

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2023-07

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO  
AMEND TRPA'S CODE OF ORDINANCES AND OTHER MATTERS RELATED  
THERE TO

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

**Section 1.0 Findings**

- 1.10 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.
- 1.15 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
- 1.20 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
- 1.25 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
- 1.30 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").
- 1.40 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
- 1.55 Each of the foregoing findings is supported by substantial evidence in the record.

**Section 2.0 Amendment of the TRPA Code of Ordinances**

- 2.10 Ordinance 87-9, as previously amended, is hereby amended as shown in Attachment B.

**Section 3.0 Interpretation and Severability**

3.10 The provisions of this ordinance adopted hereby shall be liberally construed to affect their purpose. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

**Section 4.0**    **Effective Date**

4.10 This ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on December 13, 2023 by the following vote:

Ayes: Ms. Bagwell, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settlemeyer, Ms. Williamson

Nays: Mr. Aguilar

Absent: Ms. Faustinos



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Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board

**ATTACHMENT B – CODE OF ORDINANCE AMENDMENTS SUMMARY**

**Chapter 13: Area Plans**

Code Section	Rationale	Proposed Code Language										
13.5.3.1	<p>[MODIFY EXISTING SECTION]</p> <p>Remove number of stories from height allowance to rely on maximum number of feet.</p>	<b>TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS</b>										
		Regional Land Use Districts	Wilderness	Backcountry	Conservation	Recreation	Resort Recreation	Residential	Tourist	Town Center Overlay	Regional Center Overlay	High-Density Tourist District Overlay
		Height [3]	N/A	Sec. 37.4						Up to <del>4</del> stories of <del>56</del> ft max. [1]	Up to <del>6</del> stories <del>(95</del> ft) max. [1]	Up to 197' max. [2]
		Density SFD		Sec. 31.3								
		Density MFD [3]	N/A	Sec. 31.3						With adoption of an Area Plan: - Residential: 25 units/acre (max.); Tourist: 40 units/acre (max.)		
Land Coverage		Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]										

		<p><b>Complete Streets</b></p>	<p>Sec. 36.5</p>	<p>[4]</p>
		<p>[1] With adoption of an Area Plan. To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply.</p> <p>[2] Limited to replacement structures, provided, the structures to be demolished and replaced are an existing casino hotel, with existing structures of at least eight stories, or 85 feet of height as measured from the lowest point of natural grade. Such structures shall also comply with Sec. 37.7.17.</p> <p>[3] Areas of Community Plans outside of Centers shall not be eligible for the alternative height and density allowances authorized in Area Plans for Centers. Any existing project density approved pursuant to Section 31.4.3 may be retained in an Area Plan.</p> <p>[4] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporating the Regional Bike and Pedestrian Plan.</p>		
<p>13.5.3.I</p>	<p>[NEW CODE SECTION]</p> <p>Allows up to 65' for deed-restricted housing in centers. Removes density maximums for deed-restricted housing in centers and multi-family zoned parcels</p>	<p><b><u>13.5.3.I Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans</u></b></p> <p><u>A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height above 56 feet, the building is designed to minimize shade on adjacent roads and structures between 10:00am and 2:00pm on December 21, as demonstrated in a shade analysis, and TRPA makes findings 1, 2, 3, 8, 14, and 18 as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines.</u></p> <p><u>B. Residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3;</u></p>		

	<p>in Area Plans. Local jurisdictions can adopt different standards as long as they can show it will provide sufficient affordable and workforce housing.</p>	<p><u>C. Local jurisdictions may propose alternative height and density allowances from what is permitted in sections A and B above, and Table 13.5.3.1, provided the jurisdiction:</u></p> <p><u>1. Demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction. These alternatives may include, but are not limited to, an approved inclusionary housing ordinance, zoning additional areas for multi-family housing, providing donated land or other public subsidies, or installation of area-wide stormwater systems in preferred affordable and workforce housing locations.</u></p>
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**Chapter 30: Coverage**

<b>Code Section</b>	<b>Rationale</b>	<b>Proposed Code Language</b>
30.4.2.B.5	<p>[NEW CODE SECTION]</p> <p>Allow up to 70% coverage outside of town centers within areas that are <b>zoned for multi-family</b> for 100% deed-restricted affordable, moderate, or achievable housing, provided the development is on high capability land.</p>	<p><b>30.4.2 Transferred Land Coverage Requirements</b></p> <p>In addition to the base land coverage prescribed by subsection 30.4.1, land coverage may be transferred to a parcel pursuant to subsection 30.4.3. Parcels and uses eligible for transfer of land coverage are identified in this subsection. For purposes of this subsection, the “maximum land coverage” equals the base land coverage plus the transferred land coverage. Land coverage shall not exceed base land coverage for parcels and uses that are not identified in this subsection. The aggregate of base land coverage and transferred land coverage shall not exceed the limits set forth in this subsection.</p> <p><b>B. Location -Specific Standards</b></p> <p><b><u>30.4.2.B.5 Affordable, Moderate, and Achievable Housing outside Centers</u></b></p>

