

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: November 10, 2005
Department Name: P&D
Department No.: 053
Agenda Date: November 22, 2005
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: YES
If Yes, date from: November 8, 2005 (set hearing)
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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

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568-2009

SUBJECT: Hearing to consider adoption of zoning ordinance text amendments to Articles II and III of Chapter 35 of the Santa Barbara County Code: Case Nos. 05ORD-00000-00014 (Article II Coastal Zoning Ordinance); and 05ORD-00000-00015 (Article III Inland Zoning Ordinance) to amend the design review procedures regarding the formation of regional boards of architectural review and provide special provisions for certain projects located within the jurisdictional area of the North County Board of Architectural Review.

Recommendations:

Consider the recommendations of the County Planning Commission and:

- A. Find that these amendments are categorically and statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment A).
- B. Adopt findings for approval of the proposed amendments (Attachment B).
- C. Adopt a Resolution and Ordinance amending Article II (05ORD-00000-00014) as contained in Attachment C.
- D. Adopt an Ordinance amending Article III (05ORD-00000-00002) as contained in Attachment D.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, Goal No. 6, *A County Government that is Accessible, Open and Citizen-Friendly*, and is required by law or routine business necessity.

Executive Summary and Discussion:

The purpose of these amendments is to implement the action of your Board of Supervisors on September 27, 2005, to:

- Replace the existing County Board of Architectural Review with three regional boards known as the Central County Board of Architectural Review, the North County Board of Architectural Review, and the South County Board of Architectural Review; and
- Create special provisions for certain projects subject to the jurisdiction of the North County Board of Architectural Review, including that:
 - (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 County Planning Commission acted to recommend approval of the amendments to Articles II and III on October 12, 2005.

The following is a summary of the proposed revisions to the Article II and Article III zoning ordinances that are required to implement the Board of Supervisors action. The complete text of the ordinance amendments is contained in Attachment C (Article II) and Attachment D (Article III). Proposed deletions are shown by striking through the text and proposed additions are underlined. Section number references are to the Article III zoning ordinance unless specified to be referring to Article II. The proposed amendments also contain minor language changes to provide for greater clarity. Please refer to these attachments as necessary to review the detailed text of the ordinance amendments.

- 1. Zoning Districts:** The existing text of the C-1 Limited Commercial, C-2 Retail Commercial, C-3 General Commercial, CH Highway Commercial, CN Neighborhood Commercial, OT-R/LC Old Town Residential-Light Commercial, OT-R/GC Old Town Residential-General Commercial, and the OT-R Old Town Residential zone district all require that all structures located in those zones be approved by the Board of Architectural Review (BAR). The proposed revisions will instead refer to the BAR process section of the zoning ordinances (Section 35-329) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. (See SECTION 1, 2, 4, 5, 6, 7, 8 and 9 of Attachment D.)

Additionally, the existing text that requires the BAR to approve the design of any wall, hedge or fence proposed to screen automotive and machinery repair located in a C-2 zone that may occur outside of an enclosed building. This is proposed to be revised to shift the jurisdiction to the Director of Planning and Development in order to create a simpler process for the review of such a simple structure. (See SECTION 3 of Attachment D.)

