

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2021-08

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO
AMEND TRPA'S CODE OF ORDINANCES AND OTHER MATTERS RELATED
THERE TO

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.0 **Findings**

- 1.10 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.

- 1.15 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.

- 1.20 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

- 1.25 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.

- 1.30 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").

- 1.35 Concurrent with this Ordinance, the TRPA Governing Board will approve Ordinance 2021-08, An Ordinance to modify the Bonus Unit Boundary, including amendments to Chapter 52; allow non-conforming density to remain onsite during redevelopment, including amendments to Chapter 31; introduce Accessory Dwelling Units, including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90; and modify code related to the Development Rights Strategic Initiative including Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51 and 52.

- 1.40 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.

- 1.55 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.0 **Amendment of the TRPA Code of Ordinances**

2.10 Ordinance 87-9, as previously amended, is hereby amended as shown in Attachment B.

Section 3.0 **Interpretation and Severability**

3.10 The provisions of this ordinance adopted hereby shall be liberally construed to affect their purpose. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section 4.0 **Effective Date**

4.10 This ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 29, 2021 by the following vote:

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Mr. Friedrich, Ms. Gustafson, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Absent: Ms. Faustinos, Ms. Hill



Mark Bruce, Chair
Tahoe Regional Planning Agency
Governing Board

Phase 1 Housing Code Amendment Package – Code of Ordinances, Rules of Procedure, and Area Plan tracked changes

Recommendation #1 - Expand the bonus unit eligibility boundary to include ½ mile from existing transit, ½ mile from a Town Center, and within areas that are zoned multi-family

CODE OF ORDINANCES

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.4. Affordable, Moderate, and Achievable-Income Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: Definitions shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C. A bonus unit may be used for an ~~accessory dwelling unit~~ secondary residence as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a ~~bonus unit~~ residential unit of use annually for failure to submit the compliance report or comply with these requirements.

E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.

F. The ~~housing~~ project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stops or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.

Recommendation #2 - Allow motels to keep their original TAU density when converting to residential

CODE OF ORDINANCES

31.4 INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and
2. The additional density is consistent with the surrounding area.

B. Affordable Housing within Kings Beach Commercial Community Plan

Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;
2. The additional density is consistent with the surrounding area; and
3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

31.4.2. Timeshare Uses (Residential Design)

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.4.4. Density in Area Plan Overlays

The maximum densities established in Section 31.3 may be exceeded for project located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

31.4.5 Tourist Accommodation to Residential Conversion

Existing tourist accommodation developments that change the use of or redevelop the existing structures to a multi-residential use pursuant to Section 21.2, *Permissible Uses*, and convert the units pursuant to Section 51.4, *Conversion of Development Rights* may maintain existing densities. If the density exceeds the maximum allowed density for a multi-residential use, the multi-residential use will be considered a legally existing non-conforming use for density purposes. Such conversions shall be subject to the following standards:

- A. The tourist accommodation units shall have been legally established prior to July 1, 1987.
- B. Additional units that result from the conversion shall be banked onsite provided all applicable requirements of Section 51.3, *Banking of Development Rights* are met.

31.4.6 Legal, Non-Conforming Tourist and Residential Density

Tourist accommodation or residential developments may maintain existing densities as part of onsite redevelopment. If the resulting density exceeds the maximum allowed density, the use will be considered a legally existing non-conforming use for density purposes. Tourist accommodation and residential uses with legal non-conforming density shall be subject to the following standards:

- A. The units shall have been legally established prior to July 1, 1987.
- B. Residential units shall be maintained as a residential use.
- C. Tourist accommodation uses may be converted to a residential use, in accordance with Subsection 31.4.5.
- D. Units that are banked onsite and which resulted from development that was legally established on that parcel prior to July 1, 1987 may be counted toward the existing density.
- E. If a transfer of development from the site occurs to make the project area more conforming, it cannot be transferred back to result in non-conforming density.

