



## THE CITY OF SAN DIEGO

February 2, 2009

Linn Walker  
Executive Director  
Youth Tennis San Diego Foundation  
4490 West Point Loma Blvd  
San Diego, CA 92107

Dear Ms. Walker:

Subject: Memorandum of Understanding to the Lease Agreement – The City of San Diego /  
Youth Tennis San Diego – Document No. 280520 in the Office of the City Clerk

Enclosed is the fully executed original of the Memorandum of Understanding to your lease agreement with the City of San Diego. Please make sure that prior to commencement of construction a faithful performance bond in the amount of 100 % of the estimated construction cost of work to be performed is deposited with the City Real Estate Assets Department.

Should you have any questions, I can be reached at (619) 235-5248.

Sincerely,

Vladimir Balotsky  
Property Agent

Lease File: Youth Tennis San Diego



### Real Estate Assets

1200 Third Avenue, Suite 1700, MS 51A • San Diego, CA 92101-4199  
Tel (619) 236-6020 Fax (619) 236-6706

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF SAN DIEGO AND YOUTH TENNIS OF SAN DIEGO**

A In accordance with the provisions of Section 6.4, Improvements/Alteration, of the lease agreement ("Lease") between the City of San Diego ("City") and Youth Tennis Center of San Diego ("Lessee"), filed as Document No. RR-280520 with the City Clerk, the City hereby approves, subject to the terms herein below, the following improvements ("Improvements") of the Lessee:

- 1 The 4,400-square foot, one-story education structure that will include three classrooms for young children age of 3 to 5 with central art area, commensurate toilet room, break rooms, lounge, entry, office, storage, and support spaces and homework assistance/computer study room for older children age of 4 to 16;
- 2 Two paddle (mini) tennis courts with lights. Lights will be 18' tall, consistent with all existing lights on other courts throughout the leased property;
- 3 Exterior playground for the children, with hard surface play area, soft surface play area, shaded lunch shelter, play structure;
- 4 Removal 23 existing parking spaces;
- 5 Construction of 26 new parking spaces;

The proposed Improvements are more particularly described in the attached Exhibit "A" and subject to the Conditional Use Permit No. 392576 of the City of San Diego and the Coastal Development Permit No. 6-06-154. Size, dimension, quantity, type, and location of Improvements on file with the Development Services Department of the City. Upon approval by the City, Improvements are incorporated into Section 9.6 General Development Plan of the Lease.

- B Approval of the Improvements by the City does not authorize the Lessee to violate the terms of the Lease or any Federal, State, County or City laws, ordinances, regulations or policies. Any activity by the Lessee deemed by the State of California to require a Child Care License shall be prohibited.
- C Lessee agrees to construct and operate the Improvements in accordance with the schedule shown in the Exhibit "B" attached hereto. Lessee shall deposit with City, prior to commencement of construction, a faithful performance bond in the amount of 100 percent (100%) of the estimated construction cost of work to be performed.
- D The City Manager has entered into this Memorandum of Understanding under his authority to authorize changes to the Development Plan as set forth in Section 6.12 Development Plan of the Lease.

- E San Diego's Strong Mayor Form of Governance. The Lease shall be amended by adding the following section:

**All references to "City Manager" in the Lease and all subsequent amendments to the Lease shall be deemed to refer to "Mayor." This section became effective on January 1, 2006, and shall remain in effect for the duration the City operates under the mayor-council (commonly referred to as "strong mayor") form of governance pursuant to Article XV of the City of San Diego City Charter.**

Except as provided herein, this Memorandum of Understanding shall not be deemed or construed to modify, waive, impair, or affect any of the terms or conditions of the Lease.

