

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 4/14/05  
**Department Name:** CEO  
**Department No.:** 012  
**Agenda Date:** 4/26/05  
**Placement:** Departmental  
**Estimate Time:** 45 Minutes  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Michael F. Brown  
County Executive Officer

**STAFF CONTACT:** Ron Cortez, Deputy County Executive, 568-3400  
Jason Stilwell, Project Manager, 568-3413

**SUBJECT:** Board of Architectural Review

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**Recommendation(s):**

That the Board of Supervisors:

- a) Receive a report on the status of the County Board of Architectural Review.
- b) Provide direction regarding the options to modify the Board of Architectural Review.

**Alignment with Board Strategic Plan:**

This recommendation is primarily aligned with having an efficient government able to anticipate and respond effectively to the needs of the community.

**Executive Summary and Discussion:**

During the regular March 1, 2005 Board of Supervisors meeting Supervisor Gray moved, seconded by Supervisor Centeno and the Board adopted unanimously a motion directing the County Administrator, County Counsel, and Director of Planning and Development to report back to the Board with analysis and options for policy decisions on certain issues relating to the land use permitting process. One of these included earlier public involvement in the current ministerial permitting process...and implementing the recommendation to move up and coordinate the timeframe for approvals of land use permits and preliminary Board of Architectural Review approvals. During the discussion several Supervisors requested a report on the County Board of Architectural Review and potential options for improving the design review process in the North County.

The Fourth and Fifth Districts Supervisors requested a report on the County Board of Architectural Review and potential options for improving the design review process in the North County. This Board letter outlines the current architectural review process in Santa Barbara County, discusses prior consideration of the issue, and presents options for the Board to receive and provide direction as appropriate.

Architectural review in the land use and development process is a common practice in the State. The scope of review, the standards applied for different projects, and the standards applied for different locations can be a source of concern and controversy. With the varied nature of the County's communities and rural areas, there is a broad range of opinions regarding the practice of architectural review.

#### ARCHITECTURAL REVIEW IN SANTA BARBARA COUNTY

The Santa Barbara County Code establishes a County Board of Architectural Review (BAR) and a Montecito Board of Architectural Review (see Attachment 1). The purpose of architectural review as stated in the Code is "that inappropriateness or poor quality of design in the exterior appearance of buildings, structures or signs adversely affect the desirability of the immediate area and neighboring areas for residential, business or other purposes and by so doing, impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development and use of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety and general welfare of the county and destroys a proper relationship between the taxable value of real property in such areas and the cost of public services provided therefore" (Sec. 2-33.1). The BAR Bylaws and Guidelines state "the purpose of the County Board of Architectural Review (BAR) is to encourage development that exemplifies 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" (Attachment 2). A flowchart of the BAR process is attached (Attachment 3).

The County BAR holds a minimum of two regular meetings each month and special meetings as required. BAR meetings are typically on the first and third Friday of each month and generally last for the entire day. The BAR holds a meeting in the North County every three months and otherwise generally meets in Santa Barbara. The schedule reflects the general distribution of projects in the County. Due to the current meeting schedule and location of BAR meetings, projects from the Santa Maria area are frequently required to be reviewed in Santa Barbara. This travel adds time and cost to these projects.

There are approximately 350 BAR cases annually (Attachment 4). Of this annual number, approximately 22 are North County BAR cases. According to Attachment 3, the North County cases have not comprised more than 10% of the total cases considered by the BAR since 2001. Approximately 75% of the BAR cases are South County cases with the remainder being cases concerning property in the Santa Ynez Valley. A 1991 Board letter on the issue presented a similar breakdown of applications. In 1990 10% of BAR cases originated in the North County, 14% from the Santa Ynez Valley, and 76% from the South Coast. In 1991 the ratio was 16%, 10%, and 74% respectively.

The BAR meetings are scheduled geographically based on their caseload. Since roughly 25% of the applications originate north of the Santa Ynez Mountains, four meetings a year are held north of the mountains. This was a change made in 1991. The other option considered at that time was alternating the

BAR meetings between north and south. There are drawbacks to both options. According to a 1991 Board letter, the option of alternating “would greatly increase the inconvenience to the majority of the applicants” and the current policy of holding a commensurate percentage of the meetings in the North County increases the inconvenience of North County applicants. This inconvenience on North County applicants is a result of imposing greater driving distance and longer periods of time between North County BAR meetings thereby causing “such applicants to have to wait up to an additional six weeks to have their case heard in the North County.”

The BAR consists of nine members (Sec. 2-33.3). Five members are district representatives with one appointed by each Supervisor although the appointee need not live in the district of the appointing Supervisor. The district representative is a licensed architect. The remaining four members are at large members appointed by the entire Board of Supervisors. Two of these at large members must be licensed landscape architects. The other two at large members require no specific license and are considered community representatives. There is a geographic membership criterion that “at least one of the four at large members must reside north of the Santa Ynez Mountains and at least one at large member must reside south of the Santa Ynez Mountains.” This membership structure is designed to give equal membership to each Supervisorial district. At least three members, and up to six members depending on appointment, are from north of the Santa Ynez Mountains. The current composition of the BAR is one member each from Santa Maria, Orcutt, the Santa Ynez Valley, and Summerland, and five members from Santa Barbara.

In addition to the County’s BAR, various other local design review boards concurrently conduct design review based upon local architectural standards. These local design boards include homeowner’s associations, architectural review commissions, or neighborhood associations. Each may comment or make recommendations on the design of a project based on their adopted standards for projects that are proposed within its association boundaries, jurisdiction or service area. These design review boards are private, non-governmental entities. They consider a project’s design according to their own adopted standards which are not necessarily consistent with other standards in the County.

#### PREVIOUS CONSIDERATION OF THE ISSUE

In late 1990, the Board examined the function, role and structure of the BAR related to projects or applications in the North County. The Fourth and Fifth District Supervisors at that time requested the County explore the feasibility of establishing a North County BAR. According to the Board letter, in the summer of 1990, the County

“conducted a public workshop in Santa Maria to gather input on the issue. The primary public contentions voiced in support of a North County BAR included the complaint that North County developers, builders, etc. must make too many trips to Santa Barbara for BAR meetings regarding minor structural alterations, that the existing County BAR disregards local North County design review bodies’ comments and preferences regarding design issues, and that a separate North County BAR would lessen the caseload burden on the existing BAR and thus enable more thorough attention to each project which comes before the BAR” (November 13, 1990 Board letter, page 1).

The results from the public workshop were presented to the Planning Commission and the Commission held two public hearings on the issue prior to the Board hearing. Staff at that time presented the Planning Commission with two options to address the expressed concerns with the County’s architectural review process.

The first was to

“re-vamp the existing BAR procedures to better address North County concerns by amending the existing ordinance to specify that the existing Countywide BAR conduct periodic meetings in North County as well as South County and to require greater North County representation on the BAR. As presented to the Planning Commission, ramifications of this option included the issues of needing additional North County support staff, financial compensation to BAR members for travel to North County, possible difficulty in maintaining an adequate pool of design professionals willing to commit to a more demanding travel/meeting schedule, and problems regarding scheduling North vs. South County BAR agenda items” (November 13, 1990 Board letter, page 2).

