



REDEVELOPMENT AGENCY
OF THE CITY OF SAN DIEGO

RESOLUTION NO. R-04450

DATE OF FINAL PASSAGE OCT 27 2009

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO APPROVING THE FIRST
AMENDMENT TO GROUND LEASE WITH BROADWAY
DAY CARE LLC FOR CERTAIN PROPERTY LOCATED IN
THE COLUMBIA SUB AREA OF THE CENTRE CITY
REDEVELOPMENT PROJECT

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan [Redevelopment Plan] for the Centre City Redevelopment Project Area [Project Area]; and

WHEREAS, the Centre City Development Corporation [Corporation] is responsible for implementing redevelopment projects in the Project Area; and

WHEREAS, in August 1995, the Agency approved a Disposition and Development Agreement with Highland Partnership to finance and construct a 9,500 net square foot, two-story child care facility with two outdoor play areas and eight surface parking spaces, located at 475 West Broadway in the Columbia Sub Area of the Project Area; and

WHEREAS, as part of said Disposition and Development Agreement with Highland Partnership, the Agency, as fee owner of said land, entered into a ground lease with Highland Partnership for a period of eight years with a four-year renewal option; and

WHEREAS, in turn Highland Partnership leased to the General Services Administration [GSA], as tenant, the completed child day care center for eight years with a four-year renewal option; and

WHEREAS, Highland Partnership assigned its interest in the ground lease with the Agency and lease with GSA to Broadway Day Care LLC;

WHEREAS, all 12 lease years were exercised and both the Agency's ground lease and the Broadway Day Care LLC and GSA's lease expired on November 11, 2008; and

WHEREAS, the Agency proposes to approve an amendment to the ground lease [Amendment to Ground Lease] in order to extend the ground lease with Broadway Day Care LLC for a three-year, three-month term, beginning November 11, 2008 and ending on February 11, 2012, and maintain the monthly lease payment to the Agency in the amount of \$21,229.17; and

WHEREAS, under the terms of the Amendment to Ground Lease, the parties agreed to also enter into a Memorandum of First Amendment to Ground Lease, which upon approval of the Amendment to Ground Lease, is also to be executed and recorded with the Office of the County Recorder of San Diego to further disclose the execution of the Amendment to Ground Lease; and

WHEREAS, this activity is covered under the Final Master Environmental Impact Report for the Centre City Redevelopment Project addressing the Centre City Community Plan and Related Documents certified by the Agency and City Council of the City of San Diego on April 28, 1992 by Resolutions No. R-2081 and No. R-279875, respectively [MEIR], and the Secondary Study for the Development of a Federal GSA Child Care Center Pursuant to the DDA, dated and certified July 7, 1995 [Secondary Study], in accordance with and pursuant to the

California Environmental Quality Act of 1970 [CEQA] and state and local guidelines adopted pursuant thereto. The effects of the proposed activity were adequately addressed in the previous environmental document and Secondary Study and the proposed activity is within the scope of the project described herein. There are no project changes, changes in circumstances, or new information of substantial importance within the meaning of CEQA Guidelines section 15162 that would warrant any additional environmental review, in connection with approval of the Amendment to the Ground Lease; therefore no further environmental documentation is required pursuant to California Public Resources Code section 21166, and CEQA Guidelines section 15168; and

WHEREAS, the Corporation has reviewed and recommended approval of the proposed Amendment to Ground Lease and corresponding recordable memorandum with Broadway Day Care LLC; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Amendment to Ground Lease and corresponding recordable memorandum and believes that the continued use of the property as a child day care center, pursuant to the terms and conditions of the Amendment to Ground Lease is in the best interest of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law and requirements; NOW THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego [Agency], as follows:

1. That the Agency hereby finds and determines that the continued lease of the property located at 475 West Broadway in the Columbia Sub Area of the Project Area, will

assist in eliminating and preventing the onset and return of blight through continued utilization of redeveloped-vacant or underutilized property.

2. That the Agency further finds and determines that providing a child day care center would improve the quality of life goals of the Downtown Community Plan and the objectives of the Centre City Redevelopment Project.

3. That the Amendment to the Ground Lease between the Agency and Broadway Day Care LLC, for continued use of the property at 475 West Broadway as a child care facility, pursuant to the terms and conditions of the Amendment to Ground Lease and the recordable Memorandum of First Amendment to Ground Lease, both of which are on file in the office of the secretary of the Agency as Document Nos. 04450a and 04450b, are hereby approved.

4. That the Executive Director of the Agency or designee, is hereby authorized to sign all documents necessary and appropriate to carry out and execute the Amendment to Ground Lease and said Memorandum of First Amendment to Ground Lease with Broadway Day Care LLC, and to administer the Agency's obligations, responsibilities and duties to be performed there under.

5. That based on the MEIR, Secondary Study, the determinations made therein, and the proposed action to approve the Amendment to Ground Lease and said Memorandum of First Amendment to Ground Lease, the Agency finds:

a. No substantial changes are proposed which will require major revisions to the MEIR or Secondary Study due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

b. No substantial changes have occurred with respect to the circumstances under which the proposed action is to be undertaken which will require major revisions to the MEIR or Secondary Study due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the adoption and certification of the MEIR or Secondary Study shows the proposed action would result in new or substantially more severe significant environmental impacts not covered in the MEIR or Secondary Study or that mitigation measures or alternatives found to be infeasible would in fact be feasible or that there are considerably different mitigation measures or alternatives that would substantially reduce one or more significant effects of the proposed action;

d. No Negative Declaration, Subsequent EIR or Supplement or Addendum to EIR is necessary or required; and

e. The proposed action will have no significant effect on the environment, except as identified and considered in the MEIR and Secondary Study.

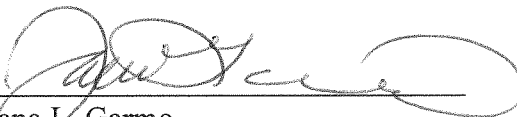
6. That no further environmental documentation is required pursuant to California Public Resources Code section 21166, and CEQA Guidelines sections 15162 and 15168.

7. That the City Clerk, or designee, is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the proposed action.

BE IT FURTHER RESOLVED, that at the time the Amendment to Ground Lease is signed, the Agency and Broadway Day Care LLC shall enter into a Memorandum of First Amendment confirming the ground lease extension and no further options, extensions, or holding

over is permitted after February 11, 2012, to be recorded with the San Diego County Recorder's Office.

APPROVED: JAN I. GOLDSMITH, AGENCY GENERAL COUNSEL

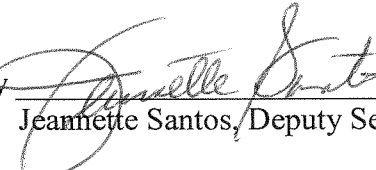
By 

Jana L. Garmo
Deputy General Counsel

JLG:hm
09/24/09
10/06/09 COR.COPY
Or.Dept:CCDC
RA-2010-19
MMS#10134

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of OCT 13 2009.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 10-17-09
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on OCT 13 2009, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 27 2009

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

ELIZABETH S. MALAND
Secretary of The City of San Diego, California.

(Seal)

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- 04450