

ARCHITECTURAL BOARD OF REVIEW

PART 3

MEETING PROCEDURES



Prepared By

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF SANTA BARBARA

CALIFORNIA

Revised

July 3, 2007

ABR Goals

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

- A. to protect the historic and architectural qualities of Santa Barbara;
- B. to protect the beauty and ecological balance of Santa Barbara's natural resources;
- C. to insure development and building is consistent with the policies of the General Plan and Zoning Ordinance;
- D. to promote high standards in architectural design and the construction of aesthetically pleasing structures;
- E. to improve the general quality of the environment and promote conservation of natural and manmade resources of the City;
- F. to encourage planning which is orderly, functionally efficient, healthful, convenient to the public, and aesthetically pleasing;
- G. to promote neighborhood compatibility;
- H. to encourage the preservation of pre-1925 and Hispanic styles of architecture;
- I. to promote visual relief throughout the community by preservation of public scenic ocean and mountain vistas, creation of open space, and variation of styles of architecture;
- J. to preserve creek areas through restoration, maintenance, and enhancement, and to discourage removal of significant trees and foliage removal; and
- K. to encourage landscape design that utilizes water-wise plants and the most efficient irrigation technology available for the protection and conservation of our water resources.

ARCHITECTURE BOARD OF REVIEW GUIDELINES

MEETING PROCEDURES

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SECTION 1 Introduction, Interpretation and Application

The general purpose of the ABR Meeting Procedures is to guide applicants to better understand the ABR's meeting and review process and Staff's role in ABR agenda preparation. Applicants should also consult the ABR Guidelines, which are divided into two parts. Part 1 contains the Architectural Design Guidelines. Landscape Design Guidelines are under a separate cover of the ABR Guidelines as (Part 2). The ABR Architectural Design and Landscape Design Guidelines (Parts 1 & 2) have been developed to ensure that high standards of design are maintained in development and construction in the City of Santa Barbara. The ABR Design Guidelines are also intended to assist the public in understanding stated goals and adopted ABR policies. In addition to the Meeting Procedures and ABR Design Guidelines contained in this document, there are other Supplemental Design Guidelines, listed in Part 1.

These meeting procedure guidelines are designed to provide direction to the ABR members and to the public as a whole. Nothing herein shall be interpreted in a manner contrary to the requirements of State law or the Municipal Code and in the event of a conflict between the requirements of State law or the Municipal Code and these guidelines, State law or the Municipal Code shall be controlling.

All questions regarding the proper interpretation and application of these Guidelines shall be resolved by the ABR or, upon an ABR action appealed to the City Council.

Staff will make periodic updates to both the Architectural Board of Review Guidelines to implement preferred procedures and guidelines and reflect changes in the regulatory environment,

SECTION 2 General Information and Procedures

2.1 General Information

- A. **Meeting Dates and Location.** The Full Board ABR meetings occur every other Monday beginning at 3:00 P.M. in the David Gebhard Public Meeting Room, Community Development Department, 630 Garden Street, Santa Barbara, California. The ABR meetings may be televised live on the local Government Access channel. Agenda items are scheduled as time-certain with the final item scheduled for no later than 8:00 P.M. Please note changes may occur to the meeting agendas due to postponement of items as described in Section 2.6.

If a holiday falls on Monday, meetings will be held on the following Tuesday or at the discretion of the Board. The Consent Calendar review occurs at 1:00 P.M. on the same day and it is also held in the David Gebhard Public Meeting Room, 630 Garden Street, Santa Barbara, California.

Occasionally there is a need to cancel a regular meeting or to hold a special meeting. Dates and times of such meetings shall be posted in

the usual manner.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division at (805) 564-5470. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.

- B. **Applications and Filing.** Application instructions are available at the Community Development Department/Planning Counter at 630 Garden Street and on-line. Business hours are 8:30 A.M. to 4:30 P.M., Monday through Thursday and every other Friday. For a current list of office hours, and a schedule of Friday closures, please visit the City's website at www.SantaBarbaraCA.gov, or call (805) 963-0611.

