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## STAFF REPORT

Date: February 7, 2024

To: TRPA Advisory Planning Commission

From: Jacob Stock, Senior Planner

Subject: Informational Presentation on Amendments to the Code of Ordinances Supporting Climate Resilience, Affordable Housing Requirements for Condominium Subdivisions, and Design Standards for Mixed-Use Development

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### Project Summary:

Staff will present an overview of proposed amendments to the TRPA Code of Ordinances to implement best practices for climate resilience and adaptation, address the need for mixed-use minimum standards to encourage walkable communities, and take an interim step to address the impacts of condominium subdivision on affordable housing needs in our region. These proposed amendments build on the work of the Phase 2 Housing Amendments, Sustainability Action Plan, and lessons learned from local area planning.

Staff requests that the Advisory Planning Commission (APC) discuss and provide suggestions for further refining the proposed amendments. While the climate resilience amendments have already undergone significant vetting and stakeholder input, staff are particularly interested in receiving input on the proposal to advance affordable housing in condominium developments.

These items are for informational purposes. No action is required at this time.

### Project Description/Background:

#### **Climate Resilience:**

In December 2013, the TRPA Sustainability Action Plan was adopted to guide TRPA and local jurisdictions in developing and implementing climate sustainability strategies and actions under a consistent regional framework. Since the plan's adoption, TRPA and partners have fully or partially implemented more than 80 percent of recommended actions in the plan. These planning efforts resulted in approximately 198 climate resilience-related projects across the Region. TRPA staff are directed to implement the remaining actions of the Sustainability Action Plan as they relate to standards in the Code of Ordinances.

During the summer of 2022, a graduate student intern from the University of California, Davis, Kamryn Kubose, completed a research project exploring best practices for land use regulation in climate-smart communities. Her project resulted in a 100-page memo covering traffic congestion; energy conservation; energy generation; zero-emissions vehicles; waste diversion; sustainable construction and development; water conservation; carbon sequestration, forestry practices, and vegetation; adaptation

and resilience; and workforce housing. She and her TRPA supervisors presented to the TRPA Governing Board and facilitated a work planning and prioritization workshop in October 2022. The Governing Board directed staff to develop regulatory code amendments supporting complete implementation of the Sustainability Action Plan including amendments addressing traffic mitigation, solar energy generation, electric vehicle charging, and dark sky preservation that could be completed on an initial environmental checklist.

Beginning in January 2023, Ms. Kubose was joined by a team of UC-Davis graduate students to develop proposed code language following the Governing Board's direction. The graduate student team conducted detailed code research, facilitated stakeholder engagement, and wrote draft code amendments. On May 24, 2023, TRPA staff and the graduate student team provided an informational presentation on their recommendations to RPIC. TRPA staff have since addressed RPIC's recommendations and worked closely with stakeholders from local government, the development and private consulting industry, and Liberty Energy, along with Permitting staff to develop the current proposal (Attachment B). The proposal includes new requirements for traffic mitigation planning at temporary events, strategies to "cut the green tape" and streamline rooftop solar installation, provisions supporting the continued development of appropriate EV charging infrastructure, and a reorganization of the Code's exterior lighting requirements including new provisions for dark sky preservation (Exhibit A to Attachment B).

**Affordable Housing Requirements for Subdivisions and Design Standards for Mixed-Use Development:**

The mixed-use and affordable housing elements of this proposal were adapted at the Governing Board's direction from an amendment to the Washoe Tahoe Area Plan (TAP).

On March 8 and March 22, 2023, respectively, the APC and RPIC considered a proposed Washoe County TAP amendment to allow subdivision of buildings in Special Area 1 of Incline Village's commercial town center. Both bodies found that the Area Plan and Code of Ordinances did not fully address standards for mixed-use development and the impact of condominium subdivision on the need for affordable housing. They recommended that the County consider policies to encourage affordable and workforce housing and a more specific definition and minimum standards for mixed-use development before the amendment was applied to the remainder of Special Area 1. Following APC and RPIC's recommendation, staff developed mitigation measures to define and set minimum standards for mixed-use development and to ensure that a portion of new condominiums in Special Area-1 would be deed-restricted with a mix of affordable and moderate housing. On June 28, 2023, the Governing Board approved the amendments to the TAP, including mitigation measures, directing staff to explore regional standards for mixed-use and deed-restricted housing in condominium subdivisions.

