

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	June 25, 2012
	<b>Agenda Item No.</b>	<b>35B</b>
	<b>Roll Call No.</b>	<b><u>12-995</u></b>
	<b>Communication No.</b>	<b><u>12-324</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Approving the renewal of the leased area located in front of 319 Court Avenue, adjacent to the Surf Shack, for use as a sidewalk café.

**SYNOPSIS:**

The applicant, Larry Smithson, owner of the Surf Shack, located at 319 Court Avenue, has requested the renewal of the lease for a 424.83 square foot portion of the city right-of-way, for use as a sidewalk café with alcohol service.

The lease of the area must be approved by Council to allow for the continued use of the area for the sidewalk café. The lease agreement will be for a three (3) year period ending December 31, 2014.

**FISCAL IMPACT:**

Amount: \$2,250, for the three (3) year lease period, paid to the City.

Funding Source: FY 2012 Operating Budget, GE001, CDD130100, 468440.

**ADDITIONAL INFORMATION:**

The Council originally vacated this portion of the ROW in June 1996 by ordinance 11,346, and the area has been used as a sidewalk café since approval by the City Council. The vacation of this portion of the ROW occurred before the current requirements for sidewalk cafés, but it does meet all of the requirements.

**PREVIOUS COUNCIL ACTION(S):**

Date: June 30, 2009

Roll Call Number: [09-1167](#)

Action: [Re-approval](#) of the lease of a 424.83 foot portion of the Right of Way in front of 319 Court Avenue, the Surf Shack, for use as a sidewalk cafe serving alcohol. ([Council Communication No. 09-439](#)). Moved by Hensley to adopt. Motion Carried 5-2

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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