



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** May 17, 2016

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Introduction Of Ordinance For The Approval Of A Building Encroachment Agreement At 6 State Street And 13 East Cabrillo Boulevard

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute an Encroachment Agreement to Virginia Castagnola-Hunter, as Trustee of the Virginia Castagnola-Hunter Trust Created u/d/t Dated February 20, 2002; Scott Hollister; George C. Hollister and Cathleen W. Hollister, Trustees of the GCH and CWH Trust; Catherine Wallenfels; Francesca Hunter; and Alexis Hunter Chernow, as Trustee of the Alexis Hunter Chernow Trust Created u/d/t Dated January 15, 2014, for Building Improvements on a Portion of 6 State Street (Santa Barbara County Assessor's Parcel Number 033-111-011) and 13 East Cabrillo Boulevard (Santa Barbara County Assessor's Parcel Number 033-111-012) That Will Encroach Into the Public Flood Control Easement.

### **BACKGROUND:**

As part of the Cabrillo Boulevard Bridge Replacement Project (Project), the City acquired public flood control easements over a portion of 6 State Street and 13 (aka 15) East Cabrillo Boulevard (Real Property). The City's Project caused a portion of the existing building on the Real Property to be demolished and require reconstruction.

The redevelopment of the Real Property was approved by the Planning Commission on September 2, 2010, and received a Coastal Development Permit, which included some encroachments into flood control easements.

### **DISCUSSION:**

The owners of the Real Property have received a building permit to reconstruct the existing building as a two-story building. A portion of the second-story roof and faux balcony encroach two feet into the public flood control easement (Attachment 1). Additionally, there is a two-foot wide stormwater retention trench that falls entirely within the flood control easement (Attachment 2). Over a portion of the easterly side of 6 State

Street, a portion of the second-story balcony overhangs the flood control easement by approximately three feet and a portion of the roof extends into the flood control easement by approximately three feet (Attachment 3).

An Encroachment Agreement (Agreement) has been approved as to form by the City Attorney and executed by the property owners. 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 property owners or their successors. The Agreement states that the property owners are responsible for maintenance and liability of the encroachments. In addition, the Agreement will allow for the partial or entire removal of the encroaching building improvements, and partial or full termination of the Agreement should the encroachments conflict with work required by the City, or its assignee. It is anticipated that these improvements encroaching into the easement will be long term and that future conflict is unlikely to occur.

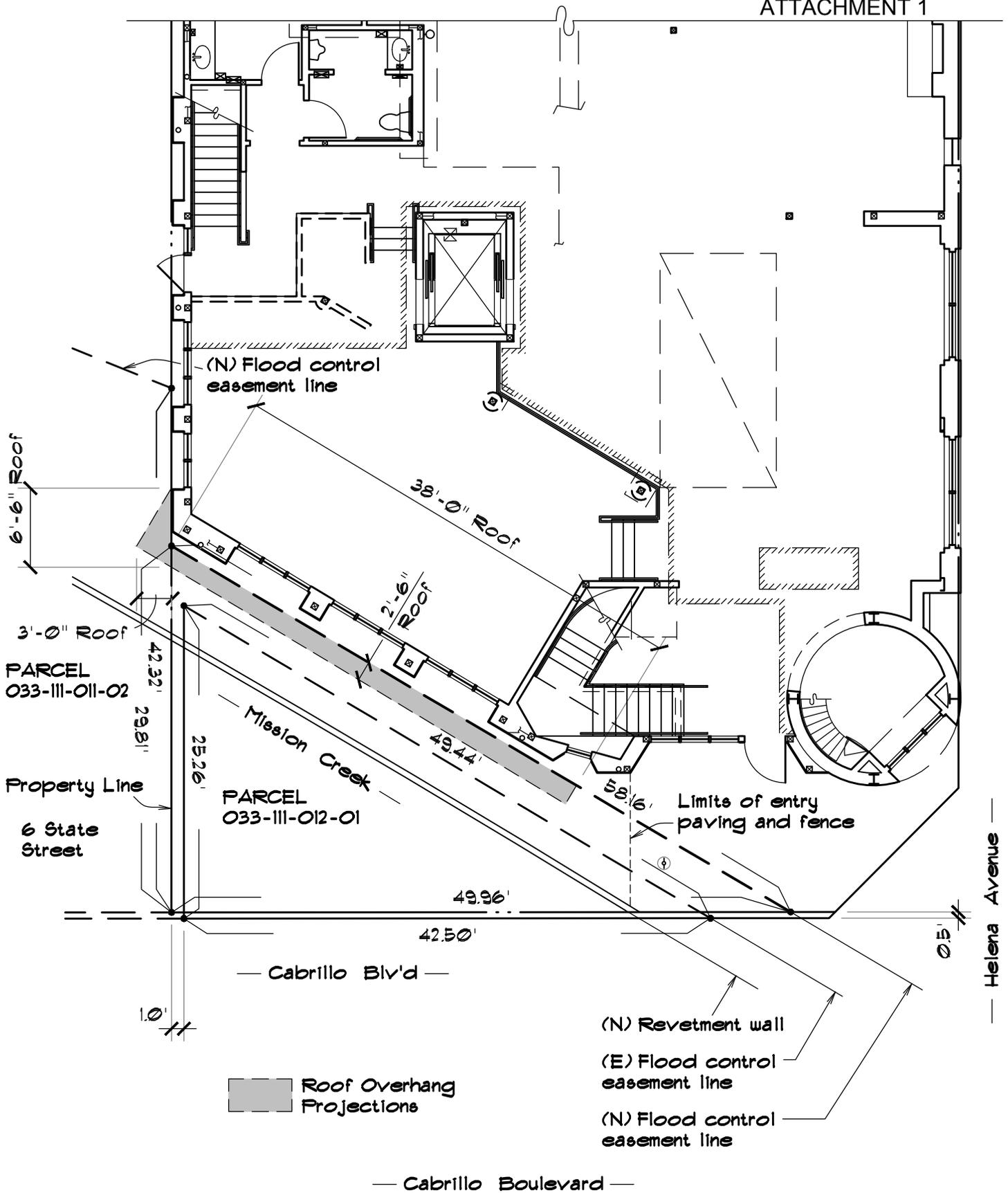
Since the encroachments and the related Agreement are anticipated to exceed a five-year period, the adoption of an Ordinance is necessary. Council approval of this Ordinance will authorize the City Administrator to execute this Agreement. If approved, the Agreement will be recorded in the Official Records of Santa Barbara County.

- ATTACHMENT(S):**
1. Encroachment Exhibit, *“Roof Elements Projecting Into Flood Control Easement”*
  2. Encroachment Exhibit, *“Stormwater Retention Trench Projecting Into Flood Control Easement”*
  3. Encroachment Exhibit, *“Balcony Elements Projecting Into Flood Control Easement”*

