



A G E N D A

ORANGE COUNTY PARKS COMMISSION

THURSDAY, October 7, 2021 7:00 p.m



JOE MULLER

Chair
Coastal Cities

JOHN KOOS

Vice Chair
Fourth District

BERT ASHLAND

First District

DAVE SHAWVER

Inland Cities

DAVID HANSON

Third District

MICHAEL WELLBORN

Second District

JUSTIN MCCUSKER

Fifth District

Executive Officer

Tom Starnes

The Orange County Parks Commission welcomes you to this meeting. This agenda contains a brief general description of each item to be considered. The Commission encourages your participation. If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Commission, please state your name for the record prior to providing your comments. Speakers may be limited to three (3) minutes.

The OC Parks Commission meeting will be an in-person meeting held at the Mess Hall at OC Parks' Headquarters (13042 Old Myford Road, Irvine, CA 92602). Please be advised that County health guidelines apply to this meeting: <https://ocCOVID19.ochealthinfo.com/article/oc-health-officers-orders-recommendations>

Public speaker request forms will be available onsite.

All supporting documentation is available for public review at <https://www.ocparks.com/about/commission> under the "Agendas and Minutes" link or by calling 949-923-3785 during regular business hours, 8:00 a.m. – 5 p.m., Monday through Friday.

OC COMMUNITY RESOURCES

Orange County Parks Commission Duties and Responsibilities

(O.C. Codified Ordinances Sec. 2-2-19: Paraphrased)

Except as otherwise provided, the Orange County Parks Commission shall be advisory to the Board of Supervisors and to the Director of OC Parks, and shall have the power and duty:

1. To recommend to the Board of Supervisors plans and policies for the acquisition, development, maintenance and operation of the harbors, beaches and regional parks of the County;
2. On request of the Board of Supervisors, to advise the Board and make recommendations on any matter pertaining to harbors, beaches and regional parks, and any other matters referred by the Board;
3. On request of the Director, to advise on any question of administrative policy and regarding any matter to be decided by the Director under this division;
4. On appeal from an administrative decision by the Director, to act as a board of administrative review;
5. To make such investigations as it may deem necessary in the exercise of its powers;
6. To perform the duties and functions of the County Fish and Game Commission assigned by either statute or this code, and consider methods for the propagation and protection of fish and game in the State of California and County of Orange. The Commission shall be advisory body to the Board of Supervisors.

OC Parks Commission Regular Meeting Schedule: First Thursday, Monthly, 7:00 p.m.

AGENDA

THURSDAY, October 7, 2021 — 7:00pm

I. ROLL CALL

II. PUBLIC PARTICIPATION

At this time, members of the public may address the Commission on items of public interest that are within the jurisdiction of the Commission and are not contained in tonight's agenda.

III. CONSENT CALENDAR (Items A–B)

The following items on the consent calendar will be approved by one motion unless a Commission member requests to pull a specific item.

A. Approve Commission minutes for August 5, 2021.

B. Approve Commission minutes for September 10, 2021 Field Trip.

IV. DISCUSSION CALENDAR (Item A)

A. SALT CREEK BEACH CONCESSION

Salt Creek Beach has a concession stand that offers food and beverage for sale to the public who visit Salt Creek Beach. With the expiration of the current concessionaire's lease, the County of Orange ("County") issued a Request for Proposals for those interested in operating a concession at Salt Creek Beach. Four proposals were received and evaluated, and County staff propose that a lease agreement be authorized for a new concessionaire at the Salt Creek Beach Concession.

The proposed concessionaire will provide a presentation on the project at the meeting.

RECOMMENDED ACTION:

Recommend that the Board of Supervisors approve the lease agreement with Laguna Beach Golf and Bungalow Village L.L.C. for the operation of a concessions stand at the Salt Creek Beach Concession and adopt a Resolution to authorize alcoholic beverage service at the Salt Creek Beach Concession pursuant to the lease terms.

V. OC PARKS DIRECTOR'S REPORT

A. DEPARTMENT UPDATES

B. UPCOMING OC PARKS EVENTS

Kid's Fishing Derby — Mile Square Regional Park — Saturday, October 16, 9:00 a.m.–12:00 p.m.

- OC Parks, California Department of Fish and Wildlife and Angler Chronicles host the much-anticipated annual Kids' Fishing Derby at the North Lake at Mile Square Regional Park.
- The lake will be stocked with more than 1,000 pounds of catfish for the derby. Kids 6 to 15 years old can fish for free and attempt to win prizes and trophies for different age groups.
- Fishing clinics will be held onsite and a limited quantity of fishing rods will be available for loan.
- Registration is required at the OC Parks check-in table on the day of the event.

Fall-o-ween — Heritage Hill Historical Park — Friday–Sunday, October 15–17 and 22–24, 4:30–8:30 p.m.

- Tour the decorated grounds of Heritage Hill Historical Park and snap a picture at a variety of fall and Halloween-themed photo opportunities. Event will also include a hay maze and scavenger hunt throughout the park.
- Costumes welcomed.
- Event and parking are free.

Boo at the Bay — Upper Newport Bay — Saturday, October 30, 11 a.m.–3 p.m.

- Join us at the Muth Interpretive Center for a fun family Halloween party featuring spooky stories, creepy crafts, weird science experiments, bizarre animals, and hair-raising games.
- All children who attend in costume will receive ghoulish door prizes.
- Costumes welcomed.
- Event and parking are free.

VI. COMMISSION COMMENTS AND REPORT

At this time Commissioners may comment on agenda or non-agenda matters and ask questions of or give direction to staff, provided that no action may be taken on off-agenda items unless authorized by law.

VII. ADJOURNMENT

SUMMARY ACTION MINUTES
(Action Items Displayed in Italics)
THURSDAY, AUGUST 5, 2021 — 7:00 p.m.

I. ROLL CALL

Commissioners Shawver, Wellborn, Hanson and Ashland were present. Chair Muller, Vice Chair Koos and Commissioner McCusker were absent.

II. PUBLIC PARTICIPATION

At this time, members of the public may address the Commission on items of public interest that are within the jurisdiction of the Commission and are not contained in tonight's agenda.

Jim Mosher, resident of Newport Beach, provided comments on the valuation of park land.

Steven Sheffield, representing People for Bikes, requested an update on the use of e-bikes.

III. CONSENT CALENDAR (Item A)

The following items on the consent calendar will be approved by one motion unless a Commission member requests to pull a specific item.

A. Approve Commission minutes for June 3, 2021.

Motion: Commissioner Wellborn

2nd: Commissioner Ashland

Approved 4-0

IV. DISCUSSION CALENDAR (Items A-D)

A. CRAWFORD CANYON ENVIRONMENTAL DOCUMENTS

A 2.5-acre property in the unincorporated area of North Tustin was acquired by the County in 2011 and identified as the location of the future Crawford Canyon Park. OC Parks and OC Public Works are engaged in Park design and a sidewalk extension project, which propose improvements to provide pedestrian access to the park and recreational amenities and features that include a quarter-mile walkway, foot bridges, playgrounds/natural play areas for children, exercise stations, a bioswale and bioretention basin, and natural rolling lawn areas.

Staff will provide a presentation on the project at the meeting.

Natalia Gaerlan, Planning and Design Manager, provided information and answered the Commissioners' questions.

Stacy Blackwood, OC Parks Director, provided information and answered the Commissioners' questions.

Jim Mosher, resident of Newport Beach, provided comments on some design elements and on the significance of recording a park deed restriction.

RECOMMENDED ACTION:

Recommend that the Board of Supervisors approve the Crawford Canyon Park project and adopt Mitigated Negative Declaration No. IP 21-093.

*Motion: Commissioner Shawver
2nd: Commissioner Wellborn
3 (Support)–1 (Against)*

B. EASEMENT TO THE CITY OF NEWPORT BEACH FOR BAYVIEW HEIGHTS DRAINAGE AND RUNOFF TREATMENT PROJECT

An easement from the County to the City of Newport Beach is proposed for the City's improvements and maintenance activities related to its storm drain infrastructure that underlies a portion of the Upper Newport Bay Nature Preserve.

Stacy Blackwood, OC Parks Director, provided information and answered the Commissioners' questions.

Jim Mosher, resident of Newport Beach, provided comments on ownership of the land and the fencing around it.

RECOMMENDED ACTION:

Recommend that the Board of Supervisors approve and execute the Grant of Drainage Easement and Agreement to the City of Newport Beach for the purpose of storm drain improvement, maintenance, and replacement.

*Motion: Commissioner Shawver
2nd: Commissioner Wellborn
Approved 4–0*

C. SERRANO CREEK TRAIL EASEMENT

Purchase of a trail easement from a property owner in Lake Forest is proposed to secure public and County access rights to a portion of the Serrano Creek Trail that traverses private property.

