



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning & Development
Department No.: 053
For Agenda Of: March 4, 2008
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: John Baker (805.568.2085)
Contact Information: Dianne Black, Development Services Director (805.568.2086)
SUBJECT: Coastal Commission's certification of amendments to the Local Coastal Program regarding revisions to the Board of Architectural Review process.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Receive notice of the California Coastal Commission's certification of the County's amendments to the County's Local Coastal Program (Coastal Commission Case No. MAJ-1-05-A (Board of Architectural Review)) with suggested modifications (Attachment A);
- B. Adopt a Resolution acknowledging receipt of the California Coastal Commission's certification with modifications and adopting the Local Coastal Program Amendments with the suggested modifications (Attachment B);
- C. Authorize the Chair of the Board of Supervisors to sign a letter transmitting the Resolution to the California Coastal Commission (Attachment C); and
- D. Authorize the Planning and Development Department to transmit the adopted Resolution and Board letter to the California Coastal Commission.

Summary Text:

Following adoption by the Board of Supervisors, the subject amendment to the Article II Coastal Zoning Ordinance regarding revisions to the Board of Architectural Review process (Case No. 05ORD-00000-00014) was submitted to the Coastal Commission on December 21, 2005 as a proposed amendment to the County's certified Local Coastal Program.

The purpose of this amendment is to implement the action of your Board on September 27, 2005, to:

- Replace the existing County Board of Architectural Review with three regional boards known as

the Central Board of Architectural Review, the North Board of Architectural Review, and the South Board of Architectural Review; and

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

The Coastal Commission considered this amendment at their January 9, 2008 hearing and approved the amendment with modifications which are summarized below. The actual text of the modifications is shown in Attachment A (Coastal Commission letter dated February 14, 2008). In this attachment, language added by the Coastal Commission is shown as underlined, and language deleted by the Commission is struck-through.

The Planning and Development Department reviewed the modifications approved by the Coastal Commission and recommends that your Board approve the attached Resolution (Attachment B) thus agreeing to and accepting the certified modifications. The County must take action on the Commission's certification within six months from the date of the Commission's action on January 9, 2008 or the certification will expire.

After receipt of the Resolution acknowledging and accepting the Coastal Commission's modifications, the Executive Director of the Coastal Commission will make a determination regarding the County's compliance with the Coastal Act requirements and present this determination to the Coastal Commission at its next regularly scheduled public meeting. If a majority of the Commissioners accept the Executive Director's determination, then the amendments as modified will be fully certified and be in effect immediately. If, for some reason, a majority of the Commission members object to the Executive Director's determination, the Commission shall review the local government's action as if it were resubmitted.

Once the amendments receive final certification from the Coastal Commission, the amendments as modified will be incorporated into the Article II Coastal Zoning Ordinance.

If your Board chooses not to accept the modifications, then your Board has the following options:

- Your Board may choose to adopt amendments to the language as modified by the Coastal Commission, and re-submit these amendments for certification.
- Your Board may also reject the modifications outright without adopting any amendments to the language as modified by the Coastal Commission, and request that the Coastal Commission not certify the proposed amendment to the Local Coastal Program.

If your Board wishes to take either of these latter options, then you should not adopt the attached resolution. The Planning and Development Department will then return with appropriate materials on a subsequent agenda.

Analysis/Summary of Modifications. The modifications approved by the Coastal Commission primarily make minor corrections and clarify the language submitted by the County in order to ensure that the County's zoning regulations are consistent with and implement the Coastal Act.

1. Section 35-184.2 (Board of Architectural Review, Applicability).

- a. The modified language deletes the reference in the submitted language to the regional Boards of Architectural Review as established under Chapter 2, Article V of the County Code and instead includes language that names each of these regional design review boards and specifies that the jurisdiction is to be determined in compliance with a figure (map) to be included in Section 35-184 that reflects the jurisdictional boundaries as approved by the Board of Supervisors. The reason for this modification is that the Coastal Commission seeks to avoid references to other documents that are not part of the County's certified Local Coastal Program. Therefore, the inclusion of this language provides the basis for the regional boards which is necessary since the Board of Architectural Review procedures provide specific exemptions for projects within the jurisdictional area of the North Board of Architectural Review.
- b. The modified language of this section also deletes references to Article I of Chapter 35 (Zoning) of the County Code. Subsequent to the submission of this amendment to the Coastal Commission for certification, Article I was repealed and replaced with the new Land Use and Development Code.

