

November 9, 2020

901 SSS Old Town LLC
Attn. Executive Director
1660 Hotel Circle N, Suite 710
San Diego, CA 92108

**Subject: Lease Assignment – The City of San Diego / Conrad T. Prebys Trust
Document No. RR-259542 om the office of the City Clerk**

Thank you for your letter from DLA Piper LLP (US) dated July 29, 2020 requesting that the City of San Diego assign the above noted lease to 901 SSS Old Town, LLC, pursuant to Section 4.02 Assignment of the lease.

Enclosed is a fully executed, original Consent to Assignment document.

If you have any questions, please contact me at jvanderhagen@sandiego.gov or (619) 236-6210.

Sincerely,



Jayne Vanderhagen
Supervising Property Agent

CITY OF SAN DIEGO
CONSENT TO ASSIGNMENT OF LEASE

THIS CONSENT TO ASSIGNMENT OF LEASE ("Consent") is made by THE CITY OF SAN DIEGO, a California municipal corporation ("CITY"), to be effective as of the later date that this Consent is executed by City and approved by the San Diego City Attorney ("Effective Date").

RECITALS

- A. WHEREAS, CITY, as lessor, and CONRAD T. PREBYS, Trustee under Trust Agreement dated December 17, 1982, as lessee ("LESSEE"), entered into that certain Lease Agreement, dated November 14, 1983 filed in the Office of the City Clerk, San Diego, California, as Document No. RR-259542 ("Lease") for certain premises known as that certain real property as parcel 1, comprising 0.308 acres, or 13,416 square feet of the 4800 Block of Pacific Highway, San Diego, California, 92110, County of San Diego, State of California, shown on EXHIBIT "A", attached hereto ("Premises").
- B. WHEREAS, LESSEE and 901 SSS OLD TOWN LLC ("ASSIGNEE") wish to enter into an Assignment of Lease ("Assignment"), which will assign all of LESSEE's rights, title, and interest in, to, and under the Lease, to the ASSIGNEE.
- C. WHEREAS, Section 4.02 of the Lease requires that CITY consent to the assignment of any portion of LESSEE's right, title, or interest in the Lease.
- D. WHEREAS, ASSIGNEE intends to continue the use and operation of the LESSEE, which is solely and exclusively for the purposes of paving, fencing, landscaping, access, surface storage, and encroachment of storage buildings from LESSEE'S mini-storage operation on adjacent CalTrans property, and for such other related or incidental purposes as may be first approved in writing by the City Manager and for no other purpose.

NOW, THEREFORE, CITY provides its consent subject to the following:

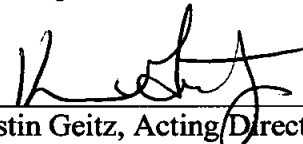
- 1. In reliance upon ASSIGNEE's assumption of all obligations as "Lessee" under the Lease, CITY hereby consents to LESSEE's request to assign all of its right, title, and interest in and to the Lease to ASSIGNEE. By giving this Consent, CITY is merely consenting to the Assignment. All terms and conditions of the Lease shall control and supersede any inconsistent or contrary provisions in any agreement executed between LESSEE and ASSIGNEE, except as otherwise approved herein; and
- 2. CITY does not release, discharge, or modify LESSEE's obligations to CITY under the Lease. As set forth in applicable law, LESSEE's obligations under the Lease shall survive said Assignment and shall continue through the termination dates of the Lease, as set forth therein; and
- 3. LESSEE agrees to pay CITY any applicable processing and/or administrative fee(s) for processing this Consent; and

4. CITY shall not be liable for any brokerage commission or finder's fee in connection with the consummation of the Assignment. Further, LESSEE agrees to protect, defend, indemnify, and hold CITY, its elected officials, officers, representatives, agents, and employees harmless from and against any claim for any brokerage commission or finder's fee related to the consummation of this Consent, and from and against any cost or expense (including without limitation attorney fees) incurred by CITY in resisting any claim for any such brokerage commission or finder's fee.