The second option staff presented to the Planning Commission in 1990 was to

“establish a ‘separate but equal’ North County BAR by amending the existing ordinance or drafting a new ordinance. This option raises issues such as the difficulty of determining the geographic dividing line between North and South County BAR jurisdictions and the difficulty in obtaining a sufficient number of design professionals to staff a North County BAR so as to maintain an equal caliber of membership for North and South County BARs and consistency as to quality of design review throughout the County. To a greater degree than the first option, additional support staff would be necessary to carry out North County BAR operations (i.e. agendas, noticing, minutes, etc.)” (November 13, 1990 Board letter, page 3).

In addition the Board at that time considered the adoption of standard Countywide local design review procedures. The Planning Commission considered developing an ordinance that would allow the local design review boards to either possess decision-making authority, an advisory role in the design review process, or community specific design review. The level of involvement would depend on how the local design review board is classified according to certain criteria.

The Planning Commission recommended the Board initiate amendments or other appropriate action to do two things. First, establish a separate North County Board of Architectural Review and South County Board of Architectural Review which would each have jurisdiction in their respective areas on design issues. These two Boards would meet up to three times a year as a joint Countywide board to review standards, ordinances, etc. (but not projects). Second, encourage the development of local design guidelines such as exist in Montecito and some other areas, along with basic standards of review for both North and South County BARs. No formal County wide ordinance standardizing local design review procedures, however, were felt necessary at that time.

The Board continued the item to allow time for the Board of Supervisors, Planning Commission, and BAR to meet jointly to discuss the recommendations. A joint design review workshop was held on the evening of January 14, 1991 with all three bodies. At that meeting the Board took action in three areas. The first directed staff to prepare ordinance amendments to clearly specify that local design standards may be adopted by resolution, on a case-by-case basis, either by the Board or the BAR for use in County BAR review and for staff to return with the revised language and staffing requirements for the local design review boards. The second action directed staff to return with cost estimates for the creation of a North County BAR. A motion to approve the creation of a separate North County BAR with an eighteen month trial period failed by a vote of three to two.

## CURRENT OPTIONS

There is an opportunity to look at the function, role, and structure of the County BAR to determine if there are prospects to make the process more efficient and effective. Staff has examined alternatives and developed seven options.

### Option 1: Maintain Existing Structure

One option for the Board of Supervisors is maintaining the current structure of the County BAR. This option may be beneficial given the caseload and board member composition.

As discussed above, the BAR consists of nine members. Five members are Supervisorial district representatives and the remaining four members are at large members appointed by the entire Board of Supervisors. This membership structure is designed to give equal membership to each Supervisorial district. Given that North County cases are a small portion of the total BAR cases and that the majority of BAR members are selected by Supervisorial District, maintaining the existing structure of the BAR may be the most efficient and effective option.

### Option 2: Create a North County Board of Architectural Review

Another option for the Board of Supervisors is creating a North County BAR to review cases within the Fourth and Fifth Supervisorial Districts. The Montecito BAR was created in March 2003 to isolate cases that occur within the boundaries of the Montecito planning area. This enables the Montecito area of the County to receive a specific design focus based on the community's particular plans and land use needs. Such a desire may exist in the North County as well. In terms of customer service, requiring residents to travel from North County to have their projects reviewed is unsatisfactory.

A similar option was considered by the Board in the early 1990s however, the idea at that time, was to include the Santa Ynez Valley in the North County BAR. The May 14, 1991 Board letter on the issue of creating a North County BAR stated "if the Board wishes to increase the convenience to North County applicants in both time and distance, without decreasing the convenience to South County applicants, it appears that a separate BAR would have to be appointed that would meet regularly to review only North County applications."

The Planning Commission in 1990 recommended the North County BAR "be made up of seven members with at least two licensed architects, two licensed landscape architects, and up to three members from the community-at-large. The North County BAR would have three representatives from the Santa Ynez area (Buellton, Solvang, Santa Ynez, and Los Olivos), two from Lompoc, and three from Santa Maria/Orcutt area (which would include Los Alamos). Eighteen months after conception of whatever plan/ordinance establishes the dual BAR system, there would be a review to determine the effectiveness of the program."

There are financial considerations with creating an additional BAR. Planning and Development have staff dedicated to supporting the County BARs. The staff support includes portions of a Staff Planner, a Planning Technician to serve as BAR secretary, and Hearing Support Staff. Planners processing large or controversial projects are required to attend the BAR meetings when the project is being considered. Based on the caseload of a North County BAR this staff could provide support depending on the frequencies of the meetings. The 1991 Board letter discusses the fiscal implications of a North County BAR. It states

“given the existing fiscal situation, and (Planning and Development Department’s) pledge to reduce fees, providing support to such a BAR would have to be accommodated within the existing staff levels. There is only expected to be an incremental increase in demand for clerical support (given the number of applications to be processed) but there would be the necessity of producing and distributing two different agendas and scheduling two different hearings. In order to minimize costs to the Department, and thus the applicants, the planning technician support to the North County BAR would be from one of the two technicians currently assigned to the Foster Road office. This may result in an incremental decrease in public service at the permit counter since that technician would have to be away from the counter to attend BAR meetings” (May 14, 1991 Board letter, page 5).

In any new venture, projecting cost is a difficult task. However, we have attempted to give our best projection. Estimates are an annual cost of approximately \$35,623 to organize and support a new BAR. Staff support, including a Board Specialist and Planner III, would cost approximately \$23,000 annually, there would be costs for services and supplies, and member compensation and reimbursements would annually cost approximately \$10,000. Members receive a stipend of \$150 per meeting attended plus mileage reimbursement (Sec. 2-33.7). These expenses would be additional costs to the County if this change results in a net increase in BAR membership and if the North County BAR members receive stipends and mileage reimbursements. There would not be substantial offsets to these additional costs from savings incurred by the County BAR; the bulk of the Countywide applications would continue to exist which would not result in a decrease in meetings, staff support, or members. The length of current BAR meeting may reduce but the frequency would not.

Members of the Montecito BAR serve without compensation. One option to keeping the costs of a new BAR reduced would be to ask North County BAR members to serve without compensation; staff is unsure at this point whether a sufficient number of qualified candidates would be willing to serve on a North County BAR without compensation.

A North County BAR may likely better meet the North County’s planning needs than the County BAR. The Board may determine that creating a North County BAR may be a viable option. If so, Staff will prepare a proposal to that effect based on Board direction.

### Option 3: Adjust the Powers and Duties of the Board of Architectural Review

Staff has identified two modifications to the powers and duties of the BAR for the Board to consider. These are: 1) making the BAR advisory, and 2) exempting additional small projects from BAR review.

The BAR is required to make certain findings and approve a project, continue the project so it can be revised, or deny the project (Section 6.2 of the BAR Bylaws and Guidelines). According to County Ordinances, applicants must receive BAR approval in order for applications to proceed. However, if the BAR denies the project the applicant can appeal the decision to the Planning Commission. The County Code can be amended to make the BAR advisory in nature. One option is that applicants would continue to request BAR review for those projects currently required to receive BAR review. However the ability for the application to move forward in the process would not be contingent on approval by the BAR. If the project is part of a discretionary action, the staff report to the decision maker would note BAR review has occurred and would describe the issues raised by the BAR. The applicant or the decision maker can choose to incorporate those comments but addressing the comments to the satisfaction of the BAR, or officially being denied to ripen the appeal, would no longer be a condition of moving forward in the development review process. As a further

consideration, the Board may decide to grant the discretion to the decision maker only. This would preclude staff from deciding which, if any, of the BAR comments would be incorporated into the application. Staff will provide language for the Board to consider if directed by the Board to do so.

