



DEVELOPMENT RIGHTS

Strategic Initiative

Advisory Planning Commission

September 12, 2018



A Voice for Lake Tahoe

Final Stretch!



Tasks	2016 (July – December)						2017 (January – December)												2018 (January – December)																				
	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D									
1.1.1-1.1.4 Stakeholder interviews preparation, interviews, presentation to APC and GB, and distribution of final stakeholder assessment report	Completed																																						
1.2.1 Prepare work program	█																																						
1.2.2 Present work program and obtain GB approval	█																																						
1.3.1 Identify working group membership	█																																						
1.3.2 GB approval of working group membership	█																																						
1.3.3 APC selection of two working group members	█																																						
1.4.1 Enhance online development rights data	█																																						
1.4.2 Prepare report on current development rights inventories	█																																						
1.5.1 Outline development rights policies, programs, regulations, permitting process; compare original intent to current situation; and identify areas for potential improvements	█																																						
1.5.2 Add website improvements based on 1.5.1	█																																						
1.5.3 Provide results from 1.5.1 to working group and listserv	█																																						
2.1.1 Present information sheets to working group	█																																						
2.1.2 Working group will determine "sideboards" and APA PAS inquiry specifications; staff will contact schools and post an RFP for consultants		█	█																																				
2.2.1 Document existing policies and code, and present to working group			█	█																																			
2.2.2 Submit APA PAS inquiry			█	█																																			
2.3.1 Working group will determine criteria for selection of best alternative(s)				█	█																																		
2.3.2 Present best practices research plan to working group				█	█																																		
2.4.1 Engage California and Nevada university planning programs in research				█	█	█																																	
2.4.2 Engage consultant or consultants (e.g., planning, legal, development economics, and/or financing) to synthesize APA PAS, universities, and original research, and to prepare best practices findings and alternatives				█	█	█																																	
2.4.3 Present best practices findings and preliminary alternative ideas, and solicit feedback from working group, APC, and GB					█	█	█																																
2.5.1 Identify range of alternatives								█	█																														
2.5.2 Evaluate alternatives using results from 2.3.1									█	█																													
2.5.3 Present recommended alternative to working group for their recommendation with changes, if any										█	█																												
2.5.4 Present working group recommendation on alternatives to APC and GB for feedback and approval (GB)											█	█																											
3.1 Develop policy and code amendments																																							
3.2 Perform environmental review																																							
3.3 Obtain formal approval through APC, RPIC, and GB public hearing process																																							
3.4 Implementation of approved recommendations																																							
4.1-4.9 Additional sort and long-term projects to be determined																																						TBD	

