



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 21, 2013

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance For The Approval Of Encroachments At 33 West Victoria Street

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Encroachment Permit to Luria - New Vic LLC, a California Limited Liability Company, and Ensemble Theatre Company, Inc., a California Non-Profit Corporation, for the Property Known as 33 West Victoria Street and 1236 Chapala Street, Santa Barbara County Assessor's Parcel Number 039-181-001, Which Is Owned by Child Abuse Listening Mediation, Inc., a California Non-Profit Public Benefit Corporation, for Site Improvements That Will Encroach into the Public Right-of-Way and City Parking Lot No. 5, and Authorizing the City Administrator to Execute Same.

BACKGROUND:

The Victoria Hall Theater (Victoria Theater), located at 33 West Victoria Street, is currently under construction for interior and structural renovations. On August 2, 2011, Council conceptually approved an encroachment permit requested on behalf of Ensemble Theatre Company, Inc., a California Non-Profit Corporation (Ensemble), to relocate the sidewalk along the Victoria Street frontage into the street parking lane in front of the Victoria Theater in order to accommodate a landing, ramp, and stairs within the public right of way which are necessary to comply with building and accessibility codes (Attachments 1 and 2). Council's conceptual approval of these encroachments along the Victoria Street frontage provided the Ensemble with a reasonable expectation that the encroachments would ultimately be approved, subject to certain conditions, prior to expending costly resources to obtain final design plans and Historic Landmarks Commission (HLC) approval. In April 2013, Luria-New Vic LLC, a California Limited Liability Company (Luria), purchased a 99-year lease of Victoria Theater from the property owner, Child Abuse Listening Mediation, Inc. (subject to Ensemble's previously existing lease of the Victoria Theatre). Ensemble and Luria are now jointly pursuing the encroachment permit. Ensemble and Luria are hereinafter referred to collectively as "Permitee."

DISCUSSION:

Since receiving conceptual approval from Council to allow the entryway encroachments within the public right of way, the Permittee has proceeded with obtaining final HLC approval for the encroaching frontage improvements and building permit approval for the interior renovations. The final encroachment permit also includes private improvements to the rear of the building, for a loading dock lift and associated equipment that would be recessed underneath the sidewalk on the southerly side of the building, that encroach into City Parking Lot No. 5 (Lot 5). The loading dock lift would allow for equipment for stage productions to be loaded and unloaded into the rear of the Victoria Theater, and would only operate for short intermittent periods before and after performances. In addition, a new private fire sprinkler water service line is required for fire safety within the theater building. The new fire sprinkler water service line would enter from the existing Chapala Street water main into the Lot 5 entrance, and traverse under the existing sidewalk and landscaped planter to the point of entry into the theater building. These private improvements would be within a portion of the Lot 5 property (Attachment 3) and are included in the Encroachment Permit Agreement.

The City and Ensemble intend to execute a separate operational and maintenance agreement in order to mitigate the impact that productions and events occurring at the Victoria Theater may have on Lot 5. This agreement will be executed by the Public Works Director, subject to approval as to form by the City Attorney.

The final Encroachment Permit Agreement has been approved as to form by the City Attorney and executed by the Permittee. Council approval of the Ordinance being presented will authorize the City Administrator to execute this agreement. If approved, the Encroachment Permit Agreement will be recorded in the Official Records of Santa Barbara County and the terms of the agreement will run with the property and provide constructive notice to all future interested parties concerning the encroachments allowed by the City, including the Permittee's responsibility for maintenance and liability of the encroachments. In addition, the permit will allow for the removal of the improvements and for termination of the encroachment permit with one year's prior notice should the encroachments no longer be necessary by reason of a change of use of the theater building or in the event of a future City project requiring their removal. It is anticipated that these improvements encroaching into the public right of way and the Lot 5 will be long term. Since the encroachments and related Encroachment Permit Agreement are anticipated to exceed a five-year period, the adoption of an ordinance is necessary.

BUDGET/FINANCIAL INFORMATION:

All required City review and permit fees will be paid for by the applicant, and there will be no City costs associated with the alteration of the proposed improvements along the frontage of Victoria Street, or at the rear of the building within Lot 5.

- ATTACHMENT(S):**
1. August 2, 2011 Council Agenda Report, Conceptual Approval Of Encroachments Proposed by Ensemble Theatre Company Fronting Victoria Hall Theater
 2. Encroachment Exhibits for entry at 33 West Victoria Street
 3. Encroachment Exhibits back of building; City Parking Lot No. 5

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DT/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 2, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Conceptual Approval Of Encroachments Proposed By Ensemble Theatre Company Fronting Victoria Hall Theater

RECOMMENDATION:

That Council conceptually approve an encroachment permit request by the Ensemble Theatre Company (Ensemble Theatre) to move the sidewalk into the parking lane in front of the Victoria Hall Theater (Victoria Hall), located at 33 West Victoria Street, to comply with building and accessibility codes during renovation.

