

RESOLUTION 2015-155

RESOLUTION SELECTING AND AUTHORIZING NEGOTIATIONS WITH THE BRIGANTINE, INC. FOR REDEVELOPMENT AND OPERATION OF ICONIC WATERFRONT RESTAURANT LOCATION AT 1360 NORTH HARBOR DRIVE

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 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, Board of Port Commissioners (BPC) Policy No. 360 requires that development proposals for District tidelands that have been previously undeveloped or which have been recently razed be subject to a competitive process utilizing a Request for Proposals (RFP) or a Request for Qualifications (RFQ); and

WHEREAS, 1360 North Harbor Drive (Location) is currently leased to Anthony's Fish Grotto of La Mesa (Anthony's), which has a 52-year lease with the District that commenced in 1965 and expires on January 31, 2017; and

WHEREAS, the Location includes an approximately 16,580 square foot building, surrounded by an outdoor deck area, constructed on an over-water platform; and

WHEREAS, at the May 12, 2015 BPC meeting, staff was directed to issue a RFP for the redevelopment and operation of the Location; and

WHEREAS, due to the high profile nature of the Location and the end of a long lease, it was important to test the market and have a competitive process to ensure that the Location's potential is maximized; and

WHEREAS, on May 20, 2015, staff issued RFP 15-23, Iconic Waterfront Restaurant Location - Opportunity for Redevelopment and Operation and received proposals from the following six respondents: Fish Market Restaurants, Inc. (Fish Market), HEG Enterprises, Landry's Inc., P & J North County Enterprises, Sunroad Enterprises (Sunroad) and The Brigantine, Inc. (Brigantine); and

WHEREAS, all six respondents were interviewed on July 9, 2015 by a selection panel; and

WHEREAS, the selection panel conducted a decision analysis and evaluated the proposals based on five weighted criteria included in the RFP; and

WHEREAS, at the BPC meeting on August 11, 2015, based on such decision analysis staff presented the BPC with a recommendation to select the top two respondents, Sunroad and Brigantine, to commence negotiations for price and terms; and

WHEREAS, the BPC agreed with staff's recommendation, but also requested that staff include Fish Market in the negotiations; and

WHEREAS, based upon direction from the BPC to proceed with three of the respondents, staff issued a Supplemental Information Request (Supplement) on August 21, 2015 to: Fish Market, Sunroad, and Brigantine; and

WHEREAS, all three respondents submitted responses to the Supplement which staff evaluated comprehensively in conjunction with each respondent's initial submittal to the RFP; and

WHEREAS, as a successful local family restaurant developer and operator, staff believes Brigantine demonstrates the best balance of activating the Location through increased public access as well as maximizing revenues to the District; and

WHEREAS, Brigantine's response to the RFP received the highest overall score from the selection panel based upon the initial evaluation criteria; and

WHEREAS, Brigantine's response to the Supplement was the only proposal to include both an expanded dock and dine facility and public viewing deck as project features; and

WHEREAS, Brigantine's proposed price and terms also maximize the gross revenues of the Location, while providing the highest proposed rent to the District; and

WHEREAS, staff recommends the BPC select and authorize negotiations with Brigantine for the redevelopment and operation of the Location.

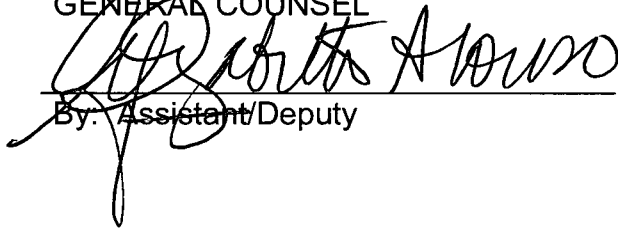
NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. That Brigantine, Inc. is hereby selected as the proposer with whom final negotiations will be conducted for the Redevelopment and Operation of

Iconic Waterfront Restaurant Location at 1360 North Harbor Drive; and

2. That the Executive Director or her designated representative is hereby authorized on behalf of the San Diego Unified Port District to enter into negotiations with The Brigantine, Inc. for Redevelopment and Operation of Iconic Waterfront Restaurant Location at 1360 North Harbor Drive; provided, however, no binding agreement shall be entered into between the San Diego Unified Port District and The Brigantine, Inc. for Redevelopment and Operation of Iconic Waterfront Restaurant Location until the appropriate environmental review is conducted and approval of the environmental review is granted pursuant to the California Environmental Quality Act.

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 17th day of November, 2015, by the following vote:

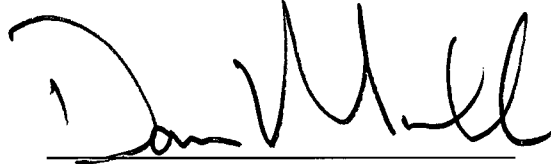
AYES: Bonelli, Malcolm, Moore, and Nelson.

NAYS: Merrifield and Valderrama.

EXCUSED: None.

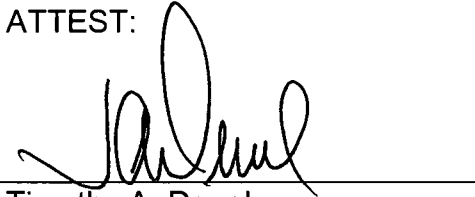
ABSENT: None.

ABSTAIN: Castellanos.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)