



**COUNTY OF PLACER**  
Community Development/Resource Agency

Michael J. Johnson, AICP  
Agency Director

**PLANNING  
SERVICES DIVISION**

Paul Thompson, Deputy Director

**HEARING DATE:** January 17, 2013

**ITEM NO.:** 2

**TIME:** 10:10 am

**TO:** Placer County Planning Commission  
**FROM:** Development Review Committee  
**DATE:** January 17, 2013  
**SUBJECT: WORKSHOP – TAHOE BASIN COMMUNITY PLAN UPDATE  
(PGPA 20110123)**

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**STAFF PLANNER:** Crystal Jacobsen, Supervising Planner

**LOCATION:** Tahoe Basin

**APPLICANT:** Placer County Planning Services Division

**PROPOSAL:** The Planning Services Division is providing a report of the progress of the County's Tahoe Basin Community Plan Update and requests the Planning Commission to conduct a Community Plan Update public workshop. The purpose of the workshop is to seek public input and provide direction to staff on the issues outlined in this report.

**PROJECT DESCRIPTION:** As directed by the Board of Supervisors with the adoption of the FY 2010-2011 Budget, Planning Services Division staff initiated the process of updating the County's Community/General Plans within the Tahoe Basin. Since the Board's direction, staff has been collecting and organizing background materials, prepared a work program, and has begun public outreach for the Tahoe Basin Community Plan Update. The work program includes a policy and land use update of the Community Plans within the Tahoe Basin area of the County.

As part of the overall work program the Community Plan Update includes the preparation of five planning documents, including:

- An over-arching Tahoe Basin Community Plan policy document
- West Shore Plan Area Zoning/Design Standards and Guidelines

- Greater Tahoe City Plan Area Zoning/Design Standards and Guidelines
- North Tahoe West Plan Area Zoning/Design Standards and Guidelines
- North Tahoe East Plan Area Zoning/Design Standards and Guidelines

The Tahoe Basin Community Plan will be a single policy document which will contain broad-based planning policies applicable to the entirety of the Tahoe Basin area within Placer County. The remaining four planning documents will provide the zoning standards and design guidelines that will be specific to the four Plan Areas mapped within the Tahoe Basin area of Placer County. It is the Planning Services Division's intention that these four planning documents will be reflective of the individual community vision and character of each of the four Plan Areas.

**BACKGROUND:** The County currently maintains nine Community and General Plans within the Tahoe Basin, including: the West Shore Area General Plan, Tahoe City Area General Plan, Tahoe City Community Plan, Carnelian Bay Community Plan, Tahoe Vista Community Plan, North Tahoe Area General Plan, Kings Beach Community Plan, Kings Beach Industrial Community Plan, and North Stateline Community Plan. Most of the County's Community/General Plans within the Basin are joint planning documents, adopted by the County and the Tahoe Regional Planning Agency (TRPA) nearly 20 years ago.

Given the age of these documents, and because of TRPA's current efforts to update its Regional Plan (RPU) and the overall need for consistency between the Community/General Plans and the RPU, it is timely for the County to update its Tahoe Community/General Plans. In November 2010, County staff began drafting a Tahoe Basin Community Plan Update work program and began internal discussions regarding the Update process. Staff also began coordination and meetings with TRPA regarding how the Tahoe Basin Community Plan Update process relates to the RPU process. This proposed Community Plan Update process is building off TRPA's Pathway 2007 - Management Plan, whose vision is to "restore and enhance the unique natural and human environment of Tahoe while protecting Tahoe's famed water quality, protecting the public health, sustaining healthy ecosystems and supporting a vibrant economy for the benefit of present and future generations". Pathway 2007 (P7) was a coordinated process to update regional land-use plans in the basin.

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#### **PROGRESS TO DATE:**

##### Coordination with the TRPA

Since the initiation of the work program, staff has continued to coordinate with the TRPA on the Community Plan Update. TRPA's Regional Plan Update (RPU) was recently approved on December 12, 2012. Given the need for regulatory consistency between the RPU and the County's Community Plans, TRPA staff has been involved in the Community Plan Update public outreach process from the initiation of the work program. However, since the approval of the RPU, TRPA has indicated that they will now provide further support of the County's Community Plan Update by assigning a team of staff to assist the County, and by providing feedback on our efforts as they relate to the approved standards set forth in the RPU.

## Public Outreach

Since launching public outreach, the County has held eight Community Workshops to engage the Plan Area Teams in the Community Plan Update process. The purpose of Community Workshops is to facilitate Plan Area Team working group sessions, where each Team meets and breaks out into working group sessions geared at the development of each Plan Area's zoning/design guidelines and standards.

The focus Community Workshops have been geared at community visioning and addressing land uses and scale within the town and neighborhood commercial centers of each Plan Area. Attendance at the workshops has included Plan Area Team members and other members of the public, County staff, TRPA staff, Community Design Consultants, as well as representatives from the Tahoe Basin Partnership for Sustainable Communities.

All the teams have finalized their work on addressing land use and scale in the town and neighborhood centers, and Draft District Standards have been prepared that are intended to be reflective of each team's visioning to date (see Attachment A). The Draft District Standards have been prepared by community design consultants, Dyett and Bhatia, and serve as templates or working documents that will evolve as the County builds from them to prepare comprehensive plan documents for each team.

As a result of the Community Workshops and the team's working group sessions some common themes, community concerns and desired land use concepts have emerged from each team's visioning effort. They include the following:

- Desire to maintain small mountain town charm
- Maintaining/improving outdoor recreational destination focus
- Focus on multi-modal transportation and walk-ability
- Providing for mix of uses in neighborhood and town center communities
- Improving pedestrian & bike connections to recreational opportunities & between communities
- Planning for public gathering places within communities
- Preserving the natural resources
- Focus on economic sustainability & creating communities where residents can live, work, and play

Over the next few months the County will be moving into the next phase of the Community Plan Update which includes the preparation of draft planning documents. During this phase, staff will no longer be conducting regular Community Workshops; rather, staff will hold focused meetings as necessary with individual Plan Area Team working groups. After the preparation of draft planning documents, it is anticipated that Community Workshops will resume to provide further opportunity for community and team input.

In addition to the on-going Community Workshops, staff continues to hold Town Hall Meetings to further engage the public. The purpose of the Town Hall Meetings is to

provide reports on the progress of the Community Plan work program to the broad North Tahoe Community, to provide an opportunity for the public to comment on the County's work effort, and to address any concerns, questions or issues that may arise from the public regarding staff's planning efforts and the overall work program. The next Town Hall Meeting is scheduled for February 6, 2013, 6:00 P.M. at the Granlibakken Lodge in Tahoe City.

#### Draft Planning Documents

The land use and scale exercises conducted by the Plan Area Teams at the Community Workshops have been used to prepare each Plan Area Team's Draft District Standards. As noted above, the Draft District Standards are being reviewed by each Plan Area Team and serve as a template for staff to develop comprehensive zoning standards and design guidelines for each team area.

In addition to the Draft District Standards, staff has reviewed the existing Community/General Plan policy documents and prepared an existing policy matrix which has been reviewed by the Community Plan Update Technical Advisory Committee (TAC). The policy matrix contains existing Community/General Plan policies which have been incorporated into one matrix that will serve as a policy baseline to build upon.

Over the last year, staff has also gathered information and prepared a draft background report for the Community Plan policy document. The draft background report has been released to the TAC for review and feedback. Staff has been working to incorporate TAC comments and after a second TAC review of the document, staff anticipates public release the Draft Background Report. The existing policy matrix, along with the Draft Background Report will provide the foundation for the preparation of the Community Plan policy document. Staff is currently working on contracting with a consultant for the preparation of the Community Plan policy document. Accordingly, as the policy document take shape, it will also be released to the TAC and Community Plan Area Teams for review and feedback.

#### **DISCUSSION/ISSUES:**

##### Structuring of Community Plan and Mapping of Plan Areas

As directed by the Board, staff addressed the overall structure or formatting of the Tahoe Basin Community Plans as part of the Community Plan Update work program. As discussed above, the County currently maintains a total of nine Community/General Plans within the Basin. All of these documents include land use goals, policies, and objectives, as well as zoning, and development/design standards, which are largely contained within the same documents. In an effort to develop more cohesive, user-friendly documents, staff has explored a modified format for the Community Plans.

While the existing documents have served the County well over the past 20 years, staff concluded that there is an opportunity to streamline the County's documents and simplify the land use process in the Tahoe Basin. As part of the Tahoe Community Plan Update process, the County's nine Community/General Plans within the Tahoe Basin

are being consolidated to create one over-arching Community Plan policy document, with four sub-planning areas. TRPA has expressed concurrence with the approach to consolidate the Community Plans within the Tahoe Basin. TRPA agrees that the goals, objectives, and policies contained in Community Plan policy documents are broad in nature and would apply to all areas within the Tahoe Basin. Examples of over-arching, common issues to all areas of the Tahoe Basin include water quality, air quality, and transportation.

In addition to the over-arching policy document, the work program includes the development of four separate zoning ordinances for the four separate "Plan Areas". Staff arrived at the development of four "Plan Areas" because of the natural geographic conditions and distinctive communities that are present within County's Tahoe Basin Area. These areas include:

1. West Shore Plan Area (Sunnyside, Homewood, Tahoma)
2. Greater Tahoe City Plan Area (Tahoe City, Lake Forest, Dollar Point)
3. North Tahoe West Plan Area (Carnelian Bay, Tahoe Vista)
4. North Tahoe East Plan Area (Kings Beach, Stateline)

A Zoning Ordinance document will be prepared for each Plan Area and will function as the implementation tool for implementing the goals, objectives, and policies set forth in the over-arching "Tahoe Basin Community Plan". These four Plan Area documents will contain the re-classified zoning districts and will also include specific development and design standards and guidelines for each Plan Area.

The mapping of the four "Plan Areas" was one of the first steps of the Community Plan work program and staff's proposed delineation of the Plan Areas was presented to the Board with approval of the work program (Attachment A). While the Board concurred with staff's overall mapping approach, the delineation of the Plan Areas has been an on-going concern with some residents and Plan Area Team members.

Two areas of controversy related to the delineation of the Plan Areas and the boundary between the West Shore Plan Area and the Greater Tahoe City Plan Area, as well as the boundary between the North Tahoe West and North Tahoe East Plan Area. Currently, the Granlibakken lodge is located in the West Shore Plan Area and some residents believe that it should be part of the Greater Tahoe City Plan Area. In addition as currently delineated, the Safeway area in Kings Beach is located in the North Tahoe East Plan and some residents believe that because of the addresses in that area are considered Tahoe Vista they should be included in the North Tahoe West Plan Area.

As noted above, staff arrived at the boundaries of the Plan Areas because of the natural geographic conditions and distinctive communities that are present within County's Tahoe Basin Area. There were many factors that went into the mapping of these areas including census tracts, subdivisions and zip codes, existing land uses and roadway networks, PUD boundaries, and the natural geographic divisions between communities. Accordingly, staff maintains the opinion that the existing Plan Areas as delineated are

appropriate for the purposes of creating zoning districts and standards that will be reflective of the various communities that exist within the Tahoe Basin of Placer County.

#### Mixed Use in Existing Commercial Cores

A common theme that has come out of the Community Workshops and the Plan Area Team's visioning exercises has to do with providing for a mix of uses within the commercial cores of each of the Plan Areas. The teams have noted that allowing for mixed use development and in some cases mixed use residential development in the existing commercial cores, would provide more land use flexibility. The teams have expressed that mixed use development would help to revitalize the communities and create more vibrant town and neighborhood centers, where residents can live and work. Within the Town Centers of Kings Beach and Tahoe City however, the teams have expressed the desire to only allow mixed use development with residential where the primary focus is commercial and the residential use component is in combination with commercial uses.

The general concept of mixed use development is the use of a building, set of buildings, or neighborhoods for more than one purpose, typically combining residential and commercial uses. Mixed use development can exclude residential in some cases, where uses could include retail, office, institutional, and hotel development. Mixed use development that combines residential would generally include a mix of housing types, where residential and commercial uses are in close proximity, and typically include pedestrian-friendly core areas, multi-modal transportation networks, and community service facilities such as parks and gathering sites. Typical uses in mixed use development with residential would include retail, office, institutional, hotel development and a variety of residential uses including townhomes, condos, single-family units, apartments, etc. Mixed use development is a central smart growth principle and is an essential strategy for pedestrian-oriented development.

A mixed use development is defined by the American Planning Association as:

- The development of a tract of land or occupancy of a building or structure with two or more different uses such as, but not limited to, residential, office, retail, public or medical uses in a compact form.
- A project that integrates a variety of land uses including residential, office, commercial, service, and employment and can result in measurable reductions in traffic impacts.
- A proposed development that includes primary non-residential and primary residential uses on the same property.

The concept of allowing for mixed use development within the existing commercial centers is consistent with TRPA's approved RPU. With the approval of the RPU, TRPA is looking for concentrating development within the existing town and neighborhood

commercial centers as a way to limit automobile dependency and sprawl within the Basin. Accordingly, the RPU has set forth policies to encourage the transfer of development rights into existing town and neighborhood commercial centers.

Staff concurs with the mixed use development approach as a way to help revitalize the communities of North Lake Tahoe, and is working to incorporate the team's mixed use visioning into the reclassification of zoning districts within each Plan Area. Accordingly, staff has drafted preliminary zone district maps for each Plan Area that incorporates allowances for mixed use development (Attachment D). Staff continues to refine the preliminary zone maps and will continue to focus on developing zone districts that provide for existing uses and a mix of uses should the Planning Commission direct staff to do so. After further modification of the draft zone district maps, staff will return to the Planning Commission for further direction.

### Scale/Height Standards

In addition to addressing land use at the Community Workshops, the Plan Area Teams have also begun to address scale/height within the town and neighborhood centers of each Plan Area. The parameters of scale/height standards are set forth in TRPA's approved RPU and Code of Ordinances; however, through the local planning the County has the opportunity to further refine scale/height standards where desired.

Under TRPA's RPU Land Use Classification Map, Placer County has three "Town Center Overlay Districts" which include the commercial cores of Tahoe City, Kings Beach and North Stateline. Based upon the TRPA Code Chapter 13, any development within this "Town Center Overlay District" can be allowed a height of 56 feet and four stories subject to further criteria for development (Attachment B). As noted above, local or area plans (Community Plans) are able to further limit scale/height within these areas. In all other areas outside the TRPA RPU "Town Center Overlay District", scale/height standards are limited to 42 feet based upon further specific criteria for development (slope and site/building design, etc.), which is contained in TRPA Code Section 37.4 (Attachment C).

As part of the County's Community Workshop exercises each team has provided feedback to staff on their desired scale/heights for the commercial cores of each Plan Area. Most teams have addressed scale through allowed number of stories and each team has expressed common concern of limiting height on all lakeside development as a way to preserve and improve lake vistas or view sheds. The teams have worked to map out height within the commercial cores to identify their desired scale within their Plan Areas. Some team discussion and mapping of scale has resulted in bifurcated applications of height, where desired height or story allowances vary considerably from one site to the next. Staff has concern with this approach, given that it is difficult to develop clear, concise and consistent standards and therefore may cause confusion and may be challenging to implement.

Therefore, in order to provide for consistent application and implementation of height standards throughout each Plan Area, staff proposes the following:

- Town Centers (Tahoe City, Kings Beach and North Stateline)  
Allowed height – three stories lakeside of the highway and four stories mountainside of the highway; subject to the TRPA Code Chapter 13 and Section 37.4 (Attachment B & C).
- Commercial Cores Outside the Town Centers (Tahoma, Homewood, Sunnyside, Dollar Point, Lake Forest, Carnelian Bay, Tahoe Vista)  
Allowed height – two stories lakeside of the highway and three stories mountainside of the highway; subject to the TRPA Code of Ordinances Section 37.4 (Attachment C).
- Truckee River Corridor (North of 'Y' along Highway 89)  
Allowed height – three stories; subject to the TRPA Code of Ordinances Section 37.4 (Attachment C).

It is staff's opinion that the proposed approach noted above is largely consistent with and meets the overall spirit and intent of each team's community vision, while also conforming to the standards for scale and height set forth by TRPA. Furthermore, staff believes that the proposed approach is clear and concise, and will provide for consistent scale/height standard application and implementation as sites are developed or redeveloped in the Basin. In order to provide for height and building variations, and to limit a "wall-like" effect and preserve or improve lake views within the commercial cores, staff is developing further standards related to scale and building massing. Such standards will include building articulation and modulation as a way to provide variation in the built environment. TRPA staff has expressed support of this overall approach to address scale and height within each Plan Area. As staff further develops standards related to massing and scale the standards will be vetted through the Plan Area Teams and staff will return to the Planning Commission for further direction.

#### Tahoe City Commercial Core Vision Planning

As a result of the recent purchase of the Tahoe City golf course, a series of design workshops have been held, geared at creating a vision plan for the Tahoe City commercial core area. This effort, which is separate from the County's Community Plan Update process, has been sponsored by the Tahoe City Public Utility District and the North Lake Tahoe Resort Association, and funded by multiple stakeholders within the Tahoe City area. Staff has followed the visioning process by attending the design workshops.

At a September 27, 2012 design workshop for the Tahoe City visioning process, draft vision options were presented to the North Lake Tahoe community. The vision options resulted from stakeholder input and were created by community design consultants "DESIGNWORKSHOP Sustainable Community Advocates". The vision options include key design principles and future design renderings, including a "Visioning Options" plan map for the Tahoe City commercial core area (Attachment E).

In an effort to acknowledge the visioning effort and to ensure that the County takes this visioning into consideration when creating its own vision for the Tahoe City Plan Area, staff held a focused meeting with the County's Tahoe City Plan Area Team in November 2012. At that meeting, staff reported on the vision options plan for the commercial core area, and the County's Tahoe City Plan Area Team reviewed and discussed the visioning concepts and principles. The Team generally concurred with most of the vision concepts and principles discussed at the meeting; however they expressed an interest to further review the vision plan. Accordingly, staff will conduct additional meetings with the Team over the next few months. Generally the team concurred with the vision plan principles and felt they were consistent with their overall vision for the Tahoe City commercial core. To date, the Team's areas of concern with vision plan were related to the need to incorporate restoration of sensitive lands as a key concept and to maintain or improve lake access on lake-side parcels in the commercial core. As the Team finalizes their review of this visioning, staff will return to the Planning Commission for direction on whether or not to incorporate the vision plan's concepts or principles into the County's Community Plan Update for the Tahoe City commercial core area.

#### **NEXT STEPS:**

As previously noted, staff has worked with consultants Dyett and Bhatia to prepare Draft District Standards for each Plan Area. The Draft District Standards are working preliminary documents, intended to be reflective of each team's vision and intended to be consistent with the TRPA RPU and Code of Ordinances. The preliminary standards are concentrated on the commercial cores, given the complexity of land uses within those areas. However, the preliminary standards serve as a template for staff to build from. Over the next months staff will be working to expand the standards to encompass all areas within each Plan Area boundary, including the rural and residential landscape.

The overall intent of the Draft District Standards is to narrowly set development and design standards and limit land use entitlement requirements (requirements for use permits or other discretionary review). Development and design standards will be created tightly in order to provide clear expectations of what is required and also to provide certainty of the developed or built environment. It is staff's opinion that this approach will remove or lesson barriers that are associated with land use permitting, thereby fostering redevelopment and revitalization of the Lake Tahoe communities in Placer County.

Over the next few months, staff will hold focused Plan Area Team meetings where necessary as staff continues the preparation of each team's comprehensive zoning/design standards and guidelines. In addition, staff will continue to work with TRPA on the Community Plan Update to ensure conformance with the RPU and Code of Ordinances, and will also continue to meet with the TAC on the preparation of the Community Plan policy document and the draft zoning/design standards and guidelines as those planning documents take shape.

Staff will also be holding a Town Hall Meeting on February 6, 2013 to update the North Tahoe community on the status of the Community Plan and to provide an opportunity for the public to comment and offer feedback on the process.

In addition, staff will continue to update the TRPA and the NTRAC on the status of the Community Plan work program. Staff will also continue to provide updates on the progress of the Tahoe Basin Community Plan Update at the Board's quarterly Tahoe Board hearings. The next Tahoe Board hearing will be held on January 22, 2013.

**RECOMMENDATION:**

No formal action is necessary at this time as this report is intended to provide an overview and status of the Community Plan Update and generate discussion, feedback and direction from the Planning Commission regarding the issues discussed in this report. Staff will continue to move forward on the Community Plan Update and will return to the Planning Commission to further report on the status, and to hold workshops as necessary.

