

Attachment B

Development Rights Strategic Initiative
Amendments Table and Rationale

DRSI AMENDMENTS TABLE AND RATIONAL

This document provides the rationale for each section proposed for amendment as part of the Development Rights Strategic Initiative (DRSI). Implementation of the DRSI recommendations would require amending the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90.

New language is shown in "blue" and underlined and deleted language is shown in "red" and ~~stricken~~ through.

Grammatical corrections provided by Regional Plan Implementation Committee member, Shelly Aldean, on September 26, 2018 are highlighted in yellow.

REGIONAL PLAN GOALS & POLICIES Land Use Element and Development and Implementation Priorities Element

Item #	Existing Section	Amendment	Rationale																				
LAND USE ELEMENT																							
1	LU-2.1	<p>Residential: Each undeveloped legal parcel existing on August 17, 1986, unless otherwise restricted, has a development right of one residential unit <u>potential residential unit of use</u>, except where additional development rights are acquired pursuant to the Implementation Element. The status of development rights-residential units of use and potential residential units of use that existed on August 17, 1986 is outlined <u>are shown</u> in the table below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th colspan="2" style="text-align: left;">Development Rights-Residential Units of Use Inventory (as of October 24, 2012)*</th> </tr> </thead> <tbody> <tr> <td style="width: 80%;">Residences Developed before 1987</td> <td style="text-align: right;">40,865</td> </tr> <tr> <td>Total Development Rights<u>Potential Residential Units of Use</u> in 1987</td> <td style="text-align: right;">18,690</td> </tr> <tr> <td>Development Rights Acquired<u>Potential Residential Units of Use Retired</u> 1987-2011</td> <td style="text-align: right;">8,360</td> </tr> <tr> <td>Development Rights<u>Potential Residential Units of Use</u> Developed or Allocated to Jurisdictions 1987-2011</td> <td style="text-align: right;">6,087</td> </tr> <tr> <td>Total Development Rights<u>Potential Residential Units of Use</u> Remaining</td> <td></td> </tr> <tr> <td>Remaining on Buildable Parcels</td> <td style="text-align: right;">2,791</td> </tr> <tr> <td>Remaining on Marginal Parcels</td> <td style="text-align: right;">765</td> </tr> <tr> <td>Remaining on Unbuildable Parcels</td> <td style="text-align: right;">535</td> </tr> <tr> <td>Banked Development Rights<u>Potential Residential Units of Use</u></td> <td style="text-align: right;">152</td> </tr> </tbody> </table> <p style="text-align: center;">*Note: All statistics are estimates and are not regulatory.</p>	Development Rights-Residential Units of Use Inventory (as of October 24, 2012)*		Residences Developed before 1987	40,865	Total Development Rights <u>Potential Residential Units of Use</u> in 1987	18,690	Development Rights Acquired <u>Potential Residential Units of Use Retired</u> 1987-2011	8,360	Development Rights <u>Potential Residential Units of Use</u> Developed or Allocated to Jurisdictions 1987-2011	6,087	Total Development Rights<u>Potential Residential Units of Use</u> Remaining		Remaining on Buildable Parcels	2,791	Remaining on Marginal Parcels	765	Remaining on Unbuildable Parcels	535	Banked Development Rights <u>Potential Residential Units of Use</u>	152	Changes terminology from "residential development right" to "potential residential unit of use". See the outline of recommended amendments within the memo.
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Development and Implementation Priorities Element

Item #	Existing Section	Amendment	Rationale
2	DP-3	ENCOURAGE CONSOLIDATION OF DEVELOPMENT AND RESTORATION OF SENSITIVE LANDS THROUGH TRANSFER <u>AND CONVERSION</u> OF DEVELOPMENT RIGHTS AND TRANSFER OF LAND COVERAGE PROGRAMS.	Adds conversions (recommendation #1) to Goal DP-3 as a similar activity to transfers.
3	DP-3.7	TRANSFERS <u>AND CONVERSIONS</u> OF DEVELOPMENT RIGHTS, OTHER THAN LAND COVERAGE, SHALL BE LIMITED TO EQUIVALENT USES WITH NO INCREASE IN THE PARAMETERS BY WHICH THE USES ARE MEASURED BY THIS PLAN (E.G., FLOOR AREA, UNITS, PAOT) PLUS BONUS UNITS AWARDED <u>ENVIRONMENTALLY NEUTRAL</u> IN ACCORDANCE WITH THE REGIONAL PLAN AND CODE OF ORDINANCES. EQUIVALENT USES SHALL BE DEFINED BY ORDINANCE. DEVELOPMENT IMPACTS DUE TO THE RESULTING PROJECTS SHALL BE ADDRESSED AS PART OF THE PROJECT REVIEW PROCESS.	Adds conversions (recommendation #1) to policy DP-3.7 as a similar activity to transfers.

CODE OF ORDINANCES
Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90

Item #	Existing Section	Amendment	Rationale
CHAPTER 1: INTRODUCTION TO CODE OF ORDINANCES			
4	1.3.5	B. Chapter 51: <u>Banking, Conversion, and Transfer of Development Rights</u> – Provisions for the <u>banking, conversion and transfer of commercial floor area, tourist accommodation units, and single and multi-family residential units of use;</u> residential development rights, residential allocations, and existing development from one parcel to another;	Updates the reference to Chapter 51, which now includes banking, conversions, in addition to transfers, as well as the new terminology referred to as ‘development rights’.
CHAPTER 3: ENVIRONMENTAL DOCUMENTATION			
5	3.2.2.A	Projects Exempt from Preparation of Environmental Impact Statement 3. Transfers <u>or conversions</u> of development rights and residential allocations (does not include construction of new units).	Adds conversions (recommendation #1) to the list of activities exempt from requiring an EIS to be completed. Development projects will still require TRPA environmental review.
CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING			

Item #	Existing Section	Amendment	Rationale
6	6.4.7	<p>Non-Parcel Accounts</p> <p>TRPA may create a separate non-parcel account for each county, city, and state highway department for the purpose of receiving and crediting land coverage and units of use for future use or transfer. The sending parcel shall be restored and retired in accordance with Chapters 51: <i>Banking, Conversion, and Transfer of Development Rights</i>, and 30: <i>Land Coverage</i>, as applicable. The non-parcel account shall be in accordance with this chapter, except that the account file number shall not be an assessor's parcel number and certain other basic data and information may not be applicable.</p>	Updates reference to Chapter 51.
7	6.7.1.F	<p>Number of Existing and Potential Residential Units of Use Development Rights</p> <p>Number of <u>existing and potential residential units of use</u> development rights assigned to the parcel.</p>	Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.

Item #	Existing Section	Amendment	Rationale
8	new	<p>6.9 REGIONAL DEVELOPMENT RIGHT ACCOUNTING</p> <p>Transfers of land coverage and land coverage mitigation programs, pursuant to Chapter 30, and transfer of development programs pursuant to Chapter 51, may use a TRPA-approved land bank.</p> <p><u>TRPA shall prepare regional development right reports every two years (consistent with Section 51.6 Local Government Approval) for each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan. The report shall include:</u></p> <ul style="list-style-type: none"> <u>A. Total number of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.</u> <u>B. The net change of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.</u> <u>C. Total number of banked development rights within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.</u> <u>D. Total number of banked or potential development rights transferred out of each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.</u> <u>E. Total number of banked or potential development rights transferred into each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.</u> <u>F. Total number of development rights converted by development type and quantity within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.</u> 	<p>New section that establishes a two-year reporting for proposed Section 51.6: <i>Local Government Approval</i> and specifies what should be included in that report. (recommendation #4)</p>
9	6.9	6.10 LAND BANK	Revises code numbering.
10	6.10	6.11 CUMULATIVE ACCOUNT	Revises code numbering.

Item #	Existing Section	Amendment	Rationale
CHAPTER 11: PLAN AREA STATEMENTS AND PLAN AREA MAPS			
11	11.6.3.B	<p>Transfer of Development Rights (TDR) Receiving Areas The following designations determine which plan areas, or portions thereof, are receiving areas for transfer of the development specified in Chapter 51: <i>Transfer of Development</i>: For transfers of development rights other than those solely for banking purposes as permitted in accordance with Section 51.5.3.A.1, the following designations determine which areas, or portions thereof, are receiving areas for transfer of the development as specified in Chapter 51: <i>Banking, Conversion, and Transfer of Development Rights</i>.</p> <ol style="list-style-type: none"> 1. Existing Development The existing development designation determines which areas are eligible for the transfer of existing uses that are permissible uses in the plan area. 2. Multi-Residential Unit The multi-residential unit designation determines which areas are eligible for the transfer of <u>potential</u> residential <u>units of use</u>development rights. 	<p>Adds new language added that specifies transfer requirements for receiving sites. (recommendation #5)</p> <p>Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.</p>
CHAPTER 21: PERMISSIBLE USE			
12	21.3.2	<p>Secondary Residence</p> <p>A. Residential Secondary Unit Parcel Size A secondary residence may be permitted as accessory to a single-family house if:</p> <ol style="list-style-type: none"> 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, <u>moderate, or achievable</u> housing. 	<p>Adds language consistent with updates to the residential bonus unit income level eligibility described in Chapter 52: <i>Bonus Unit Incentive Program</i>. (recommendation #2)</p>
CHAPTER 31: DENSITY			