IN WITNESS WHEREOF, this Consent is executed by CITY acting by and through its Mayor, or his designee.

THE CITY OF SAN DIEGO, a California
municipal corporation

Date: 10/24/2020

BY: 
Kristin Geitz, Acting Director
Real Estate Assets Department

Date: _____

By: _____
Alyssa Muto, Assistant Director
Planning Department

Approved as to form this 3rd day
of November 2020.

MARA W. ELLIOT, City Attorney

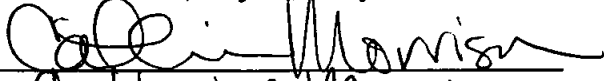
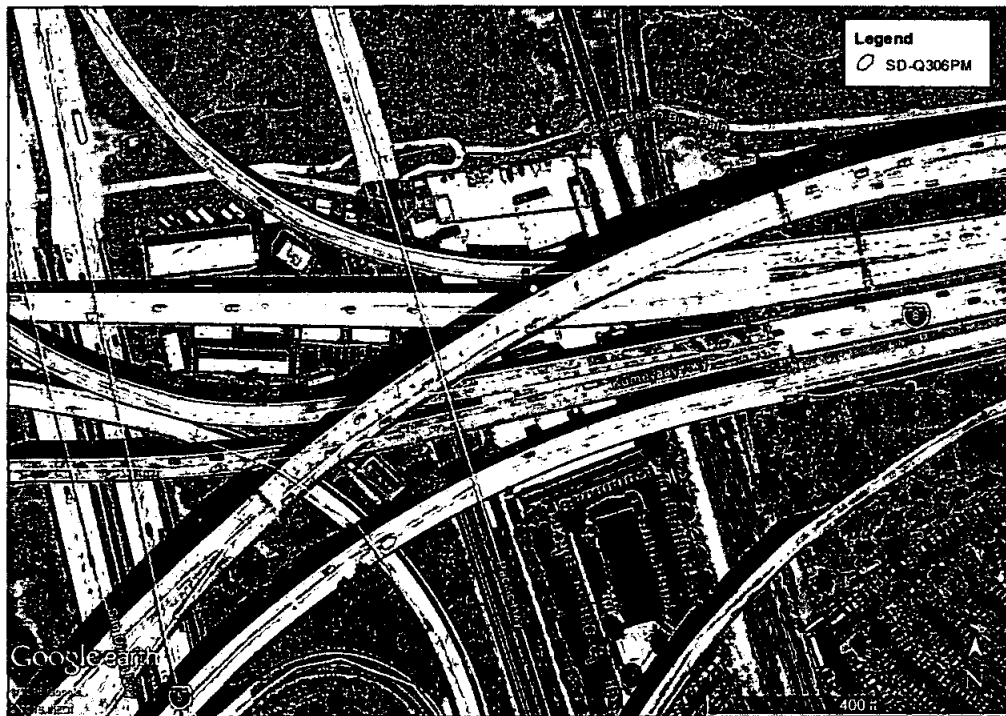
BY: 
Name: Catherine Morrison
Title: Deputy City Attorney

EXHIBIT A- LOCATION



Aerial view of subject property. Property boundaries are approximate.



The property boundaries are approximate. The two encroaching buildings are indicated in the photograph.

Vanderhagen, Jayne

From: Pascual, Elena on behalf of PLN NORA Processing
Sent: Thursday, October 22, 2020 5:02 PM
To: Sherman, Scott; Jonathan Frankel
Cc: Vanderhagen, Jayne
Subject: Notice of Right to Appeal an Environmental Determination -- Consent to Assignment of Lease
Attachments: NORA Consent to Assignment of Lease with Conrad T. Prebys Trust.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

