

GENERAL PLAN UPDATE

TRANSFER OF DEVELOPMENT RIGHTS MEETING

Combined meeting of the Public, Steering Committee and Interest Group

May 7, 2010

Meeting Commenced at 10:00 A.M.

I. General Comment

Mr. Henry Palmer stated that the residents of the Twin Oak sponsor area were concerned with the proposed Zoning Consistency Review changes by staff and specifically how it relates to agricultural operations in the area. He also recommended that staff look into creating an interim period after the General Plan Update is adopted to allow for property owners one final chance to develop under the existing General Plan.

Mr. Victor Esparza stated that he believed the General Plan Update Planning Commission hearings on November 19th 2010 were not appropriately notified, and therefore were in violation of the Brown Act.

Mr. Ron Richardson stated that the short notice he received regarding a stakeholder meeting for Ocotillo Wells, which discussed the proposed property changes was not adequate, and property owners should have been given more appropriate notice.

II. Summary of TDR Program.

Mr. Devon Muto began the workshop with introductions and provided a brief overview of the purpose of a TDR program. He went over the criteria included in the May 2010 Equity Mechanism Fact sheet.

III. Issues and Concerns over a TDR Program Raised

(In no particular order, inclusion in this list does not indicate a consensus on an issue)

Mandatory vs. Voluntary

- Audience members asked what does a Mandatory program entail, in the criteria for the Transfer of Development Rights Program?
 - i. Staff explained that a mandatory program would require participation by limiting the on-site development to the General Plan density, and using the difference between to General Plan Update and existing General Plan with some form of formula for transferring units.
- It was suggested that if the main issue with the mandatory provision in the program is the downzones in rural areas, then the project should be revised to have less significant downzones.

- i. DPLU responded that there are a few reasons the project would not be revised to have less significant downzones, including that the EIR did not cover the analysis, there are many existing constraints to development in the areas down zoned and that many of the rural areas can not accommodate growth.

Constraints to units under the existing General Plan

- It was asked if there should be compensation for units that would not have been developed because of unavoidable constraints such as slope and sensitive habitat.
- One suggestion was that calculation for the transfer of units from the sending sites should include all constraints to eliminate of “phantom units”.
- A participant suggested the TDR program should use the Groundwater ordinance or basic constraints to determine the specific unit yield for a property

Establishing Receiving sites

- The position was raised that a TDR program will only add an additional cost to developers, making some projects economically infeasible and in turn drive away future development.
- It was asked what the incentive would be to use the TDR program instead of existing regulations in place such as a GPA or rezone?
- A suggestion was that the TDR program be a viable alternative to the GPA process and should be less risky to the applicant.
- An audience member stated that receiving sites would have to be coordinated with the Community Groups to not could potentially change the community character of the area by adding additional units. Adding that community plans could be revised to include language on TDR programs as another specific form of control.
- It was inquired if a grandfathering provision could be included for General Plan amendments already in process.
- General questions were raised over who should be required to pay, if someone receives a significant increase or decrease in density with the General Plan Update, future General Plan Amendments, or other funding sources?

General Items

- It was suggested that the County of San Diego would need to annually review the TDR program to determine which areas can accept additional units.
- A participant asked where the funding come from to pay for the purchase of development rights under a PDR program.
- One audience member raised the issue that a TDR program may not work for a jurisdiction as large as the County of San Diego.
- It was asked if units lost from conservation purchases or other public projects could be included in a bank that can be used in future projects.
- Some participants questioned if projects with significant infrastructure investments should be treated the same way as other projects.

Attachment A

- A question was raised on how reductions in Commercial and Industrial land uses should be considered.

IV. Next Steps

Staff will review comments received during the May 7th TDR workshop and return to the Planning Commission later this year. Mr. Muto concluded the workshop, and stated that if time permitted staff would attempt holding another TDR workshop if possible.