Applications are accepted for the next available agenda based on a first-come-first-serve basis. Filing applications may be required by appointment only; appointments may be requested by calling 805-564-5578. Applications are date-stamped and submittal times are logged to assist Staff in determining project priority. Projects requiring a noticed hearing will be scheduled accordingly after an application is received. For example, approximately two and a half weeks is needed in order to schedule a project that requires a mailed noticed hearing. Applications deemed incomplete by Staff or which have major zoning issues identified in a zoning plan check process shall not be placed on an agenda. Staff will also consider the following factors when scheduling items: availability of City Staff, review level required, expected public comment and number of items submitted.

- C. **Licensing Advisory.** The Business and Professions Code of the State of California and the Municipal Code of the City of Santa Barbara restrict preparation of plans for certain project types to licensed professionals. Applicants are encouraged to consult with Building and Safety or Planning Staff to verify requirements for their specific projects.

Unlicensed persons are limited to the preparation of ABR plans for:

1. Multiple family dwellings not to exceed four (4) units per lot, of wood frame construction, and not more than two stories and a basement in height;
2. Non-structural changes to storefronts; and,
3. Projects consisting solely of landscaping of not more than 5,000 square feet. See additional information regarding landscape plan licensing advisories in Part II of these Guidelines.

- D. **Application Completeness.** Due to the high volume of projects that require ABR review, it is important for applicants to submit complete applications. (Please refer to the handout available at the Planning

Counter entitled Design Review Submittal Packet, which describes the elements of a complete application.) Failure to submit a complete application may result in Planning Staff refusing to accept the application at the counter or the inability to place a project item on the next available agenda. The ABR may deem an application incomplete, for example, if the application submittal lacks sufficient photographs or does not provide required information.

E. **Notice and Posting.** Both the regular agenda and consent calendar are posted for public review on the outdoor bulletin board at 630 Garden Street adjacent to the David Gebhard Public Meeting Room, and in the Planning and Zoning Counter area at 630 Garden Street. Agendas and minutes are also available on the Community Development Department's website a minimum of 72 hours prior to each meeting at www.santabarbaraca.gov/abr.

F. **Fees.** Fees are based on the size, scope and type of project proposed. Staff will determine appropriate application fees based on the current fee resolution adopted by the City Council. Staff at the Planning Counter can provide the most recent information, and the fee schedule is available on-line at: www.santabarbaraca.gov/Resident/Home/Forms/planning.htm

G. **Staff Contact**

Community Development Department
 Planning Division
 630 Garden Street
 Phone: (805) 564-5470 Fax: (805) 897-1904
 Website:
www.santabarbaraca.gov
 e-mail: ABRSecretary@santabarbaraca.gov
 or ABR Planning Technician in format:
 FirstInitialLastName@santabarbaraca.us

2.2 **Agenda Organization.** Agendas for a meeting are organized on an approximate "time certain" basis. The following agenda order usually applies. However, the agenda times are subject to change in that an item may be heard either earlier or later than noted in the approximate schedule due to continuances or postponements of agenda items. It is recommended that people arrive at least 15 minutes before the approximate time for their item of interest.

A. **General Business**

1. Public Comment
2. Approval of minutes
3. Consent Calendar
4. Announcements, requests by applicants for continuances and withdrawals,

- and future agenda items
- 5. Reports from subcommittees
- 6. Potential project violations
- 7. Discussion items
- B. **Appeals**
- C. **Concept Review (continued items first, followed by new items)**
- D. **Preliminary Review (continued items first, followed by new items)**
- E. **In-Progress Review**
- F. **Final Review (continued items first, followed by new items)**
- G. **Review After Final**

Instructions for the ABR regarding the review level which may take place for the project are indicated in capital letters in parentheses after each item.

