

DATE: September 23, 1985

TO: George Loveland, Director, Park and  
Recreation Department via Jack McGrory,  
Acting Deputy City Manager

FROM: City Attorney

SUBJECT: Balboa Park - Use of Portions of for Health  
Agencies Center and Health Museum

In connection with the discussions regarding potential future uses of the approximately thirty-five-acre parcel of Balboa Park land being reacquired from the United States Department of the Navy in connection with the Naval Hospital relocation, proposals have been made to utilize portions of the property for (1) a health agencies center, and (2) a health museum. The questions are whether such uses are legal uses of dedicated public park land.

The attached documents A and B describe the proposed health agencies center and the proposed health museum.

Museums have long been held to be proper uses of dedicated park lands. *Spires v. City of Los Angeles*, 150 Cal. 64, 66 (1906). Therefore, a health museum as described in Attachment B would be a valid park use.

On the other hand, the proposed health agencies center as described in Attachment A would appear to be in the nature of a hospital which is not an allowable use of a dedicated public park. *Spires v. City of Los Angeles*, *supra*, p.67. Therefore, the health agencies center as described would require a two-thirds vote of the electorate in order to be established in the park.

JOHN W. WITT, City Attorney

By

Harold O. Valderhaug

Deputy City Attorney

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Attachments

ML-85-58