31.4.7 Calculation of Density with Accessory Dwelling Units

See Recommendation #3, below, for new language related to Accessory Dwelling Units

Recommendation #3 - Remove 1-acre limit on ADUs basin-wide, allow more than one ADU, remove noticing requirement for ADUs

CODE OF ORDINANCES

21.3. ACCESSORY USES

Accessory uses shall be regulated pursuant to the regulations applicable for the primary use upon which the accessory use is dependent. No project or activity pursuant to an accessory use may be permitted without a related existing or approved primary use on the same parcel.

21.3.1. Examples of Accessory Use

Accessory uses are defined in Section 90.2. Examples of accessory uses and related major categories of primary uses are as follows:

A. Residential

Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, exempt home occupations, tennis courts, dog runs, emergency facilities, home occupations, ~~secondary residence~~ accessory dwelling units, and other uses listed in the definition of a “primary use” as accessory.

B. Tourist Accommodation

Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, child care facilities, emergency facilities, employee facilities other than housing, ~~secondary residence~~ accessory dwelling units, restricted gaming (Nevada only), and other uses listed in the definition of a “primary use” as accessory.

C. Commercial

Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, ~~secondary residence~~ accessory dwelling units, restricted gaming (Nevada only), storage buildings, and other uses listed in the definition of a “primary use” as accessory.

D. Public Service

Accessory uses such as garages, ~~secondary residence~~accessory dwelling units, and emergency facilities.

E. Recreation

Accessory uses such as garages, emergency facilities, child care, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, ~~secondary residence~~accessory dwelling units, outdoor recreation concessions, bars and restaurants, and other uses listed in the definition of a “primary use” as accessory.

21.3.2. ~~Secondary Residence~~Accessory Dwelling Units (formerly Secondary Residences)

Accessory dwelling units (ADUs) shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. An accessory dwelling unit shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. An accessory dwelling unit shall be eligible for a residential bonus unit provided it meets the requirements of Section 52.3.4. Accessory dwelling units shall not be considered in the calculation of density.

A. Up to two accessory dwelling units per parcel shall be considered accessory uses where the primary use is a single-family or multi-family use and is a permissible use. These units may include a guest house or an affordable, moderate, achievable or market-rate rental unit. They may be attached, within, or detached from the main dwelling.

B. One ~~secondary residence~~accessory dwelling unit shall be considered an accessory use ~~to the primary use it serves and may be permitted~~ where the primary use is a commercial use, public service or recreational use~~permissible use~~. ~~Secondary~~These units may include ~~a guest house;~~ an affordable or market-rate rental unit; a caretaker residence ~~for a residential use, commercial use, public service or recreational use;~~ and a manager's quarters for a tourist accommodation use or multi residential use other than multi-family, or multi-residential use. ~~A secondary residence shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. If the primary use is residential, a secondary unit may be permitted only if either subparagraph 21.3.2.A.1 or 21.3.2.A.2 below is met.~~

~~A. Residential Secondary Unit Parcel Size~~

~~A secondary residence may be permitted as accessory to a single family house if:~~

- ~~1. The parcel on which the residence is located is greater in size than one acre; or~~
- ~~2. The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable, moderate, or achievable housing.~~

~~B. TRPA Certified Local Government Housing Program~~

~~TRPA may certify by resolution a local government housing program upon a finding that it adequately addresses, at a minimum, subparagraphs 1 through 3 below.~~

- ~~1. A local government adopted housing **element** that addresses the housing needs and issues of the jurisdiction pursuant to state standards;~~
- ~~2. Special ordinance standards for **development** of secondary residences, including but not limited to:
 - ~~— a. Minimum parcel size;~~
 - ~~— b. Maximum unit floor area for the secondary unit;~~
 - ~~— c. Parking standards; and~~
 - ~~— d. Building setback standards; and~~~~

