

MEMORANDUM OF LAW

DATE: April 1, 1987

TO: Councilwoman Celia Ballesteros
FROM: City Attorney
SUBJECT: Use of Balboa Park Facility as Homeless Crisis
Center

By memorandum dated February 26, 1987, you asked whether a "homeless case management center," as described in the letter attached hereto as Attachment 1, would be a legal use of dedicated park land.

Please see the attached memorandum of law dealing with a similar question involving use of Balboa Park land.

This proposal is somewhat similar to the CHAD proposal. Perhaps we could legally justify a temporary "case management" facility for the needy homeless in a portion of Balboa Park. However, while the actual proposed function of a "case management" facility is not made clear in the attached letter, it does not appear on its face to constitute a lawful "park use." Also, of course, if the proposal includes religious proselytizing, such a use would not generally be considered a proper use of dedicated park land.

JOHN W. WITT, City Attorney

By

Harold O. Valderhaug
Deputy City Attorney

HOV:ps:263.1(x043.2)

Attachments 2

ML-87-33