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7/19

RESOLUTION NUMBER R-306926

DATE OF FINAL PASSAGE ~~_____ JUL 25 2011 _____~~

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A NON-BINDING MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY AND THE PLAZA DE PANAMA
COMMITTEE REGARDING A PROPOSED PROJECT FOR
PEDESTRIAN, TRAFFIC, AND PARKING IMPROVEMENTS
IN BALBOA PARK

WHEREAS, the proposed Memorandum of Understanding (MOU) between the City of San Diego and the Plaza de Panama Committee (Committee) sets forth the City's desire to work with the Committee to further explore, analyze and develop improvements in Balboa Park that currently include removing existing parking and traffic from the Plaza de Panama, constructing a bypass bridge to reroute traffic, constructing a parking garage and rooftop park behind the Organ Pavilion, and other pedestrian and circulation improvements (the Proposed Project); and

WHEREAS, the Committee is a nonprofit public benefit corporation organized for the purpose of fundraising and expending funds to implement the Proposed Project as described in the proposed MOU with a goal of implementing the Proposed Project in time for celebration of the Centennial of the 1915 Panama California International Exposition in 2015; and

WHEREAS, the current Balboa Park Master Plan sets forth the City's goal, among others, to create a more pedestrian oriented environment, reduce automobile and pedestrian conflicts, and minimize through traffic in Balboa Park, along with improving public access and the circulation system through the Park and specifically calls for elimination of parking in the Plaza de Panama and return of the Plaza de Panama to pedestrian use; and

WHEREAS, the City recognizes that the pedestrian improvements and elimination of parking in the Plaza de Panama and related improvements is an undertaking of significant cost and effort for which there are not currently allocated City funds; and

WHEREAS, the Committee has expressed its willingness to raise and contribute significant funds for the Proposed Project consistent with the City's goals for Balboa Park, and to take a leadership role by sponsoring the Proposed Project; and

WHEREAS, the City recognizes the benefits to the City of working with the Committee to implement the Proposed Project, including support in design, environmental review, construction, and funding of such improvements; and

WHEREAS, the City and Committee desire to enter into the proposed MOU as a preliminary expression of cooperation and intent that, if approved by future action of the City Council, will be superseded by more definitive agreements between the parties as the Proposed Project progresses; and

WHEREAS, in authorizing execution of the proposed MOU, the City Council fully recognizes the importance of and need for analysis, review, and approval of the Proposed Project, including environmental review and approval of discretionary permits consistent with the California Environmental Quality Act and other laws and including review of impact to historical structures, and the City Council fully expects to consider any proposed alternatives and mitigating measures presented as part of the environmental analysis in taking future actions on the Proposed Project, including but not limited to the alternative of not proceeding with the Proposed Project; and

WHEREAS, as stated in the MOU, the MOU is a non-binding expression of the intent of the parties and, the City Council, by authorizing execution of the MOU, does not approve the Proposed Project or any part of the Proposed Project, does not commit to approving the Proposed Project or any part of the Proposed Project, and does not in any way delegate or waive its discretion in making future decisions regarding the Proposed Project, including interim and final approvals of the Proposed Project; and

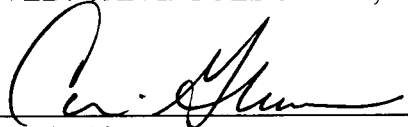
WHEREAS, as stated in the MOU, either party may terminate the MOU at any time;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor be and he is hereby authorized and empowered to execute, for and on behalf of said City, a memorandum of understanding between the City and the Plaza de Panama Committee regarding improvements in Balboa Park that currently include removing existing parking and traffic from the Plaza de Panama, constructing a bypass bridge to reroute traffic, constructing a parking garage and rooftop park behind the Organ Pavilion, and other pedestrian and circulation improvements as described in the Memorandum of Understanding on file in the office of the City Clerk as Document No. RR-_____, with the following modifications:

- (1) Revise the third sentence of Paragraph G of the Recitals as follows: “The City and Committee fully understand and acknowledge that the City, as lead agency for environmental review, will fully consider any proposed alternatives and mitigating measures presented as part of the environmental analysis in making its decision regarding the Proposed Project, including ~~but not limited to~~ all alternatives identified by City as part of the public environmental review process and the alternative of not proceeding with the Proposed Project;”

- (2) Revise section 4.1 as follows: “To reflect the City’s good faith desire to: (1) proceed with ~~development of the Proposed Project~~ the environmental process;”
- (3) Add the following sentence at the end of section 5.2: “The City’s financial obligation for construction of the parking garage will be limited solely to the amount that can be obtained through bonds issued against anticipated revenue from the parking structure, and the City will not be responsible for cost overruns.” and
- (4) Add the following new section: “6.7. Notwithstanding whether the Proposed Project proceeds, City shall be entitled to retain and utilize the supporting documentation submitted by Committee to satisfy the environmental review requirements for the Proposed Project.”

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
 Carrie Gleeson
 Deputy City Attorney

CG:als
 07/06/11
 Or.Dept:P&R
 07/20/11 REV.

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL **19** 20**11**

ELIZABETH S. MALAND
 City Clerk

By 
 Deputy City Clerk

Approved: 7.25.11
 (date)


 JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor