



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 2, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance For Encroachment Permits For Victoria Hall Theater Facilities At 33 West Victoria Street And Parking Lot No. 5

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 Agreement with Child Abuse Listening Mediation, Inc., a California Nonprofit Public Benefit Corporation, Ensemble Theatre Company, Inc., a California Nonprofit Corporation, and Luria-New Vic, LLC, a California Limited Liability Company, Affecting the Properties Known as 1236 Chapala Street and 33 West Victoria Street, and Approving An Encroachment Permit Agreement With Ensemble Theatre Company, Inc., a California Nonprofit Corporation, Affecting the Property Known as 33 West Victoria Street, Each Agreement Intended to Terminate and Supersede Encroachment Permit Agreement 24,521, Approved by Ordinance 5621, and Adopted by Council on June 4, 2013, for Portions of Site Improvements That Were Authorized to Encroach Along and Into the Frontage of Victoria Street, and a Portion of City Parking Lot No. 5, and Authorizing the Public Works Director to Execute Both Encroachment Permit Agreements.

DISCUSSION:

There are no new encroachments within Victoria Street, adjacent to the Victoria Hall Theater (Theater), and within City Parking Lot No. 5, being planned in connection with the proposed adoption by Council of a new Ordinance.

The proposed Ordinance is recommended to authorize the execution and recordation of two separate Encroachment Permit Agreements (Agreements) to terminate and supersede existing Encroachment Permit Agreement (Agreement) No. 24,521. The details that relate to the existing Encroachment Permit and the proposed separate Agreements, are explained below.

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In 2013, certain frontage encroachments were permitted within Victoria Street along the existing Theater building at 33 West Victoria Street. Other facilities were permitted within a portion of Parking Lot No. 5, adjacent to the Theater's loading dock. The encroachments were permitted by Agreement No. 24,521, approved by Ordinance No. 5621, adopted by Council on June 4, 2013, and recorded on July 8, 2013, as Instrument No. 2013-0045721 of Official Records.

The separate new Agreements are recommended because the affected real property has been divided into two parcels by a condominium project, as depicted on the Attachment. The separate parcels are now described as Unit 1 (Santa Barbara County Assessor's Parcel Number 039-181-023), owned by Child Abuse Listening Mediation, Inc., leased by Luria-New Vic, LLC, and subleased by Ensemble Theatre Company, and described as Unit 2 (Santa Barbara County Assessor's Parcel Number 039-181-022), owned by Ensemble Theatre Company. The separate Agreements are recommended to identify the parties most responsible for maintenance of the various encroachments, and to describe the separate properties.

The encroachments permitted along the frontage of the Theater within portions of Victoria Street include sidewalk and curb alterations, a loading zone, landscape planters, pavers, a park bench alcove, an entrance ramp, and landing and stairs designed and constructed to comply with building accessibility codes.

The encroachments permitted within Parking Lot No. 5 include a Theater loading dock lift and equipment, door swing clearances, and a fire sprinkler water service pipeline. The Agreement related to Parking Lot No. 5 is also recommended in order to set forth operational conditions for theatrical productions, events, and use of the Theater facilities in concert with the City's operation and maintenance of the public parking lot.

Each of the Agreements may be revoked by the City by giving timely written notice to the permittees. The Agreements will also terminate automatically if the encroachments are abandoned or removed by the permittees. It is anticipated that the encroachments allowed by the Agreements will likely remain, and be used and maintained by the permittees for more than five years, which requires the Agreements to be approved by an Ordinance adopted by Council in accordance with the Santa Barbara City Charter.

If the separate new Agreements are ultimately approved by Council, as recommended, following the effective date of the Ordinance, the separate Agreements will be executed by the Public Works Director, and recorded in the Official Records.

ATTACHMENT: Site Plan

PREPARED BY: Adam Hendel, Acting Principal Engineer/DI/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

VICTORIA STREET

CHAPALA STREET

Common Area

60

1236

Chapala

33 W. Victoria

1ST FLOOR

50.00

50.00

50.00

22

23

2

181

19

1.70 Ac.

AVE (VACATED)

50.00

1

100.00

3

100.00

2

30.00

100.00

29.92

4

100.00

55.03

5

55.03

200.00

182

18

42.25

42.25

LA

66.05

SB Parking Lot No 5

16

65.98

3' deadend
from Parcel
to
Yuk