Stacy Blackwood, OC Parks Director, provided information and answered Commissioners' questions.

RECOMMENDED ACTION:

Concur with the execution by the County Chief Real Estate Officer of the Purchase and Sale Agreement, which includes the Grant of Easement, for existing portions of the Serrano Creek Trail.

Motion: Commissioner Ashland

2nd: Commissioner Hanson

Approved 4-0

D. SEPTEMBER FIELD TRIP

In January 2021, your Commission approved its 2021 meeting and field trip schedule. At that meeting, your Commission indicated that the field trip date and location would be selected the month preceding the field trip.

Date options for field trip:

- a) Friday, September 10
- b) Saturday, September 11

Location options:

- a) Orange County Zoo (Irvine Regional Park) — tour of Zoo, interim entry and restroom improvements, and large mammal exhibit construction.
- b) Bird of Prey Center (O'Neill Regional Park) — due to scheduled building cleaning/maintenance, a Saturday field trip would need to be scheduled in the afternoon.

Joanne Veedor, Business Manager, provided information on the location options and answered Commissioners' questions.

RECOMMENDED ACTIONS:

1. Select a field trip date.
2. Select a field trip location.

Commissioner Shawver made a motion to select Bird of Prey Center as the field trip location and to poll Commissioners for availability.

2nd: Not recorded

Approved 4-0

V. OC PARKS DIRECTOR'S REPORT

Stacy Blackwood, OC Parks Director, provided updates and answered Commissioners' questions.

A. DEPARTMENT UPDATES

B. UPCOMING OC PARKS EVENTS

Sunset Cinemas — Various Locations — Fridays — 6pm to 10pm

- Sunset Cinemas feature either a new or classic film and food trucks. Free parking and admission are offered. Showings for the month of August are as follows:
 - August 6 — The Lion King at Irvine Regional Park
 - August 13 — The Mighty Ducks at Irvine Regional Park
 - August 20 — Star Wars: The Rise of Skywalker at Laguna Niguel Regional Park
 - August 27 — Hook at Laguna Niguel Regional Park

Summer Concerts — Various Locations — Thursdays — 5pm to 8pm

- Summer Concerts feature live performances and food trucks. Free parking and admission are offered. Concerts for the month of August are as follows:
 - August 12 — Sweet and Tender Hooligans (Smiths & Morrissey tribute band) at Mile Square Regional Park
 - August 19 — Family Style (blues, soul and rock & roll) at Salt Creek Beach
 - August 26 — Donavon Frankenreiter (surf rock) at Salt Creek Beach

Annual Monarch Butterfly Day — Mile Square Regional Park — Saturday, August 14, 10:00am to 2:00pm

- Children can learn to plant their own butterfly garden and visit a netted butterfly enclosure.
- Additional activities will include butterfly education, children's crafts, face painting, a balloon artist, and more.
- Food will be available for purchase.

VI. COMMISSION COMMENTS AND REPORT

At this time Commissioners may comment on agenda or non-agenda matters and ask questions of or give direction to staff, provided that no action may be taken on off-agenda items unless authorized by law.

VII. ADJOURNMENT 8:19 pm

SUMMARY ACTION MINUTES
(Action Items Displayed in Italics)
FRIDAY, SEPTEMBER 10, 2021
9:00 a.m.–10:30 a.m.

I. ROLL CALL

Chair Muller and Commissioners Shawver and Wellborn were present. Vice-Chair Koos, Commissioners Hanson, Ashland and McCusker were absent.

II. PUBLIC PARTICIPATION

At this time, members of the public may address the Commission on items of public interest that are within the jurisdiction of the Commission and are not contained in today's agenda.

No comments were received from the public.

III. ORANGE COUNTY BIRD OF PREY CENTER VISIT

The Orange County Bird of Prey Center (OCBPC) is a volunteer organization dedicated to treating and rehabilitating injured raptors and returning them to the wild. Trained educators utilize non-releasable Ambassador Birds to provide school and public outreach programs to increase awareness and the importance of protecting and preserving these birds.

Peggy Chase, Executive Director of the Orange County Bird of Prey Center, conducted a tour of the Orange County Bird of Prey Center and answered questions.