DISCUSSION:

Ensemble Theatre is preparing to renovate Victoria Hall, located at 33 West Victoria Street. Victoria Hall currently has a two-foot elevation difference between the sidewalk in front of the theater and the lobby area, which is accommodated with steps immediately outside the front doors, and no landing. The current building code and Americans with Disabilities Act do not allow for stairs outside the front doors and require that a landing and ramp be provided for safe, accessible operations and emergency exiting. Unfortunately, the limited amount of space between the sidewalk and the front doors of Victoria Hall do not allow for stairs and the required landing and ramp. Ensemble Theatre is, therefore, requesting an encroachment permit to provide the landing, ramp, and stairs within the public right of way (Attachment).

In order to meet the needs of Ensemble Theatre's proposal, the sidewalk in front of Victoria Hall would need to be moved out into the parking lane. This change would also eliminate the possibility of a loading zone directly in front of Victoria Hall. Although a loading zone is desired, providing the landing and ramps is a higher priority to Ensemble Theatre. They suggest that a loading zone be placed just east of Victoria Hall to accommodate this need.

Initially, staff directed the Ensemble Theatre to explore options that would avoid the need for an encroachment. The encroachment could be avoided by adjusting the interior floor elevation of Victoria Hall down two feet. Ensemble Theatre has responded that this option is not financially feasible and would also present some challenges for retaining the historic look of the building.

Staff discussed this request with the Downtown Parking Committee on July 21, 2011, because the proposal would eliminate four to five parking spaces on Victoria Street in front of Victoria Hall. The Committee recommended that City Council approve the conceptual encroachment of the sidewalk into the parking lane for the Ensemble Theatre improvements because of the lack of viable alternatives, the importance to public safety, and to improve the vitality of the Theater District. The vote was six in favor and one abstention.

Staff understands the challenges associated with the renovation of Victoria Hall and supports the encroachment. Although valuable on-street parking would be lost, the need to accommodate the renovation seems to outweigh this loss. The current sidewalk width is about eight feet. The proposed sidewalk will be reduced to about six feet, but will remain adequate for the heavy pedestrian volumes along the south side of Victoria Street. Ensemble Theatre's preliminary design of the landing retains the look and feel of a public space.

Before it expends costly resources to obtain final design plans for full review by City staff and the Historic Landmarks Commission, Ensemble Theatre desires to obtain concept support to allow portions of the entryway improvements to encroach in the public right of way. Preliminary support by Council will provide the reasonable expectation that encroachments shown on preliminary design plans may finally be approved, subject to certain conditions, and subject to the City's issuance of final permits.

If concept approval is given by Council to allow the entryway encroachments, Ensemble Theatre will move to obtain all City approvals required. The final Encroachment Permit Agreement between Ensemble Theatre and the City, based on the approved design plans, will be presented to City Council for approval. If approved, the Encroachment Permit Agreement will be recorded in the Official Records of Santa Barbara County to run with the land and provide constructive notice to all future interested parties concerning the encroachments allowed by the City.

BUDGET/FINANCIAL INFORMATION:

All required City review and permit fees will be paid by the Ensemble Theatre, and there will be no City costs associated with the alteration of the proposed improvements along the frontage of Victoria Street.

ATTACHMENT(S): Letter dated July 18, 2011

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/MW/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

July 18, 2011

Mr. Don Irelan, Senior Real Property Agent
 City of Santa Barbara
 Public Works Department
 630 Garden Street
 Santa Barbara, CA 93101



Subject: Ensemble Theatre Company
 Victoria Hall Theater Remodel
 33 West Victoria Street.
 APN# 039-181-001
 MST# 200 10-00327
 PMSM #09051.07

Dear Mr. Irelan:

Per our discussions with your department and other City staff, and as a key aspect of our Victoria Theater remodeling project, we are requesting conceptual approval of a proposed Victoria Street encroachment permit to allow construction of an entry landing, a form of which will be required by code.

We believe a design in general conformity with the attached conceptual proposal will be excellent for the theater itself, for the neighboring businesses, for the public, and for street itself. With further guidance from staff and the Council we can refine the design and the dimensions to optimize the final design for the benefit of all.

Ensemble at the New Vic

Ensemble Theatre Company will be relocating to a completely renovated and redesigned Victoria Theater, that will be,

"...A modern, comfortable, well-equipped performance hall, with advanced lighting and sound equipment, flexibly designed to accommodate a rich variety of performing, entertainment arts, and other uses, including music, dance, lectures, and film."

