



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 14, 2014

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Appeal Of Historic Landmarks Commission Conditional Approvals  
Of An As-Built Mural Located At 901 Chapala Street

### **RECOMMENDATION:**

That Council deny the appeal of Juan Jimenez, co-owner of Cajun Kitchen restaurant, and uphold the decision of the Historic Landmarks Commission to approve an as-built art mural for a temporary period of one year.

### **DISCUSSION:**

#### **Historic Landmarks Commission Review**

On August 13, 2014, the Historic Landmarks Commission (HLC) granted Project and Final approvals for a mural on the northern wall of the Cajun Kitchen restaurant located at the corner of Chapala and West Canon Perdido Streets (Attachment 1). The approval of the as-built mural as a temporary art installation was found to be unacceptable as permanent art for the location within El Pueblo Viejo (EPV) Landmark District. The Commission voted 5/1 to approve the mural but conditioned for only one year. The appellant, restaurant business owner, Juan Jimenez, has filed an appeal of the temporary approval decision and condition for removal, with his letter dated August 21, 2014 (Attachment 2).

The HLC was opposed to allowing the as-built mural to permanently remain in its current design and cited several reasons why the mural could not be approved as painted. It was noted that, while it is appreciated as an expression of art, it is not an appropriate permanent improvement located within EPV. The Commission indicated that one method to gather support and get a mural installation approved is to go through the public art review process. One Commissioner indicated the mural was too close and not sensitive to the adjacent historic Hollister office building to the north.

In granting a one-year time limit, the Commission compared the art mural to the most recent mural approved on lower State Street as a temporary mural installed on the south elevation of the Hotel Indigo (Attachment 3). In contrast, that State Street art

mural was sponsored by the Museum of Contemporary Art as a temporary exhibit, by a nationally renowned artist, does not serve as advertisement for a business, and was reviewed by the Visual Art in Public Places Committee (VAPP).

Furthermore, the HLC commented that the proposed as-built “gatorboy” mural style which depicts a child riding an alligator while holding a coffee cup was painted by local artist Kirk Crashaw, is not in compliance with the EPV Guidelines, it is contemporary, not framed traditionally, appears more like a corporate logo symbol (therefore, it borders as signage), and is not an acceptable size. The HLC did not wish to set a precedent by supporting a permanent mural of this style within EPV (HLC Minutes, Attachment 4).

### **Appellant’s Position**

The appellant states that the HLC’s decision to require removal of the mural “was inconsistent with some of the opinions and sentiments expressed in the HLC meeting”. The appellant also argues that the mural art was designed to be noticeable but he was unaware that City approvals were required. The mural is placed on a blank wall facing the parking lot and “doesn’t do any damage to the beauty of Santa Barbara’s El Pueblo Viejo District”.

### **Staff’s Position**

Staff agrees with the HLC that the mural art does not follow EPV guidelines regarding public art that state that it “be compatible for its proposed location” and that the “artist look back to the art traditions developed in the late 18<sup>th</sup> and early 19<sup>th</sup> century in Alta California” (Attachment 5).

Staff is of the opinion that the painted “gatorboy” mural can be considered a logo sign advertisement that speaks more to the type of business that is being conducted within the building. The HLC does not typically accept or allow after-the-fact exterior alterations to buildings, especially if they believe the alterations are inconsistent with their EPV Design Guidelines. The HLC is placed in a difficult position when reviewing non-compliant as-built work which can often result in project denials and require applicants to remove unacceptable or inappropriate improvements. The HLC prefers to have some initial input on location, size and type of art exhibit that is proposed for permanent placement within EPV, especially if the art has not been vetted or reviewed by the Visual Art in Public Places (VAPP) committee.

There are other examples within EPV where temporary art exhibits have been approved by the HLC but with conditions that they be subsequently removed. Similarly, in this case, the compromise was to allow the mural to remain for a one-year period consistent with other temporary art exhibits previously approved in the district. The strict enforcement option would have been for the HLC to deny the mural and require that it be painted over immediately.

Finally, the business co-owner, Mr. Jimenez, and the artist claim they were unaware that HLC approvals were required for the painted mural which is usually an indicator that the art was created without consideration for compliance with local design guidelines.

**RECOMMENDATION:**

The HLC is concerned about creation of a precedent for allowing permanent murals and with possible proliferation of other murals if the subject mural is allowed to remain. Staff agrees with the HLC, and the HLC expressed specific reasons why this mural is not appropriate as a permanent alteration. Staff recommends that Council deny the appeal and uphold the Historic Landmarks Commission's decision to grant approvals for subject mural for a temporary period of one year.

