

TOWN OF TRUCKEE
California

PLANNING COMMISSION RESOLUTION 2025-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TRUCKEE
RECOMMENDING APPROVAL OF AMENDMENTS TO THE DEVELOPMENT CODE**

WHEREAS, the Town Council adopted the 2019-2027 Housing Element on August 13, 2019 thereby establishing goals, policies, and actions to further State and local housing goals; and

WHEREAS, the Town Council adopted the 2040 General Plan on May 9, 2023 thereby establishing the Council’s policy on future growth, development, and conservation of natural resources; and

WHEREAS, a number of actions and programs in the General Plan and Housing Element are to be implemented through the Development Code and will require amendments to the Development Code; and

WHEREAS, the 2040 General Plan Action LU-2.B (Town of Truckee Workforce and Affordable Housing Density Bonus) directs the Town to “create a Town of Truckee-specific Workforce and Affordable Housing density bonus program that offers additional housing density and financial incentives for the creation of workforce and affordable housing units in targeted infill areas that meet the affordability needs of Truckee’s local workforce, particularly those who would otherwise be unable to afford housing within Truckee. Identify specific criteria to participate in this program”; and

WHEREAS, the Council may initiate amendments to the Development Code, and the Planning Commission is an advisory body to the Council on matters concerning land use regulation and the Development Code; and

WHEREAS, the Development Code is reviewed regularly to ensure consistency with state and federal laws; and

WHEREAS, the Commission held a public meeting on the Development Code amendments, contained in this resolution on November 18, 2025 for the following items:

Development Code Amendment discussion topics

1. Chapter 18.213 – Deed-Restricted Housing Incentives
2. Chapter 18.25 – Objective Design Standards, specifically Section 18.25.105 (Design Standards for Projects in the Historic Preservation (-HP) Overlay District)
3. Chapter 18.78 – Planned Developments

Additional related clean-up amendments are proposed in the following chapters:

1. Chapter 18.58 – Standards for Specific Land Uses, specifically Section 18.58.140 – Mixed-Use Developments
2. Chapter 18.72 – Zoning Clearances

3. Chapter 18.74 – Development Permits
4. Chapter 18.77 – Historic Design Review
5. Chapter 18.79 – Streamlined Residential Review
6. Chapter 18.210 – Affordable Housing Controls
7. Chapter 18.214 – Inclusionary Housing, specifically Section 18.214.050.A – Location of Inclusionary Requirements)
8. Chapter 18.216 – Workforce Housing

WHEREAS, the Community Development Department duly noticed the Planning Commission public hearing; and

WHEREAS, the Commission finds the amendments may be approved because all findings required by Section 18.160.060 of the Development Code can be made.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF TRUCKEE, the Commission hereby recommends to the Town Council that the Council take the following actions:

1. Determine that the Development Code amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The amendments are not subject to CEQA because the adoption of this ordinance is not a “project” pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, the amendments are exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment; and
2. Approve the amendments to the Development Code as set forth in Exhibit A, attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, the Commission hereby recommends to the Town Council that the Council adopt the following findings in support of approval of the amendments:

1. The proposed amendments directly implement and are internally consistent with the goals, policies, and actions of all elements of the 2040 General Plan.
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.
3. With the proposed amendment, adequate and available sites remain to mitigate the loss of any residential density to accommodate the Town of Truckee’s fair share regional housing need in compliance with State law (Government Code Section 65863[b]).
4. The proposed amendments ensure and maintain internal consistency with other applicable provisions of the Development Code, California state law, and federal law.

PASSED AND ADOPTED by the Town of Truckee Planning Commission on this 18th day of November 2025 by the following vote:

AYES:

NOES:

ABSENT:

Coral Cavanagh, Chair

ATTEST:

Kayley Metroka, Secretary

Attachments

Exhibit A – Development Code Amendments

PLANNING COMMISSION RESOLUTION 2025-15

EXHIBIT "A"

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TRUCKEE
RECOMMENDING APPROVAL OF AMENDMENTS TO THE DEVELOPMENT CODE**

DEVELOPMENT CODE AMENDMENTS

The Planning Commission hereby recommends the following amendments to the Title 18, Development Code, of the Municipal Code. (Deletions are shown by ~~strike through~~ type and additions are shown by underlined type.)

CHAPTER 18.25 – OBJECTIVE DESIGN STANDARDS

Sections:

- 18.25.010 – Purpose of Chapter
- 18.25.020 – Applicability
- 18.25.030 – Review Process
- 18.25.040 – Definitions
- 18.25.050 – Multifamily Site Design
- 18.25.060 – Multifamily Massing and Articulation
- 18.25.070 – Multifamily Building Entries and Stairwells
- 18.25.080 – Multifamily Colors and Materials
- 18.25.090 – Multifamily Architectural Elements
- 18.25.100 – Multifamily Utilities and Service Areas
- 18.25.110 – New Single-Family Subdivisions
- 18.25.120 – Residential Mixed-Use Development
- 18.25.130 – Multifamily Residential Projects within the Downtown Visitor Lodging (DVL) Zoning District.

18.25.010 - Purpose of Chapter

The Objective Design Standards identify specific measurable elements of a design that are required for all multifamily residential projects and new single-family residential subdivision projects with five or more residential parcels. The intent of the Objective Design Standards is to set clear expectations that align with the Town’s goals and intended outcomes for multifamily residential projects, as defined in this chapter, while implementing requirements in California State Law. Chapter 18.24 (Design Guidelines) provides additional guidance on design objectives and expectations to help guide future development.

18.25.020 - Applicability

- A. The Objective Design Standards apply to new multifamily residential projects, as defined by this chapter, and new single-family residential subdivisions with five or more residential parcels. These standards do not apply to existing single-family residences or existing single-family subdivisions created prior to October 12, 2023. For the purposes of this section, “multifamily residential projects” are projects with two or more residential units only or a mix of multifamily residential and non-residential uses, with at least two-thirds of the gross square footage of the development designated for residential use. Multifamily residential projects and new single-family residential subdivision projects shall adhere to requirements contained in this Chapter in order to gain administrative approval. The provisions of Chapter 18.24 (Design Guidelines) apply to multifamily residential projects that choose to request a variation to the Objective Design Standards, pursuant to Section 18.25.030.B (Flexible Design Review) and complete a review with the identified review authority in Table 4-1.
1. Multifamily projects are subject to the standards outlined in Sections 18.25.050 – 18.25.100.

2. New single-family subdivision projects are subject to the standards outlined in Section 18.25.110.
 3. Residential mixed-use projects are subject to the standards outlined in Sections 18.25.050 – 18.25.100 and Section 18.25.120.
 - 3-4. Multifamily residential projects located in the Historic Preservation (-HP) Overlay District are also subject to Section 18.25.105.
- B.** For additions to existing multifamily residential buildings, the standards of this chapter shall apply to the entire building, including the existing structure and addition, if the addition requires a demolition of the existing building that is equal to or greater than 50% of the surface area of all existing exterior wall assemblies above finished grade or for additions over 50% of the existing square footage of the building. If the addition requires demolition that is less than 50% of the existing building or the addition is less than 50% of the square footage of the existing building, the Standards shall apply to only the building addition. The design of the addition shall use the same roof form, materials, and color found on the existing building. Category A, B, or C historic resources within the -HP Overlay District shall be exempt from this requirement and preservation of the historic structure shall be maintained per the requirements of Chapter 18.77 (Historic Design Review).
- C.** Projects with less than two-thirds of the gross floor area of the development designated for residential use are considered commercial projects and are not subject to this chapter (see Chapter 18.24 – Design Guidelines for commercial projects), except Sections 18.25.050.D (Open Space and Common Outdoor Areas, 18.25.090.B (Balconies, porches, decks, and patios), and 18.25.090.C (Amenities) shall apply to the residential units in any development.
- D.** For mixed-use developments with two-thirds or greater of the gross floor area designated for residential use, the standards shall apply to the entirety of the structure(s) and are not limited to only residential portions.
- E.** These standards are in addition to those in Chapter 18.08 (Residential Zoning Districts), specifically the RM (Medium Density Residential), RH (High Density Residential), DRM (Downtown Medium Density Residential), DRH (Downtown High Density Residential), and Chapter 18.12 (Commercial and Manufacturing Zoning Districts) CN (Neighborhood Commercial), CG (General Commercial), CS (Service Commercial), DMU (Downtown Mixed Use), DC (Downtown Commercial), M (Manufacturing), and DM (Downtown Manufacturing/Industrial) zoning districts, as well as Chapters 18.46 (Open Space/Cluster Requirements), Chapter 18.30 (General Property Development and Use Standards), Chapter 18.40 (Landscape Standards), Chapter 18.48 (Parking and Loading Standards), and Chapter 18.54 (Signs).
- F.** Standards contained within resource protection Chapters, including Chapter 18.34 Floodplain Management, Chapter 18.36 Hillside Development, Chapter 18.38 Lake and River/Stream Corridor Development, Chapter 18.46 Open Space & Cluster Guidelines, and Chapter 18.26 Historic Preservation Design Guidelines shall prevail over standards in this Chapter whenever there is a conflict.

- G. Organization.** The Objective Design Standards are organized by topic. Descriptive diagrams are provided to help articulate the standards visually. The diagrams should be considered as examples and do not contain specific architectural elements that apply to projects. In the event of a conflict or inconsistency between the text of this document and any illustration, figure, table, heading, caption, or map, the text shall take precedence.
- H. Interpretation.** The following standards provide direction on interpreting this chapter:
1. Mandatory and Discretionary Terms
 - a. The words “shall,” and “will” are mandatory, establishing a duty or obligation to comply with the specific Standard.
 - b. The words “shall not,” “will not” and “not permitted” are mandatory and represent the prevention of action.
 - c. The words “may,” and “should” are permissive.
 2. Unless otherwise specifically indicated, lists or items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not an exhaustive list of all possibilities.
 3. Unless context clearly suggests otherwise, conjunctions must be interpreted as follows:
 - a. “And” indicates that all connected terms, items, condition, provisions, and events apply.
 - b. “Or” indicates that one or more of the connected terms, items, conditions, provisions, or events apply
 4. Where features are required in intervals, the measurements shall occur from left to right when viewing the elevation.

18.25.030 - Review Process

- A. Streamlined Residential Review.** With the exception of projects within the Historic Preservation (-HP) Overlay, consistency with development standards, including the Objective Design Standards of this Chapter, shall be determined administratively under a Streamlined Residential Project process, unless a variation is requested. The Streamlined Residential Review (Chapter 18.79) process will result in a determination of approval or denial for compliance with the standards of the Development Code.
1. The allowances under Chapter 18.78 (Planned Development) may not be used in addition to the Streamlined Residential Permit Process.
 2. The Residential Project Streamlined Review process may be used in conjunction with the provisions of Chapter 18.212 (Density Bonuses, Concessions, and Incentives).

B. [Historic Design Review. Projects located in the -HP Overlay District shall be subject to the Historic Design Review Procedures outlined in Section 18.77.030 \(Historic Design Review Procedures\), in addition to the required Streamlined Residential Review-](#)

B.C. [Flexible Design Review.](#) Any application that voluntarily requests a flexible approach to architectural design review of the project may apply for the applicable land use application per Article IV and be subject to the criteria set forth in Chapter 18.24 (Design Guidelines) [or the Downtown Truckee Plan Historic Design Guidelines.](#) In this process, architectural review is at the discretion of the final review authority and is not subject to the requirements of this chapter, except for Sections 18.25.050.D (Open Space and Common Outdoor Areas, 18.25.090.B (Balconies, porches, decks, and patios), and 18.25.090.C (Amenities). Projects that are also requesting flexibility in development standards listed in Tables 2-4, 2-9, or 2-11, or Sections 18.25.020.E and 18.25.020.F, shall be subject to the requirements of Chapter 18.78 (Planned Developments) and/or Chapter 18.82 (Variances and Historic Variances).

18.25.040 - Definitions

For the purposes of this Chapter, the definitions set forth shall apply:

- A. Architectural projection.** A building feature that extends from the face of the wall of the primary building. Examples include uncovered balconies, bays, porches, canopies, variations in massing proportions, or similar protrusion of a building.
- B. Bear box.** An enclosed and lockable metal structure less than 12 square feet and less than four feet in height that is used to store outdoor garbage. The bear box is designed to be animal resistant.
- C. Building recess.** A building feature that indents from the primary building elevation. Examples include covered balconies, covered porches, open galleries, arcades, loggias, or similar building element that creates a stepping back effect.
- D. Building wall projection.** A building wall projection creates a horizontal change outward in living area from the primary building elevation and creates a visual difference of light and shadow.
- E. Crusher screen.** Large panels of interwoven material, typically metal wire.
- F. Façade.** The exterior face of a building on any side. A façade includes multiple wall planes that make up the overall face of the building. Architectural projections, such as a porch or balcony, are not considered a façade.
- G. Podium parking.** Sub-grade or at-grade parking structures that are covered by the ground floor of a building and completely enclosed by walls.
- H. Primary residential building.** In a single-family development, the primary residential building shall be considered the main place of habitation. This shall not include other separated structures on the property such as garages, accessory dwelling units, sheds or otherwise.

