



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: Community Services/
General Services
Department No.: 057/ 063
For Agenda Of: August 23, 2016
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Community Services: George Chapjian, Director 568-2467
General Services: Matthew P. Pontes, Director 560-1011
Contact Info: Paddy Langlands, Deputy Director, Parks Division 568-2475
Skip Grey, Assistant Director, General Services 568-3083
SUBJECT: Second Amendment to Concession Agreement with the Santa Barbara Shellfish Co., Inc. at Arroyo Burro Beach County Park; Second District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Manager

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 Concession Agreement between the County of Santa Barbara and Santa Barbara Shellfish Co., Inc., doing business as the Boathouse at Hendry's Beach, located at 2981 ½ Cliff Drive, in Santa Barbara, to allow Concessioner the right to use space formerly used as a Women's restroom for the Arroyo Burro Beach County Park that is being converted to storage space; and
- b) Determine that the proposed action is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Existing Facilities, 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 Concession Agreement (hereinafter "Second Amendment") between the County and Santa Barbara Shellfish Co., Inc., (hereinafter "Concessioner") will transfer to the Concessioner the exclusive right to use the approximately 440 square foot portion of the Premises formerly used as a Women's restroom, to be used for storage for the restaurant, for an additional monthly rent of \$1,000.

Background:

The County is the owner of Arroyo Burro Beach County Park, located at 2981 ½ Cliff Drive, in Santa Barbara (County Assessor Parcel Number 047-092-013). County-owned improvements at the Park include a beachfront restaurant, snack bar, and patio area, collectively known as the Arroyo Burro Beach Restaurant, also referred to as the Boathouse at Hendry's Beach (hereinafter "Premises"). On February 5, 2008, the Board of Supervisors approved a ten-year Concession Agreement (hereinafter "Agreement") with the Santa Barbara Shellfish Company, Inc. (hereinafter "Concessioner") to operate, manage, maintain and improve the Premises subject to the terms and conditions contained in the Agreement. Restrooms for the Park were located adjacent to the Premises, with the Men's restroom attached to the restaurant, and the Women's restroom a short distance away.

On February 10, 2015, the Board of Supervisors awarded a construction contract for the Arroyo Burro Beach Park Restroom Project. The project consisted of the construction of a new 786 square foot public restroom adjacent to the existing restrooms. The new public restrooms have since been constructed, and the old public restrooms abandoned by County.

On May 5, 2015, the Board of Supervisors approved the First Amendment to Concession Agreement, which granted Concessioner exclusive use of the former Men's public restroom to be used as a storage area. Concessioner would also like to lease the former existing Women's restroom to convert it into additional space for the sole purpose of storage, and wishes to add the space to the premises area. Concessioner agrees and understands that the newly converted storage area granted by the First Amendment, as well as the storage area granted by this Second Amendment shall be used exclusively to store food, equipment or beverages only. No food preparation or sales are to be conducted from this additional space. Concessioner understands the intended purpose for this additional storage space is to ensure Concessioner can operate efficiently with fewer delivery trucks, which will assist the flow of the heavily populated ingress and egress from the Park.

Execution of the Second Amendment to Concession Agreement provides for the continued operation, repair, and maintenance of the Boathouse Restaurant, an existing public structure. The action will involve negligible expansion of use, and is not likely to have a significant environmental impact. Therefore, this project is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301 – Class 1, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Performance Measure:

The Concessioner continues to perform under the terms and conditions of the original Concession Agreement, executed on February 5, 2008, and the First Amendment to Concession Agreement, executed May 5, 2015. In particular, the Concessioner remains in compliance with Section 2, Rights Granted, and Section 9, Rent/Concession Fees/ Capital Improvements.

Fiscal and Facilities Impacts:

The additional monthly rental income of \$1,000 will be deposited into Community Services Department (General Fund), Fund 0001, Dept. 052, LIA 5661, Program 0201, Project SCPARB. There will be no other fiscal or facilities impacts.

Key Contract Risks:

There are no contract risks associated with this proposed Second Amendment to Concession Agreement.

Staffing Impacts:

There are no staffing impacts associated with this action.

Special Instructions:

After Board action, the Clerk should distribute as follows:

1. Original Second Amendment to Clerk of the Board Files
2. Duplicate Original Second Amendment, and copy of the Minute Order to General Services/Real Property, Attn: Ashlee Kinsella
3. Copy of Minute Order to Community Services Department, Attn: Paddy Langland

*Upon approval by the Board, please post the attached Notice of Exemption.

Attachments:

Attachment 1 – Second Amendment to Concession Agreement (Original and duplicate original)
Attachment 2 – CEQA Notice of Exemption

Authored by:

A. Kinsella, Real Property Division