



City of Santa Barbara

PLANNING COMMISSION SPECIAL MEETING MINUTES JULY 23, 2020

1:00 P.M.

This Meeting was Conducted Electronically
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Deborah L. Schwartz, Chair
Lesley Wiscomb, Vice Chair
Roxana Bonderson
Gabriel Escobedo
Jay D. Higgins
Sheila Lodge
Barrett Reed

STAFF:

Tava Ostrenger, Assistant City Attorney
Allison DeBusk, Senior Planner
Heidi Reidel, Commission Secretary

CALL TO ORDER

Chair Schwartz called the meeting to order at 1:00 p.m.

I. ROLL CALL

Chair Deborah L. Schwartz, Vice Chair Lesley Wiscomb, Commissioners Roxana Bonderson, Gabriel Escobedo, Jay D. Higgins, Sheila Lodge, and Barrett Reed

STAFF PRESENT

Tava Ostrenger, Assistant City Attorney
Allison DeBusk, Senior Planner
Jill Zachary, Parks & Recreation Director
George Johnson, Creeks Supervisor
Jim Rumbley, Project Planner
Ellen Kokinda, Planning Analyst
Timmy Bolton, Associate Planner
Tony Ruggieri, City TV Production Supervisor
Heidi Reidel, Commission Secretary

II. PRELIMINARY MATTERS

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

No requests.

B. Announcements and appeals:

No announcements.

C. Review, consideration, and action on the following draft Planning Commission minutes and resolutions:

1. Planning Commission July 9, 2020 Minutes

MOTION: Lodge / Wiscomb

Approve the minutes as presented.

The motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

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

Public comment opened at 1:04 p.m.

Written correspondence from Jolynn Hardiman and Abraham Cohen was acknowledged.

III. NEW ITEM

ACTUAL TIME: 1:05 P.M.

STORM WATER MANAGEMENT PROGRAM AMENDMENTS

Discussion of proposed amendments to the City's Storm Water Management Program (SWMP) and Storm Water Discharge Permit.

George Johnson, Creeks Supervisor, gave the Staff presentation. Jill Zachary, Parks & Recreation Director and Jim Rumbley, Project Planner, were available to answer questions.

Paul Zink, AIA Architect; and Tom Ochsner, AIA Architect gave a presentation on behalf of the Santa Barbara Chapter of the AIA.

Public comment opened at 1:56 p.m., and the following individuals spoke:

1. Ben Pitterle
2. Hillary Hauser
3. Maggie Hall
4. Vaikko Allen
5. Beebe Longstreet
6. Jason Gotsis
7. Dale Weber
8. Alex Pujo
9. Joe Andrulaitis
10. Eddie Harris

Written correspondence from AIASB, Ashley & Vance Engineering , Channel Islands Restoration, Christina McGinnis, Citizens Planning Association, Environmental Defense Center, Dennis Thompson, Flowers & Associates Inc., Gail Osherenko, Gareth Richard, Heal the Ocean, Keith Rivera, Kevin Dumain, League of Women Voters, Mike Gones, Patrick Morgen, Ron Pike,

Santa Barbara Audubon Society, Santa Barbara Channelkeeper, Santa Barbara Sierra Club Group, Santa Barbara Urban Creeks Council, Sophie Roberts, Sweetwater Collaborative; and a letter submitted by Brian Trautwein, California Trout on behalf of Ben Pitterle, Science and Policy Director, Santa Barbara Channelkeeper; Linda Krop, Chief Counsel, Environmental Defense Center; Hillary Hauser, Executive Director, Heal the Ocean; Katie Davis, Chair, Sierra Club Los Padres Chapter; Vijaya Jammalamadaka, President, League of Women Voters of Santa Barbara; Dan McCarter, President, Santa Barbara Urban Creeks Council; Ken Palley, Board Member, Santa Barbara Surfrider Foundation; Katherine Emery, PhD, Executive Director, Santa Barbara Audubon Society; Marell Brooks, Executive Director, Citizens Planning Association; Ken Owen, Executive Director, Channel Islands Restoration; Barbara Wishingrad, Executive Director, Sweetwater Collaborative; Russel Marlow, South Coast Region Program Manager, California Trout were acknowledged.

