



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: Monday, November 30, 2020

TO: The Balboa Park Committee
Agenda of Thursday, December 3, 2020

FROM: Christina Chadwick, Assistant Deputy Director, Parks and Recreation
Department

SUBJECT: Operational Impacts and Considerations Related to the Proposed Temporary
Installation of a Sky Wheel in Balboa Park

SUMMARY

Issue – The Balboa Park Committee is asked to evaluate and approve the temporary installation of a Sky Wheel in the Plaza de Panama as proposed by Balboa Park leaseholder and restaurant owners David and Lesley Cohn.

Fiscal Impact – The fiscal impact of the proposed Sky Wheel is to be determined.

Environmental – As the lead agency under CEQA, the City of San Diego will review the proposed project and provide an environmental determination, per State CEQA guidelines.

BACKGROUND

Balboa Park is located in the heart of San Diego, immediately north of the downtown area. The Park is surrounded by the communities of Golden Hill, North Park, Uptown and Centre City. Balboa Park is one of the City's largest developed parks at 1,172 acres and is host to numerous passive and active recreational activities, cultural and educational institutions, and special events. Over 12 million visitors come to Balboa Park each year to enjoy the diversity the park has to offer.

Development, maintenance and management of Balboa Park are governed by the Balboa Park Master Plan (BPMP), the Central Mesa Precise Plan (CMPP), the East Mesa Precise Plan (EMPP) and subsequent amendments to these documents. The BPMP is a part of the City's Progress Guide and General Plan and implements land use policies for Balboa Park.

The BPMP was adopted by City Council on July 25, 1989 (Resolution No. R-274090). The BPMP addresses the entirety of Balboa Park and provides general guidelines for development

and management. The CMPP was adopted by City Council on October 20, 1992 (Resolution R-280920) and addresses the central portion of the Park in greater detail.

A large portion of the Central Mesa is within a designated National Historic Landmark District (NHLA). The District is approximately bound by SR 163 to the west, Interstate 5 to the south, Park Boulevard to the east and the San Diego Zoo to the north. A portion of the District extends westward to encompass the Cabrillo Bridge and guard houses, and northward to encompass Spanish Village, the carousel and the miniature railroad.

During the 1915/1916 Panama California International Exposition and the 1935/1936 California Pacific International Exposition the Plaza de Panama was known as the “living room” of Balboa Park. In 2013, the City reclaimed the Plaza de Panama as a pedestrian space by removing all parking spaces from the Plaza. Tram service, valet service and vehicular circulation were reconfigured. Tables, chairs, benches, shade umbrellas and planters with shade trees and colorful plants were added to enhance the space.

The Cohn Restaurant Group, owned and operated by David and Lesley Cohn, operate the Prado Restaurant located inside the House of Hospitality. They also operate the Café Del Rey Moro garden to the south and host many special events at this venue. The Cohn Restaurant Group also operates the Tea Pavilion at the Japanese Friendship Garden.

Project Description

The Sky Wheel proposal is a temporary installation. The goal, according to the proposers, is to bring a world-class attraction to the heart of Balboa Park that will encourage activation from visitors and residents during the pandemic and reenergize the heart of the park. It will also offer a unique dining experience for attraction users.

The Sky Wheel, also referred to as the Balboa Park Star, is operated by Sky Views of America. The company has experience working with major events in San Diego, Los Angeles and Orange County.

The Wheel stands at 148 feet high and its total footprint is 56 feet by 75 feet. According the proposers, the installation is constructed using the highest international standards, is compact enough to maximize efficient installation and ongoing operation. It features 36, climate-controlled gondolas that hold eight passengers each. Gondolas accommodate families and passengers of all ages and are equipped with wireless communication and sound systems.

Due to its temporary and transportable nature, the Sky Wheel can be installed and removed within two weeks. Additional information about what is required to assemble an attraction of this kind, and what associated operational impacts this may have on the Park and City staff is to be determined. More detail is required.

According to the proposers, safety protocols are consistent with local, state and Center for Disease Control standards. Face coverings are mandatory for passengers and staff, passenger lines comply with six-foot distancing requirements, gondolas are sanitized before passenger boarding, hand sanitizing stations are available to passengers and staff and COVID-19 safety guidelines would be posted within the attraction footprint. A Safe Reopening Plan would also be required.

On Saturday, November 14 the State of California placed San Diego County in the Purple Tier. The Purple Tier requires the region must stop indoor operations at museums, restaurants, gyms and other businesses. Retailers are required maintain 25 percent capacity. San Diego will be in the Purple Tier for at least three weeks. Consistent with these new health orders, additional information from the California Department of Public Health and the San Diego Health and Human Services is required.

On Thursday, November 5, the Federal Aviation Administration (FAA) issued a formal opinion to the proposers after conducting an aeronautical study on the installation and site proposal. The study revealed that the temporary structure does exceed obstruction standards but would not be a hazard to air navigation provided the conditions. In addition to this opinion, the proposers and Parks and Recreation staff have received conflicting opinions from the San Diego International Airport's Air Traffic Control Division about localized impacts of the Sky Wheel and the potential for navigational hazards for air traffic coming in and out of the airport. In an abundance of caution, additional information is needed to clarify and reconcile these opinions. Finally, the Sky Wheel requires a crane for assembly. The height of the crane needs to be evaluated by the Regional Airport Authority in order to assess any potential flight risks that may exist being in such close proximity to the San Diego International Airport.

