

RESOLUTION NUMBER R- 307556

DATE OF FINAL PASSAGE JUL 09 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE SITE DEVELOPMENT  
PERMIT NO. 837848 FOR BALBOA PARK – PLAZA DE  
PANAMA – PROJECT NO. 233958.

WHEREAS, the City Of San Diego, Owner, and The Plaza De Panama Committee, a 501(c)(3) non-profit entity, Permittee, filed an application with the City of San Diego for a Site Development Permit to implement the proposed Balboa Park Plaza de Panama Circulation and Parking Structure project, known as the Balboa Park – Plaza de Panama project, located in the Central Mesa area of Balboa Park, within the Balboa Park National Historic Landmark District, in Council District 3, and legally described as that portion of land designated “City Park Preservation,” which lies within the Pueblo Lands of San Diego, County of San Diego, State of California, according to Miscellaneous Map Thereof No. 36, by James Pascoe, filed in the Office of the County Recorder of San Diego County, being a portion of Pueblo Lot 1135 and Pueblo Lot 1136 of said Pueblo Lands according to Miscellaneous Map Thereof No. 35, by Charles H. Poole, filed in the Office of the County Recorder of San Diego County (APN: a portion of 534-450-08 and 760-212-51, 52, 53, 54, 55, 56, 57, 78 and 79), in the Balboa Park Plan area; and

WHEREAS, on June 7, 2012, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) No. 837848, and pursuant to Resolution No. 4809-PC voted to recommend approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JUL 09 2012,

testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 837848:

**SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)**  
**SECTION 126.0504**

**A. Findings for all Site Development Permits (126.0504(a)):**

**1. The proposed development will not adversely affect the applicable Land Use Plan.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The project is located within the Central Mesa Subarea of Balboa Park. The applicable land use documents are the Balboa Park Master Plan, originally adopted by City Council in 1989, most recently amended in 2004; the Central Mesa Precise Plan, adopted by City Council in 1992, also most recently amended in 2004; and the City of San Diego General Plan, which was comprehensively updated and adopted by City Council in 2008.

Collectively, the General Plan, Balboa Park Master Plan and Central Mesa Precise Plan establish goals and policies of creating a more pedestrian oriented environment within the park, reducing automobile and pedestrian conflicts, improving public access, increasing free and open parkland, restoring landscape areas and restoring the Prado and Palisades to a center for cultural activities and special events. The proposed development would implement these goals and policies by removing parking and through traffic within the Prado and restoring the area to pedestrian use, which would open up opportunities for cultural activities, special events and general public enjoyment of the park without interfacing with vehicles.

Asphalt paving will be removed from the Plaza de California, El Prado, Plaza de Panama, Mall and Pan American Road and replaced by subtly colored and scored concrete paving that compliments the surrounding architecture. Other features include removable chairs and tables, shade trees, benches and two shallow reflecting pools in the Plaza de Panama to help activate these areas and enhance the visitor experience.

Additionally, the improved circulation system would put an emphasis on safe pedestrian travel through the park that would also be accessible to people with all abilities. Vehicles

entering the park from the west would be re-routed to a bypass road that would lead visitors through the Alcazar Parking Lot for possible drop off, valet, disabled parking, or on to the Organ Pavilion Parking Structure, where they can park and take the tram or walk to nearby cultural and recreational uses within the Central Mesa. A rooftop park, at grade with the Organ Pavilion and International Cottages, will incorporate formal gardens, similar to what was present in 1935, and provide additional free and open parkland for visitors. Removing vehicles from the Mall and Pan American Road, combined with a grade separated crossing of Centennial Road, will provide a pedestrian and tram link between the Prado and Palisades areas, free of vehicle conflicts.

The proposed project consists of eliminating automobile traffic from the Plaza de California, West Prado, Plaza de Panama, the Mall and Pan American Road East for conversion to pedestrian spaces, constructing a bypass bridge (Centennial Bridge) and road, reconfiguring the Alcazar Parking Lot for accessible parking, drop-off and valet staging, and the construction of the Organ Pavilion Parking Structure, with a rooftop park.

Although the proposed Centennial Bridge component would be inconsistent with several policies found in the Urban Design, Recreation, and Historic Preservation Elements of the General Plan, it would not adversely affect the General Plan and the project as a whole would be consistent with several of the goals and policies of San Diego General Plan, as described below.

The development's proposal to remove cars from the Plaza de California, El Prado, Plaza de Panama, the Mall and Pan American Road East to create a more pedestrian oriented environment would implement goals in the Mobility Element of the General Plan for creating a safe and comfortable environment, and a complete, functional, and an interconnected pedestrian network that is accessible to pedestrians of all abilities. The development would also implement the recommendation in the Urban Design Element for designing and retrofitting streets to improve walkability, bicycling, and transit integration; to strengthen connectivity; and to enhance community identity.

The proposed development would also implement the Conservation Element goal for the protection and expansion of a sustainable urban forest by transplanting or replacing trees that would be impacted by construction and adding a total of 429 trees consisting of a variety of palm, deciduous, and evergreen trees.

Additionally, the proposed development would implement Conservation Element policies for implementing sustainable landscape design and meet the Urban Design Element goal of a built environment that respects the City's natural environment and climate by selecting plant species consistent with the palettes and themes of adjacent landscapes which would also include a variety of native, non-native and drought tolerant plant species as well as including irrigation systems that would incorporate water saving technology, minimizing lawn areas within the rooftop park, and planting deciduous and evergreen trees within the restored open park areas to reduce the heat island effects.

The development's proposal for the rehabilitation of the Plaza de California and Plaza de Panama and the removal of cars from the Plaza de California, El Prado, the Plaza de Panama, the Mall and Pan American Road East would restore the historic design of these areas and meet the

Historic Preservation Element goal of preserving the City's important historical resources by returning these areas to pedestrian only use consistent with the 1915 and 1935 Expositions. Further, reactivating these areas for pedestrian use is consistent with specific recommendations of the Central Mesa Precise Plan (as amended by the proposed Amendment thereto) and will reclaim approximately 6.3 acres of free and open parkland that will enhance the cultural and recreational uses within the core of the park while preserving the historic character of the Central Mesa.

The proposed development would meet the goal in the Recreation Element for having park and recreation facilities that are sited to optimize access by foot, bicycle, public transit, automobile, and alternative modes of travel by proposing to restore pedestrian uses in locations presently dominated by vehicular traffic with the Central Mesa of Balboa Park and the implementation of an expanded tram system through the Central Mesa that would connect parking facilities and institutions, and enhancing overall access and circulation.

Despite the conflicts related to the proposal of the Centennial Bridge component, the proposed development would be consistent with a majority of the goals and policies of the General Plan, the Balboa Park Master Plan and the Central Mesa Precise Plan and overall would restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. Therefore, the proposed development would not adversely affect the applicable land use plans.

**2. The proposed development will not be detrimental to the public health, safety and welfare.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The proposed development as currently designed will not be detrimental to the public health, safety and welfare. The Plaza de Panama, Circulation and Parking Structure project, consisting of grading, roadways, utilities, drainage infrastructure and reclamation of free and open parkland, has been designed to conform to the City of San Diego's codes, policies and regulations whose primary focus is the protection of the public health, safety and welfare. The project is consistent with the Consultants Guide to Park Design and Development of the Park and Recreation Department.

The grading proposed in conjunction with the proposed improvements will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect public health, safety and welfare as approved by the City Engineer. All vegetation disturbed by grading, will be re-vegetated in a manner that will provide slope stability and will include trees, shrubs and low profile, spreading varieties of ground cover to provide erosion control protection.

The proposed project will have adequate levels of essential public services available and will not have a significant impact on the provision of such services. There will be no effect on the Fire - Rescue Department's response times as a result of the project. The project will not increase the demand for police protection services, nor will it change their response times to the site. Other services, such as sewer, water, power, waste management, signage, way finding and visitor information will be adequately provided.

Storm water impacts from the proposed project will be mitigated through Construction Best Management Practices (BMPs), Low Impact Development, Source Control BMPs and Treatment Control BMPs. This will include the installation of bio retention areas, preservation of existing trees and shrubs, minimizing impervious services, installing filtration devices in inlets and vegetated swales.

All State of California Building, Fire, Plumbing, Electrical, and Mechanical Codes as well as San Diego Municipal Code regulations governing the construction and continued operation of the development apply to this project to prevent adverse effects to those persons or other properties within the park. Prior to actual construction of the project, City staff will review building permit and site improvement plans for conformance with the California Building Code and Land Development Code to assure structural, mechanical, electrical, plumbing and site access components are designed to protect the public's health, safety and welfare.

**3. The proposed development will comply with regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The proposed project has been designed to comply with the regulations of the Land Development Code, including requirements for grading, landscaping, parking, signage, utilities, and public parks. A deviation from street design standards is requested to reduce the impacts to the park land within the project limits, which is within the National Historic Landmark District. The Site Development Permit includes approved deviations from the standard commercial local street section, which per the City's Street Design Manual shall include a parkway width of 20 feet, with 8% maximum grade and a minimum curb radius of 290 feet. The proposed Centennial Road would have 14-foot lanes (no pedestrian walkways) with a 28 foot curb-to-curb width and a minimum curb radius of 83 feet. Grades would comply with standards. The proposed Centennial Bridge will also have 14-foot travel lanes, but would also include an 8-foot pedestrian walkway along the outer radius of the bridge separated from vehicular traffic by a barrier. The proposed deviation serves to minimize encroachment into the environmentally sensitive lands and protect park land.

The required findings for the deviation from the Environmentally Sensitive Lands Regulation, adopted in 2000 as part of the City's Land Development Code with respect to encroachment into steep hillsides, are set forth below. Therefore, the project will comply with the regulations and allowable deviations pursuant to the Land Development Code.

**B. Supplemental Findings – Environmentally Sensitive Lands (126.0504(b)):**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The proposed improvements to the Central Mesa Subarea of Balboa Park occur primarily within the footprint of existing park facilities. The project components are compatible with restoring park land, improving access, parking and circulation

for the continued use and enjoyment of visitors. As a result, the site is physically suitable for the design and siting of the proposed project.

The project will result in minimal disturbance to environmentally sensitive lands. Approximately 8.8 % of the 15.4-acre site (1.35 acres) contains steep hillsides; however most of these steep slopes within the project area are not natural, but are instead the result of previous manmade disturbances that have occurred during the 95-plus year occupation of the Central Mesa. These disturbances are evident through historic photos showing activities associated with planting non-native trees within Cabrillo Canyon and Palm Canyon, grading and improvements associated with the creation of the Alcazar parking lot and slope grading associated with the access road to the maintenance facility in Gold Gulch. Project grading would encroach into 0.12 acre of the project's steep hillsides; this is 0.79 % of the total project area. Although portions of Balboa Park are within the MHPA, proposed project components are not within locations that contain sensitive biological resources. The offsite component at the Arizona Street Landfill is adjacent to the MHPA; however this location also does not contain sensitive biological resources. Regardless, because the location is adjacent to MHPA, the project is implementing land use adjacency guidelines measures to reduce potential impact. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The site will be graded in a manner that preserves the existing topography and canyons that surround the Central Mesa. Current drainage patterns will be preserved and volumes of runoff will remain consistent with pre-project conditions. The design of the Centennial Bridge is intended to preserve, to the maximum extent possible, the natural look and land form of the Cabrillo Canyon. The bridge deck is designed to have a low profile, while the horizontal curvature of the bridge structurally allows for narrow columns and smaller abutments.

The reconfiguration of the Alcazar Parking Lot will be constructed within the footprint of the existing parking lot but sloped to accommodate disabled access, while maintaining the natural edge conditions through a combination of re-vegetated slopes and small retaining walls that are visually screened through landscaping. Walls will be of materials already used in the park.

Grading associated with the 3-level underground Organ Pavilion Parking Structure and rooftop park will occur within the footprint of the existing surface parking lot. Although approximately 142,000 cubic yards of earth will be displaced, the resulting structure will be level with the surrounding grades of the Organ Pavilion and International Cottages. The east side of the structure will be exposed to Gold Gulch to allow natural lighting and ventilation. Contour grading and landscaping on this side will provide a transition to the existing land form.

As the Bypass Road approaches the Organ Pavilion Parking Structure it will slope downward in order to pass under the pedestrian promenade, which is level with the Organ Pavilion. It will continue on around the north and east sides of the parking structure at grades necessary to enter the structure at the third and second levels. This will require excavation within the footprint of the existing surface parking lot. Terraced retaining walls, contour grading and landscape treatments will provide a smooth transition to existing landforms adjacent to this area. Grading on the east side of the proposed parking structure will be approximately 15' lower in elevation compared to the west side of the structure. This will provide a transition down into Gold Gulch. With the contour grading and transitional landscaping adjacent to Centennial Road, this area will mimic the pre-project landform.

As outlined in the Preliminary Geotechnical Investigation, dated May 16, 2011, there are no known faults located within the project site. The nearest known active fault is the Rose Canyon Fault, located approximately 1 mile west Balboa Park. The Rose Canyon Fault is the dominant source of potential ground motion that could occur at the site. However, risk associated with ground rupture hazard is very low, due to the absence of active faults within the development area. Seismic design recommendations are incorporated into the above referenced report to mitigation for potential seismic activity. With the exception of possible strong seismic shaking, there are no other significant geologic hazards known to exist that would put undue risk on proposed structures within the development.

Undue risk from erosion on manufactured slopes will be reduced and eventually eliminated by the plantings of trees, shrubs and ground covers. These plantings will occur just after the grading operation. Undue risk from flood hazards will not be present since the proposed site is not within any mapped floodway or flood channel.

