

ORIGINAL

**FIRST AMENDMENT TO
LEASE AGREEMENT**

THIS FIRST AMENDMENT TO LEASE AGREEMENT ("AMENDMENT") is entered into by and between THE CITY OF SAN DIEGO, a California municipal corporation ("CITY"), and the ZOOLOGICAL SOCIETY OF SAN DIEGO, a California nonprofit corporation, organized and existing under the Nonprofit Corporation Law of the State of California ("SOCIETY"), to be effective as of the date this Amendment is signed by the parties and approved by the San Diego City Attorney (the "Amendment Effective Date").

RECITALS

A. CITY and SOCIETY are parties to that certain Lease Agreement signed on July 23, 1979, and filed with the San Diego City Clerk on August 31, 1979, as Document No. 767195 ("LEASE"), under which SOCIETY leases certain CITY-owned real property in Balboa Park, in the City of San Diego, County of San Diego, State of California, described in Exhibit A of the LEASE.

B. SOCIETY and CITY desire to modify the parking provisions of the LEASE to better conform with CITY's current parking practices throughout Balboa Park.

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

LEASE AMENDMENT

ARTICLE I

1. Section 7 of Article V of the LEASE is deleted in its entirety and is replaced by the following:

DOCUMENT NO. **RR-316408**
FILED **SEP 08 2025**
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

7. The parking lot at the east end of the GARDENS shall be maintained and operated by SOCIETY as a public parking facility for the accommodation and parking of the motor vehicles of visitors to Balboa Park and the GARDENS and SOCIETY shall have the right to charge reasonable parking fees for the use thereof in an amount to be determined by SOCIETY. Said parking fees shall not exceed an amount necessary to reimburse SOCIETY for its costs of maintenance and operation of the public parking facility. The City hereby reserves the right to review the effect the imposition of such parking fees has on the use of Balboa Park generally, and specifically with regard to any parking and traffic problems which may occur in other park areas as the result of the imposition of such fees. In the event the City Council determines that the imposition of such fees significantly and adversely affects the parking and traffic situation in Balboa Park, Lessee agrees to take whatever action is necessary including the reduction or elimination of such fees to alleviate such problems.

ARTICLE II

GENERAL PROVISIONS

1. All capitalized terms used in this AMENDMENT that are not otherwise specifically defined in this AMENDMENT shall have the meanings given them in the LEASE.
2. Except as modified in this AMENDMENT, all other terms of the LEASE shall remain in full force and effect. If the terms of the LEASE are inconsistent with the terms of this AMENDMENT, the terms of this AMENDMENT shall control.

IN WITNESS WHEREOF, CITY and SOCIETY sign and enter into this AMENDMENT
by and through the signatures of their respective authorized representative(s) as follows:

Dated this 15th day of September, 2025.

THE CITY OF SAN DIEGO, a California
municipal corporation

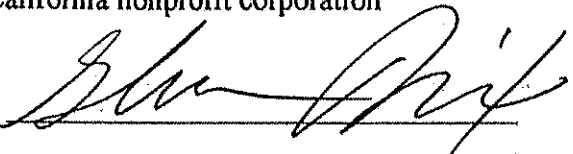
Approved as to form
this 15th day of September, 2025.

By 
Christina Bibler (Sep 15, 2025 09:48:15 PDT)

HEATHER FERBERT, City Attorney

ZOOLOGICAL SOCIETY OF SAN DIEGO,
a California nonprofit corporation

By William W. Witt
William W. Witt (Sep 15, 2025 11:56:15 PDT)

By 

R-316408

5400 9-8-25

(R-2026-88)

RESOLUTION NUMBER R- **316408**

DATE OF FINAL PASSAGE **SEP 12 2025**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE ZOOLOGICAL SOCIETY OF SAN DIEGO FOR THE SAN DIEGO ZOO PROPERTY LOCATED IN BALBOA PARK, AND WAIVING APPLICATION OF PART V(C)(6) OF COUNCIL POLICY 700-10.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The City of San Diego (City) and the Zoological Society of San Diego, a California nonprofit corporation (Society), are parties to a 55-year Lease Agreement signed on July 23, 1979, and filed with the San Diego City Clerk on August 31, 1979, as Document No. 767195 (Lease). Under the Lease, the Society leases City-owned real property located in Balboa Park, as specifically described in Exhibit A of the Lease (Property), where it operates the San Diego Zoo.

B. Section 7 of the Lease currently allows the Society to charge reasonable parking fees for users of a parking lot located on the east end of the Property. Section 7 also provides for the parking fees to be the same for all users of the parking lot. This Lease language requiring uniform parking fees prevents the Society from reducing or removing parking fees for its volunteers or staff or from charging discounted rates for City residents, Society members, seniors, and members of the military.

C. To coordinate with the City's current plans to implement paid parking in Balboa Park, the City and Society negotiated an amendment to Section 7 of the Lease to allow the

Society to charge different rates for users of the San Diego Zoo parking lot and better conform with current City parking practices (First Amendment). A copy of the First Amendment is included in the docket materials accompanying this Resolution.

D. Council Policy 700-10, Part V(C)(6) on page 19, states that each amendment to a long-term lease of City-owned real property will incorporate current City-standard lease provisions and adjust the rent amount to current market rent.

E. The City Council intends to waive Council Policy 700-10, Part V(C)(6), because the First Amendment will only delete one sentence in Section 7 of the Lease related to parking fees charged by the Society to help coordinate the City's and Society's paid parking efforts in Balboa Park.

F. The Office of the City Attorney prepared this Resolution based on information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

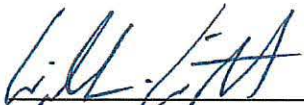
ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council waives Council Policy 700-10, Part V(C)(6) on page 19, stating that each amendment to a long-term lease of City-owned real property will incorporate current City-standard lease provisions and adjust the rent amount to current market rent.
2. The Council approves the First Amendment.
3. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the First Amendment, and take all other reasonable actions that are necessary or appropriate to

implement the First Amendment. When signed by both parties, the First Amendment will be placed on file with the Office of the City Clerk as Document No. RR- 316408.

APPROVED: HEATHER FERBERT, City Attorney

By 
William Witt
Deputy City Attorney

WWW:jdf
08/27/2025
Or.Dept: DREAM
Doc. No. 4168961

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on SEP 08 2025.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 9/12/25
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 08 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☐	☐	☒	☐
Vivian Moreno	☐	☒	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage SEP 12 2025.

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **316408**

Passed by the Council of The City of San Diego on September 8, 2025, by the following vote:

YEAS: LACAVA, CAMPBELL, WHITBURN, FOSTER III, VON WILPERT, LEE, & ELO-RIVERA.

NAYS: MORENO.

NOT PRESENT: CAMPILLO.

RECUSED: NONE.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California

(Seal)

By: Linda Irvin, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true, and correct copy of
RESOLUTION NO. R-316408 approved on September 8, 2025. The date of final
passage is September 12, 2025.

DIANA J.S. FUENTES

City Clerk of the City of San Diego, California

(Seal)

By: Linda Irvin, Deputy