Item #	Existing Section	Amendment	Rationale
13	31.3.1.A	<p>Residential Uses On parcels where residential uses are permissible, each parcel shall be entitled to one residential unit. Higher densities, up to the limits in Table 31.3.2-1 or as established in the applicable area plan, plan area statement or adopted plan, whichever is most restrictive, may be developed by conversions of development rights, transfer of development rights, transfer of existing development, transfer of allocations or potential residential unit of use, or multi-residential incentives in accordance with Chapter 50: Allocation of Development, Chapters 51: Banking, Conversion, and Transfer of Development Rights, and Chapter 52: Bonus Unit Incentive Program.</p>	<p>Adds language related to the conversion of development rights (recommendation #1) as well as updating references to Chapter 51 and Chapter 52. "Area Plan" is also added for clarification.</p>
14	31.3.1.B	<p>Tourist Accommodation Uses On parcels where tourist accommodation uses are permissible, density up to the limits in the Table 31.3.2-1 or as established in the applicable area plan, plan area statement or adopted plan, whichever is most restrictive, may be developed by conversion of development rights or transfer of existing development in accordance with Chapter 51 or by obtaining tourist accommodation bonus units in accordance with Chapter 52.</p>	<p>Adds language related to the conversion of development rights (recommendation #1) as well as updating references to Chapter 51 and Chapter 52. "Area Plan" is also added for clarification.</p>
15	31.3.1.C	<p>Recreation Uses On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in Table 31.3.2-1 or as established in the applicable area plan, plan area statement, or adopted plan, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 50: <i>Allocation of Development</i>, or by transfer of existing development in accordance with Chapter 51. For other types of recreational uses, maximum densities or intensities shall be determined by the standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.</p>	<p>Adds "Area Plan" for clarification.</p>

CHAPTER 39: SUBDIVISION

Item #	Existing Section	Amendment	Rationale
16	39.1.3.A.1	<p>Acquisition Program Conveyances The standards for conveyances to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands, pursuant to a program established by statute for the purposes of acquiring lands for open space, water quality, or recreational uses, provided that:</p> <ul style="list-style-type: none"> a. If the original parcel had an <u>existing or potential</u> residential <u>unit of use</u> development right, the conveyance shall specify which parcel is assigned the <u>existing or potential</u> residential -unit of use <u>development right</u>. Likewise, the approval shall specify the coverage assigned to all parcels and shall specify that the maximum coverage on the existing and the newly created parcels shall not exceed the amount which would have been permitted prior to the subdivision; and b. The TRPA subdivision approval shall only take effect upon the transfer of the subdivided parcel to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands. 	<p>Changes terminology from “residential development right” to “potential residential unit of use”. See “Outline of Proposed Changes and Amendments” above.</p>
17	39.1.3.A.2	<p>General Conveyances The standards for other conveyances shall be:</p> <ul style="list-style-type: none"> a. If the original parcel had an <u>existing or potential</u> residential <u>unit of use</u> development right, a deed restriction, or other covenant running with the land shall be recorded establishing which parcel shall be assigned the <u>existing or potential</u> residential <u>unit of use</u> development right; b. The parcel conveyed to the government agency or public entity shall be permanently restricted by deed restriction or other covenant running with the land to the public service, public recreation, public resource management use, or open space; and c. If the original parcel contains existing land coverage, deed restrictions, or other covenants running with the land, a deed restriction or other covenant running with the land shall be recorded against the original and newly created parcels ensuring that the allowable and maximum coverages on the parcels shall not exceed the amount that would have been permitted prior to the subdivision. In the case where existing land coverage exceeds the Bailey coefficients, the restriction shall ensure that future land coverage calculations shall be made as if the parcels had not been subdivided. 	<p>Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.</p>

Item #	Existing Section	Amendment	Rationale
18	39.2.3.B.2	2. Restriction of subdivided units to moderate-income housing shall include recordation of deed restrictions or other covenants running with the land that compliance with Section 52.3.4. Limit the rental rates and sale price to those that are affordable to households or tenants that earn not more than 120 percent of the applicable county median.	
18	39.2.5	<p>Subdivision of Post-1987 Projects</p> <p>C. Multi-Residential Bonus Units and Allocations</p> <p>Multi-residential projects that received development rights ("bonus units") under Section 52.3 after January 1, 1993, or residential allocations under subparagraph 50.5.1.D, or multi-residential allocations under subsection 50.5.3, shall be permitted to subdivide provided the resulting units are deed restricted in accordance with the Chapter 90: <i>Definitions</i>, for achievable, moderate-income, affordable housing.</p>	Adds language consistent with updates to the residential bonus unit income level eligibility described in Chapter 52: <i>Bonus Unit Incentive Program</i> . (recommendation #2)
19	39.2.5	<p>D. Moderate-Income Housing</p> <p>Subdivision of moderate-income housing projects may be permitted provided TRPA finds that the resultant use qualifies as moderate income housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to moderate income housing.</p>	
CHAPTER 50: ALLOCATION OF DEVELOPMENT			
20	50.2	<p>APPLICABILITY</p> <p>No person shall construct a project or commence a use or activity that requires an allocation unless:</p> <p>A. An allocation is obtained in accordance with this chapter or a residential unit of use is obtained and transferred to the parcel in accordance with Chapter 51: Banking, Conversion, and Transfer of Development Rights;</p> <p>B. The parcel is eligible to use an allocation; and</p> <p>C. The project is approved by TRPA.</p>	Adds language related to residential units of use and allocation requirements and references the updated Chapter 51: <i>Banking, Conversion, and Transfer of Development Rights</i> . (recommendation #2)
21	50.3	<p>POTENTIAL RESIDENTIAL DEVELOPMENT RIGHTS POTENTIAL RESIDENTIAL UNITS OF USE</p> <p>Development Rights Potential residential units of use, as defined in Chapter 90: <i>Definitions</i>, shall be assigned and utilized in accordance with the following provisions:</p>	Changes terminology from "residential development right" to "potential residential unit of use". See the outline of recommended amendments within the memo.

Item #	Existing Section	Amendment	Rationale
22	50.3.1	<p>Assignment of <u>Potential Residential Units of Use</u> Development Rights Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a <u>potential residential unit of use</u> development right except as set forth below:</p> <ul style="list-style-type: none"> A. Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, or within Centers in a Conforming Area Plan, and are eligible for tourist accommodation or commercial uses, shall not have a <u>potential residential</u> development right <u>unit of use</u>. Parcels that are removed from community plan areas and included in Area Plans shall not receive a <u>potential residential unit of use</u> development right with the change. B. Parcels that contained one or more of the primary uses listed in the Section 21.4 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a <u>potential residential unit of use</u> development right, except as otherwise provided in subsection 50.3.4. C. Parcels that contained one or more of the primary uses listed in Section 21.4 under Recreation, on the effective date of the Regional Plan, shall not have a <u>potential residential -unit of use</u> development right, except that parcels with only dispersed outdoor recreation as a primary use shall have a <u>potential residential unit of use</u> development right. D. Parcels that contain one or more of the following uses in Section 21.4 under Resource Management, on the effective date of the Regional Plan, shall not have a <u>potential residential unit of use</u> development right. E. Littoral parcels that contain one or more of the primary uses listed in Section 81.3, on the effective date of the Regional Plan, shall not have a <u>potential residential unit of use</u> development right, except that <u>a</u> parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have a <u>potential residential- unit of use</u> development right. 	<p>Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.</p>
23	50.3.2	<p>Transfer of <u>Potential Residential</u> Development Rights <u>Units of Use</u> Transfer of <u>potential residential units of use</u> development rights shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 51: <u>Banking, Conversion, and Transfer of Development Rights</u>.</p>	<p>Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.</p>

Item #	Existing Section	Amendment	Rationale
24	50.3.3	Construction of Residential Unit A potential residential development right unit of use or multi-residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 50: <i>Allocation of Development</i> .	Changes terminology from “residential development right” to “potential residential unit of use” and “multi-residential bonus unit” to “residential bonus unit”. See the outline of recommended amendments within the memo.
25	50.4	ALLOCATION AND ACCOUNTING OF COMMODITIES AND DEVELOPMENT RIGHTS-ACCOUNTING	Changes terminology from “commodities” to “development rights”. See the outline of recommended amendments within the memo.
26	50.4.1	Total Allocations of Commodities and Accounting of Development Rights	Changes terminology from “commodities” to “development rights”. See the outline of recommended amendments within the memo.
27	50.4.2	2013 Additional Allocations TRPA shall release allocations land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.	Changes terminology from “commodities” to “development rights”. See the outline of recommended amendments within the memo.
28	50.4.3	LOS and VMT Monitoring Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.	Changes terminology from “commodities” to “development rights”. See the outline of recommended amendments within the memo.

Item #	Existing Section	Amendment	Rationale
29	50.5.1	<p>Requirement of Residential Allocation</p> <p>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, <u>moderate, or achievable</u> housing units approved after January 1, 1986 but shall apply to conversions of such affordable, <u>moderate, or achievable</u> housing to nonaffordable-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.</p>	<p>Adds language relating to the expanded eligibility of residential bonus units. Under the proposed system, residential bonus units could be allocated at the affordable, moderate, and achievable income levels. (recommendation #2)</p>
30	50.5.1.B	<p>Definition of “Additional Residential Unit”</p> <p>“Residential unit” is defined in Chapter 90: <i>Definitions</i>. For purposes of this chapter, a residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter.</p>	<p>Removes the requirement of obtaining an allocation if the residential unit of use is being converting from non-residential use. (recommendation #2)</p>
31	50.5.1.C.2	<p>Additional Bonus Multi-Residential Units</p> <p>In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,400-1,124 <u>(as of [effective date of amendments – January 1, 2019])</u> additional multi-potential residential development rights <u>units of use from the TRPA pool</u> shall be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. MultiPotential -residential units <u>of use</u> shall be subject to the foregoing allocation limitations.</p>	<p>Adds language regarding the existing number of residential bonus units in the TRPA allocation pool that can be distributed to projects within the affordable, moderate and achievable-income levels. (recommendation #2)</p>
32	50.5.1.E	<p><u>Disposition of Unused Allocations</u></p> <p><u>When the final conditions of a residential permit issued by TRPA are not met and that permit expires, the residential allocation associated with the permit is transferred to the TRPA pool or the local jurisdictional pool from where the allocation was distributed, and no residential unit of use is created.</u></p>	<p>Specifies and adds clarification of what happens when a project awarded a residential allocation is not constructed.</p>
33	50.5.2.D	<p>D. Administration</p> <p>An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 51: <u>Banking, Conversion, and Transfer of Development Rights</u>. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for, and otherwise treated in accordance with Chapter 6: <u>Tracking, Accounting, and Banking</u>.</p>	<p>Updates reference to Chapter 51.</p>

