
STAFF REPORT

Date: June 2, 2021

To: Local Government and Housing Committee

From: TRPA Staff

Subject: Discussion and Direction on “Basic” Housing Code Amendment Package: Amendments to the TRPA Code of Ordinances related to: **1)** Bonus Unit Boundary, including amendments to Chapter 52; **2)** Non-conforming density, including amendments to Chapter 31; **3)** Accessory Dwelling Units, including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90, Meyers, Tahoe Valley, and Tourist Core Area Plans, and Rules of Procedure Section 12; **4)** Development Rights Strategic Initiative Code Clean-Up: Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51 and 52.

Summary and Staff Recommendation:

Staff requests direction from the Local Government and Housing Committee (LGHC) on draft Housing code amendments developed through the Tahoe Living Housing and Community Revitalization Working Group process related to:

- 1) Bonus Unit Boundary
- 2) Non-Conforming Density
- 3) Accessory Dwelling Units (ADUs)
- 4) Code clean-up items related to Development Rights Strategic Initiative

Staff will also provide an update of the work of the Tahoe Living Working Group.

Motions:

To prepare for presenting the amendments to the Regional Plan Implementation Committee for a recommendation for approval, the LGHC should make the following motion, based on the staff report:

- 1) A motion to direct staff to finalize the code language and environmental analysis for the “Basic” Housing Package and bring the proposed amendments to the Regional Plan Implementation Committee for a recommendation for approval.

In order for motion(s) to pass, an affirmative vote of a majority of the quorum is required.

Background:

As part of the Region-wide, collaborative effort to address the serious housing challenges facing Tahoe communities, in 2019 and 2020 TRPA’s Governing Board took two steps to elevate housing as a priority

issue and commit to working with other entities to identify the best ways for TRPA to help create housing solutions while supporting and furthering Regional Plan goals. In January of 2019, the TRPA Governing Board re-designated the Local Government Committee as the Local Government and Housing Committee, and in June of 2020, recognizing the need for an in-depth, analysis-based approach to the problem, created a new committee of the Advisory Planning Commission (APC), the Tahoe Living Housing and Community Revitalization Working Group.

Since August of 2020 these committees and the Governing Board have been working to better understand the housing issues in the Basin and identify and implement new policy directions that will proactively move the Region toward a more balanced housing pattern that simultaneously advances Regional Plan and Sustainable Communities Strategy goals of walkable, transit-supportive communities that reduce greenhouse gas emissions and other environmental impacts, while supporting local governments in meeting their housing needs, including meeting Regional Housing Needs Assessment (RHNA) requirements.

In the fall of 2020, the Tahoe Living Working Group recommended moving forward on developing a set of priority housing actions. The Working Group based the identification and prioritization of these actions on technical analysis¹ presented by TRPA staff that identified potential cost reductions and expected on-the-ground housing by strategy, as well as on in-depth discussions with local jurisdiction staff that identified major barriers to implementation of local housing plans. A key takeaway from the analysis and the discussions was that Regional Plan goals that are intended to incentivize workforce housing and mixed-use development are not yet fully supported by existing code and processes. In fact, in many cases tourist developments or homes that are likely to become second homes face fewer permitting and regulatory hurdles than workforce housing project types do. This led to a set of recommendations that included a focus on smaller homes, such as ADUs, better incentivizing tourist and commercial conversion to residential, and permitting parity between housing types, among other priority actions.

The Working Group supported sorting the actions into near-term, medium-term, and longer-term actions. In January 2021, upon a recommendation from the Local Government and Housing Committee, the TRPA Governing Board approved the set of priority housing actions (below).

Action Categories	Timing
ADUs/Small Homes and Residential Density	Near-Term (3-6 months)
Mixed Use Residential and Permitting/Streamlining	Medium-Term (6-12 months)
Tourist/Commercial Conversions to Residential and Coverage Incentives	Longer-Term (1-2 years)
Public Land Donations and Fees	Longer-Term (1-2 years)

Since approval of those priorities, recommendations have emerged from the Working Group process on the near-term items, ADUs and residential density. These included initial code changes related to ADUs and density. During the discussions on bringing these near-term items forward, many Working Group members noted that these initial actions may not be enough to stimulate the housing production that was analyzed and shown in the November attachments without further incentives. However, with one

¹ The technical analysis is included in Attachments A and B of the November 2020 Tahoe Living Working Group staff packet: <https://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/>.

exception, as noted below, there was support for maintaining momentum by bringing these initial actions forward while taking more time to develop additional actions to create a more comprehensive package. Staff seeks feedback on these initial actions before finalizing the environmental review.