Please see the attached Notice of Right to Appeal an Environmental Determination for a Consent to Assignment of Lease located in your Council District or community planning area which was posted on the City of San Diego's official website on October 22, 2020. This project was reviewed by the Planning Department and a determination made that the project is exempt from the California Environmental Quality Act (CEQA). Applications to appeal the CEQA determination to the City Council must be filed with the Office of the City Clerk within 10 business days from the date of the posting of this Notice (**November 5, 2020**). During the Statewide "Safer-at-Home" directive to reduce the spread of COVID-19, beginning March 19, 2020, appeals to the City Clerk must be filed by email or US Mail as follows:

1. **Appeals filed via Email:** Send the appeal by email to Hearings1@sandiego.gov; your email appeal will be acknowledged within 24 hours. You must separately mail the required appeal fee by check payable to the City Treasurer to: **City of San Diego Planning Department, Attn: Elena Pascual, 9485 Aero Drive, M.S. 413, San Diego, CA 92123**. The appeal filing fee must be postmarked within 5 business days of the date the appeal is filed.
2. **Appeals filed via US Mail:** Send the appeal by US Mail to **City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101**. Appeals filed by US Mail must have a United States Postal Service (USPS) postmark by the appeal deadline to be considered valid. You must separately mail the required appeal fee by check payable to the City Treasurer to: **City of San Diego Planning Department, Attn: Elena Pascual, 9485 Aero Drive, M.S. 413, San Diego, CA 92123**. The appeal filing fee must be postmarked within 5 business days of the date the appeal is filed.

If you have any questions regarding the procedures to file the appeal, please contact **Elena Pascual** at EPascual@sandiego.gov. If you have any questions regarding the project, please contact the City Contact (Jayne Vanderhagen) identified on the attached notice.

Thank you,

CEQA & Environmental Policy Section

City of San Diego

Planning Department



Date of Notice: October 22, 2020

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION PLANNING DEPARTMENT

PROJECT NAME: Consent to Assignment of Lease

COMMUNITY PLAN AREA: Mission Valley

COUNCIL DISTRICT: District 7

LOCATION: Parcel 1, comprising approximately 0.308 acres or 13,416 square feet, located on the 4800 block of Pacific Highway, San Diego, CA 92110. The parcel is adjacent to Secure Self Storage, 4835 Pacific Highway, San Diego, CA 92110.

PROJECT DESCRIPTION: Pursuant to the proposed Consent to Assignment Lease, the City of San Diego (City) consents to Conrad T. Prebys, Trustee's (Lessee's) request to assign all of its right, title, and interest in and to Lessee's Lease with the City at the above-listed location to 901 SSS Old Town LLC (Assignee). Assignee will continue the use and operation of the Lessee, which includes paving, fencing, landscaping, access, surface storage, and encroachment of storage buildings from Lessee's mini-storage operation on the adjacent California Department of Transportation's (CalTran's) property, and for other related or incidental purposes as approved in writing by the City Manager.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

ENVIRONMENTAL DETERMINATION: This activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Mayor-Appointed Designee.

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:

The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment pursuant to CEQA Guidelines Section 15301 (Existing Facilities) which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and where the exceptions listed in CEQA Guidelines Section 15300.2 would not apply in that no cumulative impacts were identified, no significant effects on the environment were identified, the project is not adjacent to a scenic highway, no historical resources would be affected by the action, and the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

CITY CONTACT: Jayne Vanderhagen, Supervising Property Agent
MAILING ADDRESS: 1200 Third Avenue, Suite 1700, M.S. 51A, San Diego, CA 92101
PHONE NUMBER: (619) 236-6210

On October 22, 2020, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Contact listed above.

Applications to appeal the CEQA determination to the City Council must be filed with the Office of the Clerk within 10 business days from the date of the posting of this Notice (**November 5, 2020**). During the Statewide "Safer-at-Home" directive to reduce the spread of COVID-19, beginning March 19, 2020, appeals to the City Clerk must be filed by email or US Mail as follows:

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If you have any questions regarding the procedures to file the appeal, please contact **Elena Pascual** at EPascual@sanidiego.gov.

This information will be made available in alternative formats upon request.

POSTED: 10/22/2020

REMOVED: _____

POSTED: E. Pascual