- 2.3 **Notices.** Some projects require a noticed hearing before the ABR. When a noticed hearing is required, written notice of the hearing is mailed to the applicant, the owners of the 20 closest lots, and the owner of any lot within 100 feet of the project. In addition, notice of the hearing is posted on the site of the proposed project. If a project requires another land use decision by the City Council, Planning Commission, or Staff Hearing Officer, the notice for the first Design Review hearing shall comply with the notice requirements for that hearing body. The purpose of these notices is to provide an early opportunity for adjacent property owners and occupants to comment on development proposals that may impact their property. (Please see Santa Barbara Municipal Code § 22.68.040 for the types of applications that require a noticed hearing and the specific noticing requirements).

In addition to the mailed notice described above, the City will mail meeting agendas to “interested parties” associated with a parcel or project. A member of the public may request to become an “interested party” in one of the following three ways: 1. indicate he or she wishes to be listed as “interested party” on a “Request to Speak” form available during ABR hearings, 2. submit correspondence to the ABR secretary via U.S. mail or email requesting to be listed as an interested party, or 3. visit the Planning and Zoning Counter at 630 Garden Street and request to be listed as an interested party.

If the Community Development Director determines that plan substitutions constitute a substantial change from the previously noticed plan (including, but not limited to, changes to the project’s, size, bulk, scale, form or design), the Community Development Director may require the project to be re-noticed for another public hearing. The Community Development Director may also require an additional noticing fee to be paid by the applicant in these cases.

2.4 Project Presentation / Plan Substitution

A. Plan Presentation

All levels of review with the exception of the Consent Calendar require the presentation of the project by the applicant or the applicant's representative. If no one is available to present an item on behalf of the applicant, the agenda item shall be continued indefinitely. The applicant or the applicant's representative will be responsible for rescheduling the project. Applicants may always submit additional information, architectural details, or notes on additional plan sheets at the hearing when the additional information is consistent with the agendized project (the plans submitted at the time the plans were agendized).

B. Plan Substitution

1. Plans originally submitted and filed with an ABR application are generally not allowed to be substituted by applicants at the time of the scheduled meeting date. This policy is intended to ensure that approvals are not obtained without proper Staff oversight and to ensure an adequate opportunity for public review prior to the meeting. The exceptions to this general policy are explained below.
2. Plans may not be substituted at the first mailed noticed Concept Review Hearing or when a Preliminary or Final Approval is being requested.
3. Plans may be substituted at non-mailed notice Concept or In-Progress reviews if the following conditions have been met:
 - Proposed site plan does not having any changes that would require a Zoning Modification
 - Proposed building heights, site plans and elevations are substantially similar to agendized plans;
 - The project has the same level of zoning compliance as agendized plans;
 - A completed Plan Substitution form is submitted to StaffApplicants who do not demonstrate to Staff that new substitute plans are substantially consistent with prior plans, the new plans will be agendized for a future meeting.

2.5 Public Hearings

- A. Speakers who wish to comment on the project may be asked to limit their speaking time to no more than two minutes. The ABR may adjust the length of time each person speaks based on the number of people who wish to speak. In addition, no more than one public comment hearing is required to be held at the ABR on any particular development project unless the project has changed substantially from the original

application. At subsequent hearings, the ABR Chair shall determine if additional public comment on changes or revisions to a project since the prior public hearing is necessary or appropriate. In order to manage meeting length, Staff will generally limit the total number of noticed public hearings scheduled per ABR meeting to no more than four.

- B. The ABR recommends that interested neighbors work together either to organize their comments or to select one person to represent the neighborhood and speak on the group's behalf. The following examples of public comment types are appropriate:

- aesthetic issues
- design issues
- neighborhood compatibility
- environmental issues

Comments on topics that may not be within the ABR's purview, such as the following, are discouraged:

- site land use or zone designation
- project density
- project affordability

- C. The ABR shall consider public comments directly related to aesthetic issues involving architecture, landscaping issues and compatibility with the surrounding area. These general guidelines are in place to manage meeting duration each week.

2.6 **Review Levels.** See the ABR Checklist available at the Planning counter or the City's website for specific submittal requirements for each level of review.

A. **Concept Review**

1. Concept Review is an informal review process during which no formal action is taken. Applicants are encouraged to present sketches and/or conceptual drawings. ABR comments give the applicant general directions for future review but are not binding on future discussion of the item.