Ensemble has already made significant progress on its *Ensemble at the New Vic* capital campaign and is excited to be bringing to life an important new venue that will complete the City's performing arts district.

Design Status

We have completed a schematic design of the proposed remodel and have introduced the project to lead City departments. We have obtained preliminary comments from the Preliminary Review Team process, review by the City Historian, and preliminary code review by the Building Department. Working with staff we have revised and improved the design to respond to the comments to date.

The Historic Landmarks Committee has provided us very valuable comments on the only two aspects of our proposed project that affect the exterior. In order for us to proceed to the next phase of design we require conceptual approval from the City Council for our proposed solution to the existing code problem at the Victoria Street entry to the building.

Required Entry Landing

The existing Victoria Theater has a long-standing major code deficiency that we must address. The lobby is approximately 2' above the elevation of the sidewalk. There are concrete steps immediately outside the exit doors, running the entire length of the building. (See Exhibit A, attached.) People exiting the building immediately encounter steps down. That is unexpected, unsafe, and violates the building, life and safety code that (very logically) requires a landing outside an exit door so that people can exit a building before encountering steps, as well as a landing at the bottom of steps.

Because Victoria Theater's exit doors are right above the sidewalk, and the existing concrete steps already encroach onto the sidewalk, *any* landing that is built to satisfy code requirements will require a City encroachment permit. *Any* design will have an impact on the existing on-street parking spaces, as it would be undesirable to have on-street parking directly in front of the entrance to the theater.

To address these problems we propose a new entry landing that will also improve the functioning of the theater as a performing arts facility, and that we believe will enhance the entire block of Victoria Street. To avoid having the landing reduce the sidewalk inappropriately, we proposed reconfiguring the sidewalk to the location of the existing on-street parking.

Any solution will require a landing that will encroach on the existing sidewalk. All solutions that meet code requirements and the City's minimum sidewalk and landscaping requirements involve some rerouting of the sidewalk. The conceptual proposal on Exhibit B would meet all code and city requirements and, for the reasons summarized below, offer a number of use, planning and public policy advantages. Although we believe that any satisfactory solution will involve all the design elements reflected on the attached conceptual proposal, the dimensions of the components can be reviewed and adjusted to achieve the optimal design.

We recognize that the encroachment proposal would result in loss of 5 parking spaces. Although loss of on-street spaces is always to be avoided, we think that in this unusual situation, the change is well justified as a result of the following principal factors. Because the renovated Victoria will certainly see a very significant increase in use, standard City practices would undoubtedly argue for white curbing the area directly in front of the entry. So, even without an encroachment, 2-3 spaces will be eliminated directly in front of the theater. But white curbing the area in front does nothing to solve the code and safety requirements with the existing entry. Those problem are only addressed with a code-requiring landing encroachment. The encroachment will eliminate 2-3 additional parking spaces, which is a relatively small number of incremental spaces necessary to address the code and safety concern with the existing building. In addition, of course, we believe the many benefits from the new entry that are summarized in this letter also mitigate in favor of the change. The proposed concept design shows 2 drop-off spaces preserved at the east end of the parking lane encroachment, conveniently located adjacent to the lower landing of the proposed ramp.

Merits of Proposal

We believe that the proposed design, besides being one of the few to meet all code and City requirements, offers very significant benefits to the theater, the performing arts, the business community, and the street itself.

- Adequate gathering, intermission, and post-event socializing space, is a critically aspect of every successful performing arts venue.
- The existing Victoria Theater has an exceedingly limited lobby, and the only exterior space is on the sidewalk itself. The proposal addresses both the code requirement for a landing and the need for audience gathering space, and will be an extremely beneficial feature of the design that will dramatically improve the effectiveness and use of the theater for all types of performing arts and related non-profit uses.
- The landing will create an appropriate separation between venue patrons and those using the sidewalk for unrelated purposes, and will reduce sidewalk congestion during events.
- The design will include a convenient straight path for pedestrians to ascend the landing rather than deviate around it on the sidewalk, which invites pedestrians to shared use of the landing.
- The landing design preserves the existing palms, and incorporates an additional landscape buffer that is aesthetically attractive and functionally important to direct cars past the entry to the passenger drop off location.
- We believe the landing will add an element of architectural interest that will be beneficial for the block and streetscape.

We and representatives of Ensemble look forward to discussing the proposal with you and with the City Council.

Per your suggestion we would like to request a reduced fee for the encroachment permit conceptual review, one half the full amount of \$3,317. A check in the amount of \$1,659 has been submitted.

Please call me or Monisha Adnani at 963-1955 if you have any questions regarding the plans or if you would like to meet to review the plans.