Respectfully submitted,



Crystal Jacobsen, Supervising Planner

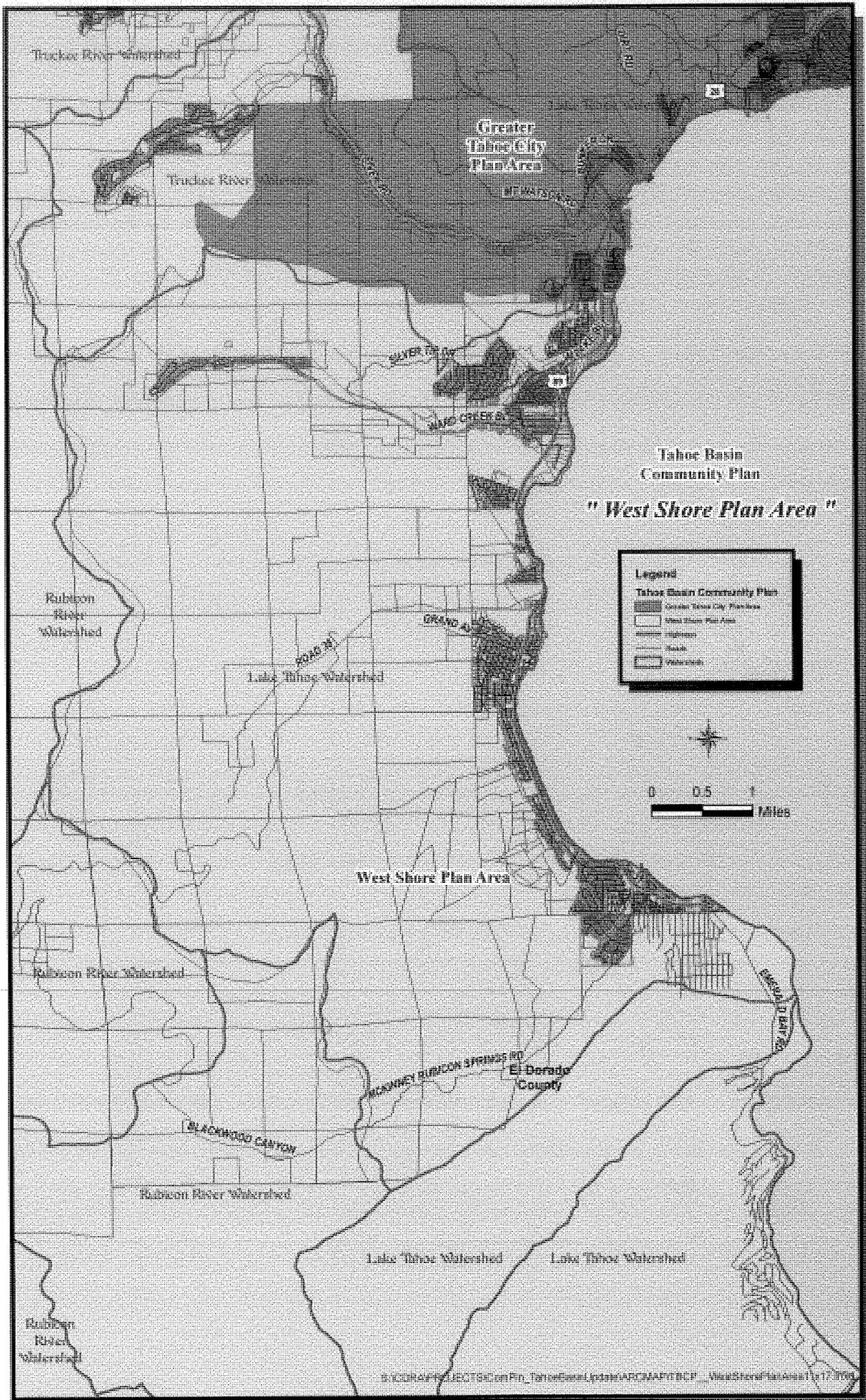
**ATTACHMENTS:**

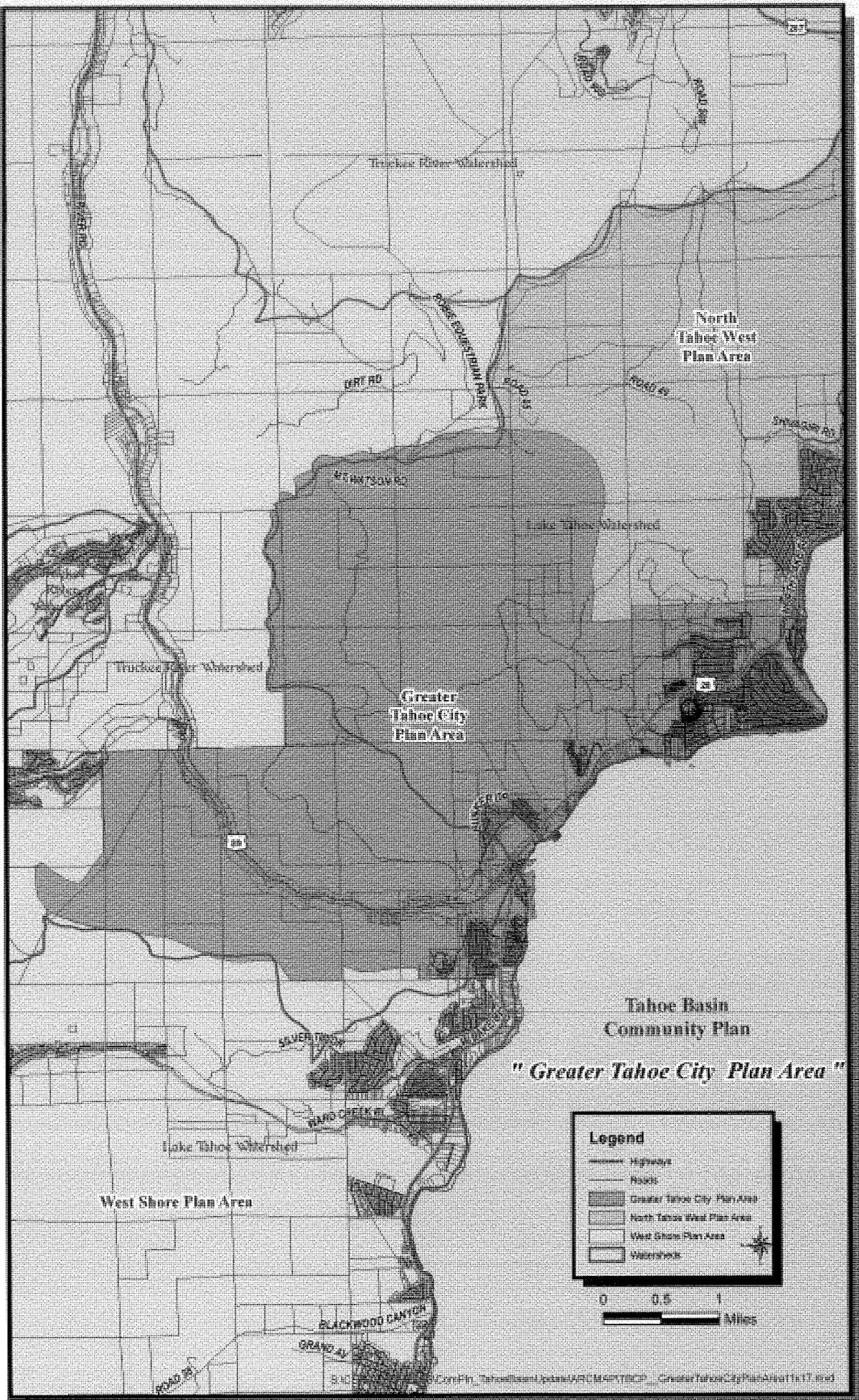
- Attachment A – Maps of Plan Areas Within Community Plan Boundary
- Attachment B – TRPA Code Chapter 13 (Area Plan Conformance)
- Attachment C – TRPA Code of Ordinances Section 37.4 (Scale & Height Standards)
- Attachment D – Preliminary Draft Zone District Maps for Commercial Cores
- Attachment E – Tahoe City Commercial Core Vision Plan Map
- Attachment F – Correspondence Received To Date

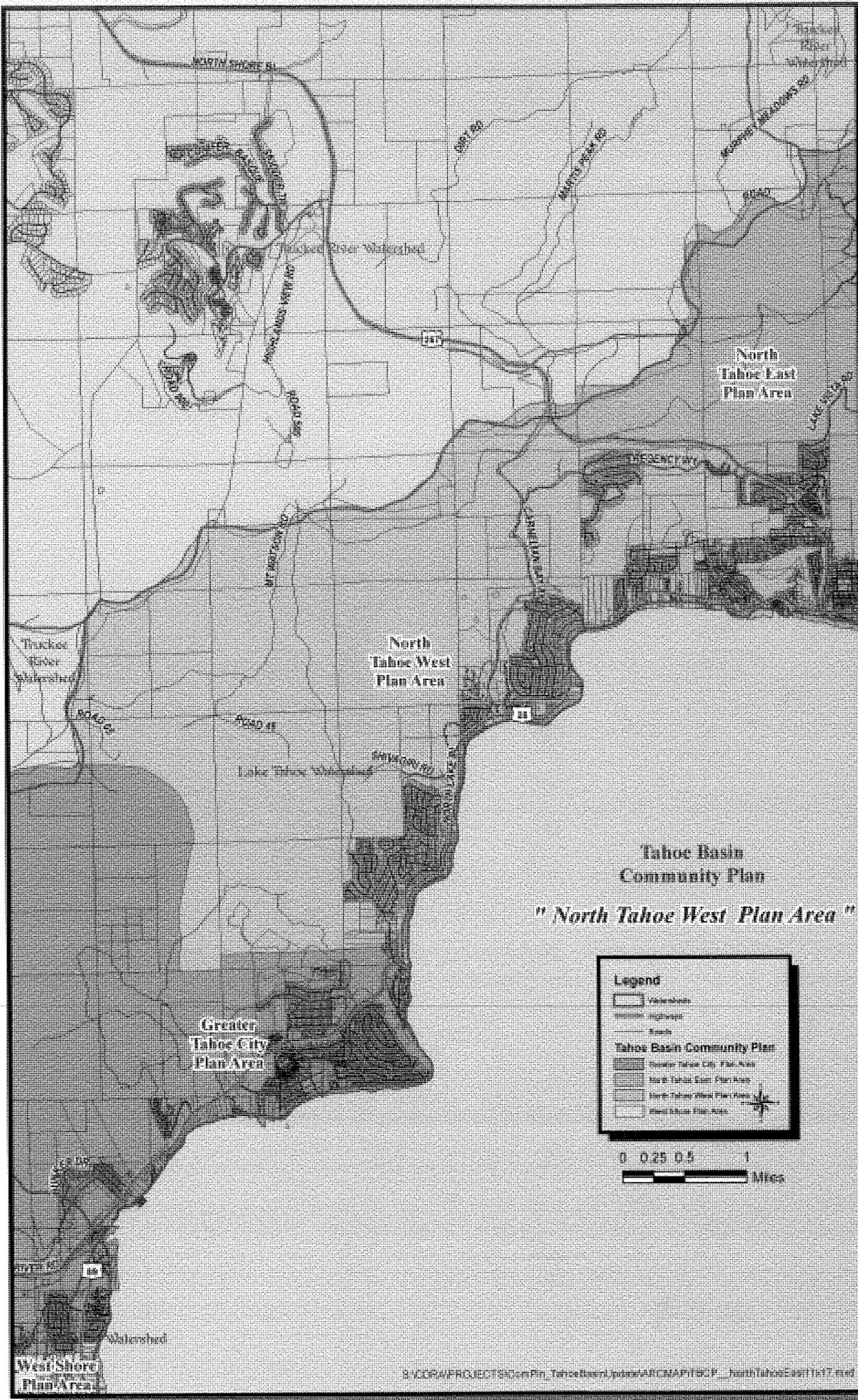
- cc: Rebecca Taber - Engineering and Surveying Division  
Environmental Health Services  
Air Pollution Control District  
Andy Fisher - Parks Department  
Karin Schwab – County Counsel  
Michael Johnson - CDRA Director  
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Allen Bruech – Planning Services  
Edmund Sullivan – Planning Services  
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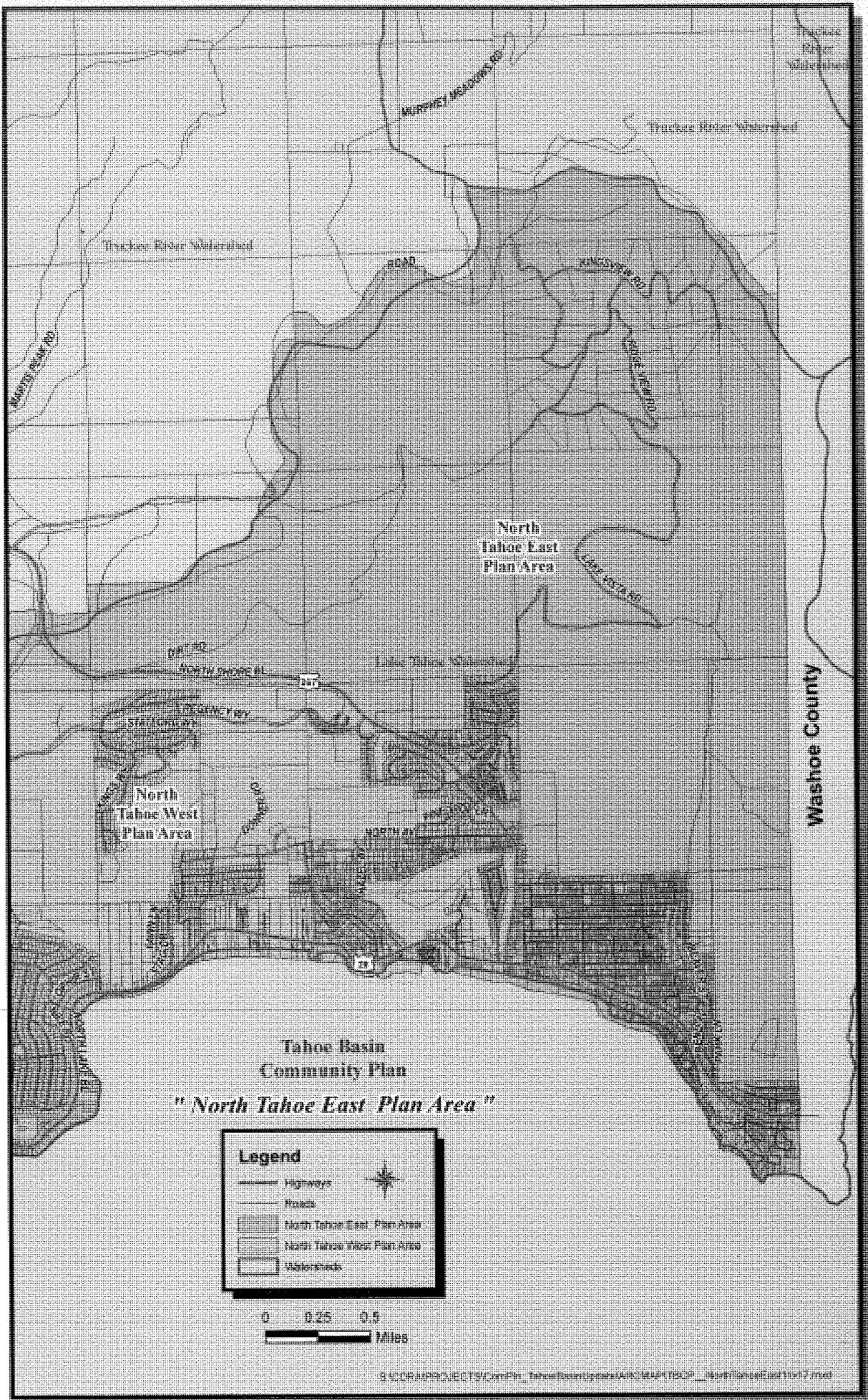
Subject/chrono files











Tahoe Basin  
Community Plan  
"North Tahoe East Plan Area"

**Legend**

- Highways
- Roads
- North Tahoe East Plan Area
- North Tahoe West Plan Area
- Watersheds



## CHAPTER 13: AREA PLANS

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### 13.1. PURPOSE

- 13.1.1. In order to be responsive to the unique circumstances of communities of the region, the Agency finds that there is a mutually beneficial need to provide local, state, federal, and tribal governments with the option to prepare Area Plans, provided such Area Plans conform with and further the goals and policies of the Regional Plan.
- 13.1.2. This chapter defines the required content of Area Plans and establishes that Area Plans may be approved by TRPA if they contain policies and development ordinances that are consistent with and further the goals and policies of the Regional Plan. The development of Area Plans is intended to support the update and consolidation of planning documents in the region.
- 13.1.3. This chapter also establishes a conformity program that enables the Agency to transfer limited development permitting authority to local governments with Conforming Area Plans. Furthermore, this conformity process defines which development activities will not have a substantial effect on the natural resources in the region and may be delegated from TRPA review and approval, subject to appeal provisions. This program will enable TRPA to focus its resources on projects of regional concern, while still maintaining an active and effective oversight role in the implementation of all Area Plans to ensure that Area Plans and activities governed by Area Plans maintain conformity with the Regional Plan.

### 13.2. APPLICABILITY

All local governments in the region may prepare Area Plans pursuant to this chapter. This includes Carson City, Douglas, El Dorado, Placer, and Washoe counties, and the City of South Lake Tahoe. Any city located in the region that incorporates after the adoption of this Code may also prepare Area Plans pursuant to this chapter. TRPA and state, federal, and tribal governments in the region may prepare Area Plans pursuant to this chapter. Quasi-governmental entities, such as service or utility districts, may not prepare Area Plans pursuant to this chapter.

### 13.3. RELATIONSHIP TO EXISTING REGULATIONS

- 13.3.1. All plans, policies, and regulations in the Regional Plan and this Code shall remain in effect unless superseded by the provisions of an Area Plan. The extent and nature of the superseded requirements of the TRPA Code shall be identified in the Area Plan.
- 13.3.2. No Area Plan may limit TRPA's responsibility to enforce the Compact and to ensure that approved Area Plans are maintained in full compliance with the Regional Plan.
- 13.3.3. A Conforming Area Plan shall be considered a component of the Regional Plan.

## **13.4. DEVELOPMENT OF AREA PLANS**

### **13.4.1. Development of Area Plan is Optional**

A government may adopt an Area Plan with plans and development ordinances that supersede TRPA plans and ordinances if the Area Plan is found to be in conformance with the Regional Plan, in accordance with the requirements of this chapter. A government may adopt an Area Plan that applies to only a portion of the land area within its jurisdiction. Jurisdictions that do not adopt an Area Plan shall continue to be subject to all plans, policies, and regulations in the Regional Plan and this Code.

### **13.4.2. Initial Statements of Intent to Develop an Area Plan**

All local, state, federal, and tribal governments in the region shall provide TRPA written statements indicating their intent to prepare Area Plans and their anticipated schedule for completion of Area Plans. For TRPA planning purposes, initial statements of intent shall be provided to TRPA no later than December 31, 2013. This shall not preclude the earlier or subsequent development of additional or modified Area Plans, pursuant to this chapter. The TRPA Governing Board shall review the initial statements of intent and develop an action plan for incorporation into the annual TRPA work program by April 30, 2014. The action plan may include the replacement of plan area statements, community plans, and other plans with TRPA-approved Area Plans for properties that other governments do not include in their Area Plans.

## **13.5. CONTENTS OF AREA PLANS**

### **13.5.1. General**

An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA's Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subsection 13.6.5.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.

### **13.5.2. Relationship to Other Sections of the Code**

This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans.

### **13.5.3. Development and Community Design Standards for Area Plans**

#### **A. Minimum Development Standards**

Area Plans shall have development standards that are consistent with those in the table below.

**CHAPTER 13: AREA PLANS**  
 13.5 Contents of Area Plans  
 13.5.3 Development and Community Design Standards for Area Plans

<b>TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS</b>											
Regional Land Use Districts	Wilderness	Backcountry	Conservation	Recreation	Resort Recreation	Residential	Mixed-Use	Tourist	Town Center Overlay	Regional Center Overlay	High-Density Tourist District Overlay
Height [3]	N/A	Sec. 37.4						Up to 4 stories (56 ft) max. [1]	Up to 6 stories (95 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]										
Complete Streets	Sec. 36.5							[4]			

[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.  
 [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.  
 [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.  
 [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.

**B. Alternative Development Standards and Guidelines Authorized in Area Plans**

**1. Alternative Comprehensive Coverage Management Systems**

An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in Sections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system; 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2; and 3) not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone). For

purposes of this provision, "total" coverage is the greater of existing or allowed coverage.

**Alternative Comprehensive Management System: Process for Establishing Maximum Coverage**

**Step 1 – Document coverage information for each parcel in the coverage management area.**

- A. Document base allowable land coverage (Sec. 30.4.1).
- B. Document maximum allowable land coverage (Sec. 30.4.2).
- C. Document TRPA verified existing land coverage (Sec. 30.3).
- D. Document total allowable land coverage — greater of B or C.
- E. If a parcel contains Land Capability District 1 or 2, calculate A–D separately for each LCD.

**Step 2 – Calculate base allowable coverage and total allowable coverage for the management area.**

- A. Calculate base allowable land coverage for management area (total of answer 1A for all parcels).
- B. Calculate base allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1A for districts 1 & 2).
- C. Calculate total allowable land coverage for management area (total of answer 1D for all parcels).
- D. Calculate total allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1D for districts 1 & 2).

**Step 3 – Demonstrate that coverage limitations for the management area are consistent with Code requirements (Sec. 13.5.3.B.1).**

- A. Base allowable land coverage for the management area shall not exceed answer 2A.
- B. Base allowable land coverage for Land Capability Districts 1 and 2 shall not exceed answer 2B.
- C. Total allowable land coverage for the management area shall be less than answer 2C.
- D. Total allowable land coverage for Land Capability Districts 1 and 2 shall be less than answer 2D.
- E. Total allowable land coverage shall not exceed 70%.
- F. Total allowable land coverage shall not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone).

**Final Requirement:** Coverage Management System shall comply with items A-F.

**2. Alternative Parking Strategies**

Shared or area-wide parking strategies are encouraged in Area Plans to reduce land coverage and make more efficient use of land for parking and pedestrian uses. Shared parking strategies may consider and include the following:

- a. Reduction or relaxation of minimum parking standards;
- b. Creation of maximum parking standards;
- c. Shared parking;
- d. In-lieu payment to meet parking requirements;

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### 13.5 Contents of Area Plans

#### 13.5.3 Development and Community Design Standards for Area Plans

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- e. On-street parking;
- f. Parking along major regional travel routes;
- g. Creation of bicycle parking standards;
- h. Free or discounted transit;
- i. Deeply discounted transit passes for community residents; and
- j. Paid parking management.

#### 3. **Area-wide Water Quality Treatments and Funding Mechanisms**

An Area Plan may propose to establish area-wide water quality treatments and funding mechanisms in lieu of certain site-specific BMPs, subject to the following requirements:

- a. Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits than certain site-specific BMPs. For registered catchments, the water quality benefits of area-wide BMPs shall comply with applicable TMDL requirements. BMPs for unregistered catchments shall be shown to infiltrate the 20 year one hour storm (or address requirements in Code Section 60.4.8 (Special Circumstances));
- b. Plans should be developed in coordination with TRPA and applicable state agencies, consistent with applicable TMDL requirements;
- c. Area-wide BMP project areas shall be identified in Area Plans and shall address both installation and ongoing maintenance;
- d. Strong consideration shall be given to areas connected to surface waters;
- e. Area-wide BMP plans shall consider area-wide and parcel-level BMP requirements as an integrated system; and
- f. Consideration shall be given to properties that have already installed and maintained parcel-level BMPs, and financing components of area-wide BMP plans shall reflect prior BMP installation in terms of the charges levied against projects that already complied with BMP requirements with systems that are in place and operational in accordance with applicable BMP standards.
- g. Area-wide BMP Plans shall require that BMPs be installed concurrent with development activities. Prior to construction of area-wide treatment facilities, development projects shall either install parcel-level BMPs or construct area-wide improvements that provide equal or greater water quality benefits than parcel level BMPs.

#### 4. **Alternative Transfer Ratios for Development Rights**

Within a Stream Restoration Plan Area as depicted in Map 1 in the Regional Plan, an Area Plan may propose to establish alternative transfer ratios for development rights based on unique conditions in each jurisdiction, as long as the alternative transfer ratios are determined to generate equal or greater environmental gain compared

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13.5.3 Development and Community Design Standards for Area Plans

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to the TRPA transfer ratios set forth in Chapter 51: *Transfer of Development*.

**C. Development Standards and Guidelines Encouraged in Area Plans**

**1. Urban Bear Strategy**

In Area Plans, lead agencies are encouraged to develop and enforce urban bear strategies to address the use of bear-resistant solid waste facilities and related matters.

**2. Urban Forestry**

In Area Plans, lead agencies are encouraged to develop and enforce urban forestry strategies that seeks to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.

**3. Development on Resort Recreation Parcels**

In addition to recreation uses, an Area Plan may allow the development and subdivision of tourist, commercial, and residential uses on the Resort Recreation District parcels depicted on Map 1 of the Regional Plan and subject to the following conditions:

- a. The parcels must become part of an approved Area Plan;
- b. Subdivisions shall be limited to "air space condominium" divisions with no lot and block subdivisions allowed;
- c. Development shall be transferred from outside the area designated as Resort Recreation; and
- d. Transfers shall result in the retirement of existing development.

**D. Community Design Standards**

To be found in conformance with the Regional Plan, Area Plans shall require that all projects comply with the design standards in this subsection. Area Plans may also include additional or substitute requirements not listed below that promote threshold attainment.

**1. Site Design**

**a. Development in All Areas**

All new development shall consider, at minimum, the following site design standards:

- (i) Existing natural features retained and incorporated into the site design;
- (ii) Building placement and design that are compatible with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy;
- (iii) Site planning that includes a drainage, infiltration, and grading plan meeting water quality standards; and
- (iv) Access, parking, and circulation that are logical, safe, and meet the requirements of the transportation element.

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13.5.3 Development and Community Design Standards for Area Plans

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**b. Development in Regional Center or Town Center**

In addition to the standards in 13.5.3.D.1.a, development in a Regional Center or Town Center shall address the following design standards:

- (i) Existing or planned pedestrian and bicycle facilities shall connect properties within Centers to transit stops and the Regional Bicycle and Pedestrian network.
- (ii) Area Plans shall encourage the protection of views of Lake Tahoe.
- (iii) Building height and density should be varied with some buildings smaller and less dense than others.
- (iv) Site and building designs within Centers shall promote pedestrian activity and provide enhanced design features along public roadways. Enhanced design features to be considered include increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways.
- (v) Area Plans shall include strategies for protecting undisturbed sensitive lands and, where feasible, establish park or open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside of Centers.

**2. Building Height**

- a. Area Plans may allow building heights up to the maximum limits in Table 13.5.3-1 above.
- b. Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.
- c. Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

**3. Building Design**

Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:

- a. Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.
- b. The scale of structures should be compatible with existing and planned land uses in the area.
- c. Viewsheds should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.
- d. Area Plans shall include design standards for building design and form. Within Centers, building design and form standards shall promote pedestrian activity.

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13.5.3 Development and Community Design Standards for Area Plans

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**4. Landscaping**

The following should be considered with respect to this design component of a project:

- a. Native vegetation should be utilized whenever possible, consistent with Fire Defensible Space Requirements.
- b. Vegetation should be used to screen parking, alleviate long strips of parking space, and accommodate stormwater runoff where feasible.
- c. Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.

**5. Lighting**

Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:

- a. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.
- b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.
- c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.
- d. Lights should not blink, flash, or change intensity except for temporary public safety signs.

**6. Signing**

a. Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan shall demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe region.

b. In the absence of a Conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:

- (i) Off-premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated;
- (ii) Signs should be incorporated into building design;
- (iii) When possible, signs should be consolidated into clusters to avoid clutter;
- (iv) Signage should be attached to buildings when possible; and
- (v) Standards for number, size, height, lighting, square footage, and similar characteristics for on-premise signs shall be formulated

and shall be consistent with the land uses permitted in each district.

**E. Modification to Centers (Town Center, Regional Center and High Density Tourist District Boundary)**

When Area Plans propose modifications to the boundaries of a Center, the modification shall comply with the following:

1. Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel shall be considered developed if it includes any of the following: 30 percent or more of allowed coverage already existing on site or an approved but unbuilt project that proposes to meet this coverage standard.
2. Properties included in a Center shall be less than 1/4 mile from existing Commercial and Public Service uses.
3. Properties included in a Center shall encourage and facilitate the use of existing or planned transit stops and transit systems.

**13.6. CONFORMITY REVIEW PROCEDURES FOR AREA PLANS**

**13.6.1. Initiation of Area Planning Process by Lead Agency**

The development of an Area Plan shall be initiated by a designated lead agency. The lead agency may be TRPA or a local, state, federal, or tribal government. There may be only one lead agency for each Area Plan.

**13.6.2. Initial Approval of Area Plan by Lead Agency**

**A. When TRPA is Not the Lead Agency**

If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA's review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.

**B. When TRPA is the Lead Agency**

If the lead agency is TRPA, the Area Plan shall require conformity approval under this section by TRPA only. No approval by any other government, such as a local government, shall be required.

**13.6.3. Review by Advisory Planning Commission**

The TRPA Advisory Planning Commission shall review the proposed Area Plan and make recommendations to the TRPA Governing Board. The commission shall obtain and consider the recommendations and comments of the local government(s) and other responsible public agencies, as applicable.

**13.6.4. Approval of Area Plan by TRPA**

For Area Plans initiated and approved by a lead agency other than TRPA, the Area Plan shall be submitted to and reviewed by the TRPA Governing Board at a public hearing. Public comment shall be limited to issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board. The TRPA Governing Board shall make a finding that the Area Plan, including all zoning and development Codes that are part of the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan. This finding shall be referred to as a finding of conformance and shall be subject to the same voting requirements as approval of a Regional Plan amendment.

**13.6.5. Findings of Conformance with the Regional Plan**

In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and Code set forth in Sections 4.5 and 4.6, and also the following specific review standards:

**A. General Review Standards for All Area Plans**

The submitted Area Plan shall:

1. Identify all zoning designations, allowed land uses, and development standards throughout the plan area;
2. Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;
3. Demonstrate how the Area Plan is consistent with the Conceptual Regional Land Use Map, including any amendments to the Conceptual Regional Land Use Map that are proposed to be part of the Area Plan in order to more effectively implement the Regional Plan Policies and provide Threshold gain;
4. Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide Threshold gain;
5. Promote environmentally beneficial redevelopment and revitalization within Centers;
6. Preserve the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas;
7. Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in Disturbed Stream Environment zones within Centers only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone; and

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13.6 Conformity Review Procedures for Area Plans  
13.6.5 Findings of Conformance with the Regional Plan

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8. Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

**B. TRPA Utilization of Load Reduction Plans**

TRPA shall utilize the load reduction plans for all registered catchments or TRPA default standards when there are no registered catchments, in the conformance review of Area Plans.

**C. Additional Review Standards for Area Plans with Town Centers or Regional Center**

In addition to the requirements of subparagraphs A and B above, submitted Area Plans that contain Town Centers or the Regional Center shall include policies, ordinances, and other implementation measures to:

1. Include building and site design standards that reflect the unique character of each area, respond to local design issues, and consider ridgeline and viewshed protection;
2. Promote walking, bicycling, transit use, and shared parking in Town Centers and the Regional Center, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within Town Centers and the Regional Center, and to other major activity centers;
3. Use standards within Town Centers or the Regional Center addressing the form of development and requiring that projects promote pedestrian activity and transit use;
4. Ensure adequate capacity for redevelopment and transfers of development rights into Town Centers and the Regional Center;
5. Identify an integrated community strategy for coverage reduction and enhanced stormwater management; and
6. Demonstrate that all development activity within Town Centers and the Regional Center will provide for or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

**D. Additional Review Standards for Area Plans within the High-Density Tourist District**

In addition to the requirements of subparagraphs A, B, and C above, submitted Area Plans that contain the High-Density Tourist District shall include policies, ordinances, and other implementation measures to:

1. Include building and site design standards that substantially enhance the appearance of existing buildings in the High-Density Tourist District;
2. Provide pedestrian, bicycle and transit facilities connecting the High-Density Tourist District with other regional attractions; and
3. Demonstrate that all development activity within the High-Density Tourist District will provide for or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

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### 13.7 Procedures for Adoption of Memorandum of Understanding 13.6.6 Conformity Review for Amendments to Area Plans

If necessary to achieve Threshold gain, off-site improvements may be additionally required.

#### **13.6.6. Conformity Review for Amendments to Area Plans**

Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board's review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan.

#### **13.6.7. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan**

- A. TRPA shall provide lead agencies with reasonable notice of pending amendments that may affect Area Plans. TRPA also shall provide lead agencies with notice of Area Plan topics that may require amendment following adopted Regional Plan amendments pursuant to this section.
- B. If TRPA approves an amendment to the Regional Plan that would also require amendment of an Area Plan to maintain conformity, the lead agency shall be given one year to amend the Area Plan to demonstrate conformity with the TRPA amendment. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the Governing Board's review shall be limited to determining the conformity of only those amendments made by the lead agency to conform to the TRPA amendment. If the Governing Board finds that the other government fails to demonstrate conformity with the TRPA amendment following the one-year deadline, then the Board shall identify the policies and/or zoning provisions in the Area Plan that are inconsistent and assume lead agency authority to amend those policies and provisions.

#### **13.6.8. Effect of Finding of Conformance of Area Plan**

By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.

## **13.7. PROCEDURES FOR ADOPTION OF MEMORANDUM OF UNDERSTANDING**

#### **13.7.1. Memorandum of Understanding (MOU) Required**

After TRPA finds that an Area Plan is in conformance with the Regional Plan, TRPA and the lead agency shall enter into a Memorandum of Understanding (MOU) that clearly specifies the extent to which the activities within the Area Plan are delegated or

**CHAPTER 13: AREA PLANS**

13.7 Procedures for Adoption of Memorandum of Understanding

13.7.2 Contents of MOU

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exempt from TRPA review and approval, and describes all procedures and responsibilities to ensure effective implementation of the Area Plan. Concurrent review of the Area Plan and the MOU is encouraged.

**13.7.2. Contents of MOU**

An MOU for an Area Plan shall contain, at minimum, the following elements:

- A.** A comprehensive statement of the type and size of all activities within the Area Plan that are delegated or exempt from TRPA review and approval;
- B.** A clear statement defining the projects over which TRPA will retain development review responsibility;
- C.** An agreement to make all findings required by the Compact, Regional Plan, Area Plan and Code for project approval and inclusion of special conditions not inconsistent with the Area Plan;
- D.** Identification of the types of proposed activities for which TRPA will receive notification pursuant to subsection 13.8.1;
- E.** Identification of the type and extent of procedures the lead agency government will use to notify TRPA of proposed local development activities and include TRPA in development review proceedings;
- F.** A description of how the Area Plan will be modified to reflect amendments by TRPA to the Regional Plan, as well as assurances to enforce and maintain conformance with the Regional Plan amendments prior to amendment of the Area Plan;
- G.** Statement of how the MOU for the Area Plan will relate to any existing MOUs that the lead agency government has with TRPA; and
- H.** If necessary, additional clarification of any requirements of this chapter, provided that all such clarifications are consistent with the intent and substance of this chapter and the Regional Plan.

**13.7.3. Activities Requiring TRPA Approval**

- A.** Projects and matters that meet one of the following criteria and that are also identified in Section 2.2.2 as requiring approval by the Governing Board or Hearings Officer shall not be delegated by TRPA under this chapter:
  - 1.** All development within the High-Density Tourist District;
  - 2.** All development within the Shorezone of Lake Tahoe;
  - 3.** All development within the Conservation District;
  - 4.** All development within the Resort Recreation designation and
  - 5.** All development meeting the criteria in the following table:

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13.8 Monitoring, Certification, and Enforcement of Area Plan

13.7.4 Concurrent Review of Area Plan and MOU

**TABLE 13.7.3 -1: THRESHOLDS FOR GOVERNING BOARD REVIEW OF PROJECTS IN CENTERS**  
(All measurements are new building floor area.)

	<b>Regional Center</b>	<b>Town Center</b>	<b>Not in Center</b>
<b>Residential</b>	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.	≥ 25,000 sq. ft.
<b>Non-residential</b>	≥ 80,000 sq. ft.	≥ 40,000 sq. ft.	≥ 12,500 sq. ft.

B. The limits on delegation in Table 13.7.3-1 may be increased or decreased by the TRPA Governing Board. The levels of delegation may be increased or decreased based on the lead agency’s ongoing monitoring, reporting, and performance review, whether the lead agency’s actions on projects are consistent with the Area Plan, and whether the Area Plan’s terms and conditions are met.

**13.7.4. Concurrent Review of Area Plan and MOU**

By agreement between TRPA and the lead agency, the Area Plan and associated MOU may be reviewed concurrently at a single meeting, or sequentially at separate meetings. In all cases, the Area Plan and the MOU shall receive separate votes from the Governing Board based on the applicable criteria in this chapter. In all cases, the Area Plan shall be approved first, followed by approval of the MOU. Activities that are delegated or exempt from TRPA review shall be prescribed by ordinance immediately following MOU approval.

**13.7.5. Deadline for MOU Approval and Suspension**

TRPA shall work with the lead agency and make a good-faith effort to finalize the MOU in a timely manner. An MOU between TRPA and the lead agency shall be completed within six months of the Governing Board’s finding of conformity of the Area Plan. Reasonable time extensions beyond six months may be approved by TRPA for good-faith cause. An approval of an Area Plan that does not receive MOU approval within the required six-month period, including any approved time extensions, shall be suspended and have no effect for purposes of this Code. Suspended Area Plans may be resubmitted for approval by administrative action if the Area Plan has not been amended since Governing Board approval.

**13.8. MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN**

**13.8.1. Notification to TRPA of Proposed Activities Requiring Public Notification in Area Plans**

Lead agencies with approved Area Plans shall send to TRPA notice of all proposed activities that require public notification as specified in the MOU, and all applications to amend a policy or ordinance that is part of the Area Plan. The notice shall be sent pursuant to local notification procedures; however, in all cases the notice shall be sent no less than 10 days prior to the hearing in order to provide TRPA with adequate time to review and comment, if desired, on the project.

**13.8.2. Monitoring**

On at least a quarterly basis, lead agencies with approved Area Plans shall send to TRPA copies of all building permits issued in the Area Plan. At minimum, such building

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13.8 Monitoring, Certification, and Enforcement of Area Plan

13.8.3 Annual Review

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permits shall contain and make clear the necessary development information that TRPA needs to measure compliance with the terms of the Area Plan, such as additional land coverage, commercial floor area, residential units, or tourist accommodation units (TAUs). In addition, TMDL regulatory agencies shall, through the TMDL adaptive management system, provide TRPA annual progress reports and analysis, copies of all MOAs and NPDES permits, and notifications of all breaches or violations of MOAs and NPDES permits.

**13.8.3. Annual Review**

TRPA shall annually select and review a sample of development permits issued within each Area Plan area in order to certify that the permits are issued in conformance with the Area Plan. The scope of this review is limited to determining the conformity of the sample developments to the Area Plan and shall not include a reconsideration of the conformity of the Area Plan to the Regional Plan. If TRPA determines that certain local development permits were issued in apparent conflict with the Area Plan, it shall notify the lead agency in writing of all specific discrepancies, including recommendations for remedying the discrepancies. The lead agency shall have thirty days to provide comments and suggest corrective actions, if necessary. After review of the comments, if any, from the lead agency, TRPA shall follow one of the procedures below.

**13.8.4. Effect of Annual Review; Annual Report**

**A. Certification**

If, based on its review of sample permits, including any responses and remedies already implemented by the lead agency, the Governing Board determines that development has been permitted in conformance with the Area Plan, then it shall certify that the permits are being issued in conformance with the Area Plan.

**B. Certification Conditionally Granted**

In response to TRPA comments in the annual review, the lead agency may identify corrective actions that are necessary to ensure that permits are being issued in conformance with the Area Plan. The lead agency shall have a maximum of six months to complete the identified corrective actions and provide a written response to TRPA. If TRPA determines that the lead agency has either failed to respond or has failed to respond adequately to the issues identified in the annual review, then TRPA shall take action pursuant to subparagraph C below.

**C. Revocation of Part or All of MOU**

If the Governing Board determines that development is not being permitted in conformance with an Area Plan, the Board shall revoke all or part of the implementation authority transferred to the lead agency government in the MOU and related ordinances. After this revocation, TRPA shall assume primary permitting responsibility for the activities related to the revoked items in the MOU.

**13.8.5. Four-Year Recertification**

As part of each four-year evaluation of the Regional Plan under Goals and Policies DP-2.1, TRPA shall review the conformance of each Area Plan with the load reduction plan

for registered catchments, or TRPA default standards when there are no registered catchments. TRPA shall use catchment data and all reports to inform the four-year Area Plan recertification.

## **13.9. APPEALS**

### **13.9.1. Purpose**

The intent of the appeal process is to provide a mechanism for projects delegated to lead agencies to be brought before the TRPA Governing Board consistent with requirements of the Compact, eliminate frivolous appeals, deter appellants "laying in wait" by encouraging early and consistent engagement, increase procedural certainty and timeliness irrespective of outcomes, and to minimize project-by-project negotiation before the Governing Board.

### **13.9.2. Appeal Allowed**

Final decisions on projects delegated to a lead agency may be appealed to the TRPA. An appeal may only be filed by an "aggrieved person" as defined in Article VI(j)(3) of the Compact. Decisions by the lead agency under independent local, state, or federal law are not the subject of this appeal process.

### **13.9.3. Basis of Appeal**

The basis for an appeal under this section shall be limited to whether the decision by a lead agency is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact.

### **13.9.4. Exhaustion Required**

Appellants who are subject to the exhaustion provision in Compact Article VI (j) (3) shall exhaust all administrative remedies provided by the lead agency prior to appealing a decision to TRPA.

### **13.9.5. Deadline**

An appellant shall file an appeal application to TRPA within 15 calendar days of the final lead agency decision.

### **13.9.6. Content of Appeal**

An application for appeal shall contain the following:

- A.** A clearly written statement explaining the grounds for appeal;
- B.** Documentation to support the appeal claim; and
- C.** Additional documentation may be provided by the applicant or lead agency to augment the record.

### **13.9.7. Fee**

The appellant shall pay a fee of \$1,000 to TRPA for each appeal. A lead agency's fee for its internal appeals of delegated decisions shall not exceed the TRPA fee for appeals.

**13.9.8. Stay of Lead Agency Decision**

Once an appeal application is received by TRPA, the project approved by the lead agency shall be stayed pending the final outcome of the appeal.

**13.9.9. Review of Appeal**

**A. Staff Recommendation and Hearing**

Within 60 days after receipt of an appeal, TRPA staff shall make a recommendation to the Governing Board on the merits of the appeal, including whether the appeal is frivolous as defined in subsections 13.9.2 through 13.9.4. The Governing Board shall consider the recommendation concerning whether the appeal is frivolous in determining whether to proceed to consider the merits of an appeal and if it hears the merits it shall consider the recommendation concerning the merits. A hearing on the appeal shall be scheduled for the first Governing Board meeting after issuance of the staff recommendation.

**B. Governing Board Action**

1. The voting structure for the Governing Board for appeal decisions shall be the same as project votes before the Governing Board as defined in the Compact.
2. The Governing Board may take action the first time the appeal is presented to the Board or, after hearing the appeal, continue the action to the next Governing Board meeting.
3. If no action is taken by the Governing Board at the initial meeting at which the appeal is presented, the Governing Board shall take action at the next Governing Board meeting.

**C. Standard of Review**

Appeal review and action by the Governing Board shall be limited to whether the decision by a lead agency is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact.

**13.9.10. Effect of Decision**

Appeals upheld by the Governing Board shall nullify the lead agency decision. If the project applicant desires to continue review of the application by the lead agency, they shall re-apply to the lead agency according to the same procedures required for the original application. The Governing Board may deny the appeal thereby affirming the lead agency's decision. The Governing Board may also modify a lead agency's decision on a project to make the decision consistent with the Area Plan. The Governing Board shall limit the use of its authority to modify lead agency decision's in order to minimize the filing of appeals to further negotiate permit conditions.

**37.4. HEIGHT STANDARDS FOR BUILDINGS**

**37.4.1. Maximum Heights for Buildings**

Outside of Centers and except as provided in Section 37.5, the maximum heights for buildings are set forth in the following table.

**TABLE 37.4.1-1: MAXIMUM HEIGHTS FOR BUILDINGS**

Percent Slope Retained Across Building Site	Roof Pitch										
	0:12	1:12	2:12	3:12	4:12	5:12	6:12	7:12	8:12	9:12	≥10:12
0	24'-0"	25'-2"	26'-5"	27'-7"	28'-9"	30'-0"	31'-2"	32'-5"	33'-7"	34'-9"	36'-0"
2	24'-6"	25'-8"	26'-11"	28'-1"	29'-3"	30'-6"	31'-8"	32'-11"	34'-1"	35'-3"	36'-6"
4	25'-0"	26'-2"	27'-5"	28'-7"	29'-9"	31'-0"	32'-2"	33'-5"	34'-7"	35'-9"	37'-0"
6	25'-6"	26'-8"	27'-11"	29'-1"	30'-3"	31'-6"	32'-8"	33'-11"	35'-1"	36'-3"	37'-6"
8	26'-0"	27'-2"	28'-5"	29'-7"	30'-9"	32'-0"	33'-2"	34'-5"	35'-7"	36'-9"	38'-0"
10	26'-6"	27'-8"	28'-11"	30'-1"	31'-3"	32'-6"	33'-8"	34'-11"	36'-1"	37'-3"	38'-6"
12	27'-0"	28'-2"	29'-5"	30'-7"	31'-9"	33'-0"	34'-2"	35'-5"	36'-7"	37'-9"	39'-0"
14	27'-6"	28'-8"	29'-11"	31'-1"	32'-3"	33'-6"	34'-8"	35'-11"	37'-1"	38'-3"	39'-6"
16	28'-0"	29'-2"	30'-5"	31'-7"	32'-9"	34'-0"	35'-2"	36'-5"	37'-7"	38'-9"	40'-0"
18	28'-6"	29'-8"	30'-11"	32'-1"	33'-3"	34'-6"	35'-8"	36'-11"	38'-1"	39'-3"	40'-6"
20	29'-0"	30'-2"	31'-5"	32'-7"	33'-9"	35'-0"	36'-2"	37'-5"	38'-7"	39'-9"	41'-0"
22	29'-6"	30'-8"	31'-11"	33'-1"	34'-3"	35'-6"	36'-8"	37'-11"	39'-1"	40'-3"	41'-6"
≥24	30'-0"	31'-2"	32'-5"	33'-7"	34'-9"	36'-0"	37'-2"	38'-5"	39'-7"	40'-9"	42'-0"

Note: Cells shaded in grey are considered "additional height" and subject to additional approval criteria in Sec. 37.4 through 37.7.

**Example: Calculation of Height from Table 37.4.1-1**

A house with:

Percent slope retained across building site (subsection 37.3.3) = 16%, and  
 Proposed roof pitch = 10:12.

Can have a maximum height = 40'

**37.4.2. Maximum Height for Buildings on Slopes**

For a building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the maximum height shall be determined as follows:

- A. For purposes of measuring height, the building may be divided into up to three distinct, attached segments (e.g., steps or terraces);
- B. Each segment of the building shall comply with the base maximum height permitted by Table 37.4.1-1, except that the ground floor segment shall not exceed 28 feet in height, including any additional height approved under Section 37.5, as measured from the lowest point of natural grade of each segment; and
- C. The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments:

**37.4.3. Exceptions**

Notwithstanding the maximum height limits in subsection 37.4.1, the following projections and appurtenances may extend above the height limits of Table 37.4.1-1, subject to the standards provided.

- A. **Chimneys and Other Rooftop Appurtenances**  
Chimneys, flues, vents, antennas, and similar appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less.
- B. **Flagpoles**  
One flagpole per building may be permitted as an appurtenant structure, not to exceed 15 percent of the otherwise permissible maximum building height, or 30 feet, whichever is less, provided that:
  - 1. The flagpole shall be of a dark color and shall not have a shiny reflective finish.
  - 2. The flagpole shall be used for non-commercial displays only; and
  - 3. For purposes of this subsection, structures housing gaming referenced in Article VI(e) of the Compact shall be deemed to comply with site development provisions related to height.

CHAPTER 37: HEIGHT  
37.5 Additional Height for Certain Buildings  
37.5.1 Approval of Building Heights Greater Than 26 Feet

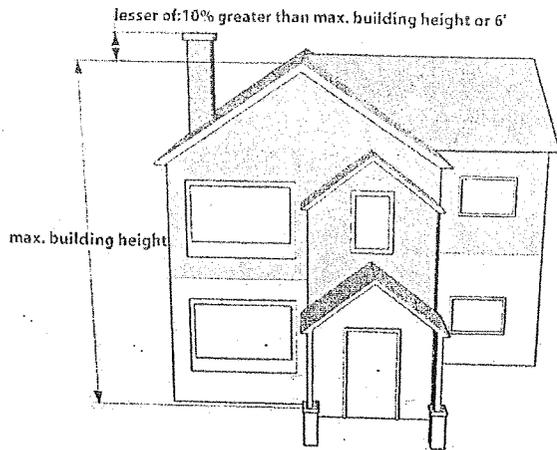


Figure 37.4.2-A: Example Chimney Exception Measurement

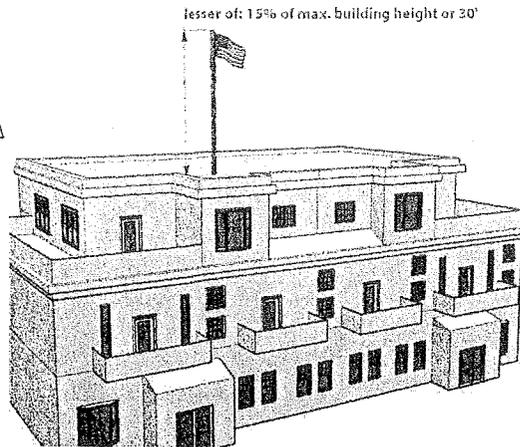


Figure 37.4.2-B: Example Flagpole Exception Measurement

**37.5. ADDITIONAL HEIGHT FOR CERTAIN BUILDINGS**

TRPA may approve building heights greater than those set forth in Section 37.4 in accordance with the following provisions and provided that TRPA makes the applicable findings in Section 37.7.

**37.5.1. Approval of Building Heights Greater Than 26 Feet**

Building heights greater than 26 feet may be approved if the project is in compliance with the standards in Section 66.1: *Scenic Quality Standards*, and TRPA makes the findings specified below. If, in any case, the TRPA is unable to make the required findings, maximum building height shall be limited to that height for which the required findings can be made.

**A. Additional Height for Roof Pitch of Up to 5:12**

Building height greater than 26 feet, up to the maximums set forth in Table 37.4.4-1 for a roof pitch of 5:12, may be approved if TRPA makes finding 1 as set forth in Section 37.7.

**B. Additional Height for Roof Pitch Greater Than 5:12**

Building height greater than set forth in Table 37.4.4-1 for a roof pitch of greater than 5:12 may be approved for residential buildings if TRPA makes findings 1, 2, and 8 as set forth in Section 37.7, and for other buildings if TRPA makes findings 1, 2, 3, and 8 as set forth in Section 37.7.

**37.5.2. Additional Building Height for Public Service, Tourist Accommodation, and Certain Recreation Buildings**

TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is public service, tourist accommodation, or certain recreation uses as follows:

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

37.5.2 Additional Building Height for Public Service, Tourist Accommodation, and Certain Recreation Buildings

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**A. Additional Building Height With Required Findings**

The maximum heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, provided TRPA makes the following findings in Section 37.7:

1. For tourist accommodation buildings: findings 1, 2, and 3;
2. For public service buildings: findings 1, 2, 3, and 4; and
3. For certain recreation uses, including downhill ski facilities, cross country skiing facilities, or recreation uses whose primary recreation use is participant sports facilities, recreation centers, or sport assembly: findings 1, 2, 3, 4, and 7.

**B. Additional Building Height for Reduced Land Coverage**

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30: *Land Coverage*. The maximum building heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable land coverage, or existing land coverage, whichever is greater, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings 1, 2, 3, and 5 in Section 37.7.

**C. Additional Building Height for Public Service and Certain Recreation Buildings That Are Not Visible From Lake Tahoe and That Are Not Located Within or Are Not Visible From Designated Scenic Highway Corridors**

The maximum building heights specified in Table 37.4.1-1 may be increased by up to eight feet, but not to exceed a maximum of 42 feet, if the building will not be visible from Lake Tahoe and the building is not located within a TRPA-designated scenic highway corridor pursuant to Chapter 67: *Historic Resource Protection*, provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. An additional two feet, not to exceed a maximum of 42 feet, may be earned if the building meets the criteria and findings set forth above and is not visible from a TRPA-designated scenic highway corridor pursuant to Chapter 67.

**D. Additional Building Height for Certain Recreation Buildings Within Adopted Ski Area Master Plans**

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are identified in an adopted ski area master plan, are not visible from Lake Tahoe, are not located within or visible from designated scenic highway corridors and designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that expected snow depths in the area of the building site make the additional height necessary for the function of the building. The amount of additional height shall not exceed the ten-year average snow depth as reported by the National

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

37.5.3 Additional Building Height for Tourist Accommodation Buildings Within Community Plan Areas

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Resource Conservation Service (NRCS) for that area or as reported by the applicant using a similar method as the NRCS; and

2. An additional ten feet, not to exceed a total building height of 56 feet, may be earned if the project proponent demonstrates additional height is needed to maintain roof pitch in excess of 4:12.

**E. Additional Building Height for Public Service Buildings**

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are classified as "Schools" or "Regional Public Health and Safety Facilities – Solid Waste Transfer Stations" that TRPA finds to be regionally serving, pursuant to Chapter 21: *Permissible Uses*, and the buildings are not visible from Lake Tahoe and are not located within or are not visible from designated scenic highway corridors and designated Class I or II bikeways and recreations sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, 8, and 10 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that the additional height is necessary for the proper function of the building; and
2. Additional height beyond that set forth in 1 above may be earned up to a maximum total building height of 56 feet, provided that the new structure incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with the Design Review Guidelines.

**F. Additional Building Height for Essential Public Safety Buildings**

The maximum building heights specified in Table 37.4.1-1 may be increased by up to 14 feet if the building meets the definition of "Public Safety Facility, Essential" in Ch. 90: *Definitions*, is not covered by subparagraph 37.5.2.E above, and provided TRPA makes findings 3, 4, and 7 in Section 37.7.

**37.5.3. Additional Building Height for Tourist Accommodation Buildings Within Community Plan Areas**

In addition to the provisions set forth in subsection 37.5.2, TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is tourist accommodation and that are located within an approved community plan as set forth in Chapter 12: *Community Plans*. The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 48 feet in accordance with the following provisions, if TRPA makes findings 1, 2, 3, and 6 in Section 37.7.

**A. Additional Building Height for View Corridor**

For each 100-foot wide view corridor, or increment thereof in excess of 100 feet, provided, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

**B. Additional Building Height for Increased Setback**

For each 100 feet, or increment thereof in excess of 100 feet, of permanent setback from the high water line of Lake Tahoe provided as part of a project in

addition to the otherwise required setback, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

**C. Additional Building Height for Public Access**

For each 50 foot wide by 200 foot long area, or increment thereof in excess of 50 feet by 200 feet, of public access provided along the shoreline of Lake Tahoe as part of a tourist accommodation project, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

**37.5.4. Additional Building Height for Special Height Districts**

TRPA may designate special height districts as specified below. These special height districts shall be limited to areas that are within both a TRPA-adopted redevelopment plan and a TRPA-adopted community plan. The boundaries of the special height districts and special standards for the district shall be included in the applicable redevelopment plan.

**A. Specification of Special Height Districts**

Special height districts may be specified in adopted redevelopment plans if TRPA makes finding 11 of Section 37.7.

**B. Findings for Establishing Maximum Allowable Building Heights Within Special Height Districts**

1. In order to establish maximum allowable building heights within special height districts, TRPA shall make finding 12 of Section 37.7.
2. Prior to approving additional building height for a project within a special height district TRPA shall make findings 1, 3, 5, 6, and 9 of Section 37.7.

**C. Limitations on Building Height Within the South Lake Tahoe Redevelopment Demonstration Plan Special Height District**

In addition to the standards and limitations established in subparagraphs A and B above, the following additional limitations shall apply to the Special Height District as set forth in Section 1.11 of the South Lake Tahoe Redevelopment Plan Area Development Standards:

1. Projects approved as part of the South Tahoe Redevelopment Demonstration Project No. 1 shall be subject to Chapter 13: *Redevelopment Plans* and shall not be eligible for additional building height under the provisions of this subsection;
2. Maximum building heights for buildings that are eligible to gain the additional height are established in Figure 1.1 of the South Lake Tahoe Redevelopment Demonstration Plan Redevelopment Plan Area Development Standards. Additional height for buildings located adjacent to U.S. 50 shall not be used for a total linear distance of more than 500 feet from the adjacent side of the street; and
3. The additional building height shall be limited to buildings in which the primary use is tourist accommodation, transit stations and terminals, or

vehicle storage and parking. These buildings may also contain primary commercial uses provided that commercial uses other than vehicle parking and storage will not occupy more than 50 percent of the building's commercial floor area. Vehicle storage and parking structures that use additional building height and that are located on the Lake Tahoe side of U.S. 50 shall be set back a minimum of 100 feet from the edge of the U.S. 50 right of way and shall not provide vehicle access directly off of U.S. 50.

**D. Qualification for Additional Building Height**

Eligible buildings in special height districts may earn additional height greater than that permitted in Table 37.4.1-1 pursuant to the criteria listed below. The additional heights permissible below are additive within the limitations of this subsection. Additional building height that is earned under this subsection may be applied to eligible uses throughout the project area. The additional height may be permissible if TRPA makes findings 1, 3, 5, 6, and 9 of Section 37.7.

**1. Additional Building Height with Required Findings**

The maximum building heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the additional finding 7 in Section 37.7.

**2. Additional Building Height for Reduced Land Coverage**

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30. The maximum heights shall be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, or existing land cover age, whichever is greater, up to eight additional feet, but not to exceed a maximum height of 46 feet.

**3. Additional Building Height for View Enhancement**

According to a method specified by TRPA to evaluate view enhancements, the maximum heights specified in Table 37.3.1-1 may be increased three additional feet for each view enhancement provided, up to a maximum increase of nine additional feet, provided TRPA makes finding 13 of Section 37.7.

**4. Additional Building Height for Increased Setback**

The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of ten additional feet when an area of open setback (minimum 50-foot depth, 200-foot length) is provided for the portion of the building receiving the additional height, in excess of the legally required setback from the edge of the right-of-way of a major arterial.

**5. Additional Building Height for Landscaped Public Pedestrian Area**

The maximum heights specified in Table 37.4.1-1 may be increased for provision of landscaped public pedestrian areas, including all required amenities established in the applicable community plan, as follows:

**a. Special Height District on Mountain Side of U.S. 50**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of 15 additional feet, may be permitted as follows:

- (i) A maximum of ten additional feet for provision of a landscaped public pedestrian area (minimum 30-foot width, 1,800-foot length) along or through the special height district located on the mountain side of U.S. 50; and
- (ii) A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional unit of landscaped public pedestrian area provided (unit minimum 30-foot width, 180-foot length).

**b. Special Height District on Lake Tahoe Side of U.S. 50**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of 15 additional feet, may be permitted as follows:

- (i) A maximum of ten additional feet for provision of a landscaped public pedestrian area (minimum 10-foot width, 1,200-foot length) along U.S. 50 in or adjacent to the special height district located on the Lake Tahoe side of U.S. 50; and
- (ii) A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional unit of landscaped public pedestrian area provided (unit minimum 10-foot width, 120-foot length).

**c. Public Plaza or Outdoor Space**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of five additional feet, for each 10,000 square feet of public plaza or outdoor space provided in the project area within which the additional building height is used may be permitted.

**6. Additional Building Height for Public Access to Lake Tahoe**

Additional building height for public access to Lake Tahoe may be permitted as follows:

- a. The maximum building heights specified in Table 37.4.1-1, may be increased a maximum of ten additional feet for each one acre of public beach provided as follows.
  - (i) The beach shall contain at least 200 feet of continuous lake frontage on Lake Tahoe and shall be located within one half mile from the height district.
  - (ii) The beach shall be open to the public and contain restrooms, picnic tables, and other amenities. TRPA shall ensure, through deed restrictions, conveyance to a public agency, or other appropriate means, that the beach remains open to the public.

- b. The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of four additional feet for providing a lake access trail described in a community plan.

**7. Additional Building Height for Tree Preservation**

The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of ten additional feet for the preservation and protection of 30 existing trees or 90 percent of the existing trees, whichever is greater, within the project area. To qualify, the trees to be preserved shall be 12 inches diameter at breast height (dbh) or greater, and shall be found by TRPA to provide screening benefits to the building or buildings using the additional height.

**E. Security for Improvements**

Projects that utilize any of the additional building height provisions provided in Section 37.5 shall ensure the public benefit(s) for which the additional height was earned is implemented consistent with the provisions below.

**1. Project Approval**

TRPA shall require, as a condition of approval of any project that relies on the use of an additional building height provision provided in Section 37.5, that all necessary permits for development of the associated public benefit shall be issued prior to commencement of construction of the project utilizing the additional height.

**2. Project Funding**

Prior to the commencement of construction of any project that relies on the use of an additional building height provision provided in Section 37.5, the project applicant shall demonstrate, and TRPA shall find, for each project that irrevocable commitments to fund the public benefit for which the additional height was earned have been obtained or secured.

**3. Project Completion**

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit for which the additional height was earned.

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**37.5.5. Additional Building Height for Affordable Housing Projects**

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.

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

37.5.6 Building Height for Redevelopment Projects Within the City of South Lake Tahoe

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**37.5.6. Building Height for Redevelopment Projects Within the City of South Lake Tahoe**

Additional building height for redevelopment projects within the City of South Lake Tahoe is set forth in Chapter 13: *Redevelopment Plans*.

**37.5.7. Additional Height for Special Projects within the North Stateline Community Plan**

**A. General Requirements**

1. TRPA may designate additional height for special projects that are located within the TRPA approved North Stateline Community Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to subparagraph 50.6.4.D as specified below.
2. The maximum height shall be 75 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.
3. The area proposed for additional height shall be located on the mountain side of State Route 28 within the North Stateline Community Plan boundary. Additional height available under this Code subsection shall not be available on lake side of SR 28.
4. Additional height may be specified within the North Stateline Community Plan subject to Finding 15 in subsection 37.7.15.

**A. Security for Improvements**

The project shall ensure the public benefit(s) set forth in subparagraphs 37.7.15.F, G, and H are implemented consistent with the following provisions:

**1. Project Approval**

TRPA shall require, as a condition of approval, of any project that relies on the use of an additional height provision provided in this subsection 37.5.7 that all necessary permits for development of the public benefits set forth in subparagraphs 37.7.15.F, G, and H be issued prior to commencement of construction of the project utilizing the additional height.

**2. Project Funding**

Prior to the commencement of construction of any project that relies on the use of an additional height provision provided in this subsection 37.5.7, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in subparagraphs 37.7.15.F, G, and H have been obtained or secured.

**3. Project Completion**

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in subparagraphs 37.7.15.F, G, and H.

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**37.6. HEIGHT STANDARDS FOR STRUCTURES OTHER THAN BUILDINGS**

**37.6.1. Maximum Structure Height**

Except as provided for in subsection 37.6.2, no structure, other than a building, shall have a maximum height greater than 26 feet.

**37.6.2. Additional Height for Certain Structures**

The maximum height specified in subsection 37.6.1 may be increased for communication towers, antennas, utility poles, special features of public safety facilities, ski lift towers, and other similar projects, excluding buildings and signs, up to the minimum height necessary to feasibly implement such projects. Additional height may be approved under the provisions of this subsection if TRPA makes findings 4 and 7 as set forth in Section 37.7.

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**37.7. FINDINGS FOR ADDITIONAL BUILDING HEIGHT**

The findings required in this chapter are as follows:

**37.7.1. Finding 1**

When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

**37.7.2. Finding 2**

When outside a community plan, the additional height is consistent with the surrounding uses.

**37.7.3. Finding 3**

With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

**37.7.4. Finding 4**

The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

**37.7.5. Finding 5**

The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

- A.** The horizontal distance from which the building is viewed;

- B. The extent of screening; and
- C. Proposed exterior colors and building materials.

**37.7.6. Finding 6**

The building that is permitted additional building height is located within an approved community plan that identifies the project area as being suitable for the additional height being proposed.

**37.7.7. Finding 7**

The additional building height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

**37.7.8. Finding 8**

The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

**37.7.9. Finding 9**

When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

**37.7.10. Finding 10**

The building is no more than two stories above grade (excluding basement) in height.

**37.7.11. Finding 11 (Specification of Special Height Districts in Adopted Redevelopment Plans)**

Special height districts may be specified in adopted redevelopment plans if TRPA makes the following findings:

- A. The area is within 2,300 feet of the center point of three or more buildings exceeding the height of 150 feet;
- B. The special height district provides a transition of height from the high-rise area to the surrounding area of lower permissible heights;
- C. The projects within the special height district utilize transit/pedestrian-oriented development principles including, but not limited to, major transit facilities, sidewalks, limited parking, mixed uses, high densities, use of alleys, and pedestrian oriented commercial opportunities; and
- D. The special height district is consistent with Policy 1.B, Goal 2, Community Design Subelement, Land Use Element, of the TRPA Goals and Policies Plan and the TRPA Scenic Quality Improvement Program.

CHAPTER 37: HEIGHT

37.7 Findings for Additional Building Height

37.7.12 Finding 12 (Establishing Maximum Allowable Building Heights Within Special Height Districts)

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**37.7.12. Finding 12 (Establishing Maximum Allowable Building Heights Within Special Height Districts)**

In order to establish maximum allowable building heights within special height districts, TRPA shall make the following finding:

- A. The maximum building height within a special height district is limited to 73 feet, or three-fourths of the maximum height of the tallest trees within the special height district, whichever is lower. TRPA shall determine the height of the tallest trees within a special height district.

**37.7.13. Finding 13 (Additional Height for View Enhancement)**

- A. The view enhancement is provided in the same threshold roadway travel route as the project in which the building using the additional height is located;
- B. For views of the natural landscape and views of major visual features, no building or structure greater than five feet in height is closer than 100 feet from the viewpoint to the resource;
- C. For view enhancements of views of Lake Tahoe, no building or structure exists between the viewpoint and Lake Tahoe;
- D. For the purposes of creating a view enhancement, TRPA shall find, in addition to the findings in subparagraphs A, B, and C above, that the created view is available for a continuous distance of at least 200 feet as seen from the threshold roadway travel route; and
- E. For the purposes of enhancing an existing view, TRPA shall find in addition to the findings in subparagraphs A, B, and C above, that the enhanced view is provided in the same general location as the existing view, is of the same resource as the existing view, and adds at least 30 percent to the existing view.

**37.7.14. Finding 14 (Additional Building Height for Affordable Housing Projects)**

- A. The project shall meet findings 1, 3, 6, 8, and 9 in Section 37.7;
- B. The additional height is required because of the increase in density permitted by subsection 31.4.1;
- C. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area; and
- D. The project meets the security requirements of subparagraph 37.5.4.E.

**37.7.15. Finding 15 (Additional Height for Special Projects within North Stateline Community Plan)**

Additional height may be specified within the North Stateline Community Plan subject to the following requirements:

- A. Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished, except when found to be historically significant and then the provisions of Chapter 67 shall prevail.

CHAPTER 37: HEIGHT

37.7 Findings for Additional Building Height

37.7.15 Finding 15 (Additional Height for Special Projects within North Stateline Community Plan)

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- B. Land coverage otherwise permissible within the project area pursuant to the Regional Plan shall be reduced by a minimum of ten percent.
- C. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
  - 1. Satisfy the factors outlined in subparagraphs 11.8.4.C.1;
  - 2. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities;
  - 3. Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys; easements, parks) and commercial, residential, tourist uses both on and off-site;
  - 4. Provide alternative parking strategies (which may include shared parking, parking structures, or underground parking);
  - 5. Be a mixed use development;
  - 6. Orient building facades to the street; and
  - 7. Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality Implementation Program and Technical Appendices (SQIP). This shall include improvements that:
    - a. Blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees;
    - b. Enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and
    - c. Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.
- D. New structures along State Route 28 shall be set back from the travel route edge of pavement a minimum of 40 feet and stair-stepped upslope, providing a transition of height across the site (See Figure 37.7.15-A). Additional height for new structures satisfying these requirements may be permitted as follows:
  - 1. The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement shall be 58 feet.
  - 2. The maximum permissible height for structures with a minimum set back of 60 feet from the State Route 28 edge of pavement shall be 67 feet.

CHAPTER 37: HEIGHT

37.7 Findings for Additional Building Height

37.7.16 Finding 16 (Three- or Four-Story Buildings in Town Centers and Three- to Six-Story Buildings in the Regional Center)

- 3. The maximum permissible height for structures with a minimum set back of 180 feet from the State Route 28 edge of pavement shall be 75 feet.

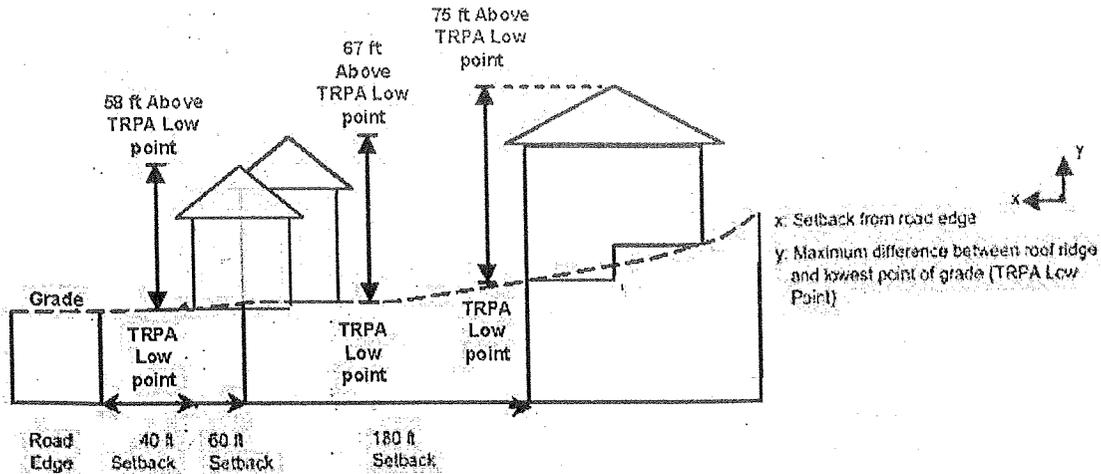


Figure 37.7.15-A: Setback Measurement on State Route 28

- E. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 20D, North Stateline Core.
- F. The project shall retain and treat the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.
- G. The project shall implement TRPA designated EIP Projects within the NSCP.
- H. The project shall achieve a reduction in vehicle miles traveled.
- I. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8, and 9 of Section 37.7.

37.7.16. Finding 16 (Three- or Four-Story Buildings in Town Centers and Three- to Six-Story Buildings in the Regional Center)

In order to mitigate for potentially significant scenic impacts resulting from three- or four-story buildings in the Town Centers and from three- to six-story buildings in the Regional Center, TRPA shall make the following findings:

- A. The project shall meet findings 1, 3, 5, and 9 in Section 37.7.

37.7.17. Finding 17 (Redevelopment in High Density Tourist District within Existing Visual Prominence)

To mitigate for potentially significant scenic impacts resulting from buildings up to 197 feet in the High Density Tourist District, proposed development in the High Density Tourist District shall achieve the following performance standards:

- A. The height and visual mass of any redeveloped existing high-rise structures projecting above the forest canopy shall not increase the visual prominence over baseline conditions as viewed and evaluated from key scenic viewpoints, including, but not limited to, views from the Van Sickle Bi-State Park, scenic roadway units, scenic shoreline units, and public recreation areas.
- B. When considering visual prominence, the following factors will be considered: building mass, contrast, location, articulation, color, materials and architectural style; and the quality of landscape features and views that are blocked or revealed.

### **37.8. MODIFICATION OR RECONSTRUCTION OF EXISTING BUILDINGS AND STRUCTURES**

When a building or structure is being reconstructed or, whenever feasible when being modified, the building or structure shall comply with the height standards set forth in this chapter. Provisions of Chapter 2: *Applicability of the Code of Ordinances*, regarding structures destroyed by calamity, set forth exceptions to this section.

### **37.9. ADDITIONS TO EXISTING BUILDINGS**

When an addition is proposed to an existing building that results in height greater than that permitted by Table 37.4-1-1, the height of the addition may be calculated in accordance with subsections 37.9.1 and 37.9.2 below. The height provisions of Section 37.9 may be utilized only one time within a project area. A subsequent project in the same project area shall calculate height from the original low point. Projects using this section are not eligible to apply under the Exempt or Qualified Exempt provisions of Chapter 2 of the Code.

#### **37.9.1. Additions At or Above Low Point**

For additions at or above the low point of an existing building, the height of the addition may be calculated as if the addition is a separate structure if findings A through E of subsection 37.9.3 can be made. The height of the addition shall not exceed the maximum height permitted by Table 37.4.1-1.

#### **37.9.2. Additions Below the Low Point**

For additions below the low point of an existing building, the height of the addition may be calculated as if the addition is a separate structure if findings A through E of subsection 37.9.3 can be made. The maximum height shall not exceed the maximum height permitted by Table 37.4.1-1 less the difference between the existing and proposed low points of the structure.

#### **37.9.3. Findings**

The following findings are applicable to this Section 37.9:

- A. Findings 1, 2, and 8 in Section 37.7;
- B. The addition is not visible from a TRPA-designated scenic threshold travel route, the waters of Lake Tahoe, a public recreation area, or a bicycle trail contained in the 1993 Lake Tahoe Basin Scenic Resource Evaluation;