The BAR is required to review certain projects. The burden of BAR review may be larger for the smaller developer or homeowner than it is for the professional developer. In addition, the small homeowner applicant may not be able to afford professional staff to represent the applicant at the BAR. To relieve the burden on small or homeowner applicants, an exemption could be made for projects below a certain dollar amount or below a certain square footage. Interior alterations, decks, swimming pools, and fences are some of the developments that are currently exempt from BAR review. In addition, "any other change to an existing structure determined to be minor by the Director of Planning and Development" is exempt from BAR review (Section 3.1 BAR Bylaws and Guidelines). The Board may want to consider directing staff to increase certain thresholds for BAR exemptions and to identify exemption alternatives based on size or estimated construction costs of the development.

#### Option 4: Exempt North County Projects from the Board of Architectural Review

Simply excluding a certain portion of the North County from BAR review does not appear to be a legally defensible option. Because the equal protection clause of the United States Constitution requires that similarly situated persons be treated similarly, there must be a rational basis for excluding only certain applications from BAR review. Supervisorial Districts are established for electoral purposes, a purpose unrelated to the police power and land use regulation, and therefore geographic location based on Supervisorial district is not a defensible rational basis.

One option that does appear legally defensible is to provide for the opportunity of a Community Plan area to opt out of County design review. Community Plans throughout the County include design review provisions. This option would require amending the Community Plan to allow a particular Community Plan area to opt-out of the design review process in its entirety or for certain projects only. The result would be that any application that meets the opt-out provisions of the Community Plan would be exempt from the BAR. This option would enable the Community Plan communities to determine their desired level of design review, which projects should complete the design review process and which can be excluded, and assure consistent design review throughout the Community Plan area. Not all communities in the County have adopted a Community Plan so this option would be limited only to those areas that have adopted Community Plans. If the Board desires to pursue this option, staff would need to return with a schedule for holding noticed public hearings for each Community Plan area.

#### Option 5: Video Conferencing

There have been substantial technological improvements since the issue of North County design review was last considered by the Board of Supervisors in the early 1990s. The County now employs video links between the Santa Maria and Santa Barbara offices. Document cameras are available to facilitate remote review of plans and applications. The internet makes document transfer easier and faster. Substantial portions of design review applications are electronic documents.

These technologies may be ripe to be utilized by the BAR to 1) avoid the inconvenience North County BAR applicants have in traveling to the South Coast or otherwise having to wait several months between North County BAR meetings, 2) help assure consistent design standards throughout the County by having one

Countywide BAR, 3) keep the cost of design review minimized by expending one-time money on a technology purchase versus ongoing costs of staffing an additional BAR, and 4) ease the burden on BAR members and potentially increase the pool of potential BAR members as travel would become less of a requirement of the service.

Staff will return with specific costs associated with enabling the BAR to undertake remote reviews if directed to do so by the Board.

Option 6: Dissolve Board of Architectural Review

The BAR was created by the Board of Supervisors and is not a mandated program. The BAR, originally known as the Architectural Review Board was established by the County Board of Supervisors in April of 1947. In 1979, the Board of Supervisors adopted Ordinance No. 2188 that added the Board of Architectural Review Administrative Regulations to the Santa Barbara County Code (Chapter 2, Article V, Sections 2-33.1 through 2-33.16), thus codifying the BAR's purpose, jurisdiction, and duties.

One option for the Board to consider is eliminating the BAR. The Board may want to take a comprehensive view of the purpose of the BAR, or request the Planning Commission to do so, and determine the functions that continue to make sense to have in the County's development review process and determine which others may not be as necessary as they were when the BAR was developed. In the absence of the BAR the Planning Commission can assume certain functions previously undertaken by the BAR. However, a certain percent of cases heard by the BAR are not subject to Planning Commission review. In those cases, no design review would occur and therefore this option only works for discretionary cases.

If the Board is interested in considering this option staff will develop a formal proposal to return to the Board of Supervisors.

Option 7: Make Local Design Review Boards Advisory to the BAR

As discussed above, there are a number of local design review boards throughout the County. These local design boards include homeowner's associations, architectural review commissions, or neighborhood associations. Each may comment or make recommendations on the design of a project based on their adopted standards for projects that are proposed within its association boundaries, jurisdiction or service area.

The County code and the zoning ordinances can be amended to provide for such an advisory role. For example, when a local board completes a design review on a project the BAR can then place the item on its consent agenda and support the position of the local board unless there are significant concerns. This change may also make it easier for applicants who have a project within the boundaries of one of these local organizations as they would not necessarily need to attend as many BAR meetings. This change would result in the local boards becoming subject to the public meeting laws of the Ralph M. Brown Act as well as other regulatory statutes governing public agencies. See County Counsel memo, attached (Attachment 5).

If directed by the Board staff will return with a detailed listing of the existing local design review boards and proposed ordinance amendment language.



**SUMMARY**

This letter presents to the Board seven potential options regarding the design review process in the North County. Staff will pursue one or a combination of the options if directed by the Board.

As part of the review of this issue in the early 1990s there were a series of hearings by the Planning Commission and Board of Supervisors on similar issues. The Board of Supervisors, Planning Commission, and Board of Architectural Review also held a joint workshop to discuss the issue. Staff recommends the Board direct staff to present the Board selected options, if any are chosen other than the no action option, to the County Planning Commission and the BAR for their input.

**Mandates and Service Levels:** None from the requested action.

**Fiscal and Facilities Impacts:**

None from the requested action. The cost to review options can be absorbed within existing departmental appropriations however the cost of executing some of the options would require additional appropriation.

**Special Instructions:** None

**Concurrence:** None

- Attachments:**
1. Sections 2-33.1-2-33.26 of Santa Barbara County Code.
  2. Board of Architectural Review Bylaws and Guidelines.
  3. The Board of Architectural Review (BAR) Review Process.
  4. BAR Cases By Year of Filing.
  5. County Counsel Memorandum dated April 30, 1991.

cc: Shane Stark, County Counsel  
Dianne Meester, County Planning and Development Assistant Director  
Mary Ann Slutzky, Deputy County Counsel

### **Sec. 2-33.1. Purpose of architectural review.**

The board of supervisors finds that inappropriateness or poor quality of design in the exterior appearance of buildings, structures or signs adversely affect the desirability of the immediate area and neighboring areas for residential, business or other purposes and by so doing, impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development and use of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety and general welfare of the county and destroys a proper relationship between the taxable value of real property in such areas and the cost of public services provided therefor. It is the purpose of these Sections 2-33.1 through 2-33.16 to prevent these and other harmful effects of such exterior appearance of buildings, structures or signs erected or altered in any neighborhood or on any site subject to architectural review and thus to promote the health, safety and general welfare of the county, conserve the value of buildings and encourage the most appropriate use of land within the unincorporated portion of this county. (Ord. No. 1695, § 19; Ord. No. 4468, § 2)

### **Sec. 2-33.2. County and Montecito boards of architectural review-- Established.**

- (a) The county board of architectural review in and for the portions of the county located outside of the Montecito planning area, as designated in the Montecito community plan, hereinafter called the BAR, is hereby established.
- (b) 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 MBAR, is hereby established.
- (c) 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 BAR or the MBAR depending on the location of the property subject to the land use regulation. (Ord. No. 1695, § 20; Ord. No. 4468, § 2)