Sincerely,

Jason Currie, Project Manager

Attachments:

Concept design- Cover sheet, 11x17, July 18, 2011

Concept design- Exhibit A photos of existing conditions, 11x17, July 18, 2011

Concept design- Exhibit B proposed concept level site plan and elevation drawings, 11x17, July 18, 2011

VICTORIA HALL THEATER REMODEL



VIEW OF REMODEL THEATER BUILDING FROM VICTORIA STREET

ENCROACHMENT PERMIT CONCEPT APPROVAL

PROJECT DESCRIPTION

Victoria Hall is a multi-story building comprising of a Theater Building portion and an Office Building portion. The Office Building portion was originally constructed in approximately 1909 and the Theater Building portion was originally constructed in approximately 1921. The building construction consists of wood framing with exterior plaster, brick veneer, and asphalt shingle roof. The Ensemble Theatre Company plans to relocate to and modernize the Victoria Hall Theater. Ensemble's goal is for the remodeled theater to be:

- a modern, comfortable, well-equipped performance hall with advanced lighting and sound equipment, flexible dance, lectures, and bars.
- There is no proposed change in use.

The remodel of the Theater Building portion will include:

- Complete gut remodel of the exterior
- Reconstructed stage house including a proposed increase in height for the fly loft)
- Seismic upgrade
- New electrical, mechanical and plumbing systems
- New fire sprinklers
- New code required landing at Victoria Street entry
- New backstage accessible entrance at east part of site
- Refurbish exterior finishes

The remodel of the Office Building portion will include:

- New fire sprinklers

APPLICABLE CODES

THE INTENT OF THIS PROJECT IS TO COMPLY WITH THE 2010 CALIFORNIA HISTORIC BUILDING CODE (CHBC).
WHERE THE CHBC IS NOT APPROPRIATE, THIS PROJECT COMPLIES WITH THE FOLLOWING CODES:

- 2000 BUILDING STANDARDS ADMINISTRATIVE CODE, PART 1, CBSAC
- 2000 CALIFORNIA BUILDING CODE (CBC), PART 2, CBSAC 2000 (C) (CA APPLICABLES)
- 2000 CALIFORNIA ELECTRICAL CODE (CEC), PART 3, CBSAC 2000 NATIONAL ELECTRICAL CODE (CA APPLICABLES)
- 2000 CALIFORNIA FIRE CODE (CFR), PART 4, CBSAC 2000 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 (CA APPLICABLES)
- 2000 CALIFORNIA PLUMBING CODE (CPC), PART 5, CBSAC 2000 UNIFORM PLUMBING CODE (CA APPLICABLES)
- 2000 CALIFORNIA FIRE CODE, PART 1, CBSAC
- 2000 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN), PART 1, CBSAC 2000 UNIFORM GREEN BUILDING STANDARDS CODE (CALGREEN), PART 2, CBSAC
- 2000 CALIFORNIA REFERENCED STANDARDS, PART 2, CBSAC

PROJECT STATISTICS

PROJECT NAME: VICTORIA HALL THEATER REMODEL
 PROJECT ADDRESS: 33 BEST VICTORIA STREET, SANTA BARBARA, CA, 93101
 ASSESSOR'S PARCEL NUMBER: 031-00-00
 ZONE: C-3
 TOTAL LOT 8,000 SQ FT
 PROJECT SQUARE FOOTAGE:

AREA	EXISTING	PROPOSED	NET
BUILDINGS			
THEATER BLDG	6500 GSF	4550 GSF	0
GROUND FLR	5300 GSF	2785 GSF	- 2515 GSF
BASEMENT FLR	1200 GSF	1765 GSF	565 GSF
ADJACENT CONNECTED OFFICE BUILDING			
GROUND FLR	4900 GSF	4900 GSF	0
UPPER FLR	4900 GSF	4900 GSF	0
BASEMENT FLR	4900 GSF	4900 GSF	0
TOTAL OFFICE BLDG	14700 GSF	14700 GSF	0
BUILDINGS TOTAL	21200 GSF	20250 GSF	- 950 GSF

ENCROACHMENT STATISTICS

TOTAL AREA OF NEW CONCRETE ENTRY LANDING, PLANTERS, RAMP AND STAIRS OTHER PUBLIC RIGHT OF WAY - 484 SF
 TOTAL AREA OF NEW ENTRY LANDING PLANTERS OTHER PUBLIC RIGHT OF WAY - 504 SF
 AREA OF PARKING LAINE ENCROACHMENT
 AREA OF PARKWAY PLANTERS
 AREA OF NEW SIDEWALK

VICINITY MAP



SHEET LIST

COVER SHEET/ SHEET LIST/ PROJECT STATS
 EXHIBIT - A PHOTOS OF EXISTING CONDITIONS
 EXHIBIT - B PROPOSED ENTRY LANDING, SITE PLAN AND ELEVATION DRAWINGS