Undue risk from fire hazards will be minimal because the project is not located within a brush fire hazard area. In addition there are adequate fire hydrant services, street access and the presence of ornamental and permanently irrigated planting surrounding the project improvements. All new structures will meet local and State fire codes. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. Approximately 99.21 % of the project's improvements lie within previously-improved feature areas of the park, which includes roadways, parking areas, walkways, landscape areas and the Archery Range, which is designated as a restricted use area. To minimize impacts to adjacent and historical park improvements, 0.79 % of the project encroaches into steep hillsides. These steep hillsides are not within the MHPA and do not contain sensitive biology. As described in the finding for 126.0504(a)(3), proposed roadways are designed with reduced parkways, minimum radii and road width to prevent adverse impacts on adjacent environmentally sensitive lands and existing park improvements.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The project site is with the City's MSCP Subarea Plan. Although portions of Balboa Park are within the MHPA, proposed project components are not within locations that contain sensitive biological resources. The offsite component at the Arizona Street Landfill is adjacent to the MHPA; however this location also does not contain sensitive biological resources. Regardless, because the location is adjacent to MHPA, the project is implementing land use adjacency guidelines measures to reduce potential impact. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The project is located approximately 5.6 miles from the Pacific Ocean and approximately 1.5 miles from the San Diego Bay. The project implements drainage design features to ensure that storm water runoff volumes do not increase when compared to pre-project conditions. These features include increasing the permeable surfaces, installing inlet filters, use of vegetated swales and avoiding diversion of existing drainage courses within the project site. Installing ground covers, shrubs, trees and planting slopes once grading is complete will minimize erosion from newly graded areas. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**6. The nature and extent of the mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The project incorporates design measures that reduce impacts to steep hillsides to below a level of significance. These include the use of retaining walls, minimizing the width of roadways and parkways, incorporating minimum centerline radii of curves and keeping the graded elevations of the roadways and improvements as close to the existing landform as possible. These measures result in 0.12 acre of impact to the steep hillsides. These impacts are shown on figure 4.1-9 of the FEIR and occur at the abutments of Centennial Bridge, along the western edges of Alcazar Parking Lot and Centennial Road at the rim of Palm Canyon. In accordance with the Site Development Permit and the Mitigation Monitoring and Reporting Program (MMRP), areas of impacts will be re-vegetated with plant species that are consistent with the surrounding landscape, graded slopes shall have a maximum slope of 2:1 and storm water runoff will be directed away from the steep hillsides.

Potential significant impacts could result from the placement of export, generated from the excavation of the parking structure, within the Arizona Street Landfill. This activity has the potential to indirectly impact biological resources contained within the adjacent MHPA. These potential impacts would be mitigated to below a level of significance with implementation of the Mitigation Monitoring and Reporting Program and compliance with the Site Development



Permit Conditions, which requires conformance to the City's MSCP Land Use Adjacency Guidelines through the preparation of construction drawings, processed through Development Services Department (DSD). These drawings will show the existing and proposed grades, drainage details, areas of equipment storage and trash, location of fencing, lighting plans, landscaping plans and construction noise reduction measures. Prior to start of construction, a qualified Biologist will be retained to attend pre-construction meetings and monitor construction activities to ensure compliance with the MMRP.

Therefore, the nature and extent of the mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

**C. Supplemental Findings – Environmentally Sensitive Lands Deviations (126.0504(c)):**

**1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. To minimize impacts to adjacent and historical park improvements, the project incorporates design features into the bypass bridge, bypass road and associated grading. These include minimizing the centerline radius to allow the road to horizontally fit within the existing landform, reducing the roadway widths, using retaining walls, increasing the span of the bridge to minimize the footprint of the abutments and setting road grades to match the existing topography. As a result only 0.12-acre of environmentally sensitive lands is impacted. The Environmental Impact Report considers 13 alternative projects for the potential to reduce overall project impacts to environmentally sensitive lands, including some that would not have any impacts to environmentally sensitive lands. Alternatives that avoid or reduce this impact include the No Project, the Central Mesa Precise Plan, Stop Light-One Way, Modified Precise Plan without Parking Structure, and Half Plaza alternatives: these alternatives eliminate the proposed Centennial Bridge and allow vehicles to continue driving through the El Prado and Plaza de Panama. Other alternatives that reduce impacts to environmentally sensitive lands include the No New Parking Structure, Organ Pavilion Parking Structure, West Mesa Parking Structure and Inspiration Point Parking Structure: these alternatives pedestrianize the Cabrillo Bridge, eliminating vehicle access from the west mesa.

Each of these alternatives removes the Centennial Bridge as a component of the project and thereby lessens or avoids the potential adverse effects on environmentally sensitive lands. Impacts to steep hillsides could be reduced to 0.09 acres, as compared to 0.12 acres for the proposed project. However, alternatives associated with allowing vehicles to continue using the Plaza de California, El Prado, Plaza de Panama, the Mall and Pan American Road East as access do not allow for removing vehicles from these areas, minimizing pedestrian/vehicle conflicts, reclaiming of free and open park land and improving parking close to the institutions. These alternatives would also result in significant and unmitigated traffic impacts within the El Prado and Plazas, as traffic volumes increase in the near term and horizon years. The alternatives that pedestrianize the Cabrillo Bridge do remove vehicles from the Plaza de California, El Prado, Plaza de Panama, the Mall and Pan American Road East and they reclaim free and open park

land. However, in these alternatives, vehicle access to the core of the Central Mesa would be restricted to Presidents Way, creating only a single entry to the Alcazar Parking Lot, Palisades and Organ Pavilion areas. There would be significant unmitigated traffic impacts in years 2015 and 2030. The proposed project has no significant traffic impacts in 2015 and one mitigable traffic impact in 2030. Walking distances to the institutions increase with the West Mesa Parking Structure and Inspiration Point Parking Structure alternatives. The walking distances increase by 1,206 feet and 1,730 feet respectively, when compared to the proposed project, which locates the parking structure southwest of the Organ Pavilion.

There are no feasible mitigation measures, including project design or project alternatives, which can further minimize the impacts to environmentally sensitive lands.