### **Sec. 2-33.3. Same--Members; appointments; quorums.**

- (a) The BAR shall be composed of nine members, residents of the county, appointed by the board of supervisors. Five members shall be district representatives with one appointed by each supervisor. (The member need not live in the district of the appointing supervisor.) The district representatives shall be licensed architects. The remaining four members shall be "at large" members appointed by the whole board of supervisors. The at large members 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 a minimum of two licensed landscape architects. The other two at large members require no specific license and will be considered community representatives. At least one of the four at large members must reside north of the Santa Ynez Mountains and at least one at large member must reside south of the Santa Ynez Mountains. Five members shall constitute a quorum; a quorum must contain a minimum of two licensed architects.
- (b) The MBAR shall be composed of seven members 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 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 members shall constitute a quorum; two members of the quorum must be either a licensed architect or a licensed landscape architect. (Ord. No. 1695, § 21; Ord. No. 4468, § 2)

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

(a) The members of the BAR shall be appointed for four-year terms. Members shall serve until their successors are appointed by the board of supervisors. Each supervisor shall appoint one of the five required licensed architects as a district representative.

(1) The district representative member's BAR term shall coincide with the election years of the appointing supervisor's for that district. The four at large members shall be appointed by the entire board of supervisors during non-election years.

(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. Once this alignment has been achieved, appointments (or reappointments) shall be made as follows:

January 2001 Three appointments (Districts 1, 3, and 4)  
January 2002 Two appointments (one landscape architect, one community member)  
January 2003 Two appointments (Districts 2 and 5)  
January 2004 Two appointments (one landscape architect, one community member)

(b) The members of the MBAR shall be appointed for four year terms commencing at noon on the first Monday after the first day in January, except that:

(1) The terms of the first commissioners appointed hereunder shall commence at noon on the first Monday after the first day of March 2003 and shall terminate at noon on the first Monday after the first day of January 2007.

(2) Two of the first commissioners appointed hereunder shall be for an initial term of one year and ten months.

Members shall serve until their successors are appointed by the board of supervisors. (Ord. No. 1695, § 22; Ord. No. 4468, § 2)

#### **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)

#### **Sec. 2-33.6. Same--Removal of members.**

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

#### **Sec. 2-33.7. Same--Compensation; reimbursement for mileage.**

(a) Members of the BAR 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)

**Sec. 2-33.8. Same--Officers.**

The BAR 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 the BAR and the MBAR. (Ord. No. 1695, § 26; Ord. No. 4468, § 2)

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

Any member of the BAR or the MBAR who is "financially interested in" or has "any direct personal financial interest in" (as defined in the state law for contractual or noncontractual matters coming before local public agencies) in a building, structure, or sign requiring the approval of the BAR or the MBAR is disqualified from voting thereon. (Ord. No. 1695, § 27; Ord. No. 4468, § 2)

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

(a) The 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 which are appealed to the county planning commission shall be submitted to such commission in written form and shall include the reasons for the BAR's action.

(b) The MBAR 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 MBAR rules or bylaws shall be reviewed by the MBAR and adopted by resolution by the board of supervisors. The secretary of the MBAR shall keep a public record of the MBAR's resolutions, transactions, findings, and determinations. The record of all actions of the MBAR which are appealed to the Montecito planning commission shall be submitted to such commission in written form and shall include the reasons for the MBAR's action.

(c) The bylaws of the BAR and the M13AR shall generally be consistent with each other. (Ord. No. 1695, § 28; Ord. No. 4468, § 2)

**Sec. 2-33.11. Same--Meetings.**

(a) The BAR shall hold a minimum of two regular meetings each month. A special meeting may be called at any time by the chairman of the BAR or by a majority of the members of the BAR.

(b) The MBAR shall hold a minimum of two regular meetings each month. A special meeting may be called at any time by the chairman of the MBAR or by a majority of the members of the MBAR. (Ord. No. 1695, § 29; Ord. No. 4468, § 2)

**Sec. 2-33.12. Same--Powers and duties.**

(a) 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 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. 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 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 BAR and a recommendation must be made. The decision-maker for county projects may require BAR approval.

(b) 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 of 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 supervisors) located within 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 MBAR and a recommendation must be made. The decision-maker for county projects may require MBAR approval.

(c) The duties of the BAR and the MBAR are to review and approve as submitted, 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 or the MBAR. When requested, the BAR 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)

### **Sec. 2-33.13. Same--Application for approval and fees.**

Applications for BAR or MBAR approval shall be filed with the planning and development department. Any fee required by a resolution of the board of supervisors for an application for BAR or MBAR approval shall be paid as provided in the fee resolution. An application for approval 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 approval 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)

### **Sec. 2-33.14. Same--Aspects considered in review.**

The BAR and the MBAR 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 and MBAR'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
- (g) Appropriateness of sign design and exterior lighting to the site and surrounding area. (Ord. No. 1695, § 32; Ord. No. 4468, § 2)

#### **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 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 the BAR and MBAR are final, unless appealed pursuant to the county zoning ordinances. Appeals of decisions of the BAR 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)

#### **Secs. 2-33.17 through 2-33.26.**

Repealed by Ord. No. 3228, § 1.

# BOARD OF ARCHITECTURAL REVIEW BYLAWS & GUIDELINES

Prepared By

PLANNING & DEVELOPMENT  
SANTA BARBARA COUNTY



Approved by the  
Santa Barbara County Board of Supervisors  
October 2, 2001



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## **SECTION 1.0 INTRODUCTION**

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### **1.1 PURPOSE**

The purpose of the County Board of Architectural Review (BAR) is to encourage development that exemplifies 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.

These bylaws and guidelines establish the rules and procedures that govern both the BAR members and the BAR meetings in order to ensure uniformity of procedure, fairness to the public and interested parties, and compliance with legal requirements in matters heard by the BAR. These guidelines are also intended to assist the public to understand and participate in the design review process.

### **1.2 AUTHORITY**

The BAR, originally known as the Architectural Review Board, was established by the County Board of Supervisors in April of 1947. In 1979, the Board of Supervisors adopted Ordinance No. 2188 that added the Board of Architectural Review Administrative Regulations to the Santa Barbara County Code (Chapter 2, Article V, §§ 2-33.1 through 2-33.16), thus codifying the BAR's purpose, jurisdiction, and duties.

### **1.3 GOALS**

The BAR is guided by a set of general goals that define the major concerns and objectives of its review process. These goals are to:

- ensure that development and building design is consistent with adopted community design standards;
- promote high standards in architectural design and the construction of aesthetically pleasing structures so that new development does not detract from existing neighborhood characteristics;
- encourage the most appropriate and efficient use of land;
- promote visual interest throughout the County through the preservation of public scenic, ocean and mountain vistas, creation of open space areas, and providing for a variety of architectural styles; and
- preserve creek areas through restoration and enhancement, and discourage the removal of significant trees and foliage.

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**SECTION 2.0 COMPOSITION**

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**2.1 MEMBERS**

The BAR consists of nine members who are appointed by the Board of Supervisors. Five members, who are required to be licensed architects, are district appointments with one appointed by each Supervisor. The district appointments need not live in the district of the appointing Supervisor. The remaining four members shall be at-large members appointed by the entire Board of Supervisors. The at-large members shall be skilled in reading and interpreting architectural drawings and be 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. The other two at-large members require no specific license and will be considered community representatives. At least one of the four at-large members must reside north of the Santa Ynez Mountains and at least one of the at-large members must reside south of the Santa Ynez Mountains.