The ABR or Staff may limit a project to two (2) Concept Reviews prior to Planning Commission review.

2. The ABR may request a site visit or story poles to be placed at the site prior to commenting or taking action on the application.
3. Concept review considers broad issues such as site planning, general architectural style and the project's relationship to its site and surrounding buildings.
4. Concept review is required prior to any other City reviews (such as environmental review, Planning Commission, etc.), and before any formal action is taken by the ABR. Preliminary approval is not usually granted at a Concept Review level.

Generally, an application must receive “positive comments” from the ABR prior to the project’s placement on another review body’s hearing agenda.

5. A Concept Review does not result in a formal action and, therefore, may not be appealed.

B. Preliminary Review

1. Preliminary Review is a formal review of an application prior to preparation of working drawings. The plans should reflect all applicable Planning Commission conditions and City Departmental conditions of approval.
2. Preliminary approval is the most important approval of plans and determines the site plan configuration and design that must be followed in the working drawings. Any substantial changes between Concept Review and Preliminary Review will result in the project returning to the concept level.
3. All significant elements of any facet of the architectural appearance, landscaping and site/building orientation must be found consistent with the applicable Guidelines in order to receive approval at this level of review.
4. Environmental review, Planning Commission approvals, and other discretionary review, if required, must be completed prior to Preliminary Approval.
5. For purposes of Government Code Section 65950, a preliminary approval shall be considered to be "approval" of the project by the ABR and concludes the discretionary phase of project review. It shall constitute the substantive ABR design approval of the project which is appealable; however, final approval is still required prior to building permits.

C. In-Progress Review

Applicants are encouraged to participate in In-Progress Review, which occurs after Preliminary Approval. If the ABR has expressed concern about a specific item (e.g. details, colors, etc.) the applicant may be requested to submit "In Progress" drawings to assure that the drawings are consistent with the Preliminary Approval.

D. Final Review. Final Review is a formal review of completed working drawings, prior to submittal for a building permit.

1. The final plans will be approved if they are in substantial conformance with the plans given preliminary approval. If the applicant proposes substantial changes to the plans, a new preliminary approval will be required. All Planning Commission

Conditions of Approval shall be included on the plans.

2. All details, color samples, door hardware and exterior lighting fixtures shall be included for review. The Design Review Final Approval Submittal Checklist indicating sheet numbers where plan details are located within plan sets must be submitted with the final proposed details.
3. A Final Review approval may be obtained subject to conditions that allow minor details to return on the Consent Calendar.

E. Review After Final

Review After Final occurs when there is a proposed change to a project after final approval of the project has been granted. Plans submitted should include all information on drawings, which reflect the proposed changes. If changes are not clearly delineated or shown, they cannot be construed as approved. Additional fees are charged for review after final. Any changes to a project for which “review after final” approval is requested shall be subject to a substantial conformance determination for conformance with the Final Approval.

F. Consent Calendar

The Consent Calendar is meant to expedite the review of minor projects. One ABR member who is assisted by Staff reviews the Calendar. Applicants are advised to attend but are not required to attend or make a presentation of the project. A recommendation regarding each item on the Calendar is made to the full ABR for action. Such recommendation is not final until acted upon by the ABR. The ABR may take an item off the Consent Calendar to be considered by the Full ABR. The ABR may also direct some projects or portions of projects to the Consent Calendar for review. In addition, Staff has been delegated the discretion to place the following items on the Consent Calendar when appropriate:

1. Addition of trash enclosures if they meet minimum ordinance requirements, complement the building's architecture and are not within public view.
2. Additional landscaping on an existing site or minor changes to proposed landscaping of an approved project.
3. Addition of parking spaces where no landscaping will be removed and minimum ordinance requirements are met.
4. Minor exterior or site changes.
5. Time extensions beyond the first time extension for minor projects.
6. Any project within categories listed below under “Minor

Alterations Eligible for Administrative Staff Approval.”