- ATTACHMENT(S):**
1. Applicant's photo exhibits of as-built mural
  2. Appellant's letter, dated August 25, 2014
  3. Other example of temporary mural, 121 State St.
  4. HLC Minutes, August 13, 2014
  5. Excerpt from EPV Guidelines, page 43.

**SUBMITTED BY:** George Buell, Community Development Director

**PREPARED BY:** Jaime Limón, Senior Planner II

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

Close-up  
of  
Gator Boy



Gator Boy  
from ~~across~~  
across the  
parking lot



Gator Boy  
from across the  
parking lot  
(w/ cars)





Side of  
restaurant  
taken from  
sidewalk  
of Canon  
Perdido



Restaurant  
taken from  
across Chapala



Gator Boy  
from sidewalk  
on Chapala



Gator boy  
from  
across  
Chapala



Neighbor  
on  
Chapala side



Neighbors  
across  
Canon Perdido

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Appealing decision by: Historic Landmarks Commission  
Date of meeting: August 13, 2014

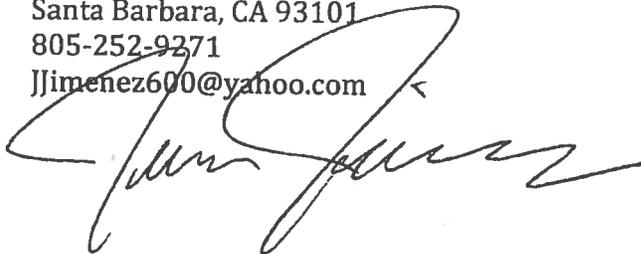
2014 AUG 25 AM 11:05

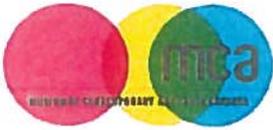
The Historic Landmarks Commission decided that the "as-built" mural on the existing Cajun Kitchen Café parking lot at 901 Chapala Street must be taken down within one year.

CITY OF SANTA BARBARA  
CITY CLERK'S OFFICE

We are appealing the decision by the Historic Landmarks Commission on grounds that their decision was inconsistent with some of the opinions and sentiments expressed in the meeting on 8/13/2014. Also, we will argue that the mural in question is placed in a location that doesn't do any damage to the beauty of Santa Barbara's El Pueblo Viejo district, and in fact fits nicely into the local community.

Appellant:  
Juan Jimenez  
901 Chapala St.  
Santa Barbara, CA 93101  
805-252-9271  
JJjimenez600@yahoo.com





Proposed Elevation (south)

Before:



After:



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NOV 06 2013  
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PLANNING DIVISION

**HISTORIC LANDMARKS COMMISSION MINUTES - August 13, 2014**  
**CONCEPT REVIEW - NEW**

10. **901 CHAPALA ST** C-2 Zone  
 (4:05) Assessor's Parcel Number: 039-313-011  
 Application Number: MST2014-00361  
 Owner: William M. and Dolores M. Faulding Family Trust  
 Applicant: Juan Jiménez  
 Business Name: Cajun Kitchen

(Proposal to request approval of an "as-built" mural located on the northerly elevation (parking lot side) of the existing Cajun Kitchen Restaurant. The proposal will address the violations identified within enforcement case ENF2014-00271.)

**(Action may be taken if sufficient information is provided.)**

Actual time: 4:45 p.m.

Present: Juan Jiménez, Business Owner  
 Kirk Crashaw, Local Artist

Public comment opened at 4:47 p.m.

Ginny Brush, Executive Director of the Santa Barbara County Arts Commission - Visual Art in Public Places Committee (VAPP), commented that, although the proposal is not in its purview, the applicant is urged to consult with VAPP in the future.

Public comment closed at 4:48 p.m.

**Motion: Project Design and Final Approvals of the wall mural as a temporary art exhibit for the period of one (1) year that shall be removed on or prior to August 12, 2015.**

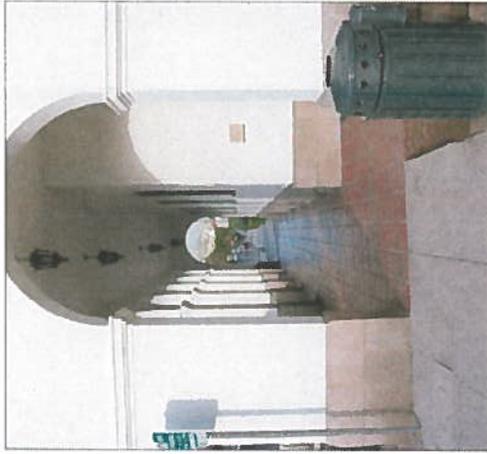
Action: La Voie/Drury, 5/1/0. (Mahan opposed because the two adjacent buildings are either a designated landmark or on the City's List of Potential Historic Resources. Shallenberger/Suding/Winick absent.) Motion carried.

