

2. Lease Section 1.11 Public Use shall be deleted in its entirety and replaced with the following:

Public Use. The general public shall not be wholly or permanently excluded from any portion of the Premises. LESSEE may develop reasonable restrictions for use of the facilities provided they are consistent with the rights of the general public and are designed to allow LESSEE to use the Premises for the purposes specified herein. LESSEE agrees that all activities conducted on the Premises will be as stated in Section 1.2, Uses, hereof. Public use of the facilities on the Premises shall be permitted without Boys & Girls Club membership in accordance with the operating and fee schedules in Sections 1.7 and 1.8 hereof. However, to the extent permitted by law, LESSEE may refuse participation in its programs to any person if LESSEE reasonably determines that such person's physical, mental, or emotional condition would make such participation a danger to such person or others. Further, LESSEE may reasonably deny public access to the administrative, child care, Charter school, and other similar sensitive and secure areas of the Premises.

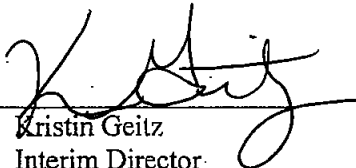
LESSEE shall, at all times during the lease term, maintain a prominent CITY-approved sign identifying the property as City-owned and available for public use consistent with the terms of the lease. The sign shall be installed by LESSEE at a location approved by CITY.

3. CITY's Mayor. All references in the Lease to CITY's "City Manager" shall mean the Mayor of San Diego, or his or her designee ("Mayor"), unless otherwise expressly provided in the Lease.
4. Counterparts. This First Amendment may be executed in counterparts, each of which shall be deemed an original, but such counterparts, when taken together, shall constitute one agreement. This First Amendment may be executed by a party's signature transmitted by facsimile or PDF email, and copies of this First Amendment executed and delivered by means of facsimile signatures or PDF email shall have the same force and effect as copies hereof executed and delivered with original signatures. All parties hereto may rely upon facsimile or email signatures as if such signatures were originals.
5. No Further Modification. Except as set forth in this First Amendment, all of the terms and provisions of the Lease shall remain unmodified and in full force and effect. Effective as of the Effective Date, hereof, all references to the "Lease" shall refer to the Lease as amended by this First Amendment.

IN WITNESS WHEREOF, this First Amendment is executed by CITY and LESSEE, acting by and through their lawfully authorized officers.

LESSOR:

THE CITY OF SAN DIEGO, a California
municipal corporation

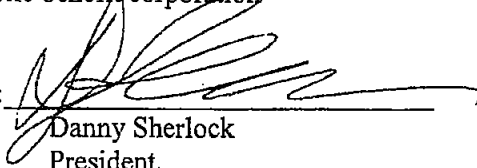
By: 

Kristin Geitz
Interim Director
Real Estate Assets Department

Dated: 9/15/14

LESSEE:

BOYS' AND GIRLS' CLUB OF INLAND
NORTH COUNTY, a California non-profit
public benefit corporation

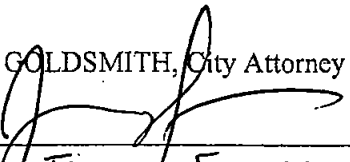
By: 

Danny Sherlock
President

Dated: 9/10/14

Approved as to form and legality this
16th day of Sept., 2014.

JAN I. GOLDSMITH, City Attorney

By: 

Name: Jeremy Fonseca
Deputy City Attorney

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RESOLUTION NUMBER R- 309199

DATE OF FINAL PASSAGE SEP 15 2014

S400 (A)

9/15/14

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AND DIRECTING THE EXECUTION OF A FIRST AMENDMENT TO THE NON-PROFIT LEASE WITH BOYS' & GIRLS' CLUB OF INLAND NORTH COUNTY, FOR THE LINDA VISTA BRANCH BOYS' & GIRLS' CLUB LOCATED AT 2230 EAST JEWETT STREET, SAN DIEGO, CALIFORNIA.

WHEREAS, the City of San Diego (City) owns that certain real property located at 2230 East Jewett Street, San Diego, California 92101 (Property), in the Linda Vista community; and

WHEREAS, the City leases the Property to the Boys' and Girls' Clubs of Inland North County, a California non-profit public benefit corporation doing business as the "Boys' & Girls' Club of San Diego" (Boys' & Girls' Club), pursuant to the "City of San Diego Linda Vista Branch Non-Profit Lease" filed with the Office of the City Clerk as Document No. RR-297469 (Lease). The Lease requires the Boys' & Girls' Club to develop, operate, and maintain a community youth center at the Property for recreational, educational, health, social, and cultural uses, for the benefit of members and the general public; and

WHEREAS, the Boys' & Girls' Club serves the community by aiding youth in the Greater San Diego area to make positive life choices through active participation in educational, athletic, and recreational activities; and

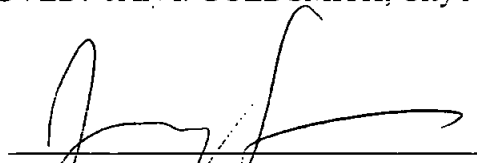
WHEREAS, the Boys' & Girls' Club has indicated a desire to establish a charter school at the Property, with coordinated involvement and programming between the Boys' & Girls' Club and the school; and

WHEREAS, staff has negotiated a "First Amendment to City of San Diego Linda Vista Branch Non-Profit Lease," on file in the Office of the City Clerk as Document No. 86309199 which will, among other things, amend the Lease to allow a charter school use at the Property; 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 City of San Diego Linda Vista Branch Non-Profit Lease," on file in the Office of the City Clerk as Document No. 86309199, between the City and Boys' and Girls' Clubs of Inland North County, a California non-profit public benefit corporation, to amend the current "City of San Diego Linda Vista Branch Non-Profit Lease" for the Linda Vista Branch Boys' & Girls' Club located at 2230 East Jewett Street, San Diego, California.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