G. Minor Alterations Eligible for Administrative Staff Approval

Some minor design alterations may be approved as a ministerial action by the Community Development Director or appointed representative without review by the ABR. The Community Development Director or appointed representative has the authority and discretion to refer any minor design alteration to the ABR if the alteration has the potential to have an adverse effect on the architectural integrity of the building, structure or surrounding property. ABR Staff also may refer any projects which do not appear to comply with applicable guidelines up to the ABR Consent Calendar or Full Board.

All projects which qualify for Administrative Staff Review are subject to general compliance with adopted design guidelines and any specific design standards applicable to the project as stated below. Not all project types have specific administrative approval criteria. The Administrative Staff Review process is limited to the types of additions or alteration projects listed in Section 10.1 of Part 1 of these ABR Guidelines.

- Additions: Minor
- Awnings
- Chimneys and Metal Flues
- Color Changes: exterior
- Decks and porches: minor alterations
- Doors: minor alterations
- Driveways/Paving/Minor Sitework
- Fences
- Landscape Improvements
- Lighting: Exterior
- Mechanical Equipment: General
- Mechanical Equipment: Rooftop Equipment
- Roofs (and “Reroofs”)
- Sheds, Spas and Trash/Recycling Enclosures
- Sidewalk Seating for Commercial Outdoor Dining Areas
- Skylights
- Soil Remediation Systems: Temporary (1 Year)
- Time extension – first extension
- Trellises
- Walls – Freestanding
- Window – minor alterations

H. Construction Without Permit (“As-Built”)

The ABR shall review as-built applications with the same degree of scrutiny and consideration afforded other proposed new projects utilizing the following criteria:

1. As-built work shall comply with all adopted design guidelines or be made to comply.
2. As-built work constructed or completed without benefit of review by the ABR may be subject to denial if the work is deemed unacceptable.
3. Materials used and construction quality shall be evaluated by the ABR when determining if the as-built work is acceptable as constructed.

2.7 Procedure for Continuances, Postponements, Referrals, and Absences

A. Continuances

A continuance is the carrying forward of an item under discussion to a future meeting. To be considered for a continuance, the applicant must attend the meeting and make a presentation. An application may be continued (i) at the request of the applicant, or (ii) by action of the ABR. Unless a continuance is necessary in order for the ABR to receive reports or other information, the ABR Chair should offer the applicant the option of agreeing to the continuance or requesting that the ABR give the project an up or down vote at the present meeting. A noticed hearing item may be continued to a “date certain” without renoticing, or may be continued indefinitely, subject to renoticing.

B. Postponements

A postponement is deferral of the consideration of an agenda item to a future meeting. No discussion or presentation takes place on the date a postponement occurs. To be considered for a postponement, the applicant must contact ABR Staff prior to the meeting date and state the reason(s) justifying the postponement. If an application has been postponed more than twice, the ABR may deny the application “without prejudice” to a future application. Without prejudice means the ABR will have no reservations or pre-formed opinions in reviewing a resubmitted project.

1. Applicants that request a postponement before 4:30 p.m. on the Thursday prior to the meeting date, will be scheduled on the next available agenda that complies with applicable noticing requirements.
2. If an applicant fails to request a postponement before 4:30 p.m. on the Thursday prior to the meeting date, the item will be postponed indefinitely. It is the applicant's responsibility to contact staff in order to reschedule the item for consideration. An applicant that fails to timely request a postponement shall pay a rescheduling fee.

3. The agenda schedule is subject to change as cancellations occur; applicants are encouraged to arrive 15 minutes early. Applicants that arrive late for their scheduled agenda item may be postponed indefinitely unless the ABR agrees to hear the item and if time permits.
4. ABR Staff may rearrange the agenda item order after agenda publication in order to minimize time gaps in the meeting due to cancellations or postponements. The ABR Staff-person may also consult with the ABR Chair to assist in scheduling discussion items and to determine appropriate time allocations for projects when long agendas are planned.

