

Honorable Council members:

This appeal is filed on behalf of Jerry Beaver and Stop the Blue Line, a group citizens interested in this issue pursuant to Chapter 22.22.170 of the Santa Barbara Municipal Code. Mr. Beaver is an interested party adversely affected by the Historic Landmarks Commission's Aug. 8 approval of the Light Blue Line project because Mr. Beaver owns real property within the project area and attended the HLC meeting. Mr. Beaver's properties will be directly impacted by the proposal for the reasons described herein.

1. Project Background.

The proposed project was proposed by Bruce Caron of the Light Blue Line organization to install one foot wide painted blue waves across 68 city streets and medallions alongside those streets. The general area of the project is between the boundaries of Shoreline Drive at Loma Alta, Milpas at Canon Perdido streets, and Cabrillo Boulevard at Highway 101. The stated purpose of the blue lines and medallions is to act as a public art action and educational effort to signify the expected new water line if measures are not taken to reduce global warming. Your City Council conceptually approved the project on July 3.

II. Basis for Appeal.

HLC reviewed the project to analyze the appropriateness of the public art, the use of the proposed materials, and its possible aesthetic impact to the proposed locations within El Pueblo Viejo Landmark District (EPV). Despite public comments illustrating the public's concern about the appropriateness of the art, the materials and the aesthetic impacts, HLC approved the project in a 5-2 vote. We do not feel that in issuing that approval HLC adequately considered the public comment or conformed their decision to the parameters of the Municipal Code.

A. The Project is Inconsistent with the Purpose of Municipal Code Chapter 22.22.

The Municipal Code establishes that the purpose of the HLC is to: "[e]nhance the visual character of the city by encouraging and regulating the compatibility of architectural styles within landmark districts reflecting unique and established architectural traditions;...[s]trengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors;...[and] [s]tabilize and improve property values within the city." (SBMC Section 22.22.010.) However in approving the project, the HLC failed to discuss how a one foot wide painted light blue waves covering over 1,000 feet of the city's streets would be compatible with this purpose.

B. The Project is Incompatible with the Architecture in the EVP and Elsewhere.

Although members of the public commented that the proposed project violates the guidelines of the El Pueblo Viejo Landmark District ("EVP"), the HLC did not analyze this issue. Indeed, the purpose of the EVP is to "preserve and enhance the unique historic and architectural character of the central core area of the city of Santa Barbara... which contains many of the city's important historic and architectural landmarks." That purpose is to be achieved by HLC regulating the

compatibility of architectural styles used in the construction of new structures within the designated area, renowned (for its) tradition of Hispanic architecture.

The proposed project has a modern artistic style. The HLC failed to determine whether a sprawling wave pattern drawn at odd intervals in the streets would be a historically appropriate use of the streets in the EVP or elsewhere. The HLC did not discuss whether the light blue color that is intended to be used would be compatible with the traditional Hispanic architectural style of the El Pueblo Viejo Landmark District. While the HLC did discuss the materials used in the medallions, it did not analyze whether the medallion itself would be compatible with the city's style. As was noted by a member of the public, the HLC has rejected other medallions proposed to mark city landmarks in the past. For the HLC's approval of the project to be consistent with Chapter 22.22 of the Municipal Code, we believe those determinations must be made.

C. The Project Will Devalue Properties on the Wrong Side of the Line.

As noted above, one of the overarching goals of the Historic Structures Ordinance is to strengthen the economy and stabilize and improve property values within the city. Although members of the public, particularly those in the real estate community, commented that the project has the potential to negatively impact property values, HLC did not analyze the project in terms of its economic effects.

The city already recognizes the fact that public art and signs have the potential to impact the local economy and property values. For example, the city's Sign Ordinance regulates the "strong visual impact [of signs] on the character and quality of the community" since the city "relies on its scenery and physical beauty to attract tourists and commerce." (SBMC Section 22.70.010(B).) Public comment that the blue line and the medallions should be treated as signs were ignored by the HLC. Similarly, the city's Graffiti Ordinance provides that graffiti "... is detrimental to property values, business opportunities and the enjoyment of life; [and] is inconsistent with the city's property maintenance goals and aesthetic standards..." (SMBC Section 9.66.020(A-B).) Members of the public raised concerns that the project amounts to graffiti, but this too went unaddressed.

Our client believes the project has the potential to devalue his real estate given the stigma that will undoubtedly attach to any property located on the "wrong side" of the blue line. Not only may he have to disclose this information to potential buyers, it may also affect insurance costs, availability of loans, and development potential. Given their duty to authorize developments that strengthen the economy and improve property values, we believe that HLC failed to satisfy its duty to analyze the potential of the project to affect the property values.

D. General Issues Regarding the Project's Compliance with Local Laws.

In addition to the issues raised above, we believe HLC's approval of the Project violates the city's sign ordinance, street marking ordinance, pollution laws, and graffiti ordinance, and be incompatible with the city's General Plan. We also believe approval of the project requires the city to issue a coastal development permit, sign permit, public works construction permit, and encroachment permit, none of which have been issued. Finally, given the extensive discretionary

approvals required and the project's potential to cause environmental, aesthetic, traffic, social and economic impacts, we believe compliance with CEQA's procedural and substantive requirements is also necessary.

III. Conclusion.

For the reasons stated above, our clients appeal HLC's action to the City Council, pursuant to the procedures set forth in the Municipal Code.