



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED:
November 6, 2012

REPORT NO: 12-136

ATTENTION: City Council

SUBJECT: Approval of list of property to be dedicated for park and recreation purposes by Senate Bill 1169.

REFERENCE:

REQUESTED ACTION:

Approve resolution that lists designated open space lands pursuant to the Declaration of the Dedication of Land, and thereby dedicating the real property owned in fee by the City for park and recreation purposes pursuant to Senate Bill No. 1169.

STAFF RECOMMENDATION:

Approve Resolution(s)

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

In accordance with City Charter Section 55, dedicated park lands include all real property owned in fee by the City that has been formally dedicated in perpetuity for park, recreation or cemetery purposes, including open space. Dedication can occur via City ordinance or by State legislation such as Senate Bill (SB) 1169. As specified by Charter Section 55, dedicated lands shall only be used for park, recreation and/or cemetery purposes. A change in use must first be authorized or later ratified by a vote of two-thirds of the qualified electors of the City. The construction, operation, and maintenance of underground utilities are an acceptable use within dedicated parkland. Dedication does not affect the level of maintenance the City is required to provide on the affected parcels.

City Charter Section 55 allows dedication of park lands to occur either through a City ordinance or through a bill passed by the Legislature. City Council Policy 700-17 "Policy on Dedication and Designation of Park Lands" (dated August 1985) outlines a process for an annual evaluation of park lands to be dedicated; however, budget shortfalls have precluded the annual city process.

In 2007, Senator Kehoe proposed SB 373 to dedicate 6,600 acres of parkland. In August of 2011, San Diego Canyonlands, a 501(c)(3) organization, proposed another 11,432 acres for dedication and, similar to SB 373, SB 1169 has been approved to dedicate additional lands. The bill was chaptered on September 7, 2012.

The list of parcels in "Declaration of the Dedication of Land" is comprised of lands that have been acquired in fee title by the City for park purposes or designated as open space but have not been dedicated under Charter Section 55. Pursuant to Charter Section 55, designated city owned park lands that have been "set aside without the formality of an ordinance or statute dedicating such lands for park, recreation, or cemetery purposes may be used for any public purpose deemed necessary by the Council." This means that park lands that are designated but not dedicated may be transferred, exchanged or developed with non-park uses with a majority vote City Council. Lands that are "dedicated" as open space may not be developed with non-park uses without a 2/3 vote of the people.

As mentioned above, Council Policy 700-17, provides criteria for when parkland should be dedicated. Below is a summary of the policy respective to open space:

III. All land acquired for open space park purposes and owned in fee by the City shall be dedicated by ordinance pursuant to Section 55 of the City Charter if it meets the following conditions:

A. The land either fits the criteria of resource-based parks, in that it is the site of distinctive scenic or natural or cultural features, and is intended for City-wide use; is a complete open space system or sub-system; or at a minimum is a portion of a sub-system sufficient to stand on its own. (Isolated properties designated as open space shall be dedicated only upon the City's obtaining sufficient additional adjacent land to meet this requirement.)

B. The land does not include areas which are undesirable for park purposes, would be more suitable for other purposes, or which could be traded or sold to obtain more desirable park lands or to fund park improvements. In these cases, to provide flexibility in making revisions which would be beneficial to meeting the City's open space goals, the land shall not be dedicated.

C. The deed to the property is free of restrictions which might preclude dedication as park land. In addition to reviewing for dedication those properties acquired for Park and Recreation purposes, staff also reviewed properties that were designated for open space by City Council after acquisition.

From September 2011 to October 2012, San Diego Canyonlands facilitated a public vetting process and presented the proposal to 42 community groups. Where community planning groups recommended adding or deleting parcels, or portions of sites, staff looked to see if meeting minutes noted the rationale for the recommendation and included this in its evaluation of the parcels for inclusion or not based on the overall criteria from 700-17.