C. Consent Calendar Referrals to Full Board

Items that are referred from the Consent Calendar to the Full ABR by the Consent Calendar reviewer will be heard at the beginning of the Full ABR meeting if time permits. The ABR may choose to have the item scheduled at the Full ABR on the next available agenda. If the Full ABR pulls an item from the ABR Consent Calendar and makes a motion to refer it to the Full ABR, no additional conditions or requirements can be placed on that item unless the applicant is notified or has been given the opportunity to be present for the discussion. Staff will notify the applicant when an item is referred to the Full ABR and ABR could not approve the Consent Calendar item as presented. Items referred from the Consent Calendar to the Full ABR shall be rescheduled on the next available agenda.

D. Absences at Consent Calendar

Although not recommended, applicants need not be present for consideration of items on the Consent Calendar. Staff may present projects when applicants are absent. If an applicant does not attend the Consent Review, project approval may be delayed. If an applicant is absent, the project would not be denied on the Consent Calendar, instead, the project would be continued indefinitely.

2.8 Decisions

- A. **City Charter.** In reviewing all proposed plans, the ABR is required by Section 814 of the City Charter to "consider and be guided by the protection and preservation as nearly as is practicable of the natural charm and beauty of the area in which the City is located and the historical style, qualities and characteristics of the buildings, structures and architectural features associated with and established by its long, illustrious and distinguished past."
- B. **Findings to Approve a Project.** In order to approve a project, the ABR shall make a finding that the project is consistent with any applicable laws and guidelines.
- C. **Project Denial.** a The ABR may deny a project inconsistent with applicable guidelines. The ABR shall deny a project where a project is inconsistent with required findings. The ABR should include reasons for a project denial in the motion for project denial.

- D. **Special Findings for Wireless Antennas.** The ABR must take action to minimize adverse visual impacts associated with wireless antennas and equipment installation. The ABR shall consider compatibility with nearby buildings, appropriate screening, site location, antenna color and size in order to find no adverse visual impacts will result.
- E. **Grading Permits.** (SBMC §22.69.020.E)
For grading permits reviewed by the ABR, the following two additional findings must be made for project approval:
1. No significant increase in siltation or decrease in water quality of streams, drainages or water storage facilities to which the property drains; and
 2. No substantial loss of southern oak woodland habitat.
- F. **Vegetation Removal Permits** (SBMC §22.69.020.F)
For vegetation removal permits reviewed by the ABR, the following three additional findings must be made for project approval:
1. Will result in no significant increase in siltation or decrease in water quality of streams, drainages or water storage facilities to which the property drains; and
 2. Will result in no substantial loss of southern oak woodland habitat; and
 3. Will comply with all applicable provisions of Chapter 22.10, "Vegetation Removal," of this Code.

2.9 Action, Appeals, and Expiration of Approval

- A. **Time Limits on Approvals.** Conceptual comments are valid for one year. ABR preliminary approval is valid for one year from the date of the approval unless a time extension or final approval has been granted. Final approval is valid for two years from the date of final action unless a time extension has been granted or a Building Permit has been issued.
- B. **Time Extensions.** Time extensions may be requested and granted in accordance with the provisions of Santa Barbara Municipal Code § 22.68.110. The time periods specified for final approval shall not include any period of time during which (i) a moratorium on the issuance of building permits, imposed after the final approval, is in effect; or (ii) a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.
- C. **Appeal of ABR Decision.** Any action of the ABR on an application for preliminary or final approval may be appealed to the City Council in accordance with Section 22.68.100 and Chapter 1.30 of the Municipal Code. An appeal is limited to the scope of action. The standards of review at each level of review are explained in Section 2.6. If a project is approved by the ABR, the Preliminary Approval

decision is the critical decision on the design elements of the project that should be appealed. Otherwise, the Final Approval decision may be appealed only on the basis that it is inconsistent with the Preliminary Approval. If a project was granted an approval without a Preliminary Approval decision, the Final Approval decision is the substantive decision that may be appealed.

The letter of appeal stating the reasons for the appeal must be filed with the City Clerk within ten (10) calendar days of the contested action together with the appropriate appeal fee.