Commission comments: The proposed application is conditionally approved as a maximum one (1) year, temporary art exhibit. It was noted that, while it is appreciated as an expression of art, it is not an appropriate permanent improvement located within El Pueblo Viejo Landmark District (EPV). The mural located in the Funk Zone recently approved by the HLC (temporary mural installed on the south elevation of the Hotel Indigo) was sponsored by the Museum of Contemporary Art as a temporary exhibit, by a nationally renowned artist, does not serve as advertisement for a business, and was reviewed by the Visual Art in Public Places Committee (VAPP). The proposed as-built mural style is not in compliance with the EPV Guidelines, it is contemporary, not framed traditionally, appears more like a corporate logo symbol (therefore, it borders as signage), and is not an acceptable size. The HLC does not wish to set a precedent by supporting a permanent mural of this style within EPV.

Examples of appropriate signs can be found in El Paseo, at the Meridian Studios, and painted on the Courthouse walls. Certain signs in Paseo Nuevo and at other downtown businesses have been commended by the Sign Committee.

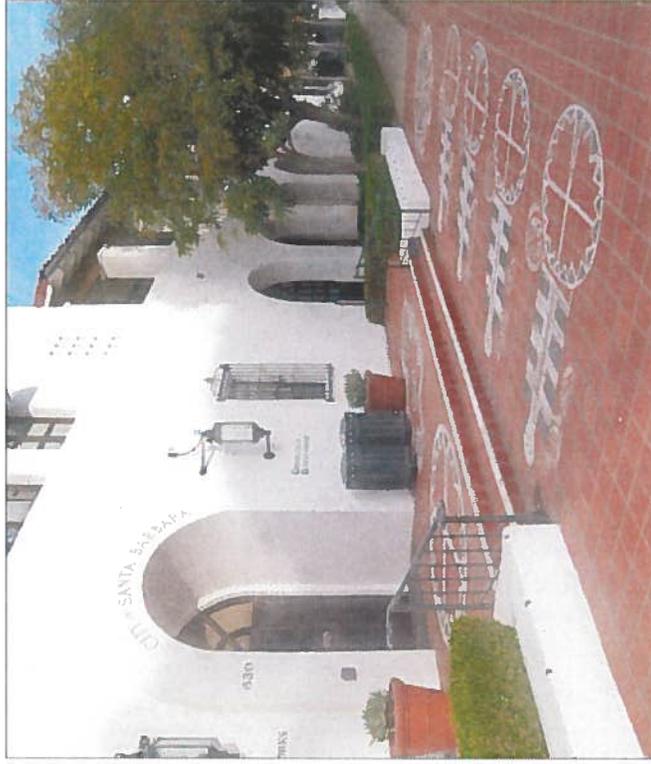
## E. ARCADES

The practice of covering walkways with arched and flat linteled porticos and flat linteled porticos for shade and protection from inclement weather occurs throughout El Pueblo Viejo. The Historic Landmarks Commission considers arcades an important element in the District and encourages more arcades to be built. Plans to encroach over public walkways must be approved directly by the City Council after review and recommendation by the Historic Landmarks Commission. The enclosure of existing arcades is discouraged. More information about arcades as an architectural design element is included in Chapter 6, Item A, and Appendix E provides a list of notable arcades in Santa Barbara.



All art (including Public Art) has of necessity a point of departure and a point of reference. Within El Pueblo Viejo, the artist is encouraged to look back to the art traditions developed in the late 18th and early 19th century in Alta California (Native American of the region, Mexican, and Spanish), as well as the vernacular forms of the Mediterranean world. This is a rich array of traditions, and is highly relevant as a contemporary source.

All Public Art projects are subject to review and approval by the HLC and must meet special design considerations for the appropriateness of the artwork's presentation as it relates to its setting. The city's adopted Visual Arts in Public Places Public Art Review Guidelines are used to process and review public art installations on public property.



## F. PUBLIC ART

Public Art (sculpture, murals, mosaics, tilework, etc.) is art which is visible to the public whether on public or private property. Public Art within the District should be integrated and designed to be compatible with its proposed location.