The Working Group has already begun working on the medium-term actions and long-term actions, which will look into how the interactions between required density, height, coverage, fees and unit size can be better managed to incentivize workforce housing and walkable, sustainable development. Based on recommendations from the Working Group, the group may also look at whether development rights requirements, particularly for bonus units, can be scaled based on the size of the unit.

Discussion:

The Working Group recommended moving three near-term recommendations forward in order to remove barriers to Regional Plan implementation, while beginning work on the medium-term recommendations. The three recommendations are summarized below, and the draft recommended code, Rules of Procedure, and Regional Plan changes are shown in Attachment A. Staff has also included a fourth recommendation that includes code-cleanup items from the Development Rights Strategic Initiative. Upon requests from El Dorado County and the City of South Lake Tahoe, this packet also includes corresponding changes to the Meyers Area Plan, the Tahoe Valley Area Plan, and the Tourist Core Area Plan to reflect the proposed ADU code changes.

Recommendation #1 - Bonus Unit Boundary

The boundary within which bonus units may be awarded in exchange for deed-restricting a unit to affordable, moderate, or achievable housing is described in the TRPA Code of Ordinances Section 52.3.4.F.

The current area of eligibility for these bonus units includes only those parcels that are within ½ mile of existing transit. This boundary has been problematic in that transit routes and stops frequently change, causing the area of eligibility to expand or shrink from year to year. Also, the ½ mile boundary from transit excluded several neighborhoods which have been considered walkable in the past, particularly in the South Shore. These are neighborhoods that have been designated as receiving areas for affordable housing, and/or are zoned multi-family, and which in some cases have a significant amount of attached housing currently used as affordable rentals. Some of these neighborhoods had transit service in the past, but that service has since been discontinued. The proposed boundary would recognize that areas close to Town Centers and neighborhoods previously recognized as appropriate for affordable housing can provide walkability, whether or not they are currently served by transit.

The Working Group recommended that the Bonus Unit Boundary be modified to capture other walkable areas. The recommendation changes 52.3.4.F to the following:

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

This change increases the boundary by approximately 15 percent. The new boundary corresponds very closely to the Traffic Analysis Zones (TAZs) that have been identified as generating fewer vehicle miles traveled (VMT per capita) than the region-wide average, therefore this change is consistent with and reinforces maintenance of the new Transportation and Sustainable Communities threshold standard.

The existing and proposed boundaries may be viewed here:
https://trpa.shinyapps.io/bonus_unit_boundary_map/

Recommendation #2 - Non-conforming tourist density

The second recommended code change would allow motels to keep their original Tourist Accommodation Unit (TAU) density when converting to residential. In one-on-one meetings that TRPA held with local jurisdictions in the fall of 2020, and again at the February Working Group meeting, local jurisdictions identified that existing, aging motel properties are disincentivized from converting to residential or a mix of tourist and residential uses through redevelopment because existing, non-conforming tourist densities cannot be applied to residential densities. Many older motels on small lots have tourist densities exceeding the allowable 40 units per acre. Under the existing code, if these properties redevelop, they can keep the grandfathered density if the use does not change. However, when they redevelop and convert to residential, they lose a significant number of units since the maximum residential density allowed is only 25 units per acre and units above this must be banked and transferred off the property. For example, the Seven Seas Motel in South Lake Tahoe considered redeveloping to residential but was deterred by the small number of units available using residential densities. If the project redeveloped to new tourist development, the existing 17 units on the parcel would be grandfathered in. However, when converting to residential, the required residential density would allow only 6 residential units. The proposed revision that is part of this packet would allow the property owner to convert from tourist to residential and grandfather in the existing density, resulting in 17 residential units in the case of the example above. This Code amendment would only apply to conversions between TAUs and multi-residential uses and would only be allowed where multi-residential is an allowable use. Because the 1:1.5 conversion rates from TAUs to multi-residential would result in additional multi-residential units, over and above the number that would be allowed based on the grandfathered tourist density, TRPA will require these units to be banked onsite.

Because the environmental impacts of conversions between tourist and residential units was already evaluated and accounted for through the analysis in the Development Rights Strategic Initiative, this change is not anticipated to result in significant environmental impacts.