**PREPARED BY:** Adam Hendel, Acting Principal Civil Engineer/MAW/kts

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

**APPROVED BY:** City Administrator’s Office



## Roof Elements Projecting Into Flood Control Easement

### Castagnola @ Cabrillo

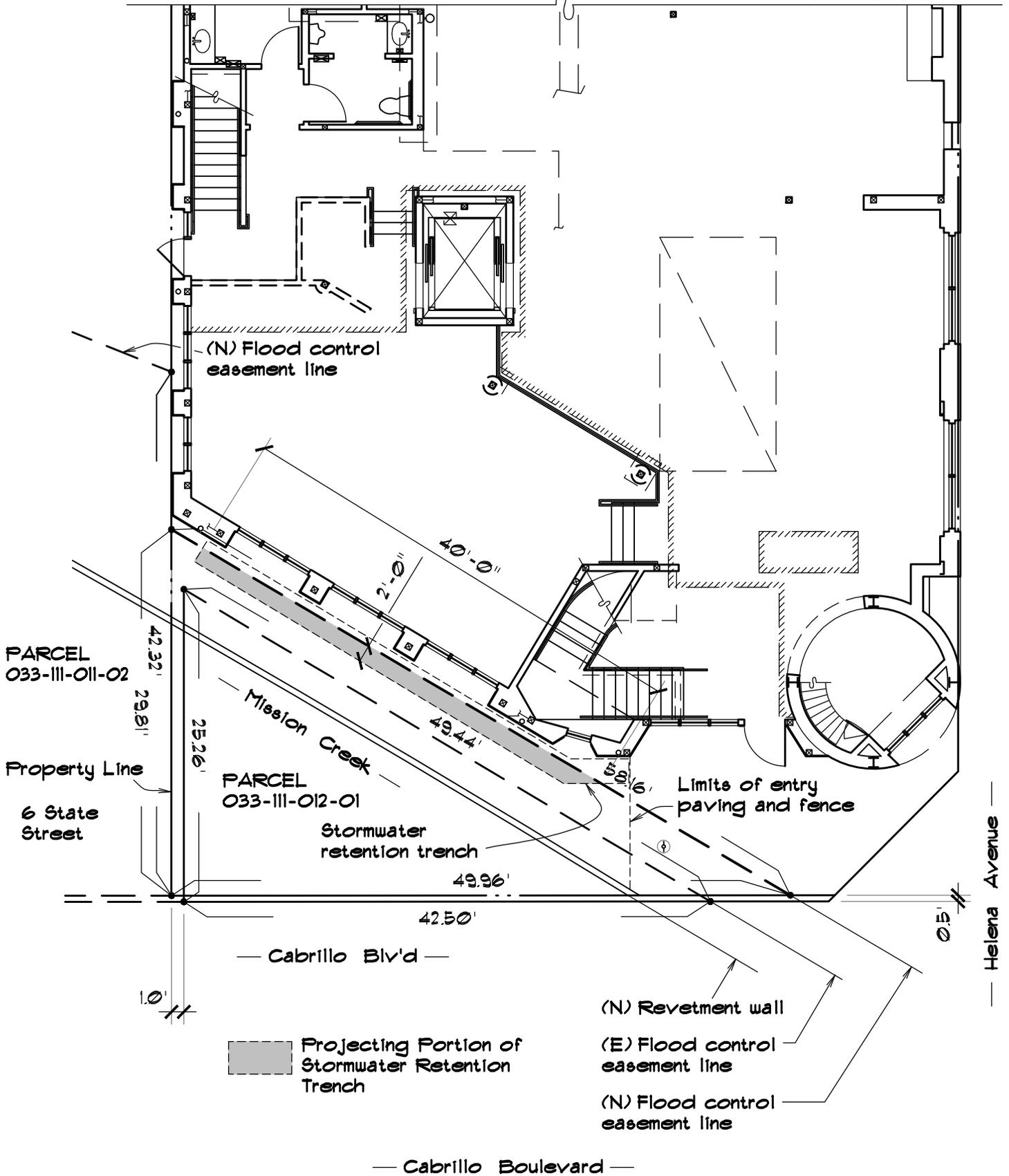
15 East Cabrillo Blvd, Santa Barbara, CA 93101



Feb 29, 2016 - 3:09pm  
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3/32" = 1'



