



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 4, 2012

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Hearing For Adoption Of A Resolution Of Order To Vacate Easement For Public Right-Of-Way On A Portion Of Lowena Drive

**RECOMMENDATION:** That Council:

- A. Hear all persons interested in or objecting to the proposed vacation of a portion of Lowena Drive; and
- B. Find that the subject portion of Lowena Drive is not necessary for present or prospective public street easement purposes, and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Ordering the Vacation of the Portion of Lowena Drive Located Adjacent to Assessor's Parcel Nos. 029-202-001 and 029-201-004 as Hereinafter Described, and Providing for the Recordation of This Resolution Upon Successful Completion of Conditions Contained Herein.

### **DISCUSSION:**

On November 13, 2012, by adoption of Council Resolution No. 12-076, Council declared its intent to vacate a portion of Lowena Drive. Subsequently, notice of the proposed "Vacation of a Public Street in the Vicinity of Lowena Drive" (Notice) was posted conspicuously along Lowena Drive, and a copy of the Notice was published in the Montecito Journal, as required by Division 9, Part 3, Chapter 3 of the Streets and Highways Code. The Notice contained a description of the area of Lowena Drive to be vacated and the intent of the Council to hold a public hearing on December 4, 2012, at 2:00 p.m., to consider all evidence submitted by interested parties pertaining to the proposed vacation.

Staff recommends that Council consider the information contained herein and any evidence and testimony given at the hearing, and pass a Resolution to vacate a portion of Lowena Drive as a public street conditioned on the completion of certain street improvements described in more detail below.

## BACKGROUND

Built in 1936, the Santa Barbara Bowl is the largest outdoor amphitheater in Santa Barbara County, with seating for approximately 4,600 patrons. About 30 shows are produced each year, with additional use by non-profit organizations. The Santa Barbara Bowl facilities are located on three parcels as shown below and on Attachment 1.

<b>APN</b>	<b>Address</b>	<b>Acreage</b>	<b>Owner</b>
029-110-023	1126 N. Milpas Street	15.16 acres	Santa Barbara County
029-202-001	1122 N. Milpas Street	1.66 acres	Santa Barbara County
029-201-004	1130 N. Milpas Street	0.66 acres	Santa Barbara Bowl Foundation

The majority of the Santa Barbara Bowl is located on County-owned property within the City of Santa Barbara. The County-owned parcels are leased by SBBF, the organization that manages the facility. In 2005, the SBBF acquired the adjacent parcel located at 1130 N. Milpas Street.

In December 2009 the Santa Barbara Bowl Foundation (SBBF) submitted an application for a conditional use permit proposing a new box office and pedestrian plaza on the property owned by SBBF, known as 1130 N. Milpas Street (hereinafter referred to as the Project). This property is adjacent to the Santa Barbara Bowl amphitheater located at 1122 N. Milpas Street, and SBBF has an existing long-term lease with the County for the operation of the amphitheater.

The purpose of the Project is to provide an improved box office facility, pedestrian access, and vehicular circulation for concert patrons and service providers. Currently, limited vehicular access and all pedestrian access are provided along Lowena Drive at the entrance from Milpas Street. The proposed Project includes:

1. New 2,210 square foot (net) administration building with box office services and public restrooms.
2. New pedestrian entrance plaza, pathway, and security check areas. New landscaping with most existing oak trees to remain.
3. Removal of a portion of the stone wall along Milpas Street and installation of new stone walls.
4. Eight new bicycle parking spaces.
5. New shuttle bus stop to provide patrons with access to the upper Concession Plaza.

On January 31, 2012, staff presented a concept review of the Project and proposed street vacation so that Council would have an opportunity to review the vacation and the proposed development on a conceptual level, prior to the applicant submitting a formal application. At this meeting, Council conceptually approved of the Project and the street vacation.

On November 1, 2012, the City Planning Commission unanimously approved the Project, including the vacation of a portion of Lowena Drive as presented (Attachment 2).

The proposed improvements under the conditional use permit require the vacation of a portion of the City street easement known as Lowena Drive. New parallel parking, patron shuttle bus stop (with handicap access), and a pedestrian pathway with new landscaping as discussed above, will be within what is currently the City owned Lowena Drive street easement. The land underlying the Lowena Drive Street easement that is subject to the proposed vacation is owned by the County. The request to vacate the specified portion of the Lowena Drive easement is a joint request by SBBF and the County, as indicated by the County of Santa Barbara letter of support to vacate a portion of Lowena Drive, dated November 2, 2010 (Attachment 3).

#### LOWENA DRIVE VACATION

The Lowena Drive street easement on the County property begins at the driveway to the Santa Barbara Bowl from Milpas Street. The easement crosses the County property and then goes onto private property, creating a loop through to Anapamu Street serving as a public street easement (Attachment 4). There are seven existing private properties that are served by the Lowena Drive street easement. The remaining portion of the street easement would continue to serve these properties. Service access is primarily through the Anapamu Street connection. There are no existing street improvements such as curb, gutter, or lane markings that indicate that there is a public street on the County property, and as such, it is not used by residents or as a service access. This portion of the existing street easement is not necessary for present or prospective public street purposes or for non-motorized transportation facility such as bikeway or walkway. However, a public service easement maintaining the rights of public utilities shall be reserved, other than for street purposes.

The City's easements for Lowena Drive, and many other streets, were set forth in City Resolution No. 2737, and adopted by Council on February 24, 1955. At that time, the City accepted the responsibility to maintain the roadway already known as Lowena Drive, which was originally created as a private road. This was done in conjunction with many other existing and poorly maintained private roads that were being used by the public.

The abandonment of this portion of Lowena Drive means that any existing City easements would be removed and the City would no longer be responsible for street maintenance, although maintenance on this portion has generally been provided by the Santa Barbara Bowl Foundation. As stated above, the County owns the real property underlying Lowena Drive; however, there is the potential that other private easements in the affected area may exist. The County and the SBBF are aware of this and have circulated notification of the potential vacation and survey to affected owners. At this date, staff has no knowledge of owners or residents making claims of private easements or objecting to the proposed vacation.

Additionally, in discussions with Traffic Engineering, Transportation Planning, and Fire and Public Safety, it was determined that a cul-de-sac with sufficient area for vehicular turnaround to include a vehicle gate with attached Fire Department Knox Box (for emergency access) and a pedestrian gate at the termination point of Lowena Drive, where the vacation is proposed would be required. In order to complete this improvement, SBBF would also dedicate to the City a portion of their adjacent property for street easement purposes, prior to the commencement of construction. The cul-de-sac, gates, and any appurtenant public street frontage improvements in this area shall be constructed to City standards and documented with C-1 public improvement plans.

Streets and Highways Code Section 5324 provides that in the Resolution of Vacation, the Council may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the Resolution of Vacation not be recorded until the conditions have been satisfied. In this case, staff and the City Attorney's Office recommend that Council condition recordation of the Resolution upon receipt of an approved final inspection by the City of the street improvements, including the construction of a cul-de-sac, more specifically described in the C-1 drawings for the Project.

#### GENERAL PLAN CONFORMANCE

The subject site is located in the Lower Riviera neighborhood and, unlike the County-owned parcels that have a Land Use designation of Institutional; the subject parcel has a General Plan designation of Medium-High Density Residential (15-27 du/acre). At the November 1, 2012 hearing, the Planning Commission initiated a General Plan Map Amendment to change the Land Use designation of the project site to Institutional. With the map amendment, the proposed project can be found consistent with the policies of the General Plan.

The street easement vacation, having been reviewed as part of the overall box office project, also meets environmental compliance pursuant to Government Code Section 65402.

## CONCLUSION

Public Works Department staff has reviewed the proposed project and supports the conditional vacation of the City's easement. Discussions with the Santa Barbara Police and Fire Departments have also proved favorable to the vacation. Based on the foregoing reasons, staff has determined that the vacation of Lowena Drive is in the best interest of the City, and the City has no present or prospective use for Lowena Drive.