See Attachment A for detailed code amendment language. As part of this code amendment, staff is also recommending adding clarifying language to the code regarding the grandfathering in of residential density and banked residential units for use during redevelopment to new residential uses. This new language codifies the existing practice of maintaining existing, non-conforming densities as part of onsite redevelopment, and that of allowing units that are banked onsite and which resulted from development that was legally established to count toward the existing density. However, if a transfer of development from the site occurs to make the project area more conforming, it cannot be transferred back to result in non-conforming density.

Recommendation #3 - Accessory Dwelling Units (ADUs)

Accessory Dwelling Units are attached or detached units that are accessory to the main house, and are generally between 400 and 1200 square feet, averaging around 640 square feet.² TRPA's analysis of the

² Sacramento Area Regional Council of Governments, "SACOG Regional Accessory Dwelling Unit Affordability Analysis," March 2020, Sacramento Area Regional Council of Governments, accessed May 27, 2021 at: adu.affordabilityanalysismethodology2020-3-31-0.pdf (sacog.org); and Turner Center for Housing Innovation,

potential for ADUs to provide workforce housing in the basin identified that a near-term strategy to allow ADUs within the framework of TRPA’s existing coverage and development rights regulations could result in between 100 to 200 ADUs provided by the private market over the next eight years.³ Because of TRPA’s incentives supporting deed-restricted housing within close proximity to transit and Town Centers, TRPA expects that a significant number of these units would be used for workforce housing. The California Department of Housing and Community Development (HCD) allows jurisdictions to count ADUs toward their Regional Housing Needs Assessment (RHNA) requirements regardless of whether they are deed-restricted or not, instead allowing them to base their assessment on size and rental rates of comparable properties.⁴ El Dorado County, Placer County, and the City of South Lake Tahoe have all indicated that ADUs are a key part of their strategy to meet the RHNA requirements.

TRPA’s current policy restricting ADUs to parcels of one acre could be made to better align with Regional Plan Goals of encouraging workforce housing in walkable areas. Under the current policy, less than 800 parcels are even eligible to construct this housing type. And smaller parcels are often appropriate for workforce housing types – for instance the average residential parcel size within the proposed Bonus Unit Boundary and close to Town Centers and transit is about 20 percent smaller than the average parcel size outside the boundary.

At the February 10, 2021 Working Group meeting, Working Group members agreed that two policy changes should move forward into code development related to ADUs. Through the discussion additional suggestions for further incentivizing ADUs surfaced, but there was not consensus on these items and additional research is needed to determine their impact on the supply of workforce housing.

The proposed elements of the ADU recommendation include:

- 1. Remove 1-acre limit on ADUs basin-wide.** Currently TRPA regulations stipulate that secondary residences/ADUs are only allowed on parcels greater than one acre in size unless a jurisdiction has a TRPA-certified “Local Government Housing Program” (TRPA Code of Ordinances Section 21.3.2.B). With the advent of California’s 2019 ADU legislation, and local codes either in effect or going into effect in Douglas County and Washoe County, local jurisdictions have most if not all of the required elements of the “Local Government Housing Program” in place. Requiring five separate certifications along with updates over time could add an unnecessary staffing burden both for local jurisdictions and TRPA and was not supported by Working Group members. Hence, under the proposed code amendments, the 1-acre limit would be removed and local jurisdictions would have the authority to regulate ADU construction just as they regulate other single-family home construction through their area plans and their development and building codes. ADUs would still be required to comply with TRPA’s coverage, height, and growth management regulations. As part of this code amendment, TRPA is also recommending lifting the requirement of only one secondary residence/ADU per parcel. Since incentives for ADUs encourage them to locate in close

“Jumpstarting the Market for Accessory Dwelling Units, Lessons Learned from Portland, Seattle, and Vancouver,” Chapple, Wegman et al., April 2018.

³ For more information on this analysis, see Attachment A of the November 2020 Tahoe Living Working Group agenda: https://www.trpa.gov/wp-content/uploads/documents/archive/03_Attachment-A-Land-Use-Evaluation-Sheets.pdf.

⁴ California Department of Housing and Community Development, “Housing Element Site Inventory Guidebook Memorandum,” June 10, 2020, accessed on May 27, 2021, at: https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf

proximity to transit and Town Centers, allowing two ADUs per parcel supports walkability goals. This would also help California jurisdictions comply with California law, as California law allows one ADU and one Junior ADU⁵ per parcel.