- ~~3. An adequately funded and staffed compliance **and** monitoring program. This program shall through deed restriction limit the project area to the approved use and restrict both rental rates and occupants' household income to affordable, moderate, or achievable housing limits. Secondary units approved under this program shall be made available for long term occupancy and shall be occupied for at least ten months in each calendar year. Failure to comply for more than six months with use, rental rates/household income levels, or occupancy requirements shall require removal of the unit or modification of the use to bring the project area into compliance with otherwise applicable development standards.~~

~~The local government shall document and enforce the special **standards** through an MOU with TRPA. The MOU shall include objective compliance standards to ensure adequate funding, staff resources, permitting, compliance, and monitoring consistent with the local government housing program.~~

21.3.6. Living Area Associated with Residential Accessory Structures

Living area associated with a permissible residential accessory structure that does not constitute a residential unit, as defined in Chapter 90: Definitions, may be permitted ~~for parcels ineligible for a secondary residence under Subsection 21.3.2 or an Area Plan adopted under Chapter 13~~ provided that such living area does not ~~constitute a secondary residence. Residential accessory structures, other than an authorized secondary residence, shall not~~ contain any of the following:

- A.** Any item listed under “cooking facilities” as defined in Chapter 90: Definitions, or areas for the insertion of these items;
- B.** Both a bathing facility and a wet bar (either a bathing facility or a wet bar may be permitted);
- C.** More than one toilet or more than one bathing facility; or
- D.** Living area greater than 50 percent of the living area of the primary residence, or greater than 640 square feet, whichever area is less.

TABLE 21.4-A LIST OF PRIMARY USES AND USE DEFINITIONS

Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is <u>Up to two accessory dwelling units are</u> included; see “ <u>Accessory Dwelling Unit</u> Secondary Residence. ”
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see “Secondary Residence” <u>Up to two Accessory Dwelling Units are included; see “Accessory Dwelling Unit).</u> ”

31.3.2. Table of Maximum Densities

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in Table 31.3.2-1, except as provided in Section 31.4, Increases to Maximum Density.

Use	Maximum Density
Residential Uses	
<u>California</u>	
Single-family dwelling (parcels less than one acre)	1 unit per parcel, <u>excluding ADUs.</u>
Single-family dwelling (parcels greater than or equal to one acre)	2 units per parcel, provided one unit is an authorized secondary residence
<u>Nevada</u>	
<u>Single-family dwelling (parcels less than one acre)</u>	<u>1 unit per parcel</u>
<u>Single-family dwelling (parcels greater than or equal to one acre)</u>	<u>2 units per parcel, provided one unit is an authorized Accessory Dwelling Unit</u>

31.4 INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and
2. The additional density is consistent with the surrounding area.

B. Affordable Housing within Kings Beach Commercial Community Plan

Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;
2. The additional density is consistent with the surrounding area; and
3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

31.4.2. Timeshare Uses (Residential Design)

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of

three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.4.4. Density in Area Plan Overlays

The maximum densities established in Section 31.3 may be exceeded for project located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

31.4.5 Tourist Accommodation to Residential Conversion

See Recommendation #2, above, for proposed language related to Tourist Accommodation to Residential Conversion.

31.4.6 Legal, Non-Conforming Tourist and Residential Density

See Recommendation #2, above, for proposed language related to legal, non-conforming tourist and residential density.

31.4.7 Calculation of Density with Accessory Dwelling Units.

Accessory dwelling units shall not be considered in the calculation of density.

39.2 SUBDIVISION STANDARDS

39.2.5. Subdivision of Post-1987 Projects

L. Secondary Residences and Accessory Dwelling Units

Secondary residences or accessory dwelling units approved on or after July 1, 1987, shall not be subdivided.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the

project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: Permissible Uses, contain residential units: secondary residences; accessory dwelling units (formerly secondary residences); employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

51.5. TRANSFER OF DEVELOPMENT RIGHTS

Development rights as defined by Chapter 90: *Definitions* may be transferred from one parcel to another provided the transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

51.5.1. Transfer of Potential Residential Unit of Use

A potential residential unit of use, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions:

A. Vacant Parcel

The parcel from which the ~~development right~~ potential residential unit of use is to be transferred shall have a potential residential unit of use pursuant to Section 50.3.1.