Item #	Existing Section	Amendment	Rationale
34	50.5.3	<p>Multi-Residential Allocations</p> <p>A portion of the residential allocations set forth in subparagraph 50.5.1.C may be reserved for multi-residential use. These reserved allocations shall be used for the Multi-Residential Incentive Program established in Chapter 52: Bonus Unit Incentive Program, or in connection with transfer of development rights pursuant to Chapter 51: Banking, Conversion, and Transfer of Development Rights.</p>	Updates the reference to Chapter 51 and removes allocation requirement for a residential bonus unit. (recommendation #2)
35	50.5.3.B	<p>Allocations for Multi-Residential Projects</p> <p>Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for multi-residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review multi-residential projects for which allocations are reserved from future years, except that project approval shall be limited to units for which allocations are available at the time of approval. Projects may receive bonus units prior to project approval pursuant to Chapter 52.</p>	Removes language allowing multi-residential projects to receive a bonus units prior to approval of a project. (recommendation #2)
36	50.6.1	<p>Requirement of Allocation</p> <p>No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA or obtaining necessary development rights pursuant to Chapter 51: Banking, Conversion and Transfer of Development Rights. In order to construct the project or commence the use to which the allocation pertains, the recipient of the allocation shall comply with all other applicable provisions of this Code.</p>	Adds a reference to the updated Chapter 51, requiring an allocation or obtaining necessary development rights through a conversion.
37	50.7.1	<p>Requirement of Allocation</p> <p>No person shall construct a project or commence a use that creates additional tourist accommodation units without first receiving an allocation approved by TRPA or obtaining necessary developments rights pursuant to Chapter 51: Banking, Conversion, and Transfer of Development Rights. In order to construct the project or commence the use to which the allocation pertains, the recipient of the allocation shall comply with all other applicable provisions of this Code.</p>	Adds a reference to the updated Chapter 51, requiring an allocation or obtaining necessary development rights through a conversion.
38	50.8.4	<p>Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use</p> <p>Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be approved only in conjunction with a project approval at the receiving site. The transfer shall be subject to the standards of Chapter 51, and the following standards...</p>	Removes the requirement of an approved project on the receiving parcel in order to transfer development rights. (recommendation #5)

Item #	Existing Section	Amendment	Rationale
39	50.10.1	<p>50.10 — ELECTION OF CONVERSION OF USE 50.10.1 — General Conversion Standards</p> <p>Existing residential units may be converted to tourist accommodation units or commercial floor area, and existing tourist accommodation units may be converted to residential units or commercial floor area if the conversion complies with subsections 50.10.3, 4, 5, 6 or 7 and with the following conversion standards:</p> <p>A. The proposed conversion shall be evaluated for adverse impacts using the Initial Environmental Checklist (IEC) and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated;</p> <p>B. Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit;</p> <p>C. Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area to one square foot of commercial floor area, using the subsection 50.6.2 criteria for measurement of floor area; and</p> <p>D. A maximum of 200 residential units and 200 tourist accommodation units may be converted within a calendar year for the region.</p>	<p>Moves section to 51.4.3: <i>Conversion Standards</i>, with some changes within the standards.</p>
40	50.10.2	<p>Conversions to Multi-family Units</p> <p>A pilot program is created under this subsection that allows for the conversion of no more than 200 TAUs to ERUs for multi-unit projects, subject to the following conditions:</p> <p>A. Each TAU can be used for a maximum of 1,250 sq. ft. of residential floor area;</p> <p>B. The conversion must happen on the same parcel; and</p> <p>C. TRPA shall monitor the impacts to thresholds of pilot program.</p>	<p>Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)</p>
41	50.10.3	<p>Transfer From Sensitive Lands</p> <p>Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or 1b (Stream Environment Zone), and the parcel is restored.</p>	<p>Moves section to 51.4.4: <i>Remaining Square Feet and Fractions of Units Resulting from a Conversion of Use</i>, with some edits to the section. (recommendation #1)</p>

Item #	Existing Section	Amendment	Rationale
42	50.10.4	<p>Removal of a Nonconforming Use Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted in conjunction with a project approval if the conversion results in the elimination of the unit of nonconforming use. The structures containing the converted use shall meet TRPA standards for new construction</p>	Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)
43	50.10.5	<p>Uses Modified to Meet Development Standards for New Projects Conversion of an existing residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use, or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family residential, may be permitted onsite or for transfer in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA standards applicable for a project proposed on an undeveloped project area.</p>	Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)
44	50.10.6	<p>Uses Linked to an EIP Project Conversion of residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family, may be permitted onsite or for transfer if the converted use is included as part of a project that has linked status pursuant to Chapter 15: Environmental Improvement Program.</p>	Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)
45	50.10.7	<p>Uses to Provide Deed-Restricted Affordable Housing Projects Conversion of existing tourist accommodation units of use to residential may be permitted onsite if the converted units will be used for deed-restricted affordable housing, the converted units are certified by the local jurisdiction that they meet their public health and safety standards for residences, and the project area meets TRPA standards applicable for modifications on a developed project area.</p>	Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)

46	50.10.8	<p>Commercial Floor Area/Tourist Bonus Unit Conversion Pilot Program Notwithstanding any other contrary provisions of Chapters 50 and 51, this pilot program allows for the reservation, conversion, allocation, and transfer of Commercial Floor Area (CFA) and tourist bonus units.</p> <p>A.—Reservation of Bonus CFA or Tourist Bonus Units:</p> <p>1.—Potential applicants may submit letters of intent to apply for bonus CFA or tourist bonus unit reservations upon TRPA Governing Board approval of this pilot program until March 27, 2016. All reservation letters received during this period shall be reviewed and ranked according to the criteria below by the Governing Board. The applicants with the highest ranked letters of intent will be allowed to reserve bonus units to the extent bonus units are available from TRPA. TRPA shall rank the letters of intent on the following criteria:</p> <p>a.—Amount of nutrient and fine sediment pollutant reduction and stream environment zone and other sensitive land restoration;</p> <p>b.—Additional Threshold or community benefits; and</p> <p>c.—Status of land acquisition and likely maintenance of restoration benefit.</p> <p>Successful potential applicants shall complete their reservation applications pursuant to Section 50.10.8.B below within 18 months of Governing Board action on their letter of intent.</p> <p>2.—If the letter of intent process does not exhaust the available supply of bonus CFA or tourist bonus units, additional reservation applications may be submitted after March 27, 2016 and considered by the Governing Board under the criteria of Section 50.10.A.1 (a)-(c).</p> <p>3.—Sending site project areas for reservation requests shall be limited to contiguous parcels and requests shall describe the number of CFA and/or tourist bonus units that could be feasibly earned as a result of the sending site restoration according to Section 51.5: Transfer of Existing Development.</p> <p>B.—All applicants for CFA and tourist bonus units either reserved per A.1 or submitted per A.2, above, shall provide the following within 18 months from the date of reservation approval per A.1.</p>	<p>Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)</p>
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Item #	Existing Section	Amendment	Rationale
		<p>1.—Submit a complete application for a TRPA permit for any demolition and restoration of the sending site project area; and</p> <p>2.—Include proof of ownership or control of the sending site project area, which, at a minimum, shall be an option to purchase the site.</p> <p>C.—Applicants shall restore and permanently restrict all or part of the sending site, as appropriate, pursuant to the provisions of Section 51.6: Restriction of Parcels, no later than 12 months after the approval of an application submitted per 50.10.8.B, above, or three years from the effective date of this ordinance, whichever comes later.</p> <p>D.—The Governing Board may grant one extension of up to 12 months to applicants diligently pursuing the approved restoration project.</p> <p>E.—CFA and tourist bonus units may be converted into either commodity at a ratio of one TAU to 450 square feet of CFA and vice-versa.</p> <p>F.—No more than 80,000 square feet of CFA from the TRPA-Special Project and CEP Pool and no more than 61 tourist bonus units remaining from the 1987 Regional Plan (provided for in Table 50.4.1-1: Allocation and Development Rights Accounting of this Code) may be used under this pilot program.</p> <p>G.—TRPA shall allocate the CFA or tourist bonus units when the sending site has been deed restricted, and when the applicable conditions of approval for the demolition and restoration plan have been satisfied or a security has been posted in an amount equaling 125% of the amount needed to ensure the unsatisfied conditions of approval for the restoration will be satisfied.</p> <p>H.—Bonus units can be earned and held by either a public or private party.</p> <p>I.—This pilot program shall remain in effect from March 27, 2016 through March 27, 2019. If CFA or tourist bonus units are reserved during the time that the pilot program is in effect, TRPA may issue CFA or tourist bonus units following the termination of the pilot program if all of the criteria in this section have been met.</p>	
47	50.11	50.11 50.10 OTHER PERMITS	

CHAPTER 51: TRANSFER OF DEVELOPMENT

Item #	Existing Section	Amendment	Rationale
48	51.0	<u>CHAPTER 51 BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT RIGHTS</u>	<p>Reorganizes Chapter 51 to all activities or transactions for existing development rights - banking, conversions and transfers.</p> <p>Banking, conversions, and transfers of development rights are broken out into distinct sections (51.3, 51.4, and 51.5 respectively). The structure of each section is mirrored – eligibility, requirements and/or standards, other specific criteria (if applicable), and restrictions (if applicable).</p> <p>Co-locating activities or transactions associated with development rights is intended to improve the usability of the Code and increase predictability.</p>
49	51.1	<p>PURPOSE This chapter sets forth the provisions for the <u>banking, conversion, and transfer of development rights as defined in Chapter 90 and residential development rights, residential allocations, and existing development from one parcel to another</u> as provided in the <u>Regional Plan</u> Goals and Policies <u>in the Implementation Element</u>, Development and Implementation Priorities Sub_element, <u>Implementation Element</u>, Goal #3, Policies 1-6 <u>and Development and Implementation Priorities, Policy 3.7</u>. The <u>banking and transfer of land coverage</u> is addressed in Chapter 30: <i>Land Coverage</i>.</p>	<p>Adds language regarding the reorganization of Chapter 51 and references the Regional Plan Goals and Policies.</p>

