



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: March 17, 2015
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services Matthew P. Pontes, Director (805) 560-1011
Contact Info: Greg Chanis, Assistant Director (805) 568-3096
SUBJECT: **Second Amendment to Foodbank Lease at 4554 Hollister Avenue, Santa Barbara;
Second Supervisorial District (Folio No. 002270)**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the attached original and duplicate original Second Amendment to Lease Agreement between the County of Santa Barbara and Foodbank of Santa Barbara County for their continued use of a portion of the County-owned property located at 4554 Hollister Avenue, rent-free, for a period of five (5) years, with three (3) five-year options to extend the agreement.
- b) Determine that the proposed action is not a “project” and thus exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 5378(B) (5), “Project” and approve and direct staff to file and post the attached Notice of Exemption on that basis.

Summary Text:

The Board’s action to approve the Second Amendment to Lease Agreement will allow Foodbank of Santa Barbara County to continue to use the County owned property located at 4554 Hollister Avenue, for the purpose of providing food distribution activities for the local community, rent-free, for a period of five (5) years, with three (3) five-year options to extend, upon mutual agreement of the County.

Background:

Foodbank of Santa Barbara County, Inc. is a non-profit corporation whose mission is to provide nourishment to those in need by acquiring and distributing safe nutritious foods via local agencies and providing education to solve hunger and nutrition problems in Santa Barbara County. They have been using the leased premises at 4554 Hollister Avenue since 1984, as a collection, storage and distribution center (20,900 square feet) for commodities and surplus donated food that are then given to charitable organizations for distribution to low income individuals and families in Santa Barbara County. Foodbank and County of Santa Barbara would like to amend the agreement to extend the term for a period of five (5) years, with three five (5) year options to extend upon mutual agreement of County and Foodbank.

The County and Foodbank entered into a 10-year License Agreement on December 17, 1984, for the purpose of constructing a storage building with related improvements for use by Foodbank as a collection, storage and distribution center for commodities and surplus donated food. On September 5, 1995, the County and Foodbank entered into a new Lease Agreement for a period of 20 years, and through a First Amendment to the Lease, dated November 21, 2006, added 4,000 additional square feet. This Second Amendment will update the insurance and indemnification language of the contract, and extend the lease for a period of five (5) years, with three five (5) year options to extend upon mutual agreement of County and Foodbank. The Director of General Services is authorized to approve the extensions on behalf of County.

California Government Code Section 26227 allows the Board of Supervisors to fund programs deemed necessary to meet the social needs of the population of the County and to make available any real property of the County which will not be needed for County purposes during the time of possession, to be used to carry out such programs. It has been determined that the collection, storage and distribution center for commodities, surplus and donated food activities performed by Foodbank of Santa Barbara County are necessary to meet the social needs of the County, and that portion of the Property will not be needed for other County purposes during the term. Therefore, the County is providing the leased area to Foodbank rent-free. Foodbank will continue to provide utilities and maintenance for the existing facility.

Execution of this Second Amendment does not involve any expansion of use, or any significant direct or indirect physical changes that would have any potential effect on the environment. Therefore, the Board's administrative act of approving the Second Amendment to the Lease Agreement is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15378(B) (5) – which defines a "Project" for purposes of CEQA and specifically excludes organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment.

Performance Measure: N/A

Fiscal and Facilities Impacts: None

Fiscal Analysis:

Narrative: There are no fiscal impacts to the County associated with this lease. Foodbank pays charges for all utilities serving the premises. Foodbank also pays all charges for repair, maintenance, and property insurance for the facility.

Key Contract Risks: N/A

Staffing Impacts: None

Special Instructions:

Upon Board approval and execution, the Clerk should distribute as follows:

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| 1. Original executed document | - Board's Official File |
| 2. Duplicate original executed document & Minute Order | -Attn: George Andrade, Real
Property Division Courthouse,
2 nd Floor East Wing |

Note: Upon receipt of the fully executed lease document, Real Property Division will copy for their file and forward the duplicate original lease document to the lessee.

*Please post the attached Notice of Exemption

Attachments:

1. Second Amendment to Lease Agreement (Original and duplicate original)
2. Notice of Exemption

Authored by: George Andrade, Real Property Division

cc: Don Grady, Real Property Manager