**2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. Approximately 8.8 % of the 15.4 acre site (1.35 acres) contains steep hillsides. Most of these steep slopes within the project area are not natural, but are instead the result of previous manmade disturbances that have occurred during the 95-plus year occupation of the Central Mesa. These disturbances are evident through historic photos showing activities associated with planting non-native trees within Cabrillo Canyon and Palm Canyon, grading and improvements associated with the creation of the Alcazar Parking Lot and restroom. Project grading would encroach into only 0.12 acres of the project's steep hillsides, which is 0.79 % of the total project area. Approximately 0.11-acre of the total encroachment occurs in Cabrillo Canyon and is caused by the grading necessary for the bypass bridge abutments, which are minimized by increasing the span of the bridge and incorporating retaining walls. The remaining 0.01-acre occurs in Palm Canyon just west of the Organ Pavilion and is caused by the grading of the bypass road, which is minimized by reducing the parkway width and incorporating a small retaining wall. These encroachments allow for the rehabilitation of the Prado and the pedestrian promenade between the Prado and Palisades, without impacting the historic Organ Pavilion.

**D. Supplemental Findings – Steep Hillsides Development Area Regulations Alternative Compliance (126.0404(e)):**

**1. The proposed development is in conformance with the Steep Hillsides Guidelines.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. This project, through the analysis of the Environmental Impact Report, and as outlined in these supplemental findings and conditioned in the Site Development Permit, follows the Steep Hillsides Guidelines of the Environmentally Sensitive Lands Section of the Municipal Code.

**2. The proposed development conforms to the applicable land use plan.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. Development within the Central Mesa is governed by the Balboa Park Master Plan

(BPMP) and Central Mesa Precise Plan (CMPP). The project, which includes eliminating vehicle traffic and parking from the Plaza de Panama, eliminating vehicle traffic in the El Prado and Plaza de California, constructing a new bypass road and bridge, reconfiguring Alcazar Parking Lot and walkway, eliminating vehicle traffic from the Mall and Pan American Road East and constructing the parking structure and rooftop park southwest of the Organ Pavilion, conforms to the goals and policies of both the BPMP and CMPP, as amended herein and made a part of this project application. The project meets a number of specific recommendations outlined in the BPMP and CMPP that relate to providing a more pedestrian oriented environment with less pedestrian/vehicle conflicts, improving access through an integrated circulation system, preserving, enhancing and increasing free and open parkland, designing public spaces for a wide variety of cultural uses, recovering land used for parking, roads and restricted uses to open parkland and preserving the mix of cultural, and recreational uses within the park. Therefore, the proposed development would conform with the applicable land use plan.

**3. Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. Approximately 1.35 acres or 8.8% of the project site contains steep hillsides with no sensitive biological resources. As a result, strict compliance with the steep hillside regulations does not allow any encroachments, because over 25% of the project is outside the steep hillsides that are contained within the project site. Strict compliance with this regulation would result in conflicts with the goals of the BPMP and CMPP to provide an integrated circulation system, preserve open parkland and create a more pedestrian oriented environment. Not allowing this minimal encroachment (0.12 acre) on the steep hillside that contain no sensitive biology, will reduce the project's ability to meet these goals.

**E. Supplemental Findings – Historical Resources Deviation for in Substantial Alteration of a Designated Historical Resource or Within a Historical District (126.0504(i)):**

**1. There are no feasible measures, including a less environmentally damaging alternative, that can further minimize the potential adverse effects on the designated historical resource or historical district.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The underlying purpose of the Balboa Park Plaza de Panama Project is to return pedestrian and park uses to the Central Mesa and alleviate pedestrian/vehicular conflicts by removing vehicular circulation and parking from Plaza de Panama, West El Prado, Plaza de California, the Mall, and Pan American Road East. Throughout the course of the proposed project assessment, a number of alternatives were evaluated. Many of the alternatives resulted in substantial adverse change to historical resources in the park. Some alternatives would avoid significant impacts to Land Use, Historical Resources, and Visual Quality associated with the proposed project's Centennial Bridge concept. However, these alternatives do not address future traffic queuing conditions and other traffic conditions, which would worsen over time without the improvements proposed by the project. Moreover, these alternatives are infeasible because they fail to achieve important Project

objectives related to removing vehicles from the core of the Central Mesa and/or increasing access to the core by maintaining an east-west connection.

**2. The deviation is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for loss of any portion of the historical resource have been provided by the applicant.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park and alleviate pedestrian/vehicular conflicts. The introduction of the Centennial Bridge into the National Historic Landmark District and the El Prado Historic District is the only component that poses substantial adverse change to the significance of Balboa Park's historical resources. The location, configuration, and visibility of the Centennial Bridge has been refined as much as possible to reduce the impacts including its design to utilize six slender pillars to reflect similar design intent as the Cabrillo Bridge, increased tree plantings within Cabrillo Canyon to minimize views of Centennial Bridge and re-establish historic canopy per CMPP/BPMP goals, a pedestrian sidewalk, increased width to accommodate a shared roadway for bicycles, reduction of the length of Cabrillo Bridge wall to be removed, converting it from a one-way to a two-way structure, and maximizing the distance between the Bridge and the corner of the California Building. Additionally, the loss of historic fabric is limited to approximately 65 feet of Cabrillo Bridge railing, and there would be no loss of historic fabric of the bridge itself.