1. All waste and service areas shall be accessed from an alley or side street when one exists.
2. All waste and service areas shall be located so that their use does not interfere with on-site parking or circulating areas and adjacent uses.
3. For projects with five or more units, all waste and service areas shall be located behind the front-most wall of the building(s) and shall be located at least 20 feet from the front or street property line. Reference Section 18.30.150 (Solid Waste/Recyclable Materials Storage) for additional standards.
4. Projects with fewer than five units may install bear boxes that are maximum four feet in height. Each unit may have one bear box that is a maximum 30 inches in width and 30 inches in depth. Bear boxes may be combined. Bear boxes shall be painted brown or clad in architectural material that matches the residential structure. Bear boxes may be located within 20 feet of the property line.
5. All waste and service areas shall not block access to designated snow storage areas.
6. For projects with five or more units utilizing separate buildings (as opposed to a single building), a separate waste facility for trash, recycling, and compost (if applicable) shall be provided for each residential building.
7. All waste facilities shall be fitted with wildlife resistant containers and/or enclosures and shall be consistent with Section 18.30.150 (Recycling Facilities).

18.25.105 – Design Standards for Projects in the Historic Preservation (-HP) Overlay District

Multifamily residential projects that include new additions or modifications to historic structures, new non-historic structures, or modifications to non-historic structures in the Historic Preservation (-HP) Overlay District shall also be required to be consistent with the following objective design standards:

A. General historic design standards. The following historic design standards apply to all multifamily residential projects in the -HP Overlay District:

1. Materials.

- a. Appropriate primary materials for main structures are wood horizontal lap or clapboard siding, or wood board-and-batten, brick, and stone. Where wood siding is used, the boards shall be four- to six-inches wide.
- b. Corrugated metal or rolled steel siding shall only be used on non-historic accessory structures or as a secondary material on a non-historic primary structure. Up to 30% of the siding material may be metal on a non-historic primary structure.
- c. Fiber cement or other synthetic siding is prohibited.

d. Veneer stone is prohibited.

2. Architectural Features.

a. Windows.

- (1) Windows on facades visible from the public right-of-way shall be vertically proportioned, with at least a 2:1 ratio. "Vertically proportioned" means that the vertical dimension is at least two times the length of the horizontal dimension.
- (2) Only rectangular windows are allowed (e.g., circular, triangle, octagonal, arched windows are not permitted).
- (3) Divided lites are not required unless specified, but, if used, the divided lites shall be true divided lites or simulated divided lites. True divided lites are constructed with muntin bars between individual panes of insulated glass. Simulated divided lites are constructed with muntin bars permanently adhered to the surface both sides of the glass that create three-dimensional relief on the surface of the window glass.
- (4) Window openings are limited to 30% of the area of each building wall.
- (5) Painted wood window trim of at least two inches in width shall be required.
- (6) Tinted or reflective glass in any window or door is prohibited.

b. Doors. The following standards apply to exterior doors:

- (1) Doors shall be painted wood.
- (2) Doors shall only have window openings up to 20% of the door area.

c. Roofs.

- (1) All gable roofs shall have a minimum 6:12 slope.
- (2) All roof material shall have a matte, non-reflective finish and shall be an earthtone color (shades of brown and warm grays). The following materials are allowed:
 - (a) Composition shingle with uniform shingle shapes. Cutaway corners, scalloped-edge, and other irregular shapes are prohibited. Faux shake shingles are prohibited. Roofs with a pitch 7:12 or greater shall use composition shingle.
 - (b) Non-reflective corrugated metal.
 - (c) Metal standing seam roofing with a one-inch seam height.

d. Decks, balconies, and patios. The following standards apply to decks, balconies, or patios:

- (1) Railings may be wood or steel.
- (2) Glass, plastic, and plexiglass railings or panels are prohibited.
- (3) Crusher screen is prohibited.
- (4) All railings shall be at least 25% transparent.

3. Site features.

- a. New retaining walls shall use natural rock, stone, or board-formed concrete. Removal of existing historic site features is prohibited.
- b. New front yard fences shall be a maximum of four feet, shall be at least 50% transparent, and shall be painted wood. Only rectilinear orthogonal designs shall be allowed.

4. Exterior lighting.

- a. Exterior lighting that is not directly associated with an entry, parking lot, or pedestrian walkway is prohibited.
- b. Materials. All exterior light fixtures shall be non-reflective natural metal or earthtone colors (shades of brown or warm gray) or black. The following materials are allowed for exterior lights:
 - (1) Non-reflective or powder-coated aluminum.
 - (2) Cast iron.
 - (3) Baked enamel or porcelain.
 - (4) Oxidized copper.
- c. Recessed can lights located under roof overhangs or covered areas shall be baffled to deflect light toward the exterior building wall or angled toward- the face the exterior building wall.

B. Modifications to existing historic resources. The following standards apply to projects with an existing historic resource on site (Category A, B, or C):

- 1. Location.** Existing historic resources shall be the larger structure on a site, unless the historic resource is considered an accessory structure in the Historic Resources Architectural Inventory.

- a. New modifications or changes to the site shall be located behind the existing historic resource.
 - b. **Exception.** Where the width of the parcel is at least twice the depth of the parcel, a new detached addition to the site may be located along the front property line but shall be set back at least five feet from the front of the existing historic resource.
- 2. Floor area.** New modifications to sites with historic resources are required to be smaller to the historic resource.
 - a. **Attached addition.** Any attached addition to the historic structure shall be equal to 25% or less of the floor area of the historic resource.
 - b. **Detached addition.** A detached addition shall be a maximum of 75% of the existing floor area of the historic resource on site. If an existing non-historic structure is located on the site, the combined square footage of all non-historic structures shall be 75% or less of the historic resource.
- 3. Height.** The following height requirements apply to additions to sites with historic resources:
 - a. **Attached addition.** The height of any attached addition to a historic structure shall be equal to or less than the height of the historic structure.
 - b. **Detached addition.** For a detached addition to the site, the height of an addition shall be equal to or less than the height of the historic resource. The detached addition may be taller than the historic resource if the addition is located 40 feet or more to the rear of the historic resource.
- 4. Differentiation.** The design of an attached addition shall be distinguishable from the historic building through the use of a jog of one foot or more in the wall planes, change in material direction (i.e., vertical and horizontal), or change in material.
- 5. Materials.** The following material requirements apply:
 - a. **Exterior modifications to the historic resource.**
 - (1) Material type and profile shall be maintained on historic resources. Historic material shall be reused; when the siding is too deteriorated to be reused as determined by the Community Development Director, only 50% of the siding may be replaced with the same material, profile, and treatment. The additional siding shall be consistent with the requirements of Section 18.25.105.B.5.b.
 - (2) The siding treatment on the historic resource shall be maintained. If the historic siding is painted, the paint shall be maintained; if the historic siding is stained, the stain shall be maintained. Historic resources shall be allowed to restore the siding treatment historically used for the building. Documentation from historic photos or inventory shall be required. For example, if the building was

historically painted but was stained in the last 10 years, the building can be painted to match the historic siding treatment.

b. New attached additions to historic resources. The following siding materials are allowed on non-historic attached additions to historic structures:

- (1) Horizontal wood lap or clapboard siding, four to six inches wide.
- (2) Brick in a running bond pattern for a large field (greater than 25% of the building wall) or used in any pattern as an accent (10% of any building wall).
- (3) Stone for wainscot, up to a third of the wall's height, including the cap or any moldings.

c. New detached additions to historic resources. In addition to the siding material allowed under Section 18.25.105.B.5.a, new detached additions to historic resources, the following siding materials are also allowed:

- (1) Board-and-batten with two- to four-inch battens and six- to eight-inch boards.
- (2) Weathered or powder-coated corrugated metal. If powder-coated metal is used, earthtone colors (shades of brown, green, and warm gray) are required.
- (3) Non-reflective hot-rolled steel.

6. Windows. The following requirements for windows apply:

a. Windows on an existing historic resource or a new attached addition on a historic resource. Vinyl or synthetic windows are prohibited. Only wood windows are permitted on Category A or B historic resources. In addition to wood windows, aluminum-clad wood windows are permitted on Category C historic resources and new attached additions.

b. New detached additions to historic resources. Wood windows and aluminum clad wood windows are recommended. Vinyl or synthetic windows in a dark earthtone color, black, or gray are allowed on non-historic new detached additions.

c. Divided lites. The pane style (divided lite) shall match the historic resource. If true divided lights exist on the historic structure, true divided lites or simulated divided lites are required to be used on the historic resource and any attached addition.

7. Key Existing Historic Features/Resource Attribute(s). Key existing historic features/resource attributes listed in the Architectural Resource Inventory (adopted by Town Council resolution) shall be maintained and shall not be removed.

C. New construction or modifications to non-historic structures and sites. New construction or modifications to non-historic structures shall be consistent with the following design standards:

1. Massing.

- a. Allowed floor area for project sites that are 0.5 gross acres or less. The conditioned and unconditioned floor area of new structures or non-historic structures after any new modifications shall be 120% or less of the median of the square footages of historic structures that are within 250 feet on either side of the project property boundaries, on the same side of the street, in the same Character Area.
- b. Allowed Floor Area Ratio (FAR) for project sites that are greater than 0.5 gross acres. The FAR of new structures or non-historic structures after any new modifications shall be 120% or less of the median of the FAR of historic structures that are within 250 feet on either side of the project property boundaries, on the same side of the street, in the same Character Area.
- c. Criteria for determining floor area or FAR:
 - a. For mixed-use projects with non-residential uses on the ground floor, the “similar use” shall include mixed-use projects and non-residential use projects. (Example: If the average floor area of non-residential buildings in the Brickelltown Character Area is 2,000 s.f., a mixed-use project on a 0.5-acre or small parcel shall be a maximum of 2,400 s.f.).
 - b. If no buildings with similar uses are within the required distance, historic structures within the required radius should be used to determine floor area or FAR in the calculation regardless of use.
 - c. If no historic buildings are located within the required distance, structures that have been reviewed, approved, and constructed after June 19, 2003 shall be used to determine floor area or FAR in the calculation regardless of use.
 - d. Floor area or FAR shall be based on the portion of the structure that is considered historic and/or any structures reviewed and approved after June 19, 2003, since the adoption of the Historic Design Guidelines. Building permit and land use entitlement records shall be the primary sources of information to determine square footage. The assessor records may be used as a secondary source of information if there is sufficient information based on inspections that there the assessed square footage is based on historic square footages and permitted improvements.
- d. All projects. Dominant roof forms shall be gable or shed. At least 60% of the roof forms are required to be gable or shed.

2. Site Design.

- a. Setbacks. The distance from the street or front property line to the front of the proposed building shall be within 20% of the average of the distance from the street or property line to the front of all similar use structures within 250 feet on either side of the project property, on the same side of the street in the same Character Area. For mixed use projects with nonresidential ground floors, the “similar use” shall be

mixed use projects and nonresidential use projects. (Example: If nonresidential structures in the River Character Area are setback, on average, 15 feet, the new construction shall be a between 12 to 18 feet from the front property line.) If no buildings with similar uses are within the required radius, the structures within the required radius should be used regardless of use. Setbacks shall be based on aerial imagery, building and land use entitlements, and assessor data.

b. Orientation.

- (1) All new buildings shall be parallel to the front property line.
- (2) Projects with a gable or shed roof shall orient the end toward the front property line. The elevation perpendicular to the gable or shed form shall be set back from the front of the building at least 20 feet.
- (3) Buildings shall have a clearly defined primary entrance that faces the street.

c. **Windows.** Wood window frames and aluminum-clad wood window frames are permitted. Vinyl and other synthetic material window frames in a dark earthtone color, black or gray are allowed on non-historic structures.

18.25.110 - New Single-Family Subdivision

- A. Purpose.** This section identifies standards for the development of new single-family subdivisions with five or more parcels created after October 12, 2023. The standards are meant to encourage design flexibility while requiring individual residences to contribute to a comfortable pedestrian environment, reflect Truckee's architectural context and respond to neighboring properties.
- B. Applicability.** This section applies to all new single-family residential subdivisions with five or more parcels created after October 12, 2023. If custom home designs are anticipated, these requirements shall be included in the requirements for the Covenants, Conditions, and Restrictions for the subdivision.
- C. Exemptions.** Existing single-family residences and existing single-family subdivisions shall be exempt from the provisions of this Section. Further subdivision of an existing parcel will be considered a new subdivision.
- D. Standards**
 - 1. Lots that are wider than 60 feet.** The width of a primary residential building shall extend no greater than 50 feet without a façade break (per Section 18.25.060.B), change in roof articulation (per Section 18.25.060.E.4), or an architectural projection that extends at least two feet from the face of the building and at least four feet wide.
 - 2. Building variety.** New single-family residential projects shall be required to incorporate building variety to reduce architectural monotony. Mirrored designs are considered two designs. Individual building designs for each parcel is preferred.

1. **Hours of operation.** Regulation of operating hours and days;
2. **Nuisance mitigation.** Regulation of nuisance factors including dirt, dust, gases, heat, noise, odors, smoke, waste and vibration;
4. **Parking.** Provision for adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress, and public transportation, if applicable, in compliance with Chapter 18.48 (Parking and Loading Standards), except as follows:
 - a. A craft makerspace shall be subject to the parking requirement for office uses.
 - b. A manufacturing makerspace shall be subject to the parking requirements for general manufacturing uses.
 - c. Any makerspace with a retail component shall be subject to the parking requirements for retail uses.
4. **Signs.** Regulation of signs, in compliance with Chapter 18.54 (Signs);
5. **Outdoor Uses.** Regulation of outdoor uses in compliance with Section 18.58.190 (Outdoor Uses) and 18.58.200 (Outdoor Storage and Work Areas); and
6. **Other conditions.** Other conditions that will ensure the operation of the proposed use in an orderly and efficient manner and in full compliance with the purpose/intent of this Section.