There are several elements of California law and Douglas County and Washoe County plans and codes that place further restrictions on the construction or use of ADUs. Currently, California law requires that accessory dwelling units created pursuant to section 65852.22 of the California Government Code (which applies to all new ADUs) if rented, be rented for a term longer than 30 days. Douglas County and Washoe County both currently have a 1-acre parcel size limit for ADUs in the Tahoe Basin in their codes. These 1-acre limits were based on the TRPA 1-acre limit but as they are already adopted they would remain in place until removed by these counties in a subsequent action.

ADUs would be eligible for bonus units, which require a deed-restriction for affordable to achievable income levels, and occupancy of the unit by a local resident. There was consensus among working group members that when a bonus unit is assigned in association with the construction of an accessory dwelling unit, the deed-restriction should require that either the accessory dwelling unit, or the main home must comply with the affordability and local residency requirements. This would allow for diversity in housing size and types through construction of ADUs and utilization of the bonus unit program. For example, an out-of-town homeowner might wish to reserve the ADU for their own, periodic use, but rent out the larger, main home to a local family.

- 2. Remove noticing requirement for ADUs.** Currently the Rules of Procedure require noticing for secondary residences as well as for affordable housing, employee housing and multi-family housing. Through the survey results, it was clear that most Working Group members supported lifting the requirement for noticing for secondary residences/ADUs. Several Working Group members, particularly planners from local jurisdictions noted that it is not appropriate to require noticing for allowed uses, only for special uses. As accessory dwelling units would be allowed on all single-family parcels, the construction of an ADU would not be an exception to the rule; therefore, it would not require special notice. This is similar to existing code whereby a property owner may expand the footprint of a home for construction of a garage or other accessory use without notice of adjacent neighbors. This change does not preclude a local government from requiring noticing for ADUs. In order to implement this change, both the words “affordable” and “secondary residence” will be struck from Section 12.14.2, Noticing, of the Rules of Procedure, as many ADUs will likely be deed-restricted affordable units. This amendment does not propose to remove the requirement for noticing of multi-family projects (note that because ADUs are an “accessory” use, they are considered a single-family, not a multi-family use in TRPA’s code).

See Attachment A for detailed code amendment language.

⁵ California law provides the following specifications for a Junior Accessory Dwelling Unit (JADU): within the walls of the single-family house; no more than 500 square feet in size; must have an efficiency kitchen; separate entrance; may share a bathroom with the main house or have its own bathroom; requires owner-occupancy in the main house or the JADU.

Staff is currently in the process of evaluating the proposed ADU code changes for environmental impacts and may bring additional modifications to these proposed code changes forward depending on the outcome of that evaluation.

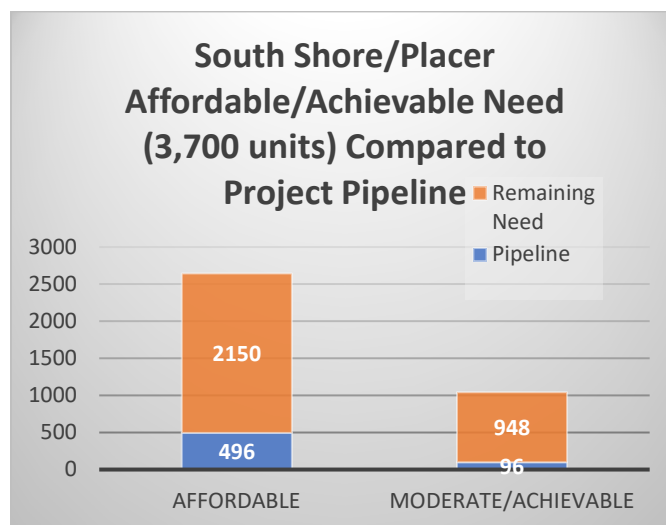
Recommendation #4 - Code clean-up items related to the Development Rights Strategic Initiative

As more deed-restricted housing projects begin to make their way through TRPA’s permitting process, bonus units set aside in the “affordable” and “moderate/achievable” pools have begun to be drawn down. A significantly higher number of units have been requested in project applications from the “affordable” bonus unit pool than from the “moderate/achievable” pool. This is due to the lack of state and federal tax credit and other grant programs for homes other than those deed-restricted for affordable income levels, that is, less than 80 percent of Area Median Income. Based on bonus unit transactions that have already been completed and reservations for projects that have submitted applications, the affordable pool has run out of bonus units, while 404 bonus units remain in the moderate/achievable pool.

Section 52.3.1 of the Residential Incentive Program section of the code identifies how residential bonus units from the TRPA pool will be used. Currently, this section identifies that half of the pool shall be used for affordable housing units, while the other half shall be used for moderate or achievable housing units.