The maximum land coverage allowed on a parcel for multi-residential developments, mixed-use developments with a residential component as described in subsection 36.13, or accessory dwelling units, provided they are 100 percent deed-restricted affordable, moderate, or achievable and utilize bonus units, shall be limited to 70 percent of the project area that is located within Land Capability Districts 4 through 7, subject to the following standards:

- a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located.;~~or~~
- b. To transfer in coverage above the base allowable coverage, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.
- ~~a.~~c. The project is exempt from the density maximums per section 31.4.1.A and subject to the parking standards specified in Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.
- d. The additional coverage for accessory dwelling units is limited to 1,200 square feet or 70 percent of the project area, whichever is less, that is located within Land Capability Districts 4 through 7 or on parcels that are buildable based on their IPES score. Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage shall not be used for parking.

30.4.2.B.6	<p>[NEW CODE SECTION]</p> <p>New code section to allow higher than 70 percent coverage for deed-restricted affordable, moderate, and achievable housing on high capability lands in <b>centers</b>. The project must show that stormwater will be treated offsite through area-wide stormwater treatment that is managed by a public entity.</p>	<p><b><u>30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing</u></b></p> <p><u>Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70 percent in centers, subject to the following standards:</u></p> <p>a. <u>All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located.</u></p> <p>b. <u>To transfer in coverage above 70 percent, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.</u></p> <p><del>a-c.</del> <u>The project is exempt from the density maximums per section 31.4.1.A and the parking minimums per Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.</u></p>
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**Chapter 31: Density**

Code Section	Rationale	Proposed Code Language
31.4.1.A	<p>[NEW CODE SECTION]</p> <p>New Code section that exempts density maximums for deed-</p>	<p><b>31.4 Increases to Maximum Density</b></p> <p>31.4.1 Affordable, <u>Moderate, and Achievable</u> Housing</p> <p><del>A. Affordable Housing</del></p>

	<p>restricted projects within multi-family zones.</p>	<p><del>Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:</del></p> <ol style="list-style-type: none"> <li><del>1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and</del></li> <li><del>2. The additional density is consistent with the surrounding area.</del></li> </ol> <p><del>B. Affordable Housing within Kings Beach Commercial Community Plan</del>  <del>Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:</del></p> <ol style="list-style-type: none"> <li><del>1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;</del></li> <li><del>2. The additional density is consistent with the surrounding area; and</del></li> <li><del>3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.</del></li> </ol> <p><u>A. Affordable, Moderate, and Achievable Housing</u>  <u>Residential developments or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, and utilize bonus units are exempt from the density maximums in Section 31.3.</u></p>
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**Chapter 34: Driveway and Parking Standards**

Code Section	Rationale	Proposed Code Language
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34.4.1	<p>[NEW CODE SECTION]</p> <p>New Code section that limits the amount of vehicle parking local jurisdictions can require for deed-restricted housing.</p>	<p><b><u>34.4.1 Parking for Deed-Restricted Affordable, Moderate, or Achievable Housing</u></b>  <u>No vehicle parking minimums shall apply to residential or mixed-use developments made up of 100 percent deed-restricted affordable, moderate, or achievable housing units, as described in subsection 36.13 if located within a Town Center, Regional Center, or High-Density Tourist District as defined in the Regional Plan. Outside of centers, parking minimums shall be no greater than .75 spaces per unit, on average. In either case, in order to deviate from existing local parking minimums, the project applicant shall demonstrate that parking demand generated by the project, as determined by a parking analysis or information from similarly situated projects, will be accommodated. The applicant may demonstrate compliance through parking management strategies, including but not limited to executed shared parking agreements, unbundling parking and rent, or contributing to alternative transportation methods. Mixed-use projects shall meet local parking requirements for the non-residential portion of the development.</u></p>
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**Chapter 36: Design Standards**

36.13	<p>[NEW CODE SECTION]</p> <p>New Code section that applies to mixed-use developments with a residential component that is 100% deed-restricted.</p>	<p><b><u>36.13 Mixed-Use with Affordable, Moderate, and Achievable Housing</u></b>  <u>A. Mixed-use developments with a residential component that is 100 percent deed-restricted as affordable, moderate, or achievable housing and utilizes bonus units shall be subject to the coverage and height standards for affordable, moderate, and achievable housing set forth in sections 13.5.3.1, 30.4.2.B.5, 30.4.2.B.6, 31.4.1.A, and 37.5.5, respectively, provided the commercial component is no greater than fifty percent of the total development square footage.</u>   <u>B. Mixed-use developments shall meet the definition of mixed-use in Chapter 90 and the following design standards:</u>   <u>a. Mixed-use developments accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor area;</u></p>
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		<p>b. <u>Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage;</u></p> <p>c. <u>The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.</u></p>
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**Chapter 37: Height**

