

RESOLUTION No. R- 254650 (R-81-1596)

Adopted on JUL 20 1981

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That Council Policy No. 700-4 entitled "BALBOA PARK USES AND OCCUPANCY" be and the same is hereby amended as set forth in the Council Policy filed in the office of the City Clerk as Document No. RR-254650.

BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby instructed to add the aforesaid to the Council Policy Manual.

APPROVED: JOHN W. WITT, City Attorney

By Susan M. Heath
Susan M. Heath, Deputy

SMH:ps:011.1
3/3/81
Or.Dept. Pk&Rec.

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
BALBOA PARK <u>LEASES-AND-AGREEMENTS</u> <u>USES AND OCCUPANCY</u>	700-4		1 OF 5

BACKGROUND

Balboa Park has played a significant role in the recreational, educational, and cultural enrichment of the citizens of San Diego for the past eighty years. The Park and Recreation Board and City Council have encouraged non-profit organizations to develop cultural, educational, and recreational programs through the utilization of buildings constructed for the Exposition of 1915 and 1935, or the construction of new facilities in accordance with the Master Plan for Balboa Park.

PURPOSE

To set forth guidelines for the usage of buildings within Balboa Park.

POLICY

It shall be the policy of the City Council to:

1. Encourage non-profit organizations, whose purpose is to provide a desired recreational, cultural, or educational service to a broad segment of the citizens of San Diego, to occupy and operate facilities in Balboa Park.
2. Consider for tenancy, only those organizations whose memberships are open to the public and who do not discriminate in any manner against any person on account of race, marital status, sex, religious creed, color, ancestry, national origin or physical handicap.
3. Preserve the cultural/recreational/educational environment of Balboa Park by maintaining a higher proportion of non-commercial uses than commercial uses.
4. Require Park and Recreation Board review and an affirmative recommendation to the City Manager and City Council on all uses in Balboa Park, both commercial and non-commercial.

DOCUMENT NO. RR-254650
 FILED JUL 20 1981
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
LEASES-AND-AGREEMENTS BALBOA PARK <u>USES AND OCCUPANCY</u>	700-4		2 OF 5

PROCEDURETenant Selection Criteria

All uses shall fall into one of the following categories to be considered for tenancy in Balboa Park and shall comply with the following requirements.

1. City Subsidized, Non-Profit Cultural/Recreational Institutions -
i.e., museums, art galleries and performing arts functions.
 - a. Shall carry public liability and property damage insurance in the amount required by the City.
 - b. Shall maintain regular operating hours with a minimum of 6 days per week open to the public including Saturdays and Sundays.
 - c. Shall provide all maintenance of the facility, except for major electrical, major plumbing, major structural and exterior maintenance, in lieu of rental payments.
 - d. Shall pay all utility costs and comply with all public safety and building codes.
 - e. Shall be governed by written operating agreement ~~for an indefinite term,~~ subject to annual review by the City Manager or his designee, and subject to a five year review by the City Council.
 - f. In certain instances it may be necessary to grant an extended and specific term of occupancy to assist a tenant in securing financing for improvements or modifications to the premises that are required to meet the tenant's specific needs. In these cases, an appropriate term shall be approved that is commensurate with the investor's amortization requirements.

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
LEASES-AND-AGREEMENTS BALBOA PARK <u>USES AND OCCUPANCY</u>	700-4		3 of 5

2. Non-City Subsidized, Non-Profit, Cultural/Recreation Organizations -

- a. Shall carry public liability and property damage insurance in the amount required by the City.
- b. Shall maintain regular operating hours and be open to the public. Cultural/Recreation organizations shall be open a minimum of two days per week including Saturday and Sunday.
- c. Shall provide all maintenance of the facility, excluding major electrical, major plumbing, major structural and exterior maintenance, in lieu of rental payments.
- d. Shall pay all utility costs and comply with all public safety and building codes. The San Diego Blind Center shall be exempt from the requirement of paying all utility costs pursuant to Council Resolution No. 250029.
- e. Shall be governed by an annual written preferential, non-exclusive use and occupancy permit granted by the City Manager or his designee, subject-to-a five-year-review-by-the-city-council.
- f. In certain instances, it may be necessary to grant an extended and specific term of occupancy to assist a tenant in securing financing for improvements or modifications to the premises that are required to meet the tenant's specific needs. In these cases, an operating agreement with an appropriate term shall be approved that is commensurate with the investor's amortization requirements.

3. Commercial Lessees

- a. Shall carry public liability and property damage insurance in the amount required by the City.

CITY OF SAN DIEGO, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
LEASES-AND-AGREEMENTS BALBOA PARK USES AND OCCUPANCY	700-4		4 OF 5

- b. Shall maintain regular hours and be open to the public a minimum number of days as designated by the Park and Recreation Board.
- c. Shall provide all maintenance of the facility, excluding major electrical, major plumbing, major structural and exterior maintenance.
- d. Shall pay all utility costs and comply with public safety and building codes.
- e. Shall pay rental to the City as determined by appropriate Council Policies and schedules.
- f. Shall be governed by a written lease agreement for an appropriate term commensurate with the investor's amortization requirements. Rental rates shall be adjusted periodically to reflect current rental values and inflationary increases in building maintenance costs.

PROPOSED-AGREEMENTS-BY-CATEGORY

City-Subsidized;-Non-Profit;-Cultural-Institutions
{Operating-Agreement}

Centro-Cultural-de-la-Raza
Hall-of-Champions
International-Aerospace-Hall-of-Fame
Natural-History-Museum
*Old-Globe-Theatre
San-Diego-Aero-Space-Museum
San-Diego-Museum-of-Art
San-Diego-Historical-Society
San-Diego-Zoological-Society
Veterans-War-Memorial-Association

Non-City-Subsidized;-Non-Profit;-Cultural/Recreational-Organizations
{Preferential-Non-Exclusive-Use-and-Occupancy-Permit}

Balboa-Tennis-Club
Botanical-and-Floral-Associations
Boy-Scouts
Camp-Fire-Girls
Girl-Scouts
*House-of-Pacific-Relations
Model-Railroad
San-Diego-Blind-Center
Senior-Citizens-Centers-{4}

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
LEASES-AND-AGREEMENTS BALBOA PARK <u>USES AND OCCUPANCY</u>	700-4		5 of 5

Southern-California-Association-of-Camera-Clubs
 *Startight-Opera
 Timkin-Art-Gallery

Commercial-Leases-(Profit-or-Non-Profit-Organizations)
 (Standard-Lease-or-Operating-Agreement)

Carousel-Operator
 Golf-Course-Concessionaire
 House-of-Hospitality
 Miniature-Railroad
 *Reuben-Fleet-Space-Theatre
 San-Diego-Art-Institute
 Snack-Bar-Concessionaire
 Spanish-Village-Association
 Tennis-Shop-Concessionaire
 United-Nations-Association

*Explanation

Old-Globe---Not-subsidized-through-F.O.-Fund
 House-of-Pacific-Relations---Currently,-paying-minimal-rent
 Startight-Opera---Currently,-may-use-rental-payment-credits-for
 improvement-of-Startight-Bowl
 Reuben-Fleet-Space-Theatre---Pays-percentage-of-revenue-to-City-

CROSS REFERENCE: Council Policy 700-10
 Administrative Regulation 25.10

Adopted by Resolution No. 190056 - 4-11-67
 Amended by Resolution No. 250029 - 8-14-79 (Or. Dept. PF&R Comm.)

JUL 20 1981

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Raymond L. Postnowo*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-254650 Adopted JUL 20 1981