



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 12, 2019

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Historic Landmarks Commission's Decision To Deny Removal Of Two Sidewalk Fountains In The 500 Block Of State Street

RECOMMENDATION: That Council:

- A. Consider Tamara Erickson's appeal of the Historic Landmarks Commission's decision to deny a Review After Final request to remove two existing sidewalk fountains located in the 500 block of State Street; and
- B. Direct staff to return to Council with decision and findings reflecting the outcome of the appeal.

DISCUSSION:

Project Description

The project proposes the removal of two existing non-operational sidewalk fountains on the 500 block of State Street, to be replaced with sandstone laid out in a star-shaped pattern.

Historic Landmarks Commission Review/Project Background

The two star-shaped tile fountains are located in the 500 block of State Street, within public right-of-way, adjacent to Hotel Santa Barbara. The fountains were installed in 2007 as part of Phase IV of the State Street Sidewalk Improvement Project. The fountains became non-operational following City Council's Stage Two Drought Declaration on May 20, 2014, prohibiting the use of water in the fountains. On June 28, 2017, the Historic Landmarks Commission (HLC) approved a temporary installation of plants within the non-operational sidewalk fountains, complying with water conservation efforts during the drought while simultaneously beautifying State Street.

Council Agenda Report

Appeal Of The Historic Landmarks Commission's Decision To Deny Removal Of Two Sidewalk Fountains In The 500 Block Of State Street

March 12, 2019

Page 2

In November 2018, Downtown Parking staff submitted a Review After Final request to the HLC to remove the fountains due to unsuccessful attempts at replanting, and inappropriate behavior and loitering occurring at the fountains. The fountains were to be replaced with brick sidewalk to match the existing surrounding sidewalk. Tamara Erickson of Hotel Santa Barbara spoke in support of removing the fountains. On November 14, 2018, the HLC Consent Reviewer found the removal of the fountains acceptable and granted a two-week continuance to allow the applicant to study a star-pattern tile as replacement for the fountains (Attachment 1 – HLC Consent Minutes). During the ratification of the Consent Minutes on November 14, 2018, the project was continued to the Full HLC for review and consideration.

On December 12, 2018, Downtown Parking staff presented to the HLC the Review After Final request to remove the fountains and replace them with sandstone in a similar star-shaped pattern. The request was denied on a 6/1/0 vote, with commissioners stating that the fountains are character-defining features of State Street, contribute to the street's ambience, and should be preserved (Attachment 2 – HLC Minutes).

The denial of the Review After Final request was appealed by Tamara Erickson on December 19, 2018 (Attachment 3 – Appeal Letter).

Appeal Issues

In a letter dated December 19, 2018, the appellant contends that the fountains no longer serve their intended purpose as character-defining features of State Street; are an unattractive nuisance that invite loitering, crime, and inappropriate behavior; and negatively impact the Hotel Santa Barbara and its guests.

The guidelines for El Pueblo Viejo Landmark District (in which this site is located) include fountains among features that add an interesting focal point to a landscape or courtyard setting. Their design should be traditional, displaying a Spanish Colonial Revival theme in style, shape, texture, and materials (Attachment 4 – El Pueblo Viejo Guidelines). The HLC discussion on December 12, 2018, included individual comments recognizing fountains as attractive architectural elements on State Street. The discussion described the fountains as “character defining features that make Santa Barbara unique and imitated throughout the country,” and “attractive pieces of architecture to the City of Santa Barbara.”

The appellant asserts that the fountains adjacent to Hotel Santa Barbara are no longer character-defining features due to the abusive treatment they have received and have become magnets for crime, posing security issues for the hotel and their guests. The appellant also contends that there is wide support for the removal of the fountains, including the fountain designer (Bob Cunningham), the Downtown Organization, and the Santa Barbara Police Department.

The majority of the Commission was sensitive to the concern of loitering and inappropriate behavior occurring at the fountains. Some Commissioners preferred keeping the fountains and believed their removal was not the most appropriate manner to deal with the nuisance issue. Other Commissioners agreed that the abuse to the fountains has rendered them unattractive. The HLC discussed alternatives to address the nuisance issue while also protecting and preserving the fountains, including security lighting, fountain covers, and relocation of the fountains. However, because the request by Downtown Parking staff was for removal of the fountains and not preservation or relocation, the Commission was limited to either approving or denying removal of the fountains. The majority of the HLC determined the fountains should be retained, and denied the request for removal.

ENVIRONMENTAL REVIEW:

Based on the provisions of Article 19, Section 15301, of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (Council Resolution dated November 10, 1998), staff has determined that the project is eligible for a categorical exemption.

CONCLUSION:

Staff recommends that Council consider the HLC's decision to deny a Review After Final request to remove two existing sidewalk fountains located in the 500 block of State Street. If Council concurs that the fountains should be retained, the appeal should be denied. If Council finds that removal of the fountains is appropriate, consistent with Santa Barbara Municipal Code (SBMC) section 22.22.145.B, outlined below, the appeal may be upheld. Specifically, SBMC subsections 22.22.145.B. 1 and 2 are most applicable to this proposal. The relevant excerpt from the applicable design guidelines (El Pueblo Viejo Landmark District Guidelines) is provided as Attachment 4. Staff also recommends that Council direct staff to return to Council with a decision and findings reflecting the outcome of the appeal.

Santa Barbara Municipal Code Section 22.22.145.B:

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this code, the following criteria shall be considered by the Historic Landmarks Commission when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Section 22.22.132:

1. Compliance with City Charter and Municipal Code; Consistency with Design Guidelines. *Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?*

Council Agenda Report

Appeal Of The Historic Landmarks Commission's Decision To Deny Removal Of Two Sidewalk Fountains In The 500 Block Of State Street

March 12, 2019

Page 4

2. Compatible with Architectural Character of City and Neighborhood. *Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?*

3. Appropriate size, mass, bulk, height, and scale. *Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?*

4. Sensitivity to Adjacent Landmarks and Historic Resources. *Is the design of the project appropriately sensitive to adjacent Federal, State, or City Landmarks or other nearby designated historic resources, including City structures of merit, sites, or natural features?*

5. Public Views of the Ocean and Mountains. *Does the design of the project respond appropriately to established scenic public vistas?*

6. Use of Open Space and Landscaping. *Does the project include an appropriate amount of open space and landscaping?*

ATTACHMENT(S): 1. HLC Consent Minutes, Dated November 14, 2018
2. HLC Full Commission Minutes, Dated December 12, 2018
3. Appeal Letter, Dated December 19, 2018
4. El Pueblo Viejo Design District Guidelines, Page 54

PREPARED BY: Pilar Plummer, Planning Technician II

SUBMITTED BY: George Buell, Community Development Department

APPROVED BY: City Administrator's Office