



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

February 12, 2015

#### **CALL TO ORDER:**

Chair Thompson called the meeting to order at 1:00 P.M.

#### **I. ROLL CALL**

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, June Pujo, and Deborah L. Schwartz.

#### **STAFF PRESENT:**

Bettie Weiss, City Planner  
Renee Brooke, Senior Planner  
Ariel Calonne, City Attorney  
Bill Ferguson, Water Resources Supervisor  
Allison De Busk, Project Planner  
Madeline Ward, Acting Water Conservation Coordinator  
Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

1. Ms. Brooke announced that the Planning Commission's decision on 2559 Puesta del Sol that was appealed to City Council will be heard on March 24, 2015.

2. Chair Thompson announced that Senior Planner Renee Brooke has been selected as City Planner to replace retiring City Planner Bettie Weiss.

C. Comments from members of the public pertaining to items not on this agenda.

Chair Thompson opened the public hearing at 1:01 P.M. and, with no one wishing to speak, closed the hearing.

**III. RECOMMENDATION TO CITY COUNCIL:**

**ACTUAL TIME: 1:01 P.M.**

**CONSIDERATION OF POTENTIAL DROUGHT-RELATED DEVELOPMENT RESTRICTIONS**

The City's Water Shortage Contingency Plan states that the City Council should consider regulations of water use and suspension of permit approvals during Stage Two and Stage Three Drought Conditions. The City is currently in a Stage Two Drought Condition, with some water use regulations in effect that restrict how water can be used during the drought.

A Staff team has been considering possible development restrictions in order to appropriately manage a critical water shortage while balancing possible effects on the local economy. These restrictions, as well as additional water use regulations, could be implemented by City Council as part of a phased approach. The first phase could include a voluntary landscape deferral program, so that anyone interested in deferring landscape installation could do so, but it would not be mandatory. The next phase could include mandatory landscape deferral, suspension of building permits for new pools, and suspension of building permits for projects that result in net new water use (generally, an increase in number of units or commercial floor area). These actions could be implemented as part of a Stage Three Drought declaration, or could be further phased, depending on the drought condition at that time.

The purpose of the public hearing was to allow the Planning Commission and the public an opportunity to review the proposed development restrictions and provide Staff and the City Council with feedback. A staff report outlining the proposed restrictions is available for review beginning February 5, 2015 at [www.SantaBarbaraCA.gov/PC](http://www.SantaBarbaraCA.gov/PC). **No formal action was taken at this hearing.**

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Phone: (805) 564-5470, ext. 4552

Allison De Busk, Project Planner, gave the Staff presentation. Bettie Weiss, City Planner; Bill Ferguson, Water Resources Supervisor; and Madeline Ward, Acting Water Conservation Coordinator were available to answer any questions.

Chair Thompson opened the public hearing at 1:14 P.M.

The following people commented on the proposed restrictions:

1. Steve Fort, Suzanne Elledge Planning and Permitting, submitted written comments supporting the proposed landscape deferral measure and had questions regarding the details of the potential development restrictions, noting that the water savings are minimal; stated that the restrictions should not apply to projects already deemed complete or approved.

2. Glen Mueller, 420 E. Anapamu, noted that development restrictions would be a huge cost to developers with little net benefit to water resources; had concerns and asked for a proposal to suspend restrictions on projects with entitlements; suggested notifying pending projects of the potential restrictions so that they can make an informed financial decision.
3. Bill Medel, Montecito Country Club, submitted written comments that were read into the record. Requested that the proposed suspension of building permits not apply to the Montecito Country Club and that the entire project, including the modified pool, be allowed to proceed.
4. John Schuck recommended that approved projects be allowed to move forward and not suspend their building permits. Once a project is approved, many events occur (purchasing, financing, final drawings) that would be impacted. It takes time to build projects, so we're talking about very little water over a three year period.
5. Greg Reitz, 3885 State Street, is beginning construction on an upper State Street project and commented that modern buildings are very water efficient, and AUD projects especially have relatively low water usage because they have less area for landscaping. Supports water efficiency and offered to make his project a model for others.

With no one else wishing to speak, the public hearing was closed at 1:30 P.M.

Commissioner Schwartz left the dais at 2:31 P.M. and returned at 2:33 P.M.

Commissioners were asked to comment on four main topics:

#### Voluntary and Mandatory Landscape Deferral

- Some Commissioners stated that we are beyond the point of a voluntary deferral of landscape installation. The Majority of the Commission could support mandatory deferral of landscape installation.
- Commissioner Jordan preferred to have a water use threshold for those subject to the mandatory deferral. He would like trees to be exempt from the landscape deferral but favors deferral of ground shrubbery.
- Commissioners Schwartz and Pujo expressed concern about staff resources to monitor and follow-up on the landscape deferrals. Commissioner Pujo suggested bonding as a means to ensure future compliance.
- Commissioner Pujo wants to be sure that new landscape plans receive a higher level of scrutiny to assure that there is no new exterior water use applied versus overall development water use except for what is required by the storm water quality plan.
- Commissioner Lodge noted the potential conflict with asking people to replace existing landscaping with water efficient landscaping, and requiring a landscape installation deferral.