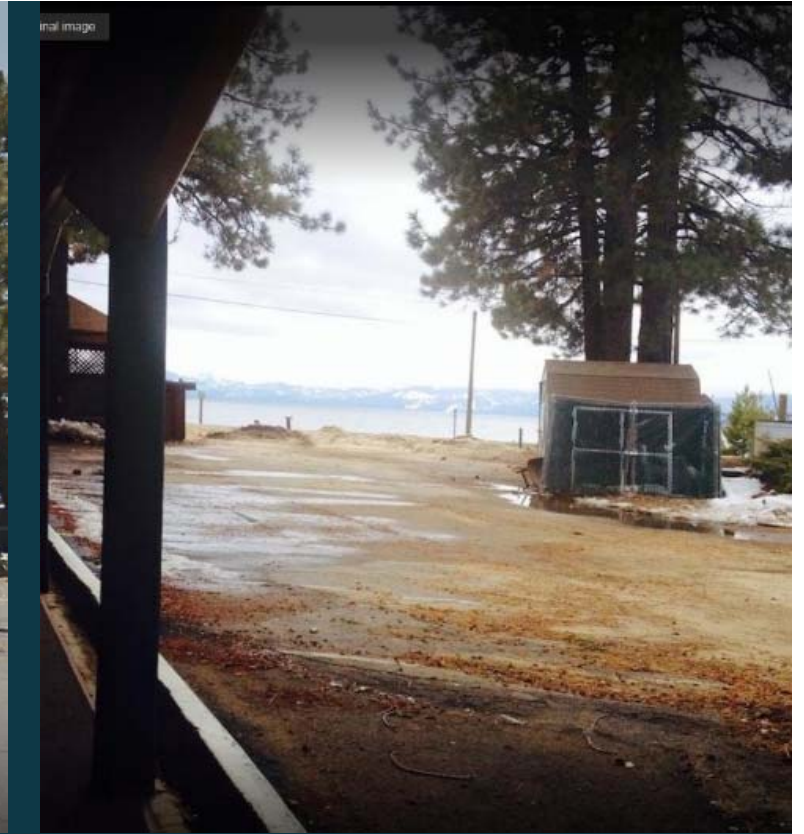
Completed Tasks

Phase 3 Tasks



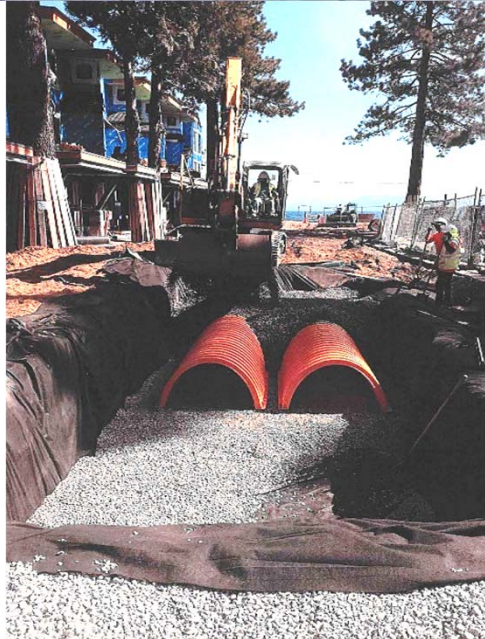
Photo credit: <http://bothendsofthelead.com.au/wp-content/uploads/2014/03/French-Bulldog-Stretch.jpg>





Before





After



MISSION

- Identify barriers for environmentally beneficial redevelopment
- Consider changes to the existing system
- Improve effectiveness and predictability

