



Real Estate Assets Department
SDC003

CHICANO PARK MUSEUM & CULTURAL CENTER

S509RS-002-A00

Document Type

LEGAL DOCUMENTS



Sub - Category

AMENDMENTS



11

ORIGINAL

FIRST AMENDMENT TO NON-PROFIT LEASE AGREEMENT BETWEEN CITY OF SAN DIEGO AND CHICANO PARK MUSEUM AND CULTURAL CENTER

THIS FIRST AMENDMENT TO NON-PROFIT LEASE AGREEMENT ("First Amendment"), made and entered into this 13th day of September 2022, by and between THE CITY OF SAN DIEGO, a California municipal corporation, herein after referred to as "CITY", and CHICANO PARK MUSEUM AND CULTURAL CENTER, a 501(c)(3) corporation, hereinafter referred to as "LESSEE", with reference to the following facts:

RECITALS

- A. CITY and LESSEE entered into a Non-Profit Lease Agreement ("Lease") effective on September 7, 2018, known as City of San Diego Document No. RR-311950 Filed August 7, 2018, for that certain real property improved with a 11,240 square foot building and adjacent parking lot located at 1960 National Avenue, San Diego, California 92113 which is described in Exhibit "A" of the Lease ("Premises").
- B. The Lease described the Premises as including a 9,890 square foot building, but City staff has determined the building is 11,240 square feet.
- C. As set forth in Section 30 of the Lease, the CITY has the right, but not the obligation, to enter and make improvements and alterations to the Premises. The CITY exercised that right and the amount and extent of improvements prevented the LESSEE from occupying the Premises. Construction of improvements was completed August 31, 2020. CITY has no obligation to maintain or make any improvements or repairs to the Premises.
- D. CITY and LESSEE wish to amend the Lease in order to add two years to the Lease Term.
- E. Unless otherwise defined herein, capitalized terms used in this First Amendment shall have the same meaning as in the Lease.

NOW THEREFORE, in consideration of the above recitals, which are incorporated herein, and the mutual promises contained herein, the parties agree to amend the Lease as follows:

1. AMENDMENT OF THE LEASE. The Lease is amended as follows:

- 1.1 Section 15 of the Lease, entitled Term, is hereby deleted in its entirety and replace as follows:

"12. Term. The term of this Lease ("Term") shall be twenty-two (22) years, commencing on the Effective Date. Provided LESSEE is not in default of the Lease, CITY may, in its sole discretion, extend this Lease for up to two additional periods of five (5) years each, subject to all original agreements, considerations, covenants and conditions of this Lease. To exercise this right to extend, CITY must provide LESSEE with six (6) months written notice prior

to the expiration date of this Lease. Nothing contained in this Lease requires the CITY to exercise any or all of its rights to extend the Term.”

2. EFFECT OF AMENDMENT

- 2.1. All other terms and conditions of the Lease shall remain in full force and effect.
- 2.2. Each individual executing this First Amendment on behalf of another person or legal entity represents and warrants that they are authorized to execute and deliver this First Amendment 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 First Amendment is binding upon such person or entity in accordance with its terms. Each person executing this First Amendment on behalf of another person or legal entity represents and warrants 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.
- 2.3. This First Amendment may be executed by the parties in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.
- 2.4. In the event of a conflict between the provisions of the Lease and those of this First Amendment, the provisions of this First Amendment shall control.

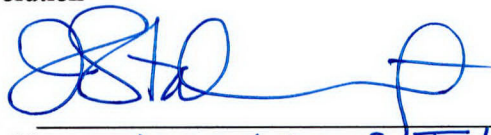
[Signature Page Follows]

**SIGNATURE PAGE TO FIRST AMENDMENT
TO NON-PROFIT LEASE AGREEMENT BETWEEN CITY OF SAN DIEGO AND
CHICANO PARK MUSEUM AND CULTURAL CENTER**

IN WITNESS WHEREOF, the parties have executed this First Amendment on the date first written above.

Date: 8/27/22

**CHICANO PARK MUSEUM AND
CULTURAL CENTNER**, a 501(c)(3)
corporation

BY: 
Name: Josephine S. Talamantez
Title: CPMCC Board Chair

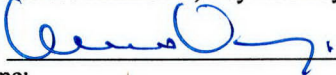
Date: 10/12/2022

THE CITY OF SAN DIEGO, a California
municipal corporation

BY: 
Name: Penny Maus
Title: Director,
Department of Real Estate and
Airport Management

Approved as to form this 21st day of
October, 2022.

MARA W. ELLIOTT, City Attorney

By: 

Name: _____
Title: **Marco A. Verdugo**
Deputy City Attorney

RESOLUTION NUMBER R- 314323DATE OF FINAL PASSAGE SEP 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE FIRST AMENDMENT TO THE NON-PROFIT LEASE BETWEEN CHICANO PARK MUSEUM AND CULTURAL CENTER AND THE CITY OF SAN DIEGO FOR CITY-OWNED REAL PROPERTY LOCATED AT 1960 NATIONAL AVENUE, SAN DIEGO, CALIFORNIA 92113, IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301.