ENSEMBLE THEATRE COMPANY
 VICTORIA HALL THEATER REMODEL
 CONCEPT APPROVALS PHASE
 2017.08.28

Exhibit A



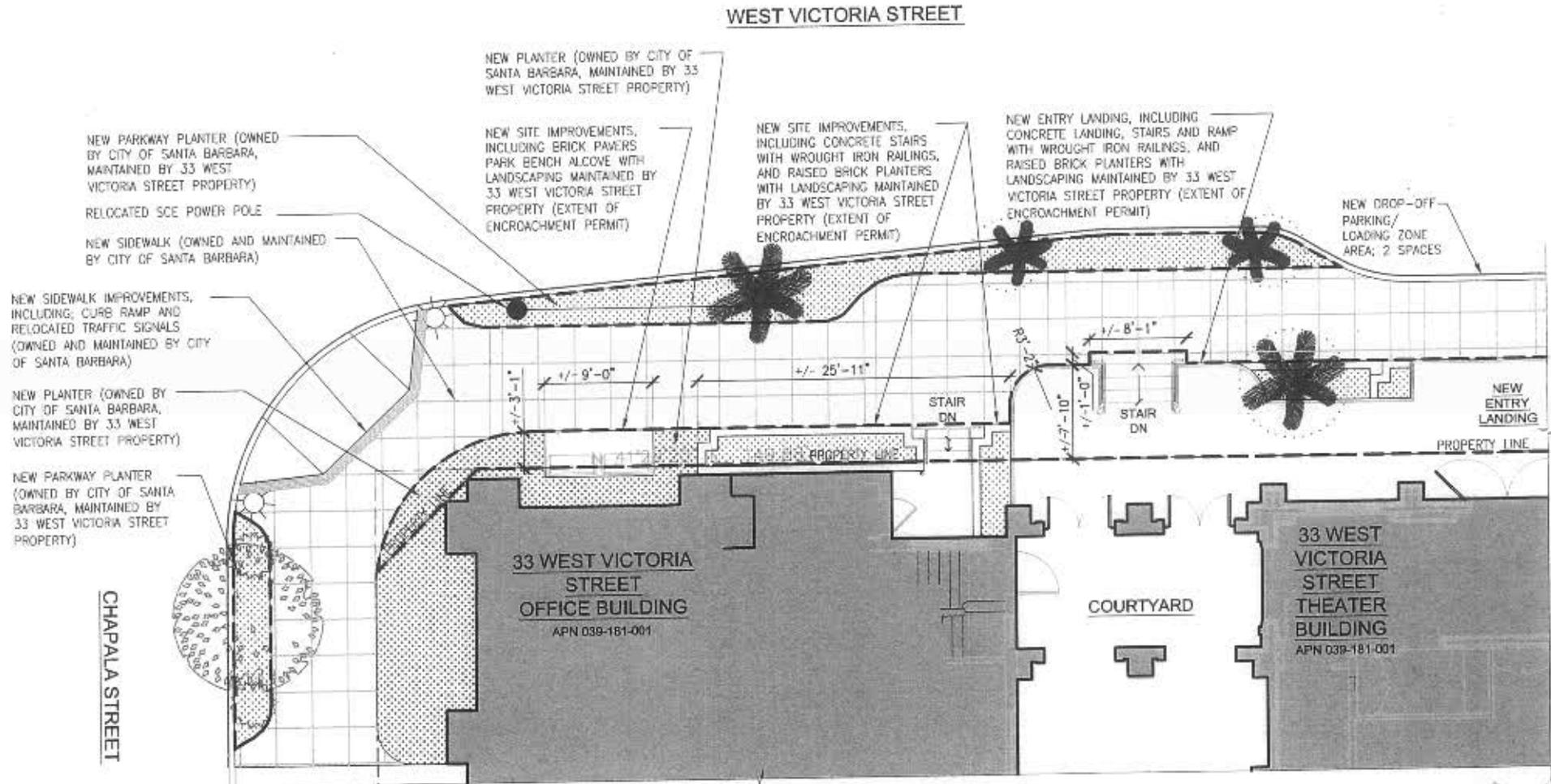
VIEW OF EXISTING VICTORIA STREET SIDEWALK



VIEW OF EXISTING ENTRY AND CONCRETE STAIRS VICTORIA STREET SIDEWALK

PHOTOS OF EXISTING CONDITION
 AT VICTORIA STREET ENTRY EXHIBIT-A
 ENSEMBLE THEATRE COMPANY
 VICTORIA HALL THEATER REMODEL
 CONCEPT APPROVALS PHASE
 2018-19-20

