJECT: Approve resolution identifying lands to be designated as of January 1, 2008, as open-space lands in a document entitled "Declaration of the Dedication of Land" under SB 373-Kehoe.

REFERENCE:

REQUESTED ACTION:

1. Approve resolution identifying lands to be designated as of January 1, 2008, as open-space lands in a document entitled "Declaration of the Dedication of Land" under SB 373-Kehoe.
2. Approve resolution of the San Diego City Council in the same manner in which the city council processes approval of dedicated open space, reserving to the city council the authority to grant easements for utility purposes in, under, and across dedicated property, if those easements and facilities to be located thereon do not significantly interfere with the park and recreational use of the property, and filed with the Office of the City Clerk for the City of San Diego

STAFF RECOMMENDATION:

Approve Resolution

SUMMARY:

The cost to the City of San Diego to use its normal process of converting designated open space to dedicated open space would exceed \$1 million. The passage of SB 373 allows the Legislature to expedite the conversion. Additionally, it will provide the protection to the open space land that was always intended and extend the protection afforded by the NCCP Act beyond the 50 years memorialized in the Implementing Agreement.

The list of properties SB 373 and this resolution will be protecting totals over 6600 acres, including 600 plus acres in urban canyons around the City. All of the identified urban canyons underwent a public vetting process and were approved by the Park and Recreation Board in 1992. SB

373 also provides dedicated status to over 6000 acres in three regional parks- Mission Trails Regional Park, Otay Valley Regional Park and Los Penasquitos Canyon Reserve.

REPORT:

SB 373 converts lands that are designated as of January 1, 2008, as open space lands in a document entitled "Declaration of Land" approved by the San Diego City Council and filed with the City Clerk in San Diego, to be dedicated lands under the City Charter of the City of San Diego. Further the bill clarified that the City's approval process for the lands covered by the bill will take place in the same manner in which the City processes approval of other dedicated open space and they reaffirm the City Council's existing authority to grant utility easements if they do not significantly interfere with the park recreational use of the property.

In 1997, the City of San Diego received state and federal approval for a Multi Species Conservation Plan that, as a general matter, designated certain lands for development and other lands for open space, parks, and wildlife habitat. The City of San Diego entered into a 50-year implementing agreement with the California Department of Fish and Game and the United States Fish and Wildlife Service that specifically references community open space lands that include canyons, Landscape Maintenance Districts and open space parcels throughout the City. The Multiple Species Conservation Plan (MSCP) includes a total of approximately 55,000 acres of open space. Dedication of city open space lands may be accomplished via a city ordinance or via statute of the state Legislature.

San Diego has determined that approximately 6500 acres of open space owned by the city are eligible for conversion from "designated" open space to "dedicated" open space. The city charter allows dedication of park lands to occur either through a city process or through a bill passed by the Legislature. Because of a lack of local funding and other bureaucratic obstacles, the Mayor chose to pursue a legislative action to dedicate these properties. The properties are generally located in urban canyons that have undergone a public vetting process or are within existing regional parks. All are near the core biologically important lands protected by the MSCP and provide not only open space but wildlife habitat.

Lands that are merely "designated" as open space may be transferred or exchanged with five votes of the city council. Lands that are "dedicated" as open space may not be transferred or exchanged without a 2/3 vote of the people.

This bill passed the Senate 31-6 and passed the Assembly 66-11. It was signed by the Governor and was chaptered into law on October 13, 2007.

This bill was supported by the:
California Native Plants Society
Citizens Coordinate for Century 3
Endangered Habitats League
Los Penasquitos Canyon Preserve Citizens Advisory Committee

Mission Valley Community Council
San Diego River Coalition
Sierra Club, San Diego Chapter

Job Nelson
Director, Intergovernmental Relations

Julie Dubick,
Director, Policy

Attachments: List of Properties to be Dedicated
Maps of Properties to be Dedicated