

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

**ADDENDUM**

DATE: January 7, 2008
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 6c, Wednesday, January 9, 2008, County of Santa Barbara Major Amendment 1-05-A (Board of Architectural Review (BAR))

The purpose of this addendum is to: (1) correct a reference error in Suggested Modification 5 and (2) ensure that Exhibit 8 is consistent with the requirements of Suggested Modification 2 and clarify that a CDP may not be *issued* until the project receives the final BAR approval. This implements the current County practice that allows projects to receive "conceptual" review prior to the final decision-maker action with the final BAR approval to follow the overarching decision-maker action. This sequence is necessary to ensure that the BAR design review findings on a project are consistent with the findings of the decision-maker's overarching approval.

Note: Double ~~strike through~~ indicates text deleted from the December 20, 2007 staff report pursuant to this addendum and double underline indicates text added to the December 20, 2007 staff report pursuant to this addendum.

1. Modify Suggested Modification 5, Section 35-184.3.2, of the December 20, 2007 staff report as follows:

5. Board of Architectural Review (partial excerpt)

Sec. 35-184.3. Exceptions.

...

2. Special provisions for projects within the jurisdictional area of the North County Board of Architectural Review. The following are special provisions that apply to projects that are within the jurisdictional area of the North County Board of Architectural Review:

...

- d. Structures subject to Sec. 35-144 (Ridgeline and Hillside Development Guidelines). The following applies to structures that would normally be subject to design review due to their location in an area subject to the requirements of Sec. 35-144 (Ridgeline and Hillside Development Guidelines).

- (1) Exempt structures. Structures that are exempt from design review in compliance with Sec. 35-184.3.2.a shall be reviewed as follows:

- (a) Structures shall be reviewed by the Director of Planning and Development for compliance with the development guidelines contained in Sec. 35-144.3.

(b) The Director of Planning and Development may exempt a structure from compliance with the development guidelines in compliance with Sec. 35-144.4.1 in addition to Sec. 35-~~292b.4.2~~144.32.

...

2. Modify Suggested Modification 2 and Sections 35-169.4.1, 35-169.4.2, and 35-169.4.3 in Exhibit 8 of the December 20, 2007 staff report as follows:

2. Coastal Development Processing & Exhibit 8 (partial excerpts; see December 20, 2007 staff report for full text)

Sec. 35-169.4.1

h. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until ~~the structure has received Preliminary Approval, and the Coastal Development Permit shall not be~~ issued until the structure has received Final Approval, from the Board of Architectural Review.

Sec. 35-169.4.2

j. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until ~~the structure has received Preliminary Approval, and the Coastal Development Permit shall not be~~ issued until the structure has received Final Approval, from the Board of Architectural Review.

Sec. 35-169.4.3

m. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until ~~the structure has received Preliminary Approval, and the Coastal Development Permit shall not be~~ issued until the structure has received Final Approval, from the Board of Architectural Review.

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W6c

DATE: December 20, 2007

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Gary Timm, District Manager
Steve Hudson, Planning and Regulation Supervisor
Shana Gray, Coastal Program Analyst

SUBJECT: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-05-A (Board of Architectural Review) for Public Hearing and Commission Action at the January 9, 2008 Commission Meeting in Marina Del Rey.

DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to revise the existing operational and review procedures of the Board of Architectural Review.

The amendment consists of three separate changes to the County's certified LCP: (A) revision of the existing design review procedures and creation of regional Boards of Architectural Review; (B) modifications to the method for calculating the height of structures in Santa Barbara County, other than structures within the Summerland Community Plan Area; and (C) new and revised development standards for commercial and non-commercial telecommunication facilities. This staff report and recommendation deals solely with Part A of the amendment. Parts B and C of this amendment were previously approved by the Commission and effectively certified in May 2007.

The submittal was deemed complete and filed on November 24, 2006. At its January 2007 Commission meeting, the Commission extended the 60-day time limit to act on Local Coastal Program Amendment 1-05 for a period not to exceed one year, ending January 23, 2008.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission reject the proposed amendment and approve it only if modified so that the ordinances will be consistent with and adequate to carry out the certified LUP. The motions are found on **page 5** of this report.

The proposed amendment includes various changes to the operational and review procedures of the Board of Architectural Review (BAR). The BAR is an appointed body that reviews designated projects for their conformity with County adopted design standards such as site layout, physical orientation and scale, height, bulk, material, color, landscaping, exterior lighting, signage and other factors that may affect the visual design of the development and the surrounding area. Projects in the coastal zone that

may warrant this type of design review, include but are not limited to: projects subject to the Ridgeline and Hillside Development Guidelines, projects that require a Development Plan, and project sites that are designated with the Design Overlay. Under County Code (Exhibit 4, Chapter 2, Article V) separate from the certified LCP, the County has already split the countywide Board of Architectural Review into three separate regional BARs, establishing the geographic boundaries, membership, appointments, and powers and authority for each of the Boards. In addition to the three newly created regional Boards of Architectural Review, the Montecito Board of Architectural Review was previously established as a separate regional BAR.

The subject amendment (Exhibit 3, Ordinance 4585) is limited to changes in the County's certified Local Coastal Program (LCP). The proposed amendment does not establish the boundaries, membership, appointments, etc. However, the amendment updates and modifies the additional provisions in the coastal zone outlined in Section 35-184 (Board of Architectural Review) of the Zoning Ordinance with regard to the BAR's responsibilities within the coastal zone. Note, the establishment and formation of the BAR (whether one BAR or multiple BARs) does not impact the LCP standards that projects would be required to meet. Further, even modifying the actual operation of the BAR does not change the fact that the final decision-maker on the applicable permit application must implement the LCP, including conducting the analysis and providing the findings that the project meets all applicable provisions of the LCP, including visual resource protection policies.

For the above reasons, the proposed amendment, with the suggested modifications, would not result in any adverse impacts to visual resources and therefore the amendment is consistent with the Coastal Act and certified LCP, and adequate to carry out the provisions of the County's LUP, with regard to visual resource protection.

Substantive File Documents: Santa Barbara County Coastal Plan; Santa Barbara County Coastal Zoning Ordinance, Article II, Chapter 35 of the County Code; Resolution No. 05-361 of the Board of Supervisors, County of Santa Barbara, State of California, *In the Matter of Submitting to the Coastal Commission Amendments to the Santa Barbara County Local Coastal Program* passed, approved and adopted December 13, 2005; Resolution 05-337 of the Board of Supervisors, County of Santa Barbara, State of California *In the matter of adopting amendments to the Santa Barbara County Local Program to amend the design review procedures regarding the formation of regional Boards of Architectural Review and provide special provisions for certain projects located within the jurisdictional area of the North County Board of Architectural Review, and make other minor revisions* passed, approved and adopted November 22, 2005; Ordinance 4585, *Case Number 05ORD-00000-00014*, adopted by the Board of Supervisors November 22, 2005.

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EXHIBITS

Exhibit 1.	Board of Supervisors Resolution 05-361
Exhibit 2.	Board of Supervisors Resolution 05-337
Exhibit 3.	Ordinance 4585
Exhibit 4.	Ch 2, Article V of the County Code
Exhibit 5.	Coastal Zone Boundary Santa Barbara County
Exhibit 6.	Board of Supervisors District Boundaries
Exhibit 7.	Regional BAR Boundaries
Exhibit 8.	Suggested Modification #2

Additional Information: Please contact Shana Gray, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 585-1800.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

The Commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken. (California Public Resources Code Section 30513)

The standard of review for the proposed amendment to the Implementation Plan (Coastal Zoning Ordinance) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 (“proposed amendments to a certified [LCP] shall be submitted to, and processed by, the commission in accordance with the applicable procedures ... specified in Sections 30512 and 30513...”) of the Coastal Act, is that the Commission must approve it unless the proposed amendment is not in conformance with, or is inadequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County Local Coastal Program. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held public hearings (County Planning Commission Hearing 10/12/05 and Board of Supervisors Hearing 11/22/05) and received verbal and written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public consistent with Sections 13515 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations (“14 CCR”), the County, by resolution, may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case,

because staff is recommending that this approval be subject to suggested modifications by the Commission, if the Commission approves this Amendment as recommended, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (14 CCR §§ 13544, 13555(b), and 13542(b)). Pursuant to Section 13544, after the County accepts the suggested modifications, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

A. DENIAL AS SUBMITTED

MOTION I: *I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-05-A as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-05-A and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-05-A if it is modified as suggested by staff.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-05-A if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program, as it is proposed to be amended and with the suggested modifications, conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) AMENDMENT

The staff recommends the Commission certify the County's proposed amendment if modified pursuant to the modifications shown below. The certified language and language proposed by the County to amend the certified LCP Implementation Plan is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown underlined. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in italics.

1. **Ridgeline and Hillside Development Guidelines Reference**

Sec. 35-292~~b~~144**.2. Applicability.**

All structures proposed to be constructed in any zone district where there is a 16 foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be

subject to design review in compliance with Sec. 35-184 (Board of Architectural Review) for conformity with the Development Guidelines contained in Sec. 35-144.3.

...

Sec. 35-144.4. Exemptions.

1. The Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these Ridgeline and Hillside Development guidelines in compliance with Sec. ~~35-329~~184 (Board of Architectural Review) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development: ...

2. Coastal Development Processing

Sections 35-169.4, Coastal Development Permit Processing, of Article II of the certified Zoning Ordinance shall be revised consistent with the text changes specifically shown in Exhibit 8 of this staff report.

If the County completes the process so that LCP Amendment 2-06 (Noticing and Appeals Procedures), which was approved by the Commission on November 14, 2007, is effectively certified within the County's LCP, then Sec. 35-169.4 shall be revised as shown in Exhibit 8. If LCP Amendment 2-06 (Noticing and Appeals Procedures) is not effectively certified, then Section 35-169.4 as proposed in Ordinance 4585 of this amendment shall be approved as submitted.

NOTE: Suggested Modification 2 deletes the language proposed in the subject amendment (1-05-A, Ordinance 4585) and replaces it with language to reflect the recent Commission approval of LCP Amendment 2-06 on November 14, 2007 which is not presently certified as part of the County's LCP.

Exhibit 8 of this staff report provides the entire text of Suggested Modification 2, including the Commission's November 14, 2007 Approval of Suggested Modification #24 of LCP Amendment 2-06 & Three Specific Changes Related to the Subject LCP Amendment 1-05-A.

The language shown below calls out only the changes that are in regard to the subject amendment (1-05-A) beyond what was approved in LCP Amendment 2-06.

Sec. 35-169.4.1

h. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, aA Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.

Sec. 35-169.4.2

i. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-

184.3.2.c., aA Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.

Sec. 35-169.4.3

m. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c., aA Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.

Delete Proposed Language in Ordinance 4585:

~~Sec. 35-169.4. Processing.~~

~~1. **Review for Compliance.** The Planning and Development Department shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan, this Article, and other applicable regulations. Applications for development within a Geographic Appeals Area may be subject to the requirements of Sec. 35-169.11, in addition to the provisions of this Section. A Coastal Development Permit shall not be issued until all other necessary prior approvals have been obtained.~~

~~2. **Application deemed accepted.** The application shall be deemed accepted unless the Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.) this time period shall instead be 30 calendar days after the Planning and Development Department's acceptance of the application for processing.~~

~~3. **Decision subject to appeal.** The decision of the Planning and Development Department on the approval or denial of a Coastal Development Permit not subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal in compliance with Sec. 35-182 (Appeals).~~

~~4. **Design Review required.** A Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.~~

~~5. **Development Plan required.** See Sec. 35-169.2.2.~~

~~6. **Public hearing required.** In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, or final action by the Director, the Planning and Development Department shall not approve or issue any subsequently required Coastal Development Permit within the 10 calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).~~

~~7. **Hearing by Board of Supervisors on appeal.** In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final~~

action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the 10 working days following the date of receipt by the Coastal Commission of the County's notice of final action during which time an appeal may be filed in compliance with Sec. 35-182 (Appeals).

~~**8.Coastal Development Permit subject to resolution of the Board.** If a Coastal Development Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or an amendment to this Article, a Coastal Development Permit shall not be approved or issued while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures would conform to both the existing zoning and existing provisions of this Article, and the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said Resolution.~~

~~**9.Montecito Coastal Area.** In lands zoned MON, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.~~

~~**10. Date for posting of public notice.** Prior to approval of a Coastal Development Permit, the Planning and Development Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-181 (Noticing) and 35-182 (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following date of approval of the Coastal Development Permit.~~

~~**11. Coastal Development Permit not deemed effective prior to expiration of appeal period.** A Coastal Development Permit shall not be deemed effective prior to any appeal period expiring or, if appealed, prior to final action by the County on the appeal, pursuant to Section 35-182 (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit.~~

3. Development Plan Processing of Preliminary Development Plans

Section 35-174.4

...

3. The Planning and Development Department shall refer the Preliminary Development Plan application to the Subdivision/Development Review Committee, and the Board of Architectural Review in compliance with Sec. 35-184 (Board of Architectural Review) for review and recommendation to the Planning Commission, Zoning Administrator or the Director~~decision-maker~~.

...

4. Development Plan Processing of Final Development Plan

Note, Section 35-174.6.2 below shall supersede the changes approved in LCP Amendment 2-06 for Section 35-174.6.2.

Section 35-174.6

...

~~32.~~ 32. The Final Development Plan shall be referred to the Board of Architectural Review for final review and recommendations in compliance with Sec. 35-184 (Board of Architectural Review). This requirement may be waived by the Director of the Planning and Development Department in the following situations:

- a. A Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved

Preliminary Development Plan and the project received final approval from the Board of Architectural Review.

- b. A Final Development Plan that is submitted pursuant to Sec. 35-174.2.2.b provided that any exterior alterations can be determined to be minor by the Director in compliance with Sec. 35-184.3.f (Board of Architectural Review- Exemptions).

