

**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. 482374  
**BALBOA PARK – PLAZA DE PANAMA**  
**PROJECT NO. 233958 (MMRP)**  
 CITY COUNCIL

## **DRAFT**

This Site Development Permit No. 482374 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 \_\_\_\_\_, 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 \_\_\_\_\_.
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), 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.

**HISTORIC REQUIREMENTS:**

29. 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.

30. 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.

31. 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).

32. 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:**

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_ by Resolution No. \_\_\_\_\_.



Site Development Permit No. 482374  
Date of Approval: \_\_\_\_\_

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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MICHELLE SOKOLOWSKI  
Development Project Manager

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

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**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 \_\_\_\_\_  
NAME  
TITLE

**PLAZA DE PANAMA COMMITTEE**  
Permittee

By \_\_\_\_\_  
NAME  
TITLE

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