Because both the South Shore Housing Needs Assessment and Placer County show a much higher need for homes in the affordable category than in the other two categories combined (see Figure 1), TRPA proposes to update Section 52.3.1 of the code to make it clear that bonus units from the moderate/achievable pool can be used for affordable homes. This is consistent with the definitions of moderate and achievable, which allow use as long as the income levels of occupants are below the specified levels. This change to code language is shown in Attachment A.

Figure 1: Number of housing units needed by 2026 compared to units constructed since July 2020 or that have submitted project applications (“pipeline”)



One additional Development Rights Strategic Initiative code clean-up item is included in this section – in Section 51.5.1.A the word “development right” will be changed to “potential unit of use.”

Tahoe Living Housing and Community Revitalization Working Group Input

Nearly all of the 21-member Working Group, with one exception described below and one absence, was in favor of the recommendations above. Some Working Group members felt that these recommendations did not go far enough to incentivize workforce and resident housing and ADUs, but they were supportive of the proposal in that it removes initial barriers and may result in construction of workforce housing by the private market over the next year while the Working Group takes more time to evaluate and develop other incentives that support Regional Plan goals and environmental thresholds.

Meea Kang of Related, California stated that she could not support the proposal as formulated. Her concern is related to the dwindling pool of Bonus Units, and a concern that Accessory Dwelling Units, which can be much smaller than other homes, should not require a whole Bonus Unit. Others on the Working Group shared that concern as well, but not enough to oppose the proposal. Despite this concern, staff recommends moving forward with the proposal, while identifying a place in future action items to address it. The “Permitting” Action, which was anticipated to be addressed in the “medium-term” action set, is a likely place to address this concern.

Timeline:

After gathering LGHC, APC and RPIC feedback in June, TRPA proposes to complete the necessary updates to the draft code language, complete the environmental evaluation and to bring these amendments forward for a recommendation for approval in July or August of 2021, as soon as the environmental analysis can be completed.

Contact Information:

For questions regarding this agenda item, please contact Karen Fink, at (775) 589-5258 or kfink@trpa.org.

Attachment:

A. Draft Code Changes

Attachment A
Draft Code Changes

Attachment A – “Basic” Housing Code Amendment Package – draft code changes

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

CODE OF ORDINANCES

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.4. Affordable, Moderate, and Achievable-Income Housing

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

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

annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.

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

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

CODE OF ORDINANCES

31.4 INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

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

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

B. Affordable Housing within Kings Beach Commercial Community Plan

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

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

31.4.2. Timeshare Uses (Residential Design)

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

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

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA;

however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.4.4. Density in Area Plan Overlays

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

31.4.5 Tourist Accommodation to Residential Conversion

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

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

31.4.6 Legal, Non-Conforming Tourist and Residential Density

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

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

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

CODE OF ORDINANCES

21.3. ACCESSORY USES

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

21.3.1. Examples of Accessory Use

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

A. Residential

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

B. Tourist Accommodation

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

C. Commercial

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

D. Public Service

Accessory uses such as garages, ~~secondary residence~~[accessory dwelling unit](#), and emergency facilities.

E. Recreation

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

21.3.2. ~~Secondary Residence~~[Accessory Dwelling Units \(formerly Secondary Residences\)](#)

[Accessory dwelling units shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. An accessory dwelling unit shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. An accessory dwelling unit shall be eligible for a residential bonus unit provided it meets the requirements of Section 52.3.4.](#)

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

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

A. Residential Secondary Unit Parcel Size

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

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

B. TRPA-Certified Local Government Housing Program

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

1. A local government adopted housing element that addresses the housing needs and issues of the jurisdiction pursuant to state standards;
2. Special ordinance standards for development of secondary residences, including but not limited to:
 - a. Minimum parcel size;
 - b. Maximum unit floor area for the secondary unit;
 - c. Parking standards; and
 - d. Building setback standards; and
3. An adequately funded and staffed compliance and monitoring program. This program shall through deed restriction limit the project area to the approved use and restrict both rental rates and occupants' household income to affordable, moderate, or achievable housing limits. Secondary units approved under this program shall be made available for long term occupancy and shall be occupied for at least ten months in each calendar year. Failure to comply for more than six months with use, rental rates/household income levels, or occupancy requirements shall require removal of the unit or modification of the use to bring the project area into compliance with otherwise applicable development standards.

