

### 35.82.070 - Design Review

A. **Purpose and intent.** The purpose and intent of Design Review is to encourage development that exemplifies the best professional design practices, to benefit surrounding property values, enhance the visual quality of the environment, and prevent poor quality of design.

B. **Applicability.**

1. **Board of Architectural Review.** The Board of Architectural Review shall be interpreted to mean the Central County Board of Architectural Review, the Montecito 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 and identified in Article V of Chapter 2 of the County Code. The applicable Board of Architectural Review shall govern the provisions of this Section within their respective jurisdictional areas as established by Article V of Chapter 2 of the County Code.
2. **Design Review action required.** Design Review action shall be required for all of the following:
  - a. Any structure or sign requiring Design Review as specifically provided under the applicable zone regulations of Article 35.2 (Zones and Allowable Land Uses).
  - b. Any structure or sign requiring Design Review as specifically provided under Article 35.3 (Site Planning and Other Project Standards).
  - c. Any structure or sign requiring Design Review as specifically provided under Article 35.4 (Standards for Specific Land Uses).
  - d. Any structure or sign requiring Design Review as specifically provided under Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities).
  - e. Any structure or sign requiring Design Review as specifically provided under Article 35.6 (Resource Management).
  - f. Any structure or sign requiring Design Review as specifically provided under Article 35.8 (Planning Permit Procedures).
  - g. Any structure or sign requiring architectural approval as specifically identified by the Director, Zoning Administrator, Commission, or Board. The Board of Architectural Review shall also render its advice on the exterior architecture of structures and signs to the Director, Zoning Administrator, Commission, or Board when requested to do so.
3. **Gaviota Coast, Mission Canyon, Summerland and Toro Canyon Plan areas.** In addition to the items identified in Subsection B.2, above, for lots located within the Gaviota Coast Plan area, Mission Canyon Community Plan area, Summerland Community Plan area, and the Toro Canyon Area Plan area, the provisions of this Section shall also apply to:
  - a. Any structure, additions to a structure, or sign.

- b. Gaviota Coast Plan area.** Within the Gaviota Coast Plan area, single agricultural structures with a individual gross floor area of less than 5,000 square feet that are in compliance with the following standards are not subject to the requirements of this Section 35.82.070 (Design Review):
- (1) The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed a footprint area of 10,000 square feet.
  - (2) The structure(s) complies with the following standards:
    - (a) All exterior lighting is in compliance with the following:
      - (i) The lighting is required for safety purposes only.
      - (ii) Light fixtures are fully shielded (full cutoff) and are directed downward to minimize impacts to the rural nighttime character.
      - (iii) Lighting is directed away from habitat areas, nearby residences, public roads and other areas of public use to the extent feasible.
    - (b) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.
- c. Summerland Community Plan area.** Within the Summerland Community Plan area, new encroachments of structures, fences, walls, landscaping, etc., into existing public road rights-of-way as part of a project otherwise requiring Design Review in compliance with Section 35.82.070 (Design Review).
- C. Exceptions to Design Review requirements.** Design review approval shall not be required for the following:
- 1. General.**
    - a. Accessory dwelling units; however, the Director may be required to review the appearance and style of proposed accessory dwelling units in compliance with Section 35.42.015.F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use) and Section 35.42.105.G (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use).
    - b. Decks.
    - c. 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 Design Review of a new structure or a remodeling or an addition to a structure requiring Design 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.
    - d. Hot tubs, spas, and swimming pools.
    - e. Interior alterations.
    - f. Solar panels.
    - g. Other exterior alterations determined to be minor by the Director.

- h. The replacement or restoration of structures that were damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on or affecting the lot on which the damaged or destroyed structures were located; unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.
2. **Special Provisions for projects in 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) One-family dwellings.
  - (2) Commercial and industrial projects not open to the public.
- b. **Advisory actions.** Review by the North County Board of Architectural Review of one-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, one-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 review authority without a recommendation by the North County Board of Architectural Review.
- d. **Structures subject to** Chapter 35.62 (Ridgeline and Hillside Development). 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 Chapter 35.62 (Ridgeline and Hillside Development).
- (1) **Exemptions.** Exemptions to the Ridgeline and Hillside Guidelines that may normally be allowed in compliance with Subsection 35.62.040.B.2 (Exemptions allowed by the Board of Architectural Review) shall instead be reviewed and, if appropriate, allowed as follows:
    - (a) Structures shall be reviewed by the Director for compliance with the development guidelines contained in Subsection 35.62.040.C (Development guidelines).
    - (b) The Director may exempt a structure from compliance with the development guidelines in compliance with Subsection 35.62.040.C.1 (Guidelines - Application and interpretation) in addition to Subsection 35.62.040.B.3 (Exemptions allowed by the Director).
- e. **Special provision not applicable.** The special provisions described in Subsection 2.a through 2.d above, shall not apply to the following:
- (1) Development Plans where the Commission is the review authority.
  - (2) Structures subject to approved planning permits and 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.
- D. **Contents of application.** An application for a Design Review shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