**APPEAL OF HISTORIC  
LANDMARKS COMMISSION  
APPROVALS OF AS-BUILT MURAL  
FOR 901 CHAPALA ST.  
Cajun Kitchen**

**City Council Meeting  
OCTOBER 14, 2014**

**Community Development Dept.**

# Outline of Staff Presentation

- ◆ Historic Landmarks Commission Review of Project
- ◆ Conditional Approval granted – Explain why one-year?
  1. Conditional approvals- Permanent vs. Temporary Art- Provide Examples
  2. Consistency with El Pueblo Viejo Guidelines
  3. Concerns regarding setting precedent
  4. Public art review process not followed

# Vicinity Map



# Appellant Photos – Mural



Restaurant  
taken from  
across Chap

# As-Built Mural Description

- ◆ As-built wall mural on parking lot north-side of building
- ◆ “Gator Boy” depiction
- ◆ Size approximately 12 ft X 12 ft
- ◆ Local Artist – Curt Crashaw
- ◆ Enforcement case- complaints received

# Appellant's Photos – Mural



Close-up  
of  
Gator Boy



Gator Boy  
from ~~across~~  
across the  
parking lot

# Views of Mural



# Historic Landmarks Commission (HLC) Review

- ◆ Request for approval of after-the-fact or “as built” alterations
- ◆ Inconsistent with El Pueblo Viejo Guidelines
- ◆ Concerns regarding setting of precedent
- ◆ Proliferation of art without approvals

# Historic Landmarks Commission (HLC) Review - cont'd

- ◆ Support art proposals if applicants go thru public art review process
- ◆ Considered temporary approvals as an art exhibit : compromise to allow for one-year
- ◆ Logo symbol and proximity to adjacent historic structure

# Appellant's Photos – Mural



Neighbor  
on  
Chapala St

# Painted Mural – Art or Sign?



# Examples of Other Temporary Public Art in El Pueblo Viejo



Proposed Elevation (south)

Before:



After:



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Hotel Indigo  
121 State St.

HLC Approved for  
1 –year until Nov 2014

Artist:  
Rafael Vargas-Suarez.

# Examples of Murals - Other Cities



Some murals approved  
and others painted without  
approvals

# Other Mural Art – Outside El Pueblo



View of the Backside of the Building and the Painting from the REI parking lot. Back of Aamco is to the right

Church of Skatan

Max character  
from the children's book  
"Where the Wild Things Are" riding  
a skateboard

Back of building 26 E. Gutierrez St.  
ABR Approved for 1- year

Artist: David Flores

# Other Mural Art – Funk Zone

## PUBLIC ART LOCATION MAP... ESTABLISHING AN ARTS HUB IN THE FUNK ZONE

(MAP SUBJECT TO CHANGE AS TIME  
PASSES / PROGRAM DEVELOPS.)



map legend ( — denotes border of OC funk ZONE arts district)

● proposed art location	● currently doomed art	● potential art location being discussed for future inclusion	● neighboring mural locations in El Pueblo Viejo
● previously approved art location			

*4-28-14  
ABLED  
PDA+PAS for  
a 3 yr  
period.*

OC Funk Zone, Neighborhood Wide, Temporary, Pre-Approved, Public Art and Mural Program

Spring 2014

Location: BLUE LINE Paddle Sports  
Address: 52 Helena Ave.  
Owner: Sanchez Family

4

# of Murals: 1  
Dimensions: +/- 20'x15'  
Artist Coordinator: Teddi Drew

Notes: Current Mural by Pete Gately



5



OC Funk Zone, Neighborhood Wide, Temporary, Pre-Approved, Public Art and Mural Program

Spring 2014

# Permanent Art in El Pueblo Viejo



Joseph Knowles Mural

Solstice Festival Mural



# Appellant's Position

- ◆ Not highly visible –parking lot
- ◆ Does not agree that mural should be removed
- ◆ Unaware that HLC approvals were required

# El Pueblo Viejo Guidelines

## Excerpt- Public Art Page 43

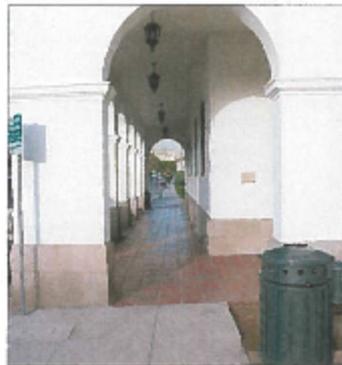
### CHAPTER 4: COMPATIBILITY

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ATTACHMENTS

# Staff's Recommendation Based on:

- ◆ Historic Landmarks Commission review and reasons for allowing art as temporary exhibit
- ◆ Concerned regarding inconsistency with EPV Design Guidelines – unapproved mural, means of signage, precedent setting, possible proliferation
- ◆ Incompatibility with adjacent historic structures

# Staff Recommendation

- ◆ Deny appellant's appeal and uphold Historic Landmarks Commission conditional approval decision
- ◆ Grant Project Design and Final Approval of project