- F The terms and conditions of this Memorandum of Understanding shall be construed in accordance with the laws of the State of California.
- G This Memorandum of Understanding constitutes the entire statement of the agreement of the parties pertaining to the City's authorization of the Improvement, and is binding on and inures to the benefit of the parties' respective heirs, representatives, successors and assigns. No party has been induced to enter into this Memorandum of Understanding by, nor is any party relying on, any representation or warranty outside those expressly set forth in this Memorandum of Understanding. No modification of the terms or conditions of this Memorandum of Understanding shall be effective unless made in a writing that expressly states that it modifies this Memorandum of Understanding, and signed by the parties hereto.
- H Each individual executing this Memorandum of Understanding on behalf of another person or legal entity represents and warrants that he/she is authorized to execute and deliver this Memorandum of Understanding on behalf of such person or entity in accordance with duly adopted resolutions or other authorizing actions which are necessary and proper and under such legal entity's articles, charter, bylaws, or other written rules of conduct or governing agreement, and that this Memorandum of Understanding is binding upon such person or entity in accordance with its terms. Each person executing this Memorandum of Understanding on behalf of another person or legal entity shall provide CITY with evidence, satisfactory to the City Manager, that such authority is valid and that such entity is a valid, qualified corporation, limited liability company, partnership, or other unincorporated association in good standing in its home state and that such entity is qualified to do business in California.
- I The Memorandum of Understanding is to be effective upon execution by City (the "Effective Date") and approval by the San Diego City Attorney.

IN WITNESS WHEREOF, the parties hereto execute this Memorandum of Understanding to be effective as of the Effective Date.

THE CITY OF SAN DIEGO,  
a California municipal corporation

Date: 1/27/09

By: [Signature]  
Title: DIRECTOR:  
REAL ESTATE ASSETS DEPT.

YOUTH TENNIS CENTER OF SAN DIEGO,  
a California corporation

Date: 1-23-09

By: [Signature]  
Title: Executive Director  
Youth Tennis San Diego Foundation

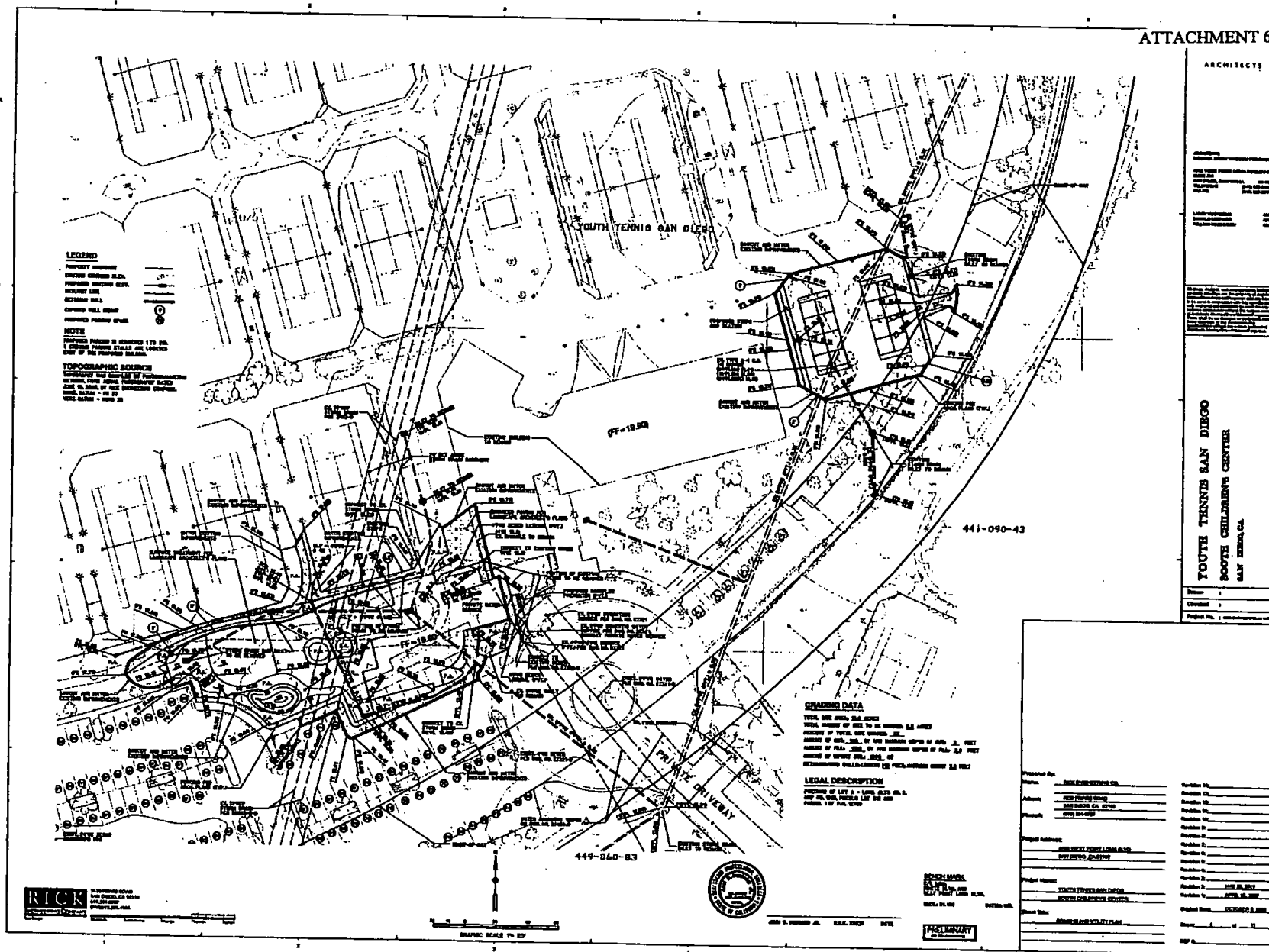
APPROVED AS TO FORM AND LEGALITY  
THIS DAY OF 1-28-09, 2009.

