

AMENDMENT TO FLAT RATE LEASE

This First Amendment to the Flat Rate Lease (First Amendment) is made and entered into by and between the City of San Diego (City) and Environmental Design California, Inc. (EDI), also referred to individually as "Party" and collectively as the "Parties."

RECITALS

1. CITY, as the lessor, and Big Tress Nursery, Inc. (Big Trees), as the lessee, were parties to that certain FLAT RATE LEASE ("Lease") dated May 1, 2014, and filed in the Office of the San Diego City Clerk as Document No. RR-308889, relating to certain CITY-owned real property located at 12450 Highland Valley Road, Escondido, CA 92025, as more particularly described in the Lease ("Subject Property").

2. On January 13, 2017, CITY executed the Consent to Assignment, which assigned the Lease and all right thereunder, from Big Trees to EDI. EDI is now the current lessee under the Lease.

3. The City has exercised its right under section 9.5 of the Lease and has surveyed a portion of the leasehold area of the Lease (the portion of the leasehold immediately adjacent to Highland Valley Road) for the purpose of identifying demarcation boundaries.

4. Pursuant to CITY's survey, CITY and EDI now wish to amend the Lease in order to clarify the leasehold boundary of the Lease.

TERMS

1. This First Amendment will be effective when it is signed by both parties and approved by the City Attorney in accordance with Charter section 40.

2. Section 1.1 of the Lease "Premises" is hereby deleted in its entirety and replaced to read as follows:

CITY hereby leases to LESSEE and LESSEE leases from CITY all of that certain real property described as a portion of APN 272-131-07 in the community of San Pasqual Valley, City of San Diego, County of San Diego, State of California ("Premises"). The Premises, which constitute a total area of approximately 43.5 acres, is comprised of the following sub-areas: an Active Use Area (approximately 16 acres); a Passive Use Area (approximately 19.5 acres); and a Non Use Area (approximately 8 acres) as shown and further depicted in **Exhibits A1 – A3 - Premises**, and attached to and made part of this Lease. It is further agreed that: not all of the Premises and the sub-areas have been surveyed; and that any deviation between approximate and actual acreage of the Premises or sub-areas shall not cause any reduction or change in rent or consideration due under this Lease.

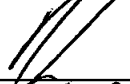
3. All references to Exhibit A are hereby deleted in their entirety and replaced as amended with Exhibits A1 – A3, as attached hereto.

IN WITNESS WHEREOF, this First Amendment is executed by City and EDI acting by and through their authorized officers.

Environmental Design California, Inc.
a California corporation

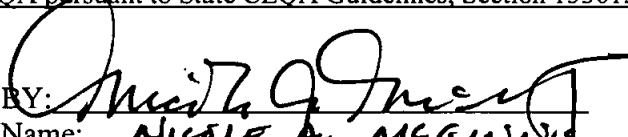
By: 
Name: MARK MERITT
Title: COO
Date: 5/22/2017

City of San Diego
a California municipal corporation

By: 
Name: CHERYL THOMPSON
Title: MANAGER, PERMITTING ISSUES
Date: 5/23/17

Environmental Analysis Section Environmental Clearance:

This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15301.