...

5. Board of Architectural Review

Sec. 35-184.2. Applicability.

1. Reference to the Board of Architectural Review or County Board of Architectural Review in this Article shall ~~be interpreted to mean the Central County Board of Architectural Review, the North County Board of Architectural Review, and the South County Board of Architectural Review, or the Montecito Board of Architectural Review, as these Boards of Architectural Review are established as a pilot project and identified in Chapter 2, Article V of the Santa Barbara County Code whichever has jurisdiction, depending on the location of the project site. The geographic boundaries of said boards are as depicted in the original map which is located in the files of the clerk of the board and illustratively shown as Figure 1 appended to Section 35-184.~~

2. ~~The Board of Architectural Review as established by Chapter 2 of the County Code, shall govern the provisions of this section.~~ Review and approval by the Board of Architectural Review shall be required for:

- a. Any structure or sign requiring design review in compliance with DIVISION 4, ZONING DISTRICTS, of this Article, ~~or the County Sign Ordinance, Article I of Chapter 35 of the County Code.~~
- b. Any structure or sign requiring design review in compliance with DIVISION 5, OVERLAY DISTRICTS, of this Article, ~~or the County Sign Ordinance, Article I of Chapter 35 of the County Code.~~
- c. Any structure requiring design review in compliance with DIVISION 7, GENERAL REGULATIONS, of this Article.
- d. Any structure requiring design review in compliance with DIVISION 10, PERMIT PROCEDURES, of this Article.
- e. Any structure ~~use~~ requiring design review as required by the Planning Commission or the Board of Supervisors.
- f. Any structure or sign to be erected located in the Montecito Planning Area as shown on the Coastal Land Use Plan Maps.
- g. Any residential structure on a lot adjacent to the sea.

Sec. 35-184.3. Exceptions.

...

2. Special provisions for projects within the jurisdictional area of the North County Board of Architectural Review. The following are special provisions that apply to projects that are within the jurisdictional area of the North County Board of Architectural Review:

- a. Exemptions. The following projects shall be exempt from BAR design review if they cannot be viewed from public roadways or other areas of public use. Landscape screening

shall not be taken into consideration when determining whether the project is visible from public roadways or other areas of public use. This exemption is only applicable to BAR review, and does not eliminate the project from any other applicable discretionary review, including Coastal Development Permits.

- (1) Single family dwellings.
 - (2) Commercial and industrial projects that are not open to the public.
- b. Advisory actions. Review by the North County Board of Architectural Review of single-family dwellings is advisory and does not require either preliminary or final approval.
- c. Time limits. The North County Board of Architectural Review shall seek to complete its review of all projects within its purview as expeditiously as possible. Therefore, single-family dwellings shall be reviewed by the North County Board of Architectural Review at no more than three separate hearings on three separate dates ~~times~~ or for no longer than three months from the date of filing an application, whichever occurs first, unless the project changes or requests for a continuance ~~are~~ initiated by the applicant require further review. If the North County Board of Architectural Review fails to render its advice within this limitation, then the project shall proceed to the decision-maker of the discretionary permit without a recommendation by the North County Board of Architectural Review.
- d. Structures subject to Sec. 35-144 (Ridgeline and Hillside Development Guidelines). The following applies to structures that would normally be subject to design review due to their location in an area subject to the requirements of Sec. 35-144 (Ridgeline and Hillside Development Guidelines).
- (1) Exempt structures. Structures that are exempt from design review in compliance with Sec. 35-184.3.2.a shall be reviewed as follows:
 - (a) Structures shall be reviewed by the Director of Planning and Development for compliance with the development guidelines contained in Sec. 35-144.3.
 - (b) The Director of Planning and Development may exempt a structure from compliance with the development guidelines in compliance with Sec. 35-144.4.1 in addition to Sec. ~~35-292b-4.2~~35-144.3.
- e. Special provision not applicable. The special provisions described in subsection a., b., and c. above shall not apply to the following:
- (1) Development Plans within the jurisdiction of the Planning Commission.
 - (2) Structures subject to approved ministerial and discretionary permits, including subdivision maps, that are conditioned to require review and approval by the Board of Architectural Review in order to mitigate visual impacts or provide for consistency with the Comprehensive Plans, including adopted Community Plans.

...

Sec. 35-184.4. Contents of Application.

1. Prior to the issuance of any permits for developments subject to review by the Board of Architectural Review, as many copies of the Board of Architectural Review application and project plans, as well as additional materials (color and texture chips, etc.) as may be required by the Planning and Development Department shall be filed with the Planning and

Development Department, including but not limited to site plans, architectural drawings, and landscape plans as applicable. The plans shall include the information and details required by the Planning and Development Department.

2. An application for approval of a sign shall contain ~~the “Required Information” in compliance with Sections 35-9 or 35-10 of the County Sign Regulations, Article I of Chapter 35 of the County Code~~ project plans and additional information and details required by the Planning and Development Department.

Sec. 35-184.5. Processing.

1. The Board of Architectural Review shall review and approve, disapprove, or conditionally approve applications for Preliminary and Final Approval submitted in accordance with ~~Sec 35-184.6 (Findings Required for Approval) Sec. 2-33.15 of Chapter 2 of the County Code.~~ The Board of Architectural Review shall also render its advice on the exterior architecture of buildings, structures, and signs to the Planning Commission or Board of Supervisors when requested to do so.

...

6. Board of Architectural Review Boundaries

Exhibit 7 of this staff report, illustrating the approximate boundaries of the regional Boards of Architectural Review, shall be appended to Sec. 35-184 (Board of Architectural Review) of the County’s Zoning Ordinance.

**IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL
OF THE LOCAL COASTAL PROGRAM IF MODIFIED AS
SUGGESTED**

The following findings support the Commission’s denial of the LCP amendment as submitted, and approval of the LCP amendment if modified as indicated in Section III (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to amend the design review procedures regarding the regional Boards of Architectural Review and make special provisions for certain projects located within the jurisdictional area of the North County Board of Architectural Review.

Specifically, Santa Barbara County has submitted a proposed amendment (Ordinance 4585, Exhibit 3) to the certified Local Coastal Program to:

1. Amend Section 35-77A, C-1 Limited Commercial, to delete specific Board of Architectural Review (BAR) requirements regarding structures in zone district C-1 Limited Commercial and replace those requirements with a reference to the procedures outlined in Section 35-184 (Board of Architectural Review). Deletes the language that BAR review occur prior to issuance of a coastal development permit (*Note, however, this language is added into Sec. 35-184 (BAR)*).
2. Amend Section 35-78, C-2 Retail Commercial, to delete specific Board of Architectural Review (BAR) requirements regarding structures in zone district C-2 and replace those requirements with a reference to the procedures outlined in Section 35-184 (Board of Architectural Review).
3. Amend Section 35-78, C-2 Retail Commercial, to shift the review authority from the Board of Architectural Review to the Director of Planning and Development when approving the design of a solid wall, hedge, or fence that screens outdoor storage areas.
4. Amend Section 35-79, C-3 General Commercial, to delete specific Board of Architectural Review (BAR) requirements regarding structures in zone district C-3 General Commercial and replace those requirements with a reference to the procedures outlined in Section 35-184 (Board of Architectural Review).
5. Amend Section 35-98, D Design Control Overlay District, to delete specific Board of Architectural Review (BAR) requirements for properties subject to the Design Control Overlay District and replace those requirements with a reference to the procedures outlined in Section 35-184 (Board of Architectural Review). Additionally, there are other minor corrections and clarifications to 35-98.1, 35-98.2, 35-98.3 and statement that where the overlay district and zone district requirements conflict, then the most restrictive measure shall control;
6. Amend Section 35-141, Mobile Homes on Foundations, to shift the review authority from the Board of Architectural Review to the Director of Planning and Development when exempting the requirement for mobile homes to have roof overhangs.
7. Amend Section 35-144, Ridgeline and Hillside Development Guidelines, to delete specific Board of Architectural Review (BAR) requirements for properties subject to the Design Control Overlay District and replace those requirements with a reference to the procedures outlined in Section 35-184 (Board of Architectural Review). Further amends Section 35-144 to modify the numbering sequence, define urban areas to those areas designated on the LCP maps; define rural and inner rural areas to those areas designated on the LCP maps; provide more detailed language for exemptions to the ridgeline and hillside guidelines; and delete the text that indicates residential second units are exempt from BAR review but must receive approval from the BAR Chair or designee.
8. Amend Section 35-169.4, Coastal Development Permit Processing, to specify that a Coastal Development Permit (CDP) cannot be *approved* until the structure has received Preliminary Approval from the BAR and a CDP cannot be *issued* until the structure has received Final Approval from the BAR. Additionally, there are other minor corrections and clarifications.

9. Amend Section 35-174, Development Plans, to reference the procedures outlined in Section 35-184 (Board of Architectural Review) and add new provisions wherein a Final Development Plan is not required to be reviewed by the BAR. In such cases, the Director of the Planning & Development Department can waive the review of the Final DP where there is no change from the approved Preliminary Development Plan and the Preliminary Plan already received approval OR the requirement may be waived in cases where there are only minor changes to exterior alterations, with the determination of “minor” consistent with Sec. 35-184.3.f.
10. Amend Section 35-179, Modifications, to reference the procedures outlined in Section 35-184 (Board of Architectural Review) and other minor corrections and clarifications.
11. Amend Section 35-184, Board of Architectural Review, to: acknowledge the different jurisdictional areas of the Regional Boards of Architectural Review; include special provisions for projects within the North County Board of Architectural Review jurisdictional area; provide that advisory recommendations of the North County Board of Architectural Review for single-family dwellings may not be appealed nor do they expire; and other minor corrections and clarifications.

B. EFFECT OF THE PROPOSED AMENDMENT

The County states that the primary purpose of the Ordinance (Exhibit 3, Ordinance 4585) is to:

- Recognize the three regional boards known as the Central County Board of Architectural Review, the North County Board of Architectural Review, and the South County Board of Architectural Review, and
- Create special provisions for certain projects subject to the jurisdiction of the North County Board of Architectural Review, including that:
 - Single-family dwellings and commercial/industrial projects not open to the public, that are not visible from public roads and other public areas, are exempt from review by the North County Board of Architectural Review
 - Action by the North County Board of Architectural Review on non-exempt single-family dwellings is advisory only and is to be completed within either three meetings or three months of application submittal, whichever occurs first.

1. Summary of Proposed Changes to the IP

The effect of the amendment on specific zone districts, design overlay, mobile homes, ridgeline and hillside development guidelines, procedures for coastal development permits and development plans, modifications, and the Board of Architectural Review (BAR) guidelines are summarized below. The BAR is an appointed body that reviews

designated projects for their conformity with County adopted design standards such as site layout, physical orientation and scale, height, bulk, material, color, landscaping, exterior lighting, signage and other factors that may affect the visual design of the development and the surrounding area. Projects in the coastal zone that may warrant this type of design review, include but are not limited to: projects subject to the Ridgeline and Hillside Development Guidelines, projects that require a Development Plan, and project sites that are designated with the Design Overlay.

Zoning Districts

The existing certified text of the C-1 Limited Commercial, C-2 Retail Commercial, and C-3 General Commercial zone districts requires that all structures located in those zones be approved by the Board of Architectural Review (BAR). The proposed revisions will instead refer to the BAR process section of the zoning ordinances (Section 35-184) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects.

Additionally, the existing text requires the BAR to approve the design of any wall, hedge or fence proposed to screen automotive and machinery repair facilities located in a C-2 zone that may occur outside of an enclosed building. This is proposed to be revised to shift the jurisdiction to the Director of Planning and Development in order to create a simpler process for the review of such a simple structure.

Design Overlay District

The D – Design Overlay District presently requires that all structures subject to this overlay be approved by the BAR. Additionally, the overlay district provides that the BAR may make a recommendation to the Director, Planning Commission or Zoning Administrator on projects that propose a modification of setbacks, height limits, “and other requirements to protect visual resources.” The amended language will refer to the BAR process section of the zoning ordinances (Section 35-184) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects.

Mobile Homes on Foundations

Mobile homes on permanent foundations permitted as the primary single-family dwelling are required to have a roof overhang unless this requirement is waived by the BAR “because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.” The proposed revision would shift the ability to waive this requirement from the BAR to the Director of Planning and Development to simplify the review process for these roof overhangs.

Ridgeline and Hillside Development Guidelines

The existing text provides (1) that structures that are subject to the Ridgeline and Hillside Development Guidelines shall be reviewed by the BAR for conformity with the

development guidelines, and (2) that the BAR may, in certain situations, grant exemptions from the guidelines. The proposed revisions would also refer to the BAR process section of the zoning ordinances (Section 35-184) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. It also moves the requirement for residential second units to obtain approval from the BAR Chair or designee, from the Ridgeline and Hillside Development Guidelines (Sec. 35-144) to the BAR processing and procedural section (Sec. 35-184) of the Zoning Ordinance.

Coastal Development Permits

Currently, BAR review is not necessarily required for projects that require a Coastal Development Permit (CDP), except for development on parcels that share a common boundary with the Pacific Ocean or beach and are appealable to the Coastal Commission. However, development subject to a CDP may require BAR review as a result of requirements associated with the base zone district, the Design Overlay, the Hillside and Ridgeline Development Guidelines, or other applicable provisions within the Zoning Ordinance. The proposed revisions would specify that a CDP cannot be *approved* until the structure has received Preliminary Approval from the BAR and a CDP cannot be *issued* until the structure has received Final Approval from the BAR.

