

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2867

**ORDINANCE AUTHORIZING AMENDMENT NO. 2
OF THE LEASE WITH THE STATE OF
CALIFORNIA, ACTING THROUGH THE STATE
LANDS COMMISSION, FOR THE SHELTER
ISLAND BOAT LAUNCH FACILITY TO INCLUDE
THE NEW IMPROVEMENTS BEING
CONSTRUCTED AS PART OF THE SHELTER
ISLAND BOAT LAUNCH FACILITY
IMPROVEMENTS PROJECT AND UPDATING
CERTAIN 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 1 (Port Act); and

WHEREAS, Section 87(b) of the Port Act grants authority to the San Diego Unified Port District (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, on January 12, 2016, the Board of Port Commissioners (BPC), as lead agency under the California Environmental Quality Act (CEQA), conducted a public hearing and adopted Resolution No. 2016-07, adopting the Final Mitigated Negative Declaration (MND) and adopting the Mitigation Monitoring and Reporting Program (MMRP) prepared for the Shelter Island Boat Launch Facility Improvements Project and associated Port Master Plan Amendment (PMPA) (collectively, "Project"); and

WHEREAS, the BPC conducted a public hearing and adopted Resolution No. 2016-08, approving the PMPA and directing staff to file the PMPA with the California Coastal Commission (Coastal Commission) for certification; and

WHEREAS, District staff subsequently filed the PMPA application with the Coastal Commission, and on June 8, 2016, the Coastal Commission unanimously certified the PMPA as submitted, finding the PMPA to be consistent with the California Coastal Act (Coastal Act); and

WHEREAS, in addition to the PMPA, the Project requires an amendment to existing Lease No. PRC 7987.1 (Lease) with the State of California, acting through the State Lands Commission (SLC); and

WHEREAS, SLC entered into an agreement designated as Lease No. PRC 7987.1 with the District which commenced on July 1, 1997 and ends on July 31, 2025; and

WHEREAS, the Lease covers certain State lands consisting of eight "areas" with authorized improvements in San Diego Bay and covers the breakwater portion of the Shelter Island Boat Launch Facility; and

WHEREAS, the Lease states that any additional improvements require prior written consent by the SLC, as well as a Lease amendment; and

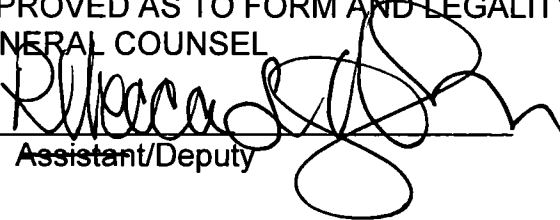
WHEREAS, the SLC approved Amendment No. 2 to the Lease at its June 28, 2016 Board meeting.

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

1. Amendment No. 2 to the Lease with the State of California, acting through the State Lands Commission, for the Shelter Island Boat Launch Facility to include the new improvements being constructed as part of the Shelter Island Boat Launch Facility Improvements Project and updating certain provisions is hereby authorized.
2. The Executive Director or her designated representative is hereby directed to execute said Amendment No. 2 to the Lease.
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



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PASSED AND ADOPTED by the Board of Port Commissioners this 27^h day of July, 2016, by the following vote:

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

NAYS: None.

EXCUSED: Castellanos.

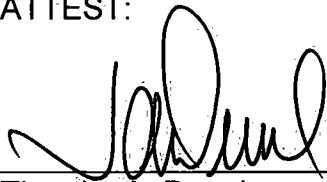
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)