# Stormwater Retention Trench Projecting Into Flood Control Easement

## Castagnola @ Cabrillo

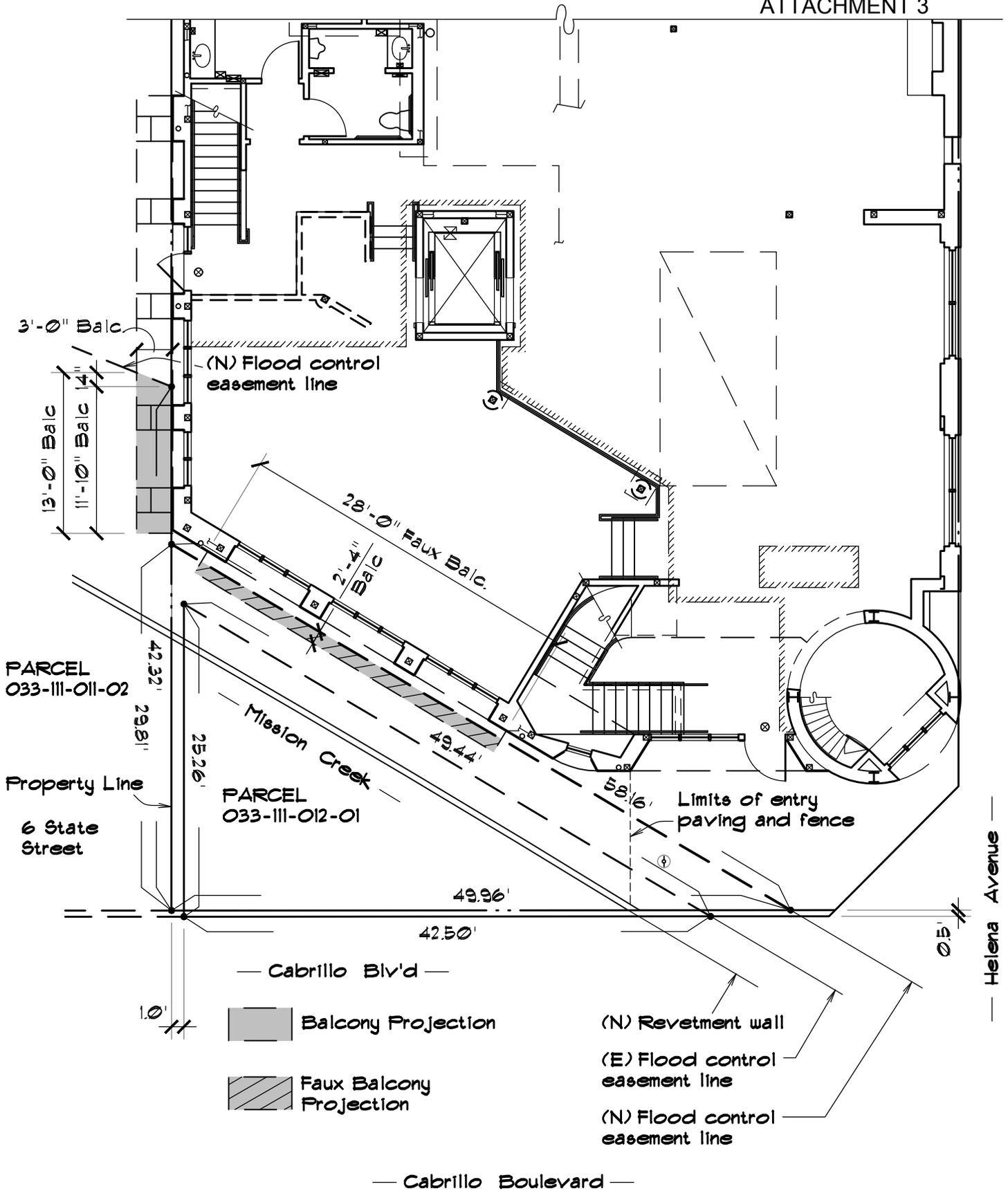
15 East Cabrillo Bl'v'd, Santa Barbara, CA 93101



Feb 29, 2016 - 3:09pm  
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3/32" = 1'



## Balcony Elements Projecting Into Flood Control Easement

**Castagnola @ Cabrillo**

15 East Cabrillo Blvd, Santa Barbara, CA 93101



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