

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: February 19, 2015
To: Harbor Commission
From: Scott Riedman, Waterfront Director
Subject: Request for Proposal: Commercial Lease Space at 117-G Harbor Way

RECOMMENDATION: That Harbor Commission;

- A. Consider the Request for Proposal (RFP) Selection Committee's review and analysis of the five business proposals received for the commercial space at 117-G Harbor Way;
- B. Accept the recommendation from the RFP Selection Committee that Michael Jansen Marine Services is the most responsive and appropriate business to lease the commercial space; and
- C. Direct staff to negotiate a lease agreement with Michael Jansen Marine Services based on the business terms outlined in the RFP and return to Harbor Commission with a proposed lease agreement.

BACKGROUND:

The Department began advertising the commercial space for lease at 117-G Harbor Way on November 20, 2014 (Attachment 1). The leasable area is approximately 500 square feet of first floor space (Attachment 2). The commercial space is located on the south side of the building, providing a generous amount of daily exposure from foot and vehicle traffic.

The commercial space has electricity and gas but does not have water or sewer service. The lack of water and sewer service presents a formidable and costly issue for any business that is proposing to prepare and sell food on site. Cost estimates for providing water and sewer service to the space could be in excess of \$150,000 due to the fact that the space is surrounded by underground utilities serving Brophy's, Sushi Go Go, On the Alley and the Fuel Dock.

The first page of the Request for Proposals (RFP) stated the leasing priority as follows: 1st Priority: ocean-dependent business, 2nd Priority: ocean-related business, and 3rd Priority: visitor-serving business.

The Harbor Master Plan states, "New leases... shall be found to be consistent with the following Harbor Area Policies: (a) The first priority is to provide essential supplies and services to the boating public to include recreational boaters, commercial fishing, industrial shipping and rescue vessels" (Attachment 3).

Due to the significant amount of interest that was generated when Transpac Marine vacated the premises, advertising the lease space was simplified and included a "For Lease" sign affixed to the exterior of the location and ads placed on Craigslist. A total of 36 interested parties from the Department's database were notified of the upcoming lease opportunity and RFP process. The Department had 24 separate inquiries: two via e-mail and 22 due to the sign. There were 22 on-site visits led by staff during the three-month period.

DISCUSSION:

Five proposals were received by the January 19th deadline. The proposals included one marine services proposal (marine-related) and four food service proposals (visitor-serving). The five proposals are summarized briefly as follows:

Michael Jansen Marine Services proposes to operate and maintain a marine-service and supply store. Mr. Jansen has been in business in the Harbor since the 1970s and has had shops on State Street, Santa Barbara Street, Gray Avenue as well as in the Santa Ynez Valley. Mr. Jansen is currently the Santa Barbara area dealer for Volvo Penta, Yanmar Marine Diesels, Northern Lights, Crusader Marine, Perkins, Kohler, Onan, Universal-Westerbeke and Multiquip Generators. Mr. Jansen proposes to use the commercial space to conduct sales and provide services and supplies for many items that can no longer be found in the local area. No mechanical or repair services would be conducted on site. Mr. Jansen proposes to renovate the space in a manner that would accommodate a modern day, marine-related retail space.

On The Alley (OTA) currently leases the adjacent space at 117-F Harbor Way for a small restaurant space. The food service component of OTA would not expand into the 117-G space. Rather, the 117-G space would be connected to the current OTA space and provide an indoor seating area consisting of approximately 25 seats. This expanded seating area would better serve their customers during times of inclement weather as well as evenings when the weather cools down. OTA would not expect to increase overall revenues but rather use the indoor space to maintain the current level of sales and service most notably in times of poor weather. OTA would not be required to add water or sewer service as the space would only be used for seating.

Spoon, Santa Barbara Gelato, serves fresh gelato and sorbet. Spoon currently operates at 1222 State Street and the 117-G space would be its second location in Santa Barbara. Spoon has been in operation in its current location for 7 years. Spoon's proposal would be to renovate the current space to meet the demands of the County Health Department and would include a gelato case, which would be the main area of activity where customers order and pay for their gelato and sorbet. Spoon proposes to pay for the necessary improvements, including water and sewer service.

