

RESOLUTION NO. 73-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
APPROVING THE SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE
CITY OF PACIFICA AND STEPHEN JOHNSON PHOTOGRAPHY FOR THE PREMISES
LOCATED AT 1220-C LINDA MAR BOULEVARD (LOCATED IN THE PACIFICA CENTER
FOR THE ARTS FACILITY).**

WHEREAS, the City of Pacifica is the owner of the property located at 1220 Linda Mar Boulevard, Pacifica, California, depicted on Exhibit A attached hereto (“Premises”); and

WHEREAS, Stephen Johnson Photography has leased the Premises located on this property for 18 years, functioning as an upscale photography studio, gallery and teaching facility; and

WHEREAS, the City and Stephen Johnson Photography wish to amend the current lease to allow for the continuation of the current lease for an additional year; and

WHEREAS, the City desires to implement a Second Amendment to the Lease Agreement with Stephen Johnson Photography for use of the Premises for one additional year.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Pacifica as follows:

1. The City Council hereby finds that the approval of the Second Amendment to the Lease Agreement is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the statute (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. 15000 et. seq.), under Section 15301 as a Class 2 Categorical Exemption as there will be no expansion of previous use beyond that existing at the time of the City’s determination.
2. The City Council hereby approves the Second Amendment to the Lease Agreement between the City of Pacifica and Stephen Johnson Photography, attached hereto.
2. The City Manager is hereby authorized to execute the Second Amendment to the Lease Agreement in the form attached hereto as Exhibit A, with minor revisions that may be approved by the City Manager and City Attorney, and to execute any other necessary documents to effectuate the terms of the Second Amendment and take all steps necessary to carry it into effect.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 24th day of October, 2022, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a

ABSENT, Councilmembers: n/a

ABSTAIN, Councilmembers: n/a


Mary Bier (Oct 26, 2022 19:20 PDT)

Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

SECOND AMENDMENT TO TENANT LEASE

By and Between

CITY OF PACIFICA
a municipal corporation of the State of California
(“Landlord”)

And

STEPHEN JOHNSON PHOTOGRAPHY
a sole proprietorship
(“Tenant”)

Dated: November 1, 2022

The City of Pacifica, a municipal corporation of the State of California (“Landlord”) and Stephen Johnson Photography, a sole proprietorship wholly owned by Stephen Johnson, an individual (“Tenant”) entered into a Lease Agreement on October 28, 2019 (“Lease Agreement”).

A First Amendment to the Lease Agreement was effective as of November 1, 2021. This Second Amendment to Tenant Lease (“Second Amendment”) was effective as of November 1, 2022 (“Effective Date”)

Section 1. The Parties agree to extend the Term of the Lease Agreement for an additional one year term from the Effective Date of this Second Amendment.

Section 2. Subsection 3.2 of that certain Lease Agreement is amended to read as follows:

“3.2 Base Rent; Rent. The monthly Base Rent shall be Two Thousand One Hundred Eighty-Six Dollars and 22/100 cents (\$2,186.22) per month, for a total of Twenty-Six Thousand Two Hundred Thirty-Four Dollars and 64/100 cents (\$26,234.64) per year.

Section 3. A new subsection 3.2.5 shall be added to read as follows:

“3.2.5 No Base Rent Adjustment for Photographic Services Rendered After November 1, 2022. The Base Rent Adjustment described in section 3.2.1 shall not apply to reduce the Base Rent as of November 1, 2022.

Section 4. The Parties agree that the Tenant shall continue to provide Photographic Services in addition to the Base Rent after November 1, 2022 in the amount of \$26,191.91 currently owed and outstanding to Landlord based on Base Rent Adjustments in prior years calculated in accordance with section 3.2.1 of the Lease Agreement and outstanding Rent owed to Landlord.

Section 5. Except as otherwise amended herein, all terms and conditions of the Lease Agreement, including Exhibits attached thereto, as amended, shall remain in full force and effect.

[Signatures are set forth on following page.]

IN WITNESS WHEREOF, the parties have executed this Second Amendment to Lease Agreement as of November 1, 2022.

LANDLORD:

CITY OF PACIFICA, a municipal corporation of the State of California

By: _____
Kevin Woodhouse, City Manager

ATTEST:

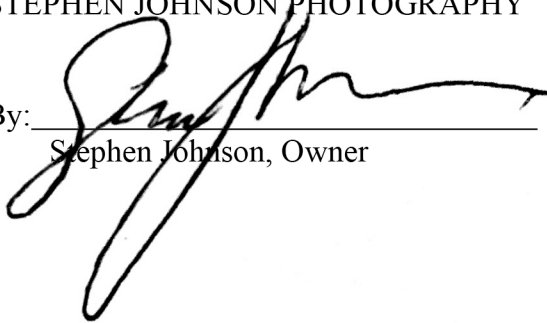
By: _____
Sarah Coffey, City Clerk

APPROVED AS TO FORM:

By: _____
Michelle Marchetta Kenyon, City Attorney

TENANT

STEPHEN JOHNSON PHOTOGRAPHY

By:  _____
Stephen Johnson, Owner










For Signature: ResolutionNo73-2022_StephenJohnsonLeaseAgreement_SecondAmendment-Approved

Final Audit Report

2022-10-27

Created:	2022-10-26
By:	Emily La (ela@pacifica.gov)
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"For Signature: ResolutionNo73-2022_StephenJohnsonLeaseAgreement_SecondAmendment-Approved" History

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