



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: 1/8/2008
Placement: Set Hearing
Estimated Tme: 60 minutes on 1/15/2008
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director John Baker (805.568.2085)
Contact Info: Dianne Black, Development Services Director (805.568.2086)
SUBJECT: Regional Boards of Architectural Review

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

That the Board of Supervisors set for hearing of January 15, 2008 to:

- A. Consider the introduction (first reading) of an Ordinance (Case No. 08ORD-00000-00001) amending Section 14 of Ordinance No. 4584 to change the expiration of the ordinance from March 1, 2008 to December 31, 2008 (Attachment A);
- B. Find that adoption of this ordinance is not an activity subject to CEQA pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378 (Attachment B);
- C. Set for January 22, 2008 a second reading (adoption) of an Ordinance (Case No. 08ORD-00000-00001) amending Section 14 of Ordinance No. 4584 to change the expiration of the ordinance from March 1, 2008 to December 31, 2008.
- D. Consider directing Planning and Development to return with a fee increase for BAR applications to offset increased costs as part of the fee resolution for fiscal year 08/09.

Summary Text:

A review of the operation of the regional BARs over the past two years shows that the establishment of the regional BARs has proven to improve the design review process by (1) providing meeting locations that are more convenient to applicants and architects, (2) reducing the delay between the submittal of an application for design review and placement on an agenda, and (3) having the review of projects be completed by professionals that are from the area in which the project is situated such that they have a better understanding of the project in relation to the area. The purpose of this extension is to provide additional time to review the effectiveness of the regional BARs as well as to develop additional ordinance amendments to further streamline and improve the design review process.

Background:

On November 22, 2005, the Board of Supervisors adopted Ordinance No. 4584 that established the North Board of Architectural Review (NBAR), the Central Board of Architectural Review (CBAR) and the South Board of Architectural Review (SBAR) in place of the former County Board of Architectural Review that had design review jurisdiction on projects located outside of the Montecito Planning Area. The goal of establishing these regional boards of architectural review (BAR) was to ensure good quality architecture compatible with community standards throughout the county, and to improve access of applicants and architects to conveniently located boards of review. Attachment D shows the jurisdictional areas of these regional BARs.

The establishment of the regional BARs was adopted as a two year pilot program, and as such the ordinance provides that the program will expire on March 1, 2008 unless extended by the Board of Supervisors as part of a review of the effectiveness of the creation of the regional BARs. The adopting ordinance also provides that if the program does expire, then the County BAR will be re-created.

The composition of the regional BARs is described in the following table:

Regional Boards of Architectural Review				
	NBAR	CBAR	SBAR	MBAR
Number of Members	5 with option for 2 alternates	5 with option for 2 alternates	7	7
Member Appointment Process	Appointed by the Fourth and Fifth District Supervisors and approved by the Board of Supervisors	Appointed by the Third District Supervisor and approved by the Board of Supervisors	Appointed by the First, Second, and Third District Supervisors and approved by the Board of Supervisors	Appointed by the First District Supervisor and approved by the Board of Supervisors
Member Qualifications	3 licensed architects or landscape architects; the remaining 2 members may be either 1 public member ⁽¹⁾ and 1 member who is either the Fourth or Fifth District Planning Commissioner, or 2 public members. The 2 alternates shall be licensed architects, licensed landscape architects or public members	3 licensed architects or landscape architects; the remaining 2 members may be either 1 public member or 1 Planning Commissioner appointed by the 3 rd District Supervisor, or 2 public members. The 2 alternates shall be licensed architects, licensed landscape architects or public members	3 licensed architects; the remaining 4 must live within the boundaries of the SBAR; at least 2 of the 4 must be licensed landscape architects and the remaining members are public members	5 licensed architects or landscape architects; 2 public members residing within the boundaries of the MBAR
Member Compensation	\$150 per meeting plus mileage	\$150 per meeting plus mileage	\$150 per meeting plus mileage	No compensation
Meeting Frequency	Every 3 weeks plus special meetings as necessary	Every 3 weeks plus special meetings as necessary	Two regular monthly meetings plus special meetings as necessary	Two regular monthly meetings plus special meetings as necessary
Meeting Location	Santa Maria	Solvang	Santa Barbara	Santa Barbara

Notes:

1. The “public members” are defined in the ordinance to be an individual who “shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability,

property values, and development of surrounding areas.”