EXHIBIT B-1



PARTIAL SITE PLAN- AREA OF ENCROACHMENT PERMIT- NEW ENTRY LANDING

SHEET 1 OF 5

APRIL 12, 2013

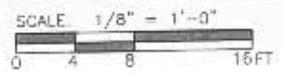
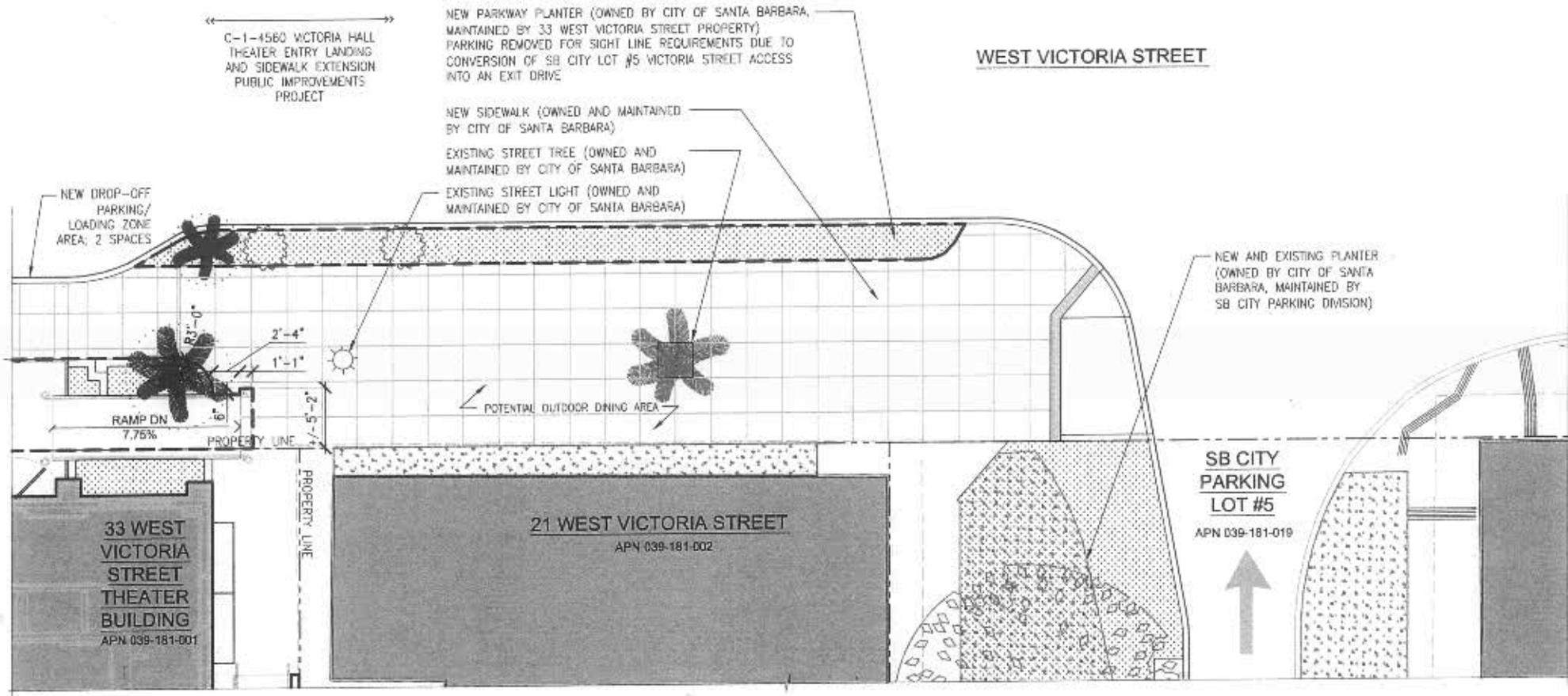
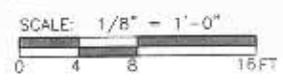


