
Putting Transfer of Development Rights to Work in California

Rick Pruetz

Solano Press Books
Point Arena, California

Contents

I Introduction to TDR: Description, Advantages, Uses, and Issues	1
A. What is TDR?	1
1. The TDR Concept	1
2. TDR Components	2
3. Advantages of TDR	3
B. Who Should Know about TDRs?	4
1. Local Officials	4
2. Regional, State and Federal Agencies	5
3. Elected and Appointed Officials	7
4. Property Owners/Developers	7
5. Environmental Organizations, Historic Preservation Societies, and Other Preservation Groups	8
C. Why Use TDR?	8
1. Current Zoning Restrictions Will Not Achieve All Land Use Goals	9
2. Land Acquisition Funds Are Limited	10
3. TDR Can Make Effective Zoning Possible	10
4. TDR Helps Implement Entire Land Use Plans	11
5. TDR Has Numerous Potential Uses	11
D. Legal Issues	13
1. Consistency with General Plan	14
2. TDR and Regulatory Takings	15
E. Economic Issues	20
1. Economics of Receiving Sites	20
2. Economics of Sending Sites	21
3. Market Characteristics	22
4. Market Intervention	22
F. Alternative Means of Transferring Development Rights	27
1. Specific Plans	28
2. Development Agreements	28

II TDR Programs in Other States	29
A. History of Transferable Development Rights	29
1. Government Actions Affect Property Owners	29
2. Forerunners of Transferable Development Rights	29
3. Windfalls and Wipeouts	30
B. Examples of TDR Programs in Other States	31
1. New York City	31
2. Collier County, Florida	33
3. New Jersey Pinelands	35
III The California Experience	41
A. Preserve/Restore Natural Areas	41
1. Tahoe Regional Planning Agency	41
2. South Lake Tahoe	44
3. Monterey County	46
4. Oxnard	47
5. Pacifica	49
6. Pismo Beach	50
7. Riverside	51
B. Protect Hillsides	53
1. Santa Monica Mountains	53
2. San Luis Obispo County	56
3. Morgan Hill	58
4. Belmont	59
5. Agoura Hills	60
6. Brisbane	62
7. Claremont	63
8. Milpitas	64
9. Moraga	65
C. Preserve Historic Landmarks	66
1. San Francisco	66
2. Los Angeles	67
3. Pasadena	69
4. San Diego	71
5. West Hollywood	72
D. Protect Agricultural Land	73
▶ San Mateo County	73
E. Promote Urban Form	75
1. Cupertino	75
2. Burbank	77
3. Oakland	78
F. New Housing and Revitalization	79
1. Irvine	79
2. Santa Barbara	80

IV Why More California Communities Don't Use TDR—A Survey	83
A. Survey Process	84
1. Survey Implementation	84
2. Questionnaire Contents	84
B. Findings	84
1. Land Preservation/Protection Goals	85
2. Achieving Land Use Goals?	85
3. Why Don't Communities Use TDR?	86
C. Conclusions	89
1. Is a Community's Zoning Adequate?	89
2. Communities Need More Information	90
3. Coordinating TDRs with General Plans and Zoning Codes	90
 V Ingredients for a Successful TDR Program	 93
A. What Constitutes a Successful Program?	93
1. The Number of Transfers Is Only One Measure of Success	93
2. A Successful Program Is One That Meets the Goals of All Participants	94
B. Development Restrictions on Sending Sites	95
1. Programs with Highly Restrictive Regulations on Sending Sites	95
2. Programs with Few Restrictions on Sending Sites	96
3. Programs with Moderate Restrictions on Sending Sites	97
C. Receiving Site Characteristics	98
1. Receiving Sites Should Be Clearly Identified and Recognized by the Community	98
2. Receiving Sites Should Generate Transfer Activity	100
D. Incentives	101
1. Transfer Ratios Multiply Transferred TDRs	102
2. Waivers of Development Requirements Are Popular TDR Incentives	103
3. TDR Banks Can Make Programs More Effective	104
E. Ministerial or Administrative Approval	106
1. Most California TDR Programs Are Not Administrative	106
2. Ministerial Programs Provide the Greatest Certainty	107
3. Administrative Programs Encourage Transfers	107
F. Program Management	107
1. Public Involvement	108
2. Developer Assistance Increases Transfer Activity	109
3. Monitoring and Improving TDR Programs	110
4. Program Management Requires Appropriate Staffing	112

VI Putting TDR to Work in California	113
A. Future of TDRs in California	113
1. Techniques Similar to TDRs	113
2. TDRs Specified by General Plans	114
3. Public Acquisition Funding Not Required	114
B. Recommendations	114
1. Wide Range of Uses for TDRs	114
2. Consider TDRs for All Facets of a Project	115
3. The Goals of a TDR Program	116
4. Commitment of Staff and Resources to Implement, Monitor, and Improve Programs	117
 Feature Articles	
The Santa Monica Mountains TDC Program.....	54
City of Los Angeles Central Library.....	68
The Holly Street Grill, Pasadena	70
Cupertino’s Research and Development Campus.....	76
 Appendix A	119
Transferable Development Rights Survey	
Appendix B	123
Selling and Buying Pinelands Development Credits: An Instructional Guide	
Appendix C	175
The Land Coverage Program of the California Tahoe Conservancy	
Appendix D	183
Cambria Lodge Hill Restoration Program— Program Review and Status Report	
 Glossary and Acronyms	213
Index	215