

RESOLUTION NUMBER R- 308156
DATE OF FINAL PASSAGE MAY 16 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING THE GROUND LEASE WITH
SAN DIEGO KIND CORPORATION, WITH REGARD TO
THE SAN DIEGO SQUARE PROPERTY LOCATED AT
910 C STREET, SAN DIEGO, CALIFORNIA.

WHEREAS, the City of San Diego (City) owns that certain real property located at 910 C Street, San Diego, California 92101 (Property), consisting of approximately 60,000 square feet of land bound by 9th Avenue, 10th Avenue, Broadway and C Street, and commonly known as “San Diego Square”; and

WHEREAS, in September 1979, the City leased the Property to San Diego Kind Corporation, a California nonprofit corporation (SD Kind), for one dollar (\$1) per year for fifty (50) years, for the purpose of developing subsidized low-cost, age-restricted housing units and a multi-service center with support facilities for San Diego’s elderly (Existing Lease). The Existing Lease requires SD Kind to provide counseling, recreation, legal, and medical services at the Property to San Diego’s elderly, and only to San Diego’s elderly, with no other services allowed; and

WHEREAS, SD Kind has entered into a sublease agreement with Community Research Foundation, a California corporation (CRF), to provide certain mental health services at the Property. One of CRF’s programs provides services to all adults, rather than exclusively to the elderly. This program is currently not allowed under the Existing Lease. SD Kind has requested

an amendment to the Existing Lease to remove the “elderly-only” restriction on services, to allow CRF to implement their full service program at the Property; and

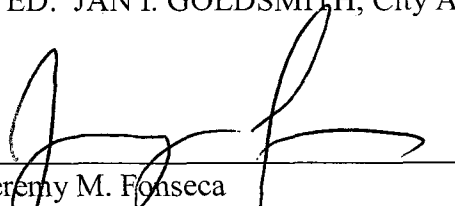
WHEREAS, Council Policy 700-10 requires that amendments to long-term leases be approved by the City Council, and that the City Council may condition an amendment on updating the lease to incorporate current City standard lease provisions. Council Policy 700-10 requires that leases shall provide for the City to receive a minimum of fifty percent (50%) of the incremental gross rental revenues from subleases. Also, San Diego Municipal Code section 22.4304 requires that all leases of City property contain provisions requiring lessees to comply with City’s Equal Benefits Ordinance. The Existing Lease does not require that City be paid percentage rent on sublease revenues, nor does the Existing Lease require SD Kind to comply with the City’s Equal Benefits Ordinance; and

WHEREAS, staff has negotiated that certain First Amendment to Lease, on file in the Office of the City Clerk as Document No. RR-308156. The First Amendment to Lease amends the Existing Lease to allow services to be provided to all adults and not just the elderly in a limited portion of the Property, allowing the remainder of the commercial building space at the Property to still be used for the provision of counseling, recreation, legal, and medical services to San Diego’s elderly. The First Amendment to Lease also incorporates current City standard lease provisions regarding percentage rents from sublease revenues and the requirements of the City’s Equal Benefits Ordinance; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor or his designee is authorized and directed to execute, for and on behalf of the City, the First

Amendment to Lease between the City of San Diego and San Diego Kind Corporation, a California nonprofit corporation, on file in the Office of the City Clerk as Document No. RR-308156, to amend the Existing Lease for the City-owned property situated at 910 C Street, San Diego, California, commonly known as San Diego Square.

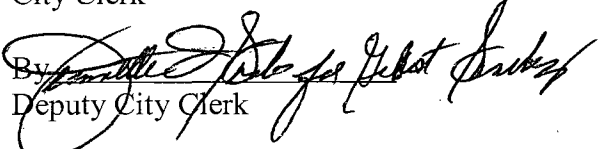
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jeremy M. Fonseca
Deputy City Attorney

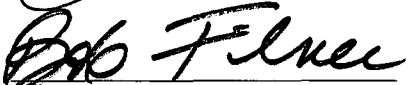
JMF:mm
April 30, 2013
Or.Dept:Real Estate Assets Dept.
Doc. No. 554188

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 14 2013

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/10/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on MAY 14 2013, by the following vote:

Councilmembers	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"/>
District 4 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<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"/>

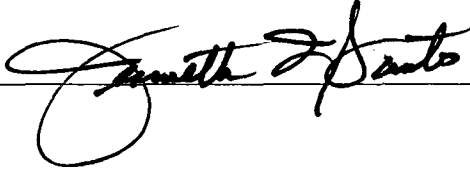
Date of final passage MAY 16 2013

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308156