**E. Processing.**

1. Applications for Preliminary and Final review 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.
2. The Board of Architectural Review shall hold as least one noticed public hearing on an application for Preliminary or Final Approval and approve, conditionally approve or deny the request in compliance with Section 2-33.15 of Chapter 2, Article V of the County Code and this Section.
3. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
4. The action of the Board of Architectural Review is final subject to appeal in compliance with Chapter 35.102 (Appeals).

**F. Findings required for approval.**

1. **Findings required for all Design Review applications.** A Design Review application shall be approved or conditionally approved only if the Board of Architectural Review first makes all of the following findings:
  - a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the subject property.
  - b. Electrical and mechanical equipment will be well integrated into the total design concept.
  - c. There will be harmony of color, composition, and material on all sides of a structure.
  - d. There will be a limited number of materials on the exterior face of the structure.
  - e. There will be 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 and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site.
  - g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project, and that adequate provisions have been made for maintenance of all landscaping.
  - h. Signs, including associated lighting, are well designed and will be appropriate in size and location.
  - i. The proposed development is consistent with any additional design standards as expressly adopted by the Board for a specific local area, community, or zone in compliance with Subsection G. (Local design standards) below.
2. **Additional findings required for Design Review applications within the Eastern Goleta Valley area.** Where Design Review is required in compliance with Subsection 35.28.080.E (Eastern Goleta Valley), plans for new or altered structures will be in compliance with the Eastern Goleta Valley Residential Design Guidelines, as applicable. The Eastern Goleta Valley Residential Design Guidelines, which are intended to serve as a guide only, shall constitute "additional design standards" for purposes of Subsection 35.82.070.F.1.(i).

- 3. Additional finding required for Design Review applications within the Summerland Community Plan Area.**
  - a. Plans for new or altered structures will be in compliance with the Summerland Residential and Commercial Design Guidelines.
  - b. Permitted encroachments of structures, fences, walls, landscaping, etc., into existing public road rights-of-way are consistent in style with the urban and rural areas and minimize adverse visual or aesthetic impacts.
  - c. Landscaping or other elements are used to minimize the visual impact of parking proposed to be located in front setback areas.
  - d. If Monterey or Contemporary architectural styles are proposed, the design is well executed within the chosen style, and the style, mass, scale, and materials proposed are compatible with the surrounding neighborhood.
- 4. Additional finding required for Design Review applications within the Toro Canyon Plan Area.**

All non-agricultural structures are in compliance with Subsection 35.28.210.H.1 (Development standards).
- 5. Additional finding required for Design Review applications within the Los Alamos Community Plan area.**

Where Design Review is required in compliance with Subsection 35.28.080.F (Los Alamos Community Plan), plans for new or altered structures will be in compliance with the Los Alamos Bell Street Design Guidelines, as applicable. The Los Alamos Bell Street Design Guidelines, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of Subsection 35.82.070.F.1.(i).
- 6. Additional findings required for Design Review applications within the Mission Canyon Community Plan area.**
  - a. Plans for new or altered structures subject to the provisions of Section 35.28.080 (Design Control Overlay) are in compliance with the Mission Canyon Residential Design Guidelines as applicable.
  - b. Large visible understories (greater than four feet in height) and exposed retaining walls are minimized.
  - c. Retaining walls are colored and textured (e.g., with earth tone colors and split face details) to match adjacent soils or stone, and visually softened with appropriate landscaping.
  - d. The visible portion of a retaining wall above finished grade does not exceed a height of six feet as measured from the bottom of a footing to the top of the wall. The Board of Architectural Review may grant an exemption to this finding if a written finding is made that the exemption is necessary to allow a project that:
    - (1) Furthers the intent of protecting hillsides and watersheds;
    - (2) Enhances and promotes better structural and/or architectural design; and
    - (3) Minimizes visual or aesthetic impacts.
  - e. Landscaping and hardscaping located in the public right-of-way is consistent in style with the semi-rural character of Mission Canyon.
- 7. Additional findings required for Design Review applications within the Scenic Corridor - Mission Canyon (SC-MC) overlay zone.**
  - a. New structures or alterations to existing structures will not impede views of, or interfere with the visual and historic character of the scenic corridor.
  - b. New structures or alterations to existing structures have been reviewed within the context of