Public comment closed at 2:26 p.m.

*** THE COMMISSION RECESSED FROM 2:26 - 2:45 P.M. & 4:46 - 4:56 P.M. ***

Commissioner comments:

Commissioner Lodge:

- Believes the Planning Commission is trying to come up with solutions to problems that don't exist.
- It is inappropriate to compare the City of Santa Barbara with the County. The City's income is dependent on tourism and retirement income, which depend on clean beaches. Polluted stormwater leads to beach closures which decreases tourism. Most of the county is inland and doesn't experience the same problems.
- Raising the Tier 3 thresholds should help small projects, such as those examples referenced by the public.
- Supports the package of proposed amendments.

Commissioner Wiscomb:

- Supports a waiver process on a case-by-case basis based on soil conditions and site constraints. Believes the process should be monitored so that waivers are kept to a reasonable minimum for development or redevelopment.
- Intrigued with the idea of doing something different within the priority housing overlay zone in the Central Business District.
- Should look into an in-lieu fee where you can drop a tier.
- Recommends doing more monitoring after construction to ensure water quality improvements are working well.
- Would like staff to explore the recommended language in the public comment letter from Flowers & Associates Inc.
- Intrigued by the idea of a watershed plan in the Central Business District.
- Moving Creeks to the Public Works Department is not on the agenda and the Planning Commission is here to comment on SWMP amendments, not where a particular division belongs.
- Still on the fence about raising Tier 3 threshold to 2,500 square feet but agrees we should be showing flexibility.
- Excluding Tier 4 downtown goes hand-in-hand with an in-lieu fee program. More information is needed on this issue.

- Would like to see an appeal process but not sure how it would work; third party review is a start.
- The proposed amendments go a long way toward improving flexibility, but we need to look further at Tier 4 and make sure development in priority housing overlay is not stymied.

Commissioner Escobedo:

- The amendments are a great improvement and staff has done a great job.
- Waivers should be taken on a case-by-case basis, but should be kept to a minimum.
- On the fence about the 2,000 square foot limitation for Tier 3.
- Not in favor of the appeal process but would like to see collaboration with the Regional Water Board to facilitate mediation between the applicant and the City. The Regional Water Board is a good third party to handle disputes over interpretation.
- Suggests in-lieu fees to drop from Tier 4 to Tier 3 or some flexibility in the priority housing overlay zone.
- The amendments as they are, are an improvement, but would like to see continued development.
- While the City of Santa Barbara is very different from its neighbors, the City should be involved in conversations about regional issues because they impact our watershed. The City can lead with collaboration and pushing neighbors to handle environmental issues with the same gravity.

Commissioner Reed:

- The work done for Tiers 1, 2, and 3 is a significant improvement compared to the existing Program.
- Does not know if the proposed changes would be a huge impact to downtown projects such as 410 and 710 State Street; does not believe a Tier 4 requirement is acceptable for the two existing State Street AUD projects.
- Concerned with General Plan consistency as it relates to encouraging housing.
- We have seen so few projects in the priority housing overlay and Central Business District because of obstacles such as SWMP. Doesn't want to increase the obstacles, as that would be counter to the goal of increasing housing.
- The proposed Tier 4 requirements are a concern.
- Excluding Tier 4 requirements in all priority housing zones could be acceptable.
- Appeals are necessary, essential, and appropriate. Would support a careful, potentially limited appeal process.
- Would support Tiers 1, 2, and 3 as proposed if there is a consensus to make significant changes to Tier 4.
- Would be in support of increasing the threshold to 2,500 square feet, but supports 2,000 square feet to offset changes to Tier 4.
- Offsite stormwater treatment is a good strategy. In-lieu fee programs can be part of the offsite mitigation strategy.
- Recommends taking a comprehensive approach to offsite treatment.

Commissioner Higgins:

- The administrative approach (i.e. having Creeks Division in the Parks and Recreation Department) doesn't appear to be working. Would like to hear more about how reorganization could benefit the customers of the program.
- An appeal process would be useful.