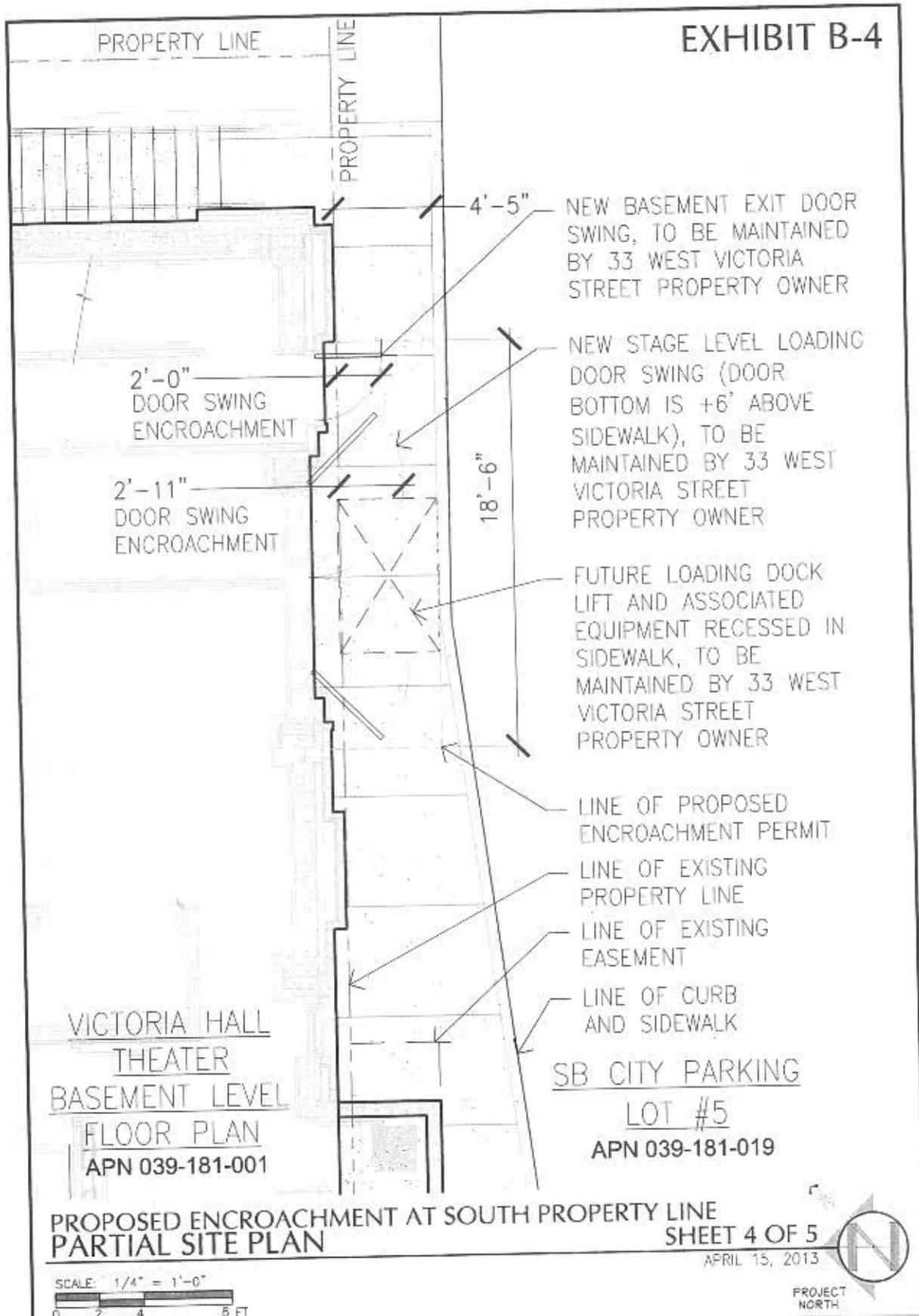
EXHIBIT B-3



PARTIAL SITE PLAN- AREA OF ENCROACHMENT PERMIT- SB CITY LOT #5

SHEET 3 OF 5
APRIL 12, 2013



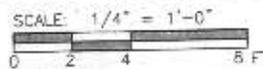


VICTORIA HALL
THEATER
BASEMENT LEVEL
FLOOR PLAN
APN 039-181-001

SB CITY PARKING
LOT #5
APN 039-181-019

PROPOSED ENCROACHMENT AT SOUTH PROPERTY LINE
PARTIAL SITE PLAN
SHEET 4 OF 5

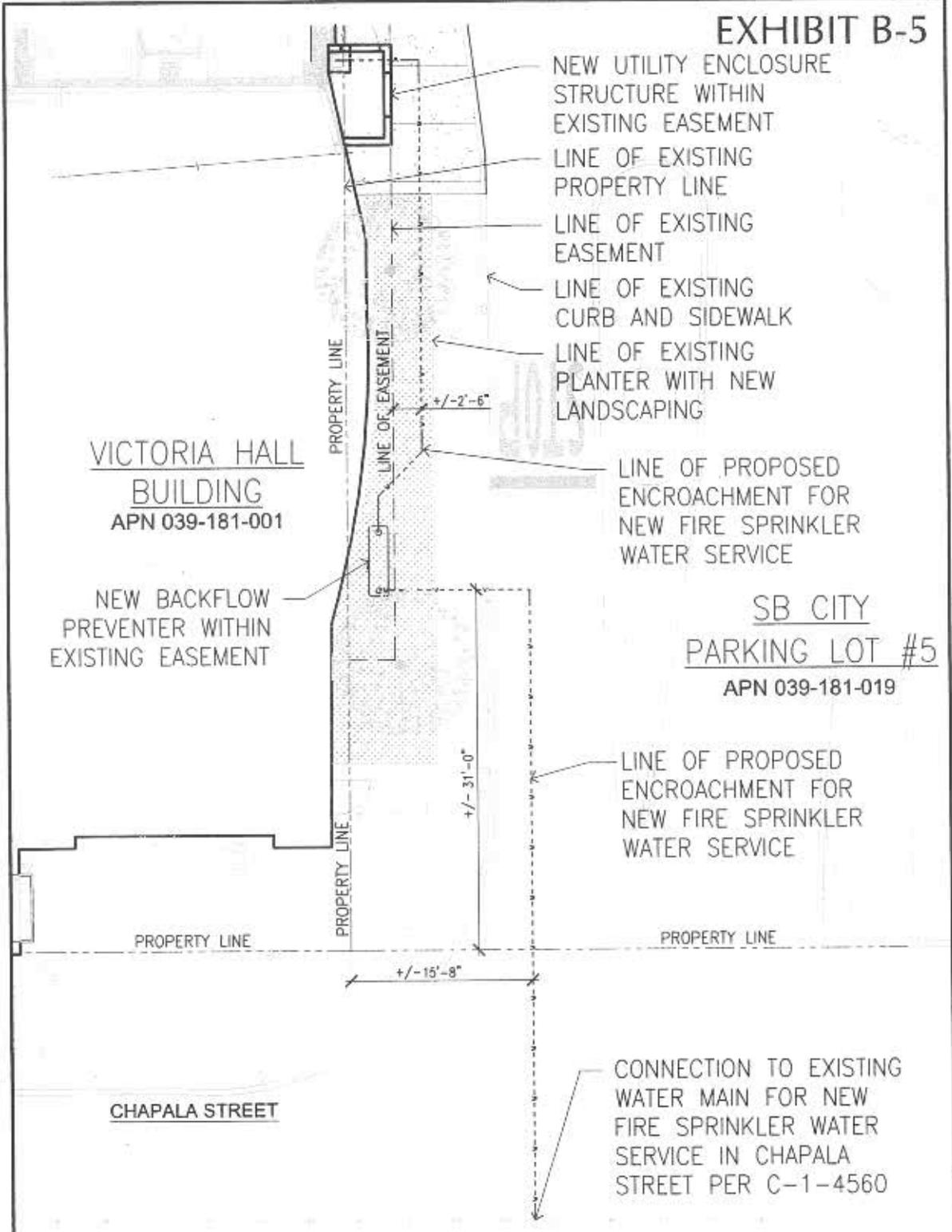
APRIL 15, 2013



PROJECT
NORTH

<p>ARCHITECTS</p> <p>PMSM</p> <p>2000 ALAMANDA VALLE SERRA, 311TH & 210 SANTA BARBARA, CA 93103 TEL 805 962 1922 FAX 805 964 8527</p>	PROJECT NAME:	ENSEMBLE THEATRE COMPANY VICTORIA HALL RENOVEL 33 WEST VICTORIA STREET	DRAWING NO.	B-4
	REFERENCE NO.:	D-3-1081		
	BLD #:			
	BULLETN. NO.:			
	PHSY JOB NO.:	08051.07		
DATE:		DRAWN BY: JC		