JAN I. GOLDSMITH, San Diego City Attorney

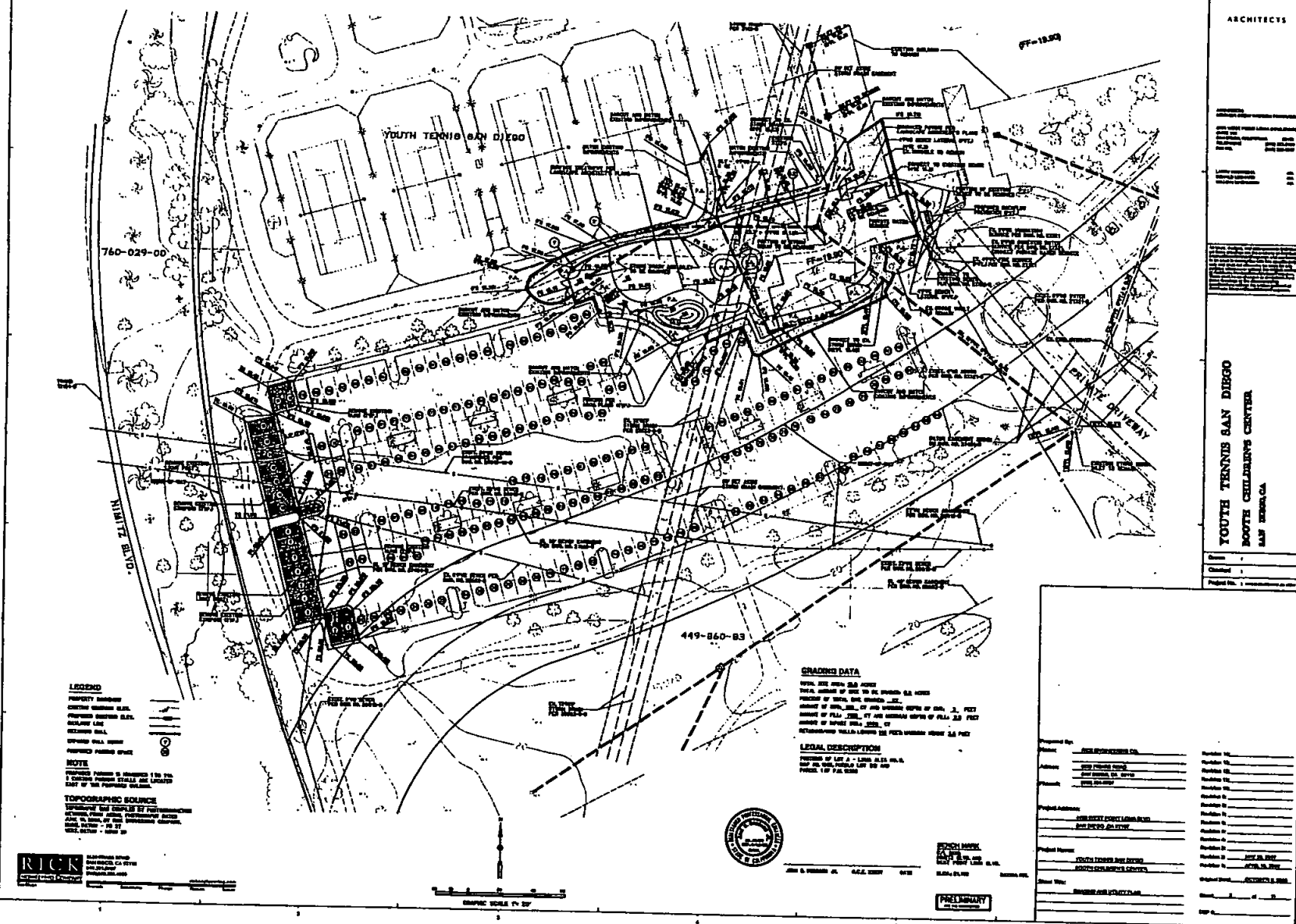
Date: 1-28-09

By: [Signature]  
Todd Bradley, Deputy City Attorney







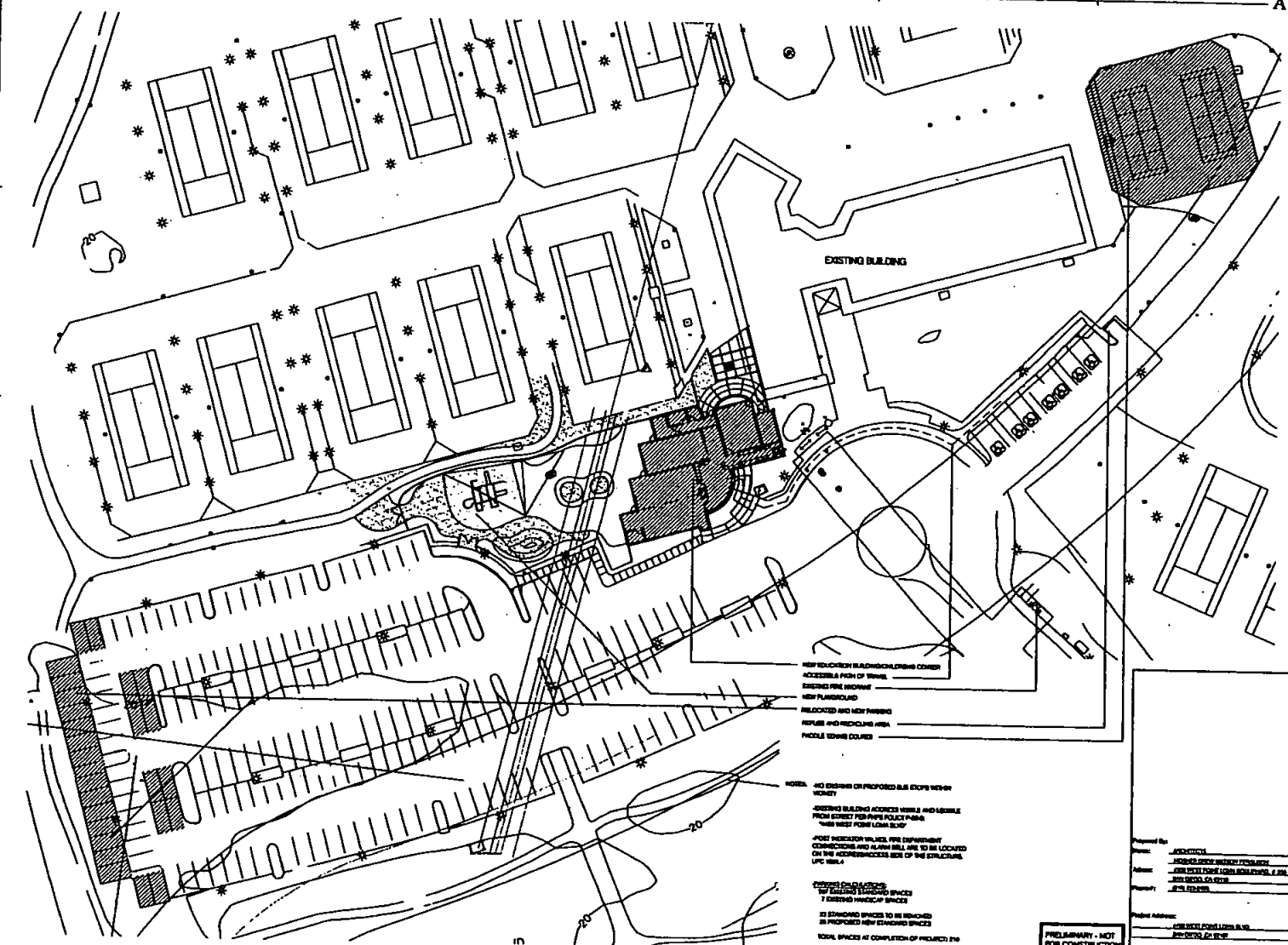




PROJECT NO. 1000000000  
 DATE: 10/15/00  
 SCALE: 1/8" = 1'-0"

**YOUTH TENNIS SAN DIEGO  
 BOOTH CHILDREN'S CENTER  
 SAN DIEGO, CA**

Client:   
 Architect:   
 Project No.: 1000000000



NEW PLAYGROUND BUILDING/CHILDREN'S CENTER  
 ACCESSIBLE PATH OF TRAVEL  
 EXISTING FIRE ALARM  
 NEW PLAYGROUND  
 RELOCATED AND NEW PARKING  
 REPAIRS AND RECYCLING AREA  
 PICKLE TENNIS COURTS

NOTES:  
 1. AND EXISTING ON PROPOSED BLUE SHOPS NEW ON  
 VORNEY  
 2. EXISTING BUILDING ACCESSIBLE AND USABLE  
 FROM EXISTING PARKING POLICE PARKING  