#### Suspension of Building Permits for New Pools

- Many Commissioners stated that restrictions on pools would result in a small savings and to restrict would be more a more symbolic gesture.

- Commissioner Schwartz considers pools a luxury, and even though they may not represent a quantifiable savings, they convey an inequity in water use.
- Commissioners Schwartz and Pujo noted that a deferral would make the treatment of new pools consistent with that of existing pools.
- Commissioners Pujo and Thompson would like to see all pools required to have a cover to reduce evaporation, and closed when not in use.
- If pool restrictions are enacted, Commissioner Pujo would like to see fountains and open ponds restricted as well.
- Commissioner Lodge reflected on the prior drought and the greater severity of this drought and could support pool restrictions in favor of any and all water savings, regardless of the amount saved.
- Commissioner Higgins could support a restriction on pools, with the exception of institutional pools, commercial and hotel pools, and public pools.

#### Suspension of Building Permits for Projects With Net New Water Use

- The majority of the Commission does not support a suspension of permits for projects with net new water use.
- Commissioners expressed the potential impact on the economy and the potential to halt projects that are already in progress. Commissioner Higgins added that even when projects appear inactive, there is a lot of behind-the-scenes work and expense that is taking place.
- Commissioners Higgins and Thompson concurred that if a suspension were to be enacted, the public needed to have early awareness of any suspension.
- Commissioner Schwartz was concerned that enactment of a suspension at the building permit submittal stage would be too late.
- If enacted, Commissioners Schwartz and Lodge would like to have high density or priority overlay AUD projects included in the exemption list.
- Commissioner Schwartz could not support any restrictions that would be effective retroactively.
- While Commissioner Pujo does not see this as a workable solution, she could support suspending building permits for projects that have not yet come into the system and that also have a substantial unmitigable CEQA impact related to water.
- Citing the severity of this drought, Commissioner Lodge could support suspension of permits for projects that have not yet received a building permit.
- Commissioner Campanella pointed out that new project development helps exemplify for the public what can be done in terms of water conservation and serves as a model for others in retrofitting, use of low-flow toilets, on-demand water heating, etc.
- Commissioner Campanella could not support new development restrictions and showed a PowerPoint slide to illustrate why a mix of new development was needed for social, environmental, and economic reasons.
- If City Council were to enact any suspensions, Commissioner Thompson could not support stopping any projects that are already in the process, even if they have not yet received a building permit.

- Commissioner Thompson would want any projects that have gone through an EIR process and been shown to have no significant impact or a mitigated impact not to be restricted.
- Many Commissioners expressed a phased approach to any restrictions, if enacted.
- Commissioner Thompson suggested that any exemption for Tea Fire rebuilds only apply to those proposed by residents who lost homes and not speculative builders.

#### Zoning Ordinance Amendments to Support Water Conservation

- The majority of the Commission could support zoning changes that would allow rain barrels to encroach into interior/rear setbacks.
- Commissioner Jordan suggested that the language not be limited to water barrels and include water tanks.
- Commissioner Jordan noted that the Storm Water Management Plan only looks at keeping water from running off property, and suggested that it should be looked at closer to see if water can be retained and put to other uses, such as landscaping requirements.

#### General Comments

- Commissioner Jordan commented that the report is all about demand but not about supply and would like to see more conversation on a target supply number and how demand would fit into that number, such as what it would be like to live within 10,000 acre feet/year.
- Commissioner Jordan suggested determining what would define a large water user per project (such as 1-1.5 acre feet/year) and placing additional requirements on that project that would net enough for their water use, such as mandatory landscape deferrals, mandatory rain water use for landscaping, mandatory gray water use, etc.
- Many Commissioners expressed a preference for a phased approach to any restrictions, if enacted.
- Commissioner Jordan noted that the Storm Water Management Plan only looks at keeping water from running off property, and suggested that we make effort towards retention of water, which can be put to other uses, such as mandatory re-use for landscaping.
- Commissioner Jordan noted that eventually we will need to include water storage for new development in order to serve their landscape water needs.
- Commissioners Schwartz and Thompson commented that water use regulations are the real savings, and we should continue to incentivize water conservation in existing developments.

#### **IV. ADMINISTRATIVE AGENDA**

##### **ACTUAL TIME: 4:01 P.M.**

- D. Committee and Liaison Reports
  - 1. Staff Hearing Officer Liaison Report

- a. Commissioner Jordan reported on the Staff Hearing Officer meeting of February 4, 2015.
2. Other Committee and Liaison Reports
  - a. Commissioner Higgins reported on the Parks and Recreation Commission meeting of January 29, 2015.
  - b. Commissioner Higgins reported on Transportation and Circulation Committee meeting of February 12, 2015.
  - c. Commissioner Schwartz reported on Water Commission meeting of February 9, 2015.
  - d. Commissioner Campanella reported on the Downtown Parking Committee meeting of February 12, 2015.
  - e. Commissioner Thompson reported on the Single Family Design Board meeting of February 9, 2015.
  - f. Commissioner Thompson reported on the City Council Meeting held February 10, 2015.

V. **ADJOURNMENT**

Chair Thompson adjourned the meeting at 4:09 P.M.

Submitted by,

  
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Julie Rodriguez, Planning Commission Secretary