Development Plans

Processing requirements for Preliminary and Final Development Plans require said plans be reviewed and approved by the BAR. The proposed revisions will instead refer to the BAR process section of the zoning ordinances (Section 35-174) in order to accommodate the exempt status of review by the North County BAR for specified projects. Additionally, the certified text requires all Final Development Plans to be referred to the BAR for final review and recommendations, as necessary. The proposed ordinance adds specific provisions that allow the Director of the Planning & Development Department to waive the BAR review of the Final DP: (1) where there is no change from the approved Preliminary Development Plan and the Preliminary Plan already received approval and (2) in cases where there are only minor changes to exterior alterations, with the determination of minor consistent with the existing certified provisions that allow for such determinations under BAR procedures (Sec. 35-184.3.f).

Modifications

Section 35-179, Modifications, of the certified Zoning Ordinance allows for minor modifications of zone district regulations for specific development proposals that are listed as a Permitted Use in the applicable zone district. A Modification may be granted for setback regulations, parking, height requirements or zoning development standards, where because of practical difficulties, integrity of design, topography, tree or habitat protection or other similar site conditions, minor adjustments to such regulations, requirements or standards would result in better design, resource protection, and land use planning. Processing requirements for Modifications require said plans be reviewed and approved by the BAR. The proposed ordinance adds a reference to the BAR process section of the zoning ordinances (Section 35-184) in order to accommodate the

exempt status or advisory nature of review by the North County BAR for specified projects.

Board of Architectural Review

Section 35-184 (Board of Architectural Review) provides the applicability of BAR review requirements, exceptions and processing requirements for BAR applications. The proposed ordinance reorganizes, restates, and provides clarification of the existing sections of the Board of Architectural Review (Sec. 35-184) provisions as well as making substantive changes with regard to regional board formation and special provisions for review of certain projects under the jurisdiction of the North County BAR.

One of the primary changes to the certified text is to specify that there are three regional Boards of Architectural Review (North, Central, and South, see Exhibit 7) rather than one countywide BAR. (Note, the existing, separate Montecito Board of Architectural Review implements the Montecito architectural and design guidelines which were certified in 1996). Exhibit 7 shows the approximate boundaries of each BAR. The portions of the County Code that establish the geographic boundaries of the Regional BARs, how their members are appointed, their terms of office, their powers and duties, as well as other terms and responsibilities of the Regional BARs (Chapter 2, Article V; see Exhibit 4) which were generated separately from the LCP. Section 35-184, Board of Architectural Review, of the certified LCP recognizes the establishment of the Regional BARs but only to the extent that they exist, rather than the direct establishment of boundaries, members, terms and responsibilities. Instead Section 35-184 focuses on the responsibilities of the BARs within the coastal zone to “encourage developments which exemplify the best professional design practices so as to enhance the visual quality of the environment, benefit surrounding property values, and prevent poor quality of design.”

The other substantive change proposed under the ordinance includes the addition of special provisions for certain projects subject to the jurisdiction of the North County Board of Architectural Review. Under the proposed amendment, single-family dwellings and commercial/industrial projects not open to the public, that are not visible from public roads and other public areas, would be exempt from review by the North County Board of Architectural Review. Action by the North County Board of Architectural Review on single-family dwellings that are *not exempt* would be advisory only and would be required to be completed within either three BAR meetings or three months of application submittal to the BAR, whichever occurs first. These advisory actions by the North County BAR for single-family residences would not be appealable to the Planning Commission and would not expire. Presently, all Final BAR Approvals are appealable to the Planning Commission. Additionally, all such approvals expire on the same date as the overarching development permit expiration (including time extensions) or, where no development permit exists, the BAR approval would expire two years from the date of approval, with some exceptions.

C. CHAPTER 2, ARTICLE V (PLANNING & ZONING)

Chapter 2, Article V of the County Code (Exhibit 4) establishes the geographic boundaries of the Regional BARs, how their members are appointed, their terms of office, their powers and duties, as well as other terms and responsibilities of the Regional BARs. ***That entire Chapter of the Code is separate from the LCP and is not subject to review under this Amendment.*** The following table summarizes the membership and appointment parameters for each of the three new regional Boards of Architectural Review. The full text is shown in Exhibit 4.

Table 1. Membership and Appointments to Establish the North County, Central County, and South County Boards of Architectural Review Pursuant to Ch. 2, Article V of the County Code.

	North County BAR	Central County BAR	South County BAR
No. of Members	5	5	7
Appointed By	The 4 th and 5 th District Supervisors	The 3 rd District Supervisor	The 1 st , 2 nd , and 3 rd District Supervisors
Member Composition	Three licensed architects OR licensed landscape architects; and	Three licensed architects OR licensed landscape architects; and	Three licensed architects; and
	The remaining two positions may consist of: (1) a member of the County Planning Commission and/or (2) one or two persons residing north of the southern boundary of the City of Lompoc skilled in reading & interpreting architectural drawings & able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas.	The remaining two positions may consist of: (1) a member of the County Planning Commission and/or (2) one or two persons residing south of the City of Lompoc and west of Farren Road and north to the ridge of the mountain skilled in reading & interpreting architectural drawings & able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas.	The remaining four positions would consist of persons residing east of Farren Road and north to the ridge of the mountain, including Isla Vista but outside of the Montecito Planning Area skilled in reading & interpreting architectural drawings & able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas. Two of these members must be licensed landscape architects.

Additionally, as explained in Sec. 2-33.15 of the County Code (within Chapter 2, Article V): Decisions of a BAR are final, unless appealed pursuant to the county zoning ordinances. Appeals of decisions of the North County BAR, Central County BAR and the South County BAR shall be under the jurisdiction of the county planning commission. Appeals of decisions of the Montecito BAR shall be under the jurisdiction of the Montecito planning commission.

D. CONSISTENCY ANALYSIS

The standard of review for the proposed amendment to the Coastal Zoning Ordinance is that the Commission may only reject the proposed amendment if the Commission finds that the amendment is not in conformance with, or is inadequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County LCP. The certified LUP contains provisions for the protection of visual resources, environmentally sensitive habitat, water quality, and public access and recreation, among others. Additionally, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety into the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP. The subject amendment, however, to update Board of Architectural Review (BAR) boundaries and provisions is relevant to policies and provisions for protection of visual resources.

In this case, the amendment triggers consistency analysis under the following issue areas: visual resources and LCP implementation. The proposed LCP amendment's consistency with the certified LUP and corresponding internal provisions of the Zoning Code is assessed below.

1. Visual Resources

Public Resources Code Section 30251 (incorporated by reference into the certified LUP) requires that visual qualities of coastal areas be protected, landform alteration be minimized, and where feasible, degraded areas shall be enhanced and restored. This policy requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. New development must also minimize the alteration of natural landforms, and, where feasible, include measures to restore and enhance visual quality where it has been degraded. Furthermore, Policy 4-3 of the certified LUP requires that new development in rural areas be compatible with the character of the surrounding natural environment in height, scale, and design. Additionally LUP Policy 3-14 requires that new development be designed to fit the topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Policy 3-14 further requires that areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

These policies for the protection of visual resources remain unchanged under the proposed amendment. However, if a project requires design review by the Board of Architectural Review, the County proposes to recognize the framework of the reviewing body under which these items are reviewed and also proposes to make some exceptions for single-family residences and commercial facilities in the north portion of the County.

Under County Code that is separate from the LCP, the County has split the countywide BAR into three separate Boards: North County, Central County, and South County. Community groups have indicated opposition to this change for a number of reasons,

including the change in Board membership requirements such as the number of architects vs. landscape architects, the location of the geographic boundaries delineating the regional Boards, and the number of appointments made by the only *one* of the Board of Supervisors. The opponents' concerns suggest that there is a possibility that the proposed changes would lessen the standards or implementation of the LCP.

However, careful review of the proposed amendment demonstrates that the above referenced concerns do not raise any issue regarding the consistency of the proposed amendment with the policies of the certified LUP, including the proposed exceptions targeted at the North County. Regardless of how the reviews are conducted by a regional BAR, development in the coastal zone is still subject to separate review by a separate body (e.g., Planning Director, Zoning Administrator, Planning Commission, Board of Supervisors), using the LUP policies as its standard, so that review is unaffected.

As stated previously, the proposed ordinance includes the addition of special provisions for certain projects subject to the jurisdiction of the North County Board of Architectural Review. Under the proposed amendment, single-family dwellings and commercial/industrial projects that are not open to the public and that are *not visible from public roads and other public areas*, would be exempt from review by the North County Board of Architectural Review. The exemptions for single-family residences and commercial/industrial facilities would mean that such projects would not be subject to BAR review, even if such review were specified by the Design overlay district, ridgeline and hillside development guidelines, the base zone district, and/or due to approved Modifications (Sec. 35-179) of the zone district regulations. Such projects would also remain exempt from BAR review regardless of whether they require a coastal development permit, development plan, or other type of discretionary permit. However, this does not lessen the visual resource provisions of the LCP because there is still another reviewing body responsible for ensuring that the development is consistent with all of the provisions LCP including visual resources, pursuant to the required discretionary permit (e.g., Coastal Development Permit, Development Plan, etc).

Even if the BAR review were the only review conducted to protect visual resources (which it is not), this exemption still would not weaken visual protections in a manner inconsistent with the LUP because the exemption only applies to projects that are not visible from public roads or other public viewing areas. Thus, the proposed amendment would not result in any new potential impacts to public views or visual resources in the Coastal Zone and would be consistent with the visual resource policies of the certified LUP, which protect public views only. Additionally, to make these determinations, landscape cannot be considered a factor as to whether a project is *visible* or not. Given those criteria, the Commission finds that there is no potential for visual public resources to be diminished by this exception. Furthermore, this is a very limited area within the coastal zone.

Action by the North County Board of Architectural Review on single-family dwellings that are *not exempt* would be advisory only and would be required to be completed within either three BAR meetings or three months of application submittal to the BAR, whichever occurs first. These advisory actions by the North County BAR for single-

family residences would not be appealable to the Planning Commission and would not expire. Presently, all Final BAR Approvals are appealable to the Planning Commission. Additionally, all such approvals expire on the same date as the overarching development permit expiration (including time extensions) or where no development permit exists, the BAR approval would expire two years from the date of approval, with some exceptions.

The advisory nature of the North County BAR approval does not lessen the intent or implementation of the visual policies because the North County BAR is not the final decision-maker on the project. The BAR's focus is on exterior visual design and is only one component of the overall decision. The responsibility for adequately implementing all of the policies and provisions of the LCP and making findings of consistency with the LCP (including visual policies) lies with the decision-maker for the Coastal Development Permit and/or other discretionary permit, including the Planning Director, Zoning Administrator, Planning Commission, or Board of Supervisors. The decision-maker has the ability to modify the project design, location, or other parameters as necessary to ensure that all standards of the certified LCP are implemented during the processing of the coastal development permit and/or other required permit. Therefore, with regard to coastal development permit processing, an advisory recommendation has as much prominence as a Preliminary or Final BAR Approval.

With regard to the concerns of geographic boundaries of the BAR, membership requirements, and the number of appointments made by one Supervisor, the Commission finds that the establishment and formation of the BAR does not impact the standards that projects would be required to meet. Further, implementation of the LCP is required by the final decision-maker on the applicable permit and the final decision-maker is required to do the analysis and provide the findings that the project meets all applicable provisions of the LCP, including visual resource protection policies. Nevertheless, the BAR is an important component of the implementation of the LCP, by providing focused attention on exterior design issues, by maximizing public participation, and by providing feedback to applicants to bring their projects into compliance with the visual policies of the LCP.

For the above reasons, the Commission finds that the proposed amendment would not result in any adverse impacts to visual resources and therefore the amendment is consistent with the Coastal Act and certified LCP, and adequate to carry out the provisions of the County's LUP, with regard to visual resource protection.

2. LCP Implementation

Reconciliation with LCPA 2-06

In a recently processed Local Coastal Program (LCP) Amendment (LCP Amendment 2-06), Santa Barbara County requested an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified LCP to revise the public noticing and appeal process requirements countywide. LCP Amendment 2-06 proposed to: (1) modify and update noticing procedures for public hearings, decision-maker actions, appealable and non-appealable coastal development permits, and land use

permits and (2) modify and update the appeals procedures including the grounds for appeal, rejection of appeals, decisions of the Board of Architectural Review that may be appealed, decisions of the Director that may be appealed, and jurisdiction on appeals of decisions of the Zoning Administrator and the Planning Commission.

On November 14, 2007, the Commission certified LCP Amendment 2-06 only if modified pursuant to twenty-four suggested modifications necessary to ensure that the proposed noticing and appeal procedures were consistent with, and adequate to carry out, the certified LUP and meet the procedural requirements established under the Commission's Regulations. The County has not yet completed the steps necessary to accept the Commission's changes, and, as a result, the amendment is not yet effective. See Cal. Pub. Res. Code § 30514(a) and Cal. Code Regs., tit. 14, § 13544. Most of the suggested modifications were necessary for clarification and/or accurate referencing. However, the primary substantive change is accomplished by Suggested Modification 24 (of LCP Amendment 2-06) which addressed different methods of processing coastal development permits, conditional use permits, development plans, and land use permits. These changes were necessary to address errors and inefficiencies within the current system of implementation that could adversely impact the public's ability to participate fully in the decision-making process for development within the coastal zone.

Suggested Modification 24 included significant processing clarifications and reorganization of Section 35-169, Coastal Development Permits. As a result, the changes proposed to Sec. 35-169 in the subject amendment, no longer accurately correspond with the section due to the changes approved in LCP Amendment 2-06. Therefore to insure consistency with previous approvals, Suggested Modification 2 is necessary to add the subject changes from the proposed amendment to the newly reformatted Section 35-169.4. However, if LCP Amendment 2-06 is not certified, then the changes proposed in Ordinance 4585 shall be approved as submitted.

