

RESOLUTION NUMBER R- 315463

DATE OF FINAL PASSAGE APR 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THAT CERTAIN FIRST AMENDMENT TO OFFICE LEASE BETWEEN BALBOA BUILDING OWNER LLC AND THE CITY OF SAN DIEGO RELATED TO OFFICE SPACE AT 9444 BALBOA AVENUE.

WHEREAS, on March 22, 2022, the Council of the City of San Diego (Council) adopted Resolution R-313950 approving that certain Lease Agreement (Lease) for office space at 9444 Balboa Avenue, San Diego, California, between Balboa Building Owner LLC, a Delaware limited liability company (Balboa), and the City of San Diego (City), on file with the Office of the City Clerk as Document No. RR-313950; and

WHEREAS, the Lease is for a premises consisting of 4,712 square feet of office space, and the Lease term is scheduled to expire on December 31, 2027; and

WHEREAS, Balboa and the City have agreed to amend the Lease (First Amendment) to, among other things:

1. Provide for the City to lease an additional approximately 1,385 square feet of office space; and
2. Extend the Lease term until May 31, 2030; and
3. Provide a total of \$26,924.40 in rent abatement to the City; and
4. Establish a new base rent for the office space at \$3.24 per square foot, escalating annually; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff (including information provided by affected third parties and


verified by City staff), with the understanding that this information is complete, true, and accurate;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego (Council), as follows:

1. The Council approves the First Amendment, including all attachments and exhibits to the First Amendment.
2. The Mayor or designee is authorized, on behalf of the City, to sign and enter into the First Amendment, including all attachments and exhibits to the First Amendment requiring the City's signature, and take all other actions reasonably necessary to perform the City's obligations under the First Amendment. A copy of the First Amendment, when fully signed, shall be placed on file with the City Clerk as Document No. RR- 315463.
3. The Chief Financial Officer is authorized to expend an amount not to exceed \$2,298,140.85 in base rent, and an amount not to exceed \$164,619.00 in operating expenses over the Lease term, from General Fund #100000, Cost Center #9912001112; provided, however, that funding for base rent and operating expenses under the First Amendment in future fiscal years after Fiscal Year 2024 is contingent upon the Council's annual appropriation of funds for these expenses for each applicable fiscal year and the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for these expenditures, are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Julie Gough Inman  
Deputy City Attorney

JGI:cw  
March 8, 2024  
Or. Dept: DREAM  
Doc. No. 3596081

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 09 2024.

DIANA J.S. FUENTES  
City Clerk

By Kristell Medina  
Deputy City Clerk

Approved: 4/22/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

APR 09 2024

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APR 22 2024

Date of final passage \_\_\_\_\_.

**(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:

\_\_\_\_\_  
TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

\_\_\_\_\_  
DIANA I.S. FUENTES  
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p style="text-align: right;">315463</p> <p>Resolution Number R-_____</p>
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