

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2852

**ORDINANCE GRANTING AMENDMENT NO. 2 TO
LEASE WITH PIER 32 MARINA GROUP, LLC, TO
UPDATE LEASE WITH SUSTAINABLE LEASING
POLICY PROVISION**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, Pier 32 Marina Group, LLC, a California limited liability company (Pier 32) operates a marina located at 3201 Marina Way, in the City of National City, under an existing 40-year lease with the District (Lease) which expires in January 2047; and

WHEREAS, the Pier 32 leasehold is comprised of approximately 250 boat slips, an approximately 223-space parking lot, a building area which includes a restaurant and office space, and common area amenities for slip tenants; and

WHEREAS, Pier 32 is requesting the District's consent to an encumbrance of the leasehold in the amount of \$6,200,000 (Loan) from California Bank & Trust (CB&T); and

WHEREAS, the proceeds from the Loan will be used to fund the construction of three new locations of Jimmy's Famous American Tavern Restaurants in Topanga, Brea, and Santa Monica, California; and

WHEREAS, Pier 32's existing Lease is non-standard as it relates to the District's consent to an encumbrance because it does not include language that allows the District to update the Lease and rent as a condition of District's consent to the encumbrance; and

WHEREAS, Pier 32 has still agreed to a Lease amendment to incorporate the current Sustainable Leasing Policy (SLP) language.

NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

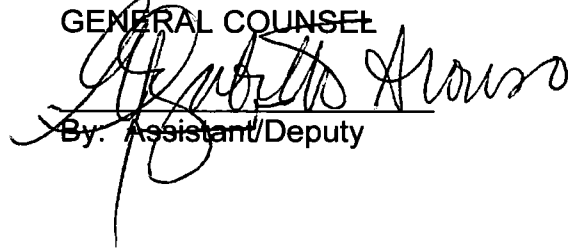
1. That the District grant the Agreement for Amendment of Lease Amendment No. 2 to the Lease between the San Diego Unified Port District and Pier 32 Marina Group, LLC for the leasehold located at 3201 Marina Way, in the City of National City, to update the Lease to the current Sustainable Leasing Policy language.

2. The Executive Director or her designated representative is hereby directed to execute said Agreement for Amendment of Lease Amendment No. 2 on behalf of the District.

3. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:

GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of March, 2016, by the following vote:

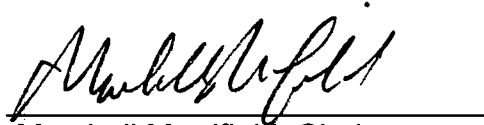
AYES: Bonelli, Malcolm, Merrifield, and Valderrama.

NAYS: None.

EXCUSED: Castellanos, Moore, and Nelson.

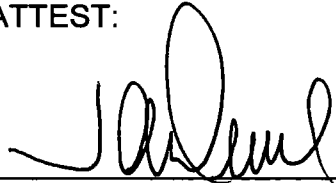
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)