Item #	Existing Section	Amendment	Rationale
50	51.2	<p>APPLICABILITY This chapter applies to the banking, conversion, and transfer of development rights. The term “development rights” for the purposes of Chapter 51 include commercial floor area (CFA), tourist accommodation units (TAUs), and single and multi-family residential units of use (RUUs).</p> <div data-bbox="382 358 1549 690" data-label="Diagram"> <pre> graph TD A[Development Rights] --> B[Commercial Floor Area (CFA)] A --> C[Tourist Accommodation Units (TAU)] A --> D[Single and Multi-Family Residential Unit of Use (RUU)] </pre> </div> <p><i>Figure 51.2: Development Rights</i></p> <p>All such banking, conversions, and transfers require TRPA approval. Banking, conversion, or transfer of development rights residential development right, or residential allocation, or existing development shall not constitute approval of the underlying an associated project. Transfers of existing development shall occur only in conjunction with a project approval.</p>	<p>Adds new language regarding all development rights and references the Code sections relating to how they can be acquired. A graphic is added to help the reader understand what is included in the umbrella of development rights.</p> <p>In addition to transfers, this edit adds banking and conversions to the list of activities that require TRPA approval.</p>
51	new	<p>51.3 BANKING OF DEVELOPMENT RIGHTS Certain elements of existing or potential development may be banked, or held, on a parcel provided the activity complies with this section.</p>	<p>Adds banking of development rights.</p>

Item #	Existing Section	Amendment	Rationale
52	<i>new</i>	<p><u>51.3.1 Eligibility</u></p> <p><u>A. The following elements of existing or potential development shall be eligible for banking:</u></p> <ol style="list-style-type: none"> <u>1. Commercial floor area, tourist accommodation units, and residential units of use (including potential residential units of use and residential allocations).</u> <u>2. Existing land coverage may be banked pursuant to Chapter 30: <i>Land Coverage</i>.</u> <p><u>B. Existing or converted development rights may be banked on a parcel for the sole purpose of banking with no intended use or approved project pursuant to this section and Sections 51.4 or 51.5, as applicable.</u></p>	Adds banking eligibility of development rights.

Item #	Existing Section	Amendment	Rationale
53	new	<p><u>51.3.2 Requirements</u></p> <p><u>Banking of existing or potential development may be permitted subject to the following requirements:</u></p> <ul style="list-style-type: none"> <u>A. All banking activities shall be reviewed and approved by TRPA.</u> <u>B. Prior to banking, the development rights shall be verified as legally existing.</u> <u>C. The banking shall be limited to the development rights existing on the parcel from which the development is to be removed or modified.</u> <u>D. For parcels from which development rights will be converted pursuant to Section 51.4, the structures or facilities accounting for that use shall be removed or modified as to eliminate the existing units and use.</u> <u>E. When the banking results in the removal of a primary use as defined by Chapter 21: <i>Permissible Uses</i>, all accessory uses and structures associated with the primary use shall also be removed.</u> <u>F. TRPA shall track and account for parcels from which units of use have been banked as set forth in Chapter 6: <i>Tracking, Accounting, and Banking</i>.</u> <u>G. At the time of and as a condition of approval for the banking of development rights, the parcel or project area from which the development rights previously existed shall be restored and revegetated in accordance to Section 61.4: <i>Revegetation</i> and restricted pursuant to Section 51.3.3: <i>Parcel Restriction for Banking</i>.</u> <u>H. The parcel from which the development rights are banked shall be free of nuisance and hazard.</u> <u>I. If there are bonds, assessments, back taxes, fees, and liens affecting the parcel, the applicant shall receive authorization to bank development rights from those interested parties to whom the bond, assessment, back taxes, fees, or liens are owed.</u> 	<p>Adds banking requirements of development rights.</p>

54

new

51.3.3 Parcel Restriction for Banking

At the time of and as a condition of banking, the parcel from which the development rights existed shall be restricted as follows:

A. Banking of All Existing Development on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all development rights have been banked shall be restored pursuant to subsection 51.3.2.G and shall be permanently restricted to open space by a deed restriction running with land, recorded by the owner except where otherwise permitted in Section 30.5.

B. Banking of Some Existing Development on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which less than all units of existing development have been banked shall be permanently restricted from redeveloping the project area from where the development rights were previously existing by deed restriction running with the land, recorded by the owner except where otherwise permitted in Section 30.5.

C. Banking of Existing Development on Non-Sensitive Lands

TRPA shall document and track all development rights that have been banked in accordance to Section 51.3.2.F. The use shall remain banked, until or unless, a project associated with the use is approved by TRPA pursuant to this Code.

D. Potential Residential Unit of Use or Residential Allocation Banking on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all potential residential units of use, allocations, and existing development have been banked shall be permanently restricted from residential development.

1. For parcels in private ownership, or that have deed restrictions running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.
2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.

E. Potential Residential Unit of Use or Residential Allocation Banking on Non-Sensitive Lands

TRPA shall document and track all potential residential units of use and residential allocations that have been banked in accordance to Section 51.3.2.F. The use shall remain banked, until or unless, a project associated with the use is approved by TRPA pursuant to this Code.

Adds banking parcel restrictions of development rights.

Item #	Existing Section	Amendment	Rationale
55	50.10	<p><u>51.4 ELECTION-OF-CONVERSION OF USE DEVELOPMENT RIGHTS</u> <u>Existing development rights consisting of commercial floor area (CFA), tourist accommodation units (TAUs), and single and multi-family residential units of use (RUUs) may be converted from one development right to another provided the conversion complies with this section.</u></p> <div data-bbox="415 358 1535 678" data-label="Diagram"> <pre> graph TD DR[Development Rights] --- CFA[Commercial Floor Area (CFA)] DR --- TAU[Tourist Accommodation Units (TAU)] DR --- RUU[Single and Multi-Family Residential Unit of Use (RUU)] CFA <-.-> TAU TAU <-.-> RUU CFA <-.-> RUU </pre> </div> <p><u>Figure 51.4: Convertible Development Rights</u> <u>The dashed line refers to the conversion between development rights. See Table 51.4.3-1 for conversion exchange rates.</u></p>	<p>Adds new language regarding all development rights and references the Code sections relating to how development rights can be acquired.</p> <p>Adds a graphic to help the reader understand what is included in the umbrella of development rights and what is eligible for conversion. (recommendation #1)</p>
56	new	<p><u>51.4.1 Eligibility</u></p> <p><u>A. The following development rights shall be eligible for conversion: commercial floor area, tourist accommodation units, and single and multi-family residential units of use.</u></p> <p><u>B. A single or multi-family residential unit of use that was verified and banked as of [insert the effective date of this provision- Jan. 1, 2019] shall be considered a single-family residential unit of use for conversion and transfer purposes.</u></p> <p><u>C. Existing commercial floor area, tourist accommodation units, and single or multi-family residential units of use or held in allocation pools by local governments shall be eligible for conversions.</u></p> <p><u>D. Bonus units awarded to a project are eligible for conversion provided all requirements for awarding of the bonus unit in Chapter 52 have been and continue to be met. Bonus units can be awarded concurrent with a qualifying development right transfer without the approval of an associated project.</u></p>	<p>Adds conversion eligibility. (recommendation #1)</p>

Item #	Existing Section	Amendment	Rationale
57	new	<p><u>51.4.2 Requirements</u> <u>Conversion of existing development may be permitted subject to the following requirements:</u></p> <p><u>A. All conversions shall be reviewed and approved by TRPA.</u></p> <p><u>B. Prior to conversion, the development right shall be verified as legally existing.</u></p> <p><u>C. The conversion shall be limited to the units of use existing on the parcel from which the development is to be removed or modified.</u></p> <p><u>D. For parcels from which units of existing development will be converted, the structures or facilities accounting for that use shall be removed or modified, consistent with the conversion, as to eliminate the existing units and use.</u></p> <p><u>E. On-site conversions shall be limited to existing development located in Land Capability Districts 4, 5, 6, 7; or, if applicable, in the top rank under IPES unless the conversion is associated with a project that includes a 25 percent or greater reduction in existing land coverage and restoration of that removed coverage and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts as part of the project.</u></p> <p><u>F. The parcel from which units are converted shall be free of nuisance and hazard.</u></p> <p><u>G. If there are bonds, assessments, back taxes, fees, and liens affecting the parcel, the applicant shall receive authorization to convert development rights from those interested parties to whom the bond, assessment, back taxes, fees, or liens are owed.</u></p> <p><u>H. TRPA shall track and account for parcels from which existing development rights have been converted as set forth in Chapter 6: <i>Tracking, Accounting, and Banking.</i></u></p>	Adds conversion requirements. (recommendation #1)