Similarly, Section 35-174, Development Plans, was modified by the Commission's approval of Suggested Modification 24 of LCP Amendment 2-06. Therefore, Suggested Modifications 3 and 4 are necessary to reconcile the subject amendment with the changes in LCP Amendment 2-06. The minor changes in Suggested Modification 3 directly reflect the changes in Section 35-174.4 as approved in LCP Amendment 2-06. Additionally, Suggested Modification 4 is necessary to specify that the changes to Section 35-174.6.2 as shown in Suggested Modification 4 shall supersede the changes in LCP Amendment 2-06, whether certified or not.

Reference to Outside Documents

Public Resources Code Section 30514 states:

- (a) A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission.

...

The County's amendment references "outside" policy documents which, although part of the County's Code, have not been certified by the Commission as part of the LCP.

These referenced materials have not been submitted as an LCP amendment, are not presently part of the certified LCP, and, unlike provisions of the LCP (pursuant to the quote above), are subject to change without further notice to the Commission. Furthermore, the overall incorporation (by reference in this case) of such documents into the certified LCP has the potential for effects that were not specifically reviewed for impacts to coastal resources or adequately addressed during noticing of the LCP amendment. Therefore, to ensure that all implementing ordinances, regulations, or other actions within the coastal zone are officially certified as required under Section 30514 of the Coastal Act, the Commission finds that Suggested Modification 5 and 6 are necessary to clarify that any references to external documents or other non-certified guidance shall not override the protections afforded in the certified LCP.

Specifically, Suggested Modification 5 deletes references to the separate County Code (Chapter 2, Article 5; Exhibit 4) which addresses the establishment and formation of regional BARs. In lieu of that reference, Suggested Modification 5 specifies that each BAR has jurisdiction depending on the location of the project site and incorporates an illustrative graphic into Section 35-184 (Board of Architectural Review). This graphic, required by Suggested Modification 6 and shown in Exhibit 7, illustrates the approximate geographic boundaries of each BAR.

Other Reference Errors and Related Corrections

The proposed amendment contains various internal references within the Ridgeline and Hillside Development Guidelines (Sec. 35-144), Development Plans (Sec. 35-174), and Board of Architectural Review (Sec. 35-184) pertinent to the processing of coastal development permits, other County permits, and BAR approvals. Suggested Modifications 1, 4, and 5 include changes to ensure that the correct section of the LCP is referenced and that references to County Code separate from the LCP is not inadvertently incorporated by reference.

E. CONCLUSION

In conclusion, as proposed, the amended sections will not be fully adequate to carry out the certified land use plan for the above-stated reasons and are denied as submitted. With the suggested modifications, the proposed amendment can be approved as being consistent with and adequate to carry out the certified land use plan.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 21080.9 of the California Public Resources Code, within the California Environmental Quality Act ("CEQA"), local governments are exempt from the requirement to prepare an Environmental Impact Report ("EIR") in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program ("LCP"). Instead, the CEQA responsibilities are assigned to the Coastal Commission. The Secretary of Resources, in turn, has determined that the Commission's program of reviewing and certifying LCPs is functionally equivalent to the

EIR process. It thus qualifies for certification under Section 21080.5 of CEQA, and it has been so certified, relieving the Commission of the responsibility to prepare an EIR.

However, the Commission does have to satisfy certain CEQA-related requirements in conjunction with its approval of an LCP amendment. Specifically, the Commission must make a finding that no less environmentally damaging feasible alternative exists and that all feasible mitigation measures have been incorporated. See 14 CCR §§ 13542(a), 13540(f), and 13555(b). These provisions of the Commission's regulations and Section 21080.5(d)(2)(A) of CEQA require that the Commission not approve or adopt a LCP "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program Implementation Ordinance (Coastal Zoning Ordinance). The Commission originally certified the County of Santa Barbara's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1982, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the applicable policies of the Coastal Act, as incorporated by reference into the Land Use Plan, and the certified Land Use Plan and feasible alternatives and mitigation are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Implementation Plan component of the LCP into conformity with the certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF SUBMITTING TO THE) COASTAL COMMISSION AMENDMENTS TO) THE TEXT OF THE SANTA BARBARA) COUNTY LOCAL COASTAL PROGRAM) _____)	RESOLUTION NO: <u>05-361</u> CASE NOS.: 05ORD-00000-00001; 05ORD-00000-00004; 05ORD-00000-00014.
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WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below.

1. 05ORD-00000-00001 Height Calculation Methodology, attached as Exhibit A:

05ORD-00000-00001 amends Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 4 (Zoning Districts), Division 7 (General Regulations) and Division 15 (Montecito Overlay) to amend the existing definitions, zone district standards, general regulations and overlay requirements regarding the height of structures to implement a new definition of height and a new methodology to determine the height of a structure.

2. 05ORD-00000-00004 Telecommunications Permitting Revisions, attached as Exhibit B:

05ORD-00000-00004 amends Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 7 (General Regulations) and Division 11 (Permit Procedures) to amend the existing definitions, zone district standards, general regulations and procedures regarding commercial and noncommercial telecommunication facilities.

3. 05ORD-00000-00014 Board of Architectural Review Process Revisions, attached as Exhibit C:

05ORD-00000-00014 to amend Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 10

Exhibit 1 STB-MAJ-1-05-A County Resolution 05-361

Structures and Uses), Division 11 (Permit Process), and Division 12 (Administration) to amend the existing definitions, zone district standards, overlay district standards, general regulations, standards regarding nonconforming structures and uses, permit procedures, and administrative procedures regarding proposed revisions to the Board of Architectural process.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission and the Montecito Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the County Planning Commission and the Montecito Planning Commission have sent their written recommendations to the Board pursuant to Section 65354 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 and 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date.
- G. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as amendments to the Santa Barbara County Coastal Plan, Coastal Zoning Ordinance text, and Coastal Zoning Maps.
- 3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
- 4. The Board submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
- 5. The Chairman and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

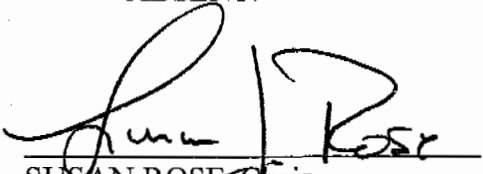
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of December, 2005, by the following vote:

AYES: Supervisor Firestone, Supervisor Gray and Supervisor Centeno

NOES: Supervisor Carbajal, Supervisor Rose

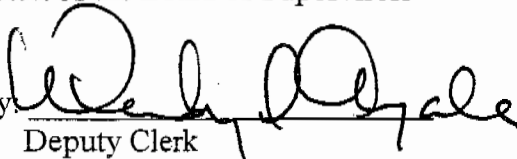
ABSTAIN: None

ABSENT:


SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

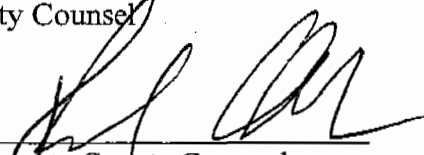
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: 
Deputy County Counsel

ATTACHMENT C

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING)
AMENDMENTS TO THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM TO)
AMEND THE COASTAL ZONING ORDINANCE)
ARTICLE II OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE TO AMEND)
DIVISION 4, ZONING DISTRICTS, DIVISION 5,)
OVERLAY DISTRICTS, DIVISION 7, GENERAL)
REGULATIONS, DIVISION 11, PERMIT)
PROCEDURES, AND DIVISION 12,)
ADMINISTRATION, TO AMEND THE DESIGN)
REVIEW PROCEDURES REGARDING THE)
FORMATION OF REGIONAL BOARDS OF)
ARCHITECTURAL REVIEW AND PROVIDE)
SPECIAL PROVISIONS FOR CERTAIN)
PROJECTS LOCATED WITH THE)
JURISDICTIONAL AREA OF THE NORTH.)
COUNTY BOARD OF ARCHITECTURAL)
REVIEW, AND MAKE OTHER MINOR)
REVISIONS.)
_____)

RESOLUTION NO.: 05-337
CASE NO.: 05ORD-00000-00014

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. It is deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety and general welfare of residents of the County that the Board of Supervisors amend the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Case Number 05ORD-00000-00014: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend DIVISION 4, ZONING DISTRICTS, DIVISION 5, OVERLAY DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, PERMIT PROCEDURES, AND DIVISION 12, ADMINISTRATION to: amend the design review procedures to provide for the formation of re

Exhibit 2
STB-MAJ-1-05-A
County Resolution 05-337

Architectural Review and provide special provisions for certain projects located within the jurisdictional area of the North County Board of Architectural Review, make other minor revisions to the existing procedures and development standards that regulate the construction and use of commercial and noncommercial telecommunication facilities.

Said ordinance (05ORD-00000-00014) is attached hereto as Exhibit 1 and is incorporated herein by reference.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission on the proposed amendment in a duly noticed public hearing pursuant to Section 65353 of the Government Code.
- E. The County Planning Commission, after holding duly noticed public hearings on the above described item, has endorsed and submitted this recommended amendment to the Board of Supervisors pursuant to Section 65354 of the Government Code.
- F. The Board of Supervisors has held a duly noticed public hearing, as required by Sections 65355 and 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- G. The proposed amendment to the Local Coastal Program is consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Local Coastal Program, and the requirements of the State Planning and Zoning Laws as amended to this date.
- H. The Board of Supervisors will submit this amendment to the California Coastal Commission at a later date.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
4. The Board of Supervisors will submit this Local Coastal Program amendment to the California Coastal Commission for review and certification on the appropriate date.
5. The Chair and Clerk of the Board of Supervisors are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

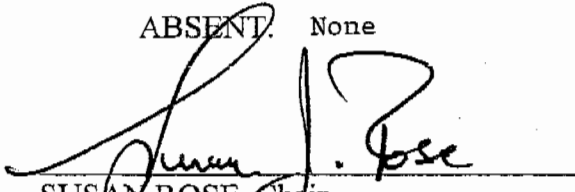
PASSED, APPROVED AND ADOPTED this November 22, 2005 by the following vote:

AYES: Supervisor Firestone, Supervisor Gray and Supervisor Centeno

NOES: Supervisor Carbajal, Supervisor Rose

ABSTAIN: None

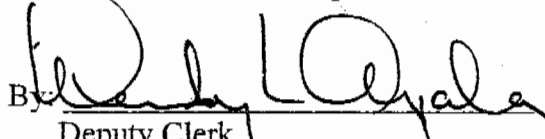
ABSENT: None



SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

ATTEST:

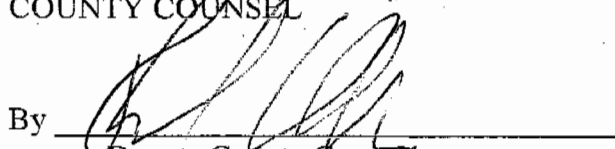
MICHAEL F. BROWN
Clerk of the Board of Supervisors

By 

Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By 

Deputy County Counsel

EXHIBITS:

1. Ordinance -- Article II (Case No.: 05ORD-00000-00014)

EXHIBIT 1

ORDINANCE NO. 4585

AN ORDINANCE AMENDING ARTICLE II, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 4, ZONING DISTRICTS; DIVISION 5, OVERLAY DISTRICTS; DIVISION 7, GENERAL REGULATIONS; DIVISION 11, PERMIT PROCEDURES; AND DIVISION 12, ADMINISTRATION TO AMEND THE DESIGN REVIEW PROCEDURES REGARDING THE FORMATION OF REGIONAL BOARDS OF ARCHITECTURAL REVIEW AND PROVIDING SPECIAL PROVISIONS FOR CERTAIN PROJECTS LOCATED WITHIN THE JURISDICTIONAL AREA OF THE NORTH COUNTY BOARD OF ARCHITECTURAL REVIEW, AND MAKE OTHER MINOR REVISIONS.

Case No. 05ORD-0000-000014 (Article II)

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 4, ZONING DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-77A.2.3, of Section 35-77A, C-1 Limited Commercial, to read as follows:

3. All new structures and alterations to existing structures shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review).

SECTION 2:

DIVISION 4, ZONING DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-78.2.3 of Section 35-78, C-2 Retail Commercial, to read as follows:

3. All new structures and alterations to existing structures shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review).

SECTION 3:

DIVISION 4, ZONING DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-78.3.4 of Section 35-78, C-2 Retail Commercial, to read as follows:

4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six feet in height approved as to design by the Director, but not including automobile or machinery wrecking establishments or junk yards.

SECTION 4:

DIVISION 4, ZONING DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-79.2.3 of Section 35-79, C-3 General Commercial, to read as follows:

3. All new structures and alterations to existing structures shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review).

SECTION 5:

DIVISION 5, OVERLAY DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-98, D Design Control Overlay District, to read as follows:

Sec. 35-98. D Design Control Overlay District.

Sec. 35-98.1. Purpose and Intent.

The purpose of this district is to designate areas where, because of visual resources and/or unique neighborhood characteristics, plans for new or altered structures are subject to design review in compliance with Sec. 35-184 (Board of Architectural Review). The intent is to ensure well designed developments and to protect scenic qualities, property values, and neighborhood character.

Sec. 35-98.2. Applicability.

Each land use and proposed development within the D Overlay District shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the most restrictive shall control.

Sec. 35-98.3. Permit and Processing Requirements.

All new structures and alterations to existing structures within the D Overlay District shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review).

Sec. 35-98.4. Setbacks, Height Limits, and Other District Requirements.

All new structures and alterations to existing structures shall comply with the regulations of the base zone, except that when the base zone allows modifications of such regulations by the decision-maker, the Board of Architectural Review may recommend in compliance with Sec. 35-184 (Board of Architectural Review) the modifications of setbacks, height limits, and other requirements to protect visual resources.