18.58.140 - Mixed-Use Development

- A. **Applicability.** This Section applies to mixed-use projects in the CN, CMU, NMU, DMU, M and DM zoning districts where less than two-thirds of the total gross floor area for the project is designated for residential uses [and any multifamily residential development project that is voluntarily declining review under the Objective Design Standards \(Chapter 18.25\) Streamlined Residential Review \(Chapter 18.79\) and are requesting Flexible Design Review \(Section 18.25.030.B\)](#). Projects that have two-thirds or more of the total gross floor area designated for residential uses are considered multifamily residential projects and are eligible for [review under the Objective Design Standards \(Chapter 18.25 and Streamlined Residential Review \(Chapter 18.79\) and are not subject to this chapter. This section also applies to projects that request Flexible Design Review \(Section 18.25.030.B\)](#).
- B. **Purpose.** The intent is to allow a mixture of commercial and manufacturing/industrial uses with residential uses to increase the area's population and pedestrian activity, and to reduce air pollution, energy consumption and transportation costs. The provisions of this Section allow greater flexibility in design and encourage innovative and creative site planning by providing incentives to combine commercial and residential land uses on the same site.
- C. **Allowed land uses.** The uses which may be approved in a mixed-use project shall be those allowed in the applicable zoning districts in compliance with the provisions of Section 18.12.030 (Commercial and Manufacturing District Land Uses and Permit Requirements) and

Section 18.14.030 (Mixed Use District Land Uses and Permit Requirements). In addition, uses not specifically permitted in the applicable zoning district (e.g., office use in a manufacturing zoning district) may be approved in a mixed-use project as an accessory use. The floor area for uses not specifically permitted in the applicable zoning district shall not exceed 25 percent of the floor area of the non-residential uses within each tenant space of the mixed-use project, and the review authority shall find that the uses are compatible with the other uses in the mixed-use project and the surrounding area. Live/work and work/live units as defined in Section 18.58.130 shall require Minor Use Permit approval, and the “work” portion of each unit shall count toward the maximum allowable floor area ratio of the project.

D. Development standards. The following standards shall apply to eligible mixed-use projects:

1. **Residential Density.** Residential density shall comply with the minimum and maximum density for the applicable zoning district;
2. **Floor Area.** Residential floor space in a mixed-use project shall count towards the allowed floor area as determined by the floor area criteria development standard.
3. **Mixed Use Component.**
 - a. Projects in the CMU and NMU zoning districts are required to provide a mixed-use component in compliance with Section 18.14.050 (Mixed Use Component).
 - b. Nonresidential uses shall be the primary components of a mixed-use project in the M zoning district. Residential floor area shall not exceed 50 percent of the total floor area of the mixed-use project. For example, a project with 5,000 square feet of industrial warehouse space may have up to 5,000 square feet of residential floor area.
- 3.4. **Inclusionary housing.** Residential units in a mixed-use development project shall comply with Chapter 18.214 (Inclusionary Housing) and Chapter 18.216 (Workforce Housing).
- 4.5. **Amenities.** Projects with residential units, including projects where less than two-thirds of the gross floor area of the development is designated for residential use, shall be subject to the applicable requirements of Sections 18.25.050.D (Open Space and Common Outdoor Areas, 18.25.090.B (Balconies, ~~porches,~~ decks, and patios), and 18.25.090.C (Amenities).
6. **Design.** Mixed-use developments shall have commercial spaces on the ground floor on the front of the building and residential uses and other nonresidential uses located above or behind the commercial uses.
7. **Phasing.** The project may be developed as one or more multi-use or single purpose structures. If the project is developed in phases, a proportionate amount of residential units shall be constructed in each phase.

CHAPTER 18.72 - ZONING CLEARANCE

Sections:

18.72.010 - Purpose of Chapter

18.72.020 - Applicability

18.72.030 - Review and Decision

18.72.040 - Conditions of Approval

18.72.010 - Purpose of Chapter

- A. This Chapter establishes procedures for the review and approval or denial of Zoning Clearances, which are required by the Town to verify that a requested land use activity and/or structure is an allowed land use within the applicable zoning district and complies with the development standards and any design guidelines applicable to the land use or the zoning district of the site.
- B. The review process begins with the recognition that the proposed use/construction is allowed in the zoning district and focuses on issues related to site layout and design in order to arrive at the best utilization of the subject site and compatibility of design with surrounding properties.
- C. The process includes the filing of a building permit application or land use permit application with the Director to verify compliance with all applicable land use development standards, any applicable design guidelines and the requirements of other Town departments.

18.72.020 - Applicability

Where Article II (Zoning Districts and Allowable Land Uses) requires Zoning Clearance, the Director shall evaluate the proposed use or structure in compliance with this Chapter.

- A. **Eligibility for Zoning Clearance.** A Zoning Clearance may be issued by the Director for land use activities or structure(s) identified in Article II (Zoning Districts and Allowable Land Uses) as an allowed use as follows:
 1. For projects of a single-family dwelling, accessory dwelling unit, and/or residential accessory structure, a change in land use, creation of a timeshare, new structures or additions to existing structures with a total gross floor area of less than 7,500 square feet (less than 5,000 square feet in Downtown Residential and Downtown Commercial and Manufacturing zoning districts); or
 2. For non-residential projects, new structures, or additions to existing structures with a total gross floor area of less than 7,500 square feet (less than 5,000 square feet in Downtown Residential and Downtown Commercial and Manufacturing zoning districts); or
 3. For non-residential projects involving a change in land use within an existing permitted structure; or
 4. For multifamily residential projects, a change in land use, new structures, or additions to existing structures with ten or ~~less-fewer~~ residential units; and/or

5. For Deed-Restricted Housing Incentives Program projects consistent with Chapter 18.213 (Deed-Restricted Housing Incentive Projects), reference the review process outlined in Section 18.213.020 (Review Process).

~~5.6.~~ For all projects, a change in land use, new structures, additions to existing structures, new improvements, or additions to existing improvements with site disturbance (grading, impervious surfaces, and/or the removal of natural vegetation) of less than 26,000 square feet.

- B. Projects eligible for Streamlined Residential Review.** Projects eligible for the Streamlined Residential Review per Chapter 18.25 shall be subject to the requirements of this Chapter. Projects requesting the Flexible Design Review (Chapter 18.25.030.B) process are not subject to the Streamlined Residential Review and shall be processed through the Zoning Clearance process and any other applicable permit processes. The Flexible Design Review allows the review authority to apply the criteria set forth in Chapter 18.24 (Design Guidelines) and waive the requirements of Chapter 18.25 (Objective Design Standards), except as otherwise stated.
- C. Streamlined Zoning Verification.** For projects with a change of use that falls within the Zoning Clearance criteria in terms of floor area and site disturbance, but does not represent an expansion of the square footage and/or intensification of use, the project may qualify for a streamlined Zoning Verification review. This review shall verify that the proposed use is allowed in the zoning district in which the use is proposed, does not create significant impacts (e.g., parking, noise, solid waste storage, or environmental degradation), and does not require review by utility agencies, special districts, or departments, as determined by the Community Development Director. Streamlined Zoning Verifications require a public notice sign to be posted at the parcel from the time of application submittal until 10 days after approval of the application.
- C. Other permits.** A Zoning Clearance shall be required before the approval of a Building, Grading, or other construction permit or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.
- D. Incremental or phased development projects.** Incremental or phased developments shall be treated on a cumulative basis. The approval of a Development Permit, in compliance with Chapter 18.74 (Development Permits) shall be required for additions to projects that would bring (1) the total project gross floor area for non-residential structure(s) to 7,500 square feet or more (5,000 square feet or more for projects located within the Downtown Residential and Downtown Commercial and Manufacturing zoning districts; (2) the total site disturbance area to 26,000 square feet or more; or (3) the total number of multifamily residential units to eleven or more units.

18.72.030 - Review and Decision

- A. Project review procedures.** Each application shall be analyzed by the Director to ensure that the application is consistent with the content, purpose and intent of this Chapter, this Development Code, any applicable design guidelines, the General Plan and any applicable Specific Plan.
- B. Issuance of a Streamlined Zoning Verification.**

CHAPTER 18.74 - DEVELOPMENT PERMITS

Sections:

- 18.74.010 - Purpose of Chapter
- 18.74.020 - Applicability
- 18.74.030 - Findings and Decision
- 18.74.040 - Conditions of Approval

18.74.010 - Purpose of Chapter

- A. This Chapter establishes procedures for the review and approval or denial of Development Permits, which are required by Article II (Zoning Districts and Allowable Land Uses) for land use activities, excluding single-family dwellings and single-family residential parcels, with the following: total project floor area of 7,500 square feet or more (5,000 square feet in the Downtown Study Area); total disturbance area of 26,000 square feet or more; or eleven or more residential units.
- B. The review process begins with the recognition that the proposed use/construction is allowed in the zoning district and focuses on issues related to site layout and design in order to arrive at the best utilization of the subject site and compatibility of design with surrounding properties.
- C. The process includes the filing of a land use permit application with the Director to verify compliance with all applicable land use development standards, any applicable design guidelines and the requirements of other Town departments.

18.74.020 - Applicability

- A. **When required.** Development Permit approval may be granted by the Commission for land use activities or structure(s) identified in Article II (Zoning Districts and Allowable Land Uses) as an allowed use as follows:
 1. An existing, new, or modified non-residential structure(s) that contains or would contain 7,500 square feet or more of total gross floor area (5,000 square feet or more in the Downtown Residential and Downtown Commercial and Manufacturing zoning districts) is proposed to be used or constructed; or
 2. Disturbance of 26,000 square feet or more of the subject site. Disturbance includes graded areas, landscaped areas, parking and access areas, structures and other portions of the site to be improved; and/or
 3. An existing, new, or modified residential structure(s) that contains, would contain, or is part of a multifamily residential development of eleven or more residential units is proposed to be used or constructed.
 4. **Projects eligible for Streamlined Residential Review.** Projects eligible for the Streamlined Residential Review per Chapter 18.25 shall be subject to the requirements of this Chapter. Projects requesting the Flexible Design Review (Chapter 18.25.030.B)

process are not subject to the Streamlined Residential Review and shall be processed through the Zoning Clearance process and any other applicable permit processes. The Flexible Design Review allows the review authority to apply the criteria set forth in Chapter 18.24 (Design Guidelines) and waive the requirements of Chapter 18.25 (Objective Design Standards), except as otherwise stated.

5. For Deed-Restricted Housing Incentives projects consistent with Chapter 18.213 (Deed-Restricted Housing Incentive Projects), reference the review process outlined in Section 18.213.020 (Review Process).

a. —

- B. Incremental or phased development projects.** Incremental or phased developments shall be treated on a cumulative basis. Additions to projects that would bring the total project square footage to 7,500 square feet or more (5,000 square feet or more in the Downtown Residential and Downtown Commercial and Manufacturing zoning districts), or the total disturbance area to 26,000 square feet or more, or the total number of multifamily residential units to eleven or more requires the approval of a Development Permit. Modifications or additions to single family dwelling, accessory dwelling unit, residential accessory, or non-residential structure(s) that contain 7,500 square feet or more of total gross floor area (5,000 square feet in the Downtown Residential and Downtown Commercial and Manufacturing zoning districts) or multifamily residential structure(s) or developments that contain eleven or more residential units shall require the approval of a new Development Permit or modifications of a Development Permit unless the modifications or additions may be authorized by the Director as a minor change to an approved project in compliance with Section 18.84.070(B)(1).
- C. Other permits.** A Development Permit shall be required before the approval of any Building, Grading, or other construction permit, or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.

18.74.030 - Findings and Decision

Following a public hearing, the Commission shall record the decision in writing with the findings upon which the decision is based. The Commission may approve a Development Permit application, with or without conditions, only if all of the following findings can be made:

- A. The proposed development is:
1. Allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district with the approval of a Development Permit and complies with all applicable provisions of this Development Code, the Municipal Code and the Public Improvement and Engineering Standards; and
 2. The proposed site is served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development;

CHAPTER 18.77 - HISTORIC DESIGN REVIEW

Sections:

- 18.77.010 - Purpose of Chapter
- 18.77.020 - Applicability of Historic Design Review
- 18.77.030 - Historic Design Review Procedures
- 18.77.040 - Findings and Decision for Certificate of Appropriateness
- 18.77.050 - Conformance to Plans
- 18.77.060 - Certificate of Economic Hardship

18.77.010 - Purpose of Chapter

This Chapter establishes procedures for the comprehensive review of development to implement the requirements of the -HP District and the goals and policies of the General Plan and Downtown Specific Plan, including the Historic Resources Element.

18.77.020 - Applicability of Historic Design Review

- A. When required.** All projects that require a land use or building permit or will affect the exterior appearance of any building or property within the -HP district shall be subject to Historic Design Review in compliance with this Chapter. In addition, public projects such as sidewalk installation, traffic circle installation and other streetscape and pedestrian / bicycle improvement projects within the -HP district shall be subject to Historic Design review.