**2.2 TERM OF OFFICE, APPOINTMENT OF MEMBERS, VACANCIES AND REMOVAL OF MEMBERS**

BAR members are appointed to four-year terms and serve until the Board of Supervisors appoints their successors. Each Supervisor appoints one of the five required licensed architects as a district representative. The district representative member's BAR term shall coincide with the election years of the appointing Supervisor's for that district. The four at-large members are appointed by the entire Board of Supervisors during non-election years. Appointments or re-appointments shall be made as follows:

January 2001	3 appointments (Districts 1,3, and 4)
January 2002	2 appointments (1 landscape architect, 1 community member)
January 2003	2 appointments (Districts 2 and 5)
January 2004	2 appointments (1 landscape architect, 1 community member)

Vacancies, other than by expiration of terms, shall be filled by appointment for the remainder of the term by the same method as for the original appointment.

A member of the BAR may be removed or a term may be changed by a three-fifths vote of the Board of Supervisors.

**2.3 ELECTION OF OFFICERS**

As soon as practical following the first day of January of every year, the BAR shall elect a chairperson and vice-chairperson.

**2.4 QUORUM**

Five members, two of whom shall be licensed architects, shall constitute a quorum. No conceptual, preliminary or final action may be taken unless a quorum votes on the motion.

## **2.5 SUBCOMMITTEES**

To better manage lengthy agendas, the BAR may decide to divide into subcommittees to review projects. However, major projects (e.g. projects with community-wide implications, large commercial/industrial projects, and large subdivisions) must be reviewed by the entire BAR (or quorum). In addition, the subcommittees do not have voting authority, so that any tentative decision of a subcommittee must be confirmed by the entire Board (or quorum).

## **2.6 BAR SECRETARY**

A designee of the Director of Planning and Development serves as Secretary of the BAR (see Section 4.9 for a description of the duties of the Secretary).

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## **SECTION 3.0 GENERAL INFORMATION**

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### **3.1 BAR JURISDICTION AND EXCEPTIONS**

Final approval by the BAR is required prior to the approval of a development permit for the following:

- All new structures, additions to structures and signs located on property subject to the D-Design Control Overlay District;
- All new structures, additions to structures and signs within the Montecito Planning Area;
- All new structures, additions to structures and signs within the Summerland Planning Area;
- All new structures, additions to structures and signs in Mission Canyon Planning Area;
- All new development along the Hollister Avenue corridor of the Goleta Planning Area;
- All new development, including additions and remodels to existing structures, and signs within the Bell Street corridor of the Los Alamos Planning Area;
- All new structures, additions to structures and signs on lots zoned Old Town (OT) within the Old Town Orcutt Planning Area;
- All new structures and additions to structures that are subject to the Ridgeline and Hillside Development Guidelines;
- All projects that require a Modification (absent a Development Plan or Conditional Use Permit);
- All projects that require a Development Plan;
- Any structure where BAR review is required as specifically provided under the applicable zoning district regulations;
- Any projects where BAR review is specified by action of the Board of Supervisors, Planning Commission, or the Zoning Administrator;
- Signs covered by the Article I Sign Regulations or as specified by action of the Board of Supervisors, Planning Commission, or the Zoning Administrator;

- All new structures, additions to structures and signs on lots adjacent to the ocean;
- All new walls of any height when the design is integral to new structures, remodels or additions to structures requiring architectural review; and,
- Any development proposed by the County of Santa Barbara where construction costs exceed \$50,000.00.

The following developments are exempt from BAR review:

- Interior alterations;
- Decks;
- Swimming pools, hot tubs, and spas;
- Fences or walls six feet or less in height and gateposts of eight feet or less in height, that are not considered integral to the design of a structure (e.g., perimeter fences);
- Solar panels located on roofs or on the ground, except those located within the jurisdiction of the Article IV Montecito Zoning Ordinance, or if proposed in association with structures requiring BAR review; and,
- Any other change to an existing structure determined to be minor by the Director of Planning & Development.

### **3.2 MEETING DATES AND LOCATION**

The BAR shall hold a minimum of two regular meetings each month. A special meeting may be called at any time by the Chairman of the BAR or by a majority of the members of the BAR. The BAR typically meets the first and third Friday of each month with the consent agenda beginning at 8:30 A.M. and the regular agenda beginning at 9:00 A.M. If a holiday falls on a normal meeting date, the meeting will be held on the following Friday or at the discretion of the BAR. A BAR meeting is held in the North County every three months. Occasionally there is a need to cancel a regular meeting or to hold a special meeting. Dates, times and locations of such meetings shall be posted in the usual manner in accordance with Government Code §54950 et seq. (the Ralph M. Brown Act).

Meetings are typically held in Room 17 of the Santa Barbara County Engineering Building located at 123 East Anapamu Street, Santa Barbara, CA 93101, except for the quarterly North County meetings that are usually held at the St. Marks in the Valley Episcopal Church, 2905 Nojoqui Street, Los Olivos, CA 93441.

### **3.3 APPLICATIONS AND FILING**

South County: Planning & Development, Zoning Counter  
Santa Barbara County Engineering Building  
123 East Anapamu Street, Santa Barbara, California

North County: Planning & Development, Zoning Counter  
624 Foster Road, Suite C, Santa Maria, California

Hours: 8:30 a.m. - 12:00 p.m.;  
1:00 p.m. - 4:30 p.m.;  
Monday through Friday

Applications must be submitted in person (mailed applications are not accepted) to the addresses listed above no later than 4:30 p.m. on Wednesdays, 23 days prior to the requested meeting date. Agendas may close earlier based on the number of applications received. Only complete applications will be accepted; no partial submittals will be accepted or scheduled. BAR applications and submittal requirements are available at Planning & Development at the addresses listed above.

### **3.4 AGENDA ORGANIZATION**

The BAR agendas are organized as follows:

- Public Comment
- Administrative Agenda
  - a) Agenda Status Report
  - b) Approval of minutes
  - c) Staff updates
  - d) Consent Agenda
- Standard Agenda
  - a) Projects identified by the County as priority projects
  - b) Commercial Industrial and Large Projects
  - c) North County Projects
  - d) All other projects:
    - Montecito
    - Mission Canyon/Santa Barbara
    - Hope Ranch
    - Isla Vista/Goleta/Gaviota
    - Summerland/Carpinteria
- Ex-Agenda Items

### **3.5 NOTICING**

The BAR agenda is posted for public review on the bulletin board at the Planning & Development reception areas at the following locations a minimum of 72 hours prior to each meeting:

123 East Anapamu Street, Santa Barbara, CA 93101

624 Foster Road, Suite C, Santa Maria, CA 93455

The agenda and minutes of past meetings are also available on the Internet at <http://www.countyofsb.org/plandev/bar/default.html>.

Community groups and interested members of the public included on Planning & Development's BAR mailing list will be sent a copy of the agenda typically one week prior to the agenda date. Requests to be added to the mailing list for agendas should be sent to Planning & Development, attention BAR Secretary, 123 East Anapamu Street, Santa Barbara, CA 93101. Agendas are also available by e-mail by contacting the BAR Secretary at 568-2000 or by e-mail to the website listed above.

