

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.1. 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 Sub element, Goal 2, Policies 5A and 5B; and Implementation Element, Development and Implementation Sub element, Goal #2, Policies 2F and 3, and Goal 3, Policies 1 and 2.

52.2. APPLICABILITY

- A. 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.
- 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 51.3.3.C: *Transfer of Development Rights to Centers*; and
 - 3. Section 51.5.3: *Transfer of Existing Development to Centers*.

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 moderate-income housing projects. 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:

- A. 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;
- B. 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 21.2 have been made; and
- C. Except for affordable housing units as defined in Chapter 90: *Definitions*, an allocation shall be required pursuant to Chapter 50: *Allocation of Development*, in order to use multi-residential bonus units.

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

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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

Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the mitigation measures in Table 52.3.3-1 are proposed as part of the project. Any combination of the measures in the table 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 subparagraph establishes the maximum number of points that may be awarded for each mitigation measure. If a proposed 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 that is a multiple of ten.

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS

Mitigation Measure		Score
Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)		(Project cost divided by \$8,000) x 10 points
Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)		(Project cost divided by \$8,000) x 10 points
Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)		(Project cost divided by \$8,000) x 20 points
Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: <i>Transfer of Development</i>)	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	30 points per transferred unit
Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	40 points per transferred unit
New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent		(Project cost divided by \$8,000) x 10 points (maximum 50 points)
Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i>		One point for each such reduction of 600 square feet onsite
Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP		(Project cost divided by \$8,000) x 10 points

C. Adjustments to Score

1. Projects within a Community Plan

The score received pursuant to Table 52.3.3-1 by projects located within an approved community plan shall be multiplied by a factor of 1.5.

2. Projects Providing Affordable Employee Housing

The score received pursuant to Table 52.3.3-1 by projects designed to provide affordable employee housing shall be multiplied by a factor of 2.0.

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52.3.4 Affordable and Moderate-Income Housing

3. Post-1987 Projects Proposing Subdivision of Units

In order to subdivide a post-1987 multi-residential project that does not meet the standards for low-cost housing as defined in Section 90.2, the score received pursuant to Table 52.3.3-1 shall be multiplied by a factor of 0.67.

D. Option to Reserve Residential Bonus Units

Approved residential bonus units may be reserved for projects based on the proposals submitted prior to project approval to enable applicants to accumulate allocations. Residential 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 residential bonus units are likely to be used during that period.

52.3.4. Affordable and Moderate-Income Housing

A. Housing development projects proposing to use multi-residential bonus units shall not be subject to Table 52.3.3-1 if the following criteria are met:

1. The housing provided meets the criteria for affordable or government-assisted housing set forth in Policies 1, 3, and 4 of Goal 1 of the Housing Sub element. Residential bonus units for such projects shall be assigned on the basis of project need; and
2. The housing provided meets the definition of “moderate-income housing” as defined in Chapter 90, and the local jurisdiction where the project is located maintains a TRPA-certified local government moderate-income housing program as determined by subsection 52.3.6.

B. Bonus units for such projects are assigned on the basis of project need.

52.3.5. Residential Bonus Unit Substitution

Residential 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 50.10.7 on a unit-for-unit basis, provided that the following conditions are met:

- A.** 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;
- B.** The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;
- C.** 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 shall be so maintained; and
- D.** Any existing units of use not used in the project area are only transferable to multi-residential facilities.

52.3.6. TRPA-Certified Local Government Moderate-Income Housing Program

A. TRPA Certification

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 an adopted Housing Element; and
 2. Standards that guide the development of moderate-income housing using the principles of transit-oriented development, including:
 - a. Appropriate proximity to government services;
 - b. Appropriate proximity to commercial and employment centers;
 - c. Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and
 - d. Appropriate residential and commercial densities to facilitate transit use.
- B. Permanent Limitations on Approved Use, Rental Rates, and Income Limits**
- The moderate-income housing program shall, through deed restriction or other covenant running with the land, limit the project area to the approved use and restrict both rental rates and occupants' household income to moderate-income housing limits. Moderate-income housing shall not include units with a rental rate that exceeds 30 percent of the tenant's monthly gross income. Subdivision projects shall be reviewed by TRPA-Certified Local Jurisdiction Moderate-Income Housing Programs for purposes of determining appropriate income and sales price limitations for the sales rate of moderate-income housing. In the absence of a certified local program, project proponents shall use the 4.2 multiplier, to be multiplied by 120 percent of median family income to determine a maximum sales price for housing. Moderate-income units are subject to deed restriction for long-term occupancy for at least ten months in each calendar year. The multiplier is subject to periodic amendment, to adjust for changes to median family income resulting in a numerical increase in the multiplier. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction or other covenant running with the land shall not be occupied until the non-complying element of the program is rectified.

