



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: P&D
Department No.: 053
For Agenda Of: 9/02/08
Placement: Departmental
Estimated Tme: 2 Hours (On 9/16/08)
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, P&D Director, 568-2085 *by Dianne M. Black*
Contact Info: Dianne Black, Development Services Director, P&D, 568-2086
SUBJECT: Santa Barbara Ranch Project – Transfer of Development Rights

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a hearing for September 16, 2008, to receive a report on a proposed enabling ordinance for transferring development rights at Santa Barbara Ranch and take the following actions:

1. Adopt a TDR Ordinance as recommended by the Planning Commission along with findings in support thereof.
2. Endorse designation of a non-governmental organization (“NGO”) to serve as the TDR administrative authority and direct staff to commence recruitment of such an entity.

Summary Text:

Santa Barbara Ranch comprises 485 acres and encompasses 80% of the 274 legal lots comprising the Official Map of Naples. Existing land use and zoning designations for the Naples townsite consist primarily of commercial agriculture, with minimum lot size requirements ranging from 10 acres (“U” zone designation for inland lots) to 100 acres (AG-II-100 zone designation for coastal lots) for each parcel. This translates to a hypothetical residential development potential of 14 lots that is far less than the 274 legal lots recognized in the 1995 Official Map of Naples. In short, existing agricultural land use designations and implementing zoning ordinances at Naples do not align with the residential lot densities already in existence. As a means of resolving this conflict, the County’s Coastal Land Use Plan (“CLUP”) contains policy language that is expressly and solely applicable to Naples. Policy 2-13 was adopted in 1982 at the time of the certification of the County’s Local Coastal Program and states:

“The existing townsite of Naples is within a designated rural area and is remote from urban services. The County shall discourage residential development of existing lots. The County shall encourage and assist the property owner(s) in transferring development rights from the Naples townsite to an appropriate site within a designated urban area which is suitable for residential development. If the County determines that transferring development rights is not feasible, the land use designation of AG-II-100 should be re-evaluated.”

In compliance with CLUP Policy 2-13, a series of studies were undertaken by the Solimar Research Group (under contract to the County) to evaluate the feasibility of TDR. The studies conclude that: “...while it may be possible to extinguish at least some development potential at Naples, a complete extinguishment of development rights is improbable.” These findings and relevant documents were the subject of separate public hearings by the Planning Commission and Board of Supervisors in late 2007 and early 2008. At its meeting on February 5, 2008, the Board of Supervisors affirmed the recommendation of the County Planning Commission and declared that: (i) only a partial transfer of development potential at Naples/SBR is possible; and (ii) the land use designation of AG-II-100 should be re-evaluated as provided by Policy 2-13 of the CLUP. The Board also concurred with the County Planning Commission that a TDR program should be market-based and voluntary in scope. In so doing, the Board authorized and directed staff to finalize a TDR Ordinance and initiate the adoption process.

On May 7, 2008, the Planning Commission conducted the first of four hearings on a draft of the TDR Ordinance. On a 4-1 vote, the Commission reached consensus on a number of issues that have been incorporated into the draft Ordinance that accompanies this Board letter. The dissenting vote was cast by Commission Michael Cooney and arises from a concern that the Ordinance is not sufficiently robust to induce participation. At issue is the concept of creating a captive market and whether all upzoning that results in higher residential density should be subject to the purchase of development credits. The majority of the Commission endorsed a density bonus approach that is intended to incentivize applicants with cost and time savings compared to a standard rezone process. The Commission also concluded that a non-governmental organization should serve as the transactional intermediary and urged the Board to provide all reasonable support to implement the program, while cognizant of budgetary constraints.

The Montecito Planning Commission was also consulted on the TDR Ordinance but recommended against its adoption.

Fiscal and Facilities Impacts:

Costs associated with the preparation of the TDR Ordinance have been funded by the applicant for the Santa Barbara Ranch Project, along with contributions from the City of Santa Barbara and County. Implementation costs associated with the TDR Ordinance would be recaptured from application fees for processing receiver site/density bonus requests. Permit revenues are budgeted in the Permit and Compliance Program of the Development Review, South Division on Page D-301 of the adopted 2008-09 fiscal year budget.

Special Instructions: None

Attachments:

- A. Findings
- B. TDR Ordinance
- C. Planning Commission Action Letters
- D. Planning Commission Staff Reports
- E. TDR Feasibility Board Letter

Authored by: Tom Figg, Project Planner