Certain exterior changes or materials may be exempted from Historic Design Review. For exterior changes or materials found to be consistent with those included in the adopted “Green Light” list, the following are exempt from Historic Design Review:

- Fencing in residential zone districts
- Seasonal outdoor dining, including the required ABC fencing
- Roofing materials
- Residential landscaping
- Retaining walls less than 24 inches tall
- Signs
- Exterior light fixtures
- Exterior paint

For materials found to be consistent with those included in the adopted “Yellow Light” list, staff will determine if they can be exempted from Historic Design Review on a case-by-case basis after further review of the Historic Design Guidelines. If the material is found to be consistent with the Historic Design Guidelines, the material shall be exempt from Historic Design Review. If the material is determined to be inconsistent with the Historic Design Guidelines, the project and/or material shall be subject to Historic Design Review. For any material found to be inconsistent with those included in the adopted “Red Light” list, that material shall be subject to Historic Design Review. The adopted “Green Light”, “Yellow Light”, and “Red Light” templates are available on the Town’s website at: <https://www.townoftruckee.gov/334/Historic-Preservation>.

- B. Building permits.** No building permit shall be issued for any project until the project has been evaluated through the Historic Design Review process, a Certificate of Appropriateness or Certificate of Economic Hardship has been granted and the appropriate land use permit has been issued.

18.77.030 - Historic Design Review Procedures

- A. Commencement of review.** The Historic Design Review process is initiated when the Director receives a complete application. The application package shall include all plans, elevations, specifications, sample materials, etc. as specified in the application and any additional information required by the Director in order to conduct a thorough review of the proposed project.
- B. Review with other permits.** Historic Design Review for projects that require the approval of a discretionary permit (e.g. Conditional Use Permit, Variance, etc.) shall occur concurrently with the review of the discretionary permit application and the final determination shall be made by the highest level of review authority acting on the project application. The Director shall prepare a report for the review authority outlining the findings and any conditions relating to the Historic Design Review prior to the review authority's consideration of the project. The report containing findings and any conditions shall also be forwarded to the applicant prior to consideration by the review authority.
- C. Review by Historic Preservation Advisory Commission.** The Historic Design Review application shall be forwarded to the Historic Preservation Advisory Commission (HPAC) for review. The HPAC shall review the application in accordance with the requirements of this Chapter and the Historic Design Guidelines and forward a recommendation of approval, conditional approval, or denial to the review authority. The Director may exempt applications from review by the HPAC if the application is minor in nature or a quorum of the HPAC cannot be called within a reasonable period of time for the review authority to review the land use permit within the time limits imposed by this Development Code. The following projects are considered exempt from HPAC review:
1. Color schemes acceptable for repainting, including acceptable trim combinations;
 2. Maintenance projects involving replacement with like materials and like colors;
 3. Replacement of doors and windows with doors or windows of the same size, like materials and similar style;
 4. Replacement of roof of similar color and material;
 4. ~~5.~~ Replacement of sign lettering which is similar is type style and color to previous sign lettering;
 - 4.5. [Deed-restricted housing incentive projects that are consistent with Chapter 18.213 \(Deed-Restricted Housing Incentives\).](#)
 6. Other minor projects similar to those listed above, as determined by the Community Development Director.

CHAPTER 18.78 - PLANNED DEVELOPMENTS

Sections:

- 18.78.010 - Purpose of Chapter
- 18.78.020 - Applicability
- 18.78.030 - Application Filing
- 18.78.040 - Findings and Decision
- 18.78.050 – Mandatory Project Features
- 18.78.060 - Conditions of Approval

18.78.010 - Purpose of Chapter

- A. This Chapter is intended to allow consideration of innovation in site planning and other aspects of project design and more effective design responses to site features, land uses on adjoining properties and environmental impacts, than the development standards of the underlying zone would produce without adjustment.
- B. Planned Developments are encouraged and expected to produce a comprehensive development of greater quality including more effective and attractive pedestrian orientation, environmental sensitivity, energy efficiency and the more efficient use of resources, than that normally resulting from the more traditional development review process, while protecting the public health, safety, welfare, integrity and character of the Town and ensuring consistency with the General Plan and any applicable Specific Plan.
- C. Project review shall determine whether the proposed planned development should be approved by weighing the public need for and the benefit(s) to be derived from, the proposed development against the potential negative effect(s) it may cause.

18.78.020 - Applicability

- A. **Use of Planned Development.** A Planned Development may be requested by a property owner for any residential development project in any residential zoning district, any commercial development in any commercial zoning district, any industrial/manufacturing development project in any manufacturing zoning district, or any development in the Public zoning district.
 - 1. The approval of a Planned Development may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., development envelope, off-street parking, street layout, etc.) identified in this Development Code, with the exception of the following:
 - a. The residential density and floor area ratio (FAR) standards of Tables 2-4, 2-8 and 2-10;
 - b. The maximum density of residential development standards of Section 18.08.050 (Minimum Lot Area and Maximum Density);
 - c. The floor area ratio standards of Section 18.12.050 (Floor Area Ratio Criteria); and

d. Any other density/intensity provisions which limit residential density or floor area.

~~2.~~ ~~2.~~ A Planned Development may authorize a land use activity that is not otherwise allowed in the applicable zoning district by Article II (Zoning Districts and Allowable Land Uses) provided the review authority finds that the primary uses of the planned development are allowed in the applicable zoning district and the planned development maintains the characteristics and purpose of the applicable zoning district; and

~~3.~~ Any project that seeks a density bonus, concession, or incentive through Chapter 18.212 (Density Bonuses, Concessions and Incentives) shall not be eligible for a Planned Development; and

~~34.~~ Approval of a Planned Development shall be required before the approval of any Building, Grading, or other construction permit, or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.

B. Compliance with General Plan. Strict compliance with the purpose and intent of the General Plan and any applicable Specific Plan shall be required.

18.78.030 - Application Filing

The applicant shall prepare and submit an application and project plan to the Department. The project plan shall be professionally prepared and shall include all information required by the Director.

18.78.040 - Mandatory Project Features.

A. Applicability. The review authority may recommend or approve a Planned Development only for a project that incorporates a minimum of one of the following features:

1. **Affordable Housing.** A minimum of 25 percent of the residential units within the project are affordable to households of very low, low or moderate income (for ownership units, 100% of the units shall be affordable to moderate income households, or one-third of the units shall be affordable to low income households, one-third shall be affordable to moderate income households, and one-third shall be affordable to above moderate income households; for rental units, 100% of the units shall be affordable to low income households, or one-third of the units shall be affordable to very low income households, one-third shall be affordable to low income households, and one-third shall be affordable to moderate income households) (See Chapter 18.214 for incentives provided for affordable housing development, including density bonuses and possible fee waivers); or

2. **LEED Gold Certification.** The project will achieve greater energy efficiency than standard developments through the incorporation of green building techniques, ~~scoring~~ obtaining at least a Gold rating or Neighborhood Development Certification on the Leadership in Energy and Environmental Design (LEED). Documentation of

certification from LEED shall be submitted as part of the project or other equivalent rating system; or

~~3. The project will achieve a minimum of 30 percent greater energy efficiency than the minimum required by California Code of Regulations Title 24; or~~

3. **Deed-Restricted Housing Units.** The project meets the following requirements:

a. The project has five or more residential units and the residential floor area is equal to or greater than half of the floor area of the project;

b. 100% of the residential units are deed-restricted;

c. The project is consistent with the requirements of Chapter 18.213 (Deed-Restricted Housing Incentives) and is only requesting consideration of one or more of the following:

(1) Alternatives to the requirements of Section 18.213.040.L.4.c (Balconies, decks, and patios);

(2) Alternatives to Section 18.213.040.L.4.e (Storage);

(3) A greater number of incentives than allowed under Section 18.213.050.F Tables 7-1 and 7-2; and/or

(4) A change to the flexibility within each incentive (e.g., the amount of front setback reduction or site coverage increase).

4. **Public Amenity.** The project will provide a substantial public amenity (e.g., a significant public plaza or park, or public trail) beyond that otherwise required by this Development Code.

18.78.050 - Findings and Decision

Following a hearing the review authority shall record the decision in writing with the findings upon which the decision is based. The review authority may approve and/or modify, in whole or in part, with specific development conditions or deny a Planned Development. The review authority may approve a Planned Development, with or without conditions, only if all of the following findings can be made:

A. The proposed development is:

1. Allowed within the subject zoning district;
2. Generally complies with all of the applicable provisions of this Development Code and Public Improvement and Engineering Standards relating to both on- and off-site improvements that are necessary to accommodate maximum flexibility in site planning and property development and to carry out the purpose, intent and requirements of the

respective zoning district, including prescribed development standards and applicable design guidelines; and

3. Consistent with the General Plan, any applicable Specific Plan and/or Master Plan, the Trails Master Plan, the Truckee Tahoe Airport Land Use Compatibility Plan and the Particulate Matter Air Quality Management Plan.
- B. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than which might otherwise occur from the strict application of the provisions and standards identified in this Development Code;
 - C. The proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines and would not impair the design and architectural integrity and character of the surrounding neighborhood;
 - D. There are adequate provisions for public and emergency vehicle access, sanitation, water and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land;
 - E. The design, location, size and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;
 - F. The approval of the Planned Development is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that could not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted; and
 - G. The subject site is:
 1. Physically suitable for the type and density/intensity of development being proposed;
 2. Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and
 3. Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.
 - H. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.

- ~~J. For applicants seeking relief from Section 18.78.040 (Mandatory Project Features), the following additional findings shall be made:~~
- ~~1. The cumulative parcel development consists of less than 5 residential units, less than 7,500 sq. ft. of commercial or industrial gross floor area and less than 26,000 sq. ft. of site disturbance; and~~
 - ~~2. The requested Development Code deviation(s) is the minimum necessary to create a project of superior quality; and~~
 - ~~3. The project achieves other General Plan housing, sustainability, or community enhancement goals than those listed in Section 18.78.040.~~

18.78.060 - Conditions of Approval

In approving a Planned Development, the Commission may impose specific development conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location and operation of the proposed activity, as it finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.78.040 (Findings and Decision). The conditions may relate to improvements that are necessary to accommodate maximum flexibility in site planning and property development and to carry out the purpose, intent and requirements of the respective zoning district).

CHAPTER 18.79 – STREAMLINED RESIDENTIAL REVIEW

Sections:

18.79.010 - Purpose of Chapter

18.79.020 - Applicability

18.79.030 – Review

18.79.040 – Findings and Decision

18.79.050 - Conditions of Approval

18.79.010 - Purpose of Chapter

- A. This Chapter establishes streamlined procedures for the review and approval or denial of multifamily residential projects and new single-family residential subdivisions requesting Streamlined Residential Review consistent with Chapter 18.25 (Objective Design Standards), which are required by the Town to verify that a requested land use activity and/or structure is an allowed land use within the applicable zoning district and complies with the development standards, including any objective design standards, applicable to the land use or the zoning district of the site.
- B. The review process begins with the recognition that the proposed use is allowed in the zoning district, is consistent with the definition of “multifamily residential projects,” which applies to projects with two or more residential units only or a mix of multifamily residential and non-residential uses, with at least two-thirds of the square footage of the development designated for residential use and focuses on consistency with the objective standards of this Development Code, including Chapter 18.25 (Objective Design Standards), as required by State law, and other Town requirements.

18.79.020 - Applicability

- A. **Eligibility for Streamlined Residential Review.** The following projects are eligible for Streamlined Residential Review:
 1. Multifamily residential projects with two or more residential units only;
 2. A mixed-use project with multifamily residential units and non-residential uses, with at least two-thirds of the gross square footage of the development designated for residential uses;
 3. New single-family residential subdivisions with five or more residential parcels created after October 12, 2023;
 4. For existing projects that are consistent with Sections A.1 and A.2 above, the following projects are eligible for the Streamlined Residential Project Review:
 - a. Any additions to the existing project shall be eligible for the streamlined review; and/or

b. This Chapter shall apply to the entire building including the existing structure and addition, if the addition requires a demolition of the existing building that is equal to or greater than 50% of the surface area of all existing exterior wall assemblies above finished grade or for additions over 30% of the square footage of the existing building. If the addition requires demolition that is less than 50% of the existing building or the addition is less than 30% of the square footage of the existing building, the Standards shall apply to only the building addition. The design of the addition shall use the same roof form, materials, and color found on the existing building. Category A, B, or C historic resources within the -HP Overlay District shall be exempt from this requirement and preservation of the historic structure shall be maintained per the requirements of Chapter 18.77 (Historic Design Review).

B. **Flexible Design Review.** Projects eligible for Streamlined Residential Review per Chapter 18.25 may request a Flexible Design Review (Chapter 18.25.030.B) process through Chapter 18.72 (Zoning Clearance) and Chapter 18.74 (Development Permit) process, which allows the review authority to apply the criteria set forth in Chapter 18.24 (Design Guidelines) and waive the requirements of Chapter 18.25 (Objective Design Standards) unless specifically stated otherwise. For any project that is not consistent with Section 18.79.030.A above, the standard development review process identified under Article IV shall apply. [Projects requesting density bonuses, concessions, or incentives consistent with Chapter 18.212 \(Density Bonuses, Concessions, and Incentives\) shall not be eligible for Flexible Design Review and the Streamlined Residential Review process shall apply.](#)

B.C. **Building permits.** A Streamlined Residential Review shall be required before the approval of a Building, Grading, or other construction permit or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.