2. Section 35-184.3 (Board of Architectural Review, Exceptions). The modified language includes new language that specifies that projects in the North Board of Architectural Review jurisdictional area that are exempt from design review are still subject to other discretionary review if applicable. The purpose of this is to clarify that the exemption strictly pertains to review by the North Board of Architectural Review only.

The Coastal Commission also made several revisions that are required to be consistent with the recently certified amendments to Article II regarding the appeals and noticing procedures and the process for review and approval of Coastal Development Permits concurrent with Conditional Use Permits and Development Plans that your Board accepted on January 15, 2008.

Lastly the Coastal Commission made several minor revisions intended to clarify the proposed language and/or to correct section references.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis: Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-280 of the adopted Planning and Development Department's budget for fiscal year 2007-08. There are no facilities impacts.

Staffing Impacts:

Legal Positions
0

FTEs:
0

Special Instructions:

1. Clerk of the Board will transmit to Planning and Development (attention Noel Langle) a signed resolution (Attachment B) and signed Board letter (Attachment C).
2. Planning and Development will transmit the Resolution and signed Board letter to the Coastal Commission and other copied parties.

Attachments:

- A. Coastal Commission Certification Action Letter, Santa Barbara Local Coastal Program Amendment 1-05-C (Board of Architectural Review)
- B. Board of Supervisors Resolution to accept the Coastal Commission's certification of the Local Coastal Program amendments with modifications
- C. Letter from the Board of Supervisors transmitting the Resolution to the Coastal Commission

Authored by:

Noel Langle (805.568.2067)

ATTACHMENT A

**Coastal Commission Certification Action Letter
Santa Barbara Local Coastal Program Amendment 1-05-A (Board of Architectural Review)**

CALIFORNIA COASTAL COMMISSION

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



February 14, 2008

Salud Carbajal, Chair
Board of Supervisors
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County Local Coastal Program Amendment 1-05-A (Board of Architectural Review)

Dear Chair Carbajal:

On January 9, 2008 the Coastal Commission approved LCP Amendment MAJ-1-05-A with suggested modifications. The Commission's resolution of certification is contained in the staff report dated December 20, 2007 and addendum dated January 7, 2008. The suggested modifications, as approved by the Commission on January 9, 2008 are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.

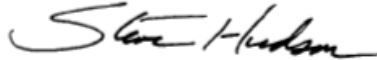
**County of Santa Barbara
LCP Amendment 1-05-A**

- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.
- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Should you have any questions regarding this matter, please contact Shana Gray in our Ventura office. The Commission and staff greatly appreciate the County's cooperation and assistance in this matter.

Authorized on behalf of the California Coastal Commission by:

Peter Douglas
Executive Director



By: Steve Hudson
District Manager

cc: Noel Langle

Suggested Modifications LCP Amendment 1-05-A (Board of Architectural Review)

I. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN / COASTAL ZONING ORDINANCE

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

1. Ridgeline and Hillside Development Guidelines Reference

Sec. 35-~~292b~~144.2. Applicability.

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

...

Sec. 35-144.4. Exemptions.

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

2. Coastal Development Processing

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

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

Sec. 35-169.4 Processing.

Suggested Modifications LCP Amendment 1-05-A (Board of Architectural Review)

1. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Section 35-169.4.2 or Section 35-169.4.3 below.
 - a. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. The Planning and Development Department Director shall review the Coastal Development Permit application for compliance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Coastal Development Permit. Applications for development within a Geographic Appeals Area may be subject to the requirements of Section 35-169.11., in addition to the provisions of this Section.
2. ~~The application shall be deemed accepted unless the Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) this time period shall instead be 30 calendar days after the Planning and Development Department's acceptance of the application for processing.~~
- 3c. The decision of the Planning and Development Department on the approval or denial of Coastal Development Permits, not subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal as provided in Section 35-182 (Appeals) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
- 4d. A Coastal Development Permit approved, or conditionally approved, in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - 2) Until the applicant has signed the Coastal Development Permit.
 - 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied, and
 - 4) ~~until~~ Until all other necessary prior approvals have been obtained.