Notice of the initial BAR hearing on projects located within the Summerland Community Plan area is mailed to property owners located within 100 feet of the exterior boundaries of the project site at least ten days prior to the hearing. Individuals may also request mailed notice of BAR hearings on specific properties by contacting the BAR Secretary.

### **3.6 FEES**

Application fees for projects considered by the BAR are set by resolution of the Board of Supervisors. Information on fees may be obtained from Planning & Development.



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## **SECTION 4.0 MEETING CONDUCT**

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### **4.1 ROBERT'S RULES OF ORDER**

The BAR has adopted Robert's Rules of Order for the formal conduct of meetings. Robert's Rules of Order shall govern the conduct of meetings unless otherwise provided by these bylaws. However, the general meeting procedures tend to be less formal.

### **4.2 BROWN ACT**

Pursuant to the Ralph M. Brown Act (Government Code Section 54950 et seq.), all meetings of the BAR, including study sessions and workshops, must be open and public. This means that a quorum of Board members shall only discuss BAR business in a public meeting. Furthermore, meeting agendas shall be posted in a public place at least 72 hours in advance of the hearing and topics shall be limited to those on the agenda.

### **4.3 PUBLIC COMMENT**

A public comment period is available to all members of the public to discuss issues of concern with the BAR regarding items not on the agenda. However, such issues should be within the jurisdiction of the BAR.

### **4.4 DISCUSSIONS OUTSIDE OF REGULARLY NOTICED MEETINGS**

Private discussions between applicants and individual BAR members, or groups of BAR members, do not reflect the consensus of the entire BAR and may not be construed as an interpretation of the BAR policies. BAR members shall disclose any such discussions at regularly scheduled meetings. Such discussions may not involve a quorum of the BAR members.

### **4.5 AGENDA MANAGEMENT**

The primary role of the chair of the BAR is to conduct the meeting so that the work of the BAR may reasonably be completed within the allotted time. To this end, the BAR Chairperson should coordinate with the BAR Secretary to limit the number of items scheduled for particular BAR agendas in order to manage the length of the meeting.

### **4.6 ABSTENTION ON CONTINUED ITEMS**

A BAR member shall not vote or comment on a continued project if the member was not present during consideration of the project at the most recent meeting at which the project was considered unless the member has reviewed the plans and read the minutes of the relevant portions of that meeting. An exception to this may be made when the project is still undergoing conceptual review.

An applicant may request, prior to the start of the applicant's presentation at a meeting of the BAR, that a member or members abstain from voting or commenting on their project. Any members' expression of intent to abstain shall also occur prior to the start of the applicant's presentation.

If enough members abstain under this policy such that quorum no longer exists, (1) the project shall be continued to a subsequent meeting so that a quorum of eligible members may be present, or (2) the applicant can withdraw all of the requests for abstention and waive any objection, or (3) previously abstaining BAR members may withdraw their abstentions.

#### **4.7 EX-AGENDA ITEMS**

Notices, posting, and action as may be required on ex-agenda items shall be in compliance with the Brown Act. This includes, but is not limited to, a determination by a two-thirds vote of the members present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the BAR subsequent to the agenda being posted as specified in Section 4.2. Any motion regarding an ex-agenda item will be accompanied by distribution of a written statement, to be included in the record, stating the facts upon which it can be determined that the need to take action arose after the agenda was published and posted. If it is unfeasible to present such a written statement of reasons, the secretary shall include in the minutes of the meeting a statement of the reasons for the Board's determination.

#### **4.8 CONFLICT OF INTEREST**

Members must comply with all regulations prohibiting participation by officials with conflicts of interest. If a member has a conflict of interest for an application that is before the BAR, the member must step down and not participate in either the review or presentation of the application nor be counted for purposes of a quorum.

If a member has participated in a competition for a project requiring review by the BAR, the member is disqualified from acting on the project, and shall not be counted for the purpose of a quorum.

#### **4.9 PLANNING & DEVELOPMENT STAFF SUPPORT**

Planning & Development staff will assist the BAR and the general public through the design review process. Any staff comments should be stated at the beginning of review of each agenda item following the presentation by the applicant.

Planner support at the BAR meetings includes a Planning Technician (typically designated as the BAR Secretary) and a Planner III. The Planning Technician responsibilities include scheduling BAR items, finalizing agendas and minutes,

responding to agenda questions and organizing the meetings. The primary function of the Planner III is to provide technical support to the BAR on planning issues as they relate to project design (e.g., ordinance and policy requirements, BAR findings, local design guidelines) and to provide an interface between the BAR and other decision-makers. The Planner III will also provide planners with clarification on the BAR's actions and the underlying intent of their comments, suggestions or conditions regarding specific projects.

Planners processing large and/or controversial projects (e.g., multi-residential unit developments, new commercial/industrial projects or major revisions or additions to existing commercial/industrial structures, projects requiring extensive grading or topographic alteration, projects that are potentially inconsistent with policy/ordinance requirements) are required to attend the BAR meetings when the project is being considered in order to assist the BAR in their understanding of the project. If a planner is unable to attend a BAR meeting, the Planner III shall be notified and written comments shall be prepared for the Planner III prior to the BAR meeting. The comments should detail any potential ordinance or policy inconsistencies or areas of concern, provide information on previous BAR meetings (if any) and any other information that will assist the Planner III.

Written comments on smaller projects are required only when the project is inconsistent with policy or ordinance requirements or the planner has areas of concern that they would like the BAR to address. If the Planner III does not receive written comments prior to the BAR meeting, it shall be assumed that there are no issues. In the case of applications for a Modification, the planner will alert the BAR and the Planner III that a specific BAR finding is required for project approval.

#### **4.10 ATTENDANCE OF BOARD MEMBERS**

If a member cannot attend a meeting, it is the responsibility of that member to contact the BAR Secretary at the earliest possible opportunity prior to the meeting date.

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## **SECTION 5.0 PROCEDURES**

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BAR review begins with the submittal of a BAR application and fee. Typically a project is initially reviewed by the BAR at a conceptual level. Once the project is reviewed by staff, the Zoning Administrator or the Planning Commission, as appropriate, and the project appears to be consistent with County plans and policies, then the project is authorized by staff to proceed to either preliminary and/or final approval by the BAR. Permits for actual development may not be issued until the BAR has granted final approval and the appeal period has expired without the filing of an appeal. Final decisions of the BAR may be appealed to the Planning Commission (see Section 5.7).

### **5.1 LEVELS OF REVIEW**

There are different levels of review a project typically undergoes as it progresses through the design review process (e.g., conceptual, preliminary, final, revised final). Some projects may qualify to be placed on the Consent Agenda. Specific submittal requirements for each level of review are available at Planning & Development.

#### **Conceptual Review**

Conceptual review provides an initial review of a project when it is still in the early stages of design development. This allows the applicant and the BAR an opportunity to informally discuss a project that will be subsequently submitted to the County. Applicants should bring sketches and/or conceptual drawings, including sections and three-dimensional renderings, and should have completed site studies that address various aspects of site design (e.g., general massing of buildings, grading, access, landscaping concepts). Conceptual review considers broad issues such as site planning, general architectural style, and the project's relationship to its site and the surrounding neighborhood. No formal action is required to be taken by the BAR (except for projects located within the Summerland Planning Area), however, comments are made that give the applicant general direction for future review. It is not, however, the purpose of conceptual review for the BAR to design a project, but only to recommend ideas and alternatives for the applicant to consider and pursue.