Pacific Catch Grill would be a new business venture between two local seafood and food service veterans, Ms. Cadena Ragsdale and Ms. Kate Komaiko. Pacific Catch Grill proposed to be a fast, casual seafood restaurant specializing in top quality seafood

meals. Guests could choose from the cold case of fresh local seafood and watch the chef prepare the meal with house-made sauces and rubs or opt to purchase from the cold case and take the product home to prepare on their own. Pacific Catch Grill provided the department with the most professionally detailed business plan and every aspect of the proposed business was professionally laid out. Pacific Catch Grill has proposed that the Waterfront Department be responsible for providing water and sewer service to the commercial space.

Ms. Chin Chen has owned and operated Shintori Sushi at 3001 #A State Street for the past 14 years. Ms. Chen's proposal is for a visitor-serving health juice and tea bar with related healthy snacks for the public. Ms. Chen proposes to pay for the necessary improvements, including water and sewer service in order to operate the proposed business.

The RFP Selection Committee met with staff on February 3rd to review and discuss the proposals. After carefully considering the five proposals, the RFP Selection Committee felt that per Harbor Master Plan policy, maintaining a marine related use at this site takes precedence over a food service use. The RFP Committee recommended the Michael Jansen Marine Services proposal as being the most appropriate to lease the commercial space at 117-G Harbor Way.

The proposed business terms are summarized as follows:

- **Permitted Use:** Retail, Marine Supplies and Services
- **Proposed Term:** Five years
- **Proposed Minimum Monthly Rent:** \$1,200 per month for the first year, increasing by \$100 per month each year until reaching \$1,600 per month in the fifth year of the lease. After the fifth year, rent will be subject to annual CPI increases (a graduated rent structure similar to Santa Barbara Fish Market, Paddle Sports and Blue Water Hunter);
- **Required Insurance:** the City's new standard minimum \$2 million commercial general liability, naming the City as additional insured.

If the Harbor Commission concurs with the RFP Selection Committee's recommendation, staff will begin lease discussions with Mr. Jansen based on the business terms outlined above as a starting point for negotiation. Once terms have been agreed upon, staff will bring the proposed lease agreement back to the Harbor Commission for review and concurrence and forward to the City Council for consideration and approval.

Attachments: 1. Request for Proposal Packet
2. Site plan
3. Harbor Master Plan policy DEP-3

Prepared by: Brian J. Bosse, Waterfront Business Manager

**CITY OF SANTA BARBARA
REQUEST FOR PROPOSAL
FOR
COMMERCIAL LEASE SPACE AT THE
SANTA BARBARA HARBOR**

**COMMERCIAL LEASE AT 117-G HARBOR WAY, AT THE SANTA BARBARA HARBOR
Proposal Deadline: 3:00 PM, Monday, January 19, 2015.**

I. INTRODUCTION

The City of Santa Barbara / Waterfront Department is seeking persons and business entities that are interested in leasing space at 117-G Harbor Way in the Harbor Commercial Area. 117-G Harbor Way consists of approximately 500 square feet of first floor space (Attachment 1).

The space at 117-G Harbor Way was used as a marine hardware and supply store for over 25 years. Due to leasing guidelines described in the Harbor Master Plan and City Zoning Ordinance, leasing priority will be applied as follows: 1st Priority: ocean-dependent business, 2nd Priority: ocean-related business, and 3rd Priority: visitor-serving business.

The Santa Barbara Harbor is the only sheltered harbor on the West Coast between the Port of San Luis, 100 miles to the north, and Ventura Harbor, 27 miles to the southeast. The Harbor has approximately 1,140 boat slips. Existing businesses in the Harbor Commercial Area include a fish market, a boatyard, boat charter operators (fishing, diving, whale watching, etc), convenience stores, a dive shop, fuel dock, marine equipment suppliers, a Maritime Museum, marine-related offices, seven restaurant/food service establishments, the Santa Barbara Yacht Club and yacht brokers. Gross sales generated by businesses in the Harbor Commercial Area were in excess of \$22,447,000 in 2012 and \$24,712,000 in 2013.

Business Terms

Following the selection of a proposal, the Waterfront Department will negotiate a lease agreement with the selected party based on the following terms. The lease agreement will be subject to the review and approval of the Harbor Commission and City Council.