Having received the appropriate board and commission approvals for the overall SBBF project, and having complied with all noticing requirements, staff recommends the approval by Council for the Resolution of Order to Vacate the easement on a portion of Lowena Drive. Staff also recommends that Council direct the City Clerk to record the Resolution of Order to Vacate only upon receipt of an approved final inspection by the City of the street improvements, including the construction of a cul-de-sac, more specifically described in the C-1 drawings for the Project.

**ATTACHMENT(S):**

1. Aerial Map of Parcels
2. Bowl Box Office Site Plan and Perspective
3. County Letter of Support to Vacate
4. Exhibit Map of Lowena Drive and Portion for Vacation (shaded)

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

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

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

# Santa Barbara Bowl: Aerial Map of Parcels





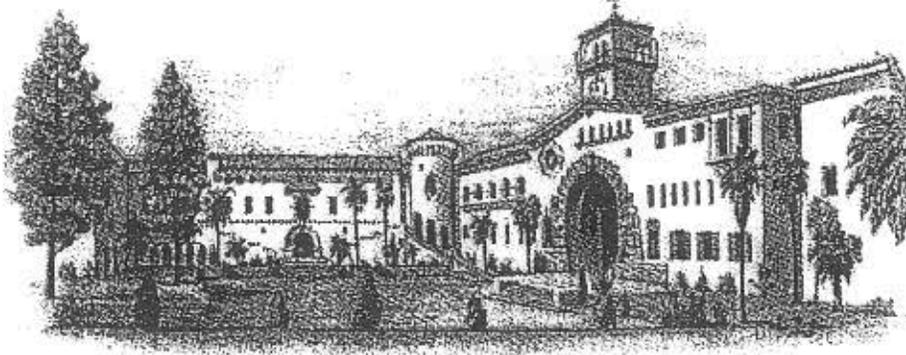
Santa Barbara Bowl  
Box Office

# A1.1 Site Plan

October 8, 2012 | HANDEL ARCHITECTS LLP DESIGNARC INC.



COUNTY OF SANTA BARBARA



**BOB NISBET**  
Director

**Ronn Carlentine, SR/WA**  
Real Property Manager

**Mitch Guenthart**  
Fleet Manager

**Paddy Langlands**  
Assistant Director

**Jack T. Williams**  
Facilities Manager

**Robert Ooley, AIA**  
County Architect

**GENERAL SERVICES DEPARTMENT**

**SUPPORT SERVICES DIVISION**

1105 Santa Barbara Street  
Santa Barbara, California 93101

Mr. Don Irelan  
City of Santa Barbara  
Public Works Department (Engineering)  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Bowl Foundation Request Road Abandonment of Lowena Road

Dear Mr. Irelan,

This letter shall serve as support of the Santa Barbara Bowl Foundation proposal to seek the City's approval of vacating an existing City public road easement on a portion of Lowena Drive. The vacation of Lowena Drive and the proposed design of the Santa Barbara Bowl-Box Office Plaza project will provide improved pedestrian and vehicle access for concert patrons entering the County facility known as the Santa Barbara Bowl.

It is our understanding the following history relates to that certain portion of Lowena Drive:

- 1936 the County was granted a public road easement that affects the same roadway  
City annexed that portion of County into the City limits
- 1955 City Resolution No. 2742 created City public road easement over Lowena Drive
- 1957 Executor Deed – conveyed Lowena Drive in fee to the County of Santa Barbara
- 1957 County Resolution No. 16496 – accepted Lowena Drive in fee which left the City public road easement in-place
- Present – When the County accepted Lowena Drive in fee in 1957, it merged the County's 1936 road easement on Lowena Drive, and therefore Lowena Drive is recognized as a County-owned property.

The County in its proprietary duty of that certain real property stated herein, does support the vacation of the City's public road easement of that certain portion of Lowena Drive consisting of approximately 15,880 square feet. The proposed Box Office Plaza project designed by the Bowl Foundation will provide more efficient and safer pedestrian and vehicle access to this County facility. Also, the improved walkway through the Box Office Plaza will eliminate the existing conflicts with pedestrian and vehicles using the same passage way to this County facility.