58	new	<p><u>51.4.3 Conversion Standards</u></p> <p><u>Existing development rights may be converted if the conversion complies with the following conversion standards:</u></p> <ul style="list-style-type: none"> <u>A. Commercial floor area shall be converted to tourist accommodation units at a ratio of 300 square feet of commercial floor area to one tourist accommodation unit.</u> <u>B. Commercial floor area shall be converted to single-family residential at a ratio of 300 square feet of commercial floor area to one residential unit of use.</u> <u>C. Commercial floor area shall be converted to multi-family residential at a ratio of 300 square feet of commercial floor area to one and one-half (1.5) residential units of use.</u> <u>D. Tourist accommodation units shall be converted to commercial floor area at a ratio of one tourist accommodation unit to 300 square feet of commercial floor area;</u> <u>E. Tourist accommodation units shall be converted to single-family residential at a ratio of one tourist accommodation unit to one residential unit of use;</u> <u>F. Tourist accommodation units shall be converted to multi-family residential at a ratio of one tourist accommodation unit to one and one-half (1.5) residential units of use;</u> <u>G. Residential units of use used for single-family residential shall be converted to commercial floor area at a ratio of one residential unit of use to 300 square feet of commercial floor area;</u> <u>H. Residential units of use used for single-family residential shall be converted to tourist accommodation units at a ratio of one residential unit of use to one tourist accommodation unit;</u> <u>I. Residential units of use used for single-family residential shall be converted to multi-family residential units of use at a ratio of one single-family residential unit of use to one and one-half (1.5) multi-family residential units of use;</u> <u>J. Residential units of use used for multi-family residential shall be converted to commercial floor area at a ratio of one multi-family residential unit of use to 200 square feet of commercial floor area;</u> <u>K. Residential units of use used for multi-family residential shall be converted to tourist accommodation units at a ratio of one multi-family residential unit of use to three-fourths (0.75) tourist accommodation units;</u> <u>L. Residential units of use used for multi-family residential shall be converted to single-family</u> 	<p>Adds conversion standards. (recommendation #1)</p>
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Item #	Existing Section	Amendment	Rationale																																			
		<p>residential units of use at a ratio of one multi-family residential unit of use to seventy-five hundredths (0.75) of one single-family residential unit of use.</p> <table border="1" data-bbox="443 272 1461 699"> <thead> <tr> <th colspan="5" data-bbox="443 272 1461 305">Table 51.4.3-1 Conversion Exchange Rates</th> </tr> <tr> <th data-bbox="443 305 722 367">Existing Development Right</th> <th colspan="4" data-bbox="722 305 1461 337">Equivalent Development Rights</th> </tr> <tr> <td data-bbox="443 367 722 428"></td> <th data-bbox="722 337 905 367">CFA</th> <th data-bbox="905 337 1092 367">TAU</th> <th data-bbox="1092 337 1276 367">SF ERUU</th> <th data-bbox="1276 337 1461 367">MF ERUU</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 428 722 518">300 sq. ft. Commercial Floor Area (CFA)</td> <td data-bbox="722 428 905 518">300 sq. ft.</td> <td data-bbox="905 428 1092 518"><u>1</u></td> <td data-bbox="1092 428 1276 518"><u>1</u></td> <td data-bbox="1276 428 1461 518"><u>1.5</u></td> </tr> <tr> <td data-bbox="443 518 722 607">1 Tourist Accommodation Unit (TAU)</td> <td data-bbox="722 518 905 607">300 sq. ft.</td> <td data-bbox="905 518 1092 607"><u>1</u></td> <td data-bbox="1092 518 1276 607"><u>1</u></td> <td data-bbox="1276 518 1461 607"><u>1.5</u></td> </tr> <tr> <td data-bbox="443 607 722 696">1 Single Family Detached Residential Unit of Use (SF ERU)</td> <td data-bbox="722 607 905 696">300 sq. ft.</td> <td data-bbox="905 607 1092 696"><u>1</u></td> <td data-bbox="1092 607 1276 696"><u>1</u></td> <td data-bbox="1276 607 1461 696"><u>1.5</u></td> </tr> <tr> <td data-bbox="443 696 722 699">1 Multi-Family Attached Residential Unit of Use (MF ERU)</td> <td data-bbox="722 696 905 699">200 sq. ft.</td> <td data-bbox="905 696 1092 699"><u>0.75</u></td> <td data-bbox="1092 696 1276 699"><u>0.75</u></td> <td data-bbox="1276 696 1461 699"><u>1</u></td> </tr> </tbody> </table>	Table 51.4.3-1 Conversion Exchange Rates					Existing Development Right	Equivalent Development Rights					CFA	TAU	SF ERUU	MF ERUU	300 sq. ft. Commercial Floor Area (CFA)	300 sq. ft.	<u>1</u>	<u>1</u>	<u>1.5</u>	1 Tourist Accommodation Unit (TAU)	300 sq. ft.	<u>1</u>	<u>1</u>	<u>1.5</u>	1 Single Family Detached Residential Unit of Use (SF ERU)	300 sq. ft.	<u>1</u>	<u>1</u>	<u>1.5</u>	1 Multi-Family Attached Residential Unit of Use (MF ERU)	200 sq. ft.	<u>0.75</u>	<u>0.75</u>	<u>1</u>	
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1 Multi-Family Attached Residential Unit of Use (MF ERU)	200 sq. ft.	<u>0.75</u>	<u>0.75</u>	<u>1</u>																																		
59	new	<p>51.4.4 Remaining Square Feet and Fractions of Units Resulting from a Conversion of Use</p> <p>If a conversion executed consistent with subsections 51.4.1 - 3 results in remaining square feet of commercial floor area, or whole or fractions of tourist accommodation units or residential units of use, those square feet or units may be banked on either the sending or receiving parcel provided all requirements of Chapter 6: Tracking, Accounting, and Banking, Section 51.3: Banking of Development Rights, or Section 51.5: Transfers of Development Rights as applicable are met.</p>	Adds new language regarding the remaining development left over during a conversion. (recommendation #1)																																			
60	Chapter 51	<p>51.5 TRANSFER OF DEVELOPMENT RIGHTS</p> <p>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.</p>	Relocates the transfer of development rights section.																																			

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51.3

51.5.1 Transfer of Potential Residential Units of Use Development Right

~~A residential development right, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions:~~ A potential residential unit of use~~development right~~, 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 is transferred shall have a potential residential development right~~unit of use~~.

B. Parcel Restriction

At the time of and as a condition of the transfer of a potential residential unit of use~~development right~~, the parcel from which the ~~development right~~potential residential unit of use is transferred shall be restricted pursuant to Section ~~51.6~~51.5.4.

C. Receiving Area

The parcel receiving the ~~development right~~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 Development Rights

Parcels located in a plan area or adopted community plan designated as a receiving area for multi-residential units shall be eligible to receive one or more ~~development rights~~potential residential units of use; or

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

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

a. One ~~development right~~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; or

b. One ~~development right~~potential residential unit of use may be transferred to a parcel that was not assigned a ~~development right~~potential residential unit of use

Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.

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 ~~Development Rights~~Potential Residential Units of Use to Centers; Bonus Unit Incentive

- a. Receiving parcels in Centers are eligible to receive ~~development rights~~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 ~~development rights~~potential residential units of use of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection ~~51.6.8~~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 ~~development right~~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.

TABLE 51.5.1-1: TRANSFER OF DEVELOPMENT RIGHTS <u>POTENTIAL RESIDENTIAL UNITS OF USE</u> TO CENTERS	
Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	Transfer Ratio
SEZ	1:1.5
Other Sensitive Lands	1:1.25
Non-Sensitive Lands	1:1
Step 2: For transfers of <u>potential residential units of use</u>development rights,	

Item #	Existing Section	Amendment	Rationale												
		<p data-bbox="600 175 1554 245">determine additional transfer ratio based on distance from centers and/or primary transit routes.</p> <table border="1" data-bbox="600 250 1554 557"> <thead> <tr> <th data-bbox="600 250 1220 302">Distance</th> <th data-bbox="1220 250 1554 302">Additional Transfer Ratio</th> </tr> </thead> <tbody> <tr> <td data-bbox="600 302 1220 378">Less than ¼ mile, or on the lake-ward side of primary transit routes</td> <td data-bbox="1220 302 1554 378">1:1</td> </tr> <tr> <td data-bbox="600 378 1220 422">¼ mile to ½ mile</td> <td data-bbox="1220 378 1554 422">1:1:25</td> </tr> <tr> <td data-bbox="600 422 1220 466">½ mile to 1 mile</td> <td data-bbox="1220 422 1554 466">1:1.5</td> </tr> <tr> <td data-bbox="600 466 1220 509">1 mile to 1½ mile</td> <td data-bbox="1220 466 1554 509">1:1.75</td> </tr> <tr> <td data-bbox="600 509 1220 557">Greater than 1½ mile</td> <td data-bbox="1220 509 1554 557">1:2</td> </tr> </tbody> </table> <p data-bbox="600 561 1554 647">Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.</p> <p data-bbox="415 688 596 719"><u>D.</u> Density</p> <p data-bbox="499 737 1493 768">The transfer shall comply with the density of use provisions for the receiving parcel.</p>	Distance	Additional Transfer Ratio	Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1	¼ mile to ½ mile	1:1:25	½ mile to 1 mile	1:1.5	1 mile to 1½ mile	1:1.75	Greater than 1½ mile	1:2	
Distance	Additional Transfer Ratio														
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1														
¼ mile to ½ mile	1:1:25														
½ mile to 1 mile	1:1.5														
1 mile to 1½ mile	1:1.75														
Greater than 1½ mile	1:2														
62	51.3.5	<p data-bbox="344 813 527 844">Local Approval</p> <p data-bbox="344 873 1419 904">For an inter-county transfer, the approval of affected local governments shall be obtained.</p>	Removes requirement of the local approval for a development right transfer. (recommendation #4)												

Item #	Existing Section	Amendment	Rationale
63	51.4	<p><u>51.5.2</u> Transfer of Residential Allocations If a parcel is assigned a residential allocation pursuant to Chapter 50: <i>Allocation of Development</i>, the allocation may be transferred to another parcel pursuant to the following provisions:</p> <p><u>A.</u> Parcel Classification The allocation transfer shall be from a parcel determined to be in Land Capability Districts 1a, 1b, 1c, 2, 3, or 1b (stream environment zone); shorezone tolerance districts 1, 2, 3, or 4; below the initial IPES line of 726, if applicable; or unsuitable for development due to the inability of the property to meet TRPA or local government development standards.</p> <p><u>B.</u> Building Site The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES, subject to the limitation in subsection 0 below.</p> <p><u>C.</u> IPES Limitation A residential allocation shall not be transferred to a parcel that is below the initial IPES line of 726 unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.</p> <p><u>D.</u> Permissible Use The receiving parcel shall be in a plan area or adopted community plan where residential uses are a permissible use on the receiving parcel.</p> <p><u>E.</u> One Transfer Subject to the limits in Chapter 50, an allocation may be transferred only one time and shall continue to count against the jurisdiction to which it was originally issued.</p> <p><u>F.</u> Local Approval For an inter-county transfer, the approval of affected local governments shall be obtained.</p> <p><u>F.</u> Parcel Restriction The sending parcel shall be restricted pursuant to Section 51.6<u>51.5.4</u> at the time the allocation is transferred.</p>	<p>Removes requirement of the local approval for a development right transfer. (recommendation #4)</p> <p>Renumbers and fixes references to outdated Code sections.</p>