- **8:45am:** Orange County Bird of Prey Center
Address: 20431 Meadow Ridge Dr., Trabuco Canyon, CA 92679
Access to Meadow Ridge Dr. is from El Toro Rd. and Valley Vista Way. At the end of the road, proceed through gate and meet in parking lot.

- **9:00am – 11:00:**
Tour of the facility will include:
 - Visiting the education ambassador bird enclosures
 - Meeting the education ambassador birds
 - Viewing the rehabilitation enclosures

IV. ADJOURNMENT *10:30 a.m.*

ORANGE COUNTY PARKS COMMISSION

STAFF REPORT

FROM: Tom Starnes, Director, OC Parks

DATE: October 7, 2021

SUBJECT: Lease Agreement with Laguna Beach Golf & Bungalow Village, LLC as concessionaire for Salt Creek Beach.

Since at least the early 1990s, the County has utilized a private concessionaire to operate a food sales and beach equipment rental business out of the concession building ("Concession") at Salt Creek Beach, a County beach park within the City of Dana Point. The Concession at Salt Creek Beach was constructed in the 1970s, renovated and expanded in 1989, and is currently about 1,000 square feet in size. The existing lease expired in April 2021, and the incumbent concessionaire is currently in a month-to-month holdover.

A Request for Proposals ("RFP") was issued by CEO Real Estate on May 28, 2021 to establish a new Concession lease. Four proposals were submitted by the July 30, 2021 deadline. A three-person proposal evaluation committee evaluated each of the four proposals submitted to the County.

A summary of the proposals received and corresponding evaluation scores is provided below:

<u>Proposal</u>	<u>Average Score</u>
Young's Beach Shack	96
Zack's Salt Creek	81
The Salt Creek Snack Bar & Rentals	60
Baja Surfing Taco	58

Young's vision for the Concession is to offer creative and locally inspired food and beverage options, including beer and wine. The menu items will be varied to appeal to those seeking healthy and wholesome items or more decadent items. Young's will also provide snack options at the same price point of convenience store offerings. Young's also proposes to provide event planning and production services for groups and families, subject to the approval of the OC Parks Director and any required coastal development permits, as applicable. It also envisions offering public rentals of beach-related items (including boogie boards, soft surfboards, beach chairs and umbrellas, lockers, and beach cruiser-style bicycles) and selling beach-related merchandise (including t-shirts, flip flops, beach towels, hats, sunscreen, reusable beverage containers, and surf accessories). The proposal was a well-presented package both in terms of concession operations and finances.

Young's will be operated by Laguna Beach Golf & Bungalow Village, LLC, which also operates The Ranch at Laguna Beach, a highly acclaimed luxury resort, and Lost Pier Café, the current County concession at Aliso Beach. Both The Ranch at Laguna Beach

and Lost Pier Café are operated professionally and have excellent reviews from customers and top awards from travel and leisure magazines.

The negotiated lease is for a term of 10 years, which can be extended twice by the County for a period of up to five years each. The lease terms include a proposed minimum rent of \$90,000 annually plus 6% of any gross receipts over \$1.5 million annually. Young's proposes \$250,000 in improvements to the Concession and the County will provide a \$50,000 credit towards the minimum rent annually for the next five years. Young's will also manage all special events at Salt Creek Beach under the lease.

Orange County Codified Ordinance 2-5-35 prohibits possession or consumption of alcoholic beverages at County recreational areas, unless otherwise authorized by the Board of Supervisors ("Board") by resolution or at County-implemented events approved by the OC Parks Director. Alcoholic beverage service is authorized by resolution at certain OC Parks locations, which are used for weddings and other special events, however, only the North Shore event area of Salt Creek Beach is included in those identified locations. A Resolution has been prepared (see Attachment B) to authorize alcoholic beverage service at Salt Creek Beach pursuant to the terms of the lease. The proposed lease would limit the sale of alcoholic beverages to the hours of 10 a.m. to 9 p.m. and consumption of alcoholic beverages is limited to the patio area of the Concession—no alcohol is allowed on the beach.

RECOMMENDED ACTION:

1. Recommend that the Board of Supervisors approve the selection of Laguna Beach Golf & Bungalow Village, LLC to operate the leased concession at Salt Creek Beach.
2. Recommend that the Board of Supervisors approve the resolution to authorize alcoholic beverage service at Salt Creek Beach pursuant to the terms of the lease with Laguna Beach Golf & Bungalow Village, LLC.