The local government shall document and enforce the special standards through an MOU with TRPA. The MOU shall include objective compliance standards to ensure adequate

~~funding, staff resources, permitting, compliance, and monitoring consistent with the local government housing program.~~

21.3.6. Living Area Associated with Residential Accessory Structures

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

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

TABLE 21.4-A LIST OF PRIMARY USES AND USE DEFINITIONS

Multiple-family dwelling

More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. ~~One detached secondary residence is~~Up to two accessory dwelling units are included; see "Accessory Dwelling Unit~~Secondary Residence~~."

Single-family dwelling

One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. ~~A caretaker residence is included (see "Secondary Residence"~~Up to two Accessory Dwelling Units are included; see "Accessory Dwelling Unit~~).~~"

31.3.2. Table of Maximum Densities

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set

forth in Table 31.3.2-1, except as provided in Section 31.4, Increases to Maximum Density.

Use	Maximum Density
Residential Uses	
Single-family dwelling (parcels less than one acre)	1 unit per parcel
Single-family dwelling (parcels greater than or equal to one acre)	2 units per parcel, provided one unit is an authorized secondary residence

39.2.5. Subdivision of Post-1987 Projects

L. Secondary Residences and Accessory Dwelling Units

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

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

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

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

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

51.5. TRANSFER OF DEVELOPMENT RIGHTS

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

51.5.1. Transfer of Potential Residential Unit of Use

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

A. Vacant Parcel

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

B. Parcel Restriction

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

C. Receiving Area

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

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

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

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

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

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

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

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

- a. Receiving parcels in Centers are eligible to receive potential residential units of use based on the land capability district of the sending parcel and the distance of the sending parcel from Centers, and from primary transit routes.
- b. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the potential residential units of use of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection 51.5.4.H.
- c. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.
- d. TRPA may assign a residential allocation from TRPA's residential allocation incentive pool to match the transferred potential residential unit of use when a transfer earns a bonus unit or portion thereof.

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

52.3.4. Affordable, Moderate, and Achievable-Income Housing

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

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

90.2. OTHER TERMS, DEFINED

Accessory Dwelling Unit (ADU)

Formerly "[Secondary Residence](#)." See [subsection 21.3.2](#) "~~Secondary Residence~~".

Secondary Residence

See "[Accessory Dwelling Unit](#)," subsection 21.3.2.

MEYERS AREA PLAN

TABLE 2-1: PERMITTED, CONDITIONAL USES AND PROHIBITED USES

USE	MAP-1 (Center)	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Residential					
Employee Housing	CUP ⁽³⁾	—	CUP	CUP	—
Multiple Family Dwelling	p ⁽⁶⁾	—	P	—	—
Multiple Person Dwelling (i.e., dormitories, etc.)	CUP	—	—	—	—
Nursing and Personal Care	CUP	—	—	—	—
Single Family Dwelling	p ⁽⁴⁾⁽⁶⁾	—	P	—	—
Accessory Dwelling Unit	(8)	=	<u>P</u>	=	=
<p>(1) Applies only to parcels on Santa Fe Road.</p> <p>(2) Maintenance facilities not allowed within any new transit facilities.</p> <p>(3) One employee-housing unit allowed without a CUP per commercial building with at least 1000 sq. ft. of CFA.</p> <p>(4) Single family dwellings in Meyers Community Center limited to condominiums or townhouses with at least 3 attached units.</p> <p>(5) Non-motorized public trails are a permitted use.</p> <p>(6) These uses are not allowed within the portion of the ground floor of a structure that faces the primary entry point for projects adjacent to US 50. This restriction may be waived if the Meyers Advisory Council and the Planning Commission find that the use is otherwise consistent with the intent of the Meyers Area Plan.</p> <p>(7) Hotels/motels are only allowed in the Town Center portion of MAP-3.</p> <p>(8) To be added</p>					

TABLE 2-2: DEVELOPMENT STANDARDS

		MAP – 1 (Center)⁽⁶⁾	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Maximum Height and Density for All Uses	Maximum Height (Ft.) ⁽⁸⁾	42	TRPA Code Chapter 37	42, TRPA Code Sec. 37.4 ⁽⁹⁾	TRPA Code Sec. 37.4	TRPA Code Sec. 37.4
	Density, Single Family Residential	NA	NA	1 unit/ parcel (parcels less than 1 acre); 2 units if greater than one acre	NA	NA
	Accessory Dwelling Unit	NA	NA	(See Section 130.40.300)	NA	NA
	Density, Multiple Family ⁽⁴⁾	20 units/ acre	NA	15 units/ acre	NA	NA
	Density, Multi-person/ Nursing & personal care	25 persons/ acre	NA	NA	NA	NA
	Density, Bed and Breakfast	10 units/ acre	NA	10 units/acre	NA	NA
	Density, all other Tourist accommodation	30 units/ acre	NA	30 units/ acre ⁽⁷⁾	NA	NA
	Density, Group facilities	25 persons/ acre	NA	25 persons/ acre	25 persons/ acre	NA
	Density, Campgrounds & Recreational Vehicle Parks	NA	NA	NA	8 sites/ acre for campgrounds, 10 sites/ acre for RV Parks	8 sites/ acre for camp grounds

