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REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04507

DATE OF FINAL PASSAGE APR 21 2010

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING A FIRST AMENDMENT TO THE LEASE WITH MAX LEVY AND BRAD LEVY DOING BUSINESS AS ALLEN'S FLOWERS AND PLANTS, INC. IN CONNECTION WITH THE OPERATION OF ALLEN'S FLOWER SHOP LOCATED AT 620 MARKET STREET, CITY OF SAN DIEGO, STATE OF CALIFORNIA, IN THE EAST VILLAGE REDEVELOPMENT DISTRICT OF THE EXPANSION SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT.

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

WHEREAS, in order to carry out and implement the Redevelopment Plan for the Project Area, the Agency entered into a Lease with Max Levy and Brad Levy doing business as Allen's Flowers and Plants, Inc. [Lessee] for the operation of Allen's Flower Shop located at 620 Market Street, City of San Diego, State of California, in the East Village Redevelopment District of the Expansion Sub Area of the Project Area; and

WHEREAS, the real property leased under the Lease is owned by the Agency and consists of approximately 1,744 square-feet [Leased Premises] located on the ground floor of the 500-space Park-it-on-Market parking facility [Parkade]; and

WHEREAS, Lessee has requested a First Amendment to the Lease in order to include as part of the Leased Premises approximately 320 additional square feet of space known as the

“mechanical cage” located on the first floor of the Parkade and above Allen’s Flower Shop in order to install a condenser for an in-store refrigerator; and

WHEREAS, pursuant to the Parking Structure Operating Agreement executed by the Agency and the City of San Diego [City] on August 1, 1999, the City serves as the Agency’s agent for the purposes of managing and administering the operations of the Parkade, including the Leased Premises; and

WHEREAS, in accordance with Section 33431 of the California Health and Safety Code, the Agency published for and conducted a public hearing on the proposed First Amendment to the Lease; and

WHEREAS, the Agency has duly considered all terms and conditions of the First Amendment to the Lease and determines that said First Amendment is in the best interests of the City and the Project Area, and the health, safety, morals and welfare of its residents, and is 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 approves the First Amendment to the Lease with Max Levy and Brad Levy doing business as Allen’s Flowers and Plants, Inc. [Lessee] in connection with the operation of Allen’s Flower Shop.
2. That the Agency hereby authorizes the Executive Director or designee to execute the First Amendment to the Lease, a copy of which when executed by the Agency, shall be placed on file in the office of the Secretary of the Agency as Document No. 04507.

3. That the Agency hereby authorizes the Executive Director or designee, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the Lease as amended by this First Amendment and to administer the Agency's obligations, responsibilities and duties to be performed thereunder.

4. That, pursuant to the Parking Structure Operating Agreement executed by the Agency and the City of San Diego [City] on August 1, 1999, the Agency hereby authorizes the City or its designee, by itself or acting through the Centre City Development Corporation, for and on behalf of the Agency, to execute the First Amendment to the Lease and all documents necessary and appropriate to carry out and implement the terms of the Lease as amended by this First Amendment and to administer the Agency's obligations, responsibilities and duties to be performed thereunder.

APPROVED: JAN I. GOLDSMITH, General Counsel

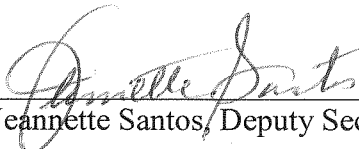
By

  
Kendall D. Berkey  
Deputy General Counsel

KDB:nda  
02/26/10  
Or.Dept:CCDC  
RA-2010-68  
MMS#11640

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of APR 13 2010

REDEVELOPMENT AGENCY

By   
Jeannette Santos, Deputy Secretary

Approved: 4-21-10  
(date)

  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on APR 13 2010, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

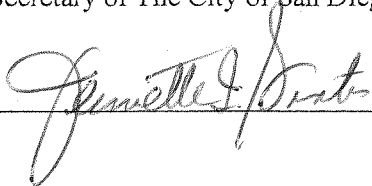
Date of final passage APR 21 2010

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the Redevelopment Agency, San Diego, California  
Resolution Number R- 04507