C. Annual Reporting

Each local jurisdiction with a certified moderate-income housing program shall document, monitor, submit annual reports to TRPA, 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.

52.4. TOURIST ACCOMMODATION BONUS UNIT PROGRAM

Tourist accommodation bonus units may be approved by TRPA only on parcels located within an adopted community plan or Ski Area Master Plan and only when at least one existing tourist accommodation unit is transferred in accordance with Chapter 51 for each tourist accommodation bonus unit approved.

52.4.1. Assignment of Bonus Units

A maximum of 400 tourist accommodation bonus units may be approved by TRPA.

52.4.2. Criteria

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

- A. 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 or Ski Area Master Plan;
- B. 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 21.2 have been made;
- C. The project shall be located on a parcel designated in an adopted community or redevelopment plan or Ski Area Master 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; and
- D. All tourist accommodation bonus units shall be allocated in accordance with Chapter 50: *Allocation of Development*.

52.4.3. Determination of the Number of Bonus Units

A. Determination of Project Score

Applications for projects proposing the use of tourist accommodation bonus units shall include a list and description of all mitigation measures identified in Table 52.4.3-1 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 52.4.3-1 below.

B. Mitigation Measures

Projects proposing the use of Tourist Accommodation Bonus Units shall receive a score only when one or more of the mitigation measures in Table 52.4.3-1 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 subparagraph 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

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the highest score. The total point score shall be rounded down to a number which is a multiple of ten.

TABLE 52.4.3-1: SCORE FOR MITIGATION MEASURES FOR TOURIST ACCOMMODATION BONUS UNITS	
Mitigation Measure	Score
Participation in a transportation EIP project (See Ch. 15: <i>Environmental Improvement Program</i>)	(Project cost divided by \$24,000) x 10 points
Participation in a water quality EIP project (see Ch.15)	(Project cost divided by \$24,000) x 10 points
Stream Environment Zone pursuant to the EIP (excluding restoration required as mitigation for new SEZ disturbance)	(Project cost divided by \$24,000) x 20 points
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
Provision of less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30	One point for each such reduction of 1,000 square feet
Participation in scenic improvement projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP	(Project cost divided by \$24,000) x 10 points
Provision of fish habitat restoration pursuant to an approved TRPA Fish Habitat Restoration Plan	(Project cost divided by \$24,000) x 10 points
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
Provision of 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 \$8,000) x 10 points
Retirement of an undeveloped parcels in Land Capability District a Stream Environment Zone	10 points per retired parcel
Transfer of an existing residential unit from a parcel in a Stream Environment Zone	30 points per retired unit and parcel

C. Conversion of Points to Bonus Units

1. The points earned pursuant to Table 52.4.3-1 may be converted to tourist accommodation bonus units only in conjunction with the transfer of existing tourist accommodation units in accordance with Chapter 51: *Transfer of Development*, 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 tourist accommodation 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 51, equals one tourist accommodation 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

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52.5 Determination of Project Cost

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Environment Zone, which land is retired pursuant to Chapter 51, equals one tourist accommodation bonus unit.

3. Points earned but not matched by transfers shall not be converted to tourist accommodation bonus units.
4. Tourist accommodation bonus units shall be awarded at the time of project approval, including the portion of the project that includes the transfer of units.

D. Option to Reserve Tourist Accommodation Bonus Units

Tourist accommodation 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 tourist accommodation bonus units are likely to be used during that period.

Example: Calculation of Bonus Units for Tourist Accommodation Project

A project transfers ten existing tourist accommodation units from an SEZ and provides the following mitigation measures: (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) \$84,000
- \$169,500

$$(\$169,500 \div \$24,000) \times 10 = 70.6 \text{ points}$$

Bonus Units earned:

70.6 divided by 5 = 14.1 units to match with transfers from SEZ.

Units transferred from SEZ = ten which is less than 14.1. Therefore bonus units equals ten. Units available for new project is ten units transferred plus ten bonus units equals **20 units total**.

52.5. DETERMINATION OF PROJECT COST

The value of work proposed to be done pursuant to subparagraphs 52.3.3.B and 52.4.3.B shall be based on an engineer's estimate approved by TRPA as being reasonable for the work described.