- Would support increasing the Tier 3 threshold to 2,500 feet, given that the threshold is already 4,000 square feet for some residential projects.
- Important to consider the AIA suggestion about shared retention/detention.
- Accommodating the desired amount of housing development with current restraints will be difficult.
- Would be willing to see the item come back with more definition.
- Tier 4 should be examined more holistically with creative solutions.
- Would like to see some of the waivers deleted with respect to work of the right-of-way.
- More parking lots should be on the list for retrofitting as soon as possible.

Commissioner Bonderson:

- We need to trust the words of the applicants and engineers sharing their challenges, as this is an issue of application not theory.
- Amendments are on the right track.
- We must simplify the process and make it less costly. Implement solutions thoughtfully, project by project; 5% flexibility isn't enough.
- Not a one size fits all solution; we value oceans and clean water, but need solutions that support housing.
- 100% compliance with stormwater conflicts with community goals for affordable housing.
- Supports Tier 3 increase to 2,500 square feet.
- Would like to see third party review and a waiver process.
- Supports an incentivized process in Tier 3 for flexibility.
- Tier 4 requirements need more leniency and incentive options.
- Supports collaborative efforts for right-of-way projects.
- Would like more study of in-lieu fees.
- Need more discussion on the distinction between new projects and redevelopment projects.

Chair Schwartz:

- Planning Commission has a responsibility to balance multiple goals.
- Clean water without a diverse population turns away from a blended and balanced responsibility.
- Tiers 1 through 3 are steps in the right direction and need to move forward with the caveat that the Tier 3 threshold should elevate from 2,000 to 2,500 square feet.
- Tier 4 needs further research and discussion within the priority housing overlay.

MOTION: Reed / Escobedo

The Commission supports the staff proposals for Tiers 1, 2, and 3, with recommendations to raise the Tier 3 threshold from 2,000 square feet to 2,500 square feet, include a waiver process, and include an appeal process. With regard to the waiver process, include the following language: "If the site is determined to be inappropriate for infiltration by the geotechnical engineer, a supporting letter and infiltration testing results must be provided, and volume reduction requirement for the site will be waived. Only the peak runoff discharge requirement and storm water treatment requirement would be required."

Straw poll: How many Commissioners can support eliminating the public right-of-way exemption (Appendix J, #7)?

Ayes: 5 Noes: 2 Passed

Straw poll: How many Commissioners can support allowing treatment for impervious hardscape using natural/vegetated/mulched areas for Tier 3 and Tier 4 projects instead of only for Tier 2 projects?

Ayes: 2 Noes: 5 Failed

Straw poll: How many Commissioners can support a monitoring process for the waivers to see how many are granted annually?

Ayes: 6 Noes: 1 Passed

The motion was amended as follows:

AMENDED MOTION: Reed/Escobedo

The Commission supports the staff proposals for Tiers 1, 2, and 3, with recommendations to raise the Tier 3 threshold from 2,000 square feet to 2,500 square feet, include a waiver process *with a formal monitoring process to understand how many are granted annually, and include an appeal process, and eliminate the public right-of-way exemption.* With regard to the waiver process, include the following language: “If the site is determined to be inappropriate for infiltration by the geotechnical engineer, a supporting letter and infiltration testing results must be provided, and volume reduction requirement for the site will be waived. Only the peak runoff discharge requirement and storm water treatment requirement would be required.”

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

MOTION: Higgins/Escobedo

The Commission recommends to City Council that Tier 4 be structured with the 15,000 square foot threshold to include options for applicants to treat stormwater offsite or onsite or with mitigation in-lieu fees. The Central Business District and priority housing overlay should be addressed differently than other parts of the City as they are critical areas relative to housing development, such that if there is an in-lieu fee program and/or a watershed program, compliance with Tier 4 could be done under the in-lieu fee program, done onsite, or done as part of the watershed plan.

This motion carried by the following vote:

Ayes: 6 Noes: 1 (Lodge) Abstain: 0 Absent: 0

IV. ADMINISTRATIVE AGENDA

No reports.

V. ADJOURNMENT

Chair Schwartz adjourned the meeting at 6:48 p.m.

Submitted by,

Heidi Reidel, Commission Secretary

DRAFT