Ronn Carlentine,  
Real Property Manager  
(805) 568-3078



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: General Services  
Department No.: 063  
For Agenda Of: November 2, 2010  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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TO: Board of Supervisors  
FROM: General Services Bob Nisbet, Director (805) 560-1011  
General Services Department  
Contact Info: Paddy Langlands, Assistant Director (805) 568-3096  
Support Services Division  
SUBJECT: **SB Bowl Foundation Letter of Support to Vacate a Portion of Lowena Drive, Santa Barbara; First Supervisorial District; ORES 001076**

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County Counsel Concurrence

As to form Yes

Auditor-Controller Concurrence

As to form N/A

Other Concurrence: Risk Manager

As to form N/A

Recommended Actions:

That the Board of Supervisors authorize the General Services Department Director to send the attached letter of support to the City of Santa Barbara seeking approval of the vacation of an existing City public road easement on a portion of Lowena Drive, within the City of Santa Barbara, which right of way currently is the route through the County Bowl's parking lot and serves as passage way for pedestrian and vehicle access to the Bowl facility.

Summary Text:

The County's support of this will enable the Bowl Foundation to seek the vacation of the City's public road easement of that certain portion of Lowena Drive. The Bowl Foundation is proposing a Box Office Plaza project on property they own at 1130 N. Milpas Street, Santa Barbara, which is adjacent to the County Bowl property. The proposed Box Office Plaza project will improve pedestrian and vehicle access to this County facility.

Background:

The Santa Barbara Bowl Foundation is proposing the Box Office Plaza project that consists of a new administration building with box office services and a new pedestrian entrance plaza on property they own at 1130 N. Milpas Street, Santa Barbara. The project will also consist of the vacation of Lowena Drive; improvements on Lowena Drive, restriping, hardscape and landscape changes to the existing parking lot, and a change of use to the property they own. This project will provide a "Lobby" space to

Subject: SB Bowl Foundation Letter of Support to Vacate a Portion of Lowena Drive First  
Supervisory District  
Agenda Date: November 2, 2010  
Page: 2 of 2

the existing Santa Barbara Bowl outdoor amphitheater which is located on the adjacent County property at 1122 N. Milpas Street. It is anticipated that the proposed design will reduce the friction between the pedestrians and vehicles that are currently sharing the same passage way to the Bowl facility. This project will better serve the concert patrons by providing more efficient and safer access to the Santa Barbara Bowl facility.

The City's vacation of that certain portion of Lowena Drive will remove a public road easement, and the underlined property will remain as County-owned property held, in fee, by the County of Santa Barbara.

**Fiscal and Facilities Impacts:**

No fiscal or facility impact to the County on this action.