- D. **Re-Filing a Denied Project.** When an application is denied by the ABR, the same application cannot be refiled with the ABR for one year, unless the application is substantially changed from the original. The changes to a denied application that is refiled within one year must mitigate the reason for denial. An application may also be denied “without prejudice” by the ABR, which may allow an applicant to re-file a similar application without waiting one year.

2.10 Plan Check and Building Permit

- A. **Preliminary Zoning Plan Check.** All development applications are reviewed prior to ABR agenda placement for zoning compliance. The project applicant is responsible for verifying compliance with all applicable codes and regulations.
- B. **Building Plan Check.** Following Final ABR Approval, applicants may submit plans to the Building and Safety Division for plan check. ABR Staff is not responsible for routing plans to Building and Safety for building permits. If any changes are made to plans during the Building Plan check code compliance process that would alter the exterior appearance of the building(s), Staff shall decide if the revised plans require further ABR review. When the plans have completed the plan check process and all corrections have been made, ABR Staff will stamp the plans and sign the zoning clearance/design review approval stamp in order to allow issuance of a building permit.
- C. **Building Permit.** Building permits are required to be issued for most ABR approvals in order to verify and inspect compliance with ABR approvals. Changes to a project during construction may necessitate Review After Final approval by the ABR or Staff.

SECTION 3 Jurisdiction

- 3.1 **ABR Jurisdiction.** The ABR shall review and take action to approve, conditionally approve, or deny all applications for:

- A. **Building Permits: Nonresidential, Multiple Family, and Mixed Use.** All applications for building permits to alter the exterior of or erect a non-residential, multiple family, or mixed use (residential and non-residential) building or structure or which will result in two or more detached dwellings on one lot shall be referred to the ABR for review. Questions about review of certain types of projects have

arisen periodically. The two following types of projects are specifically included in those projects subject to ABR review:

1. Exterior courts and courtyards which are not permanently covered are also subject to review if a building permit is required for the work.
2. The project results in an exterior color change to any commercial building, or to a multiple family project that is being reviewed by the ABR for other changes (such as condominium conversion).

If you are in doubt about whether your project requires ABR approval, please consult with ABR Staff.

- B. **Grading Permits** involving grading (cutting or filling) on a lot or lots (other than a lot in a single-family zone or a lot developed exclusively with a single-family home) shall be referred to the ABR for review. (SBMC §22.68.020.D)
- C. **Subdivision Grading Plans** involving grading (cutting or filling) on a lot or lots (other than lots in single family zones) shall be referred to the ABR for review. (SBMC §22.68.020.C).
- D. **City-Owned Land.** All buildings or structures erected upon any City owned land (or land leased to the City). (SBMC §22.68.090).
- E. **Outdoor Lighting.** Any change of, or addition to, the outdoor lighting of any building or property subject to ABR review (SBMC § 22.75.050).
- F. **Highway 101 Improvements.** Improvements to Highway 101 or appurtenant highway structures which require a Coastal Development Permit located within the Highway 101 Santa Barbara Coastal Parkway Special Design District, except for Highway 101 projects in the El Pueblo Viejo Landmark District. SBMC §22.22.140(C). (SBMC §22.68.020.F)
- G. **Signs.** The review of signs in the City is under the authority of the Sign Committee. Appeals of Sign Committee decisions are reviewed by the Historic Landmarks Commission if within El Pueblo Viejo or other landmark districts and by the ABR if within the remainder of the City (SBMC §22.70.050.I).
- H. **Other Applications.** Applications referred to the ABR for architectural, site plan, design and/or professional review.
- I. **Parking Lots.** Applications for construction or alterations to a parking lot associated with a commercial or residential project, which are under ABR's jurisdiction.
- J. **Wireless Communication Antennas & Facilities.** Applications for wireless

communication facilities, including wireless facilities, must be reviewed to minimize design and installation visual impacts (SBMC § 28.94.030.DD).

- K. **Historic Resources.** Projects involving structures identified as a potentially significant historic resource through a study or by inclusion on the City's Potential Historic Resources List may be referred to the Historic Landmarks Commission for design review recommendations.

