

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2866**

**ORDINANCE GRANTING AMENDMENT NO. 4 TO  
LEASE WITH FERRY LANDING ASSOCIATES,  
LLC, UPDATING CERTAIN LEASE PROVISIONS**

**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**WHEREAS**, it is the District's practice to update out-of-date master leases to current standard terms upon consent to a sublease; and

**WHEREAS**, since Ferry Landing is requesting a third 5-year option to extend the term of the sublease, they have agreed to Amendment No. 4 to the Master Lease, which will update the following lease provisions: Conformance with Laws and Regulations, Hold Harmless, and Compliance with Prevailing Wage Laws; and

**WHEREAS**, since the District is pursuing, but has not yet adopted, a Sustainable Leasing Policy (SLP), Ferry Landing has agreed to include language regarding a future SLP; and

**WHEREAS**, the proposed Amendment No. 4 for Ferry Landing specifically acknowledges the District's adoption of the Climate Action Plan (CAP) and our pursuit of the SLP; and

**WHEREAS**, the amendment also states that if any future amendments to the Lease are required, they may include additional operational requirements consistent with the CAP and, following adoption, the SLP will be fully incorporated into terms of any future amendments to the lease; and

**WHEREAS**, staff has reviewed the percentage rent categories and minimum annual rent and have determined that Ferry Landing's rent is consistent with the market rates, therefore, no change to rent is proposed.

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

1. That the District grant Amendment No. 4 to Lease between the San Diego Unified Port District and Ferry Landing Associates, LLC, located at 1311 First Street, in the City of Coronado, updating certain lease provisions.
2. The Executive Director or her designated representative is hereby authorized to execute said Amendment No. 4 to Lease on behalf of the District.
3. This Ordinance shall take effect on the 31<sup>st</sup> 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 27<sup>th</sup> day of July, 2016, by the following vote:

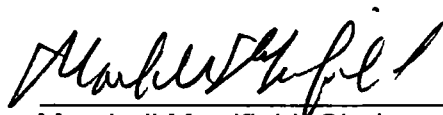
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

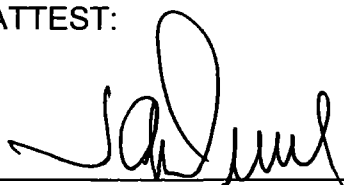
ABSENT: None.

ABSTAIN: None.



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Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:



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Timothy A. Deuel  
District Clerk

(Seal)