Item #	Existing Section	Amendment	Rationale
64	51.5	<p><u>51.5.3</u> Transfer of Existing Development</p> <p><u>A</u> Eligibility</p> <p>The following elements of existing development shall be eligible for transfer:</p> <p><u>1.</u> Units of Use Units of use may be transferred within the same major use classifications (for example, residential, tourist accommodation, commercial, and recreation). The amount of use transferred shall be measured in appropriate units of use (for example, residential units, tourist accommodation units, commercial floor area, and PAOTs). <u>Transfers of existing development may be permitted for the sole purpose of banking the rights and do not require an approved project on the receiving parcel.</u></p> <p><u>2.</u> Land Coverage Existing land coverage may be transferred pursuant to Chapter 30.</p> <p><u>3.</u> Amount <u>The amount of development rights that can be transferred to a site is not limited provided the transfer is solely for the purpose of banking those rights. Transfers of existing development for uses other than banking are subject to the requirements listed below.</u></p>	<p>Adds language allowing an applicant to transfer without an approved project. (recommendation #5)</p>

65	51.5.2	<p><u>51.5.3.B Requirements</u></p> <p>Transfers of existing development may be permitted subject to the requirements listed below.</p> <ol style="list-style-type: none"> <li data-bbox="483 219 1585 284">1. The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed. The use transferred shall be a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan. <li data-bbox="483 414 1585 641">2. The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel. The findings required for a special use in Chapter 21: Permissible Uses, shall have been made if the use transferred is a special use in the receiving area. The approval of affected local governments shall be obtained. <li data-bbox="483 673 1585 771">3. The parcel from which the existing development is transferred shall be restricted pursuant to Section 51.6<u>51.5.4</u>, no later than the time of commencement of construction of the related project. <li data-bbox="483 803 1585 1047">4. All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures and affordable housing. The proposed transfer shall be evaluated for adverse impacts using the IEC and the addenda developed by TRPA for transfer and shall not be permitted if adverse impacts cannot be mitigated. <li data-bbox="483 1071 1585 1487">5. The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless: <ol style="list-style-type: none"> <li data-bbox="577 1177 1585 1274">a. There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or <li data-bbox="577 1315 1585 1487">b. The transfer of units from a commercial, tourist, or residential use to a site inside a designated community plan area is from sensitive lands to an equal or less sensitive land capability district, and a reduction of land coverage and restoration occurs at the receiving site or sending site equal to 300 square feet of land coverage per tourist unit transferred, 1,200 square feet of land 	<p>Removes requirement to have an approved project on the receiving site prior to a transfer. (recommendation #5)</p> <p>Removes requirement of the local approval for a development right transfer. (recommendation #4)</p>
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coverage per residential unit transferred, or one square foot of land coverage per square foot of commercial floor area transferred; or

c. The transfer of commercial floor area from nonsensitive lands to a site inside a designated community plan area results in a reduction of land coverage and restoration on the receiving site or like sensitive lands in the watershed at a ratio of one square foot of transferred floor area to two square feet of land coverage reduced.

6. Existing residential development shall not be transferred to any parcel that is below the initial level defining the top rank under IPES (726) unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.

~~G. Transfers of tourist accommodation units (TAUs) shall comply with the conditions below:~~

~~1. Transferred TAUs may be used to entitle, on a one-to-one basis, for the unit sizes described in subparagraph 2. below, provided the proposed project (receiving site) will be a professionally managed tourist accommodation facility containing three or more of the following on-site guest amenities or services:~~

~~a. Front desk/check-in/lobby~~

~~b. Business center~~

~~c. Spa services~~

~~d. Fitness facility~~

~~e. Restaurant~~

~~f. Bar~~

~~g. Conference space~~

~~h. Concierge's services~~

~~i. Pool or other resort recreation facilities~~

~~j. Valet/below structure parking~~

~~k. Housekeeping~~

~~l. Bell desk~~

~~2. Provided the conditions in subparagraph 1. above are met, 80 percent of the tourist~~

Item #	Existing Section	Amendment	Rationale
		<p>accommodation units on the receiving site may be up to 1,200 square feet, with kitchens, and no more than 20 percent of the project's floor area may contain units not to exceed 1,800 square feet, with kitchens.</p> <p>3. When transferred TAUs are utilized for smaller tourist accommodation facilities that are not operated as destination resorts, the facility shall be professionally managed, units shall not be rented for a period longer than 29 days, and TAUs may not exceed 850 square feet in size.</p> <p>4. This transfer policy applies to hotels or timeshares and fractional units within a professionally managed tourist accommodation.</p>	

51.5.3.C. Transfer of Existing Development to Centers; Bonus Unit Incentive

Transfers of existing development to Centers shall ~~receive the approval of affected local governments and shall~~ comply with the following:

1. Receiving parcels in Centers are eligible to receive transfers of existing development based on the land capability district of the sending parcel and the distance of the sending parcel from the Center and from primary transit routes.
2. Transfers of existing 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 sending parcel will be restored and permanently restricted to open space by deed restriction ~~or other covenant~~ running with the land, recorded by the owner. In cases where a portion of development has been transferred, only that portion of the parcel shall be restricted as open space.
3. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.
4. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.5.3.C-1: TRANSFER OF EXISTING DEVELOPMENT TO CENTERS[1]	
Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	Transfer Ratio
SEZ	1:3
Other Sensitive Lands	1:2
Non-Sensitive Lands	1:1
Step 2: For transfers of existing residential development, determine additional transfer ratio based on distance from centers and/or primary transit routes.	
Distance	Additional Transfer Ratio
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1:25
½ mile to 1 mile	1:1.5

Removes requirement of the local approval for a development right transfer. (recommendation #4)

Adds language allowing banked development rights to receive bonus units when transferred to a Town Center. (recommendation #5)

Adds language requiring an approved project prior to awarding transfer incentives bonus units. (recommendation #5)

Item #	Existing Section	Amendment	Rationale				
		<table border="1" data-bbox="604 175 1554 261"> <tr> <td data-bbox="604 175 1220 217">1 mile to 1½ mile</td> <td data-bbox="1220 175 1554 217">1:1.75</td> </tr> <tr> <td data-bbox="604 217 1220 261">Greater than 1½ mile</td> <td data-bbox="1220 217 1554 261">1:2</td> </tr> </table> <p data-bbox="604 261 1554 347">Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.</p> <p data-bbox="604 347 1554 461">[1] The provisions of Step 2 only apply to residential development, not commercial floor area or tourist accommodation units. The multiplier in Step 3 only applies to the number of units, not to building size or coverage.</p> <p data-bbox="512 461 1554 574">5. <u>Banked development rights remaining on the original parcel from which development was removed are eligible to receive bonus units when transferred to a Center provided the sending parcel is restored in accordance to Section 51.5.4.</u></p> <p data-bbox="512 574 1554 675">6. <u>Allocation of a bonus unit shall occur only in conjunction with a project approval.</u></p>	1 mile to 1½ mile	1:1.75	Greater than 1½ mile	1:2	
1 mile to 1½ mile	1:1.75						
Greater than 1½ mile	1:2						
67	51.5.4	<p data-bbox="344 675 590 711"><u>51.5.3.D</u> Limitations</p> <p data-bbox="344 711 1157 747">The following limitations apply to transfers of existing development:</p> <ol data-bbox="512 779 1583 922" style="list-style-type: none"> <li data-bbox="512 779 1335 815">1. Units of use transferred shall have been legally established; and <li data-bbox="512 847 1583 922">2. Transfers of units of use shall not be permitted for development that has become derelict. 	Continue subsection renumbering for Chapter 51.				
68	new	<p data-bbox="344 954 1167 990"><u>51.5.3.E. Transfer of Allocated Bonus Unit within Centers Limitation</u></p> <p data-bbox="344 990 1289 1026"><u>The following limitations apply to transfers of previously allocated Bonus Units:</u></p> <ol data-bbox="512 1058 1583 1276" style="list-style-type: none"> <li data-bbox="512 1058 1583 1172">1. <u>Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential, commercial, and tourist accommodation) and are not eligible for conversion per Section 51.4;</u> <li data-bbox="512 1205 1583 1276">2. <u>Bonus Units awarded to a parcel within a TRPA-approved Town Center shall only be transferred within or between TRPA-approved Town Centers;</u> 	Adds new language regarding restrictions to conversion of bonus units allocated within Town Centers. (recommendation #1)				

Item #	Existing Section	Amendment	Rationale
69	51.5.5	<p><u>51.5.3.F</u> Verification of Existing Residential Units of Use for Transfer or Banking Prior to transfer or banking, an existing residential unit of use shall be verified as legally established pursuant to the following criteria:</p> <ol style="list-style-type: none"> <u>1.</u> At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas; and <u>2.</u> <u>Existing</u> residential units of use to be transferred or banked shall have been legally established as verified by County Assessor, local jurisdiction, and utility records: <ol style="list-style-type: none"> <u>a.</u> The existing residential unit shall have been assessed as such by the County Assessor's office as of October 15, 1986, except for residential units approved under Chapter 50: <i>Allocation of Development</i>. <u>b.</u> Permits and planning department records shall confirm that the unit is a permitted use and structure. <u>c.</u> To be verified as a legally established unit of use, all utility service connections (e.g., water, sewer, gas, and electrical service) shall have been legal as of October 15, 1986, except for residential units approved under Chapter 50. 	Continues subsection renumbering for Chapter 51.