SECTION 6:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-141.1 of Section 35-141, Mobile Homes on Foundations, to read as follows:

1. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area;

SECTION 7:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144, Ridgeline and Hillside Development Guidelines, to read as follows:

Sec. 35-144. Ridgeline and Hillside Development Guidelines.

Sec. 35-144.1. Purpose and Intent.

The purpose of this section is to provide for the visual protection of the County's ridgelines and hillsides by requiring the Board of Architectural Review to review all proposed structures within the areas defined under Sec. 35-144.2., in terms of the guidelines as outlined in Sec. 35-144.3. The intent of this section is to encourage architectural designs and landscaping which conform to the natural topography on hillsides and ridgelines.

Sec. 35-292b.2. Applicability.

All structures proposed to be constructed in any zone district where there is a 16 foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review) for conformity with the Development Guidelines contained in Sec. 35-144.3.

Sec. 35-144.3. Development Guidelines.

The Board of Architectural Review shall have the discretion to interpret and apply the Ridgelines and Hillside Guidelines.

1. **Urban Areas.** The following development guidelines shall apply within Urban Areas as designated on the Local Coastal Program maps:
 - a. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location.
 - b. Proposed structures should be in character with adjacent structures.
 - c. Large understories and exposed retaining walls should be minimized.

- d. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- e. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

2. Rural and Inner Rural Areas. The following development guidelines shall apply within Rural and Inner-Rural Areas as designated on the Local Coastal Program maps:

- a. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.
- b. Building rake and ridge line should conform to or reflect the surrounding terrain.
- c. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- d. Large, visually unbroken and/or exposed retaining walls should be minimized.
- e. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
- f. Grading shall be minimized, in accordance with the Comprehensive Plan Goals.
- g. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Sec. 35-144.4. Exemptions.

- 1. The Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with Sec. 35-329 (Board of Architectural Review) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:
 - a. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood.
 - b. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed.
- 2. The Director of Planning and Development may exempt a new structure or an alteration to an existing structure from compliance with these guidelines provided that in his review of the

structure he find that one or more of the following situations applies to the proposed development:

- a. The proposed site in on or adjacent to a minor topographic variation (e.g., gully), such that the 16 foot drop in elevation is not the result of a true ridgeline or hillside condition.
3. The following structures are exempt from these guidelines:
- a. Windmills and water tanks for agricultural purposes.
 - b. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar services.

SECTION 8:

DIVISION 11, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-169.4 of Section 35-169, Coastal Development Permits, to read as follows:

Sec. 35-169.4. Processing.

1. **Review for Compliance.** The Planning and Development Department shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan, this Article, and other applicable regulations. Applications for development within a Geographic Appeals Area may be subject to the requirements of Sec. 35-169.11, in addition to the provisions of this Section. A Coastal Development Permit shall not be issued until all other necessary prior approvals have been obtained.
2. **Application deemed accepted.** The application shall be deemed accepted unless the Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.) this time period shall instead be 30 calendar days after the Planning and Development Department's acceptance of the application for processing.
3. **Decision subject to appeal.** The decision of the Planning and Development Department on the approval or denial of a Coastal Development Permits not subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal in compliance with Sec. 35-182 (Appeals).
4. **Design Review required.** A Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development

Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.

5. **Development Plan required.** See Sec. 35-169.2.2.
6. **Public hearing required.** In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, or final action by the Director, the Planning and Development Department shall not approve or issue any subsequently required Coastal Development Permit within the 10 calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).
7. **Hearing by Board of Supervisors on appeal.** In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the 10 working days following the date of receipt by the Coastal Commission of the County's notice of final action during which time an appeal may be filed in accordance compliance with Sec. 35 182 (Appeals).
8. **Coastal Development Permit subject to resolution of the Board.** If a Coastal Development Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or an amendment to this Article, a Coastal Development Permit shall not be approved or issued while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures would conform to both the existing zoning and existing provisions of this Article, and the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said Resolution.
9. **Montecito Coastal Area.** In lands zoned MON, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
10. **Date for posting of public notice.** Prior to approval of a Coastal Development Permit, the Planning and Development Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-181 (Noticing) and 35-182 (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following date of approval of the Coastal Development Permit.
11. **Coastal Development Permit not deemed effective prior to expiration of appeal period.** A Coastal Development Permit shall not be deemed effective prior to any appeal period expiring or, if appealed, prior to final action by the County on the appeal, pursuant to Section 35-182 (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit.

SECTION 9:

DIVISION 10, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-174.4.3 of Section 35-174, Development Plans, to read as follows:

3. The Planning and Development Department shall refer the Preliminary Development Plan to the Subdivision/Development Review Committee, and the Board of Architectural Review in compliance with Sec. 35-184 (Board of Architectural Review), for review and recommendation to the Planning Commission, Zoning Administrator, or the Director.

SECTION 10:

DIVISION 10, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-174.6.2 of Section 35-174, Development Plans, to read as follows:

3. The Final Development Plan shall be referred to the Board of Architectural Review for final review and recommendations in compliance with Sec. 35-184 (Board of Architectural Review). This requirement may be waived by the Director of the Planning and Development Department in the following situations:
 - a. A Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Board of Architectural Review.
 - b. A Final Development Plan that is submitted pursuant to Sec. 35-174.2.2.b provided that any exterior alterations can be determined to be minor by the Director in compliance with Sec. 35-184.3.f (Board of Architectural Review- Exemptions).

SECTION 11:

DIVISION 10, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-179.5.2 of Section 35-179, Modifications, to read as follows:

2. The project shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review), and shall be scheduled to be heard by the Board of Architectural Review for Preliminary Review and approval only, prior to the project being heard by the Zoning Administrator.

SECTION 12:

DIVISION 10, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-179.6.3 of Section 35-179, Modifications, to read as follows:

3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review in compliance with Sec. 35-184 (Board of Architectural Review), and/or will result in greater resource protection than the project without such Modification.

SECTION 13:

DIVISION 11, ADMINISTRATION, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-184, Board of Architectural Review, to read as follows:

Sec. 35-184. Board of Architectural Review.

Sec. 35-184.1. Purpose and Intent.

The purpose and intent of the Board of Architectural Review is to encourage developments which exemplify the best professional design practices so as to enhance the visual quality of the environment, benefit surrounding property values, and prevent poor quality of design.

Sec. 35-184.2. Applicability.

1. Reference to the Board of Architectural Review or County Board of Architectural Review in this Article shall be interpreted to mean the Central County Board of Architectural Review, the North County Board of Architectural Review, and the South County Board of Architectural Review, as these Boards of Architectural Review are established as a pilot project and identified in Chapter 2, Article V of the Santa Barbara County Code.
2. The Board of Architectural Review, as established by Chapter 2 of the County Code, shall govern the provisions of this section. Review and approval by the Board of Architectural Review shall be required for:
 - a. Any structure or sign requiring design review in compliance with DIVISION 4, ZONING DISTRICTS, of this Article, or the County Sign Ordinance, Article I of Chapter 35 of the County Code.
 - b. Any structure or sign requiring design review in compliance with DIVISION 5, OVERLAY DISTRICTS, of this Article, or the County Sign Ordinance, Article I of Chapter 35 of the County Code.
 - c. Any structure requiring design review in compliance with DIVISION 7, GENERAL REGULATIONS, of this Article.

- d. Any structure requiring design review in compliance with DIVISION 10, PERMIT PROCEDURES, of this Article.
- e. Any structure ~~use~~ requiring design review as required by the Planning Commission or the Board of Supervisors.
- f. Any structure or sign to be erected located in the Montecito Planning Area as shown on the Coastal Land Use Plan Maps.
- g. Any residential structure on a lot adjacent to the sea.

Sec. 35-184.3. Exceptions.

1. **General.** Board of Architectural Review approval is not required for the following:

- a. Interior alterations.
- b. Decks.
- c. Swimming pools, hot tubs, and spas.
- d. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:
 - (1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
 - (2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.
- e. Solar panels.
- f. Any other exterior alteration determined to be minor by the Director.
- g. Residential second units; however approval from the Board of Architectural Review Chair, or designee, is required.

2. **Special provisions for projects within the jurisdictional area of the North County Board of Architectural Review.** The following are special provisions that apply to projects that are within the jurisdictional area of the North County Board of Architectural Review:

- a. **Exemptions.** The following projects shall be exempt from design review if they cannot be viewed from public roadways or other areas of public use. Landscape screening

shall not be taken into consideration when determining whether the project is visible from public roadways.

- (1) Single family dwellings.
 - (2) Commercial and industrial projects that are not open to the public.
- b. Advisory actions.** Review by the North County Board of Architectural Review of single-family dwellings is advisory and does not require either preliminary or final approval.
- c. Time limits.** The North County Board of Architectural Review shall seek to complete its review of all projects within its purview as expeditiously as possible. Therefore, single-family dwellings shall be reviewed by the North County Board of Architectural Review no more than three times or for no longer than three months from the date of filing an application, whichever occurs first unless the project changes or requests for a continuance are initiated by the applicant require further review. If the North County Board of Architectural Review fails to render its advice within this limitation, then the project shall proceed to the decision-maker without a recommendation by the North County Board of Architectural Review.
- d. Structures subject to Sec. 35-144 (Ridgeline and Hillside Development Guidelines).** The following applies to structures that would normally be subject to design review due to their location in an area subject to the requirements of Sec. 35-144 (Ridgeline and Hillside Development Guidelines).
- (1) Exempt structures. Structures that are exempt from design review in compliance with Sec. 35-184.3.2.a shall be reviewed as follows:
 - (a) Structures shall be reviewed by the Director of Planning and Development for compliance with the development guidelines contained in Sec. 35-144.3.
 - (b) The Director of Planning and Development may exempt a structure from compliance with the development guidelines in compliance with Sec. 35-144.4.1 in addition to Sec. 35-292b.4.2.
- e. Special provision not applicable.** The special provisions described in subsection a., b., and c. above shall not apply to the following:
- (1) Development Plans within the jurisdiction of the Planning Commission.
 - (2) Structures subject to approved ministerial and discretionary permits, including subdivision maps, that are conditioned to require review and approval by the Board of Architectural Review in order to mitigate visual impacts or provide for consistency with the Comprehensive Plans, including adopted Community Plans.

Sec. 35-184.4. Contents of Application.

1. Prior to the issuance of any permits for developments subject to Board of Architectural Review, as many copies of the Board of Architectural Review application and project plans, as well as additional materials (color and texture chips, etc.) as may be required shall be filed with the Planning and Development Department. The plans shall include the information and details required by the Planning and Development Department.
2. An application for approval of a sign shall contain the "Required Information" in compliance with Sections 35-9 or 35-10 of the County Sign Regulations, Article I of Chapter 35 of the County Code.

Sec. 35-184.5. Processing.

1. The Board of Architectural Review shall review and approve, disapprove, or conditionally approve applications for Preliminary and Final Approval submitted in accordance with Sec. 2-33.15 of Chapter 2 of the County Code. The Board of Architectural Review shall also render its advice on the exterior architecture of buildings, structures, and signs to the Planning Commission or Board of Supervisors when requested to do so.
2. Applications for Preliminary and Final Approval by the Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project.

Sec. 35-184.6. Findings Required for Approval.

Prior to approving any Board of Architectural Review application, the Board of Architectural Review shall make the following findings:

1. In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.
2. In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.
3. Overall building shapes, as well as parts of any structure (buildings, walls, fences, screens, towers, or signs) shall be in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.
4. Mechanical and electrical equipment shall be well integrated in the total design concept.

5. There shall be harmony of material, color, and composition of all sides of a structure or building.
6. A limited number of materials will be on the exterior face of the building or structure.
7. There shall be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
8. Site layout, orientation, and location of structures, buildings, and signs shall be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the property.
9. Adequate landscaping shall be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provision for maintenance of all planting.
10. Signs including their lighting, shall be well designed and shall be appropriate in size and location.
11. The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district pursuant to Sec. 35-144a of this Article.
12. Other findings, identified in Division 15 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone.

Sec. 35-184.7. Appeals.

The decision of the Board of Architectural Review to grant or deny Preliminary or Final approval is final subject to appeal in compliance with Sec. 35-182 (Appeals). Advisory recommendations of the North County Board of Architectural Review are not subject to appeal.

Sec. 35-329.8. Expiration.

1. Where there is an associated development permit, Board of Architectural approvals shall expire on the date the associated development permit (e.g., Coastal Development Permit, Development Plan), including time extensions, expires.
2. Where there is no associated development permit, Board of Architectural Review approvals shall expire two years from the date of approval, except the Director may grant an extension of the approval if an active development application is being processed by Planning and Development.
3. Advisory recommendations of the North County Board of Architectural Review shall not expire.

SECTION 14:

Except as amended by this Ordinance, Divisions 4, 5, 7, 11 and 12 of Article II of Chapter 35 shall remain unchanged and shall continue in full force and effect.

SECTION 15

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

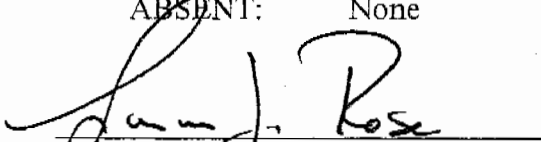
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22nd day of November, 2005, by the following vote:

AYES: Supervisor Firestone, Supervisor Gray and Supervisor Centeno

NOES: Supervisor Carbajal and Supervisor Rose

ABSTAINED: None

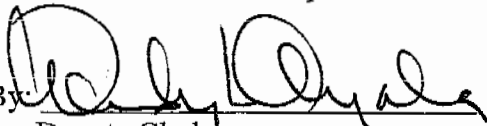
ABSENT: None



SUSAN ROSE
Chair, Board of Supervisors
County of Santa Barbara

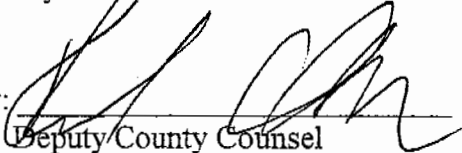
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: 
Deputy County Counsel

**Chapter 2, Article V of the Santa Barbara County Code
Excerpt For Establishment of the Regional Boards of Architectural Review**

Sec. 2-33.2. North County, Central County, South County and Montecito boards of architectural review—Established.