18.79.030 - Review

- A. Project review procedures.** Each application shall be analyzed by the Director to ensure that the application is consistent with the content, purpose and intent of this Chapter, this Development Code, including Chapter 18.25 (Objective Design Standards), the General Plan and any applicable Specific Plan. Application submittal and review procedures shall be consistent with Chapter 18.70 (Applications, Processing and Fees).
1. **Time for decision.** The Director shall take appropriate action on the Streamlined Residential Review only after the Director has determined the application complete in compliance with Section 18.70.060 (Initial Application Review/Environmental Assessment) and in compliance with Government Code Section 65589.5(h)(6).
 2. **Review with other permits.** Streamlined Residential Review occurs concurrently with the applicable Zoning Clearance or Development Permit application. Streamlined Residential Review shall not be used with Chapter 18.78 (Planned Development).

CHAPTER 18.210 -AFFORDABLE HOUSING CONTROLS

Sections:

- 18.210.010 - Purpose and Intent
- 18.210.020 - Definitions
- 18.210.040 - Administrative Fees
- 18.210.050 - Affordability Controls
- 18.210.060 - Duration
- 18.210.070 - Occupancy Restrictions
- 18.210.080 - Locals Preference
- 18.210.090 - Affordable Housing Agreement
- 18.210.100 - In-Lieu Affordable Housing Fee

18.210.010 – Purpose and Intent

The purpose of this chapter is to establish regulations and controls on affordable units required by Chapters 18.214 and 18.216 and affordable units which are provided in order to receive density bonuses, incentives, and/or concessions per Chapter 18.212. This Chapter is intended to regulate or control the rent and sales price of affordable units, occupancy, and preferences for locals, and to establish a procedure by which such regulations and controls are recorded on affordable units.

18.210.020 - Definitions

The following are definitions of special terms and phrases used in this Article. Other general definitions are provided in Chapter 18.220 (Definitions / Glossary).

“Above Moderate Income Household” means a household earning a gross income of no greater than one hundred sixty percent (160%) of the median income. [Above Moderate Income affordable units may only be approved pursuant to Section 18.214.040\(C\)\(1\)\(a\) or Section 18.214.040\(D\).](#)

“Affordable Rent” means monthly rent, including utility costs, does not exceed one-twelfth of 30 percent of the maximum annual income for a household of the applicable income level (Very Low, Low, Moderate, ~~Above Moderate~~) as calculated pursuant to Section 18.210.050(A). For affordable rents for a lower income residential project pursuant to State density bonus law, see Section 18.212.070 (Bonus, Concessions and/or Incentives for Lower Income Residential Project).

“Affordable Sales Price” means a sales price, including taxes, insurance, dues, and utility costs, that results in a monthly housing cost (including mortgage, insurance and home association costs, if any) that does not exceed one-twelfth of 35 percent of the maximum annual income for a household of the applicable income (Very Low, Low, Moderate, Above Moderate) as calculated pursuant to Section 18.210.050(B). Above moderate income affordable units may only be approved pursuant to Section 18.214.040(C)(1)(a) or Section 18.214.040(D).

“Affordable Units” means those dwelling units which are required to be rented at an affordable rent or to be purchased at an affordable sales price and subject to occupant affordability requirements. Affordable units include, but are not limited to, inclusionary housing units.

“Alternative Equivalent Action” means a proposal to meet the requirements of inclusionary housing and/or employee housing by an alternative means.

“Area Median Income” or “Median Income” means the median income, with adjustments for household size, applicable to Nevada County as published annually pursuant to Section 6932, Title 25 of the Federal Code of Regulations (or its successor provision) by the United States Department of Housing and Urban Development, and as affirmed by the Community Development Director annually. (Median income is the income level that indicates that one-half of the household incomes are higher than the median income level and one-half of the household incomes are lower than the median income level.)

The presumed household size is an important factor in determining the affordable rent or affordable sales price. For the purposes of defining median income, the household size shall be presumed to be:

- One person in a studio unit
- Two persons in a one-bedroom unit
- Three persons in a two-bedroom unit
- One additional person for each additional bedroom thereafter

“Inclusionary Housing Unit” means a dwelling unit that must be offered at affordable rent or affordable sales price as part of a residential development project.

“Low-Income or Lower-Income Household” means a household earning a gross annual income of no greater than eighty percent (80%) of the median income. For required income limits for a lower income residential project pursuant to State density bonus law, see Section 18.212.070 (Bonus, Concessions and/or Incentives for Lower Income Residential Project).

“Market Rate Unit” means a dwelling unit in a residential or mixed-use development that is not restricted in terms of rent or sales price.

“Moderate Income Household” means a household earning a gross income of no greater than one hundred twenty percent (120%) of the median income.

“Residential Development Project” means a project for the construction or placement of any dwelling unit in a permanent location, including dwelling units in a mixed-use project, or the subdivision of land which is planned, designed, or used for residential purposes, including the subdivision of land for sale of vacant residential lots .

“Utilities” include sewage collection and treatment, water, electricity, trash collection, and natural or propane gas.

“Very Low Income Household” means a household earning a gross income of no greater than fifty percent (50%) of the median income.

18.210.040 – Administrative Fees

The Council may by resolution establish reasonable fees and deposits for the administration of this Chapter.

18.210.050 – Affordability Controls

A. Affordable Rent. Affordable rent shall be calculated as follows:

1. The monthly rent shall not exceed one-twelfth of 30% of the maximum annual income for a household of the applicable income level.
2. Monthly rent shall include, but not be limited to, the monthly cost of rent or lease and utility costs based on utility allowances defined annually by the Community Development Director.

B. Affordable Sales Price. The affordable sales price shall be calculated as follows:

1. The monthly housing cost shall not exceed one-twelfth of 35% of the maximum annual income for a household of the applicable income level.
2. Monthly housing cost shall include, but not be limited to, loan or mortgage payment (principle and interest), property taxes, mortgage insurance, homeowner association dues, homeowners insurance, and utility costs based on utility allowances defined annually by the Community Development Director.

C. Resale Affordable Sales Price. The maximum affordable sales price on the resale of an affordable unit shall be the higher of the sales price as calculated in Subsection B or the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the value of substantial structural or permanent fixed improvements to the building which create additional bedrooms.

D. Sales to Non-Qualifying Household.

1. If the developer or owner cannot sell the unit to a qualifying household at the affordable sales price or resale affordable sales price within a reasonable period of time, the Town shall have the right to purchase or assign its right to purchase such affordable unit at the maximum price which could be charged to an eligible household.
2. If the Town or its assignee does not purchase the unit within a reasonable period of time, the developer or owner may [request to](#) sell the unit [consistent with the provisions of the recorded deed-restriction](#).

18.210.060 - Duration

The affordability controls and other restrictions consistent with the requirements of this Chapter shall be in effect for perpetuity.

18.210.070 - Occupancy Restrictions

- A. **Rental Units.** Any person who occupies a rental affordable unit shall occupy that unit as his or her principal residence.
- B. **Ownership Units.** An owner who purchases an affordable unit for sale shall occupy that unit as his or her principal residence.
- C. **Exceptions.** The Community Development Director, on a case-by-case basis, may approve an exception to the occupancy restrictions in cases of changes of title due to unique circumstances (e.g., death, divorce), changes in tenant income, and other hardships.

18.210.080 - Locals Preference

Preference shall be given to locals in regards to availability to purchase or rent affordable units.

18.210.090 - Affordable Housing or Workforce Housing Agreement

- A. **Agreement Required.** An affordable housing agreement shall be recorded for affordable housing or workforce housing required by the Town pursuant to Chapters 18.214 and 18.216 or for affordable housing or workforce housing offered by a developer for a development project in which density bonuses, incentives, and/or concessions have been granted by the Town pursuant to Chapter 18.212. The agreement shall be recorded with the Nevada County Recorder prior to the issuance of a temporary or final certificate of occupancy or the recordation of a parcel or final map for the affordable housing.
- B. **Agreement Information.** The affordable housing or workforce housing agreement shall include, but not be limited to, the following:
 1. A description of the development, including whether the affordable units or workforce housing units will be offered for rent or for purchase;
 2. The number, size, and location of the affordable units or workforce housing units, or any approved alternative;
 3. Density bonuses, incentives, and/or concessions granted by the Town, if any;
 4. Provisions and/or documents for initial sales price or rent, resale restrictions, occupancy restrictions, locals preference, deeds of trust, rights of first refusal, and rental restrictions;
 5. Provisions for monitoring the ongoing affordability of the affordable units or the workforce housing restrictions, and the process for marketing units, and qualifying prospective households for income eligibility;
 6. Deed restriction acceptable to the Town;
 7. Any information required by the housing plan approved by the review authority;
 8. Any other pertinent information required by the Community Development Director.
- C. **Agreement Approval.** The affordable housing or workforce housing agreement shall be consistent with the housing plan approved by the review authority and comply with the requirements of the chapters of this Article. The agreement shall be approved by the Community Development Director prior to recordation of the agreement with the Nevada County Recorder.

CHAPTER 18.213 –DEED-RESTRICTED HOUSING INCENTIVES

Sections:

[18.213.010 - Purpose of Chapter](#)

[18.213.020 – Applicability](#)

[18.213.030 – Review Process](#)

[18.213.040 – Deed-Restricted Housing Incentives Eligibility Requirements](#)

[18.213.050 – Deed-Restricted Housing Project Incentives](#)

18.213.010 - Purpose of Chapter

[The purpose of this Chapter \(Chapter 18.213\) is to incentivize the development of housing units that serve community members, recognizing that an authentic, vibrant, and functional community relies on a diverse local, year-round population.](#)

18.213.020 – Applicability

[A. **Applicability.** The following projects are eligible for the deed-restricted housing incentives:](#)

- [1. Multifamily residential-only projects with two or more dwelling units in the RM \(Medium Density Residential\), RH \(High Density Residential\), DRM \(Downtown Medium Density Residential\), DRH \(Downtown High Density Residential\) and DMU \(Downtown Mixed Use\) zoning districts.](#)
- [2. Mixed-use projects with one or more residential units within the CMU \(Corridor Mixed Use\), DMU \(Downtown Mixed Use\) or M \(Manufacturing\) zoning districts. Mixed-use projects not located directly adjacent to Donner Lake with one or more residential units within the NMU \(Neighborhood Mixed Use\) zoning districts are also eligible.](#)

[B. **Ineligibility.** The following projects are ineligible for the deed-restricted housing incentives:](#)

- [1. An applicant shall be ineligible for the deed-restricted housing incentives program if the housing development is proposed on any property that includes a parcel or parcels on which a dwelling unit is currently or has been vacated or demolished in the five-year period preceding the application subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other public form of rent or price control; or occupied by lower or very low income households, unless the housing development replaces those units as part of the developed project. Any replacement units shall not be counted for purposes of determining eligibility for this program.](#)
- [2. Any project that is requesting a density bonus, concession, or incentive consistent with Chapter 18.212 \(Density Bonuses, Concessions and Incentives\) shall not eligible for the allowances of this Chapter.](#)
- [3. Projects with single-family residential units and accessory dwelling units are not eligible for this program.](#)

4. Projects proposing to disturb environmentally sensitive areas as defined in Section 18.46.030 (Definitions) and projects proposing disturbance on slopes 30% or greater shall not be eligible for deed-restricted housing incentives.
5. Projects that are requesting a Variance (Chapter 18.82), a Minor Modification (Chapter 18.75), or a Planned Development (Chapter 18.78) shall not be eligible for the provisions of this Chapter, except as allowed under Section 18.213.020.C (Alternative Planned Development process).

C. Alternative Planned Development process. Projects that meet the criteria listed in Section 18.78.040.3 (Project Mandatory Feature – Deed-Restricted Housing Units) may request a discretionary Planned Development review pursuant to Chapter 18.78 (Planned Development). The projects will be subjected to any applicable land use entitlements such as Zoning Clearance, Development Permit, and/or Historic Design Review.