Code Section	Rationale	Proposed Code Language
37.5.5	Allow deed-restricted multi-family developments to have additional height up to the maximum for building slope shown in Table 37.4.4-1, with a roof pitch of at least 3:12.	<p><b>37.5.5 Additional Building Height for Affordable, <u>Moderate, or Achievable</u> Housing Projects</b></p> <p><u>Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth in Table 37.4.4-1, with a roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7-<del>or</del>.</u></p> <p><del>The maximum height specified in Table 37.4.1-1 may be increased for affordable housing projects located in special areas designated for affordable housing within the Kings Beach Commercial Community Plan. The maximum height in Table 37.4.1-1 may be increased by up to 15 feet, but not to exceed a total building height of 48 feet, provided that the project incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines, and TRPA makes finding 14 of Section 37.7.</del></p>

37.7.18	Add a finding that additional height may only be used when the project is not subject to density maximums and parking minimums, unless an area plan specifies alternative standards per section 13.5.3.I.C.1.	<p><b><u>37.7.18 Finding 18 (Affordable, Moderate, and Achievable Housing)</u></b>  <u>The project is exempt from the density maximums per section 31.4.1.A and the parking minimums per Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.</u></p>
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**Chapter 52: Bonus Unit Incentive Program**

<b>Code Section</b>	<b>Rationale</b>	<b>Proposed Code Language</b>
52.3.1	Re-allocate the number of bonus units that can be assigned to “achievable” housing units to no more than one quarter of the 1,124 bonus units, or ¼ of the remaining bonus units as of December 24, 2018.	<p><b>52.3.1. Assignment of Bonus Units</b>  A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. <del>Eight-hundred and forty three (843)</del><del>Five hundred and sixty two (562)</del> of the 1,124, or <del>one-half</del><del>three quarters</del> of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable <u>or moderate-income</u> housing units; the remaining <del>562</del><del>281</del>, or one <del>half</del><u>quarter</u> of the remaining, residential bonus units from the TRPA pool, whichever is less, may be used for <del>moderate or</del> achievable housing units.</p>
52.3.4.G Affordable, Moderate, and Achievable- Income Housing	Clarify fine amount for non-compliance.	<p><b>52.3.4. Affordable, Moderate, and Achievable-Income Housing</b>  All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: <i>Definitions</i> shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.</p>

		<ul style="list-style-type: none"><li>A. Residential bonus units may be awarded to single or multi-family housing developments.</li><li>B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.</li><li>C. A bonus unit may be used for an accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.</li><li>D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to <del>\$5,000.00 per day 1/10 of the current cost of a residential unit of use annually</del> for failure to submit the compliance report or comply with these requirements.</li><li>E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.</li><li>F. The project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.</li></ul>
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**Chapter 90: Definitions**

Code Section	Rationale	Proposed Code Language
Chapter 90	Update definition of Achievable Housing	<p>Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:</p> <ol style="list-style-type: none"> <li>1. Have a household income not in excess of 120 percent of the respective county’s area median income (<del>AMIM</del>) (moderate income households and below); or</li> <li>2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District (<u>TTUSD</u>), including but not limited to public agencies and not-for-profit employers, <u>and which requires the employee’s physical presence within the boundaries of the Tahoe region or TTUSD in order to complete the task or furnish the service for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work.</u> Full-time equivalency may be confirmed by employer; or</li> <li>3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.</li> </ol> <p>The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.</p> <p>Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: <i>Bonus Unit Incentive Program</i>.</p> <p>Achievable deed-restrictions issued before <del>June 26, 2023</del> <u>[date amendments go into effect]</u> may utilize this definition or the definition of “achievable” <u>described in the recorded deed-restriction language in effect from December 20, 2018 to June 26, 2023.</u></p>
Chapter 90	Add new definition for Stormwater Collection and Treatment System.	<p><b><u>Stormwater Collection and Treatment System:</u></b></p> <p><u>Stormwater collection includes ditches, storm drains, and water pipes designed to remove surface runoff and transport it to the location or locations where it will be treated. Streets, curbs and gutters can be included as part of the collection system.</u></p>

		<u>Stormwater treatment is the process of improving stormwater runoff quality, reducing runoff volume, and reducing runoff peak flow. Debris and solids are filtered out, followed by a sedimentation process. Water is then infiltrated or discharged from the system into the receiving environment (groundwater table, ponds, streams, waterways, etc.).</u>
Chapter 90	Add new definition of Mixed-Use Development.	<b><u>Mixed-Use Development:</u></b> <u>Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.</u>