(a) The county board of architectural review in and for the portions of the county located north of the southern boundary of the City of Lompoc, hereinafter called the North County board of architectural review or NBAR, is hereby established.

(b) The county board of architectural review in and for portions of the county south of the City of Lompoc and west of Farren Road and north to the ridge of the mountain, hereinafter called the Central County board of architectural review or CBAR is hereby established.

(c) The county board of architectural review in and for the portions of the county outside of the Montecito planning area, as designated in the Montecito community plan, and located east of Farren Road and north to the ridge of the mountain including Isla Vista, hereinafter called the South County board of architectural review or SBAR, is hereby established.

(d) The Montecito board of architectural review in and for the portion of the county located within the Montecito planning area, as designated in the Montecito community plan, hereinafter called the Montecito board of architectural review or MBAR, is hereby established.

(e) Said boards are the successor bodies to the county architectural board of review and whenever land use regulations of this county, heretofore issued, enacted, or adopted in ordinances, conditional use permits, conditions of variances, or other forms of land use regulations, refer to said architectural board of review, said references shall henceforth be read to refer to the NBAR, CBAR, SBAR or the MBAR depending on the location of the property subject to the land use regulation.

(f) The geographic boundaries of said boards are as depicted in the original map which is located in the files of the clerk of the board. (Ord. No. 1695, § 20; Ord. No. 4468, § 2; Ord. No. 4584, § 1)

Sec. 2-33.3. Same—Members; appointments; quorums.

(a) The NBAR shall be composed of five persons, residents of the county, appointed by the fourth and fifth district supervisors and approved by the board. The persons need not live in the district of the appointing supervisor. Three of the persons shall be licensed architects or licensed landscape architects. These licensed members need not be residents of the county if their professional business is located within the boundaries of the NBAR. The remaining two persons may be a member of the county planning commission appointed by the fourth or fifth district supervisors and/or may be one or two persons, depending on whether a planning commissioner is appointed, who reside north of the southern boundary of the City of Lompoc who shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas. Three persons shall constitute a quorum; one member of the quorum must be either a licensed architect or a licensed landscape architect. Two alternates may be

**Chapter 2, Article V of the Santa Barbara County Code
Excerpt For Establishment of the Regional Boards of Architectural Review**

appointed, one by the fourth district supervisor and one by the fifth district supervisor and approved by the board. The alternates shall be licensed architects, licensed landscape architects or a community member skilled in reading plans. The alternates shall be available to fulfill the requirements of a quorum.

(b) The CBAR shall be composed of five persons, residents of the county, appointed by the third district supervisor and approved by the board of supervisors. Three of the persons shall be licensed architects or licensed landscape architects. The persons need not live in the boundaries of the CBAR. The remaining two persons may include a planning commissioner appointed by the third district supervisor and/or may be one or two persons, depending on whether a planning commissioner is appointed, who shall reside in the area south of the City of Lompoc and west of Farren Road and north to the ridge of the mountain and shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas. Three persons shall constitute a quorum; one member of the quorum must be either a licensed architect or a licensed landscape architect. Two alternates may be appointed by the third district supervisor and approved by the board. The alternates shall be licensed architects, licensed landscape architects or a community member skilled in reading plans. The alternates shall be available to fulfill the requirements of a quorum.

(c) The SBAR shall be composed of seven persons, residents of the county, appointed by the first, second and third district supervisors and approved by the board of supervisors pursuant to Section 2-33.4(b). Three of the persons shall be licensed architects. The persons need not live in the district of the appointing supervisor. The remaining four persons shall reside east of Farren Road and north to the ridge of the mountain, including Isla Vista, but outside the Montecito planning area, as designated in the Montecito community plan, and shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas, and shall include, at a minimum, two licensed landscape architects. Four members shall constitute a quorum; two members of the quorum must be either a licensed architect or a licensed landscape architect.

(d) The MBAR shall be composed of seven persons who are residents of the county. The members of the MBAR shall be appointed by the supervisor of the first supervisorial district with approval of the board of supervisors. Five of the members shall be licensed architects or licensed landscape architects. The persons need not live in the district of the appointing supervisor. The remaining two members shall reside within the Montecito planning area as designated in the Montecito community plan, and shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas. Four persons shall constitute a quorum; two members of the quorum must be either a licensed architect or licensed landscape architect. (Ord. No. 1695, § 21; Ord. No. 4468, § 2; Ord. No. 4584, § 2)

Sec. 2-33.4. Same—Term of office and reappointment of members.

**Chapter 2, Article V of the Santa Barbara County Code
Excerpt For Establishment of the Regional Boards of Architectural Review**

(a) The members of the BAR shall be appointed for four-year terms. Members shall serve until their successors are approved by the board of supervisors or they are removed or their term changed by a three-fifths vote of the board of supervisors. The district representative members' and planning commissioners' BAR term, other than the MBAR, shall coincide with the election years of the appointing supervisors for that district.

(2) The current (those sitting as of the effective date of the ordinance codified in this section) BAR members' terms may be shorter than four years in order to align the BAR members' appointments with those of the board of supervisors' member whose district the BAR member represents as follows:

January 2006:

1st district: Appointments for three years for two members of SBAR;

2nd district: Appointments for one year for three members of SBAR;

3rd district: Appointments for three years for two members of SBAR and five members of CBAR. Two alternates for the CBAR may be appointed by the 3rd district;

4th and 5th districts: Mutually agreed upon appointments for five members of NBAR, three of whom will serve for three years and two of whom will serve for one year. Two alternates may be appointed, one by the 4th district and one by the 5th district.

January 2007 Appointments for four years for five members by the 1st district for MBAR, for three members by the 2nd district for SBAR and for two members by the 5th district with the mutual agreement of the 4th district, for NBAR; (at this point the terms for the 2nd and 5th districts are aligned);

January 2009 Appointments for two members for the SBAR and five members for the CBAR by the 3rd district and appointments for three members of the NBAR by the 4th district with the mutual agreement of the 5th district; (at this point the terms for the 3rd and 5th districts are aligned) and appointments for two members for the MBAR (the first district staggers the appointments for the MBAR without consideration of alignment) and two members for the SBAR by the 1st district (at this point the terms of these appointments are aligned);

Once this alignment has been achieved, appointments (or reappointments) shall be made every four years, with appointments (or reappointments) of the 4th and 5th districts to be mutually agreed upon by the supervisors of those districts. (Ord. No. 1695, § 22; Ord. No. 4468, § 2; Ord. No. 4584, § 3)

Sec. 2-33.5. Same—Vacancies.

Vacancies, otherwise than by expiration of terms, shall be filled by appointment for the unexpired portion of the term by the same method as for the original appointment. (Ord. No. 1695, § 23; Ord. No. 4468, § 2)

See. 2-33.6. Same—Removal of members.

**Chapter 2, Article V of the Santa Barbara County Code
Excerpt For Establishment of the Regional Boards of Architectural Review**

A member of the NBAR, the CBAR, the SBAR or the MBAR may be removed or a term may be changed by three-fifths vote of the board of supervisors. (Ord. No. 1695, § 24; Ord. No. 4468, § 2; Ord. No. 4584, § 4)

Sec. 2-33.7. Same—Compensation; reimbursement for mileage.

(a) Members of the NBAR, the CBAR, and SBAR shall receive compensation in the amount of one hundred fifty dollars per meeting attended, whether regular or special. Members shall be reimbursed by the county of Santa Barbara for their round-trip mileage from their places of business within this county to the place of the meeting of the BAR at the rate per mile allowed to county officers and employees. Round-trip mileage for site visits shall be reimbursed at the rate per mile allowed to county officers and employees as well.

(b) Members of the MBAR shall serve without compensation. (Ord. No. 1695, § 25; Ord. No. 4468, § 2; Ord. No. 4584, § 5)

Sec. 2-33.8. Same—Officers.

The NBAR, the CBAR, the SBAR and the MBAR shall elect its chairman and vice chairman from among its voting members. A designee(s) of the director of the planning and development department shall serve as secretary of each BAR. (Ord. No. 1695, § 26; Ord. No. 4468, § 2; Ord. No. 4584, § 6)

Sec. 2-33.9. Same—Voting; disqualification from voting in certain cases.

No member of the NBAR, the CBAR, SBAR or the MBAR may make, participate in making, or influence a decision on a building, structure, sign or landscape plan if he/she has a qualifying conflict of interest, unless he/she falls within a qualifying exception (as provided in Government Code §§ 87100 et seq. (Political Reform Act) and Cal. Code of Regs. §§ 18700 et seq.) He/she will have a conflict if the decision will have a reasonably foreseeable material financial effect on his/her economic interest. A member of the planning commission who is also a member of a BAR shall comply with the provisions of Government Code § 87105 upon identifying a conflict of interest or potential conflict of interest. (Ord. No. 1695, § 27; Ord. No. 4468, § 2; Ord. No. 4584, § 7)

Sec. 2-33.10. Same—Adoption of rules and bylaws; records to be public.

Each BAR shall recommend rules or bylaws, not inconsistent with any provisions of these Sections 2-33.1 to 2-33.16, governing its procedure and the transaction of business. Any such BAR rules or bylaws shall be reviewed by the BAR and adopted by resolution by the board of supervisors. The secretary of the BAR shall keep a public record of the BAR's resolutions, transactions, findings, and determinations. The record of all actions of the BAR that are appealed to the county planning commission or Montecito planning commission shall be submitted to the appropriate commission in written form and shall include the reasons for the BAR's action. The bylaws of the NBAR, CBAR, SBAR and

**Chapter 2, Article V of the Santa Barbara County Code
Excerpt For Establishment of the Regional Boards of Architectural Review**

MBAR shall generally be consistent with each other. (Ord. No. 1695, § 28; Ord. No. 4468, § 2; Ord. No. 4584, § 8)

See. 2-33.11. Same—Meetings.

The NBAR, CBAR, SBAR and MBAR shall each hold a minimum of one regular meeting each month; the bylaws may provide for more frequent regular meetings; a special meeting may be called at any time by the chairman of the BAR or by a majority of the members of the applicable BAR. (Ord. No. 1695, § 29; Ord. No. 4468, § 2; Ord. No. 4584, § 9)

See. 2-33.12. Same—Powers and duties.

(a) North County Board of Architectural Review.

(1)(i) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located north of and including the City of Lompoc, requiring BAR approval under Articles I through III of Chapter 35 of this Code shall not be issued by the planning and development department until final BAR approvals, or recommendations pursuant to subsection (3) below, have been obtained from the NBAR. The powers and duties shall also include those given to the BAR in Articles I, II and III for projects located outside of the Montecito planning area as designated by the Montecito community plan.

(ii) Development plans within the jurisdiction of the planning commission, previously approved subdivision maps requiring BAR approval and previously approved ministerial and discretionary permits requiring BAR approval in order to mitigate visual impacts or provide for consistency with the general plan shall obtain final approval and shall not be subject to subsection (3) below.

(2) County projects (projects proposed by any entity governed by the board of supervisors or by an entity whose governing body is appointed by the board of supervisors) located north of the southern boundary of the City of Lompoc that exceed fifty thousand dollars in estimated construction costs may be reviewed by the NBAR and a recommendation must be made. The decision-maker for county projects may require NBAR approval.

(3) Individual single family dwellings, not subject to (1)(ii) above, shall be reviewed by the NBAR no more than three times or for no longer than three months from the date of filing an application, whichever occurs first unless project changes or requests for a continuance initiated by the applicant require further review; the project would then go to the decision-maker. For such projects, the NBAR is advisory and therefore its decisions are not appealable. The NBAR shall seek to complete its review of all projects within its purview as expeditiously as possible.

(4) Individual single family dwellings and commercial/industrial projects, other than those in section (a)(1)(ii) above, not open to the public which cannot be viewed from public roadways or other areas of public use are exempt from review by the NBAR. Landscape

**Chapter 2, Article V of the Santa Barbara County Code
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screening shall not be taken into consideration when determining the view from public roadways.

(b) Central County Board of Architectural Review.

(1) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located south of the City of Lompoc and west of the City of Goleta requiring BAR approval under Articles I through III of Chapter 35 of this Code shall not be issued by the planning and development department until final BAR approvals have been obtained from the CBAR. The powers and duties shall also include those given to the BAR in Articles I, II and III for projects located outside of the Montecito planning area as designated by the Montecito community plan.

(2) County projects (projects proposed by any entity governed by the board of supervisors or by an entity whose governing body is appointed by the board of supervisors) located south of the City of Lompoc and west of the City of Goleta that exceed fifty thousand dollars in estimated construction costs may be reviewed by the CBAR and a recommendation must be made. The decision-maker for county projects may require CBAR approval.

(c) South County Board of Architectural Review.

(1) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located east of the City of Goleta, including Isla Vista, and outside of the Montecito planning area as designated by the Montecito community plan, requiring BAR approval under Articles I through III of Chapter 35 of this Code shall not be issued by the planning and development department until final BAR approvals have been obtained from the SBAR. The powers and duties shall also include those given to the BAR in Articles I, II and III for projects located outside of the Montecito planning area as designated by the Montecito community plan.

(2) County projects (projects proposed by any entity governed by the board of supervisors or by an entity whose governing body is appointed by the board of supervisors) located east of the City of Goleta and outside of the Montecito planning area as designated by the Montecito community plan, which exceed fifty thousand dollars in estimated construction costs may be reviewed by the SBAR and a recommendation must be made. The decision-maker for county projects may require BAR approval.