EXHIBIT B-5



VICTORIA HALL
BUILDING
APN 039-181-001

SB CITY
PARKING LOT #5
APN 039-181-019

NEW BACKFLOW
PREVENTER WITHIN
EXISTING EASEMENT

LINE OF PROPOSED
ENCROACHMENT FOR
NEW FIRE SPRINKLER
WATER SERVICE

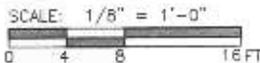
CHAPALA STREET

CONNECTION TO EXISTING
WATER MAIN FOR NEW
FIRE SPRINKLER WATER
SERVICE IN CHAPALA
STREET PER C-1-4560

PROPOSED ENCROACHMENT AT SOUTH PROPERTY LINE PARTIAL SITE PLAN

SHEET 5 OF 5

APRIL 15, 2013



PMSM ARCHITECTS <small>2012 PLANNING FACILITY DESIGN, SUITE 207 SANTA CLARA, CA 95051 TEL: 408.553.7863 FAX: 408.554.6642</small>	PROJECT NAME: ENSEMBLE THEATRE COMPANY VICTORIA HALL RENOVEL 35 WEST VICTORIA STREET	DRAWING NO. B-5
	REFERENCE NO. C-1-1081	
	BLD # BULLETH. NO. PMSM JOB NO. 0905107	
	DATE	DRAWN BY: JC