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

Suggested Modifications LCP Amendment 1-05-A (Board of Architectural Review)

- ~~5. In the case of a development which requires a public hearing and final action by the Planning Commission or Zoning Administrator, or final action by the Director, any subsequently required Coastal Development Permit shall not be approved or issued within the 10 calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in with Section 35-182 (Appeals).~~
- ~~6. In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the 10 working days following the date of receipt by the Coastal Commission of the County's notice of final action during which time an appeal may be filed in accordance with Section 35-182.4 (Appeals).~~
- ~~7e. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or issued conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses/buildings or structures would conform to both the existing zoning and existing provisions of this Article and the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.~~
- ~~8f. In lands zoned MON on property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.~~
- ~~9g. Prior to approval or conditional approval of a Coastal Development Permit, the Planning and Development Department, or final decision maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to notice of the pending decision shall be given in compliance with Section 35-181 (Noticing) and Section 35-182 (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following the date of approval of the Coastal Development Permit.~~
- ~~h. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.~~
- ~~10. A Coastal Development Permit shall not be deemed effective prior to any applicable appeal period expiring, or if appealed, prior to final action by the decision maker on the appeal pursuant to Section 35-182 (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit.~~

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

Suggested Modifications

LCP Amendment 1-05-A (Board of Architectural Review)

2. Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan. A Coastal Development Permit application under the Permitted Uses section of any Zone District for a) a project located in a Geographic Appeals Area (as shown on the County Appeals Map), or b) a Major Public Works project, where a public hearing is not otherwise required, shall be subject to the following requirements, in addition to those listed in Section 35-169.4 above. This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission, in compliance with Section 35-182 (Appeals) and that is not subject to Section 35-169.4.3 below.
- 4a. After accepting receipt of the Coastal Development Permit application for processing, the Planning and Development Department shall process the project through environmental review review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
- 2b. For residential structures on lots adjacent to the sea, the application shall be referred to the Board of Architectural Review subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
- c. The Zoning Administrator shall hold at least one noticed public hearing, unless waived in compliance with Subsection 2.e below, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request.
- d. Notice of the time and place of said the hearing shall be given in the manner prescribed in compliance with Section 35-181 (Noticing).
- e. The requirement for a public hearing may be waived by the Director in compliance with all of the following requirements:
- 1) The project qualifies as "minor development" which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
- a) The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
- b) The development does not require any discretionary approvals other than a Coastal Development Permit.
- c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- 2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
- a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken by the County of Santa Barbara on the Coastal Development Permit application to the County of Santa Barbara and the Coastal Commission.

Suggested Modifications

LCP Amendment 1-05-A (Board of Architectural Review)

3) A written request for public hearing is not received by the Planning and Development Department within 15 working days immediately following the date the notice, required in compliance with Section 35-169.4.2.e.2 above, is mailed.

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

~~f. The Zoning Administrator's action of the decision-maker is final subject to appeal to the Board of Supervisors as provided under in compliance with Section 35-182 (Appeals). The requirement for a public hearing for a project located in a Geographical Appeals area may be waived by the Director, pursuant to Section 35-169.11. If such hearing is waived, the Zoning Administrator shall still be the decision maker for the Coastal Development Permit.~~

~~4. An approval of a Coastal Development Permit by the Zoning Administrator shall be valid for one year. Prior to the expiration of the approval, the Zoning Administrator may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required pursuant to Section 35-169.6 can still be made.~~

~~g. A Coastal Development Permit approved pursuant to in compliance with this Section shall not be issued or deemed effective until:~~

~~a1) all conditions and provisions which are required to be complied with prior to issuance of the permit are complied with. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).~~

~~b2) the Until the applicant has signed the Coastal Development Permit, and~~

~~c3) the applicable appeals period has expired or if appealed, final action has been taken on the appeal by the appropriate body, either the County or the California Coastal Commission. Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.~~

~~4) Until all other necessary prior approvals have been obtained. and~~

~~5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).~~

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

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

Suggested Modifications

LCP Amendment 1-05-A (Board of Architectural Review)

of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.