70	51.6	<p><u>51.5.4 Parcel Restriction for Transfers</u>Restriction of Parcels</p> <p>Restriction of parcels for the purposes set forth in this Code shall comply with the following requirements:</p> <p><u>A.</u> Land Coverage Parcels from which land coverage has been transferred are subject to provisions of Chapter 30.</p> <p><u>B.</u> Residential Allocation Transfer Parcels from which residential allocations have been transferred shall be permanently restricted from residential development.</p> <p><u>1.</u> For parcels in private ownership, deed restrictions or other covenants running with the land that permanently restrict the parcel from residential development shall be recorded by the owner.</p> <p><u>2.</u> For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the parcel has been permanently restricted from residential development.</p> <p><u>C.</u> Existing Development Transfer For parcels from which units of existing development have been transferred, the structures or facilities accounting for that use shall be removed or modified, consistent with the transfer, and the land restored and maintained in as natural a state as is possible, so as to eliminate the units transferred.</p> <p><u>D.</u> Payment of Bonds and Freedom From Nuisance The sending parcel shall be free of nuisance and hazard. All bonds, assessments, back taxes, fees, and liens affecting the parcel to be restricted pursuant to a transfer under this chapter shall be paid in full.</p> <p><u>E.</u> Transfer of All Existing Development From Sensitive Lands <u>For p</u>Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all units of existing development have been transferred shall be restored pursuant to subsection 51.6.3<u>51.5.4.C</u> and shall be permanently restricted to open space by a deed restriction or other covenant running with land, recorded by the owner.</p> <p><u>F.</u> Transfer of Some Existing Development From Sensitive Lands <u>For p</u>Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from</p>	<p>Revises the section title for clarification.</p> <p>Changes terminology from “development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.</p> <p>Removes “or other covenants” to align with standard operating procedures of the agency. Parcel restriction is completed through a recorded deed restriction.</p>
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which less than all units of existing development have been transferred shall be permanently restricted from transferring development back to the parcel by deed restriction ~~or other covenant~~ running with the land, recorded by the owner.

G. Transfer of Existing Development From Non-Sensitive Lands

Owners of parcels located in Land Capability Districts 4, 5, 6, or 7 from which units of existing development have been transferred shall document the transfer and the parcels shall be restricted by deed restriction ~~or other covenant~~ running with the land, recorded by the owner. The restriction shall limit the units of use to any remaining, until or unless:

1. A transfer back to the parcel is approved by TRPA pursuant to this chapter; or
2. An allocation is obtained pursuant to Chapter 50.

H. ~~Development Rights~~ Potential Residential Unit of Use Transfers From Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all potential residential ~~development rights~~ units of use have been transferred shall be permanently restricted from residential development.

1. For parcels in private ownership, or that have deed restrictions ~~or other covenants~~ running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.
2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.

I. ~~Development Rights~~ Potential Residential Unit of Use Transfers From Non-Sensitive Lands

Parcels located in Land Capability Districts 4, 5, 6, or 7, or parcels at or above the initial IPES line (726), from which all potential residential ~~development rights~~ units of use have been transferred, shall be restricted from constructing new residential units by deed restriction ~~or other covenant~~ running with the land, recorded by the owner, but shall be eligible to receive future transfers of coverage or units of use if otherwise permitted in 1 or 2 of subsection ~~51.6.7~~ 51.5.4.H above.

J. Consolidation

Where appropriate, TRPA may approve a consolidation of parcels in lieu of a deed restriction for a transfer of a potential residential ~~development right~~ unit of use or allocation, or in addition to a deed restriction, to accomplish the restriction of the parcel consistent with

Item #	Existing Section	Amendment	Rationale
		<p>this chapter and other applicable Code provisions.</p> <p><u>K.</u> Relation to Chapter 6 TRPA shall record the appropriate changes created by transfers in its records pursuant to Chapter 6: <i>Tracking, Accounting, and Banking</i>.</p> <p><u>L.</u> Sequential Transfers <u>Potential Residential development rights units of use</u> and allocations may be transferred independently provided that, when both the <u>potential residential development right units of use</u> and an allocation have been transferred from a parcel, the parcel shall be permanently restricted to open space. Land coverage transfers may also occur independently subject to the provisions of Chapter 30.</p>	

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new

51.6 LOCAL GOVERNMENT APPROVAL

No local government approval is necessary to transfer development rights. Local governments can request the TRPA Governing Board to establish a local approval process if the net loss of development rights resulting from transfers over the prior two-year period is equal to or greater than five percent of the total existing built development rights for each type of land use (e.g. commercial floor area, tourist accommodation units, and residential units of use) within that jurisdiction as accounted for by TRPA. TRPA shall maintain an inventory of the total existing built development rights for each type of land use per jurisdiction. The net change shall be calculated for each jurisdiction as follows:

- A. Calculate the percent net change of CFA as: (CFA transferred into the jurisdiction-CFA transferred out of the jurisdiction)/CFA from the TRPA inventory) x 100
- B. Calculate the percent net change of TAUs as: (TAUs transferred into the jurisdiction-TAUs transferred out of the jurisdiction)/TAU from the TRPA inventory) x 100
- C. Calculate percent net change of single family RUUs as: (single family RUUs transferred into the jurisdiction – single family RUUs transferred out of the jurisdiction)/single family RUUs from the TRPA inventory) x 100
- D. Calculate percent net change of multi-family RUUs as: (multi-family RUUs transferred into the jurisdiction – multi-family RUUs transferred out of the jurisdiction)/multi-family RUUs from the TRPA inventory) x 100
- E. - Calculate the net loss by averaging the percentages from A, B, C, and D above.

Adds option for local jurisdictions to request a local approval of interjurisdictional development right transfers. (recommendation #4)

Item #	Existing Section	Amendment	Rationale
72	52.1	<p>PURPOSE</p> <p>This chapter sets forth provisions for assigning multi-residential bonus units in accordance with the Regional Plan Goals and Policies in the Land Use Element, Land Use Subelement, Goal 2, Policies 5A and 5B; and in the Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal 3, Policies 1 and 2.</p>	Adds references to the Regional Plan Goals and Policies.
73	52.2	<p>Applicability</p> <p>A. The assignment of multi-residential bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.</p> <p>B. In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions:</p> <ol style="list-style-type: none"> 1. Section 30.6.3: Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District; 2. Section 51.5.1.C.351.3.3.C: Transfer of Development RightsPotential Residential Units of Use to Centers; and 3. Section 51.5.3.C51.5.3: Transfer of Existing Development to Centers. 	Updates reference to residential bonus units and sections within the Code document. (recommendation #2)
74	52.3	52.3 MULTI-RESIDENTIAL INCENTIVE PROGRAM	Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)

Item #	Existing Section	Amendment	Rationale
75	52.3.1	<p>Assignment of Bonus Units</p> <p>Pursuant to Chapter 11: Plan Area Statements and Plan Area Maps, a maximum of 1,400 multi-residential bonus units may be approved by TRPA pursuant to this section. A maximum of 200 out of the 1,400 multi-Residential bonus units may be made available to <u>affordable, moderate, and achievable</u> income <u>single and multi-family</u> housing projects <u>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 [effective date of amendments – January 1, 2019]), 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 be used for moderate or achievable housing units.</u> An additional 600 residential bonus units are available to be used in Centers only.</p>	Updates standards of the residential bonus unit incentive program. (recommendation #2)
76	52.3.2	<p>Criteria</p> <p>All projects receiving multi-residential bonus units shall comply with the following criteria:</p> <ul style="list-style-type: none"> A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the <u>area plan</u>, plan area statement, applicable community or redevelopment plan, or this Code; <u>and</u> B. <u>When bonus units will be used for a multi-family dwelling, m</u>Multi-residential uses shall be designated in the <u>area plan</u>, plan area, or community plan as an allowed use, or a special use for which the findings required in Section 21.2 have been made; and C. _____ Except for affordable housing units as defined in Chapter 90: Definitions, an allocation shall be required pursuant to Chapter 50: Allocation of Development, in order to use multi-residential bonus units. 	Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)