SECTION 4 Meeting Conduct

4.1 General Procedures

- A. **Robert's Rules of Order.** The ABR 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 Guidelines or as may be determined appropriate by the Chair of the ABR. However, the general meeting procedures tend to be less formal.
- B. **Discussions Outside of Regularly Noticed Meetings.** It shall be a general policy of the ABR that private discussions between applicants and ABR members, or groups of ABR members shall not to be initiated or encouraged by ABR members. If a discussion does occur, it does not constitute official action or recommendations of the ABR. Such a discussion would not reflect the consensus of the entire ABR, nor shall it be construed as an interpretation of the ABR's policies. ABR members are encouraged to inform the ABR of such ex-parte discussions at regularly scheduled meetings.
- C. **Quorum** Four members, one of whom shall be an architect, constitute a quorum. No preliminary or final approval shall be given unless at least four members, including an architect, vote on the motion. Any member with a disqualifying conflict pursuant to the Political Reform Act or Government Code section 1090 shall not be counted toward achieving a quorum.
- D. **Abstention on Continued Items.** A 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. Any member may make comments at the request of the applicant.
1. An applicant's request that a member abstain from voting or commenting at a meeting, and a member's expression of intent to abstain, shall be made prior to the start of the applicant's presentation at that meeting.
 2. This policy on abstention shall not apply to Concept Review.
 3. If members abstain under this policy so that fewer than four members are eligible to vote on a project, the applicant can (i) withdraw all of the requests for abstention and waive any objection, or (ii) the project shall be continued to allow a quorum of eligible members.

- E. **Brown Act Meeting Rules.** ABR meetings (including, at times, meetings of the ABR Subcommittees) are governed by the Ralph M. Brown Act (Govt. Code Section 54950 et seq.) with the general purpose to ensure government decision-making occurs in public.
- F. **Conflict of Interest.** Members must comply with all laws and regulations prohibiting participation by officials in making decisions for which they may have a conflict of interest under State law, in particular the Political Reform Act of 1974.
- G. **Staff Assistance.** Staff shall assist the ABR and the general public through the ABR process. Any Staff comments shall be stated at the beginning of each review.
- H. **ABR Member Attendance.** If a member cannot attend a meeting, the member is asked to contact Staff at the earliest possible opportunity prior to the meeting date.
- I. **ABR Member Site Visits.** A site visit may be conducted to a proposed development site when additional site information is required prior to ABR comment or action on a project. Staff shall notify ABR members and the public of scheduled organized or drive-by site visits via notation on the meeting agenda.
- J. **Story Pole Requirements.** The ABR may require story pole installation by applicants to gain a better understanding of the proposed height, size, bulk and scale of a project and its relationship to the surrounding community and potential view impacts. Coordination with the Planning Commission for story pole placement and site visit is recommended. The installation shall follow the City's adopted criteria for story pole placement and installation standards. See the City's Visual Aid Submittal Packet handout, available at the Planning and Zoning Counter and on-line at:
www.santabarbaraca.gov/Resident/Home/Forms/planning.htm

4.2 Officer Election

- A. **Chairperson.** As soon as practical following the first day of January of every year, the ABR shall elect one of its members to serve as Chairperson.
- B. **Vice Chairperson.** Following the election of the Chairperson, the ABR shall elect a Vice-Chairperson who will conduct meetings in the absence of the Chairperson.

4.3 Subcommittees/Advisory Committees.

The ABR may establish one or more subcommittees comprised of three or fewer members appointed by the Chairperson and confirmed by the ABR. Any membership by an ABR member on a subcommittee or other board, commission or committee, not selected by the City Council, shall be confirmed by a majority vote of the ABR. The following are subcommittees or advisory committees to which the ABR appoints representatives.

- A. The Access Advisory Committee to Staff provides assistance and comments to the ABR on accessibility issues.
- B. Visual Arts in Public Places Committee (VAPP) is an advisory committee to which the ABR appoints a representative.