

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2800**

**ORDINANCE GRANTING AMENDMENT NO. 2 TO  
LEASE WITH THE MARITIME MUSEUM  
ASSOCIATION OF SAN DIEGO, LOCATED AT  
1492 NORTH HARBOR DRIVE IN SAN DIEGO,  
ESTABLISHING RENT FOR THE PERIOD OF JULY  
1, 2014 THROUGH JUNE 30, 2024 AND ADDING  
NEW PERCENTAGE RENT CATEGORIES**

**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**, the Maritime Museum Association of San Diego (Maritime Museum) operates a floating maritime history museum at 1492 North Harbor Drive in San Diego; and

**WHEREAS**, pursuant to its lease a ten-year rent review is due for the period from July 1, 2014 through June 30, 2024; and

**WHEREAS**, the Maritime Museum has paid an average of \$79,750 in rent per year over the past three years; and

**WHEREAS**, due to its non-profit status, this lease is not subject to Minimum Annual Rent (MAR) adjustments and there is no MAR for this lease; and

**WHEREAS**, staff proposes to add two new percentage rental rates: 10% for unrelated business income allowed under the lease and not otherwise provided for in the lease and approved by the District and 50% of the gross income from telecommunication uses; and

**WHEREAS**, the current and added percentage rental rates would collectively be consistent with Board-adopted percentage rental rates, with the exception of a blended food and beverage rate of 4%, which remains consistent with the District's treatment of the District's other non-profit museum, the USS Midway Museum; and

**WHEREAS**, the Maritime Museum has agreed to the proposed percentage rental rates.

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

Section 1. Amendment No. 2 to Lease with Maritime Museum Association of San Diego, located at 1492 North Harbor Drive in San Diego, establishing rent for the period of July 1, 2014 through June 30, 2024 and adding new percentage rent categories of 10% for unrelated business income allowed under the lease and not otherwise provided for in the lease and approved by the District and 50% of the gross income from telecommunication uses is hereby granted.

Section 2. The Assistant Executive Director or his designated representative is hereby directed to execute said Amendment No. 2 to the Lease.

Section 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 10<sup>th</sup> day of March 2015, by the following vote:

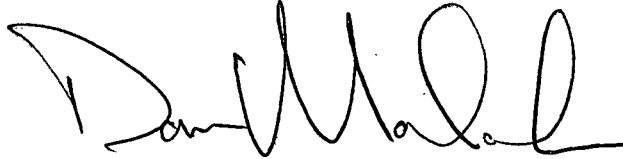
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

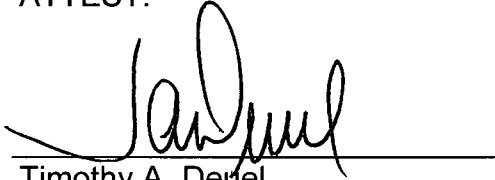
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk



(Seal)