2. **D Overlay District.** The D – Design Overlay District presently requires that all structures subject to this overlay be approved by the BAR. Additionally, the overlay district provides that the BAR may make a recommendation to the Director, Planning Commission or Zoning Administrator on projects that propose a modification of setbacks, height limits, “and other requirements to protect visual resources.” The proposed revisions will instead refer to the BAR process section of the zoning ordinances (Section 35-329) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. (See SECTION 10 of Attachment D.)
3. **PA-OTO Overlay District.** The existing text of the PA-OTO Pedestrian Area-Old Town Orcutt Overlay District requires that all structures subject to this overlay be approved by the BAR. The proposed revision will instead refer to the BAR process section of the zoning ordinances (Section 35-329) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. (See SECTION 11 of Attachment D.)
4. **General Regulations-Agricultural Sales.** One of the existing requirements for produce stands associated with the sale of agricultural commodities is that they be approved by the BAR. The proposed revision will instead refer to the BAR process section of the zoning ordinances (Section 35-329). Although not required to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects, this revision is being proposed so that the language of this section is consistent with the rest of the references to BAR review. (See SECTION 12 of Attachment D.)
5. **General Regulations-Mobile Homes on Foundations.** Mobile homes on a permanent foundation permitted as the primary single-family dwelling are required to have a roof overhang unless this requirement is waived by the BAR “because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.” The proposed revision would shift the ability to waive this requirement to the Director of Planning and Development in order to create a simpler process for the review of such a simple structure. (See SECTION 13 of Attachment D.)
6. **General Regulations-Ridgeline and Hillside Development Guidelines.** The existing text provides (1) that structures that are subject to the Ridgeline and Hillside Development Guidelines shall be reviewed by the BAR for conformity with the development guidelines, and (2) that the BAR may, in certain situations, grant exemptions from the guidelines. The proposed revisions would also refer to the BAR process section of the zoning ordinances (Section 35-329) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. (See SECTION 14 of Attachment D.)
7. **General Regulations-Commercial Telecommunications Facilities.** The existing text requires that structures associated with certain commercial telecommunications facilities are subject to approval by the BAR. The proposed revisions will instead refer to the BAR process section of the zoning ordinances (Section 35-329) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. (See SECTION 15 of Attachment D.)

8. **General Regulations-Wineries.** One of the requirements for winery development is that all new structures associated with the winery, as well as existing structures that are proposed to have exterior alterations, shall be approved by the BAR for conformity with the winery design standards. Although not required to accommodate the advisory nature of review by the North County BAR for specified projects, this revision is proposed so that the language of this section is consistent with the rest of the references to BAR review. (See SECTION 16 of Attachment D.)
9. **Permit Procedures – Zoning Clearance.** This is a new permit process section of the zoning ordinance (Article III) only which your Commission review and approved at the hearing of September 28, 2005 in order to implement the proposed permit process for single-family dwellings on lots that result from subdivision maps approved after January 1, 1990. It is also included in this ordinance amendment in order to reference the BAR process section of Article III to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. (See SECTION 17 of Attachment D.)
10. **Permit Procedures – Land Use Permit.** The permit review process for Land Use Permits is proposed to be revised in order to reference the BAR process section of the zoning ordinances Article III to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects, and to make other minor clarifications. (See SECTION 18 of Attachment D.)
11. **Permit Procedures-Development Plans.** Processing requirements for Preliminary and Final Development Plans require said plans be reviewed and approved by the BAR. The proposed revisions will instead refer to the BAR process section of the zoning ordinances (Section 35-329) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. (See SECTION 19 and 20 of Attachment D.)
12. **Permit Procedures-Modifications.** Processing requirements for Modifications require said plans be reviewed and approved by the BAR. The proposed revisions will instead refer to the BAR process section of the zoning ordinances (Section 35-329) in order to accommodate the exempt status or advisory nature of review by the North County BAR for specified projects. (See SECTION 21 and 22 of Attachment D.)
13. **Administration-Board of Architectural Review.** This section provides the applicability, exceptions and processing requirements for BAR applications. The existing text is proposed to be revised in order to refer to the three regional boards and to accommodate exempt status or the advisory nature of review of certain projects by the North County BAR for specified projects, and to make other minor clarifications. (See SECTION 23 of Attachment D.)

Mandates and Service Levels:

Amendments to Articles II and III of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors. Sections 35-180 and 35-325 (Article II and III, respectively) provide that the recommendation of the Planning Commission shall be transmitted

to the Board of Supervisors and that the Board shall schedule and hold a public hearing on the matter. Additionally, the Public Resources Code requires that any amendments to a Local Coastal Program be submitted to the California Coastal Commission for review and certification.

Fiscal and Facilities Impacts:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division of page D-290 of the adopted 2005-06 fiscal year budget. There are no facilities impacts.

Special Instructions:

Planning & Development will satisfy all noticing requirements.

Concurrence:

County Counsel

Attachments:

- A. CEQA Guidelines Section 15061(b)(3) Notice of Exemption
- B. Findings for Approval
- C. Resolution and 05ORD-00000-00014 (Article II) Ordinance Amendment
- D. 05ORD-00000-00002 (Article III) Ordinance Amendment
- E. County Planning Commission staff report dated 9/30/2005 (w/o attachments)