The powers and duties of the regional BARs were left unchanged from the former County BAR except for the following projects under the jurisdiction of the NBAR as part of the pilot program:

- 1) Individual single family dwellings shall be reviewed by the NBAR no more than three times or for no longer than three months from the date of filing an application, whichever occurs first unless project changes or requests for a continuance initiated by the applicant require further review; the project would then go the decision-maker;
- 2) Individual single family dwellings and commercial/industrial projects not open to the public which cannot be viewed from public roadways or other areas of public use are exempt from review by the NBAR. Landscape screening shall not be taken into consideration when determining the view from public roadways.

Analysis of regional BARs:

Case Volume

The table below shows the number of design review applications submitted in the different regional BAR areas in 2006 and 2007 (to date).

Region	2006	2007	Total
NBAR	33	39	72
CBAR	45	42	87
SBAR	140	138	278
MBAR	113	105	218
Total	331	324	655

Wait time for items to be heard

As the data in the table above shows, the vast majority of the design review applications are within the jurisdiction of either the SBAR or the MBAR, with about equal distribution between the two BARs. Applications submitted within the jurisdictional areas of the NBAR, CBAR and MBAR, provided they are filed by the deadline, are usually able to be heard on the next agenda (typically three weeks after the deadline). However, due to the greater number of applications under consideration by the SBAR, there is normally a five week waiting period. The workload of the SBAR also increased in March 2007 when the East Goleta Valley Residential Design Guidelines went into effect. This action requires that projects within this area that previously were not required to undergo design review (e.g., new one-family or two-family dwellings, second and third floor additions to existing one-family or two-family dwellings, garage conversions) are now required to be reviewed and approved by the SBAR.

The table below compares the average number of items on a BAR agenda before and after the establishment of the regional BARs.

YEAR	REGIONAL AREA - AVERAGE NUMBER OF AGENDA ITEMS				
	County BAR	NBAR	CBAR	SBAR	MBAR
2004	19	n/a	n/a	n/a	14
2005	19	n/a	n/a	n/a	15
2006	n/a	6	6	17	12
2007	n/a	6	7	16	12

Number of hearings required for final approval

The table below (using data collected between January 1, 2006 and the present) shows the number of hearings that an application receives prior to a final decision:

	1 Time	2 Times	3 Times	4 Times	5 Times	6 Times	7 Times	8+ Times	Total
NBAR	3	16	8	5	2	3	4	1	42
CBAR	10	24	12	4	0	4	0	1	55
SBAR	15	50	48	15	14	7	4	3	156
MBAR	10	81	47	29	13	12	6	2	180

One of the recurring performance measures of the Planning and Development Department is that the BARs should “reach a final decision for 80% of Architectural Review projects requiring Conceptual, Preliminary and Final review in 3 or less hearings for approximately 330 projects per year. The table below shows how well the regional BARs are meeting that goal:

Regional BAR	% of Application Receiving Final Decision Within 3 Hearings
NBAR	64
CBAR	84
SBAR	72
MBAR	77

Appeals

The data in the following table shows the number of appeals of BAR decisions that have been filed in the past four years:

YEAR	REGIONAL AREA - NUMBER OF APPEALS					TOTAL
	County BAR	NBAR	CBAR	SBAR	MBAR	
2004	0	n/a	n/a	n/a	0	0
2005	1	n/a	n/a	n/a	1	2
2006	n/a	0	0	2	5	7
2007	n/a	0	0	0	3	3

Feedback from users

The feedback from both the clients (applicants and architects) and the BAR members has been very positive. The clients appreciate the increased convenience of the meetings being held in the regional areas, and the fact that the members of the BAR are more regional as well. The members of the BAR have mentioned that they feel that their agenda are more manageable and that they can spend more time reviewing items, if necessary, rather than having to truncate the discussion due to the number of items on the agenda. Previously it was not uncommon to have to wait six weeks or longer between application submittal and being placed on a County BAR agenda. In general this has been reduced to three weeks for the NBAR and CBAR, and five weeks for the SBAR.