Other Recommendations

Park and Recreation Department staff have identified additional items that must be contemplated in order to fully understand the feasibility of this proposal including:

1. **Site Plan** – *Proposer must submit a Site Plan that outlines potential impacts on the Plaza de Panama and surrounding institutions. A Site Plan must also include installation requirements like footings to be placed in City asphalt, power and electrical requirements and trenching.*
2. **Permits** – *Proposal must be evaluated by the City Attorney's Office (CAO) to determine which permits are required, such as a Right of Entry Permit or a Special Use Permit.*
3. **Liability** – *Proposal must be evaluated by the Risk Management Department and City Attorney's Office (CAO) to examine any liability issues that may exist by placing an installation of this kind on City property.*
4. **Competitive Bid v. Sole Source** – *Proposal must be evaluated by the City Attorney's Office (CAO) to determine if this installation must be competitively bid.*
5. **Historical Resources Board** – *Proposal must be evaluated by the Historical Resources Board to determine any impacts or conflicts with historical preservation.*
6. **Existing Capital Improvement Projects** – *Proposal must be evaluated by the City's Engineering and Capital Projects Department to determine if there are any impacts on the Plaza de Panama Pipeline project.*
7. **Public Safety** – *Proposal must be evaluated by the Fire-Rescue Department and San Diego Police Department to assess any public safety concerns including safety zones, ingress and egress.*

8. **Food Service** – Proposal must be evaluated by County of San Diego to identify food services and ensure these services are consistent with health codes and COVID-19 requirements.
9. **Revenue Sharing** – Proposal must be evaluated for any potential revenue-sharing revenue agreement(s) with the City and Institutions to determine who revenue generated might be used to improve the overall park experience.
10. **Institution Outreach Agreement** – Proposer must submit an Operations Plan that outlines duration (dates and hours), addresses interference with pre-existing events and restroom capacity.

Donor Recognition

Donor recognition is not included as part of this proposal.

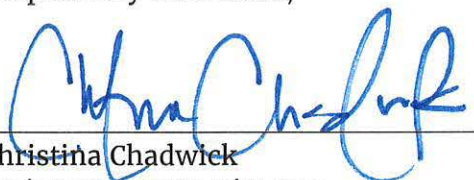
Planning Documents

The proposed Sky Wheel would be a temporary installation. Therefore, the proposal would be considered consistent with the Balboa Park Master Plan and Central Mesa Precise Plan.

ALTERNATIVES

1. Recommend approval of the proposed temporary installation of the Sky Wheel with conditions; or
2. Do not recommend approval of the proposed temporary installation of the Sky Wheel.

Respectfully submitted,



Christina Chadwick
Assistant Deputy Director

Parks and Recreation Department

Attachments: A – Federal Aviation Administration (FAA) Determination Letter

cc:

Honorable Mayor Kevin Faulconer
Honorable City Councilmember Chris Ward, District 3
Aimee Faucett, Interim Chief Operating Officer
Jeff Sturak, Assistant Chief Operating Officer
Kristina Peralta, Deputy Chief Operating Officer, Neighborhood Services Branch
Andrew Field, Director, Parks and Recreation Department
Conrad Wear, Policy Advisor, Office of Mayor Kevin Faulconer



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-11758-OE

Issued Date: 11/05/2020

Guy Leavitt
Sky Views of America
3519 East Keresan Drive
Phoenix, AZ 85044

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| | |
|------------|---|
| Structure: | Balboa Park Star Observation Wheel |
| Location: | San Diego, CA |
| Latitude: | 32-43-54.00N NAD 83 |
| Longitude: | 117-09-01.60W |
| Heights: | 272 feet site elevation (SE) 148 feet above ground level (AGL) 420 feet above mean sea level (AMSL) |

This aeronautical study revealed that the temporary structure does exceed obstruction standards but would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AWP-11758-OE

Signature Control No: 453923620-455600921

(TMP)

Vivian Vilaro

Specialist

Additional Condition(s) or Information for ASN 2020-AWP-11758-OE

Proposal: To construct and/or operate a(n) Balboa Park Star Observation Wheel to a height of 148 feet above ground level, 420 feet above mean sea level.

Location: The structure will be located 1.99 nautical miles east of SAN Airport reference point.

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Section 77.17 (a) (5) a height that affects an Airport Surface by penetrating:

Section 77.19 (a) Horizontal Surface by 254 feet as applied to SAN.

Preliminary FAA study indicates that the above mentioned structure would:

have no effect on any existing or proposed arrival, departure, or en route instrument flight rules (IFR) operations or procedures.

have no physical or electromagnetic effect on the operation of air navigation and communications facilities.

have no effect on any airspace and routes used by the military.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, flags/red lights - Chapters 3(Marked),4,5(Red),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that the manager of SAN DIEGO INTL, (619) 400-2718 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site.

It is required that the manager of SAN Airport Traffic Control Tower at 619-299-0526/616-299-1945 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site. Additionally, please provide contact information for the onsite operator in the event that Air Traffic Control requires the temporary structure to be lowered immediately.

This determination expires on 07/05/2021 unless extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

TOPO Map for ASN 2020-AWP-11758-OE