70 DEVELOPMENT STANDARDS

The following provisions shall apply in all MAP Zones.

A. Table 2-2 sets forth the applicable lot area, lot width, building height, development density, land coverage, and setback requirements for each MAP Zone. Design standards are further regulated under the Meyers Area Plan Design Standards and Guidelines, included as Attachment A of the Meyers Area Plan.

B. Any new development, additions to existing development, change in use, or exterior modifications to existing development shall be reviewed for consistency with the Meyers Design Standards and Guidelines, and subject to a Design Review Permit in compliance with Section 130.52.030 ([Design Review Permit](#)) in Article 5 ([Planning Permit Processing](#)) of the El Dorado County Zoning Ordinance.

Upon receiving a complete application for any project requiring a Design review permit other than a single family detached residence [or Accessory Dwelling Unit](#), and prior to issuance of a Design Review Permit, the TRPA, El Dorado County Planning Department or El Dorado Planning Commission shall request and consider a recommendation from the Meyers Advisory Council on the consistency of the proposed activity with the policies of the Meyers Area Plan and the Meyers Design Standards and Guidelines.

ATTACHMENT B – DEFINITION OF USES

Multiple-family dwelling

More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. ~~One detached secondary residence is~~ [Up to two accessory dwelling units are](#) included; see "[Accessory Dwelling Unit](#) ~~Secondary Residence.~~" in the TRPA Code of Ordinances.

Single-family dwelling

One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. ~~A caretaker residence is included (see "Secondary Residence"~~ [Up to two Accessory Dwelling Units are included; see "Accessory Dwelling Unit";](#) in the TRPA Code of Ordinances.

TAHOE VALLEY AREA PLAN

7.1 Goals and Policies

Policy H-1.2 – Housing Incentives

Provide the following incentives to encourage the development of a range of housing options in the Tahoe Valley plan area:

- 70 percent land coverage in the TRPA designated Town Center;
- A maximum of 25 dwelling units an acre in the Town Center;
- Height up to 45 feet in the Town Center Core District and 42 feet elsewhere;
- Access to the City’s banked coverage pool to offset excessive coverage mitigation fee and for transfer of coverage (see Policy NCR-7.2); and
- ~~Secondary units allowed on parcels less than an acre in the Town Center Neighborhood Professional District.~~

13.1 Incentive Programs

Residential Bonus Units

A total of 488 residential bonus units remaining from the 1987 Regional Plan and a total of 600 new residential bonus units for use in Centers only were made available under the 2012 Regional Plan and are available for use region wide. Residential bonus units may be earned and used by projects in accordance with Section 52.3: Multi-Residential Incentive Program of the TRPA Code. Residential bonus units used for affordable housing under this section do not require residential allocations. Residential bonus units used for moderate income housing require a residential allocation. The City of South Lake Tahoe has a Certified Moderate Income Housing Program pursuant to Section 50.5.2.B and 52.3.6 of the TRPA Code, thus moderate income housing units are eligible to earn allocations from TRPA’s unused allocation pool subject to TRPA’s allocation procedures.

~~Pursuant to TRPA Code Section 21.3.2.B, residential bonus units can also be earned under the City’s Local Government Housing Program certified by TRPA. The program allows for the conversion of illegal secondary units into deed restricted affordable housing units.~~

In addition, residential bonus units may also be earned and used for projects in accordance with TRPA Code Section 51.3.3.C: Transfer of Development Rights to Centers or TRPA Code Section 51.5.3: Transfer of Existing Development to Centers. See Transfer of Development Rights to the Tahoe Valley and Transfer of Existing Development to the Tahoe Valley Area Plan program descriptions below.

