



OFFICE OF COUNCIL PRESIDENT TODD GLORIA
City of San Diego, District 3

MEMORANDUM

DATE: February 8, 2013
TO: Honorable City Attorney Jan Goldsmith
FROM: Council President Todd Gloria
SUBJECT: Plaza de Panama Project

I write seeking advice on the City's legal and legislative options in light of the February 4, 2013, court ruling in *Save Our Heritage Organisation v. City of San Diego*.

I understand that your office has analyzed Judge Taylor's ruling and the Municipal Code and can now recommend a path by which the City Council could, if it chose, overcome the legal roadblock that Judge Taylor identified so that the Plaza de Panama Project could proceed forward.

I also understand that the timeline for enactment of this legislative solution is relatively short and that, if it found support with my colleagues on the City Council, could result in project completion in time for the 2015 Centennial Celebration in Balboa Park.

Even if it were not possible to complete the project in time for the 2015 Centennial, however, this legislative solution may be the proper vehicle for addressing the long-term problem created by the SOHO lawsuit, in which the City cannot proceed with plans that are clearly beneficial to Balboa Park due to this one technicality.

The final ruling by Judge Taylor set aside only the Site Development Permit for the Plaza de Panama Project pending the City's correction of its error on that single finding. His ruling seemingly does not affect the Project in any other way. It did not disturb the Balboa Park Master Plan and Precise Plan amendments that the City Council adopted last year, as well as the Project EIR, which the judge reviewed in great detail and with which he found no fault.

(More)

Page 2 of 2

Based on this final ruling, it is my understanding that the Plaza de Panama Project is the City's only legally approved plan for removing cars from Balboa Park. It has replaced the approaches contained in 1989 Master Plan and the 1992 Precise Plan.

No other project can now be approved that is consistent with these plans. Any other project would need to go through a public process like the one that the Plaza de Panama Project went through to amend the Master Plan and Precise Plan, including an environmental review of its own. Any other project could potentially face its own legal and political roadblocks.

I continue to support the Plaza de Panama Project as approved by the City Council, and am firmly convinced, as Judge Taylor was, that its benefits far outweighs its impacts, even with regard to protecting the park's historical resources. I am also firmly convinced that the City needs to fix the problem with its Municipal Code, as identified by Judge Taylor, or it may never be able to remove parking and traffic from the Plaza.

I await your recommendation and analysis of the options available to the City that would move forward this long-held civic goal so that the City Council can determine the appropriate course of action.

Cc: Members of the City Council
Honorable Mayor Bob Filner