

COUNCIL POLICY**CURRENT**

SUBJECT: BALBOA PARK USES AND OCCUPANCY
POLICY NO.: 700-04
EFFECTIVE DATE: July 20, 1981

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 nonprofit 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 nonprofit 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 noncommercial 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 noncommercial.

PROCEDURE:**Tenant 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, Nonprofit 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 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 subject to annual review by the City Manager or his designee.
- 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.

2. Non-City Subsidized, Nonprofit, 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 R-250029.
- e. Shall be governed by an annual written preferential, nonexclusive use and occupancy permit granted by the City Manager or his designee.
- 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.
- 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.

CROSS REFERENCE:

Council Policy 700-10
Administrative Regulation 25.10

HISTORY:

Adopted by Resolution R-190056 04/11/1967
Amended by Resolution R-250029 08/14/1979
Amended by Resolution R-254650 07/20/1981