**Special Instructions:** Please forward the Minute Order to Office of Real Estate Services, Attn: Ronn Carlentine

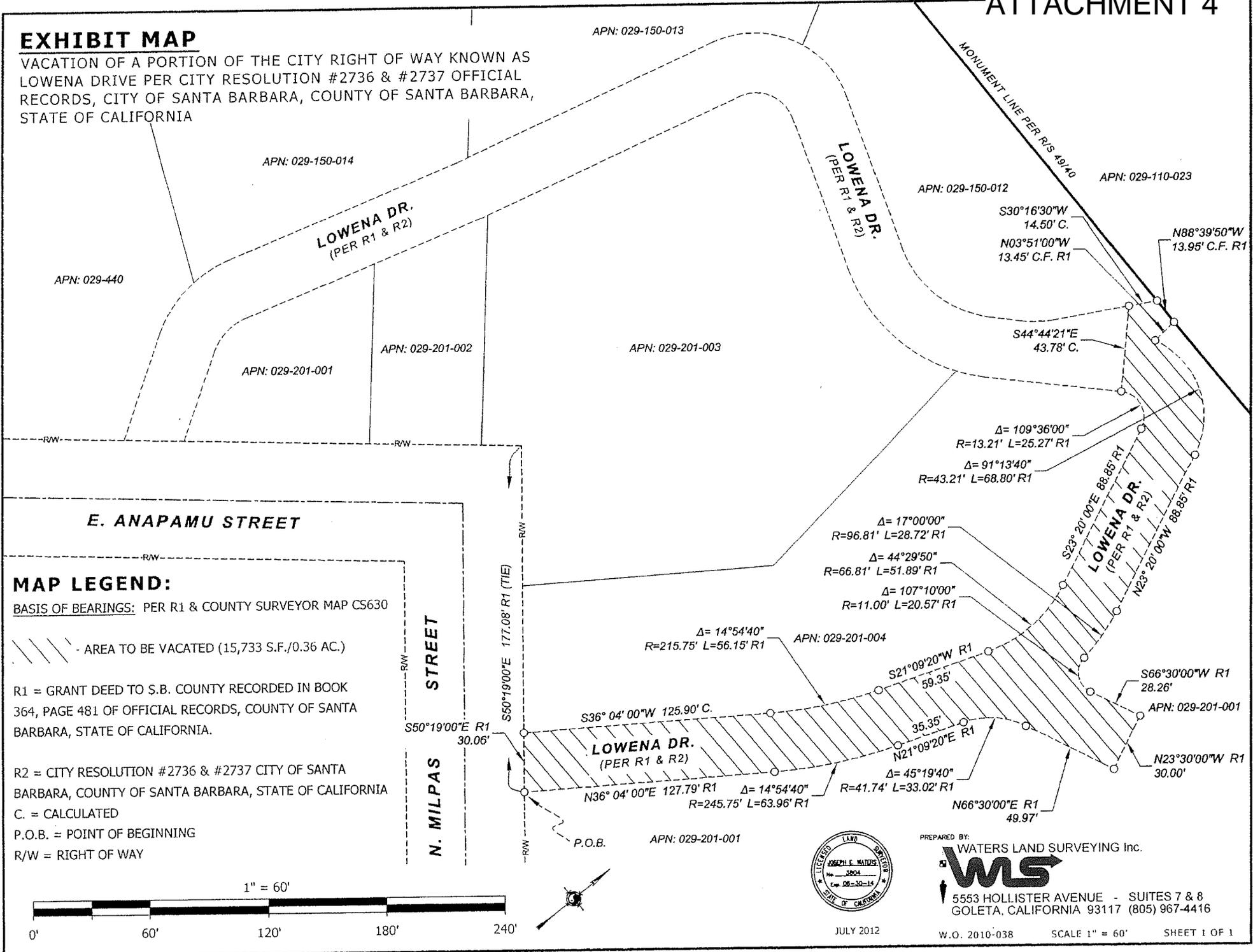
**Attachments:**

Letter to the City of Santa Barbara, dated November 2, 2010

**Authored by:** Ronn Carlentine, Office of Real Estate Services

**EXHIBIT MAP**

VACATION OF A PORTION OF THE CITY RIGHT OF WAY KNOWN AS LOWENA DRIVE PER CITY RESOLUTION #2736 & #2737 OFFICIAL RECORDS, CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA



**MAP LEGEND:**

BASIS OF BEARINGS: PER R1 & COUNTY SURVEYOR MAP CS630

- AREA TO BE VACATED (15,733 S.F./0.36 AC.)

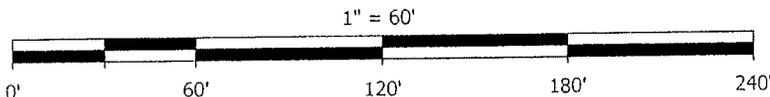
R1 = GRANT DEED TO S.B. COUNTY RECORDED IN BOOK 364, PAGE 481 OF OFFICIAL RECORDS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

R2 = CITY RESOLUTION #2736 & #2737 CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

C. = CALCULATED

P.O.B. = POINT OF BEGINNING

R/W = RIGHT OF WAY



JULY 2012

PREPARED BY:  
WATERS LAND SURVEYING Inc.



5553 HOLLISTER AVENUE - SUITES 7 & 8  
GOLETA, CALIFORNIA 93117 (805) 967-4416

W.O. 2010-038

SCALE 1" = 60'

SHEET 1 OF 1