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), 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 the authority, CEQA Guidelines section 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 City of San Diego desires to authorize that certain First Amendment to the Non-Profit Lease with Chicano Park Museum and Cultural Center for the lease of improved real property consisting of an approximately 11,240 square-foot building and adjacent surface parking located at 1960 National Avenue, San Diego, California 92113 (Project); and

WHEREAS, the Planning Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Existing Facilities) and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Council of the City of San Diego (Council) has considered the potential environmental effects of the Project; and

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

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, the Council, using its independent judgment, has determined that the Project will not result in a significant effect on the environment and is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Existing Facilities) because the actions involve the operation, maintenance, repair, or minor alterations of existing facilities with negligible or no expansion of use; NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 and that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

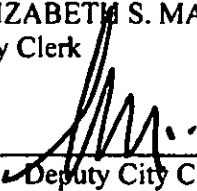
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marco A. Verdugo
Marco A. Verdugo
Deputy City Attorney

MAV:sc
08/29/2022
Or.Dept: READ
Doc. No.: 3073872

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 13 2022.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/20/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 13 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Monica Montgomery Steppe	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Chris Cate	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☐	☐	☒	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage SEP 21 2022.

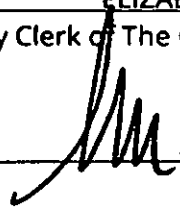
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314323

RESOLUTION NUMBER R- 314324DATE OF FINAL PASSAGE SEP 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR OR DESIGNEE
TO EXECUTE THE FIRST AMENDMENT TO THE
NON-PROFIT LEASE BETWEEN CHICANO PARK MUSEUM
AND CULTURAL CENTER AND THE CITY OF SAN DIEGO
FOR CITY-OWNED PROPERTY LOCATED AT
1960 NATIONAL AVENUE, SAN DIEGO, CALIFORNIA 92113.

WHEREAS, the City of San Diego (City) owns certain improved real property consisting
of an approximately 11,240 square-foot building with adjacent surface parking located at
1960 National Avenue, San Diego, California 92113 (Property); and

WHEREAS, the City entered into a non-profit lease agreement for the Property with
Chicano Park Museum and Cultural Center, a California 501(c)(3) non-profit corporation
(Chicano Park Museum), approved by the Council of the City of San Diego (Council) under
Resolution No. RR-311950 on August 20, 2018 (Lease); and

WHEREAS, in accordance with the City's rights under the Lease, the City entered the
Property to make certain improvements which prevented Chicano Park Museum from occupying
the Property for approximately two years; and

WHEREAS, the City and Chicano Park Museum have agreed to amend the Lease
(First Amendment to Non-Profit Lease), subject to Council's approval, to extend the term of the
Lease by two years for a total of 22 years as set forth in the First Amendment to Non-Profit
Lease on file with the Office of the City Clerk as Document No. RR- 314324; and

WHEREAS, the California Department of Housing and Community Development's
(HCD) Surplus Land Act Guidelines (SLA Guidelines) provide guidance regarding the noticing
and disposition procedures applicable to a local agency's disposition of surplus land under the

California Surplus Land Act (SLA), as amended by Assembly Bill 1486 which became effective on January 1, 2020; and

WHEREAS, Section 102(h) of the SLA Guidelines sets forth HCD's interpretation that the SLA noticing and disposition procedures apply generally to lease transactions, except with respect to a lease of land on which no development or demolition will occur or a lease which has a term less than five years, including any extensions, amendments, or options; and

WHEREAS, the First Amendment to Non-Profit Lease is not subject to the SLA because it does not involve any development or demolition within the meaning of Section 102(h) of the SLA Guidelines; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided 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, that the Mayor, or designee, is authorized to enter into that certain First Amendment to Non-Profit Lease between Chicano Park Museum and Cultural Center, a California 501(c)(3) non-profit corporation and the City of San Diego, for certain City-owned property located at 1960 National Avenue, San Diego, California 92113, on file with the Office of the City Clerk as Document No. RR314324

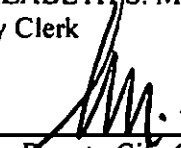
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marco A. Verdugo
Marco A. Verdugo
Deputy City Attorney

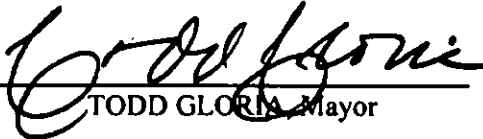
MAV:sc
08/29/2022
Or.Dept: READ
Doc. No.: 3073847

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 13 2022

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/20/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 13 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Monica Montgomery Steppe	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Chris Cate	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☐	☐	☒	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage SEP 21 2022.

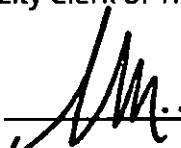
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314324