Secondary Accessory Dwelling Units

~~Secondary units are permitted on parcels located in the Town Center Professional Neighborhood District that are less than one acre in size where single family residential units are permitted. In addition to the requirements of the TRPA Regional Plan, All secondary accessory dwelling units must meet City development standards for minimum lot size, setbacks, and parking. See City Code Section 6.85.050.~~

APPENDIX C

Development and Design Standards

Table 2

LIST OF PRIMARY USES AND USE DEFINITIONS

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

Development Standards

LOT AND DENSITY

TABLE 4 DEVELOPMENT STANDARDS								
DISTRICT	TC-C	TC-MUC	TC-G	TC-NP	TC-HC	CMX-S	OS	

Maximum Density

Single Family Dwelling (parcels less than one acre)	1 unit per parcel	1 unit per parcel 2 units per parcel, provided one unit is an authorized secondary residence (A)	1 unit per parcel	1 unit as part of a mixed use	-
Single Family Dwelling (parcels greater than or equal to one acre)	2 units per parcel, provided one unit is an authorized secondary residence				-

- A. Secondary Units.** Lots less than an acre in size in the Town Center Neighborhood Professional District may have an authorized secondary unit pursuant to the following:
- ~~1. The unit is not intended for sale and may be rented for residential uses only.~~
 - ~~2. The lot contains an existing single family dwelling.~~
 - ~~3. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
 - ~~4. The total area of floor space for a secondary unit shall not exceed 640 square feet.~~
 - ~~5. One covered or uncovered parking is required for the secondary unit.~~
 - ~~6. Height, building setbacks, minimum lot size, architectural review and other zoning requirements generally applicable to residential construction in the zone in which the property is located shall apply.~~
 - ~~7. Secondary units shall have the colors, materials and textures and architecture similar to the main dwelling unit.~~
 - ~~8. A secondary unit shall be considered a residential unit subject to TRPA's residential allocation limitations and transfer provisions.~~
 - ~~9. A secondary unit shall be subject to the land coverage and Best Management Provisions of the TRPA Code.~~

TOURIST CORE AREA PLAN

10.3 INCENTIVE PROGRAMS

- Residential Bonus Units

A total of ninety (90) residential bonus units are assigned to the Tourist Core Area Plan that may be used for affordable housing units or as a match for transferring development rights to centers. The remaining 488 in TRPA’s pool that may be used region wide and 600 new residential units are available for use only in Town Centers, the Regional Center or the High Density Tourist District. Residential bonus units may be earned and used by Projects in accordance with TRPA Code Section 52.3: Multi-Residential Incentive Program of the TRPA Code. Residential bonus units used for affordable housing under this section does not require residential allocations. Residential bonus units used for moderate income housing required an allocation. The City of South Lake Tahoe has a Certified Moderate Income Housing Program pursuant to Section 50.5.2.B and 52.3.6 of the TRPA Code, thus moderate income housing units are eligible to earn allocations from TRPA’s unused allocation pool subject to TRPA’s allocation procedures.

~~Pursuant to TRPA Code Section 21.3.2.B, residential bonus units can also be earned under the City’s Local Government Housing Program that has been certified by TRPA. The program allows for the conversion of illegal secondary units into deed restricted affordable housing unit.~~

In addition, residential bonus units may also be earned and used for projects in the Tourist Core in accordance with TRPA Code Section 51.3.3.C: Transfer of Development Rights to Centers or TRPA Code Section 51.5.3: Transfer of Existing Development to Centers. See Transfer of Development Rights to the Tourist Core and Transfer of Existing Development to the Tourist Core Area Plan program descriptions below.

APPENDIX C Development and Design Standards

Table 2 LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	DEFINITIONS
Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as

Table 2

LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITIONS
Single-family dwelling	<p>defined in this Code. One detached secondary residence isUp to two accessory dwelling units are included; see "Accessory Dwelling UnitSecondary Residence:" in the TRPA Code of Ordinances.</p> <p>One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see"Secondary Residence"Up to two Accessory Dwelling Units are included; see "Accessory Dwelling Unit;" in the TRPA Code of Ordinances.</p>

TABLE 4 LOT AND DENSITY STANDARDS							
DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC	
Maximum Density: Single Family Dwelling							1 unit per parcel for parcels less than one acre 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence

RULES OF PROCEDURE

12.14. PROJECT OR MATTER REQUIRING NOTICE TO AFFECTED PROPERTY OWNERS

12.14.2. Residential (new or increase in density)

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

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

CODE OF ORDINANCES

51.5. TRANSFER OF DEVELOPMENT RIGHTS [KF1]

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

51.5.1. Transfer of Potential Residential Unit of Use

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

A. Vacant Parcel

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

52.3 RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

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