Process Improvement

In order to increase the efficiency of the BAR process Planning and Development has implemented certain process improvements including:

- Developing a checklist used in the conceptual review of projects that provides direction to applicants regarding what items they need to return with in the next stage of the review
- Use of a form to document the findings adopted by the BAR as part of their decision on a project that can be provided to future decision-makers if necessary.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Funding for amending Ordinance No. 4584 to extend the regional BARs 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: (resulting from amending Ordinance No. 4584 to extend the regional BARs)

Legal Positions:	FTEs:
0	0

The fiscal impact of establishing the regional BARs was detailed in the September 27, 2005 letter to the Board of Supervisors regarding the regional BARs. In summary, creating the regional BARs was estimated to result in increasing the annual cost of operating the BAR function from \$239,653 to \$319,727. This represents an estimated net annual increase of \$84,073 resulting from:

- Additional administrative staff time required to prepare and attend the additional BAR meetings, including providing staff support in the Planning and Development Department Santa Maria office
- Providing additional planning staff support at meetings
- Increasing the cost of member stipends due to the additional members and additional meetings.

This cost estimate was based on the addition of one staff position to support the North and Central BARs and the assumption that the NBAR, CBAR and SBAR would only meet twelve times per year. However, in order to reduce delays in being placed on agendas, the NBAR and CBAR actually meet 17 times per year and the SBAR meets 24 times per year.

The actual cost for fiscal year 2006/2007 was \$303,627. Some cost savings were achieved by moving the location of the Montecito BAR from Montecito to the County Engineering Building which resulted in reduced travel time for County staff. However, revenue from BAR applications for the same period was only \$257,966, resulting in a deficit of \$45,661. Your Board should consider increasing the fee for BAR applications as part of the departmental fee resolution for fiscal year 08/09 in order to offset increased costs.

Special Instructions:

1. The Planning and Development Department will satisfy all noticing requirements.
2. The Clerk of the Board will send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

Attachments:

- A. Ordinance (Case No. 08ORD-00000-00001)
- B. CEQA Exemption
- C. Regional BAR Jurisdictional Areas

Authored by:
Noel Langle (805.568.2009)

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 14 OF ORDINANCE NO. 4584, THE ORDINANCE THAT ESTABLISHED THE NORTH, CENTRAL AND SOUTH BOARDS OF ARCHITECTURAL REVIEW, TO PROVIDE THAT THE ORDINANCE WILL EXPIRE AS OF DECEMBER 31, 2008 UNLESS EXTENDED.

Case No. 08ORD-00000-00001

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

SECTION 1:

Ordinance No. 4584, adopted by the Board of Supervisors of the County of Santa Barbara on November 22, 2005, is hereby amended by amending Section 14 to read as follows:

This ordinance shall expire on December 31, 2008 unless extended. Before December 31 2008 the Board shall review the provisions of this ordinance relating to the effectiveness of the creation of the NBAR, the CBAR, and the SBAR including but not limited to the limited review of single family dwellings by the NBAR and may extend or modify the terms of this ordinance. If this ordinance expires pursuant to this Section 14, the amendments made by Sections 1-13 of this ordinance shall be of no effect, and the terms of the pre-existing provisions in County Code Chapter 2 Article V relating to architectural review shall be in effect. The Board of Supervisors shall provide as necessary for the composition of the membership of the County BAR.

SECTION 2:

Except as amended by this Ordinance, Ordinance No. 4584 shall remain unchanged and shall continue in full force and effect.

SECTION 3:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

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

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

ATTACHMENT B

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Planner
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case No.: 08ORD-00000-00001

Location: The proposed ordinance amendment would apply to the unincorporated areas of Santa Barbara County.

Project Title: Regional Board of Architectural Review

Project Description: 08ORD-00000-00001 proposes to amend Ordinance No. 4584 by deleting Section 14 of that ordinance that provides that the establishment of the North, Central and South Boards of Architectural Review will expire on March 1, 2008.

Exempt Status: Sections 15060(c)(3) and 15378; this case is not considered a project under CEQA.

Cite specific CEQA Guideline Section: Sections 15060(c)(3) and 15378 state that an activity is not subject to CEQA if the activity is not a project as defined in Section 15378. Subsection (b)(5) of Section 15378 provides that “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” are not considered projects.

Department/Division Representative

Date

Acceptance Date: _____

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: Hearing Support Staff
Project file

ATTACHMENT C

