

Chapter 35

BONUS UNIT INCENTIVE PROGRAM

Chapter Contents

- 35.0 Purpose
- 35.1 Applicability
- 35.2 Multi-Residential Incentive Program
- 35.3 Tourist Accommodation Bonus Unit Program
- 35.4 Determination of Project Cost

35.0 Purpose: This chapter sets forth provisions for assigning multi-residential and tourist accommodation bonus units in accordance with the Goals and Policies, Land Use Element, Land Use Subelement, Goal #2, Policies 5A and 5B, and Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal #3, Policies 1 and 2.

35.1 Applicability: The assignment of multi-residential and tourist accommodation 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.

35.2 Multi-Residential Incentive Program: Multi-residential bonus units may be approved for use only on parcels located in plan areas or community plans with multi-residential uses as an allowed use, or a special use for which the findings required in Section 18.1 have been made.[§]

35.2.A Assignment Of Bonus Units: Pursuant to Chapter 13, a maximum of 1,400 multi-residential bonus units shall be available to plan areas with multi-residential uses as an allowed use, or a special use for which the findings required in Section 18.1 have been made.^{§ §§}

35.2.B Criteria: All projects receiving multi-residential bonus units pursuant to this chapter shall comply with the following criteria:

- (1) The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the plan area statement, applicable community or redevelopment plan, or this Code.
- (2) Multi-residential uses shall be designated in the plan area or community plan as an allowed use, or a special use for which the findings required in Section 18.1 have been made.^{§§§}
- (3) To be eligible for the Multi-Residential Incentive Program, the Plan Area shall have multi-residential uses as a permissible use.[§]

[§] Amended 04/27/05

^{§§} Amended 04/24/02

^{§§§} Amended 07/23/03

- (4)[§] Except for affordable housing units as defined in Chapter 2, an allocation shall be required pursuant to Chapter 33 in order to utilize multi-residential bonus units.^{§§}
- (5)[§] A maximum of 200 out of the 1,400 multi-residential bonus units shall be made available to moderate income housing projects.^{§§§}

35.2.C Determination Of The Number Of Bonus Units: Applications for projects proposing the use of residential bonus units shall include a list and description of all mitigation measures identified in Subsection 35.2.D that are proposed as part of the project. Based on review of the list and description of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Subsection 35.2.D. One residential bonus unit may be approved for each ten points received by a project. Bonus units, so determined, may be reserved for projects based on the proposals submitted prior to project approval to enable applicants to accumulate allocations. Bonus units shall be assigned to a parcel and may be reserved as credits, unused, for no more than five years. TRPA may reissue those credits to the same parcel for an additional five years, if TRPA finds that the bonus units are likely to be used during that period.

- (1) Projects Within A Community Plan: The score received pursuant to Subsection 35.2.D by projects located within an approved community plan shall be multiplied by a factor of 1.5; or
- (2) Projects Providing Affordable Employee Housing: The score received pursuant to Subsection 35.2.D by projects designed to provide affordable employee housing shall be multiplied by a factor of 2.0.
- (3) Post-1987 Projects Proposing Subdivision of Units: In order to subdivide a post-1987 multi-residential project which does not meet the standards for low cost housing as defined in Subsection 41.2.F, the score received pursuant to Subsection 35.2.D shall be multiplied by a factor of .67.

35.2.D Mitigation Measures: Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the following mitigation measures are proposed as part of the project. Any and 35.2.D(5)(b) combination of the listed measures may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subsection establishes the maximum number of points that may be awarded for each mitigation measure. When a mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number which is a multiple of ten.