 3. NEW FIRE POLICE LOAN SLIP  
 4. POST PRODUCTION WALKER FIRE DEPARTMENT  
 CONNECTIONS AND ALARM BELL ARE TO BE LOCATED  
 ON THE ACCESSIBLE SIDE OF THE STRUCTURE  
 LFC 100.1

EXISTING ON EXISTING  
 5. EXISTING (SHARED) SPACES  
 7 EXISTING PARKING SPACES  
 10 STANDARD SPACES TO BE REMOVED  
 15 PROPOSED NEW STANDARD SPACES  
 TOTAL SPACES AT COMPLETION OF PROJECT: 210  
 TYPICAL PARKING SPACE SIZE: 8'-0" x 20'-0"  
 NETWORKS AND PROPERTY LINES FOR EXISTING SITE  
 SHOWN ON ORIGINAL SITE PLAN

**PRELIMINARY - NOT  
 FOR CONSTRUCTION**



|                  |                         |              |  |
|------------------|-------------------------|--------------|--|
| Prepared By:     | ARCHITECT               | Revision 10: |  |
| Drawn By:        | ARCHITECT               | Revision 09: |  |
| Checked By:      | ARCHITECT               | Revision 08: |  |
| Project Name:    | YOUTH TENNIS SAN DIEGO  | Revision 07: |  |
| Project Address: | 1000000000              | Revision 06: |  |
| Project Date:    | 10/15/00                | Revision 05: |  |
| Project No.:     | 1000000000              | Revision 04: |  |
| Project Title:   | ARCHITECTURAL SITE PLAN | Revision 03: |  |
| Project Date:    | 10/15/00                | Revision 02: |  |
| Project No.:     | 1000000000              | Revision 01: |  |
| Project Title:   | ARCHITECTURAL SITE PLAN | Revision 00: |  |
| Project Date:    | 10/15/00                | Revision 00: |  |

ARCHITECTURAL SITE PLAN  
 SCALE: 1/8" = 1'-0"