(d) Montecito Board of Architectural Review.

(1) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located within the Montecito planning area as designated by the Montecito community plan requiring MBAR approval under Articles I, II and IV of Chapter 35 of this Code shall not be issued by the planning and development department until final MBAR approvals have been obtained. In addition, the MBAR shall assume the powers and duties given to the BAR in Articles I, II and IV of Chapter 35 of this Code for projects located within the Montecito planning area as designated in the Montecito community plan.

(2) County projects (projects proposed by any entity governed by the board of supervisors or by an entity whose governing body is appointed by the board of

Chapter 2, Article V of the Santa Barbara County Code Excerpt For Establishment of the Regional Boards of Architectural Review

supervisors) located within the Montecito planning area as designated by the Montecito community plan that exceed fifty thousand dollars in estimated construction costs may be reviewed by the MBAR and a recommendation must be made. The decision-maker for county projects may require MBAR approval.

(e) The duties of the NBAR, CBAR, the SBAR and the MBAR are to review and recommend or approve, as applicable, as submitted, recommend, disapprove or approve subject to conditions, specified changes, or additions, the exterior architecture, including landscaping as it affects the exterior architecture, of buildings, structures, and signs which are within the jurisdiction of the BAR. When requested, the NBAR, the CBAR, the SBAR or the MBAR shall also render its advice on exterior architecture of buildings, structures, and signs to the planning and development department (or director), zoning administrator, planning commission or board of supervisors. (Ord. No. 1695, § 30; Ord. No. 4468, § 2; Ord. No. 4584, § 10)

Sec. 2-33.13 Same—Application for approval and fees.

Applications for NBAR, CBAR, SBAR or MBAR recommendation or approval, as applicable, shall be filed with the planning and development department. Any fee required by a resolution of the board of supervisors for an application for NBAR, CBAR, SBAR or MBAR recommendation or approval, as applicable, shall be paid as provided in the fee resolution. An application for recommendation or approval, as applicable, of a building or structure shall contain the information required under the zoning ordinances, as well as any other information deemed necessary by the planning and development department. An application for recommendation or approval, as applicable, of a sign shall contain the “required information” pursuant to the sign regulations of the county, or as deemed necessary by the planning and development department. (Ord. No. 1695, § 31; Ord. No. 4468, § 2; Ord. No. 4584, § 11)

Sec. 2-33.14. Same—Aspects considered in review.

The NBAR, the CBAR, the SBAR and the MBAR, as appropriate, shall review the project for conformity with the purpose of these Sections 2-33.1 through 2-33.16, and the applicable comprehensive plan policies and zoning regulations. The BAR’s review shall include:

- (a) Height, bulk, and area of buildings and structures;
- (b) Colors and types of building materials and application;
- (c) Physical and architectural relation with existing and proposed structures on the same site and in the immediately affected surrounding area;
- (d) Site layout, orientation, and location of buildings, and relationship with open areas and topography;
- (e) Height, materials, colors, and variations in boundary walls, fences, or screen planting;
- (f) Location and type of landscaping including, but not limited to, off-street parking areas and exposed structures on the downhill side of buildings; and

**Chapter 2, Article V of the Santa Barbara County Code
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(g) Appropriateness of sign design and exterior lighting to the site and surrounding area. (Ord. No. 1695, § 32; Ord. No. 4468, § 2; Ord. No. 4584 § 12)

Sec. 2-33.15. Same—Findings.

In approving, approving with conditions, or denying an application, the BAR and the MBAR shall examine the materials submitted with the application and any other material provided by the planning and development department to determine whether the buildings, structures, or signs are appropriate and of good design in relation to other buildings, structures, or signs on the site and in the immediately affected surrounding area. Such determination shall be based upon the following findings, as well as any additional findings required pursuant to the county zoning ordinances:

(a) Overall building shapes, as well as parts of any structure (buildings, walls, screens, towers, or signs), are in proportion to and in scale with other existing or permitted structures on the same site and in the vicinity surrounding the property.

(b) Mechanical and electrical equipment is well integrated in the total design concept.

(c) There is a harmonious palette of colors.

(d) There is a limited number of materials that will be on the exterior face of the building or structure.

(e) The project demonstrates a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.

(f) Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces and topography of the property.

(g) Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing native vegetation, selection of planting which is appropriate to the project and its environment, and adequate provisions have been made for maintenance of all planting.

(h) Signs, including their lighting, are well designed and are appropriate in size and location.

(i) All visible onsite utility services are well designed and are appropriate in size and location.

(j) All exterior site, structure and building lighting is well designed and appropriate in size and location.

(k) There is harmony of material, color, and composition of all sides of a structure or buildings.

(l) Consistency and unity of composition and treatment of exterior elevation.

(m) The proposed development is consistent with any additional design standards as expressly adopted by the board of supervisors for a specific local community, area, or

**Chapter 2, Article V of the Santa Barbara County Code
Excerpt For Establishment of the Regional Boards of Architectural Review**

district pursuant to the Article II, III, and IV zoning ordinances. (Ord. No. 1695, § 33; Ord. No. 4468, § 2)

Sec. 2-33.16. Same—Appeals; hearings.

Decisions of a BAR are final, unless appealed pursuant to the county zoning ordinances. Appeals of decisions of the NBAR, CBAR and the SBAR shall be under the jurisdiction of the county planning commission. Appeals of decisions of the MBAR shall be under the jurisdiction of the Montecito planning commission. (Ord. No. 1695, § 34; Ord. No. 4468, § 2; Ord. No. 4584, § 13)

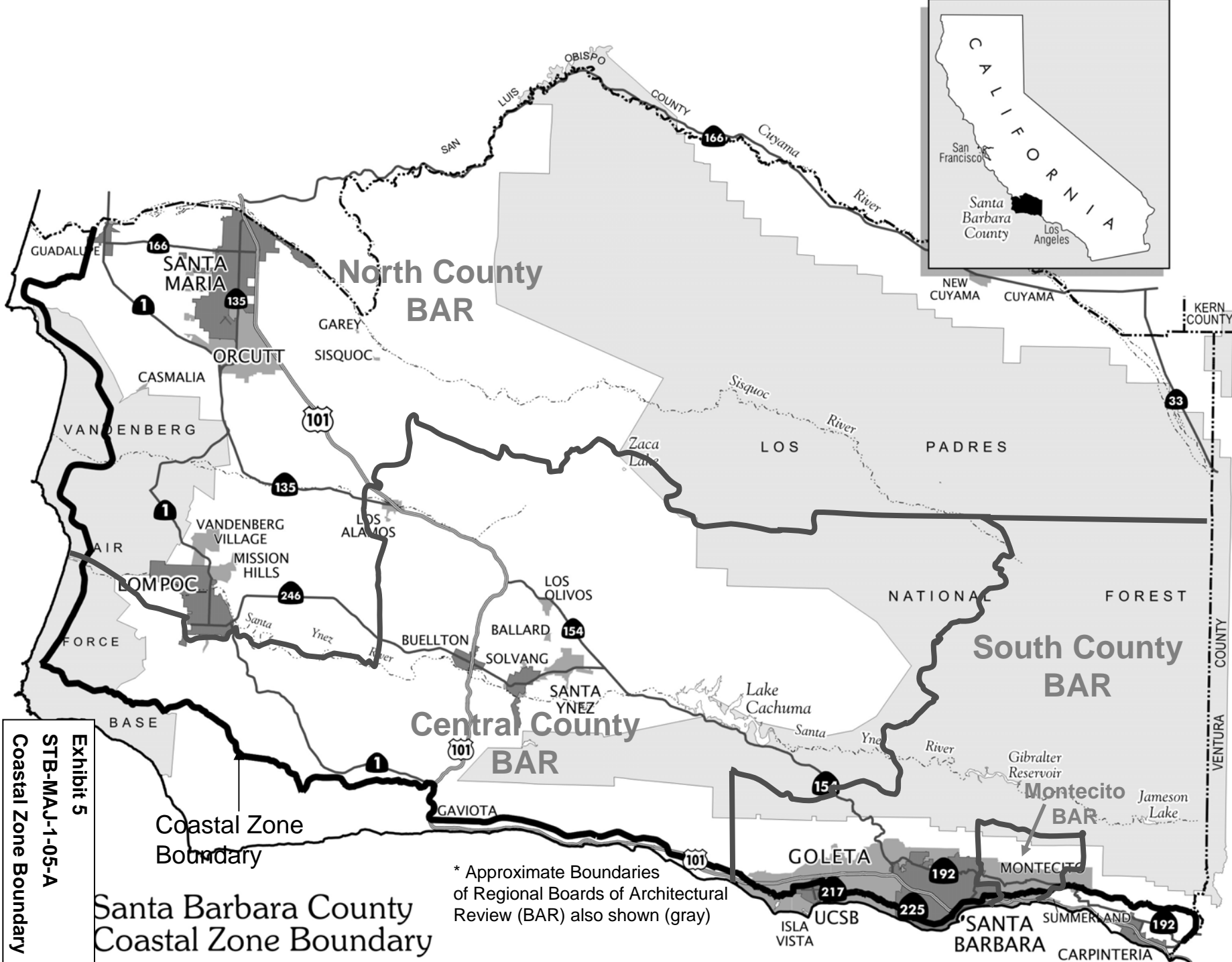


Exhibit 5
 STB-MAJ-1-05-A
 Coastal Zone Boundary

Santa Barbara County
 Coastal Zone Boundary

* Approximate Boundaries
 of Regional Boards of Architectural
 Review (BAR) also shown (gray)