All projects are strongly encouraged to begin the design review process at the conceptual level, especially new buildings or substantial remodels or additions to existing buildings that would alter the character of the existing design (including height increases). Projects that are going through of the Pre-application Assessment process are required to submit for conceptual review.

The BAR may determine during the conceptual review that a site visit should be conducted by the BAR as a whole or a subgroup of BAR members (not involving a quorum), and/or that the preparation of a landscape plan is necessary.

#### **Preliminary Review**

Preliminary review is a formal review of an application prior to preparation of working drawings. An application for preliminary review will only be accepted if a development application for the project has been submitted to Planning & Development. Projects usually obtain preliminary approval prior to progressing to the final review.

Preliminary approval is the most important step in the approval of plans. This step determines the site plan configuration and design that must be followed in preparing the subsequent working drawings.

All significant elements of the project's appearance, landscaping and site/building orientation must be found to be consistent with the applicable BAR findings and guidelines in order to receive approval at this level of review.

### **Final Review**

Final review is a formal review of completed working drawings excluding electrical, plumbing, mechanical and structural drawings unless components of these plans would affect the exterior of the building. All details, color samples, door hardware, fenestration and exterior lighting fixtures should be included in the plans submitted for final review. The final plans will be approved only if they are in substantial conformance with the plans given preliminary approval. If substantial changes to the plans are proposed at this stage by the applicant, a new preliminary approval may be required.

### **Revised Final**

Revised final review occurs when a substantial revision (e.g., grading, orientation, materials, height) to a project is proposed after final BAR approval has been granted. Plans submitted should include all information on drawings that reflect the proposed revisions. If the revisions are not clearly delineated, they cannot be construed as approved.

### **Consent Agenda**

The purpose of the consent agenda is to expedite the review of minor projects, minor changes to approved preliminary plans, or projects that have been reviewed and approved by local neighborhood architectural review committees. Applicants are not required to make a presentation of the project, however, they are encouraged to attend the meeting in case questions arise and/or the project is moved to the regular agenda. The BAR may move an item from the consent agenda to the regular agenda to be specifically considered by the BAR due to public interest and/or major project issues. The BAR may also direct that some projects or portions of projects be placed on the consent agenda.

## **5.2 PRESENTATION OF PROJECTS**

All levels of review with the exception of the consent agenda require the presentation of the project by the applicant or the applicant's representative. Items on the regular agenda that do not have a representative will be continued to a later hearing or removed from the agenda. The applicant or representative will be responsible for rescheduling the project if the project is removed from the agenda.

### **5.3 PUBLIC TESTIMONY**

Members of the public attending BAR meeting are encouraged to present testimony on agenda items. At the appropriate time, the BAR Chair will ask for public testimony, and will recognize those persons desiring to speak. A copy of any written statements read by a member of the public shall be given to the BAR Secretary. All speakers should indicate their position either for or against the project, and should provide all pertinent facts within their knowledge, including the reasons for their position. Testimony should relate to the design issues of the project and the findings upon which the BAR must base its decision. An interested party who cannot appear at a hearing may write a letter to the BAR indicating their support of or opposition to the project, including their reasoning and concerns. The letter will be included as a part of the public record.

### **5.4 CONTINUANCES, POSTPONEMENTS, AND ABSENCES**

A continuance is the carrying forward of an item to a future meeting. The applicant may request continuance of a project to a specified date if additional time is required to respond to comments or if they will be unable to attend the meeting. This is done either during the BAR meeting or by calling the BAR Secretary prior to the scheduled meeting so that the request may be discussed as part of the Agenda Status Report at the beginning of the meeting.

### **5.5 SITE VISITS**

Site visits to proposed project locations shall be performed by the BAR as a whole or a subgroup of BAR members as shown below. When five or more members attend the same site visit, it is considered as a formal meeting of the BAR such that notice of the site visit must be posted 72 hours prior to the visit and the public must be able to attend. The number of members specified in the following paragraphs is considered to be a minimum. Additional members are always encouraged to attend. Permission to enter private property must be obtained from either the owner or authorized agent prior to the site visit.

A site visit shall be conducted by five or more BAR members for projects listed below; at least one of the members participating in the site visit shall be the BAR district member appointed by the Supervisor for the district the project is located in. A minimum of five BAR members present at the site visit shall be part of any quorum present at any subsequent vote by the BAR to approve the proposed project.

- All new commercial and industrial projects with a development area or floor area of

15,000 square feet or greater.

- Additions to commercial and industrial projects where the area of the new development or the new floor area is 10,000 square feet or greater, or, when the additional development area or floor area is added to the existing development area or floor area, the total development area or floor area equals or exceeds 15,000 square feet.
- Residential projects containing 10 or more units, or would involve grading of 5,000 or more cubic yards combined cut and fill.
- Projects that engender substantial community interest as determined by the BAR.

A site visit will be conducted by the BAR district member appointed by the Supervisor for the district the project is located in for the following:

- All new commercial and industrial projects with a development area or floor area equal to or greater than 5,000 square feet but less than 15,000 square feet.
- Additions to commercial and industrial projects where the area of the new development or the new floor area is greater than or equal to 5,000 square feet but less than 10,000 square feet, or , when the additional development area or floor area is added to the existing development area or floor area, the total development area or floor are is equal to or exceeds 5,000 square feet but is less than 15,000 square feet.
- Residential projects where the number of units is five or greater but less than 10, or would involve grading equal to or greater than 1,500 cubic yards combined cut and fill but less than 5,000 cubic yards combined cut and fill.
- Any residential project that would impact slopes of 30 percent or greater.
- Any project where a request for a site visit has been made by a neighbor adjacent to the project site (including properties separated by a street) or where a petition signed by 10 residents of the County requesting a site visit has been submitted, unless a majority of the BAR determines during a noticed, public hearing that a site visit is not required in the specific instance.

The BAR may continue a project if, after their initial review, they decide that a site visit is warranted. This decision may be based on review of the plans, knowledge of the area, or other factors as well as public or planner concerns. In such cases the BAR may choose to visit a site as an entire board or may designate a member(s) of the BAR to perform the site visit.

## **5.6 TIME LIMITS ON APPROVALS AND TIME EXTENSIONS**

The final approval of a project by the BAR shall expire two years from the date of approval, except that the Director of Planning & Development or designee may grant an extension of the approval if an active development application is being processed by Planning & Development.

## **5.7 APPEALS OF BAR DECISIONS**

The final approval or denial of a project by the BAR may be appealed to the County Planning Commission by a person adversely affected by the decision. A letter stating the reasons for the appeal, along with the appropriate fee, must be filed with Planning & Development within the ten days following the final action. If the tenth day falls on a day that the Planning & Development offices are closed, the appeal period is extended until 5 p.m. on the following business day. Planning & Development will notify the BAR as to the scheduled date of hearing on the appeal. The BAR will designate a member to attend the hearings on the appeal. The decision of the Planning Commission of an appeal of a decision by the BAR may be appealed to the Board of Supervisors. An application stating the reasons for the appeal, along with the appropriate fee, must be filed with the Clerk of the Board within the ten days following the final action.