Tom Starnes

ATTACHMENT(S):

Attachment A — Summary of Lease
Attachment B — Resolution

Attachment A

SUMMARY OF LEASE

LESSOR

County of Orange.

LESSEE

Laguna Beach Golf & Bungalow Village, LLC, a Delaware limited liability company.

LOCATION

33333 Pacific Coast Highway, Dana Point, CA 92629.

AREA

Approximately 1,000 square feet within a concession building at Salt Creek Beach Park.

USE

Food preparation and service, public rentals of beach-related items, selling beach-related merchandise and beverage sales, which will include beer and wine. Tenant will also manage all special events at Salt Creek Beach under the lease.

RENT

Minimum Annual Rent: The minimum annual rent is \$90,000, with monthly payments of \$7,500 payable on the first day of the first full month following the effective date of this lease.

Percentage Rent:

Six percent (6%) of gross receipts over \$1.5 million annually.

Annual Rent: Tenant shall pay to County the sum of Seven Thousand Five Hundred Dollars (\$7,500) per month. In addition to rent, Tenant shall pay Six percent (6%) of gross receipts over \$1.5 million. County shall give Tenant an annual minimum rent credit of \$50,000, for the first five years of the term of the Lease to offset costs incurred for improvements to the concession building.

RENT REVISION

Beginning the second year and every year thereafter, the minimum annual rent shall be automatically adjusted according to the fix rent increases listed below:

<u>Period</u>	<u>Monthly Rent</u>
Year 1	\$7,500
Year 2	\$7,725
Year 3	\$7,957
Year 4	\$8,195
Year 5	\$8,445
Year 6	\$8,695
Year 7	\$8,955
Year 8	\$9,225
Year 9	\$9,500
Year 10	\$9,785

TERM

The term of this LEASE shall be ten (10) years, commencing the first day of the first month following execution by COUNTY.

OPTION TO EXTEND

Tenant shall have the option to extend the term of this Lease for two (2) five (5) year periods at the sole discretion of County.

SECURITY DEPOSIT

Security Deposit shall be \$10,000, which Tenant will deposit upon the Effective Date of the Lease.

INITIAL IMPROVEMENTS AND CONSTRUCTION BY TENANT

Tenant shall design, construct and install within the Premises appropriate improvements to accommodate the uses pursuant to the Use Clause of this lease. Tenant's responsibility to acquire all necessary permits from OC Health Care Agency and OC Development Services.

INDEMNIFICATION

The standard indemnification clause drafted and reviewed by County Counsel is used in this lease agreement.

MAINTENANCE

Lessee responsible for all utilities, taxes and maintenance within the area, including removal of trash on a daily basis and maintenance of grease interceptors.

BE74Q-151
Salt Creek Beach Park
Young's Beach Shack

ATTACHMENT A

CONTROL OF HOURS, PROCEDURES AND PRICES

Tenant shall notify County when Tenant plans to close the concession for any period of time.
Tenant must call and notify OC Parks/South Coastal Operations.

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

November 16, 2021

WHEREAS, Orange County Codified Ordinance 2-5-35 prohibits possession or consumption of alcoholic beverages at County recreational facilities unless authorized by Board of Supervisors (Board) Resolution or at County-implemented events approved by the OC Parks Director; and

WHEREAS, a Concession Lease Agreement (Lease) has been negotiated with Laguna Beach Golf & Bungalow Village, LLC to operate and maintain the concession building (Concession) at Salt Creek Beach.

WHEREAS, the proposed Lease includes the sale of sundry items, food, beverages, alcoholic beverages (including only beer and wine), equipment rentals of beach-related items (including boogie boards, soft surfboards, beach chairs and umbrellas, lockers, and beach cruiser-style bicycles), and selling beach-related merchandise (including t-shirts, flip flops, beach towels, hats, sunscreen, reusable beverage containers, and surf accessories); and

WHEREAS, the proposed Lease limits the sale of beer and wine to certain operating hours and contained within the patio area of the Concession only; and

WHEREAS, only the North Shore Event Area of Salt Creek Beach is a location currently authorized by the Board for alcoholic beverage service; and

WHEREAS, the Board has authorized alcoholic beverage service at other similar County recreational facilities in conjunction with approved leases.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

Authorize alcoholic beverage service at the Salt Creek Beach Concession pursuant to the terms of the Concession Lease Agreement with Laguna Beach Golf & Bungalow Village, LLC.