the traditional and historical architectural setting in the vicinity, including Mission Santa Barbara, the Santa Barbara Museum of Natural History, “Glendessary House” (a County Landmark), and “Rockwood” (the Santa Barbara Woman’s Club). While no particular architectural style is prescribed for this area, project design should promote a smooth transition from the City of Santa Barbara’s “El Pueblo Viejo Landmark District” (around the Mission) to Mission Canyon. In this area, high quality construction and materials for exterior finishes are used.

- c. Where a traditional Spanish architectural style is proposed that incorporates a tile roof, two-piece terra cotta (Mission “C-tile”) roof is used.
  - d. New or altered fences, gates, gateposts, and walls are consistent with the architectural style of the structure, are compatible with the visual and historical character of the setting, are colored with appropriate earth tone colors to match adjacent soils or stone, are visually softened with appropriate landscaping, and make use of high quality construction and materials.
- 8. Additional findings required for Design Review applications within the Mixed Use (MU) zone.** A Design Review application for a project located on property zoned MU shall be approved or conditionally approved only if the Board of Architectural Review first makes all of the findings required in compliance with Section 35.26.030.E (Design review required) and Section 35.26.050.E.8.h (Design criteria).
- 9. Additional finding required for Design Review applications within the Gaviota Coast Plan area.** Where Design Review is required in compliance with Subsection B.3, above, plans for new or altered residential structures and structures that are accessory to residential structures will be in compliance with the Gaviota Coast Plan Design Guidelines, as applicable. The Gaviota Coast Plan Design Guidelines, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of Subsection 35.82.070.F.1.i.
- G. Local design standards.** Additional design standards for a particular geographic area or zone may be developed as part of or independently of a Community Plan. Such standards serve to provide further guidance in the review of projects for the geographic area beyond those standards or findings contained in this Section. The following procedures shall be followed in adopting the local design standards:
1. The Board of Architectural Review shall review proposed design standards at a draft stage and provide comments on the draft design standards as to their consistency with the standards and findings provided in this Section, as well as their overall utility and effectiveness. These comments shall be incorporated into the draft design standards by the Department.
  2. The Commission shall hold a hearing to review the proposed design standards and shall transmit its action to the Board in the form of a written recommendation.
  3. The Board shall hold a hearing to review the proposed design standards and shall approve or disapprove the proposed design standards.
    - a. This hearing may be held in conjunction with an overall Community Plan adoption.
    - b. The manner of adoption of the design standards (e.g., by ordinance or resolution) shall be at the discretion of the Board.
    - c. Adoption of design standards shall:
      - (1) Constitute a directive to the Board of Architectural Review to utilize the design standards in review of projects located in the applicable area or zone; and
      - (2) Not constitute a granting of any formal authority to any local Design Review board not otherwise granted by appropriate legal mechanism.
- H. Appeals.** The action of the Board of Architectural Review to grant or deny preliminary or final approval is final subject to appeal in compliance with Chapter 35.102 (Appeals).

**I. Expiration of Design Review approval.**

1. **If development permit exists.** All Design Review approvals shall expire on the date the associated development permit (e.g., Conditional Use Permit, Development Plan, Land Use Permit) including time extensions, expires.
2. **If no development permit exists.** Where no development permit exists, all Design Review approvals shall expire two years from the date of final approval, except the Director may grant an extension of the approval if an active development application is being processed by the Department.

**J. Minor changes to Design Reviews.** Minor changes to an approved project shall be in compliance with Section 35.84.040 (Changes to an Approved Project).**K. Permit revocation.** A Design Review approval may be revoked or modified in compliance with Section 35.84.060 (Revocations).**L. Post approval procedures.** The procedures and requirements in Chapter 35.84 (Post Approval Procedures), and those related to appeals in Article 35.10 (Land Use and Development Code Administration) shall apply following the decision on an application for Design Review.