[§] Amended 4/27/05

^{§§} Amended 7/23/03

^{§§§} Amended 4/28/04

- (1) Participation in a Capital Improvements or EIP[§] project included in the Action Element of TRPA's Regional Transportation Plan - (project cost divided by \$8,000) x 10 points. ^{§§}
- (2) Participation in a Capital Improvements or EIP[§] project included in TRPA's Water Quality Management Plan - (project cost divided by \$8,000^{§§}) x 10 points.
- (3) Provision of stream zone restoration pursuant to TRPA's Stream Environment Zone Restoration Program (excluding restoration required as mitigation for new SEZ disturbance) - (project cost divided by \$8,000^{§§}) x 20 points.
- (4) Retirement, in accordance with Chapter 34, of an undeveloped parcel located in Land Capability Districts 1a, 1b(SEZ), 1c, 2, or 3:
 - (a) If the parcel is in Land Capability Districts 1a, 1c, 2, or 3 - 10 points per transferred unit.
 - (b) If the parcel is in Land Capability District 1b or in a stream environment zone - 30 points per transferred unit.
- (5) Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 34:
 - (a) If the parcel is in Land Capability Districts 1a, 1c, 2, or 3 - 10 points per transferred unit.
 - (b) If the parcel is in Land Capability District 1b or in a stream environment zone - 40 points per transferred unit.
- (6) Provision of public access to 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).
- (7) Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 20 shall receive one point for each such reduction of 600 square feet onsite.
- (8) 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.

35.2.E Affordable and Moderate Income Housing: Housing development projects proposing to use multi-residential bonus units shall not be subject to 35.2.D if the following criteria are met: [§]

- (1) Housing meeting the criteria for affordable or government assisted housing as set forth in policies 1, 3 and 4 of Goal 1 of the Housing Subelement. Bonus units for such projects are assigned on the basis of project need.

[§] Amended 4/28/04

^{§§} Amended 7/24/02

- (2) Housing meeting the definition of moderate income housing as defined in Chapter 2, and the local jurisdiction wherein the project is located maintains a TRPA certified Local Government Moderate Income Housing Program as determined by 35.2.G. Bonus units for such projects are assigned on the basis of project need.

35.2.F Bonus Unit Substitution: Bonus units may be assigned for existing residential units of use in a project area or residential units of use that are the result of TAU conversion pursuant to Subsection 33.7.E on a unit for unit basis, provided that the following conditions are met:[§]

- (1) The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;
- (2) The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;
- (3) A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA's affordable or moderate income^{§§} housing definition and will be so maintained; and
- (4) The existing units of use not used in the project area are only transferable to multi-residential facilities^{§§}.

35.2.G TRPA Certified Local Government Moderate Income Housing Program: TRPA may certify by resolution a local government moderate income housing program upon a finding that the program adequately addresses:^{§§§}

- (1) Housing needs and issues of the jurisdiction pursuant to state standards within in an adopted Housing Element.
- (2) Standards that guide the development of moderate income housing using the principles of transit oriented development, including:
 - (a) Appropriate proximity to government services; and
 - (b) Appropriate proximity to commercial and employment centers; and
 - (c) Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and
 - (d) Appropriate residential and commercial densities to facilitate transit use.

[§] Amended 9/25/02

^{§§} Amended 7/23/2008

^{§§§} Amended 4/28/04

- (3) The 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 occupants' household income to moderate income housing limits. Moderate income units approved under this program shall be made available for long-term occupancy and shall be occupied for at least 10 months in each calendar year. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as more 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.
- (4) Each local jurisdiction with a certified Moderate Income Housing Program shall document, monitor, annually report and enforce the provisions of the deed restrictions. It shall be the responsibility of the local jurisdiction to ensure full compliance with the provisions of the deed restriction.

35.3 Tourist Accommodation Bonus Unit Program: Tourist accommodation bonus units may be approved by TRPA only on parcels located within an adopted community plan and only when at least one existing tourist accommodation unit is transferred in accordance with Chapter 34 for each tourist accommodation bonus unit approved.

35.3.A §Assignment Of Bonus Units: A maximum of 400 tourist accommodation bonus units may be approved by TRPA.^{§§}

35.3.B Criteria: Projects receiving tourist accommodation bonus units pursuant to this chapter shall comply with the following criteria:

- (1) The proposed density, including any tourist accommodation bonus units, shall not exceed the maximum density limits set forth in the adopted community or redevelopment plan.
- (2) Tourist accommodation units shall be designated in the plan area or community plan as an allowed use, or a special use for which the findings required in Section 18.1 have been made.
- (3) The project shall be located on a parcel designated in an adopted community or redevelopment plan as being eligible to receive tourist accommodation bonus units and the project shall not exceed the density set forth in the community or redevelopment plan.
- (4) All tourist accommodation bonus units shall be allocated in accordance with Chapter 33.

