



COUNTY OF SAN BENITO
PLANNING & BUILDING INSPECTION SERVICES

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TO: Members of the General Plan Advisory Committee
FROM: Michael Kelly, Associate Planner
DATE: April 14, 2010
RE: **Transferable Development Credit (TDC) Principles**

Following this page for the Committee's reference is a copy of the draft Transferable Development Credit (TDC) principles as defined by the TDC Committee in 2006. These principles explain the goals of the program, delineate the concepts of sending and receiving areas, explain the program's implementation, and endorse the creation of a public agency that would actively facilitate preservation through the trading of credits.

While a TDC program has not been established, County Code makes reference to transferable credits and enables their use in Chapter 19.29 (General Plan and Specific Plan – Local Procedures). This chapter defines the Potential Residential Growth Increase (PRGI) procedure, which requires a Countywide referendum on any Board of Supervisors approval of a General Plan amendment proposal that would increase allowable residential density on a property, if potential exists for over 100 additional residences. Some General Plan amendment approvals for densified development, however, are not considered a "Potential Residential Growth Increase," because the potential for growth already existed prior to the approval. TDCs fall into this category, because the PRGI ordinance considers the resulting development a product of existing growth potential, transferred within the County, and not growth potential newly introduced to the County. This section of County Code, §19.29.005(B)(2), appears as shown below:

(B) For purposes of this section, the following approvals by the Board of Supervisors should not be construed as creating a potential increase in residential density.

[.....]

(2) *Application for a transfer of development credits.* An application for a transfer of development credits from one property to another shall not be construed as creating a potential for an increase in dwelling units; provided, however, that no net increase in the number of new residential dwelling units could occur on the subject properties. The Board of Supervisors may further exempt projects where bonus density is utilized when all of the following exist:

- (a) There is a maximum bonus density ratio of four to one;
- (b) The agricultural land utilized for bonus density is protected in perpetuity; and
- (c) The land is identified as "Prime Farmland" by the most recent San Benito County Important Farmland Map prepared by the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program.