1. **Proposed Term:** Five years, possibly more depending on level of investment in the facility.
2. **Proposed Minimum Monthly Rent:** Approximately \$1,600.00 per month. Base Rent may vary depending on the business use. Rent will be subject to annual CPI adjustment. Please note that all utilities are paid by tenant.
3. **Proposed Percentage Rent:** The base rent, or four to ten percent of gross sales, whichever is greater. Percentage Rent may or may not apply depending on the business use.

4. **Required Personal Guarantee:** The City's standard personal guarantee will be required if the lease will be with a corporation or Limited Liability Company.
5. **Required Insurance:** Property, business interruption insurance for one year and General Liability insurance at the City's standard limits of \$2,000,000 will be required.

A sample lease agreement is available for review on the Waterfront Department website at <http://www.santabarbaraca.gov/gov/depts/waterfront>. Copies are available for \$0.20 per page. It is the responsibility of the applicant to review the lease agreement, examine the economic environment, and make such further investigations as are necessary or appropriate to ensure that the nature of the undertaking and the obligations to be assumed by the applicant are fully understood.

II. PROPOSAL CONTENTS

General

All proposals should include, at a minimum, the information described in the following section. The inclusion of any additional information that will assist in the evaluation is encouraged.

Business Concept

1. Submit a detailed description of the ocean-dependent business, ocean-related business, or visitor-serving business concept including services to be provided.
2. Indicate the preferred lease term and the proposed base rent and percentage rent.
3. Include a tentative plan for the space, including a sketch of key design elements. If applicable, provide a cost estimate and a time line for remodeling the space.
4. Provide the proposed hours of operation and any seasonal variations.
5. Identify if the business is a new venture, or an established business.

Applicant Information

6. Provide contact information including name, address and phone number.
7. Indicate business entity, for example, Sole Proprietor, Partnership, Corporation, etc.
8. List corporate officers (if applicable).
9. Indicate the length of time and locations at which the applicant has operated this type of business.
10. Provide a minimum of three business references.

Financial Information

11. Submit a financial statement indicating total net worth. These statements should correspond to the most recent full calendar or fiscal year.
12. Provide a minimum of three credit references.
13. Indicate if the applicant is involved in any litigation or other disputes that could affect its ability to fulfill the terms of a commercial lease.
14. Submit any other documents or reports that would assist in determining the financial condition of the applicant.
15. A credit check and/or background check will be required. Authorization to release information is attached.
16. Any omissions, whether willful or not, may disqualify applicant.

III. DISCLOSURES

The City will provide the location “as-is”. All remodeling/improvements require approval by the Waterfront Director and a building permit if applicable. The tenant shall bear the costs of all design, review, planning, permitting and any other approval processes required for remodeling the space.

IV. PROPOSAL EVALUATION

Evaluation Process and Criteria for Evaluation

Specific criteria have been established to assist the City in the evaluation of the proposals. The selection panel may use additional criteria that they deem to be significant in choosing the best proposal.

1. Business Plan / Description- 40 points
 - Days/ Hours of operation
 - Proposed rent
 - Services provided
2. Management – 30 points
 - Company history & experience
3. Financial Information – 30 points
 - Financial statement
 - Credit check

The Waterfront Department will select the most responsive and most responsible proposer whose consideration, experience, and qualifications correspond best with the Harbor Master Plan and the City's interests.

Proposals will also be evaluated according to the proposed business's compatibility with the existing businesses in the area. Proposals that complement or diversify existing uses in the area will be given priority over proposals that may compete with existing uses.

Additional Information from Proposers

The Waterfront Department reserves the right to request information from proposers beyond that specified in the request for proposal. Proposers may or may not be requested to appear before the selection committee.

Qualifications of Proposal

This is not a bid solicitation and the Waterfront Department is not obligated to accept any proposal or to negotiate with any proposer. The selection committee reserves the right to reject any or all proposals without cause or liability.

Submission Requirements

Four copies of the proposal must be **received** at the Waterfront Department no later than 3:00 P.M. on Monday, January 19, 2015, regardless of postmark or date mailed. Proposals must be mailed or delivered to:

City of Santa Barbara Waterfront Department
132-A Harbor Way
Santa Barbara, CA 93109
Attention: Patrick Henry

Contact Person

Please contact Patrick Henry, Property Management Specialist, at (805) 897-1961 with any questions regarding this Request for Proposals.

Materials Available for Review

1. All appropriate materials are available on the Waterfront Department's website at: <http://www.santabarbaraca.gov/gov/depts/waterfront/default.asp>
2. The Harbor Master Plan is available for review on the Waterfront Department website at: <http://www.santabarbaraca.gov/gov/depts/waterfront/admin/biz.asp>

V. PUBLIC INFORMATION NOTICE

All information received from proposers will be considered confidential during the review process. When the selection committee completes the review, the committee will recommend selection or another action to the Harbor Commission and City Council. At that point, all information, except that information defined below as excluded, will be treated as public information and made available upon request for review to the other proposers and the public.

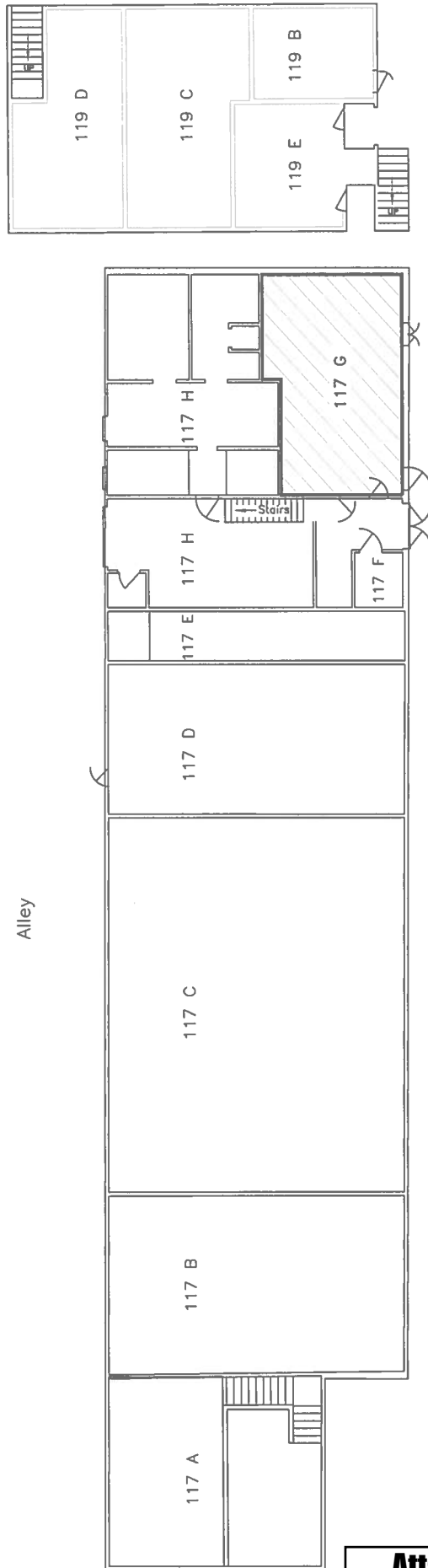
All excluded information which contains financial information such as assets, net worth, credit rating/credit report, and information from the selection process such as ratings sheets and other notes made during the evaluation process, will be treated as confidential information by the City and will not be made available to public review or to other proposing parties.

Attachments:

1. Site plan
2. Authorization to Release Information
3. Harbor Master Plan lease policy DEP-3
4. Santa Barbara Municipal Code Section 28.70.030 - Uses Permitted in the Harbor and Shoreline Area.

117-G HARBOR WAY

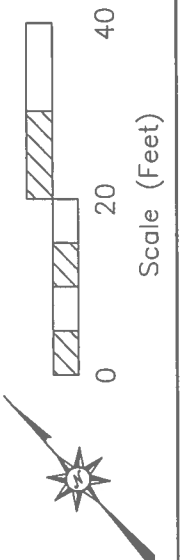
490 SQ. FT.



February 19, 2015
#7

117-G
EXHIBIT #7

REVISIONS	DATE: 1/11/2014	APPROVED BY: 117 Harbor Way	DRAWN BY: T. Lawler
	ADDRESS: 117 Harbor Way		SHEET NO. 1 of 1
		City of Santa Barbara	DRAWING NO. 1170-027
		Waterfront Department	



Attachment #1

ATTACHMENT 2:
AUTHORIZATION TO RELEASE INFORMATION

To Whom It May Concern:

1. I have applied for a Lease from the City of Santa Barbara, Waterfront Department. As part of the Lease process, the Waterfront Department may verify information contained in my application and in other documents required with the Lease, either before the Lease is executed or as part of its quality control program.
2. I authorize you to provide to the Waterfront Department, all information and documentation that they request. Such information includes, but is not limited to, Landlord/Tenant history, employment history and income; bank, money market, and similar account balances; credit history; and copies of income tax returns.
3. The Waterfront Department may address this authorization to any party named in the Lease application, and a copy of this authorization may be accepted as an original.
4. Your prompt reply to the Waterfront Department is appreciated.

Applicant's Signature

Business Name

Applicant's Signature

Full Legal Name

Date of Birth

Please return the requested
Information to:

Address

City Of Santa Barbara
Waterfront Department
Attention: Patrick Henry
132 A Harbor Way
Santa Barbara, CA 93109
TEL: 805/897-1961
FAX: 805/897-2588

Previous Address (If at present address
less than 5 years)

Social Security/Federal Tax ID Number

ATTACHMENT 3:
Harbor Master Plan Lease Policy DEP-3

February 19, 2015
#7

Harbor Master Plan
Policy DEP-3

New leases, renewed leases, or projects that require a Coastal Development Permit shall be found to be consistent with the following Harbor Area Policies:

- a. The first priority is to provide essential supplies and services to the boating public to include recreational boaters, commercial fishing, industrial shipping and rescue vessels;
- b. The second priority is to raise optimum revenue to assist in the operation and maintenance of the Harbor to preclude all costs having to be borne by the boating public;
- c. The third priority is to provide passive recreational opportunities and an aesthetic waterfront for the enjoyment of the general public;
- d. The fourth priority is to provide an opportunity for non-profit marine oriented individuals, groups and associations to benefit from the physical plant of the Harbor as long as they pay the incremental cash cost of their operation, or the same rental as would be gained if the facilities devoted to their operation were leased to a higher priority goal function; and
- e. In any event, the following leases and uses shall be precluded: those which provide supplies or services tending towards a carnival atmosphere, nonmarine sports, nonmarine oriented business offices, or public services which can equally be served outside of the Tidelands Area.

ATTACHMENT 4:
Santa Barbara Municipal Code Section 28.70

HC - HARBOR COMMERCIAL ZONE

28.70.030 Uses Permitted in the Harbor and Shoreline Area.

In all areas of the Harbor Commercial Zone the following uses are permitted provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, waste, noise, vibrations, disturbances or other similar causes which may impose a hazard to life and property. Within the Harbor Commercial Zone the primary uses listed below shall be the predominant uses for the harbor and shoreline area.

A. Primary harbor uses:

1. Marinas, boat moorings, marine service stations, boat yard/repair facilities and related activities.
2. Marine-oriented government facilities.
3. Seafood processing.
4. Services necessary for commercial fishing activities, including such facilities as net repair areas, hoists and ice machines and storage areas.
5. Other ocean-dependent uses as deemed appropriate by the Planning Commission.

B. Secondary harbor uses:

1. Museums and other cultural displays relating to the ocean.
2. Bait and tackle shops.
3. Boat sales, storage, construction and/or repair.
4. Diving gear, boat, surfing and other ocean-related equipment rental.
5. Fast food restaurants, other restaurants, and restaurants with entertainment and meeting facilities used in conjunction with the restaurant.
6. Marine equipment and accessories sales and/or repair.
7. Marine storage.
8. Marine surveyor.
9. Offices of businesses or persons engaged exclusively in ocean-related activities.
10. Public parking lots.
11. Sail manufacturing and/or repair.
12. Seafood sales and processing.
13. Marine oriented specialty and gift shops.
14. Stores which sell liquor, groceries and food which do not exceed 2,500 square feet in gross floor area.
15. Household hazardous waste collection facilities as defined in Section 28.04.405 of this Title and exclusively serving the area within the H-C Zone.
16. Other ocean-related uses as deemed appropriate by the Planning Commission.

C. Stearns Wharf uses:

1. Art galleries.
2. Bait and tackle shops.
3. Boat sales, storage, construction and/or repair.
4. Diving gear, boat, surfing and other ocean-related equipment rental.
5. Fast food restaurants, other restaurants and restaurants with entertainment facilities used in conjunction with the restaurant.
6. Marine equipment and accessories sales and/or repair.
7. Marine service stations.
8. Marine storage.
9. Marine surveyors.
10. Museums and other cultural displays relating to the ocean.
11. Offices of businesses or persons engaged in ocean-related activities.
12. Sail manufacturing and/or repair.
13. Seafood sales and processing.
14. Specialty and gift shops.
15. Stores which sell liquor, groceries and food which do not exceed 2,500 square feet in gross floor area.
16. Other ocean-dependent, ocean-related and visitor-serving uses as deemed appropriate by the Planning Commission.

D. Five year review of uses:

At least once every five (5) years from March 30, 1993, the Board of Harbor Commissioners shall review the extent and nature of the uses existing in the Harbor and shoreline area of the HC Zone and make a

recommendation to the Planning Commission regarding the adequacy of ocean-dependent uses (Harbor primary uses) in relation to ocean-related and visitor-serving uses (Harbor secondary uses) in order to assure that the harbor remains a working harbor. A review of the mix of uses may occur at any other time at the direction of the Board of Harbor Commissioners or Planning Commission. Subsequent reviews shall be at five (5) year intervals thereafter. The Coastal Commission shall receive a copy of the recommendation and accompanying background materials associated with each review. (Ord. 5459, Section 3, 2008; Ord. 4825, 1993; Ord. 4808, 1993; Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.050 Building Height Standards.

Two (2) stories not to exceed thirty (30) feet. (Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.090 Coastal Zone Review.

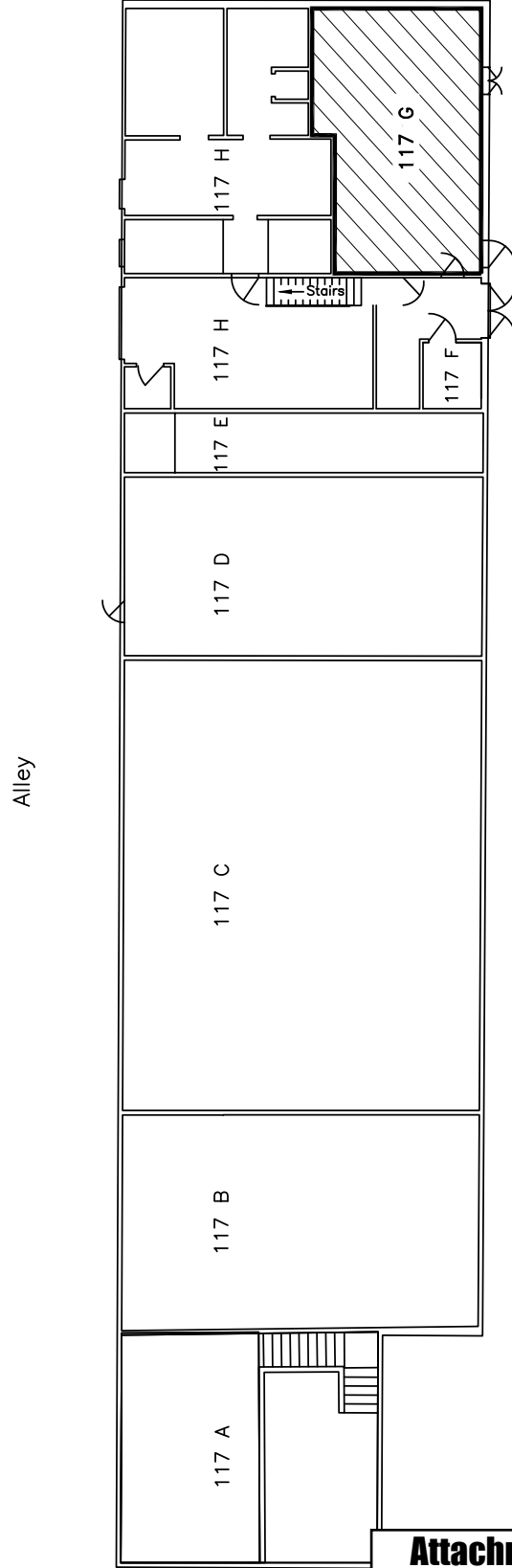
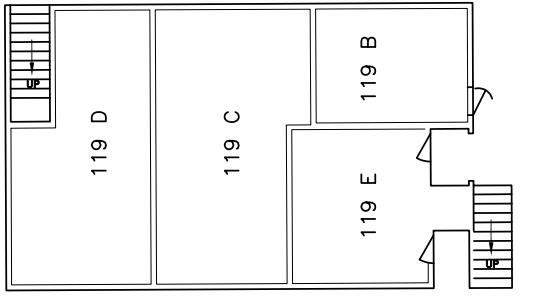
All development in the Coastal Overlay Zone S-D-3, is subject to review pursuant to Chapter 28.44 of this Code. (Ord. 5417, 2007; Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.131 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in Development Plan Approval, Chapter 28.85. (Ord. 5609, 2013; Ord. 4670, 1991.)

117-G HARBOR WAY

490 SQ. FT.

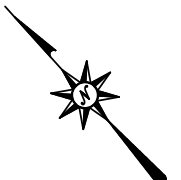
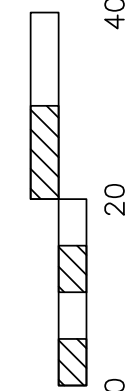


February 19, 2015
#7

117-G EXHIBIT "A"

REVISIONS	DATE: 1/11/2014	APPROVED BY: 117 Harbor Way	DRAWN BY: T. Lawler
			SHEET NO. 1 of 1
			DRAWING NO. 1170-027

Scale (Feet)



Attachment #2

Chapter 28.70

HC - HARBOR COMMERCIAL ZONE

Sections:

28.70.001	In General.	28.70.050	Building Height Standards.
28.70.030	Uses Permitted in the Harbor and Shoreline Area.	28.70.090	Coastal Zone Review.
		28.70.131	Development Potential.

28.70.001 In General.

The regulations contained in this Chapter shall apply in the Harbor Commercial Zone unless otherwise provided in this Title. The Zone strives to assure that the harbor will remain primarily a working harbor with visitor-serving and ocean-related uses secondary to ocean-dependent uses, and that Stearns Wharf will consist of a mixture of visitor-serving, and ocean-dependent and ocean-related uses. In addition, this zone is intended to provide a desirable environment by preserving and protecting surrounding land uses in terms of light, air and existing visual amenities. (Ord. 4428, 1986; Ord. 4170, 1982.)

28.70.030 Uses Permitted in the Harbor and Shoreline Area.

In all areas of the Harbor Commercial Zone the following uses are permitted provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, waste, noise, vibrations, disturbances or other similar causes which may impose a hazard to life and property. Within the Harbor Commercial Zone the primary uses listed below shall be the predominant uses for the harbor and shoreline area.

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2. Marine-oriented government facilities.
3. Seafood processing.
4. Services necessary for commercial fishing activities, including such facilities as net repair areas, hoists and ice machines and storage areas.
5. Other ocean-dependent uses as deemed appropriate by the Planning Commission.

B. Secondary harbor uses:

1. Museums and other cultural displays relating to the ocean.
2. Bait and tackle shops.
3. Boat sales, storage, construction and/or repair.
4. Diving gear, boat, surfing and other ocean-related equipment rental.
5. Fast food restaurants, other restaurants, and restaurants with entertainment and meeting facilities used in conjunction with the restaurant.
6. Marine equipment and accessories sales and/or repair.
7. Marine storage.
8. Marine surveyor.
9. Offices of businesses or persons engaged exclusively in ocean-related activities.
10. Public parking lots.
11. Sail manufacturing and/or repair.
12. Seafood sales and processing.
13. Marine oriented specialty and gift shops.
14. Stores which sell liquor, groceries and food which do not exceed 2,500 square feet in gross floor area.
15. Household hazardous waste collection facilities as defined in Section 28.04.405 of this Title and exclusively serving the area within the H-C Zone.
16. Other ocean-related uses as deemed appropriate by the Planning Commission.

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D. Five year review of uses:

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