

**SECOND AMENDMENT
TO
CITY OF SAN DIEGO
USE AND OCCUPANCY PERMIT – NINE
(Jewish Community Center)**

THIS SECOND AMENDMENT TO CITY OF SAN DIEGO USE AND OCCUPANCY PERMIT - NINE ("Second Amendment") is entered into by and between THE CITY OF SAN DIEGO, a California municipal corporation ("CITY"), Lawrence Family Jewish Community Centers of San Diego County, a California corporation ("LESSEE") (CITY and LESSEE hereafter referred to collectively as "PERMITOR"), and the San Diego Association of Governments ("SANDAG"), a California public agency ("PERMITTEE"), (collectively, "the Parties"), to be effective as of October 22, 2018 (the "Second Amendment Effective Date"), and when signed by the parties and approved by the San Diego City Attorney.

RECITALS

- A. The Parties entered into the City of San Diego Use and Occupancy Permit – Nine effective as of June 1, 2017 (the "Original Permit"), as amended by that First Amendment to City of San Diego Use and Occupancy Permit – Nine effective November 30, 2017 ("First Amendment"), (the Original Permit and the First Amendment are collectively referred hereafter as the "Permit"); and
- B. The Permit is scheduled to expire on November 30, 2018; and
- C. The PERMITTEE has requested to extend the term of the Permit for six (6) months; and
- D. All capitalized terms not otherwise defined in this Amendment shall have the same meaning as in the Permit.

AGREEMENT

NOW THEREFORE, the Parties agree to amend the Permit as follows:

- 1. Subsection g. of Section 1 of the Permit is deleted in its entirety and replaced with the following:

"g. **'Term'** shall mean the period commencing on June 1, 2017 and expiring on May 31, 2019."
- 2. **Counterparts.** This Amendment may be executed in one or more counterparts, each of which shall be deemed to constitute an original, but all of which, when taken together, shall constitute one and the same instrument.
- 3. All other terms and conditions of the Permit remain unchanged and shall remain in full force and effect.

IN WITNESS WHEREOF, this SECOND AMENDMENT TO CITY OF SAN DIEGO USE AND OCCUPANCY PERMIT - NINE is executed to be effective as of the Second Amendment Effective Date.

Approved as to form:

By: [Signature]
RYAN P. KOHUT
SANDAG Senior Legal Counsel

The San Diego Association of Governments ("SANDAG")
a California public agency

BY: [Signature]
Name: John L. N.T. d. com
Title: DIRECTOR

Lawrence Family Jewish Community Centers of San Diego
County

BY: _____
Name: _____
Title: _____

Approved as to form:

MARA W. ELLIOTT, City Attorney

By: [Signature]
Name: Hilda R. Hernandez
Date: October 22, 2018
Deputy City Attorney

THE CITY OF SAN DIEGO, a California municipal
corporation

BY: [Signature]
Cybele L. Thompson
Director, Real Estate Assets

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Approved as to form:

The San Diego Association of Governments ("SANDAG")
a California public agency

By: _____
RYAN P. KOHUT
SANDAG Senior Legal Counsel

BY: _____

Name: _____

Title: _____

Lawrence Family Jewish Community Centers of San Diego
County

BY: Betty Lynch

Name: Betty Lynch

Title: CEO

Approved as to form:

MARA W. ELLIOTT, City Attorney

THE CITY OF SAN DIEGO, a California municipal
corporation

By: _____
Name: _____
Date: _____
Deputy City Attorney

BY: _____
Cybele L. Thompson
Director, Real Estate Assets

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Environmental Analysis Section Environmental Clearance:

This Use & Occupancy Permit with SANDAG to allow use of City-owned property for the non-exclusive use of the Permit Area for construction within the driveway and parking lot to accommodate roadway widening and sidewalk reconstruction within the CITY right-of-way by re-grading the existing driveway located at the Genesee Avenue entrance of the Property is covered by the following certified environmental document:

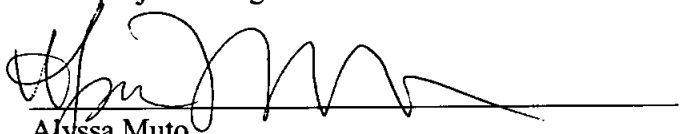
Mid-Coast Corridor Transit Project Final Supplemental Environmental Impact Statement and Subsequent Environmental Impact Report Volume I. U.S. Department of Transportation Federal Transit Administration and San Diego Association of Governments (SANDAG), SCH# 2010051001, September 2014; certified by SANDAG Board Resolution No. RTC-2015-03, 11/21/14;

This activity is not considered to be a separate project for purposes of CEQA review as defined in State CEQA Guidelines Section §15378(c). Pursuant to Section 21166 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review.

Date:

10/9/18

BY:


Alyssa Muto
Deputy Director, Environment & Mobility Planning