No mitigation measures are available that would reduce the impact of the new bridge to a less than significant level. However, Historic American Engineering Record (HAER) documentation for the Cabrillo Bridge is a permit condition.

**3. The denial of the proposed development would result in economic hardship to the owner. For purposes of this finding, "economic hardship" means there is no reasonable beneficial use of a property and it is not feasible to derive a reasonable economic return from the property.** The Plaza de Panama, Circulation and Parking Structure project is intended to restore pedestrian and park uses to the core of the Central Mesa area of Balboa Park, provide a net increase in parking spaces in close proximity to the core of the park, while also alleviating pedestrian/vehicular conflicts.

Denial of the development would not allow the City to take advantage of donations offered to design and construct the project, as well as to fund a substantial portion of the development, which is estimated to cost \$40 million.

While reasonable economic returns are typical considerations for private properties and a variety of publicly-owned properties, the desire and assumption of a reasonable economic return is generally not contemplated when considering uses of public park land, which typically contain few profit-making ventures. Therefore a reasonable economic return in these circumstances, a public improvement in Balboa Park, is a very minimal consideration. The adopted plan goals for Balboa Park do not specify the desirability of deriving a reasonable economic return for uses within the park. Rather, the goals are essentially to preserve, enhance, restore, improve and create park features for the citizens of San Diego.

Denial of the development would prevent the City from fulfilling a stated plan goal of providing “new and redeveloped facilities on the Central Mesa that will be designed to accommodate multiple uses, including special events and maximum public access,” due to the continued loss of the Plaza de Panama area to pedestrian use and the lost opportunity for additional park land in the location of the Organ Pavilion parking lot. Even though Balboa Park is not intended to generate a large economic return, there are several examples throughout the nation of a trend toward improving the pedestrian experience within prominent public spaces to increase the economic success of the region. The State of Massachusetts has created the Massachusetts Pedestrian Transportation Plan to guide land use policies at all levels to develop more walkable communities across the state. Similarly, the planning department of the City of San Francisco created the Downtown Pedestrian Program to provide guidelines and specific recommendations for investing in a more walkable City. A New York “Mainstreet” newsletter article states “residents are back to beautifying the community centers to erase decay and attract economic development.” A study performed by Muse Architecture/Planning, Inc. titled “A Downtown Pedestrian Improvement Program for the City of Saratoga Springs” concludes that improving the pedestrian environment is not just a transportation project or an attractive amenity, it makes good economic sense, and that economic viability of the downtown area is dependent on the quality of the experience of the shopper, office worker, conventioner, and tourist. Many cities are creating planning manuals for improving the walkability of their communities with the intent to revitalize neighborhoods. The strategy for most of the revitalizations is for an integrated plan that moves towards intermodal thinking, transit and pedestrian-friendly communities, with both public and private support.

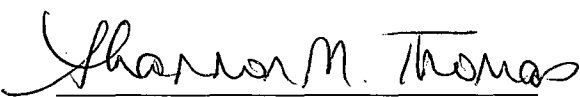
Denial of the development would also prevent the City from being able to return El Prado, Plaza de Panama, Plaza de California, and the Mall to pedestrian use without conflicts with vehicles, while still providing vehicular access and parking to the Central Mesa, thereby preventing beneficial use of the property. By restoring these areas to pedestrian uses and re-creating a grand ceremonial plaza for recreation and civic activities, the project creates additional park acreage, and ensures the continuing vitality of Balboa Park, which will contribute to the economic well being of the City and the region as it continues to attract tourists and visitors to enjoy the unique public space. As discussed within the Environmental Impact Report prepared for the project (Item 4.4.1.7), the Plaza de Panama experiences significant pedestrian/vehicle conflicts. In addition, members of the public have commented on seeing frequent pedestrian and car near-miss accidents almost daily in the park. Without the development, the current pedestrian/vehicle conflicts would continue, resulting in an undesirable park experience. There is a national trend toward reducing automobile and pedestrian conflicts in parks. The Urban Land Institute and the Trust for Public Lands have both been studying this topic. The Trust for Public Lands has established analytical measures that include findings regarding vehicle and parking issues in the nation's large parks and has found a trend toward minimizing vehicle/pedestrian conflicts. Central Park and Prospect Park in New York have both made physical improvements in recent years to reduce or eliminate conflicts including removal of roads and pavements, curtailed vehicle hours and pedestrian safety and walkability improvements. Golden Gate Park has made improvements to reduce vehicle/pedestrian conflicts while simultaneously adding expanded museums, a parking garage and parking charges in the core of the park. Chicago's Grant Park is currently in design of major improvements to eliminate vehicle/pedestrian conflicts while maintaining a massive underground parking garage beneath North Grant Park.