18.213.030 – Review Process

A. Review process. The review of deed-restricted housing incentive projects shall be processed as follows:

1. **Zoning Clearance review.** Deed-restricted housing incentive projects with 10 or fewer residential units, with site disturbance (grading, impervious surfaces, and/or the removal of natural vegetation) of less than 26,000 s.f., and with 10,000 s.f. of nonresidential gross floor area or less shall be subject to Zoning Clearance (Chapter 18.72) review.
2. **Zoning Clearance review with additional public outreach.** Deed-restricted housing incentive projects with 11 to 20 residential units, site disturbance (grading, impervious surfaces, and/or the removal of natural vegetation) of less than 26,000 s.f., or greater than 10,000 s.f. but less than 20,000 s.f. of nonresidential gross floor area shall be subject to Zoning Clearance (Chapter 18.72) review with the following additional public outreach requirements conducted by the project proponent:
 - a. At least two months prior to the date of application submittal, the project proponent shall host and organize, at their cost, at least one community meeting on the project site or within the Town limits that includes a presentation from the project proponent regarding the details of the project, including site plans, floor plans, and renderings, and provides opportunity for comment from the public; and
 - b. At least two weeks prior to the scheduled community meeting, the project proponent shall send notice of the meeting to all of the following entities:
 - (a) All owners of real property as shown on the County’s latest equalized assessment roll within 500 feet of the property which is the subject of the project shall be sent a mailed notice;
 - (b) Any person who has filed a written request for notice with the Community Development Department shall be sent a mailed notice or, if requested and available, an emailed notice;

- (c) Any organized homeowners association or similar entity that governs a subdivision that is located within 500 feet of the property which is the subject of the project shall be sent a mailed notice and, if available, an emailed notice; and
- (d) The Community Development Department shall be sent an emailed notice.
- c. The contents of the notice shall include:
 - (a) The location of the project;
 - (b) Information about the project with text and diagram(s), including, at a minimum, a description of the square footage of residential and nonresidential uses, height, stories, and parking quantities;
 - (c) Contact information for the project proponent; and
 - (d) Information on the date and location of community meeting on the project.
- d. As part of the application submittal to the Community Development Department, documentation shall be submitted of all public outreach efforts including notices, all public comments made either at the community meeting or through other methods, any responses to the public comment, and, if relevant, information related to any changes made to the project in response to public comment.
- e. Once the complete application is submitted pursuant to Section 18.70.060 (Initial Application Review/Environmental Assessment), including the required public outreach, the Community Development Director shall review the application and determine if the project is of community interest and review by the Planning Commission is necessary.
- f. The project proponent may voluntarily opt out of this public outreach requirement and elevate the project to a Development Permit review consistent with Chapter 18.74, which designates the Planning Commission as the review authority.
- 3. **Development Permit review.** Deed-restricted housing incentive projects with 21 or more residential units, mixed-use deed restricted housing incentive projects with 20,000 s.f. or more of nonresidential gross floor area, or site disturbance (grading, impervious surfaces, and/or the removal of natural vegetation) of 26,000 s.f. or greater shall be subject to Development Permit review (Chapter 18.74). Projects that meet the eligibility criteria for Zoning Clearance review under Section 18.213.030.A.2 but have opted for Development Permit review, or that the Community Development Director has determined to be of community interest, shall be reviewed through the Development Permit process.
- 4. **Historic Design Review.** Deed-restricted housing incentive projects within the -HP (Historic Preservation) Overlay District that are consistent with the requirements of this Chapter shall be exempt from Historic Design Review.

5. **Other Use Permit review.** When a Use Permit or Minor Use Permit is required for specific uses proposed within the nonresidential portion of the project consistent with Table 2-7 (Allowed Uses and Permit Requirements for Commercial and Manufacturing Districts) or Table 2-10 (Allowed Uses and Permit Requirements for Mixed Use Districts), development is proposed on slopes of 20 percent or greater (Chapter 18.36 – Hillside Development), or disturbance is proposed within 200 feet of a wetland (Chapter 18.30.050.F), all applications, including a Zoning Clearance for deed-restricted housing incentive project, shall be reviewed and approved or denied by the highest level review authority assigned by Table 4-1.
 6. **Environmental review.** When a project requires a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report pursuant to the California Environmental Quality Act, the project shall require review by the Planning Commission.
- B. Deed-restricted housing plan.** A plan for the deed-restricted housing shall be submitted concurrently with the applicable land use permit application forms for concurrent consideration by the review authority. The plan shall include the following information:
1. A site plan and typical floor plans depicting the location, structure, proposed tenure (rental or ownership), story and floor layout, and size of the proposed market rate and inclusionary units;
 2. Percentage of deed-restricted units;
 3. The income level targets for each deed-restricted unit;
 4. The mechanisms that will be used to assure that the deed-restricted units will remain affordable;
 5. A phasing plan for the construction and completion of the market rate and deed-restricted units; and
 6. A description of any requested density bonus pursuant to this Chapter;
 7. A description of requested incentives; and
 8. A description of how the project complies with the required objective design standards.
- C. Findings and decision.** In order to grant the deed-restricted housing incentives, the review authority shall make both of the following findings:
1. Granting the deed-restricted housing incentives is not detrimental to the public health, safety, welfare, or environment.
 2. Granting the deed-restricted housing incentives would further the Town’s housing goals.
- D. Time limits.** Time limits for deed-restricted housing incentive projects shall be consistent with Development Code Section 18.84.050 (Time Limits and Phasing).

E. **Time extensions.** Deed-restricted housing incentive projects may request a two-year Time Extension in compliance with Section 18.84.055 (Time Extensions). The review authority for the time extension shall be the Community Development Director. All other requirements and findings for a Time Extension shall apply. For projects that include a Tentative Map, the Director may approve extensions consistent with Section 18.96.150 (Extensions of Time for Tentative Maps) and in compliance with State law (Government Code Section 66452.6).

18.213.040 – Deed-Restricted Housing Incentives Eligibility Requirements

A. **Affordability and use restrictions.**

1. Deed-restricted housing units shall be consistent with the affordability rent and sales price requirements for very low-, low-, and moderate-income units as defined in Chapter 18.210 (Affordable Housing Controls) or the deed-restricted income levels adopted by the Town Council in Resolution 202X-XX [to be updated when adopted by Council].
2. The applicant shall agree to the continued affordability of the deed-restricted units in perpetuity.
3. The applicant shall agree, in writing, to waive the use of the provisions provided by the Housing Accountability Act (Government Code Section 65589.5), State Density Bonus Law (California Government Code Sections 65915-65918), and the State accessory dwelling unit law (Government Code Sections 66310 et.seq) for any projects.
4. The applicant shall agree to the following occupancy restrictions:
 - a. One member of the household is required to be a full-time resident of the unit;
 - b. Members of the household shall not own or rent additional dwelling units;
 - c. One member of the household is required to be currently employed 30 hours or more per week within the Tahoe Truckee Unified School District boundary;
 - d. Short-term rental of whole or portions of the unit is prohibited; and
 - e. For rental units, a six-month initial lease is required.
5. The applicant shall enter into and record a deed-restricted housing agreement as follows:
 - a. **Agreement required.** A deed-restricted housing agreement shall be recorded for deed-restricted housing units approved under this Chapter. A draft agreement shall be submitted to the Community Development Director prior to building permit issuance.
 - b. **Agreement information.** The deed-restricted housing agreement shall include, but not be limited to, the following:
 - (1) A description of the development, including whether the deed-restricted units will be offered for rent or for purchase;

- (2) The number, size, and location of the deed-restricted units, or any approved alternative;
- (3) Provisions and/or documents for initial sales price or rent, resale restrictions, occupancy restrictions, locals preference, deeds of trust, rights of first refusal, and rental restrictions;
- (4) Provisions for monitoring the ongoing requirements of the deed-restricted units, and the process for marketing units, and qualifying prospective households for income eligibility;
- (5) Deed restriction acceptable to the Town;
- (6) Any information required by the housing plan approved by the review authority;
- (7) Any other pertinent information required by the Community Development Director.

c. **Agreement approval.** The deed-restricted housing agreement shall be consistent with the housing plan approved by the review authority and shall comply with the requirements of the chapters of this Article. The agreement shall be reviewed and approved by the Town Attorney and Community Development Director and recorded with the Nevada County Recorder prior to the issuance of a temporary or final certificate of occupancy or the recordation of a parcel or final map for the deed-restricted housing.

B. **Minimum density.** The following minimum density requirements apply for deed-restricted housing incentive projects:

- 1. Residential zoning districts.** For multifamily residential-only projects in the RM, RH, DRH, DRM, and NMU-R zoning districts, deed-restricted housing incentive projects shall be consistent with the minimum density required by the zoning district.
- 2. Residential-only projects in the DMU zoning district.** For multifamily residential-only projects in the DMU zoning district, deed-restricted housing incentive projects shall have a minimum density of 12 dwelling units per acre.
- 3. Mixed-use projects in the DMU, CMU, NMU-C, NMU-R, or M zoning districts.** For mixed-use projects in the DMU, CMU, NMU, or M zoning districts, the deed-restricted housing incentive project shall have a minimum density of four dwelling units per acre. In all cases, at least one dwelling unit is allowed.
- 4. Tahoe Donner Plan Area.** For deed-restricted housing incentive projects within the Tahoe Donner Plan Area, the minimum density shall be 90% of the maximum base density. For example, a 0.59-acre site zoned 15 dwelling units per acre, shall be required to have at least seven dwelling units ($0.59 \times 15 = 8.85$ dwelling units, rounded down to 8 dwelling units; $8 \text{ dwelling units} \times 90\% = 7.2$ dwelling units, rounded down to 7 dwelling units).

- C. Percentage of deed-restricted units required.** To be eligible for the deed-restricted housing incentives, at least 50% of the residential units in a project are required to be deed-restricted consistent with this Chapter. A minimum of one deed-restricted unit is required.
- D. Development standards.** The projects shall be consistent with the requirements of the Development Code except as modified by this Chapter.
- E. Floor area.** The following requirements apply to floor area:
1. In the CMU and NMU zoning districts, reference the requirements of Section 18.14.050 (Mixed Use Component).
 2. In the M zoning district, reference the requirements of Section 18.58.140.D.3 (Mixed use Component).
- F. Location of deed-restricted units.** All deed-restricted units shall be built on site.
- G. Timing of development.** Deed-restricted units shall be constructed and offered for sale or rent in accordance with this Chapter concurrently with or prior to completion of market rate units within the residential development project or phase thereof. As used in this Chapter, “concurrently” means that a proportionate share of deed-restricted units, including a proportionate share of units by income affordability, shall be provided. This means that if 50% of the market rate units are requesting Certificate of Occupancy, 50% of the deed-restricted units are required to obtain Certificate of Occupancy prior to the market rate units.
- H. Building types and exterior appearance.** Exterior building materials and finishes for deed-restricted units shall be of the same type and quality as the market rate units of the project. The building types for deed-restricted units shall be the same as for market rate units. For example, if the market rate units are attached two-unit buildings, the deed-restricted housing units are also required to be attached as part of a two-unit building. If there is a mixture of building types, the deed-restricted units can be a mixture of the same proportion as the market rate. The living area for the deed-restricted units may only be up to 20% smaller than the average living area of all of the market rate units.
- I. Unit types.** Deed-restricted housing incentive projects shall have a variety of unit types (studio, one-bedroom, and two-bedroom units). A maximum of 15% of the deed-restricted units may be studio units. For projects with six or fewer deed-restricted units, a maximum of one studio unit is allowed.
- J. Common amenities.** Deed-restricted units shall have access to all on-site amenities available to market rate units.
- K. Interior quality.** Deed-restricted units may have different interior finishes, amenities, and features than the market rate units provided the interior finishes, amenities, and features are durable, of good quality, and consistent with contemporary standards for new housing.
- L. Objective Design Standards.** Deed-restricted housing incentive projects shall be exempt from the requirements of Chapter 18.25 (Objective Design Standards), except as follows:

1. Site design

- a. Site organization. The requirements of Section 18.25.050.A (Site organization) shall apply to sites larger than 0.5 acres. Sites that are 0.5 acres or smaller shall not be required to meet this standard.
- b. Circulation. The requirements for Section 18.25.050.B (Circulation) shall apply.
- c. Parking design.
 - (1) Parking carports. If carports are proposed, the requirements of Section 18.25.050.C.2 (Parking carports) shall apply.
 - (2) Parking lots. Parking lots shall not be located between the public right-of-way and the structure, with the exception of accessible parking spaces required by the Building Code. They are permitted to be located adjacent to a private alley with public access.
 - (3) Parking structures. If parking structures are proposed, the requirements of Section 18.25.050.C.4 (Parking structures) shall apply.
 - (4) Parking garages. If a parking garage is proposed, the requirements of Section 18.25.050.C.6 (Parking garage) and Section 18.25.050.C.6 (Detached parking garages) shall apply.
- d. Common outdoor area requirements. Deed-restricted housing incentive projects shall be exempt from common outdoor area (Section 18.25.050.D.2) requirements. Other requirements such as landscaping, stormwater treatment, snow storage shall apply.
- e. Common outdoor recreational amenities. Deed-restricted housing incentive projects shall be exempt from requirements for common outdoor recreational amenities (Section 18.25.050.D.3).

2. Massing.

- a. Massing variations.
 - (1) Building elevations that face an adjacent property, are located within 10 feet of the adjacent structure, and are of the same or lesser height of the adjacent structure shall be exempt from these standards, except that no building façade or elevation shall be greater than 200 feet in length. The following massing variations are required:
 - (a) Building elevation length. No building façade or elevation visible from the public right-of-way or where residents and/or customer access is available shall be greater than 200 feet in length.

- (b) **Material variations.** Changes in material direction or material type are required on wall planes for a minimum of 20% of the building façade. Materials changes shall begin and end at wall plane breaks and shall not occur on the same plane. See Figure 2-49.
- (c) **Adjacent developments.** New developments should be compatible with and responsive to the existing context of the project. Any time a development is within 50 feet of an existing building, a proposed building cannot exceed the height of the adjacent building by more than one story or 10 feet, whichever is less, for 25% of the width of the adjacent building.
- (2) **Massing breaks.** In addition to the required massing variations, at least two of the following massing breaks on each building elevation that front a public street or pedestrian walk shall be incorporated:

 - (a) **Canopies.** Buildings that are two stories or higher shall provide a three-foot minimum depth canopy, roof structure, or balcony that extends from the face of the building toward the street at a height of between 10 feet and 15 feet above the adjacent sidewalk. Such extension(s) shall extend horizontally parallel to the street and cover a minimum of the entire width of entry areas and at least 30% of the building elevation(s) that fronts a public street or pedestrian walk, whichever is greater. The canopy shall be made of wood and/or metal. Fabric or canvas canopies are not allowed.
 - (b) **Step backs.** For buildings three stories or taller in height, a minimum step back of 10 feet from the ground floor building elevation(s) that front a public street or pedestrian walk is required for the third story or at 30 feet measured from the lower story building walls at finish grade, whichever is less See Figure 2-50.
 - (c) **Wall plane change.** Changes in wall plane that are a minimum of 20% the width of the building elevation, 18 inches deep, and extend a minimum of 20% of the maximum height of the building elevation or 10 feet in height, whichever is greater (see Figure 2-49).
 - (d) **Height change.** Changes in wall or roof height at a minimum of 80% the maximum height of the building frontage for a minimum width of 20% of the elevation width. The change must be at least 10 feet in depth depth; parapets are not considered a height change.
 - (e) **Roofline articulation.** At least one change in the roofline related to the building elevation(s) that fronts the public right-of-way. Roofline articulation shall be measured by vertical changes to the roofline that occur from a change in roof type, direction, or pitch of the roof plane, and/or roofline modulation from stepping up or lowering the highest point of the roof by two feet or stepping forward or backward a portion of the façade by two feet. Roofline

articulation shall not be measured by the addition of chimneys or dormers. See Figure 2-49.