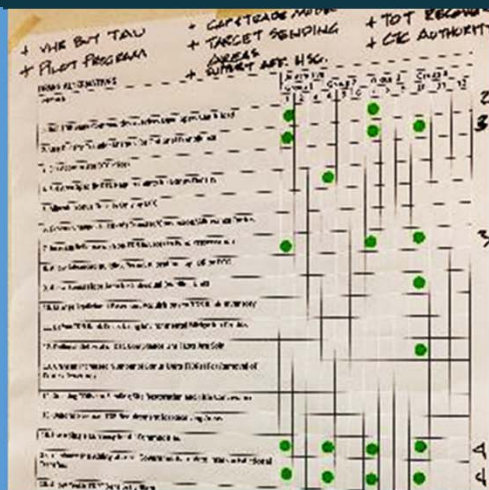


AGENDA

- Process
- Recommended Changes
- Environmental Review
- Implementation

PROCESS

STAKEHOLDER
ASSESSMENT



EDUCATION &
OUTREACH



WORK PROGRAM
AND SCOPE



BEST PRACTICE
RESEARCH &
ANALYSIS

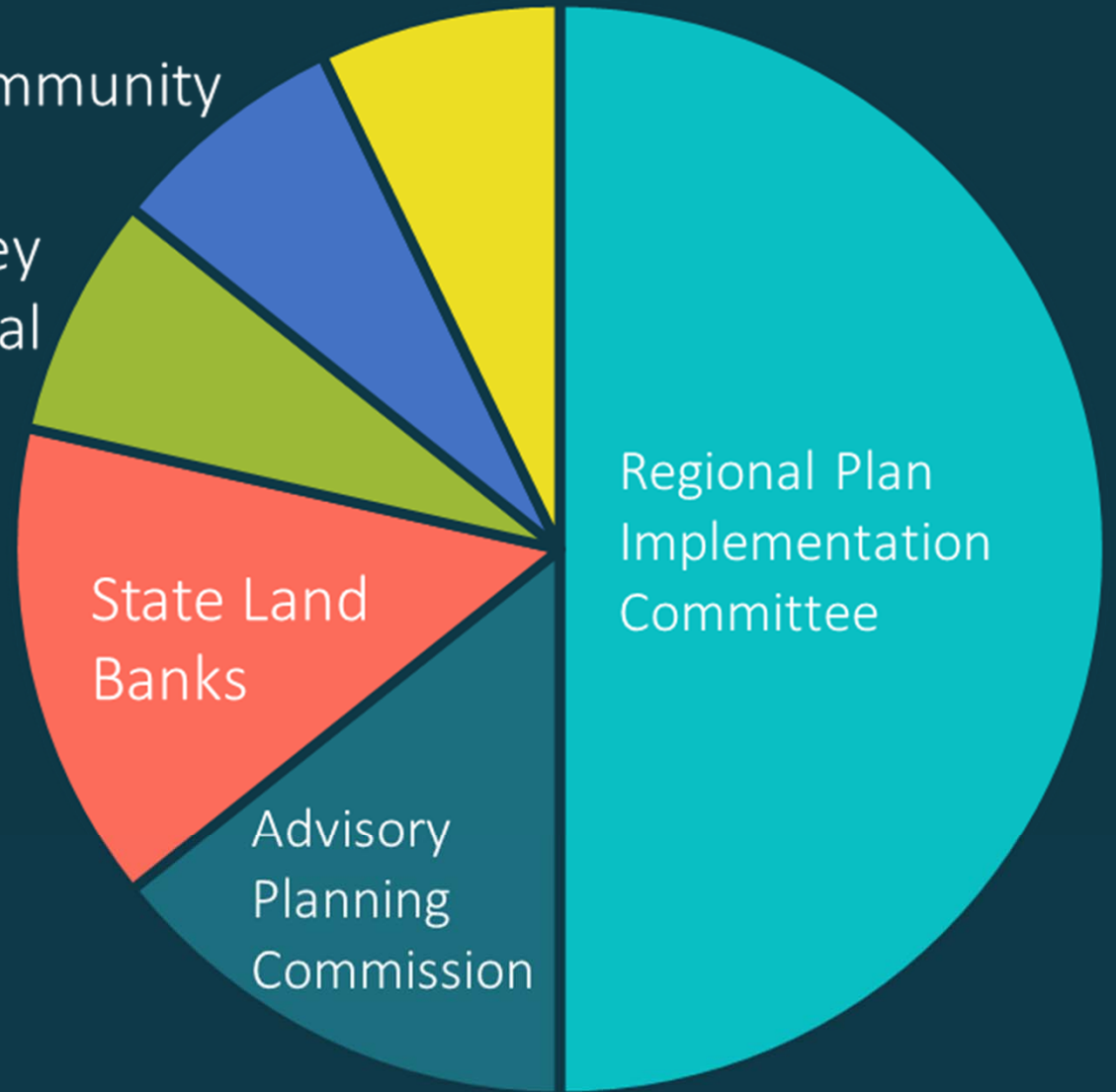


WORKING GROUP

Environmental Community

Business Community

California Attorney
General



RECOMMENDATIONS

1. allow conversions between development rights – commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using environmentally neutral exchange rates;
2. expand the eligibility of the residential bonus unit incentive program;
3. enhance the development right banking system;

RECOMMENDATIONS

4. eliminate overlapping, multi-jurisdictional approvals of development rights transfers; and
5. eliminate the requirement to have an approved project on a receiving site prior to a transfer of development rights.

Development Rights

Tourist Accommodation Units (TAUs)



Residential Units of Use (RUUs) *(Residential Allocation + Potential RUU)*



Commercial Floor Area (CFA)



Exchange Rates

- Convert between CFA, RUU, TAU
- Based on environmentally neutral metrics
- Broader applicability of supply facilitates redevelopment

Existing Development Rights	Equivalent Development Rights			
	CFA	TAU	SF	MF
300 sq. ft. CFA	300 sq. ft.	1	1	1.5
1 TAU	300 sq. ft.	1	1	1.5
1 Single Family RUU	300 sq. ft.	1	1	1.5
1 Multi-Family RUU	200 sq. ft.	0.75	0.75	1

