

Long-delayed 'development transfer' rules approved

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By Chuck Schultz/Senior Staff Writer

Santa Barbara County planning commissioners endorsed an ordinance Wednesday allowing voluntary transfers of development rights from the Naples area to other South Coast properties, despite lingering doubts about whether the new program will accomplish that goal.

Capping complex discussions on the "transfer of development rights" (TDR) concept that have stretched over two years and several long hearings — three since May — the commission voted 4-1 to recommend approval of the proposed ordinance by the Santa Barbara County Board of Supervisors.

The board is likely to review the TDR ordinance in October, according to county staff planner Tom Figg.

The new approach was prompted by an unusual land-use dilemma in that prized stretch of largely undeveloped coastline encompassing hundreds of acres along both sides of Highway 101. Although county zoning allows one home per 100 acres on that agriculturally zoned land, 274 lots are shown in a subdivision map created more than a century ago. Those historic lots, though tiny by today's standards, have been deemed legal parcels by the California Supreme Court, and as many as 125 of them are considered buildable.

Since each of the coastal lots is worth millions, some development rights at Naples perhaps can be purchased through a TDR program, but probably not all the proposed homesites, Figg said.

Wednesday's dissenting vote was cast by Commissioner Michael Cooney. Though he favors using development transfers to reduce the amount on building that occurs at Naples on the Gaviota coast, two miles west of Goleta, the ordinance is written too weakly to accomplish that, Cooney contended.

"I continue to believe we need to do more to have an effective TDR ordinance," he said. "I'm not sure we're going to have much participation in the program" by South Coast developers or Naples landowners.

Similar concerns were expressed by the few public speakers at Wednesday's two-hour hearing in Santa Barbara.

The TDR program forward-ed by the commission will be "inefficient and ineffective," contended Marc Chytilo, an Environmental Defense Center attorney for the Naples

Coalition of several citizens groups. “To date, the county has not adequately discouraged residential development at Naples,” as required by a Local Coastal Plan policy, he added in a July 21 letter to the commission.

Chytilo, and legal representatives for the Surfrider Foundation, again called for the ordinance to include a mandatory TDR fee that would be collected from every developer who applied for rezoning to a higher residential density on any qualified “receiver sites.” Money collected through that fee would go into a fund used to “buy down” development rights at Naples.

The commission may vote Aug. 13 on a proposal for up to 72 homes there, known as the Santa Barbara Ranch project.

The commission majority decided in May to steer away from mandatory fees and instead encourage voluntary participation in the TDR program by offering density bonuses. In exchange for being allowed greater density on a residential property elsewhere on the South Coast, a developer would pay a yet-to-be-determined percentage of the market value of those extra units into the TDR fund for buying development rights at Naples.

However, the commission balked at ordinance language suggested by Figg that said developers could also seek less stringent development standards — requirements for things like building setbacks, roadway widths or parking requirements — as part of their density-bonus applications. Commissioners decided those two paragraphs should be deleted.

“I wouldn’t want to see street widths reduced or off-street parking eliminated” for any residential projects, Commissioner Joe Valencia said. “Reducing the standards is just a step backwards to me.”

Commissioner Cecilia Brown agreed, and also said she was torn between an ordinance with mandatory fees for all rezones or one with voluntary payments tied to requests for density bonuses. The latter would come into play for fewer projects, she reasoned, and generate less TDR funding overall.

“I think in order for this program to be effective we have to cast the widest net,” she added. Yet, even with its flaws, the ordinance is “the only mechanism we have” for potentially transferring some development potential from Naples to other properties. “I don’t think not voting for it is going to further the (public’s) interests,” she said.

Commission Chairman C.J. Jackson said he also would prefer a “more robust” ordinance, but is convinced an imperfect one is better than none at all.

“I think TDR is a weapon that needs to be in the county’s planning arsenal,” he added. “I think this (ordinance) is the best we can do with the environment (circumstances) we have” for the Naples area.

Chuck Schultz can be reached at 925-2691, Ext. 2241, or cschultz@syvnews.com.