35.3.C Determination Of The Number Of Bonus Units: Applications for projects proposing the use of tourist accommodation bonus units shall include a list and description of all mitigation measures identified in Subsection 35.3.D that are proposed as part of the project. Based on review of the

[§] Amended 10/25/2006

^{§§} Amended 03/22/2000

list and description of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Subsection 35.3.D.

- (1) The points earned pursuant to Subsection 35.3.D may be converted to bonus units only in conjunction with the transfer of existing tourist accommodation units in accordance with Chapter 34 and this Section.
- (2) Points earned shall be converted to bonus units as follows:
 - (a) Each ten points matched by a transfer of a tourist accommodation unit from land in Land Capability Districts 4, 5, 6, or 7 equals one bonus unit;
 - (b) Each seven points matched by a transfer of a tourist accommodation unit from land in Land Capability Districts 1a, 1c, 2, or 3, which land is retired pursuant to Chapter 34, equals one bonus unit; or
 - (c) Each five points matched by a transfer of a tourist accommodation unit from land in Land Capability District 1b or a stream environment zone, which land is retired pursuant to Chapter 34, equals one bonus unit.
- (3) Points earned but not matched by transfers shall not be converted to bonus units.
- (4) Bonus units shall be awarded at the time of project approval, including the portion of the project that includes the transfer of units. Bonus units shall be assigned to a parcel and may be reserved, as credits, if unused, for no more than five years. TRPA may reissue those credits for an additional five years, if TRPA finds that the bonus units are likely to be used during that period.

35.3.D Mitigation Measures: Projects proposing the use of tourist accommodation bonus units shall receive a score only when one or more of the following mitigation measures are proposed as part of the project. Any combination of the listed measures may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subsection establishes the maximum number of points that may be awarded for each mitigation measure. When a mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number which is a multiple of ten.

- (1) Participation in a Capital Improvements project included in the Action Element of TRPA's Regional Transportation Plan - (project cost divided by \$24,000[§]) x 10 points.

[§] Amended 7/24/02

- (2) Participation in a Capital Improvements project included in TRPA's Water Quality Management Plan - (project cost divided by \$24,000[§]) x 10 points.
- (3) Provision of stream zone restoration pursuant to TRPA's Stream Environment Zone Restoration Program (excluding restoration required as mitigation for new SEZ disturbance) - (project cost divided by \$24,000[§]) x 20 points.
- (4) Provision of public access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent - (project cost divided by \$24,000[§]) x 10 points.
- (5) Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 20 shall receive one point for each such reduction of 1,000 square feet.
- (6) Participation in projects identified in the TRPA approved Scenic Restoration Program - (project cost divided by \$24,000[§]) x 10 points.
- (7) Provision of fish habitat restoration pursuant to the approved TRPA Fish Habitat Restoration Plan (project cost divided by \$24,000[§]) x 10 points.
- (8) Accessory services that provide improvements in the following threshold categories; VMT reduction or public outdoor recreation, such as providing restroom facilities or access to a pier for the general public - (project cost divided by \$24,000[§]) x 10 points.
- (9) Retirement of an undeveloped parcel in Land Capability District 1b or in a stream environment zone - 10 points per retired parcel.
- (10) Transfer of an existing residential unit from a parcel in Land Capability District 1b or in a stream environment zone - 30 points per retired unit and parcel.

35.3.E Example: An example of a project is as follows: A project transfers ten existing units from an SEZ, (1) invests \$57,500 in a water quality improvement project, (2) pays \$28,000 for a traffic signalization project, and (3) provides access to the lakeshore worth \$84,000. Points earned: [§]

- | | | |
|-----|-----------------|--|
| (1) | \$57,500 | |
| (2) | \$28,000 | |
| (3) | <u>\$84,000</u> | |
| | | (\$169,500 divided by \$28,000) x 10 = 60.5 points |

60.5 divided by 5 = 12.1 units to match with transfers from SEZ.

Units transferred from SEZ = ten which is less than 12.1. Therefore

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bonus units equals ten. Units available for new project is ten units transferred plus ten bonus units equals 20 units total.

- 35.4 Determination of Project Cost: The value of work proposed to be done pursuant to Subsections 35.2.D and 35.3.D shall be based on an engineer's estimate approved by TRPA as being reasonable for the work described.