Residential Bonus Units

- New income bracket: “Achievable”
- All needed development rights awarded
- Allocation exemptions
- Half of the pool reserved
- Program reporting every two years



Residential Bonus Units

Other Criteria:

- ½ mile of transit stop
- No short-term rental use
- Multi-family or single-family



Max. Area Median Income Percentage by County

	Douglas, NV	El Dorado, CA	Placer, CA	Washoe, NV
“Affordable” <i>(no change)</i>	80%	80%	80%	80%
“Moderate” <i>(no change)</i>	120%	120%	120%	120%
“Local Achievable” MULTI-FAMILY	123%	169%	140%	160%
“Local Achievable” SINGLE-FAMILY	314%	225%	216%	410%

Example:

El Dorado County AMI for Family of Three = \$72,100

Eligible for **Affordable** RBU = \$57,680

Eligible for **Moderate** RBU = \$86,520

Eligible for Multi-Family **Achievable** RBU = \$121,849

Reaffirming the Role of the Local Land Banks

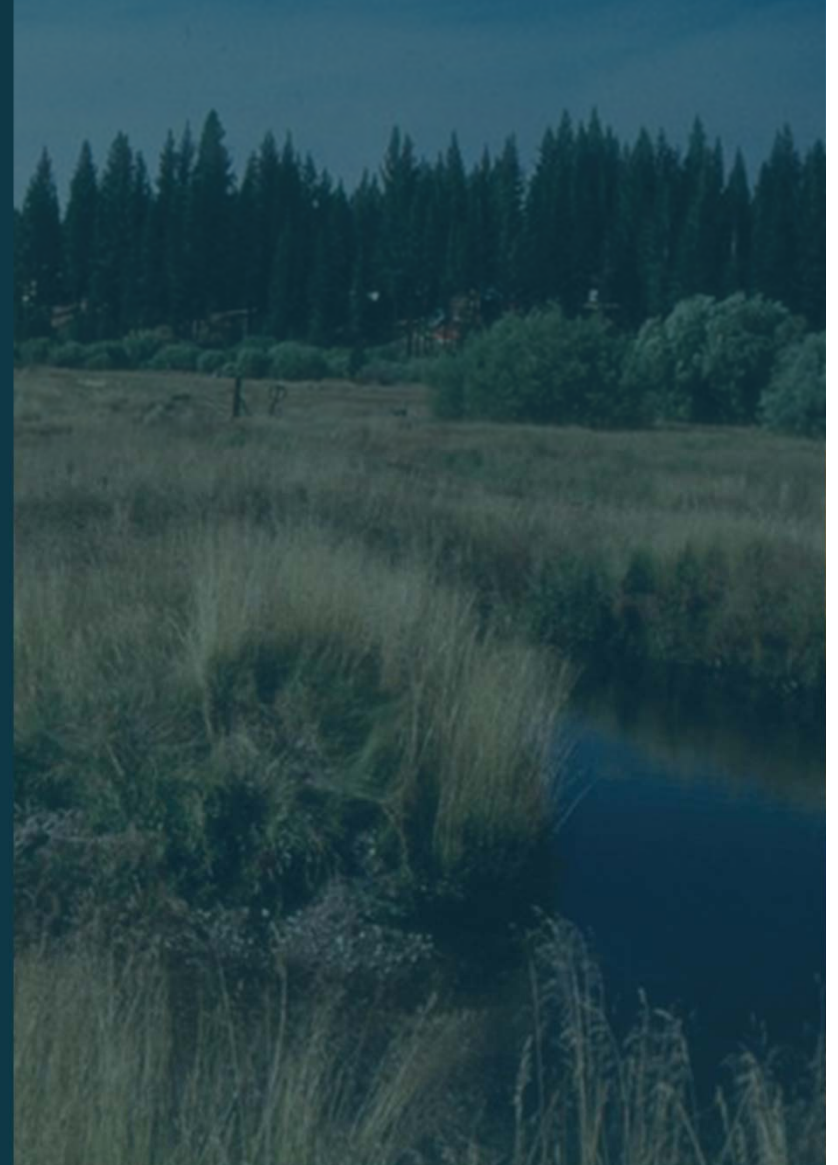
Accelerate goals of the Regional Plan by...