3. **Colors and materials.** The requirements of Section 18.25.080 (Multifamily Colors and Materials) shall apply.

4. **Architectural elements.**

a. **Roofs and rooflines.** The requirements of Section 18.25.060.E (Roofs and rooflines) shall apply.

b. **Exterior stairwells**

(1) Exterior stairwells shall be located at the interior of the parcel or screened from view of the street through landscaping or an architectural feature. See Figure 2-55.

(2) Exterior stairwells shall be designed with a full roof cover (see Figure 2-55). A minimum of 25% of the square footage of the stairwell structure, including roof and/or wall planes, shall be the same materials as the primary structure.

c. **Balconies, decks, and patios.** Projects shall provide individual balconies, decks and patios consistent with Section 18.25.090.B (Balconies, decks, and patios). For units located on the ends of shared exterior walkways, the area of the walkway that is between the entry door for each residential unit and the end of the walkway may be considered a private balcony, deck, or patio if the area meets the minimum dimension requirements and the area does not provide access to other units. See Figure 7-1 for an example. Alternatives to this requirement for balconies, decks, and patios, including, but not limited to, common outdoor recreational areas or common balconies or rooftop decks, may be reviewed through a Planned Development (Chapter 18.78).

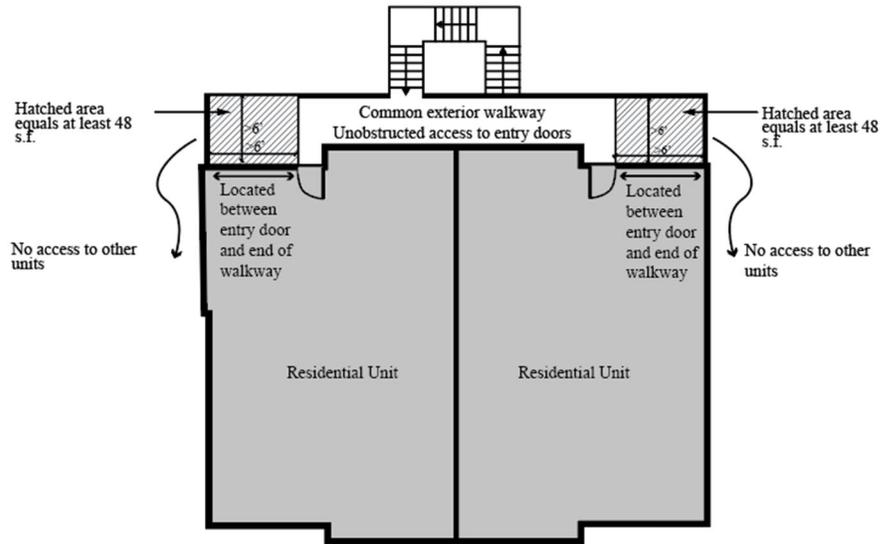


FIGURE 7-1
EXAMPLE OF A BALCONY ON A SHARED EXTERIOR WALKWAY

d. Common laundry facilities. All multifamily residential developments with five or more dwelling units shall provide common laundry facilities, except where laundry facilities are provided within each unit.

(1) Common laundry facilities shall be provided at a minimum ratio of: One washer and one dryer for every five units or fraction thereof for up to 100 units; and one washer and one dryer for every 10 units or fraction thereof for the number of units over 100.

(2) Where multiple buildings are proposed with five or more units per building, each building shall have at least one washer and one dryer.

e. Storage. Projects shall provide individual storage consistent with Section 18.25.090.C.6 (Storage). Alternatives to this storage requirement may be reviewed through a Planned Development (Chapter 18.78).

5. Utilities and service areas. The requirements of Section 18.25.100 (Multifamily Utilities and Service Areas) shall apply.

M. Historic Preservation (-HP) Overlay District projects. Historic Design Review for deed-restricted housing incentive projects that include new additions or modifications to historic structures, new non-historic structures, or modifications to non-historic structures in the Historic Preservation (-HP) Overlay District shall be waived if the project is consistent with the historic design standards in Chapter 18.25.105.

18.213.050 – Deed-Restricted Housing Project Incentives

- A. Homegrown Housing funding.** Deed-restricted units that are consistent with this Chapter may be eligible for the Homegrown Housing funding program. The rules and requirements of the Homegrown Housing funding program shall apply.
- B. Development impact fees.** Traffic and Facilities Development Impact fees may be deferred until Certificate of Occupancy for all deed-restricted housing incentive projects provided that the property owner executes a contract with the Town to pay the fees at the designated time.
- C. Inclusionary and workforce housing requirements.** Deed-restricted residential projects shall be exempt from the requirements of Chapter 18.214 (Inclusionary Housing) and Chapter 18.216 (Workforce Housing).
- D. Town density bonus.** The following density bonus is available to projects that are eligible for the deed-restricted housing incentive projects.
- 1. Maximum allowable density bonus.** A density bonus of up to 10% of the base maximum allowable residential density is allowed. In all cases, at least one additional unit is allowed. Density bonus shall mean a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the Town. Maximum allowable residential density shall mean the density allowed under the zoning ordinance, or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project. Deed-restricted housing incentive projects shall not be eligible to use dwelling unit equivalents based on number of bedrooms, as defined by Section 18.08.050.B.
 - 2. East Gateway – North side of Donner Pass Road.** The base density for mixed-use residential projects on the north side of Donner Pass Road between Frates Road and the I-80 offramp by the McIver roundabout in the CMU (Corridor Mixed Use) zoning district may be increased to a maximum of 24 dwelling units per acre for deed-restricted housing incentive projects. The density bonus allowed under Section 18.212.050.D.1 shall not be applied to the 24 dwelling units per acre base density.
 - 3. Calculations and location.**
 - a.** All units allowed through a density bonus shall be located on site.
 - b.** The density bonus shall be calculated based on the maximum allowed density. For fractions of a unit, density shall be calculated consistent with Section 18.03.020.C (Calculation – Rounding). For example, if the maximum allowed density is 15.6, the maximum allowed density is 15. The 10% density calculation shall be based on the maximum allowed density of 15 units (15 x 10% = 1.5). 16.5 dwelling units shall be rounded down to 16 dwelling units.
 - c.** The density bonus units shall be used when calculating the total percentage of deed-restricted units for purposes of this section.

d. Each deed-restricted housing incentive project is entitled to only one density bonus. The deed-restricted housing incentive project shall not be combined with the density bonus, incentives, or concessions permitted by Chapter 18.212 (Density Bonuses, Concessions and Incentives) or with the dwelling unit equivalent allowed by Section 18.08.050.B (Minimum and Maximum Density).

4. **General Plan and Development Code consistency.** The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

E. **Parking - parking quantity for residential units.** Reduced parking requirements are provided for all deed-restricted housing incentive projects. All deed-restricted housing incentive projects shall be required to meet the following minimum parking requirements:

1. One off-street space for each studio and one-bedroom;

2. Two off-street spaces for each two- or three-bedroom unit;

3. Two and one-half off-street spaces for each unit with four or more bedrooms;

4. Guest parking equivalent to 10% of the total required parking spaces, or at least one guest parking space, are required unless the project includes a commercial component that requires parking equal to the required guest parking. The guest parking is calculated based on the whole number of parking spaces required for the residential units.

5. If the total number of parking spaces required for the residential project is other than a whole number, the number shall be rounded up to the next whole number.

6. The provisions of Government Code 65863.2 shall not apply to deed-restricted incentive housing projects.

7. A parking management plan is required for any project that uses the reduced parking requirements for deed-restricted housing incentive projects. The parking management plan will identify how parking spaces will be allocated, numbered, monitored, enforced, and incorporated into any lease for rental units or any other property agreement (e.g., CC&Rs).

F. **Eligibility for additional incentives.** Additional incentives shall be provided based on size of the parcel, quantity, and percentage of deed-restricted units provided, as follows:

1. **Project sites 0.5-acre or smaller.** Projects on sites that are 0.5 acres or smaller shall be eligible for the following number of allowances provided in Table 7-1.

**TABLE 7-1
ALLOWED INCENTIVES BASED ON
PERCENTAGE OF DEED-RESTRICTED UNITS FOR PROJECTS
ON SITES 0.5-ACRES OR SMALLER**

<u>Percentage of units on site that are deed restricted per this Chapter</u>	<u>Number of Tier 1 Incentives Allowed (Section 18.213.050.F.1)</u>	<u>Number of Tier 2 Incentives (Section 18.213.050.F.2)¹</u>
<u>76%-100%</u>	<u>2</u>	<u>8 (all)</u>
<u>50%-75%</u>	<u>1</u>	<u>6</u>

¹A Tier 2 incentive can be substituted for a Tier 1 incentive

- 2. Project sites larger than 0.5-acre.** Projects on sites greater than 0.5 acres shall be subject to the following number of allowances provided in Table 7-2.

**TABLE 7-2
ALLOWED INCENTIVES BASED ON
PERCENTAGE OF DEED-RESTRICTED UNITS FOR PROJECTS
ON SITES GREATER THAN 0.5 ACRES**

<u>Percentage of units on site that are deed restricted per this Chapter</u>	<u>Number of Tier 1 Incentives Allowed (Section 18.213.050.F.1)</u>	<u>Number of Tier 2 Incentives (Section 18.213.050.F.2)¹</u>
<u>90%-100%</u>	<u>5</u>	<u>8 (all)</u>
<u>80%-89%</u>	<u>4</u>	<u>7</u>
<u>70%-79%</u>	<u>3</u>	<u>6</u>
<u>60%-69%</u>	<u>2</u>	<u>5</u>
<u>50%-59%</u>	<u>1</u>	<u>4</u>

¹A Tier 2 incentive can be substituted for a Tier 1 incentive

- G. Incentives.** Deed-restricted housing incentive projects are eligible for Tier 1 and Tier 2 incentives based on the criteria identified in Section 18.215.030.E above.

- 1. Tier 1 Incentives.** The following seven incentives are considered Tier 1 incentives.
- a. **Floor Area Ratio.** The maximum allowed floor area ratio for the project shall be increased as follows:
 - 1. **Corridor Mixed Use (CMU) zoning district:** An increase of up to 0.25 FAR shall be allowed.
 - 2. **Neighborhood Mixed Use (NMU) zoning district:** An increase of up to 0.2 FAR shall be allowed.
 - 3. **Business Innovation (BI) zoning district:** An increase of up to 0.1 FAR shall be allowed.
 - 4. **Public Facilities (PF) zoning district:** An increase of up to 0.1 FAR shall be allowed.
 - 5. **Manufacturing (M) zoning district:** An increase of up to 0.1 FAR shall be allowed.

