

RESOLUTION NUMBER R- 308899

DATE OF FINAL PASSAGE APR 30 2014

ITEM # 333  
4/22/14

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AND DIRECTING THE EXECUTION OF A FIRST AMENDMENT TO THE PERCENTAGE GROUND LEASE WITH HOUSING DEVELOPMENT PARTNERS, 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 9<sup>th</sup> Avenue, 10<sup>th</sup> Avenue, Broadway and C Street, and commonly known as “San Diego Square;” and

WHEREAS, the City is party to that certain “Percentage Ground Lease” (Lease) with Housing Development Partners, a California nonprofit public benefit corporation (HDP), relating to the Property. Commencement of the Lease is conditioned on certain conditions being satisfied by HDP on or before April 30, 2014. While several of the commencement conditions have been satisfied, others remain outstanding; and

WHEREAS, HDP has represented to CITY that, due to factors beyond HDP’s reasonable control, additional time is needed to fulfill those outstanding commencement conditions. HDP has accordingly requested a twelve (12) month extension to provide additional time to, among other things, secure a construction loan for improvements on the Property as contemplated by the Lease; and

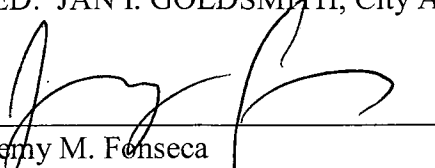
WHEREAS, staff has negotiated that certain “First Amendment to Percentage Ground Lease,” on file in the Office of the City Clerk as Document No. RR-308899, which will

amend the Lease to provide one additional year for HDP to satisfy the commencement conditions of the Lease; 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 Percentage Ground Lease," between the City and Housing Development Partners, a California nonprofit public benefit corporation, on file in the Office of the City Clerk as Document No. RR 308899, to amend the current "Percentage Ground Lease" for the San Diego Square property located at 910 C Street, San Diego, California.

APPROVED: JAN I. GOLDSMITH, City Attorney

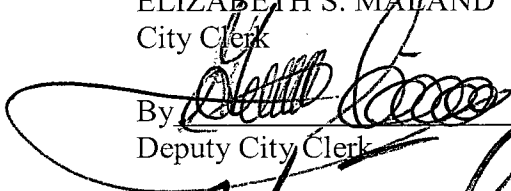
By

  
\_\_\_\_\_  
Jeremy M. Fonseca  
Deputy City Attorney


JMF:als  
4/8/2014  
Or.Dept: Real Estate Assets Dept.  
Doc. No. 762627

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 22 2014

ELIZABETH S. MALAND  
City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk

Approved: 4/29/14  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 22 2014, 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"/>
Ed Harris	<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"/>
Myrtle Cole	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 30 2014

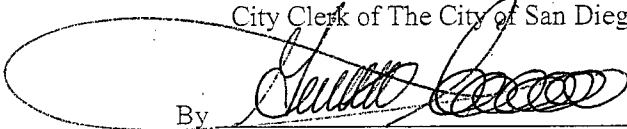
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
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- 308899