Date: 5/16/17
BY: 
Name: NICOLE A. MCGINNIS
Title: SENIOR PLANNER

Approved as to form this 24th day of
May, 2017

MARA W. ELLIOTT, City Attorney

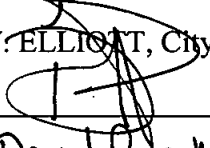
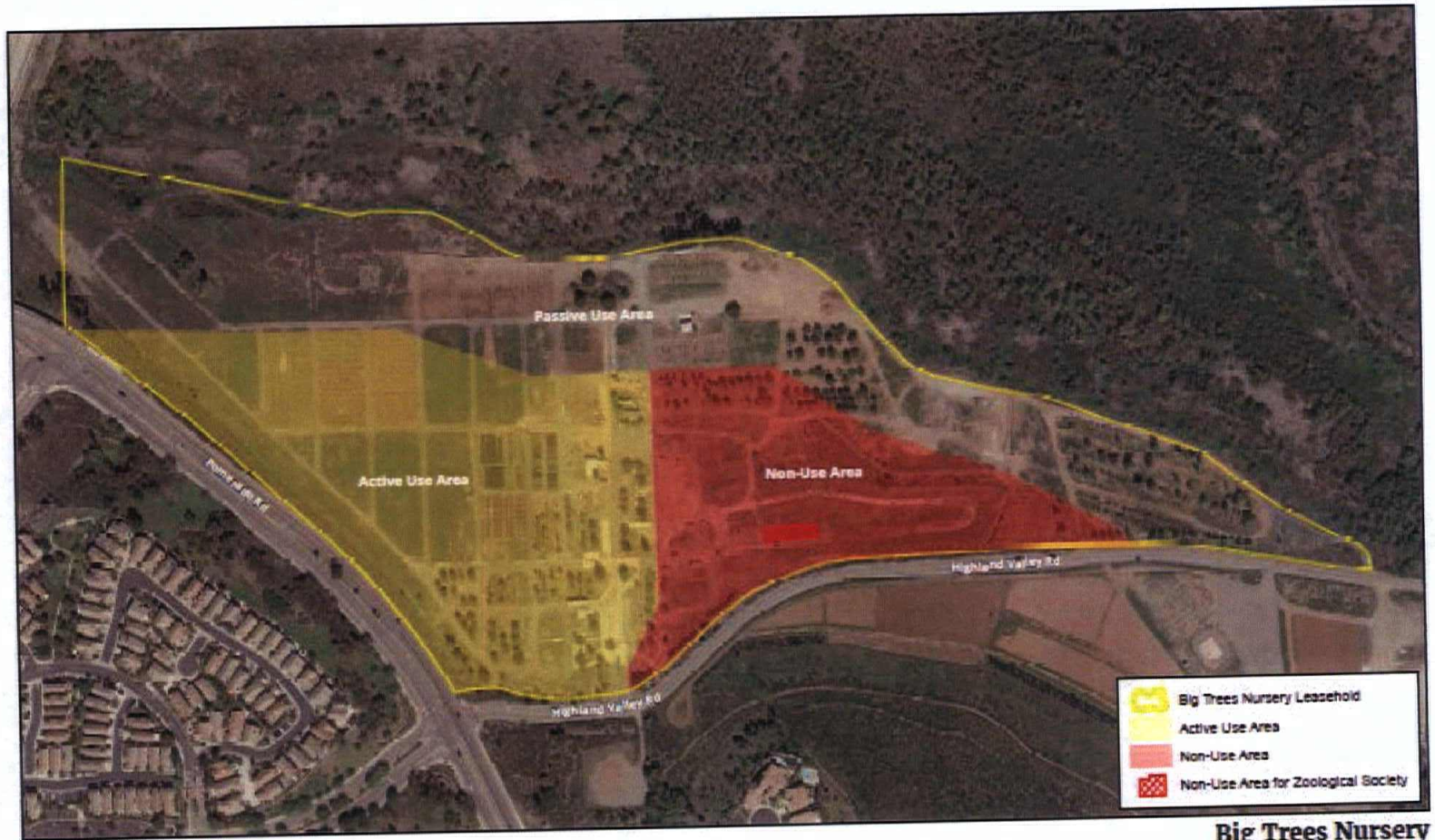
By: 
Name: David Power
Title: Deputy City Attorney

Exhibit A-1



Big Trees Nursery
2016 Proposed Agricultural Lease Boundary



This map was prepared for the City of San Diego by SDGIS. It is not to be used for any other purpose without the written permission of SDGIS. The City of San Diego is not responsible for any errors or omissions in this map. The City of San Diego is not responsible for any damages or losses resulting from the use of this map. The City of San Diego is not responsible for any claims or liabilities arising from the use of this map. The City of San Diego is not responsible for any claims or liabilities arising from the use of this map.

SDGIS Source: SanGIS, 2016
Date: March 2017
Author: Douglas Smith, John, 913.333.0710

Prepared by:
City of San Diego Public Utilities Department
Waterfront & Resource Protection Team

Exhibit A-2



Exhibit A-3

