

ATTACHMENT A

DRAFT MIXED-USE (MU) CODE LANGUAGE

Code Section	Rationale	Proposed Code Language
36.14	Design standards for MU, including market rate. This amendment separates design standards applying to all M-U from standards specific to 100 percent deed-restricted developments. Standards specific to 100 percent deed-restricted developments were approved in the Phase 2 Housing Amendments.	<p>36.14 Mixed-Use Design Standards.</p> <p>Mixed-use developments <u>approved after [effective date]</u> shall meet the definition of mixed-use in Chapter 90 and the following design standards:</p> <p><u>a. The ground floor shall include one or more permissible pedestrian-oriented non-residential uses that include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses.</u></p> <p>a-b. Mixed-use developments shall must accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor frontage area <u>or 60 percent of the ground floor area.</u></p> <p>b-c. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage <u>and shall be located off of the main frontage whenever possible;</u></p> <p><u>d.</u> The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.</p> <p>e- <u>An Area Plan may propose alternative standards for mixed-use developments that promote pedestrian-oriented design.</u></p>
39.2.3.B	Additions to existing 1:1 replacement requirement to include affordable housing.	<p>B. Existing Affordable and Moderate-Income Housing</p> <p>Existing residential units that are <u>affordable- or moderate-income housing, either de-facto or deed-restricted as defined by Chapter 90: Definitions</u>, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of <u>affordable- or moderate-income</u></p>

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		<p>housing. Mitigation shall be in the form of construction of an equal number of affordable- or moderate-income units, conversion of other structures to affordable- or moderate-income housing, deed-restriction of subdivided units to affordable- or moderate-income housing units, or a combination of the above.</p> <ol style="list-style-type: none"> 1. To determine whether a unit is affordable- or moderate-income housing, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as affordable- or moderate income housing. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate- to very low-income households in making the determination. If a rental or sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant. 2. Restriction of subdivided units to affordable- or moderate-income housing shall include recordation of deed restrictions running with the land that requires compliance with Section 52.3.4.D.
39.2.3.M	See above	<p>M. Substitution of Local Housing Plans If a local jurisdiction adopts and implements a program that addresses the need for affordable- and moderate-income housing within its jurisdiction, then TRPA may by ordinance exempt projects within that jurisdiction from the provisions of subparagraph 39.2.3.B.</p>
39.2.5.F	Require 10% deed-restricted housing as a condition of subdivision for pre- and post-1987 structures. Jurisdictions with inclusionary zoning requirements are exempt.	<p>F. Affordable and Moderate-Income Housing 1. Subdivisions of post 1987 residential projects in plan areas designated preferred affordable housing areas. Approval of subdivisions after December 31, 1995, of post-1987 residential projects in designated preferred affordable housing areas that do not qualify as affordable housing shall be prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Policy HS-1.2 of the TRPA</p>

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		<p>Housing Subelement of the Regional Plan Goals and Policies.</p> <p><u>2. Subdivision of eligible structures greater than 4 unit that are not subject to subsection 39.2.3.B shall only be permitted if there is an affordable and moderate-income housing component. No less than 10 percent of residential units in a subdivided structure or at least one unit, whichever is greater, shall be deed-restricted affordable or a mix of affordable and moderate-income housing. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. Deed-restricted units shall be substantially similar to the project's mix of units, size, and design of units. However, two or more smaller affordable deed-restricted units may be substituted for any required larger deed-restricted unit if the combined square footage is similar. Deed-restricted units may be built on site or elsewhere within a center. Deed-restricted units must be built before or concurrently with market rate units. Jurisdictions with equivalent requirements shall be exempt from this provision.</u></p>
90.2	Amend the definition of mixed-use to allow a broader mix of uses including tourist accommodation.	<p>Mixed-Use Development</p> <p>Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible pedestrian-oriented nonresidential uses include, but are not limited to, <u>residential, tourist accommodation</u>, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.</p>

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