B. Parcel Restriction

At the time of and as a condition of the transfer of a potential residential unit of use, the parcel from which the potential residential unit of use is transferred shall be restricted pursuant to Section 51.5.4.

C. Receiving Area

The parcel receiving the potential residential unit of use shall be in an area where residential uses are permissible and shall meet the following criteria:

1. Parcels Eligible to Receive One or More Potential Residential Units of Use

The following parcels are eligible to receive one or more potential residential units of use:

- a. Parcels located in a plan area, adopted community plan, or subdistrict within an adopted area plan designated as a receiving area for multi-residential units shall be eligible to receive one or more potential residential units of use; or
- b. Up to two potential residential units of use may be transferred to a parcel for the purpose of constructing accessory dwelling units, provided the building sites for the accessory dwelling units are in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

2. Parcels Eligible to Receive One Potential Residential Unit of Use

The following parcels are eligible to receive one potential residential unit of use:

~~a. One potential residential unit of use may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6, or 7;~~

ba. One potential residential unit of use may be transferred to a parcel that was not assigned a potential residential unit of use provided the parcel has a building site in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

3. Transfer of Potential Residential Units of Use to Centers; Bonus Unit Incentive

a. Receiving parcels in Centers are eligible to receive potential residential units of use based on the land capability district of the sending parcel and the distance of the sending parcel from Centers, and from primary transit routes.

b. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the potential residential units of use of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection 51.5.4.H.

c. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.

d. TRPA may assign a residential allocation from TRPA's residential allocation incentive pool to match the transferred potential residential unit of use when a transfer earns a bonus unit or portion thereof.

e. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

52.3.4. Affordable, Moderate, and Achievable-Income Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: Definitions shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C. A bonus unit may be used for an ~~secondary residence~~ accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a ~~bonus unit~~ residential unit of use annually for failure to submit the compliance report or comply with these requirements.
- E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.
- F. The ~~housing~~ project awarded a residential bonus unit shall be within ½ mile of existing transit stops or a transit stop that will be existing concurrent with the completion of the project.

90.2. OTHER TERMS, DEFINED

Accessory Dwelling Unit (ADU)

Formerly “Secondary Residence.” See subsection 21.3.2 ~~“Secondary Residence”~~.

Affordable Housing

See Recommendation #4 for changes to the “Affordable Housing” definition.

Secondary Residence

See “Accessory Dwelling Unit,” subsection 21.3.2.

RULES OF PROCEDURE

12.14. PROJECT OR MATTER REQUIRING NOTICE TO AFFECTED PROPERTY OWNERS

12.14.2. Residential (new or increase in density)

- A. ~~Affordable~~/Employee housing
- B. Mobile home parks (except for placement of mobile homes on existing pads in existing parks)
- C. Multi-residential
- ~~D. Secondary residence~~
- E. Home occupations - nonexempt

Recommendation #4 – Code Clean-Up Items Related to the Development Right Strategic Initiative

CODE OF ORDINANCES

51.5. TRANSFER OF DEVELOPMENT RIGHTS

Development rights as defined by Chapter 90: *Definitions* may be transferred from one parcel to another provided the transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

51.5.1. Transfer of Potential Residential Unit of Use

A potential residential unit of use, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions:

A. Vacant Parcel

The parcel from which the ~~development right~~ potential residential unit of use is to be transferred shall have a potential residential unit of use pursuant to Section 50.3.1.

52.3 RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Five hundred and sixty two (562) of the 1,124, or one half of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable housing units; the remaining 562, or one half of the remaining, residential bonus units from the TRPA pool, whichever is less, ~~shall~~ may be used for moderate or achievable housing units.

90.2. OTHER TERMS, DEFINED

Affordable Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by seasonal workers or permanent residents that are ~~for~~ lower-income households (income not in excess of 80 percent of the respective county's median income) and ~~for~~ very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of

Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.