



July 23, 2024

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Approval of, and Authorization for the Harbor Director (Director) to Sign, the Thirteenth Amendment to the Amended and Restated Harbor Lease (Thirteenth Amendment) for Channel Islands Harbor Parcels H-1, H-2, X-1B and X-1C between the County of Ventura and SMI Marine Emporium LLC, a Delaware Limited Liability Company; Find that the Thirteenth Amendment is not Subject to the California Environmental Quality Act (CEQA) or, Alternatively, Find that the Project is Exempt from CEQA; Authorization for the Director to Approve Minor Modifications to the Thirteenth Amendment.

Recommendations:

Harbor Department Staff recommends that your Board:

1. Approve and authorize the Harbor Director (Director) to sign the attached Thirteenth Amendment to the Amended and Restated Harbor Lease (Thirteenth Amendment) for Channel Islands Harbor Parcels H-1, H-2, X-1B, and X-1C between the County of Ventura and SMI Marine Emporium LLC, a Delaware limited liability company (SMI).
2. Find that your Board's approval of the Thirteenth Amendment is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15352 and 15378 because the Thirteenth Amendment will not cause a direct or a reasonably foreseeable indirect physical change in the environment and will not authorize any specific development activity. Alternatively, find that the Thirteenth Amendment, the project, is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301, and that no exceptions set forth in CEQA Guidelines section 15300.2 preclude use of this exemption.
3. Authorize the Director to approve minor modifications to the Thirteenth Amendment provided such changes are consistent with the original purpose of the

Thirteenth Amendment, does not result in the loss of any income to the County, does not subject the County to additional costs, and is subject to review and approval by County Counsel and the County Executive Office.

Fiscal/Mandates Impact:

There is no fiscal impact associated with this item.

Background:

Marine Emporium Landing (MEL) is the Harbor's best performing retail center with a small marina on Channel Islands Harbor Parcels H-1, H-2, X-1B, and X-1C (Leasehold). The Leasehold is owned and operated by SMI Marine Emporium LLC, a Delaware limited liability company (SMI). MEL was originally controlled by F. Steven Buenger, whose family owned and operated the Leasehold since its initial development in 1985. MEL has rebuilt the building on Parcel H-2 and constructed a new building on Parcel X-1B. These buildings are of high quality and contain restaurants, offices, a beauty salon, sport fishing, and kayak and jet ski rentals.

On June 18, 2024, your Board approved the transfer and assignment of the Leasehold from Steve Buenger/MEL to SMI Marine Emporium LLC, a Delaware limited liability company (SMI), which is a newly formed single purpose entity and wholly owned subsidiary of Suntex Marina Investors LLC, a Delaware limited liability company (Suntex). Suntex is the operating partner in a Real Estate Investment Trust and an owner, operator and developer of high-quality coastal and inland marina properties in the United States. Suntex currently owns and operates leaseholds for four marinas and a boatyard in the Channel Islands Harbor.

During escrow for the sale of the Leasehold from Steve Buenger to SMI, the title company discovered that the site map in Exhibit A and the legal description of the leased premises in Exhibit B of the Amended and Restated Harbor Lease (Lease) are inaccurate. The County and SMI wish to amend the site map and legal description to define the correct and accurate leased premises.

Harbor Staff recommends approval of the Thirteenth Amendment which will reflect revised Exhibits A and B to the Lease.

Your Board's approval of the proposed Thirteenth Amendment is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15352 and 15378 because the Thirteenth Amendment would not cause a direct or reasonably indirect physical change in the environment and would not authorize any specific development activity. Alternatively, staff has determined that your Board's approval of the Thirteenth Amendment, the project, is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301. Staff has also determined that no unusual

circumstances or other factors set forth in CEQA Guidelines section 15300.2 preclude use of this exemption.

Integration of Strategic Plan Priorities:

Marine Emporium Landing is a popular amenity to the Harbor providing shopping, restaurants, and recreational activities near the Harbor's public waterways, jobs to the community, revenues to the Harbor Department, and improved public access to the Harbor and nearby County public beaches – all in furtherance of the County's Strategic Plan's Mission of providing superior services and the Plan's Goals of: 1) fostering a thriving business ecosystem to create jobs, increase wages, and strengthening the local economy; 2) maintaining and improving dependable public resources to serve the needs of our diverse communities; and 3) attracting and investing in sustainable infrastructure and preservation of our natural resources.

The County Executive Office, Auditor Controller's Office, and County Counsel have reviewed this letter. If you have any questions regarding this item, please contact me at (805) 973-5952.



Michael Tripp
Director

Exhibit 1 – Thirteenth Amendment to the Restated and Amended Harbor Lease for
Parcels H-1, H-2, X-1B, and X-1C