

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 SNAPFRIZ INC., a California corporation, as lessee ("LESSEE"), entered into that certain Lease Agreement, dated as of August 9, 2017 filed in the Office of the City Clerk, San Diego, California, as Document No. RR-311220 ("Lease") for certain premises known as the Morley Field Disc Golf Course in Balboa Park located at Pershing Drive and Jacaranda Place in the City of San Diego, State of California ("Premises").
- B. WHEREAS, LESSEE and MORLEY FIELD DGC 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 19 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 methods of operation of the LESSEE, namely the operation of a pro shop selling greens fees, discs, food and beverages.

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

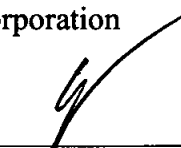
- 1. In reliance upon ASSIGNEE's assumption of all obligations as "Lessee" under the Lease, CITY hereby consents to LESSEE's request to assign all of its right, title, and interest in and to the Lease to ASSIGNEE. By giving this Consent, CITY is merely consenting to the Assignment. All terms and conditions 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

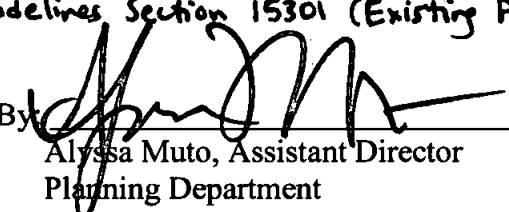
Date: 3/27/19

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

Environmental Analysis Section Environmental Clearance:

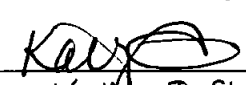
This activity (i.e. Consent to Assignment of Lease) is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities).

Date: 4/3/19

By: 
Alyssa Muto, Assistant Director
Planning Department

Approved as to form this 9th day
of April 2019.

MARA W. ELLIOT, City Attorney

BY: 

Name: Kathy J. Steinman

Title: Deputy City Attorney



Date of Notice: February 15, 2019

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

PLANNING DEPARTMENT

PROJECT NAME/NUMBER: Consent to Assign Snapfriz, Inc. to Morley Field DGC LLC

COMMUNITY PLAN AREA: Balboa Park

COUNCIL DISTRICT: 3

LOCATION: Morley Field Disc Golf Course in Balboa Park, located at Pershing Drive and Jacaranda Place in the City of San Diego

PROJECT DESCRIPTION: Consent to Assign Snapfriz, Inc. to Morley Field DGC LLC, whereas Assignee intends to continue the methods of operation of the current lessee Snapfriz, Inc., namely the operation of a pro shop selling greens fees, discs, food and beverages.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

ENVIRONMENTAL DETERMINATION: Categorically Exempt from 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 and determined the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities), which allows 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 use beyond that existing at the time of the lead agency's determination. The exceptions listed in CEQA 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, Associate Property Agent
MAILING ADDRESS: Real Estate Assets Department, 1200 Third Avenue, Suite 1700,
MS 51A, San Diego, CA 92101
PHONE NUMBER: 619-236-6210

On February 15, 2019, 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 CEQA determination to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (March 5, 2019). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

POSTED IN THE OFFICE OF DSD

POSTED: February 15, 2019

REMOVED: March 6, 2019

POSTED: M. Hermann