- ii. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
 - i. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c., a Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.
- 3. Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan. This Section provides the processing requirements for applications for Coastal Development Permits for development that also require a Conditional Use Permit (Sec. 35-172) or Final Development Plan (Sec. 35-174).**
- a. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with any associated applications for a Conditional Use Permit or a Final Development Plan.
 - b. The decision-maker for the Conditional Use Permit or Final Development Plan as applicable shall be the decision-maker for the Coastal Development Permit.
 - 1) The Zoning Administrator shall be the decision-maker for Coastal Development Permits associated with Final Development Plans under the jurisdiction of the Director (Sec. 35-174) for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - c. After receipt of the Coastal Development Permit application, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - bd. The decision-maker shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations.
 - be. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
 - ef. For development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with Section 35-174.6.6.b.
 - g. For development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall hold at least one public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the requested Coastal Development Permit.
 - h. Notice of the time and place of any applicable public hearing shall be given in compliance with Section 35-181 (Noticing).

Suggested Modifications

LCP Amendment 1-05-A (Board of Architectural Review)

- i. The action of the decision-maker on a Coastal Development Permit is final subject to appeal in compliance with Section 35-182 (Appeals).
 - a-1) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - b2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- j. A Coastal Development Permit approved in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - 2) Until the applicant has signed the Coastal Development Permit.
 - 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - 4) Until all other necessary prior approvals have been obtained. and
 - 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in accordance with Section 35-182 (Appeals).

No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.
- k. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless the proposed uses or structures conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
- l. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- m. Except for projects in North County where time limits for review of the project by the Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c., a Coastal Development Permit for any structure that requires design review in

Suggested Modifications LCP Amendment 1-05-A (Board of Architectural Review)

compliance with Sec. 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.

Delete Proposed Language in Ordinance 4585:

Sec. 35-169.4. Processing.

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

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

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

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

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

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

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

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

Suggested Modifications

LCP Amendment 1-05-A (Board of Architectural Review)

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

~~10. **Date for posting of public notice.** Prior to approval of a Coastal Development Permit, the Planning and Development Department, or final decision maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-184 (Noticing) and 35-182 (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following date of approval of the Coastal Development Permit.~~

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

3. Development Plan Processing of Preliminary Development Plans

Section 35-174.4

...

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

...

4. Development Plan Processing of Final Development Plan

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

Section 35-174.6

...

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

a. A Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Board of Architectural Review.

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

...

5. Board of Architectural Review

Sec. 35-184.2. Applicability.

1. Reference to the Board of Architectural Review or County Board of Architectural Review in this Article shall ~~be interpreted to~~ mean the Central County Board of Architectural Review, the North County Board of Architectural Review, ~~and~~ the South County Board of Architectural

Suggested Modifications

LCP Amendment 1-05-A (Board of Architectural Review)

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

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

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

Sec. 35-184.3. Exceptions.

...

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

- a. Exemptions. The following projects shall be exempt from BAR design review if they cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from public roadways or other areas of public use. This exemption is only applicable to BAR review, and does not eliminate the project from any other applicable discretionary review, including Coastal Development Permits.
 - (1) Single family dwellings.
 - (2) Commercial and industrial projects that are not open to the public.
- b. Advisory actions. Review by the North County Board of Architectural Review of single-family dwellings is advisory and does not require either preliminary or final approval.
- c. Time limits. The North County Board of Architectural Review shall seek to complete its review of all projects within its purview as expeditiously as possible. Therefore, single-

Suggested Modifications LCP Amendment 1-05-A (Board of Architectural Review)

family dwellings shall be reviewed by the North County Board of Architectural Review at no more than three separate hearings on three separate dates ~~times~~ or for no longer than three months from the date of filing an application, whichever occurs first, unless the project changes or requests for a continuance ~~are~~ initiated by the applicant require further review. If the North County Board of Architectural Review fails to render its advice within this limitation, then the project shall proceed to the decision-maker of the discretionary permit without a recommendation by the North County Board of Architectural Review.

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

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

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

(b) The Director of Planning and Development may exempt a structure from compliance with the development guidelines in compliance with Sec. 35-144.4.1 in addition to Sec. 35-~~292b.4.2~~144.2.

e. Special provision not applicable. The special provisions described in subsection a., b., and c. above shall not apply to the following:

(1) Development Plans within the jurisdiction of the Planning Commission.

