

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION CONSENTING TO A SUBLEASE
BETWEEN SUNROAD HARBOR ISLAND, INC., AND
KIRSCHCOHN, INC., FOR A TWENTY FIVE-YEAR
TERM WITH A NINE-YEAR AND ELEVEN-MONTH
OPTION TO EXTEND**

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; and

WHEREAS, the Board of Port Commissioners (BPC) adopted BPC Policy No. 355 to establish general policies for leasing the San Diego Unified Port District real estate assets; and

WHEREAS, Sunroad Harbor Island, Inc. dba Sunroad Enterprises (Sunroad Enterprises) entered into a lease with the District that is on file in the Office of the District Clerk bearing Document No. 59269, filed August 23, 2012) (the “Master Lease”) to operate restaurants and a shared parking lot located at 880 Harbor Island Drive, in the City of San Diego (Attachment A - Location Map, attached to corresponding Agenda on file with the Office of the District Clerk); and

WHEREAS, the Master Lease has a thirty-year term with a ten-year option to extend through July 31, 2052; and

WHEREAS, the leasehold includes two restaurant buildings which are home to the Coasterra, C-Level, and Island Prime restaurants; and

WHEREAS, Sunroad Enterprises is requesting District consent to a sublease (Sublease) with Kirschcohn, Inc. (Kirschcohn), which Sublease is expected to be assigned from Sunroad Enterprises to SHM Sunroad, LLC dba Safe Harbor Sunroad, all as further described in the corresponding Agenda and Attachment D thereto on file with the Office of the District Clerk; and

WHEREAS, the proposed Sublease is for a twenty-five-year term and includes an option to extend for an additional nine years and eleven months; and

WHEREAS, Kirschcohn has been successfully operating restaurants on the leasehold for over a decade and the Sublease is consistent with the terms of the Master Lease and BPC 355; and

WHEREAS, staff recommends the Board consent to the Sublease between Sunroad Harbor Island, Inc., and Kirschcohn, Inc., for a twenty-five-year term with a

20xx-xxx

nine-year and eleven-month option to extend.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District hereby consents to a Sublease between Sunroad Harbor Island, Inc., and Kirschcohn, Inc., for a twenty-five-year term with a nine-year and eleven-month option to extend.

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 12th day of October 2021, by the following vote: