



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 27, 2011

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Introduction Of Ordinance For A Lease Agreement With Brophy And Sons, Inc.

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Brophy and Sons, Inc., Doing Business as The Store At Brophy's, for the Retail Space at 119-C Harbor Way, Effective November 3, 2011.

DISCUSSION:

Susan Bennett's corporation, Brophy and Sons, Inc., has leased the 521 square foot retail shop at 119-C Harbor Way, since assuming the lease agreement through a lease assignment process in November 2004. The current lease expired in July 2011, and the tenant has remained on holdover status, with the Department's approval, since that time. The rent is currently \$1,656 per month (\$3.17 per square foot) or 10% of gross sales, whichever is greater. The base rent is subject to annual CPI increases.

The Store at Brophy's carries T-shirts, sweatshirts and other merchandise imprinted with the Brophy's logo. Additionally, "The Store" carries casual clothing, sandals, sunglasses, beach bags, hats, sunglasses and jewelry.

The basic lease terms of the proposed lease are as follows:

- **Term:** Five years with one five-year option to extend
- **Rent:** \$1,656 or 10% of gross sales, whichever is greater (no change)
- **Permitted uses:** Tenant shall use the Premises primarily for a clothing store in which at least seventy-five (75%) of the value of the inventory shall consist of clothing.

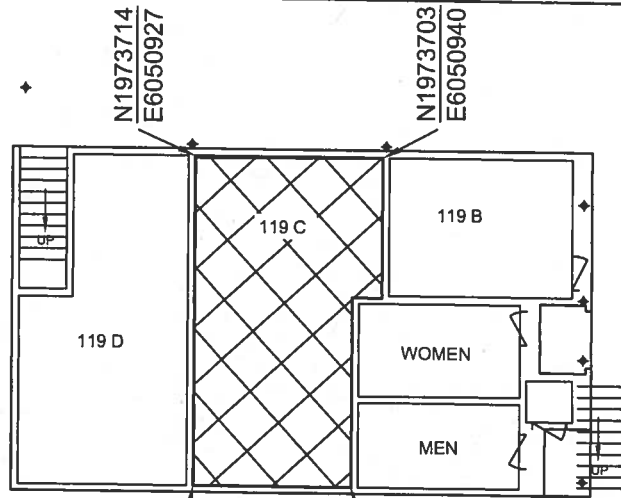
Since the lease is with a corporation (Brophy & Sons, Inc.), Ms. Bennett has signed the City's personal guaranty. All other terms of the lease remain unchanged. The Harbor Commission recommended approval of the Brophy and Sons, Inc. lease agreement at the September 15, 2011, meeting.

ATTACHMENT: Site Plan

PREPARED BY: Scott Riedman, Interim Waterfront Director

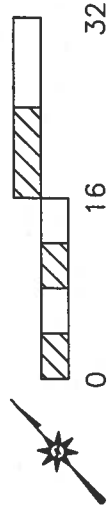
APPROVED BY: City Administrator's Office

First Floor Plan
 119 #C Harbor Way
 Lease Area - 521 S.F.

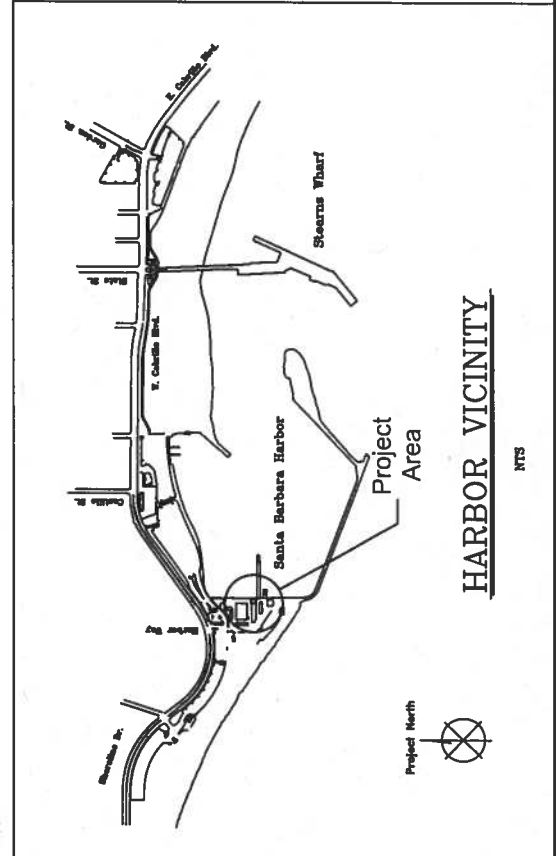


N1973693
 E6050908

N1973684
 E6050918



Scale (Feet)



HARBOR VICINITY

NTS

REVISIONS	DATE: 8/17/2011	APPROVED BY: S. Flechtman	DRAWN BY: T. Lawler
	ADDRESS: 119-C Harbor Way	City of Santa Barbara Waterfront Department	SHEET NO. 1 of 1 DRAWING NO. 1190-021