It is not likely that there would be public funds available for improvements to resolve Balboa Park's long-standing traffic circulation and pedestrian conflicts. Various studies, such as the 2004 Jones and Jones Study (City of San Diego Planning Commission, November 18, 2004, Resolution No. 3598-PC) and the July 2006 Tilghman/Civitas Inc. Parking Management Action Plan prepared for the City Park and Recreation Department, both identify the existing traffic circulation and parking issues within the core of the park and have had no available funding to implement proposed solutions. The Central Mesa Precise Plan has been in place for 20 years and no funding has been available to pay for the implementation of this component of the Plan. The Balboa Park Plaza de Panama Project is intended to be the catalyst for private investment in the park, enabling the newly created Balboa Park Conservancy to continue such efforts.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Site Development Permit No. 837848 is granted to The City of San Diego, Park and Recreation Department, Owner, and The Plaza De Panama Committee, a 501(c)(3) non-profit entity, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Shannon M. Thomas  
Deputy City Attorney

SMT:als  
06/08/12  
07/02/12 Cor.Copy  
07/06/12 Cor.Copy.1  
Or.Dept:DSD  
Doc. No. 375746\_3

Site Development Permit No. 837848  
Date of Approval: \_\_\_\_\_

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
MICHELLE SOKOLOWSKI  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

**CITY OF SAN DIEGO**  
Owner

By \_\_\_\_\_

**PLAZA DE PANAMA COMMITTEE**  
Permittee

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 21002440

**SITE DEVELOPMENT PERMIT NO. 837848**  
**BALBOA PARK – PLAZA DE PANAMA**  
**PROJECT NO. 233958**  
CITY COUNCIL

This Site Development Permit No. 837848 is granted by the City Council of the City of San Diego to The City Of San Diego, Owner, and the Plaza De Panama Committee, a 501(c)(3) non-profit entity, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 15.4-acre site is located in the Central Mesa area of Balboa Park, within the Balboa Park National Historic Landmark District, in Council District 3. The project site is legally described as: that portion of land designated "City Park Preservation," which lies within the Pueblo Lands of San Diego, County of San Diego, State of California, according to Miscellaneous Map Thereof No. 36, by James Pascoe, filed in the Office of the County Recorder of San Diego County, being a portion of Pueblo Lot 1135 and Pueblo Lot 1136 of said Pueblo Lands according to Miscellaneous Map Thereof No. 35, by Charles H. Poole, filed in the Office of the County Recorder of San Diego County (APN: a portion of 534-450-08 and 760-212-51, 52, 53, 54, 55, 56, 57, 78 and 79).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to implement the proposed Balboa Park Plaza de Panama Circulation and Parking Structure project, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUL 09 2012, on file in the Development Services Department.

The project, as detailed on the approved Exhibit "A," shall include:

- a. Plaza de Panama. Elimination of automobile traffic from the Plaza de Panama and adjacent promenades and removal of parking from the Plaza to allow pedestrian use, as well as other improvements to the Plaza de Panama including paving, reflecting pools, and landscaping;



- b. El Prado and Plaza de California. Allow pedestrian use of El Prado and Plaza de California by re-routing traffic to the bypass road and bridge, as well as other improvements including paving and landscaping;
- c. Bypass Road and Bridge. Construction of a new two-way road/bridge (also called the “Centennial Road” and “Centennial Bridge”). The route starts at the east end of the Cabrillo Bridge and continues through the eucalyptus grove around the southwest corner of the Museum of Man to the Alcazar Parking Lot, runs through the Alcazar Parking Lot, leading to a new parking structure behind the Organ Pavilion, and ends at the connection to President’s Way;
- d. Alcazar Parking Lot and Walkway. Reconfiguration of the Alcazar Parking Lot to provide additional accessible parking as well as passenger drop-off, museum loading, valet services, new stairs to the archery range, replacement of the existing restroom, and a new trash enclosure;
- e. The Mall (Esplanade) & Pan American Road. Rerouting of vehicle traffic west of Pan American Road to allow pedestrian only access, as well as other improvements to these areas including paving, benches, lighting, and landscaping;
- f. Organ Pavilion Parking Structure, Roof-Top Park, Tram and Arizona Street Landfill. Construction of a new underground parking structure with a roof-top park and garden at the location of the existing Organ Pavilion surface parking lot. The parking structure will consist of approximately 797 parking spaces on three levels and will be approximately 265,242 square feet. The new rooftop park will be approximately 2.2 acres and have two restrooms, a visitor center, and tram stops. A tram shuttle will link parking in the new structure with the Plaza de Panama. Excess soils from excavation of the parking structure will be exported to the nearby Arizona Street Landfill;
- g. Landscaping (planting, irrigation and landscape-related improvements); and
- h. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer’s requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by ~~JUL 09~~ 2015.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the project (as detailed on Exhibit "A") shall be used only for the purposes and under the terms and conditions set forth in this Permit, except for normal operations of the Park when not in conflict with the activities completed by this permit, unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is

required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 233958, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 233958, to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Land Use (MSCP), Historical Resources (Archaeology), Transportation/Circulation and Parking, Biological Resources (Raptor/MSCP), Noise (Temporary Construction), and Paleontological Resources.