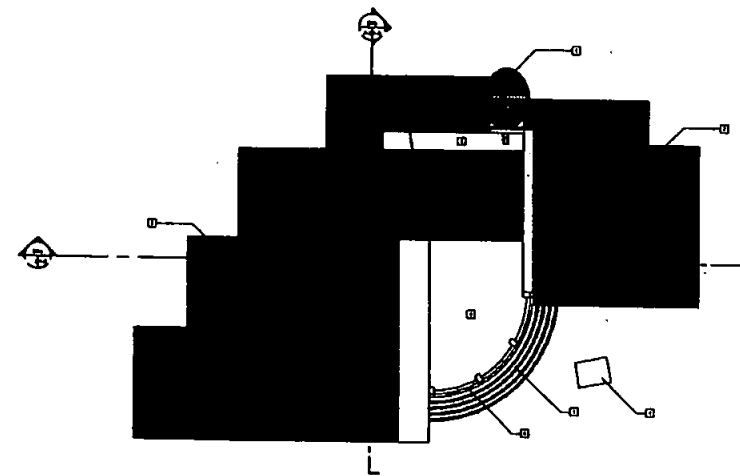


**YOUTH TENNIS SAN DIEGO  
BOOTH CHILDREN'S CENTER  
SAN DIEGO, CA**

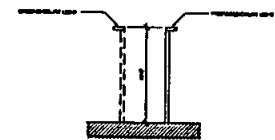
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| Drawn       | 1                    |
| Checked     | 1                    |
| Project No. | 00000000000000000000 |

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| Prepared By:     | _____ | Revision 1A:  | _____ |
| Drawn:           | _____ | Revision 1B:  | _____ |
| Checked:         | _____ | Revision 1C:  | _____ |
| Approved:        | _____ | Revision 1D:  | _____ |
|                  | _____ | Revision 1E:  | _____ |
|                  | _____ | Revision 1F:  | _____ |
| Project Address: | _____ | Revision 1G:  | _____ |
|                  | _____ | Revision 1H:  | _____ |
|                  | _____ | Revision 1I:  | _____ |
| Project Name:    | _____ | Revision 1J:  | _____ |
|                  | _____ | Revision 1K:  | _____ |
|                  | _____ | Revision 1L:  | _____ |
| Drawn Title:     | _____ | Revision 1M:  | _____ |
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|                  | _____ | Revision 1Y:  | _____ |
|                  | _____ | Revision 1Z:  | _____ |
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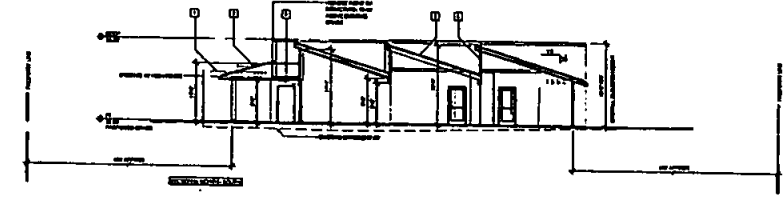
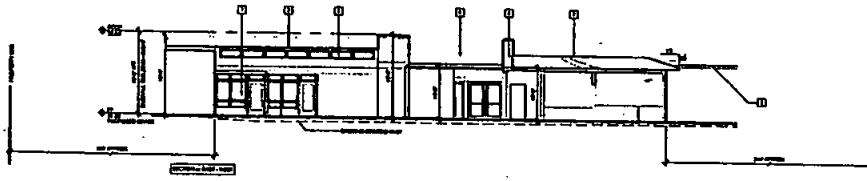
PRELIMINARY - NOT  
FOR CONSTRUCTION