(2) Structures subject to approved ministerial and discretionary permits, including subdivision maps, that are conditioned to require review and approval by the Board of Architectural Review in order to mitigate visual impacts or provide for consistency with the Comprehensive Plans, including adopted Community Plans.

...

Sec. 35-184.4. Contents of Application.

1. Prior to the issuance of any permits for developments subject to review by the Board of Architectural Review, as many copies of the Board of Architectural Review application and project plans, as well as additional materials (color and texture chips, etc.) as may be required by the Planning and Development Department shall be filed with the Planning and Development Department, including but not limited to site plans, architectural drawings, and landscape plans as applicable. The plans shall include the information and details required by the Planning and Development Department.

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

Suggested Modifications LCP Amendment 1-05-A (Board of Architectural Review)

Sec. 35-184.5. Processing.

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

...

6. Board of Architectural Review Boundaries

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



ATTACHMENT B

**Board of Supervisors Resolution
Santa Barbara Local Coastal Program Amendment 1-05-A (Board of Architectural Review)**

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

IN THE MATTER OF APPROVING AN AMENDMENT)
TO THE SANTA BARBARA COUNTY LOCAL)
COASTAL PROGRAM TO AMEND THE COASTAL)
ZONING ORDINANCE, ARTICLE II OF CHAPTER 35)
OF THE SANTA BARBARA COUNTY CODE, TO)
ADOPT ORDINANCE AMENDMENTS AS)
MODIFIED BY THE CALIFORNIA COASTAL)
COMMISSION)
_____)

RESOLUTION NO. 08-_____

County Case Nos.:
05ORD-00000-00014

WITH REFERENCE TO THE FOLLOWING:

- A. Whereas on November 22, 2005, the Board of Supervisors of the County of Santa Barbara approved an amendment to the County's Local Coastal Program by amending the Coastal Zoning Ordinance, Article II of Chapter 35 of the County Code, to implement new Board of Architectural Review procedures(Ordinance No. 4585, Case No. 05ORD-00000-00014); and
- B. Whereas on December 13, 2005, the Board of Supervisors of the County of Santa Barbara, by Resolution Nos.05-361, submitted this amendment for consideration and certification to the California Coastal Commission; and
- D. Whereas on January 9, 2008, the California Coastal Commission approved a resolution of certification with suggested modifications for these amendments to County's Local Coastal Program (Coastal Commission Case No. STB-MAJ-1-05); and
- E. Whereas the Board of Supervisors finds the suggested modifications to be acceptable;

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

- 1. The above recitations are true and correct.
- 2. The Board of Supervisors acknowledges receipt of the Coastal Commission's resolutions of certification with suggested modifications and accepts and agrees to those modifications through amendment of the Coastal Land Use Plan and Implementation Program (Coastal Zoning Ordinance) as required in Section 13544(a) of the Commission's Administrative Regulations, and agrees to issue Coastal Development Permits for the total area included in the certified Local Coastal Program consistent with the modifications of Ordinance No. 4585 as certified by the Coastal Commission.
- 3. The Board of Supervisors will submit this acknowledgment to the California Coastal Commission to demonstrate satisfaction of the specific requirement of the Commission's certification order, pursuant to Section 13544(b) of the Commission's Administrative Regulations.

4. The Chair of the Board of Supervisors is hereby authorized and directed to sign and certify all documents and other materials in accordance with this resolution to reflect the above mentioned action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 4th day of March, 2008, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DANIEL WALLACE
County Counsel

By _____
Deputy County Counsel

ATTACHMENT C

**Board of Supervisors Letter to the Executive Director of the California Coastal Commission
Santa Barbara Local Coastal Program Amendment 1-05-A (Board of Architectural Review)**

March 4, 2008

Peter Douglas, Executive Director
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, California 93001

Dear Mr. Douglas:

On behalf of Santa Barbara County, the Board of Supervisors has executed the attached resolution to accept your Commission's certification of the County's amendments to its certified Local Coastal Program, Amendment STB-MAJ-1-05-A (Board of Architectural Review).

Thank you for your cooperation on this project. Please contact Noel Langle (805.568.2067) in the Planning and Development Department if you have any questions.

Sincerely,

Salud Carbajal, Chair
Board of Supervisors