**AIRPORT REQUIREMENTS:**

14. Prior to issuance of a grading or construction permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA], satisfactory to the Development Services Department.

**ENGINEERING REQUIREMENTS:**

15. Prior to issuance of a grading permit, the Owner/Permittee shall develop a grading plan and obtain a grading permit that has been reviewed and approved by appropriate City of San Diego authorities, including but not limited to stormwater authorities, the Local Enforcement Agency, and the Environmental Services Department, for the site that is to be the destination of exported fill material: the Arizona Street Landfill.

16. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

17. Prior to the issuance of a grading or right-of-way permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications or Storm Water Pollution Prevention Plan (SWPPP), satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMPs) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

20. The Owner/Permittee shall assure by permit and bond the construction of the internal road between Cabrillo Bridge and Presidents Way. This road shall be constructed as a two-lane, 28-foot-wide roadway which shall be based on the "local commercial street" classification standards subject to deviations approved by the City Engineer.

21. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, General Permit No. CAS000002 and CAS0108758, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with

said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

22. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-0009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-0009 DWQ.

**GEOLOGY REQUIREMENTS:**

23. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

24. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

**PLANNING/DESIGN REQUIREMENTS:**

25. Owner/Permittee shall maintain the specified number of off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A," to the satisfaction of the Park and Recreation Department and the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

26. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

27. All signs associated with this development shall be consistent with sign criteria established by the City-wide Sign Ordinance and the Central Mesa Precise Plan Signage Manual.

28. All outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

29. Prior to the issuance of a grading or construction permit, the following measure shall be implemented to the satisfaction of the Development Services Department: Skirted palm tree removal shall occur outside of the bat roosting (nesting) season (April to September).
30. Prior to the issuance of a demolition permit, the following measure shall be implemented to the satisfaction of the Development Services Department: Demolition shall be completed outside of the bat roosting (nesting) season (April to September).
31. Prior to the issuance of a construction permit, a construction representative retained by the Plaza de Panama Committee shall provide transportation/parking coordination services to coordinate the tram operation and to address the construction phase parking and transportation during construction. This individual shall act as a liaison between the institutions at Balboa Park and the construction team, working in conjunction with the City's Park and Recreation Department, though employed by the Plaza de Panama Committee.
32. Scheduling of any construction occurring outside of working hours (7:00 a.m. to 7:00 p.m. Monday through Friday) shall be responsive to the schedule of events held at the outdoor Organ Pavilion and construction activities shall be scheduled, to the greatest extent practicable, to avoid construction noise that may impact the event, to the satisfaction of the Park and Recreation Department.

#### **HISTORIC REQUIREMENTS:**

33. All construction permits (as defined by SDMC 113.0102) must be reviewed and approved by Plan-Historic staff prior to permit issuance. Additionally, any and all future work and other improvements must also be reviewed and approved by Plan-Historic staff prior to approval or construction of those improvements.
34. Final selection of finish materials, including but not limited to pavers, paving, stone/masonry, building materials, light fixtures, etc. must be reviewed and approved by Plan-Historic staff for consistency with Exhibit "A" and the U.S. Secretary of the Interior's Standards as part of the construction permit process.
35. Prior to issuance of any demolition or construction permit related to Cabrillo Bridge, the Owner/Permittee must provide Level 1 Historic American Engineering Record (HAER) documentation for the eastern portion of the Cabrillo Bridge within the City's ownership, to the satisfaction of Plan-Historic staff. Upon approval by Plan-Historic staff, final copies of the HAER documentation shall be submitted for archival storage with the City of San Diego Historical Resources Board (Plan-Historic staff), the Project file, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego History Center and/or other historical society or group(s).
36. A Historic Preservation Architect who meets the U.S. Secretary of the Interior's Professional Qualifications must be on site to monitor demolition of the identified section of the Cabrillo Bridge, and shall provide a report to Plan-Historic staff that documents the demolition.

Should any unforeseen issues arise that requires any deviation from the approved scope of work, the Owner/Permittee must stop work immediately and contact Plan-Historic staff.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

37. The Owner/Permittee shall assure, by permit and bond the design and construction of all proposed public water and sewer facilities, including services and meters, in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices. Public water and sewer facilities and associated easements, as shown on the approved Exhibit "A," shall be modified at final engineering to comply with standards.

38. The Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

39. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

40. No trees shall be installed within ten feet of any water facilities or in any water easement, unless otherwise approved by the Director of Public Utilities and the City Engineer. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public water main, unless otherwise approved by the Director of Public Utilities and the City Engineer.

41. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

42. The Owner/Permittee shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of

the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.
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APPROVED by the City Council of the City of San Diego on JUL 09 2012 by Resolution No. R-307556