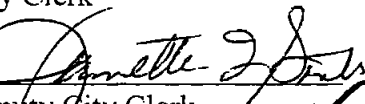


Jeremy M. Fonseca
Deputy City Attorney

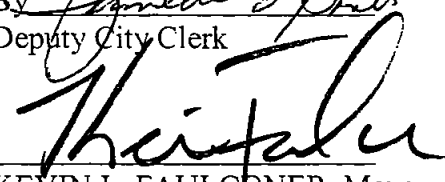
JMF:als
9/10/2014
Or.Dept: Real Estate Assets Dept.
Doc. No. 860108

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 15 2014

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/15/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on SEP 15 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☒	☐	☐	☐
Ed Harris	☒	☐	☐	☐
Todd Gloria	☒	☐	☐	☐
Myrtie Cole	☒	☐	☐	☐
Mark Kersey	☒	☐	☐	☐
Lorie Zapf	☒	☐	☐	☐
Scott Sherman	☒	☐	☐	☐
David Alvarez	☒	☐	☒	☐
Marti Emerald	☐	☐	☒	☐

Date of final passage SEP 15 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.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Depary

Office of the City Clerk, San Diego, California

Resolution Number R- 309199

Passed by the Council of The City of San Diego on September 15, 2014, by the following vote:

YEAS: LIGHTNER, HARRIS, GLORIA, COLE, KERSEY, ZAPF,
SHERMAN, & ALVAREZ.

NAYS: NONE.

NOT PRESENT: EMERALD.

RECUSED: NONE.

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: Jeannette I. Santos, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R-309199, approved on September 15, 2014. The date of final
passage is September 15, 2014.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By:  Deputy

RESOLUTION NUMBER R- 303200

DATE OF FINAL PASSAGE SEP 15 2014

S400(B)
9/15/14

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE FIRST AMENDMENT TO THE LEASE WITH BOYS' & GIRLS' CLUB OF INLAND NORTH COUNTY, FOR THE LINDA VISTA BRANCH BOYS' & GIRLS' CLUB LOCATED AT 2230 EAST JEWETT STREET, SAN DIEGO, CALIFORNIA, IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301.

WHEREAS, the City of San Diego (City) is considering the "First Amendment to City of San Diego Linda Vista Branch Non-Profit Lease," on file in the Office of the City Clerk as Document No. 22-309199 (Amendment), with Boys' and Girls' Clubs of Inland North County, a California non-profit public benefit corporation, to amend the current "City of San Diego Linda Vista Branch Non-Profit Lease" involving the Linda Vista Branch Boys' & Girls' Club located at 2230 East Jewett Street, San Diego, California (Property); and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), section 21084, states that the CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.) shall list those classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, pursuant to that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of Projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Development Services Department has established that the Amendment is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Amendment; and

WHEREAS, the Council of the City of San Diego has considered the potential environmental effects of the Amendment, and

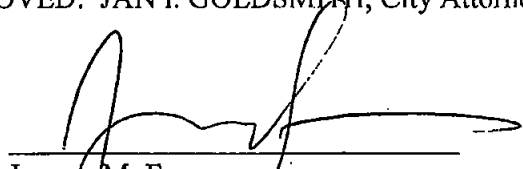
WHEREAS, the City Council held a duly-noticed public meeting and considered the written record for the Amendment as well as public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the Amendment will not have a significant effect on the environment because the foreseeable uses of the Property by a charter school pursuant to the Amendment will involve negligible and no expansion of existing uses of the Property; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the "First Amendment to City of San Diego Linda Vista Branch Non-Profit Lease," on file in the Office of the City Clerk as Document No. R-309199, with Boys' and Girls' Clubs of Inland North County, a California non-profit public benefit corporation, to amend the current "City of San Diego Linda Vista Branch Non-Profit Lease" for the Linda Vista Branch Boys' & Girls' Club located at 2230 East Jewett Street, San Diego, California, is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 and that an exception to the exemption does not apply under CEQA Guidelines section 15300.2.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

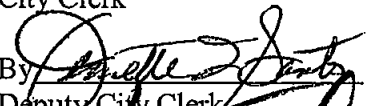


Jeremy M. Fonseca
Deputy City Attorney

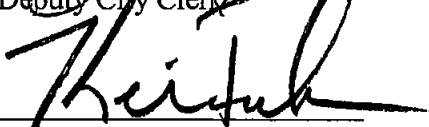
JMF:als
9/10/2014
Or.Dept: Real Estate Assets Dept.
Doc. No. 860563

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 15 2014

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/15/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on SEP 15 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☒	☐	☐	☐
Ed Harris	☒	☐	☐	☐
Todd Gloria	☒	☐	☐	☐
Myrtle Cole	☒	☐	☐	☐
Mark Kersey	☒	☐	☐	☐
Lorie Zapf	☒	☐	☐	☐
Scott Sherman	☒	☐	☐	☐
David Alvarez	☒	☐	☐	☐
Marti Emerald	☐	☐	☒	☐

Date of final passage SEP 15 2014

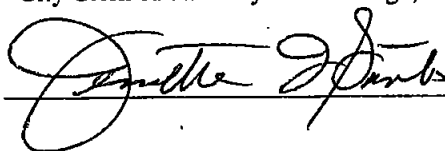
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- 309200