

**City of Culver City, California
Agenda Item Report**

Meeting Date: 4/13/15		Item Number: C-3	
CITY COUNCIL AGENDA ITEM: Authorization to Transfer a License Agreement for Use of the City's Public Right-of-Way (the Paseo) Located at 9527 Culver Boulevard from Midnight Snack LLC., (Ford's Filling Station) to SBK, LLC.			
Contact Person/Dept.: Todd Tipton/CDD		Phone Number: (310) 253-5783	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Meetings and Agendas – City Council and Successor Agency (04/08/15); Downtown Business Association (04/08/15).			
Department Approval: Sol Blumenfeld (03/31/15)		City Special Counsel Approval: Murray Kane (04/08/15) City Attorney Approval: Carol Schwab (by H. Baker) (04/06/15)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (04/07/15)		City Manager Approval: John Nachbar (04/08/15)	
<u>RECOMMENDATION:</u> Staff recommends the City Council authorize the transfer of the License Agreement (License) for use of the City's public right-of-way (Paseo) located at 9527 Culver Boulevard from Midnight Snack LLC., (Ford's Filling Station) to SBK, LLC. <u>BACKGROUND:</u> In 2005, the License was entered into between the former Culver City Redevelopment Agency (former CCRA) and Ford's Filling Station to permit the construction of storage and bathroom facilities and a canopy for covered outdoor dining on the Paseo at 9527 Culver Boulevard (see Attachment 1 for graphic depicting the Paseo's location). As a result of dissolution of the CCRA by operation of law on February 1, 2012, the License was transferred from the former CCRA to the City. On June 30, 2014, Emily Ford indicated that Ford's Filling Station would be closing in order for the business entity to pursue other interests, and that Ford's Filling Station was negotiating with SBK, LLC. to transfer the License. Pursuant to Section 311 of the License, Ford's Filling Station is required to obtain former CCRA approval (such right of approval now rests with the City) prior to a transfer. <u>DISCUSSION:</u>			

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The License allows the use of approximately 1,100 sq. ft. of the Paseo for restaurant bathroom and storage facilities, which are permanent structures. When the structures were permitted in 2005, there was little investment in downtown and the offer to use the Paseo was seen a useful incentive for business attraction. Aside from the circulation function that paseos provide, they are often used in older downtowns for storage and outdoor dining purposes.

The Fords have negotiated a transfer of the License to Alan Shulman, owner of Akasha and the managing partner of SBK, LLC., who has developed a new restaurant concept for the Ford's Filling Station space, which will be called Malabar Spice House (Attachment 2 - menu).

FISCAL ANALYSIS:

The City currently does not charge for the use of the Paseo. Instead, the City receives sales/business tax and related benefits derived from the restaurant's operation.

ATTACHMENTS:

None

MOTION:

That the City Council:

Authorize the transfer of the License Agreement for use of the City's public right-of way (the Paseo) located at 9527 Culver Boulevard from Midnight Snack LLC., to SBK, LLC.