



# San Diego City Attorney Jan I. Goldsmith

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## NEWS RELEASE

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### **Supreme Court Won't Hear Plaza de Panama Appeal** *In back-to-back victories, City established that Balboa Park project was legal all along*

The California Supreme Court this week denied a petition by Save Our Heritage Organisation, which had sought reconsideration of an appellate court decision that upholds the legality of the Plaza de Panama project in Balboa Park.

The high court's terse response – "Petition for review denied" – puts to rest any doubt that the City acted properly in approving the privately funded project to add new parkland, pedestrian-friendly plazas and parking spaces to Balboa Park.

The roughly \$45 million in park improvements would have been completed this year, in time for the park's centennial celebration, were it not for SOHO's efforts to derail the project.

**"It is gratifying to know that the Court of Appeal and now the Supreme Court agree that we were right all along on the law,"** City Attorney Jan Goldsmith said.

The Plaza de Panama project won unanimous approval from the city Planning Commission and was approved on a 7-1 vote by the City Council in 2012. The opposition group SOHO had presented a rival plan involving a network of hillside roadways and tunnels under the park.

SOHO sued on several issues including a claim that the Project did not comply with a City historic resources ordinance because the City lacked a justification for replacing a historic parking lot with a pedestrian-oriented plaza. The City Attorney's office argued that the justification included traffic engineering reports that projected Balboa Park at Plaza de Panama, absent the Project, would reach Level of Service "F" traffic conditions, meaning congestion during most of the day.

The trial court judge, Judge Timothy Taylor, rejected that argument as legally insufficient and concluded that the City had failed to comply with its own historic resources ordinance. That decision was appealed.

In May, the Fourth Appellate District Court of Appeal overturned the trial judge's decision and ruled that the City complied with its ordinance. SOHO then turned to the Supreme Court for help. But with the Supreme Court's denial of SOHO's petition, the final word on the project belongs to the appellate court, which wrote that the City complied with the law.

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