Properties that were recommended for dedication by San Diego Canyonlands but not by staff were generally those that were 1) appear to have encroachments which will require significant staff research/resolution prior to dedication; 2) outside the City limits; 3) not acquired for park purposes or designated open space; 4) identified for potential other public uses (transportation improvements, fire stations, etc.); or 5) considered isolated from other designated or dedicated park land or the MHPA.

The attached updated list totaling 633 parcels and 6558 acres are those parcels that staff is recommending for dedication with this action.

FISCAL CONSIDERATIONS:

An estimated 40 hours of staff time would be required to process the dedications after approval. Dedication does not affect the level of maintenance the City is required to provide on the affected parcels.

Per LUH's request: Using a minimal value of \$35,000/acre as an estimate for the Enterprise fund lands that would require reimbursement if dedicated, the cost to dedicate approximately 880 acres of Enterprise owned lands would exceed \$30 million.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (if applicable)

EOC Exempt per November 14, 2011 memo.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

The item was heard by LUH on October 17, 2012. The committee moved (3-1) to forward the dedication of all parcels to the City Council, including the additional parcels recommended by the Community Planning Groups, with direction to staff to provide details why parcels should not be included for dedication. Direct staff to provide cost estimate for enterprise fund lands. Request City Attorney to provide opinion on the various issues.

Staff has re-reviewed the list of parcels. 56 parcels have been added to the list for recommendation, which now totals 6,558 acres. The attached spreadsheet provides further information on reasons for staff recommendations.

In addition, staff recommends for future evaluations that budget for staff be identified and committed to perform the annual evaluation recommended by Council Policy. The essential irreversibility of committing valuable real estate to park uses forever requires a critical and careful evaluation, therefore, a more cursory/shorter evaluation of land for dedication is not recommended.

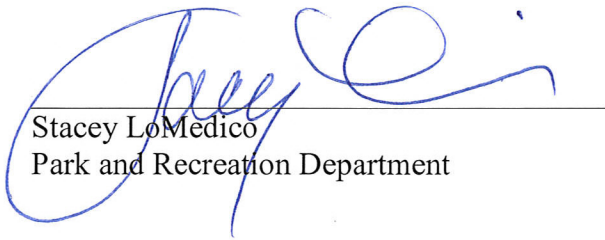
COMMUNITY PARTICIPATION AND OUTREACH EFFORTS:

San Diego Canyonlands conducted outreach to and review among community planning groups. Between July 2011 and August 2012, the dedication proposal was reviewed by 42 community groups, including 36 Community Planning Groups, 4 Citizen Advisory Councils, and 2 Town Councils (non-planning). 40 of the 41 groups voted to support dedication of some proposed acreage in their area. 25 groups decided to weigh in on the concept of dedicating land city-wide, all voted to support it. Community Planning Group efforts were conducted prior to the benefit of staff review of individual parcels for recommendation.

A motion supporting approval of the dedication of the [initial staff-recommendation of] 5,581 acres and (b) to establish a procedure for further evaluation of other sites for possible inclusion for dedication and request that the City Budget include funds for Park and Recreation Department to complete the survey was unanimously approved at the October 18 meeting of the Park and Recreation Board.

KEY STAKEHOLDERS AND PROJECTED IMPACTS

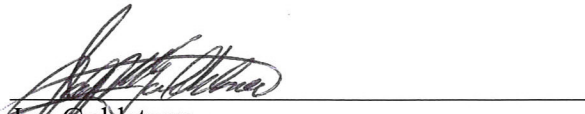
Key stakeholders include San Diego Canyonlands, which facilitated the planning group review and authored SB 1169. Generalized support for the dedication has been provided by environmental and community groups.



Stacey LoMedico
Park and Recreation Department



James Barwick
Real Estate Assets Department



Jay Goldstone
Chief Operating Officer

- Attachments(s):
1. Declaration of the Dedication of land – Parcel list
 2. Dedication Sites Reviewed Spreadsheet