Item #	Existing Section	Amendment	Rationale																										
77	Table 52.3.3-1	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="348 175 1577 240">TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS</th> </tr> <tr> <th data-bbox="348 240 1150 293">Mitigation Measure</th> <th data-bbox="1150 240 1577 293">Score</th> </tr> </thead> <tbody> <tr> <td data-bbox="348 293 1150 370">Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)</td> <td data-bbox="1150 293 1577 370">(Project cost divided by \$8,000) x 10 points</td> </tr> <tr> <td data-bbox="348 370 1150 446">Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)</td> <td data-bbox="1150 370 1577 446">(Project cost divided by \$8,000) x 10 points</td> </tr> <tr> <td data-bbox="348 446 1150 522">Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)</td> <td data-bbox="1150 446 1577 522">(Project cost divided by \$8,000) x 20 points</td> </tr> <tr> <td data-bbox="348 522 747 683" rowspan="2">Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: Banking, Conversion, and Transfer of Development Rights)</td> <td data-bbox="747 522 1150 602">Parcel in 1a, 1c, 2, or 3</td> <td data-bbox="1150 522 1577 602">10 points per transferred unit</td> </tr> <tr> <td data-bbox="747 602 1150 683">Parcel in 1b (SEZ)</td> <td data-bbox="1150 602 1577 683">30 points per transferred unit</td> </tr> <tr> <td data-bbox="348 683 747 841" rowspan="2">Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51</td> <td data-bbox="747 683 1150 763">Parcel in 1a, 1c, 2, or 3</td> <td data-bbox="1150 683 1577 763">10 points per transferred unit</td> </tr> <tr> <td data-bbox="747 763 1150 841">Parcel in 1b (SEZ)</td> <td data-bbox="1150 763 1577 841">40 points per transferred unit</td> </tr> <tr> <td data-bbox="348 841 1150 917">New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent</td> <td data-bbox="1150 841 1577 917">(Project cost divided by \$8,000) x 10 points (maximum 50 points)</td> </tr> <tr> <td data-bbox="348 917 1150 993">Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i></td> <td data-bbox="1150 917 1577 993">One point for each such reduction of 600 square feet onsite</td> </tr> <tr> <td data-bbox="348 993 1150 1070">Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP</td> <td data-bbox="1150 993 1577 1070">(Project cost divided by \$8,000) x 10 points</td> </tr> </tbody> </table>	TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS		Mitigation Measure	Score	Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)	(Project cost divided by \$8,000) x 10 points	Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)	(Project cost divided by \$8,000) x 10 points	Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)	(Project cost divided by \$8,000) x 20 points	Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: Banking, Conversion, and Transfer of Development Rights)	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit	Parcel in 1b (SEZ)	30 points per transferred unit	Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit	Parcel in 1b (SEZ)	40 points per transferred unit	New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent	(Project cost divided by \$8,000) x 10 points (maximum 50 points)	Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i>	One point for each such reduction of 600 square feet onsite	Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP	(Project cost divided by \$8,000) x 10 points	Updates reference to Chapter 51.
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78	52.3.4	<p>Affordable and, Moderate, and Achievable Income Housing</p> <p><u>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.</u></p> <p>A. <u>Residential bonus units may be awarded to single or multi-family housing developments.</u></p> <p>B. <u>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.</u></p> <p>C. <u>A bonus unit may be used for a 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.</u></p> <p>D. <u>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 as 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 annually for failure to submit the compliance report or comply with these requirements.</u></p> <p>E. <u>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.</u></p>	<p>Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)</p>
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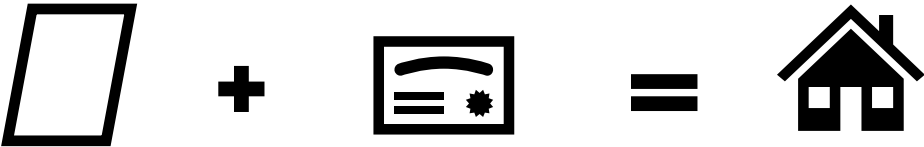
Item #	Existing Section	Amendment	Rationale
		<p><u>F. The housing project awarded a residential bonus unit shall be within 1/2 mile of existing transit stops or a transit stop that will be existing concurrent with the completion of the project.</u></p> <p>A. Housing development projects proposing to use multi-residential bonus units shall not be subject to Table 52.3.3-1 if the following criteria are met:</p> <ol style="list-style-type: none"> 1. The housing provided meets the criteria for affordable or government-assisted housing set forth in Policies HS-1.1 and HS-2.1 of Goals 1 and 2 of the Housing Subelement. Residential bonus units for such projects shall be assigned on the basis of project need; and 2. The housing provided meets the definition of "moderate income housing" as defined in Chapter 90, and the local jurisdiction where the project is located maintains a TRPA-certified local government moderate income housing program as determined by subsection 52.3.6. <p>B. Bonus units for such projects are assigned on the basis of project need.</p>	
79	52.3.5	<p>Residential Bonus Unit Substitution</p> <p>Residential bonus units may be assigned for existing residential units of use in a project area or <u>existing</u> residential units of use that are the result of TAU conversion pursuant to subsection <u>51.450.10.7</u> on a unit-for-unit basis, provided that the following conditions are met:</p>	Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)

Item #	Existing Section	Amendment	Rationale
80	52.3.6.B	<p>Permanent Limitations on Approved Use, Rental Rates, and Income Limits</p> <p>The moderate-income housing program shall, through deed restriction or other covenant running with the land, limit the project area to the approved use and restrict both rental rates and <u>the</u> occupants' household income to moderate-income housing limits. Moderate-income housing shall not include units with a rental rate that exceeds 30 percent of the tenant's monthly gross income. Subdivision projects shall be reviewed by TRPA-Certified Local Jurisdiction Moderate-Income Housing Programs for purposes of determining appropriate income and sales price limitations for the sales rate of moderate-income housing. In the absence of a certified local program, project proponents shall use the 4.2 multiplier, to be multiplied by 120 percent of median family income to determine a maximum sales price for housing. Moderate income units are subject to deed restriction for long-term occupancy for at least ten months in each calendar year. The multiplier is subject to periodic amendment, to adjust for changes to median family income resulting in a numerical increase in the multiplier. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction or other covenant running with the land shall not be occupied until the non-complying element of the program is rectified.</p>	
81	new	<p><u>52.3.7 Transfer of Allocated Residential Bonus Unit Limitations</u></p> <p><u>The following limitations apply to transfers of previously allocated Bonus Units:</u></p> <p><u>A. Bonus Units transferred shall have been legally established;</u></p> <p><u>B. Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential) and are not eligible for conversion per Section 51.4;</u></p> <p><u>C. Bonus Units allocated for affordable, moderate-income, and achievable housing development shall meet the same criteria for which the units were awarded (i.e. affordable shall remain affordable, moderate-income shall remain moderate-income); and,</u></p> <p><u>D. Transfers of Bonus Units shall not be permitted for development that has become derelict.</u></p>	Updates restrictions of the residential bonus unit incentive program. (recommendation #2)

CHAPTER 90: DEFINITIONS

Item #	Existing Section	Amendment	Rationale
82	N/A	<p>Accessory Dwelling Unit See “Secondary Residence”.</p>	<p>Adds common term “Accessory Dwelling Unit” (ADU). The definition is consistent with TRPA’s current definition of “Secondary Residence”.</p>
83	N/A	<p>Achievable Housing Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents with an income not in excess of the respective county’s achievable area median income (AMI) percentage, using the following methodology:</p> <ol style="list-style-type: none"> 1. Determine the county’s median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development. 2. Determine the county’s median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by TRPA. 3. Divide the median single or multi-family housing price, as applicable, (determined in Step 2) by 3.79 (buying power) to determine the annual income needed to afford an achievable housing unit. 4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage. <p>Example:</p> <ul style="list-style-type: none"> • Median Single Family or Multi-family Home Price (Step 1) / 3.79 = Annual Income Needed Annual Income Needed (Step 3) / HUD County AMI (Step 2) = Achievable AMI Percentage • El Dorado Median Multi-family home price of \$330,000 / 3.79 = \$87,071 Annual Income Needed \$87,071 Annual Income Needed / \$68,500 HUD El Dorado AMI = 127% maximum AMI per household to be eligible for an achievable residential bonus unit. 	<p>Adds a definition and eligibility for “Achievable Housing”.</p> <p>TRPA will maintain a webpage that provides public guidance and periodically updates data on housing prices and income levels.</p>

Item #	Existing Section	Amendment	Rationale
		<p>This calculation may be periodically adjusted to reflect changes in the affordability gap between median income and median home price within the Lake Tahoe Basin. Maximum AMI per county per household to be eligible for an achievable bonus unit will be available upon request from TRPA. Achievable housing units shall meet the criteria and restrictions in accordance to Chapter 52: <i>Bonus Unit Incentive Program</i>.</p>	
84	N/A	<p>Affordable Housing Residential housing, deed-restricted to be used exclusively 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 for rental or sale at a cost that 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. For multi-person dwellings, the affordable housing determination shall be made using each resident's income and not the collective income of the dwelling.</p>	<p>Updates the existing definition of "Affordable Housing" to include a reference to the source of the AMI used for Placer County and El Dorado County.</p>
85	N/A	<p>Development Right The right to potential residential use that is attached to certain parcels in the region in accordance with Section 50.3. A development right is not a vested right. A legally existing unit of use that must be obtained prior to the construction of a project and commencement of use or activity on a property. A development right is not a vested right. Development rights include commercial floor area, tourist accommodation units, and residential units of use (comprised of a potential residential unit of use and a residential allocation). Prior to [effective date of the DRSI amendments], a potential residential unit of use was called a "residential development right" for the purposes of Section 50.3. See "Residential Unit of Use (Potential)".</p> <div data-bbox="388 1088 1564 1421" data-label="Diagram"> <pre> graph TD DR[Development Rights] --- CFA[Commercial Floor Area (CFA)] DR --- TAU[Tourist Accommodation Units (TAU)] DR --- RUU[Single and Multi-Family Residential Unit of Use (RUU)] </pre> </div>	<p>Changes terminology from a residential development right to new term of development right. See the outline of recommended amendments within the memo.</p>

Item #	Existing Section	Amendment	Rationale
86	N/A	<p>Moderate Income Housing Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county’s median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county’s median income will 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.</p>	Updates the existing definition of “Moderate-Income Housing” to include a reference to the source of the AMI used for Placer County and El Dorado County.
87	N/A	<p>Residential Development Right See “Development Right”.</p>	Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.
88	N/A	<p><u>Residential Units of Use</u></p> <p>A. <u>Potential Residential Unit of Use (PRU)</u></p> <p><u>A potential residential unit of use is attached to certain parcels in the region in accordance with Section 50.3. A potential residential unit of use is not a vested right. To construct a new residential dwelling, the property must comply with Section 50.3 to be eligible for a potential residential unit of use and the property owner must obtain a residential allocation from the respective local jurisdiction or transfer a residential unit of use to the property from an eligible sending site. A potential residential unit of use together with a residential allocation becomes a residential unit of use upon construction. Potential residential units of use were previously referred to as a ‘residential development right’.</u></p> <div style="text-align: center;"> <p>Potential Residential Unit of Use + Residential Allocation = Residential Unit of Use</p> <p><i>(ability to develop a lot) (permission to build) (upon construction)</i></p> <hr/>  <p><i>Vacant Residential lot + Residential Allocation = Residential Unit of Use</i></p> </div> <p>B. <u>Residential Unit of Use (RUU)</u></p>	Updates the definition of “Residential Unit of Use” to include: <ol style="list-style-type: none"> 1. A “Potential Residential Unit of Use” (PRU). This was previously referred to as a “Residential Development Right”. 2. A “Residential Unit of Use”

Item #	Existing Section	Amendment	Rationale
		<p><u>A residential unit of use is an existing residential unit constructed (1) prior to the adoption of the Regional Plan, or (2) as a result of a TRPA permit to construct an additional residential unit from the combination of a potential residential unit of use and a residential allocation or conversion from a different type of development right. At a minimum, a residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas. A residential unit of use may be associated with a single-family house containing one residential unit or a multi-residential development containing more than one unit per parcel as defined by this Code.</u></p>	