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## **SECTION 6.0 DESIGN REVIEW PROCESS**

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### **6.1 ASPECTS CONSIDERED IN REVIEW**

The BAR's review shall include:

- Height, bulk, scale and areal coverage of buildings and structures and other site improvements.
- Colors and types of building materials and application.
- Physical and architectural relation with existing and proposed structures on the same site and in the immediately affected surrounding area.
- Site layout, orientation, and location of buildings, and relationship with open areas and topography.
- Height, materials, colors, and variations in boundary walls, fences, or screen planting.
- Location and type of existing and proposed landscaping.
- Appropriateness of sign design and exterior lighting to the site and surrounding area.

### **6.2 REQUIRED FINDINGS FOR APPROVAL**

In order to grant final approval to a project, County Code Section 2.33.15 requires the BAR to determine whether the buildings, structures, and signs are appropriate and of good design in relation to other buildings, structures, and signs, on-site or in the immediately affected area. Such determination shall be based on the following findings, as well additional findings required pursuant to the County Zoning Ordinances (Article II Coastal Zoning Ordinance Section 35-184.6, Article III Inland Zoning Ordinance Section 35-329.6, Article IV Montecito Zoning Ordinance Section 35-491.6):

- Overall building shapes, as well as parts of any structure (buildings, walls, fences, 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.
- Mechanical and electrical equipment is well integrated in the total design concept.
- There is a harmonious palette of colors.
- A limited number of materials will be on the exterior face of the building or structure.
- 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.

- 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.
- 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.
- Signs, including their lighting, are well designed and are appropriate in size and location.
- All visible onsite utility services are appropriate in size and location.
- All exterior site, structure and building lighting is well-designed and appropriate in size and location.
- There is harmony of material, color, and composition of all sides of a structure or buildings.
- Consistency and unity of composition and treatment of exterior elevation.
- 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.

If the BAR cannot make these findings, then they must either continue the project so that it can be revised, or deny the project.

The County zoning ordinances allows in some instances minor modifications of zone district setback regulations, parking, height requirements or zoning development standards where, because of existing site conditions, a minor adjustment to such regulations will result in better project design. These modifications are required to be reviewed by the BAR, and granted preliminary approval before the modification is considered by the County Zoning Administrator. In order to grant preliminary approval, the BAR must find that the modification is minor in nature and will result in a better site or architectural design (Article II, §35-179.6; Article III, §35-321.6; Article IV, §35-486.A.6).

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## **SECTION 7.0 SPECIFIC AREA DESIGN GUIDELINES REFERENCES**

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In addition to the basic guidelines outlined previously in this document, guidelines for specific areas of the County have been prepared with input from the BAR and the community. These additional guidelines are contained in the separate documents listed below.

### **7.1 GOLETA PLANNING AREA**

Design guidelines for the Goleta Planning Area are contained in Appendix B of the Goleta Community Plan. The guidelines apply only to commercial and industrial development and include standards relating to site layout, project design, landscaping and transportation access

### **7.2 GOLETA OLD TOWN REVITALIZATION AREA**

The Goleta Heritage District Design Guidelines are intended to guide both public and private development of Old Town parcels. The purpose of these guidelines is to enhance the image of Old Town, ensure development of a distinctive and unified streetscape, and contribute to a more pedestrian oriented downtown area.

### **7.3 LOS ALAMOS BELL STREET**

The Los Alamos Bell Street Design Guidelines are intended to guide property development along the Bell Street commercial core so that the area's western history and character are preserved and enhanced. These guidelines apply to both the public and private portions of the Bell Street commercial area. The guidelines are expected to provide a distinctive and unifying visual environment that both residents and visitors will appreciate.

### **7.4 MONTECITO COMMUNITY PLAN AREA**

The purpose of these guidelines is to assist the property owner, homeowner, architect, developer, and builder in designing projects that will be harmonious with the existing character of Montecito. The goal is to ensure that new development will carefully consider the community context in which it takes place and have a compatible relationship to neighboring properties and the community design goals. The design review process involves a comprehensive evaluation of the aesthetic characteristics of residential development that have an impact on neighboring properties and the community as a whole, and includes a careful examination of a project's quality of site planning, architecture, landscape design, and important details such as retaining walls, fences, and lighting.

### **7.5 OLD TOWN ORCUTT AREA**

The Old Town Orcutt Design Guidelines are intended to guide both public and private development of prominent Old Town parcels. The purpose of these guidelines is to provide guidance to an applicant for the administration of locally appropriate architectural and historic design of features to assure that a proposal will harmonize with and compliment the character of Old Town Orcutt.

#### **7.6 SUMMERLAND COMMUNITY PLAN AREA**

The purpose of these guidelines is to provide guidance to an applicant on locally appropriate architectural and landscape design features to ensure that a proposal will harmonize with and complement the eclectic, seaside character of Summerland.

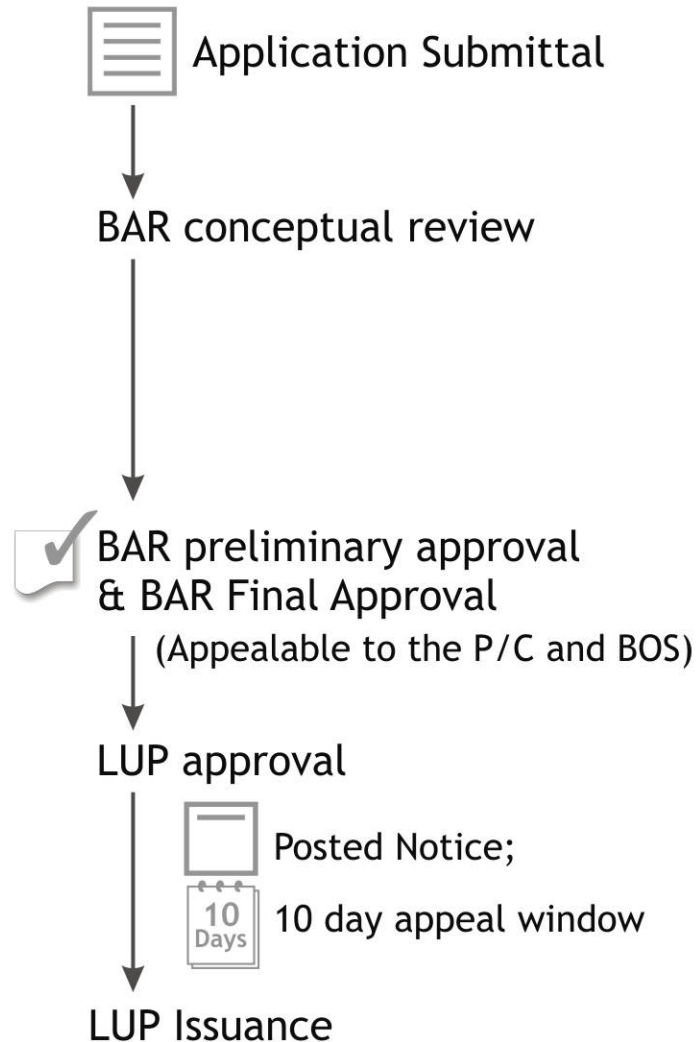
#### **7.7 HIGHWAY 101 CORRIDOR**

The purpose of these guidelines is to preserve and enhance the freeway's existing character that provides scenic and visual resources for residents of the South Coast as well as travelers using this highway corridor. The intent of the guidelines is to assist the communities and involved public agencies in maintaining the highway in its historic and scenic character while allowing for necessary transportation improvements.



# The Board of Architectural Review (BAR) Review Process

## Existing Ministerial Process



## Existing Discretionary Process