- Removing aging properties;
- Restoring sensitive areas;
- Creating reliable sources of development rights;
and,
- Facilitating redevelopment in Town Centers.

Reaffirming the Role of the Local Land Banks

TRPA involvement:

- Revise and adopt an MOU.
- Adopt a resolution.
- Setting priorities.
- Tracking and monitoring.



Implementation

Regional Plan Goals and Policies

LU-2.1 and DP-3.7

TRPA Code of Ordinances

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

Policy & Code Amendments

TWO FORMATS, SAME AMENDMENTS

Item #	Existing Section	Amendment	Rationale
CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM			
70	52.1	PURPOSE 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.	Adds references to the Regional Plan Goals and Policies.
71	52.2	Applicability 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. B. In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions: 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.3 51.3.3.C : Transfer of Development Rights Potential Residential Units of Use to Centers; and 3. Section 51.5.3.C.1-5.3 : Transfer of Existing Development to Centers.	Updates reference to residential bonus units and sections within the Code document. (recommendation #2)
72	52.3	52.3 MULTI-RESIDENTIAL INCENTIVE PROGRAM	Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)
73	52.3.1	Assignment of Bonus Units 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 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 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. An additional 600 residential bonus units are available to be used in Centers only.	Updates standards of the residential bonus unit incentive program. (recommendation #2)

DRWG Meeting #8 – Agenda Item VI. C, Attachment A
August 9, 2018

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52.3. MULTI-RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

~~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 ~~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 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. An additional 600 residential bonus units are available to be used in Centers only.~~

52.3.2. Criteria

All projects receiving ~~multi~~-residential bonus units shall comply with the following criteria:

- The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the [area plan](#) plan area statement, applicable community or redevelopment plan, or this Code; ~~and~~
- ~~When bonus units will be used for a multi-family dwelling, m~~Multi-residential uses shall be designated in the [area plan](#) 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~~

~~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.~~

52.3.3. Determination of the Number of Multi-Residential Bonus Units

A. Determination of Project Score

Applications for projects proposing to use multi-residential bonus units shall include a list and description of all mitigation measures identified in Table 52.3.3-1 that are proposed as part of the project. Based on a review of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Table 52.3.3-1. A maximum of one residential bonus unit may be approved for each ten points received by a project.

B. Mitigation Measures

DRWG Meeting #8 – Agenda Item VI. C, Attachment B
August 9, 2018

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Policy & Code Amendments

- Terminology Changes:
 - “Commodities” → “Development Rights”
 - “Residential Development Right” → “Potential Residential Unit of Use
 - “Multi-Residential Bonus Unit” → “Residential Bonus Unit”

Policy & Code Amendments

- Recommendations & Criteria
- Title Change -- Chapter 51: *Banking, Conversion, and Transfer of Development Rights*
- Chapter & Section Re-numbering and References

Environmental Review

- Regional Plan & Regional Transportation Plan evaluated the *development rights system, overall caps, and cumulative impacts of growth.*
- DRSI evaluated *movement, flexibility, and transfer* of development previously unanalyzed.

LODGING



RESIDENTIAL



COMMERCIAL



Environmental Review

LODGING



RESIDENTIAL



COMMERCIAL



FINDING:

The recommended changes to the existing development rights system would not have significant effects or adverse impacts on the environment.



NEXT STEPS

- APC Recommendation
- RPIC Recommendation – Sept. 26
- Gov Board Approval & Adoption – Oct. 24
- Implementation



**QUESTIONS
&
COMMENTS**



MOTIONS

- A motion to recommend approval of the required findings, including a finding of no significant effect regarding changes to the development rights system.
- A motion to recommend approval and adoption of the ordinance regarding amendments to the TRPA Regional Plan Goals and Policies TRPA Code of Ordinances Chapters.



MOTIONS

- A motion to recommend approval of the required findings, to support the local land banks.
- A motion to recommend approval and adoption of the proposed resolution revising the MOU between CTC and TRPA.
- A motion to recommend adoption of the proposed resolution to reaffirm local land bank authority.



THANK YOU

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trpa.org/development-rights