- b. **Height.** The maximum height requirements for the project as identified in Table 2-4 (Residential District General Development Standards), Table 2-9 (Commercial and Manufacturing District General Development Standards), and Table 2-10 (Mixed Use District General Development Standards) shall be increased up to 10%.
- c. **Height – Stories.** One additional story may be permitted if the total measured height is equal to or less than less than the maximum allowed in Table 2-4 and Table 2-9, as measured pursuant to Section 18.30.090 (Height Measurement and Height Limit Exceptions). At least 75% of the lowest story shall be located above natural grade.
- d. **Height for projects on the north side of Donner Pass Road between Frates Lane and the McIver Roundabout.** The maximum height for projects on the north side of Donner Pass Road between Frates Lane and the McIver Roundabout shall be increased to four stories and 55 feet provided that the project complies with the following:
1. Buildings within the first 60 feet of the front or street side property lines shall be three stories and a maximum of 40 feet tall.
 2. In cases where no buildings are proposed within 60 feet of the front or street side property lines, the building frontage for the building closest to the front or street property lines at the third story and above, or at 35 feet measured from the lower story building walls at finish grade, whichever is lower, shall be required to be stepped back a minimum of 10 feet from the ground floor building walls.
 3. Any building elevation that directly abuts a parking lot, sidewalk, pedestrian walk, or public right-of-way at the fourth story and above, or at 40 feet measured from the lower story building walls at finish grade, whichever is lower, shall be required to be stepped back a minimum of 10 feet from the ground floor building walls.
- e. **Parking – fully enclosed parking requirement.** Deed-restricted units are exempt from the requirement for one fully enclosed parking space identified under “Multifamily dwelling” in Table 3-8 (Parking Requirements by Land Use). If unenclosed or fully enclosed covered parking is proposed, a roof that covers the entirety of the parking space shall be required. A covered parking space with a non-shedding roof (flat roof or roof with a slope of 4:12 or less with composition shingle and a snow retention system and/or snowmelt system) shall not be counted toward vehicle circulation area calculations for the purpose of quantifying snow storage requirements.
- f. **Parking – tandem parking.** Tandem parking that results in the stacking of no more than two parking spaces, one behind the other in a single elongated space, may be allowed to satisfy up to 50% of the off-street parking requirements for residential uses. The dimensions of an unenclosed tandem parking space shall be

a minimum of 40 feet in depth and nine feet in width; if a parking space is proposed in a fully enclosed garage, the minimum interior dimension width shall be 10 feet. Tandem parking spaces shall be allocated only to the same household. A parking management plan is required for any project that proposes tandem parking to identify how these spaces will be allocated, numbered, monitored, enforced, and incorporated into any lease for rental units or any other property agreement (e.g., CC&Rs).

g. Parking – on-street parking. In the CMU zoning district, new on-street parking may be counted toward the parking requirements of the project, with the following requirements:

1. The on-street parking does not exist at the time of project approval;
2. The property owner and/or business owner shall construct the on-street parking in accordance with the Public Improvement and Engineering Standards and the requirements of the Town Engineer;
3. The on-street parking shall be located directly abutting the parcel frontage containing the use;
4. One on-street parking space shall be equal to one on-site parking space;
5. A maximum of 25% of the required parking for the project may be located on-street;
6. An agreement shall be executed between the property owner, business owner and the Town requiring the property owner and/or business owner to provide street maintenance services and snow removal on the on-street spaces as required by the Town Engineer;
7. The on-street parking spaces shall be available for public parking with no exclusive occupancy for the business(es) or residents;
8. The on-street parking shall be used for the commercial uses only and the residential parking shall be accommodated on site;
9. For any portions of the on-street parking located within the parcel containing the use, a public use easement shall be reviewed and approved by the Town Attorney and Community Development Director and executed and recorded in the Nevada County Recorder’s Office; and
10. The on-street parking will not hinder future improvements plans for the street, will not result in traffic safety hazards, and will not unduly interfere with traffic flow as determined by the Town Engineer.

2. Tier 2 Incentives. The following eight incentives are considered Tier 2 incentives.

a. Landscaping.

1. Project shall be exempt from the requirements of Section 18.40.040.B.3.a (Parking lot perimeter landscaping, Adjacent to streets) and Section 18.40.040.B.4 (Parking lot interior landscaping).
 2. Landscaping quantities for shrubs and trees shall be reduced by 25%.
- b. **Open space.** The minimum required open space as identified in Table 2-4 (Residential District General Development Standards), Table 2-9 (Commercial and Manufacturing District General Development Standards), and Table 2-10 (Mixed Use District General Development Standards) shall be decreased up to 15%, except that in all cases, the environmentally sensitive areas as defined under Section 18.46.030.B (Definitions, Environmentally sensitive areas) shall be preserved as open space.
 - c. **Parking – parking quantity for nonresidential uses.** Parking for any nonresidential uses may be reduced up to 15% of the total required parking requirement. The parking requirement shall be reduced by at least one parking space. The shared parking reduction allowed under Section 18.48.050.A (Shared parking reduction) shall not apply.
 - d. **Setbacks – front and street side setback.** Front and street side setback requirements, including setbacks for projections allowed under Table 3-2 (Allowed Projects Into Setbacks) shall be reduced by 20% from the standard requirements for the applicable zoning district, provided that there is a minimum 20 feet from any structure from the edge of the pavement of the adjoining street. Any recorded easements or building envelopes shall take precedence over any setback reduction.
 - e. **Setbacks – rear setback.** Rear setbacks requirements, including setbacks for projections allowed under Table 3-2 (Allowed Projects Into Setbacks), shall be reduced by 25% from the standard requirements for the applicable zoning district. Rear setbacks shall be reduced by 50% if the adjacent property is dedicated permanent open space. Any recorded easements or building envelopes shall take precedence over any setback reduction.
 - f. **Setbacks – side setback.** Side setback requirements, including setbacks for projections allowed under Table 3-2 (Allowed Projects Into Setbacks), shall be reduced by 20% from the standard requirements for the applicable zoning district if the roof of the building within the standard setback is flat or is designed to shed away from the adjacent property. Side setbacks shall be reduced 50% if the adjacent property is dedicated permanent open space. Side setback reductions shall not apply to parcels located within the DRM zoning district. Any recorded easements or building envelopes shall take precedence over any setback reduction.
 - g. **Setbacks – screening and buffer setbacks.** For the CMU and NMU zoning districts that require screening and buffering setbacks per Section 18.30.110 (Screening and Buffer), the setback standard may be reduced up to 25%, except in no case shall the setback be less than 10 feet. Any recorded easements or building envelopes shall take precedence over any setback reduction.

h. **Site coverage.** Maximum site coverage requirement shall be increased by 15%. For a site that is one acre with a 40% maximum site coverage requirement, the standard maximum site coverage is 17,424 square feet. With a 15% increase, an additional 2,614 square feet of site coverage is allowed (46%).

5. The reconstruction or replacement of any multifamily residential dwelling unit that has been involuntarily destroyed due to a catastrophic event in accordance with Section 18.130.060.
6. The conversion of residential units into condominiums or other common interest subdivision.
7. Residential development projects that are the subject of a development agreement currently in effect with the Town and approved prior to the effective date of this Chapter where such agreement expressly precludes the Town from requiring compliance with this Chapter.
8. Residential development projects which have received approval of the land use and development permit application prior to the effective date of this Chapter.

18.214.050 - Development Requirements

- A. **Location of Inclusionary Units.** Inclusionary units may be built on site within the residential development project ~~or offsite.~~ [Offsite inclusionary units may be considered under an Alternative Equivalent Proposal.](#)
- B. **Timing of Development.** Inclusionary units shall generally be constructed and offered for sale or rent in accordance with this Chapter concurrently with or prior to completion of market rate units within the residential development project or phase thereof. As used in this Chapter, “concurrently” means that a proportionate share of inclusionary units, including a proportionate share of units by income affordability, must be substantially completed by the time 50% of the market rate units within a residential development project are sold. The review authority at its own discretion may approve an alternative timing plan if the review authority finds the alternative timing plan will further affordable housing opportunities in the Town to an equal or greater extent and the completion of the inclusionary units is secured by a performance bond or other similar security.
- C. **Building Types and Exterior Appearance.** Exterior building materials and finishes for inclusionary units shall be of the same type and quality as for the market rate units of the project. The building types for inclusionary units shall be the same as for market rate units. For example, if the market rate units are attached two-unit buildings, the inclusionary housing units are also required to be attached as part of a two-unit building. The living area for the inclusionary units may only be up to 20% smaller than the average living area of all of the market rate units. The review authority may approve building types for inclusionary units that are different than market rate units (e.g., multifamily affordable units for a single family residential development project) if the project is not a “multifamily residential project” or “new single-family residential subdivision” as defined by Section 18.25.020.A or the applicants elect the Flexible Design Review option of 18.25.030.B, and, in both cases, the review authority finds the inclusionary units are compatible with the design and character of the development and neighborhood.
- D. **Common Amenities.** On-site inclusionary units shall have access to all on-site amenities available to market rate units.

CHAPTER 18.216 - WORKFORCE HOUSING

Sections:

- 18.216.010 – Purpose and Intent
- 18.216.030 – Administrative Fees
- 18.216.040 – Workforce Housing Requirements
- 18.216.050 – Development Requirements
- 18.216.060 – Bonuses, Incentives, and Concessions
- 18.216.070 – Affordability Controls
- 18.216.080 – Workforce Housing Plan
- 18.216.090 – Adjustments and Waivers

18.216.010 – Purpose and Intent

- A. The purpose of this chapter is to establish a workforce housing requirement and an in-lieu fee for commercial, industrial, and other non-residential development projects to mitigate the impacts caused by these development projects on the additional demand for more affordable housing.
- B. It is intended to implement the Housing Element of the General Plan to ensure an adequate supply of housing to meet the housing needs of all segments of the community and provide a permanent supply of affordable housing to meet the needs of ~~very low, low, and moderate-income~~ workers generated by new commercial, industrial, institutional, recreational, and residential resort projects.
- C. It is intended to implement ~~Housing Program 1.3.4 of the~~ [General Plan](#) Housing Element ~~of the General Plan~~ to balance the need for workforce housing for commercial, industrial, and other non-residential development with the other goals and policies of the General Plan including the goals and policies of the Economic Development Element.
- D. ~~It is intended for the Town Council to conduct an annual review of this Chapter and its implementation to consider whether amendments are needed.~~

18.216.030 – Administrative Fees

The Council may by resolution establish reasonable fees for the administration of this Chapter.

18.216.040 – Workforce Housing Requirements

- A. **Workforce Housing Required.** All commercial, industrial, institutional, recreational, residential resort, and other non-residential projects not exempt under Subsection G shall include or provide workforce housing as set forth in this Chapter.

1. Residential development projects which do not include a resort, commercial, or community amenity use that will generate employees.
2. Development projects that generate less than seven full-time equivalent employees as determined in accordance with Subsection C.
3. The conversion of non-residential floor space from one use to another use whereby the new use generates the same or less number of full-time equivalent employees than the previous use.
4. Development projects that are the subject of a development agreement currently in effect with the Town or approved prior to the effective date of this Chapter where such agreement expressly precludes the Town from requiring compliance with this Chapter.
5. Development projects which have received approval of the land use and development permit application prior to the effective date of this Chapter, except the development project shall comply with any conditions regarding affordable housing that were imposed at the time of approval of the land use and development permit.

18.216.050 – Development Requirements

- A. **Location of Workforce Housing Units.** Workforce housing units shall be built on site within or adjacent to the development project, ~~or~~ Offsite workforce housing units may be considered under an Alternative Equivalent Proposal but shall be required to be in close proximity to the development project, located within Town limits, along or near a major transportation corridor with public transit, and/or near a major service center.
- B. **Timing of Development.** Workforce housing units shall generally be constructed and offered for sale or rent in accordance with this Chapter concurrently with or prior to completion of the development project or phase thereof. As used in this Chapter, “concurrently” means that a proportionate share of workforce housing units, including a proportionate share of units by income affordability, must be substantially completed by the time 50% of the development project is occupied. The review authority at its own discretion may approve an alternative timing plan if the review authority finds the alternative timing plan will further affordable housing opportunities in the Town to an equal or greater extent and the completion of the workforce housing units is secured by a performance bond or other similar security.
- C. **Building Types and Exterior Appearance.** Workforce housing units shall have exteriors that are visually and architecturally consistent with and similar to market rate units in the neighborhood. Exterior building materials and finishes for workforce housing units shall be of the same type and quality as for market rate units. The building types for workforce housing units shall be compatible with the design and character of the development and neighborhood.
- D. **Interior Quality.** Workforce units may have different interior finishes, amenities, and features than the market rate units provided the interior finishes, amenities, and features are durable, of good quality, and consistent with contractor grade for new housing.

18.216.060 – Bonuses, Incentives, and Concessions

~~The following bonuses, incentives, and concessions shall be made available to development projects constructing all of their workforce housing on site. In addition to any potential density bonuses, incentives, and concessions requested consistent with Chapter 18.212 (Density Bonuses, Incentives, and Concessions) and/or offsite, the following incentive shall apply:~~

- ~~A. — **Floor Area Ratio.** The ~~d~~Development projects in the Manufacturing (M) and General Commercial (CG) zoning districts shall receive an increase in floor area ratio of ~~0.050.1~~, or ~~2,2004,356~~ square feet per acre, above ~~that the base FAR allowed under Table 2-9 (Commercial and Manufacturing District Development Standards) if all workforce housing units are constructed on site. Where less than one workforce housing unit is required, one whole workforce housing unit is required to be constructed. normally allowed by the zoning district applicable to the parcel. Residential floor space shall not be counted toward the maximum allowed floor area ratio.~~~~
- ~~B. — **Priority Processing.** The development project shall be given priority over other types of projects and permits by all Town departments in the processing of land use and development permit applications and building permit applications, and in inspections of the project during the construction process.~~
- ~~C. — **Regulatory Concessions.** The review authority, at its own discretion, may reduce regulatory standards of the Development Code and Public Improvement and Engineering Standards (e.g., parking spaces, lot coverage) if the review authority finds that any reduction in the regulatory standards is necessary for the project proposal to accommodate the workforce housing units, will not have an substantial, adverse impact on the neighborhood or surrounding area, and will not result in hazards to the public health or safety, in compliance with Chapter 18.212 (Density Bonuses, Concessions, and Incentives).~~
- ~~D. — **Deferral of Town Impact Fees.** Town impact fees, including impact fees for the Truckee Fire Protection District and the Truckee Donner Recreation and Parks District, required at the time of issuance of a building permit shall be deferred for all portions of the project, including non residential floor space, to the issuance of the temporary or final certificate of occupancy, whichever occurs first.~~
- ~~E. — **Reduction of Town Impact Fees and Permit Fees.** The review authority may reduce or waive Town impact fees, including impact fees for the Truckee Fire Protection District and the Truckee Donner Recreation and Parks District, and Town permit fees in accordance with Town Council policy adopted by resolution.~~

18.216.070 – Affordability Controls

Workforce housing units shall be restricted in accordance with Chapter 18.210 (Affordable Housing Controls).