**B1** **ROOF PLAN**  
SCALE: 1/8" = 1'-0"



**COURT LIGHT ELEVATION**

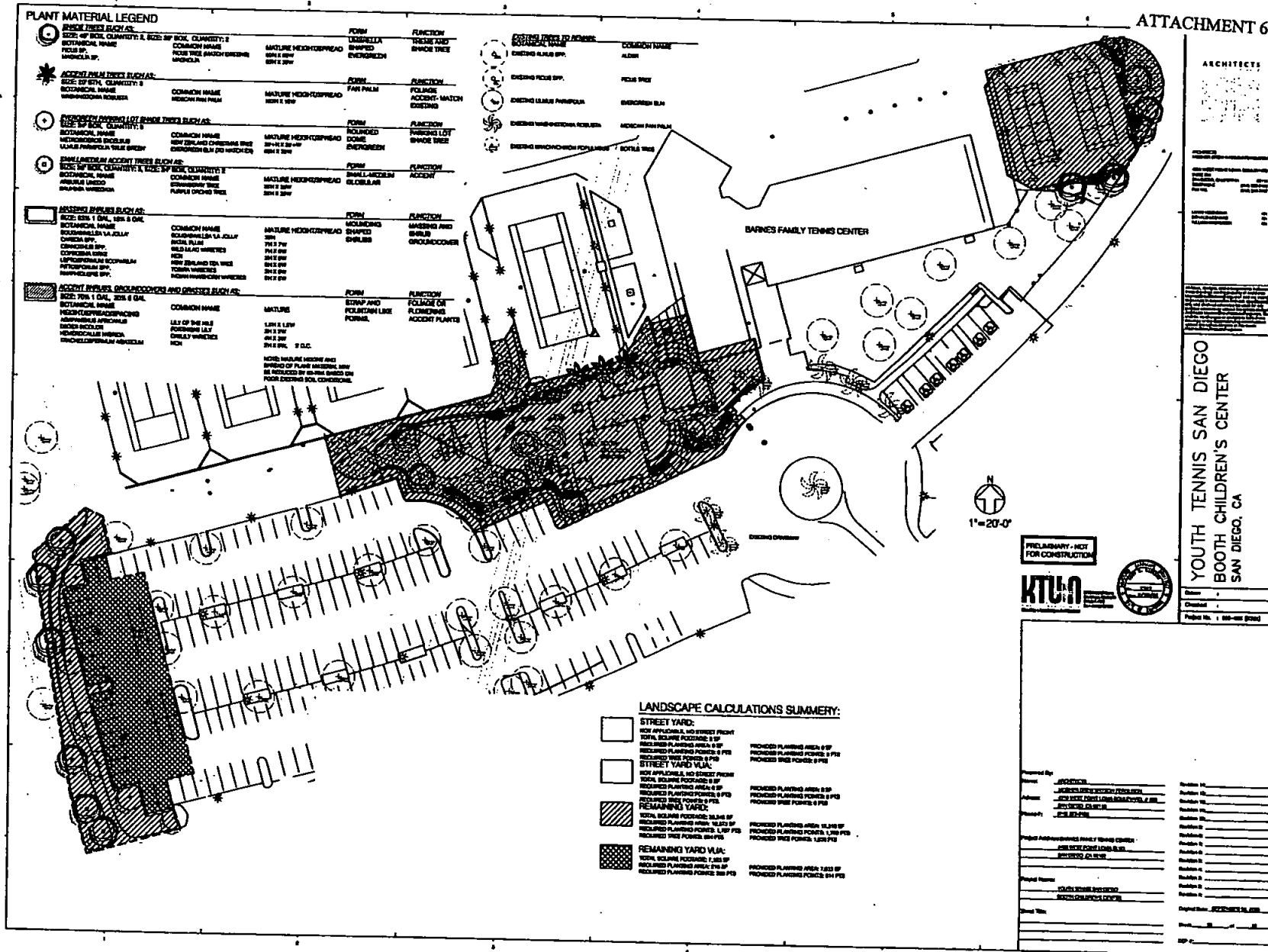


**D1** **SECTIONS**  
A-36-3 SCALE 1/4"=1'-0"



**PRELIMINARY - NOT  
FOR CONSTRUCTION**







## EXHIBIT "B"

|                                           |                                       |
|-------------------------------------------|---------------------------------------|
| Schematic design of the Improvements:     | March – December 2006                 |
| City of San Diego CUP review:             | December 19, 2006 – November 15, 2007 |
| California Coastal Commission Permit:     | November 15, 2007 – June 12, 2008     |
| Design development:                       | June 2008 – October 2008              |
| Construction documents preparation:       | November 2008 – December 2008         |
| City of San Diego Building Permit review: | January 2009 – March 2009             |
| Construction of Improvements:             | March 2009 - September 2009           |
| Occupy Improvements:                      | September 2009                        |