North County
 BAR

Central County
 BAR

South County
 BAR

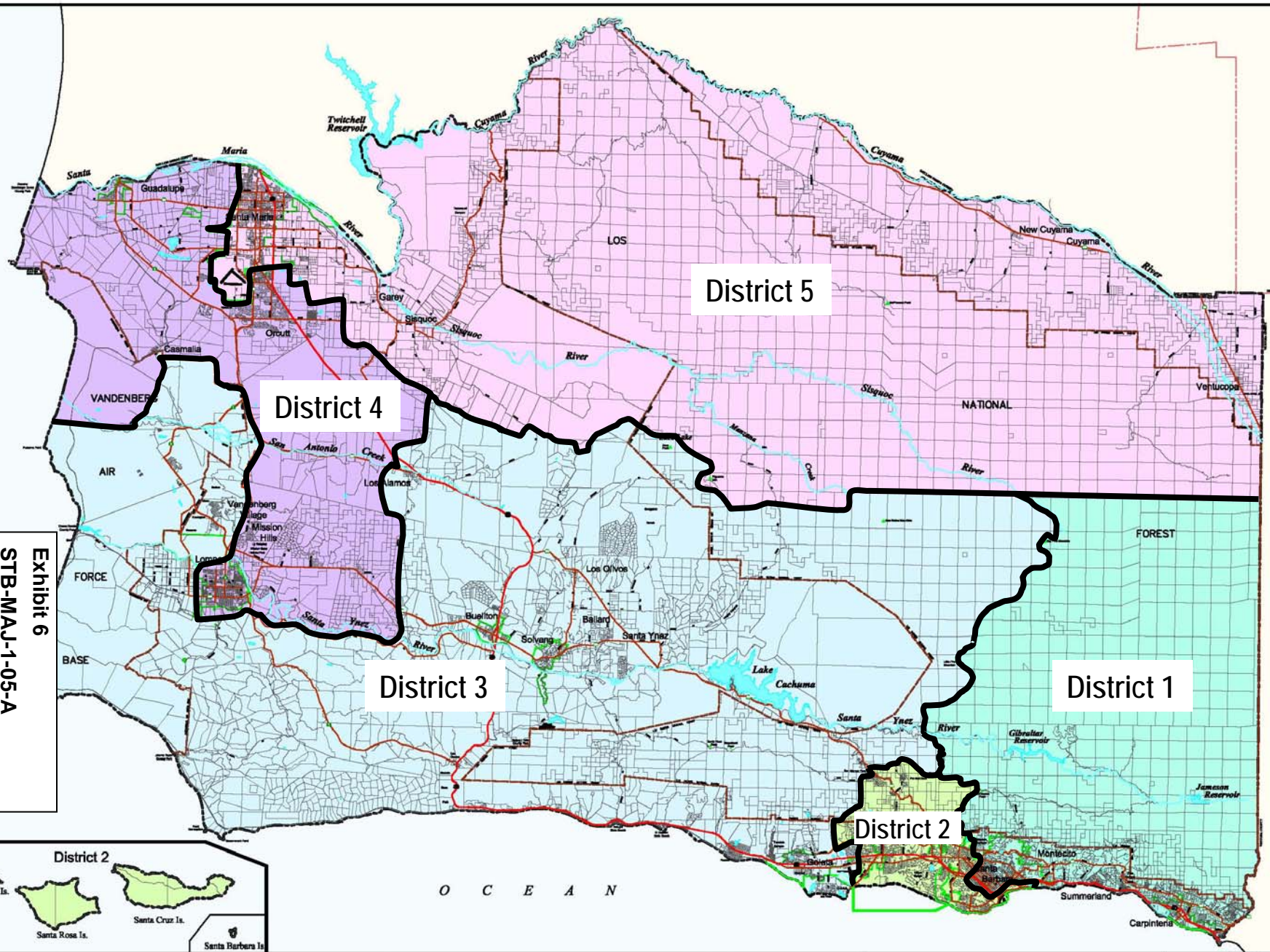
Montecito
 BAR



KERN COUNTY
 VENTURA COUNTY

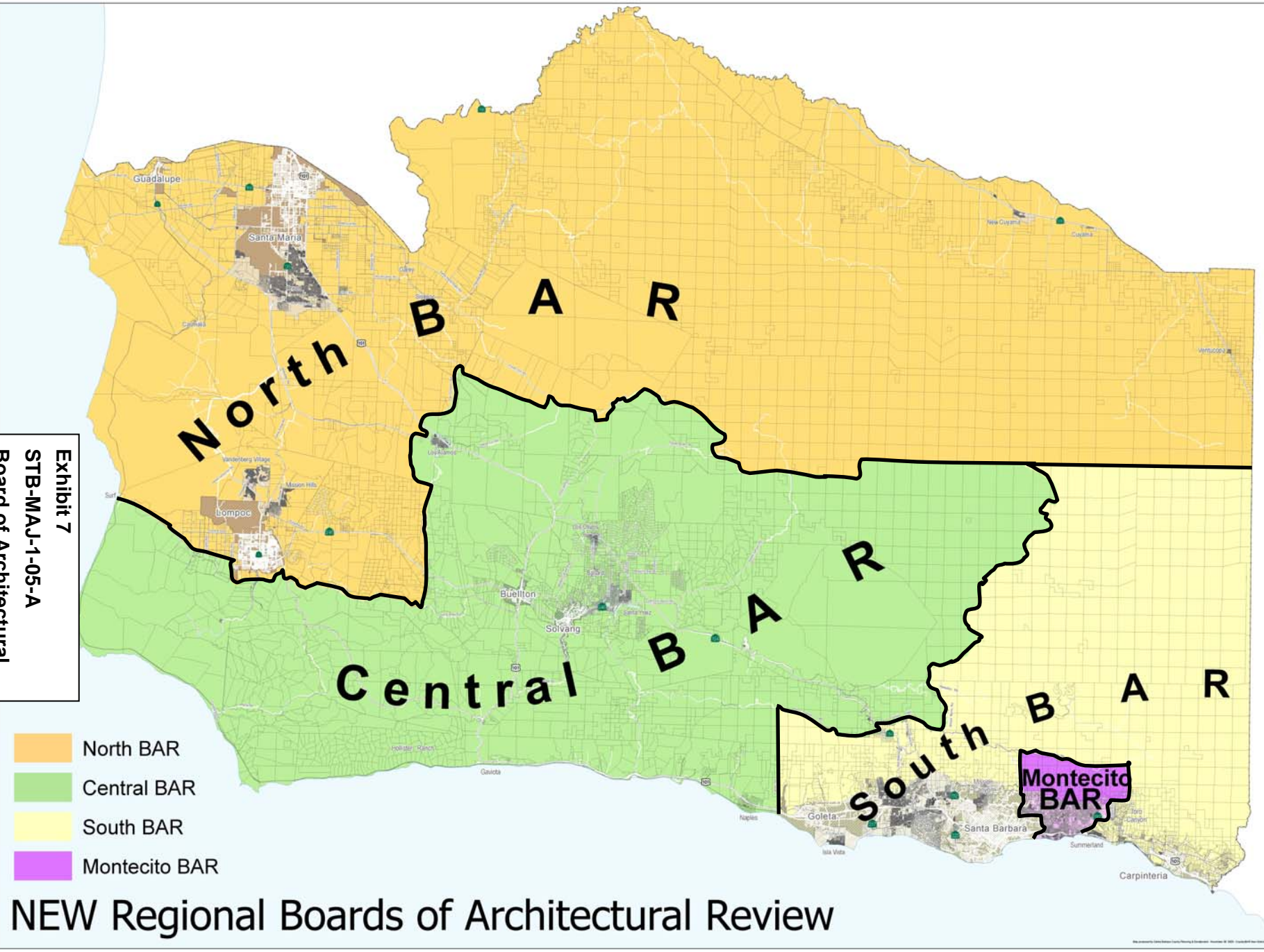
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Exhibit 6
STB-MAJ-1-05-A
Supervisor Districts



For Illustrative Purposes Only

Exhibit 7
STB-MAJ-1-05-A
Board of Architectural
Review Boundaries



- North BAR
- Central BAR
- South BAR
- Montecito BAR

NEW Regional Boards of Architectural Review

Map provided by Santa Barbara County Planning & Development Services. November 20 2023. Updated by Santa Barbara County Planning & Development Services.

Complete Suggested Modification 2, Section 35-169.4 Coastal Development Processing Including the Commission's November 14, 2007 Approval of Suggested Modification #24 of LCP Amendment 2-06 & Three Specific Changes Related to the Subject LCP Amendment 1-05-A

2. Coastal Development Processing

The language below represents the full and complete text of Suggested Modification 2. In this case, single underline and ~~strike-through~~ represents the approved modifications pursuant to the Commission's November 14, 2007 approval of LCP Amendment 2-06 and double underlined text is used to call out the specific changes made in regard to the subject amendment (1-05-A) beyond what was approved in LCP Amendment 2-06.

NOTE: Suggested Modification 2 below, deletes the language proposed in the subject amendment (1-05-A, Ordinance 4585) and replaces it with language to reflect the recent Commission approval of LCP Amendment 2-06 on November 14, 2007 which is not presently certified as part of the County's LCP. The following language reflects the updated format and language for processing coastal development permits recommended in LCP Amendment 2-06. If LCP Amendment 2-06 (Noticing and Appeals Procedures) is formally certified within the County's LCP, then Sec. 35-169.4 shall be revised as shown below. If LCP Amendment 2-06 (Noticing and Appeals Procedures) is not certified, then Section 35-169.4 as proposed in Ordinance 4585 of this amendment shall be approved as submitted.

Sec. 35-169.4 Processing.

1. **Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan.** This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Section 35-169.4.2 or Section 35-169.4.3 below.
 - a. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. ~~The Planning and Development Department~~Director shall review the Coastal Development Permit application for compliance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Coastal Development Permit. ~~Applications for development within a Geographic Appeals Area may be subject to the requirements of Section 35-169.11., in addition to the provisions of this Section.~~
2. ~~The application shall be deemed accepted unless the Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) this time period shall instead be 30 calendar days after the Planning and Development Department's acceptance of the application for processing.~~

**Complete Suggested Modification 2, Section 35-169.4 Coastal Development Processing
Including the Commission's November 14, 2007 Approval of Suggested Modification #24 of LCP
Amendment 2-06 & Three Specific Changes Related to the Subject LCP Amendment 1-05-A**

- ~~3c.~~ The decision of the Planning and Development Department on the approval or denial of Coastal Development Permits, not subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal as provided in Section 35-182 (Appeals). The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- 4d. A Coastal Development Permit approved, or conditionally approved, in compliance with this Section shall not be issued or deemed effective:
- 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - 2) Until the applicant has signed the Coastal Development Permit.
 - 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied. and
 - 4) ~~until~~Until all other necessary prior approvals have been obtained.
- No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.
- ~~5.~~ In the case of a development which requires a public hearing and final action by the Planning Commission or Zoning Administrator, or final action by the Director, any subsequently required Coastal Development Permit shall not be approved or issued within the 10 calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in with Section 35-182 (Appeals).
- ~~6.~~ In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the 10 working days following the date of receipt by the Coastal Commission of the County's notice of final action during which time an appeal may be filed in accordance with Section 35-182.4 (Appeals).
- 7e. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or ~~issued~~ conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses ~~buildings or structures would conform to both the existing zoning and existing provisions of this Article and the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.~~
- 8f. ~~In lands zoned MON~~On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.

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~~9g. Prior to approval or conditional approval of a Coastal Development Permit, the Planning and Development Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to notice of the pending decision shall be given in compliance with Section 35-181 (Noticing) and Section 35-182 (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following the date of approval of the Coastal Development Permit.~~

~~h. A Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.~~

~~10. A Coastal Development Permit shall not be deemed effective prior to any applicable appeal period expiring, or if appealed, prior to final action by the decision-maker on the appeal pursuant to Section 35-182 (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit.~~

~~**Sec. 35-169.5 Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project**~~

~~**2. Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan.** A Coastal Development Permit application under the Permitted Uses section of any Zone District for a) a project located in a Geographic Appeals Area (as shown on the County Appeals Map), or b) a Major Public Works project, where a public hearing is not otherwise required, shall be subject to the following requirements, in addition to those listed in Section 35-169.4 above: This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission, in compliance with Section 35-182 (Appeals) and that is not subject to Section 35-169.4.3 below.~~

~~1a. After accepting receipt of the Coastal Development Permit application for processing, the Planning and Development Department shall process the project through environmental review review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.~~

~~2b. For residential structures on lots adjacent to the sea, the application shall be referred to the Board of Architectural Review subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).~~

~~c. The Zoning Administrator shall hold at least one noticed public hearing, unless waived in compliance with Subsection 2.e below, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request.~~

~~d. Notice of the time and place of said the hearing shall be given in the manner prescribed in compliance with Section 35-181 (Noticing).~~

~~e. The requirement for a public hearing may be waived by the Director in compliance with all of the following requirements:~~

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- 1) The project qualifies as "minor development" which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
 - a) The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b) The development does not require any discretionary approvals other than a Coastal Development Permit.
 - c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- 2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
 - a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken by the County of Santa Barbara on the Coastal Development Permit application to the County of Santa Barbara and the Coastal Commission.
- 3) A written request for public hearing is not received by the Planning and Development Department within 15 working days immediately following the date the notice, required in compliance with Section 35-169.4.2.e.2 above, is mailed.

If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.

- ~~f. The Zoning Administrator's action of the decision-maker is final subject to appeal to the Board of Supervisors as provided under in compliance with Section 35-182 (Appeals). The requirement for a public hearing for a project located in a Geographical Appeals area may be waived by the Director, pursuant to Section 35-169.11. If such hearing is waived, the Zoning Administrator shall still be the decision-maker for the Coastal Development Permit.~~
- ~~4. An approval of a Coastal Development Permit by the Zoning Administrator shall be valid for one year. Prior to the expiration of the approval, the Zoning Administrator may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required pursuant to Section 35-169.6 can still be made.~~
- ~~g. A Coastal Development Permit approved pursuant to in compliance with this Section shall not be issued or deemed effective until:~~
 - ~~a1) all conditions and provisions which are required to be complied with prior to issuance of the permit are complied with, Prior to the expiration of the appeal~~

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period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).

- ~~b2) the~~ Until the applicant has signed the Coastal Development Permit, and,
- ~~e3) the applicable appeals period has expired or if appealed, final action has been taken on the appeal by the appropriate body, either the County or the California Coastal Commission.~~ Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained. and
- 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.

- ih. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses or structures conform to both the existing zoning and existing provisions of this Article, and the rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
- ij. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- ji. A Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.

3. Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits for development that also require a Conditional Use Permit (Sec. 35-172) or Final Development Plan (Sec. 35-174).

- a. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with any associated applications for a Conditional Use Permit or a Final Development Plan.
- b. The decision-maker for the Conditional Use Permit or Final Development Plan as applicable shall be the decision-maker for the Coastal Development Permit.
 - 1) The Zoning Administrator shall be the decision-maker for Coastal Development

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- Permits associated with Final Development Plans under the jurisdiction of the Director (Sec. 35-174) for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- c. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - bd. The decision-maker shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations.
 - be. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
 - ef. For development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with Section 35-174.6.6.b.
 - g. For development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall hold at least one public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the requested Coastal Development Permit.
 - h. Notice of the time and place of any applicable public hearing shall be given in compliance with Section 35-181 (Noticing).
 - i. The action of the decision-maker on a Coastal Development Permit is final subject to appeal in compliance with Section 35-182 (Appeals).
 - a-1) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - b2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - j. A Coastal Development Permit approved in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - 2) Until the applicant has signed the Coastal Development Permit.
 - 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been

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satisfied.

- 4) Until all other necessary prior approvals have been obtained. and
- 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in accordance with Section 35-182 (Appeals).

No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.

- k. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses or structures conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
- l. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- m. A Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.

Delete Proposed Language in Ordinance 4585:

Sec. 35-169.4. Processing.

~~1. **Review for Compliance.** The Planning and Development Department shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan, this Article, and other applicable regulations. Applications for development within a Geographic Appeals Area may be subject to the requirements of Sec. 35-169.11, in addition to the provisions of this Section. A Coastal Development Permit shall not be issued until all other necessary prior approvals have been obtained.~~

~~2. **Application deemed accepted.** The application shall be deemed accepted unless the Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.) this time period shall instead be 30 calendar days after the Planning and Development Department's acceptance of the application for processing.~~

~~3. **Decision subject to appeal.** The decision of the Planning and Development Department on the approval or denial of a Coastal Development Permit not subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal in compliance with Sec. 35-182 (Appeals).~~

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~~**4.Design Review required.** A Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.~~

~~**5.Development Plan required.** See Sec. 35-169.2.2.~~

~~**6.Public hearing required.** In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, or final action by the Director, the Planning and Development Department shall not approve or issue any subsequently required Coastal Development Permit within the 10 calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).~~

~~**7.Hearing by Board of Supervisors on appeal.** In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the 10 working days following the date of receipt by the Coastal Commission of the County's notice of final action during which time an appeal may be filed in compliance with Sec. 35-182 (Appeals).~~

~~**8.Coastal Development Permit subject to resolution of the Board.** If a Coastal Development Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or an amendment to this Article, a Coastal Development Permit shall not be approved or issued while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures would conform to both the existing zoning and existing provisions of this Article, and the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said Resolution.~~

~~**9.Montecito Coastal Area.** In lands zoned MON, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.~~

~~**10. Date for posting of public notice.** Prior to approval of a Coastal Development Permit, the Planning and Development Department, or final decision maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-181 (Noticing) and 35-182 (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following date of approval of the Coastal Development Permit.~~

~~**11. Coastal Development Permit not deemed effective prior to expiration of appeal period.** A Coastal Development Permit shall not be deemed effective prior to any appeal period expiring or, if appealed, prior to final action by the County on the appeal, pursuant to Section 35-182 (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit.~~