

ORDINANCE NO. _____

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

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. That the Encroachment Permit Agreement (Agreement) with Child Abuse Listening Mediation, Inc., a California Nonprofit Public Benefit Corporation, referred to as "CALM," the owner of Unit 1, in that condominium project known as Chapala at Victoria, commonly known as 1236 Chapala Street, being a portion of Santa Barbara County Assessor's Parcel Number 039-181-023, and Ensemble Theatre Company, Inc., a California nonprofit corporation, referred to as "Ensemble Theatre Company," the owner of Unit 2 in that condominium project known as Chapala at Victoria, commonly known as 33 West Victoria Street, being also a portion of Santa Barbara County Assessor's Parcel Number 039-181-022, and Luria-New Vic, LLC, a California Limited Liability Company, referred to as "Luria-New Vic," which are referred to together as "Permittee," for site improvements authorized to encroach into the frontage of Victoria Street, is approved pursuant to the City Charter, and upon the effective date of the ordinance, the Public Works Director of the City is authorized to execute the same.

SECTION 2. That the Agreement with Ensemble Theatre Company, Inc., a California nonprofit corporation, referred to as "Ensemble Theatre Company," the owner of Unit 2, in that condominium project known as Chapala at Victoria, commonly known as 33 West Victoria Street, being a portion of Santa Barbara County Assessor's Parcel Number 039-181-023, which is referred to as "Permittee," for site improvements authorized to encroach into a portion of City Parking Lot No. 5, is approved pursuant to the City Charter, and upon the effective date of the Ordinance, the Public Works Director of the City is authorized to execute the same.

SECTION 3. That each Agreement set forth above shall substitute, terminate and supersede that existing 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, in the Office of the County Recorder, Santa Barbara County.

SECTION 4. That said Agreement with CALM, Ensemble Theatre and Luria-New Vic, shall authorize the Permittee to maintain the concrete entry landing, stairs and ramp with wrought iron railings, raised brick planters with landscaping, brick pavers, park bench alcove, and parkway planters with landscaping located within the frontage of Victoria Street.

SECTION 5. That said Agreement with Ensemble Theatre shall authorize the Permittee to maintain the recessed loading dock lift and equipment, and maintain the fire sprinkler water service line located within a portion of City Parking Lot No. 5.

SECTION 6. That upon the effective date of the Ordinance, the City Clerk, or designee, is authorized to record each Agreement in the Official Records, in the Office of the County Recorder, Santa Barbara County.