TRPA staff has since researched best practices to define and set minimum standards for mixed-use development that could also apply at the regional level. On May 24, 2023, TRPA staff initiated the process to set regional standards, presenting to RPIC on mixed-use standards for the basin as a whole, including a mixed-use definition and regional standards that include the proportion and location of residential and non-residential uses in a structure, permitted uses, mix of affordable and market-rate units, density, parking, and minimum design standards. The amendments proposed in this informational item follow APC and Governing Board direction to develop regional standards for mixed-use, and propose regional conditions to ensure that new condominium development includes a 10 percent mix of affordable and moderate-income housing (Attachment A).

Regional Plan Consistency:

The proposed amendments are consistent with the Regional Plan and will advance the following goals and policies:

- The Regional Plan Housing Element.
- Goal 1 of the Transportation Element which seeks to protect and enhance the environment by promoting energy conservation and reducing green house gas emissions including through support for mixed-use and transit-oriented development.
- The Sustainability Action Plan goals and policies including establishing efficient light standards (4-10), standards for renewable energy (4-13), supporting EV charging networks (4-18), and addressing event impacts (4-32).

Opportunities for Public Input:

**To-Date:**

Climate Resilience:

- October 2022—Workshop with the TRPA Governing Board to Prioritize amendments
- Winter/Spring 2023—Stakeholder workshops with representatives from local government, the development and private consulting industry, and Liberty Energy
- May 2023—Presentation and feedback from the Regional Planning Committee
- November 2023—Stakeholder review of proposal draft

Mixed-Use:

- May 2023—Presentation and Feedback from Regional Planning Committee
- June 2023—Governing Board adoption of amendments to the Washoe Tahoe Area Plan including elements of this proposal
- November 2023—Stakeholder review of proposal draft

**Planned:**

- February 14, 2024—APC informational presentation
- March 27, 2024—RPC informational presentation
- May 8, 2024—APC Hearing
- May 22, 2024—RPC Hearing
- June 26, 2024—Governing Board hearing and consideration of approval

Contact Information:

For questions regarding this agenda item, please contact Jacob Stock, AICP, Senior Planner, at (775) 589-5221 or [jstock@trpa.org](mailto:jstock@trpa.org).

Attachments:

A. Draft Mixed Use Code Amendments Table

B.

- Exhibit A: Proposed Exterior Lighting Standards

Attachment A

Draft Mixed Use Code Amendments Table

**ATTACHMENT A**  
**DRAFT MIXED-USE (MU) CODE LANGUAGE**

Code Section	Rationale	Proposed Code Language
36.14	Design standards for MU, including market rate. This amendment separates design standards applying to all M-U from standards specific to 100 percent deed-restricted developments. Standards specific to 100 percent deed-restricted developments were approved in the Phase 2 Housing Amendments.	<p><del>36.14 Mixed-Use Design Standards</del></p> <p>Mixed-use developments shall meet the definition of mixed-use in Chapter 90 and the following design standards:</p> <p>a. <u>The ground floor shall include one or more permissible pedestrian-oriented non-residential uses that include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses.</u></p> <p>b. Mixed-use developments <u>must</u> accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor <del>frontage area</del> <u>or 60 percent of the ground floor area.</u></p> <p>c. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage <u>and shall be located off of the main frontage whenever possible;</u></p> <p>d. The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.</p>
39.2.3.B	Additions to existing 1:1 replacement requirement to include affordable housing.	<p><b>B. Existing Affordable and Moderate-Income Housing</b></p> <p>Existing residential units that are <u>affordable- or moderate-income housing, either de-facto or deed-restricted</u> <del>as defined by Chapter 90: Definitions</del>, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of <u>affordable- or moderate-income housing</u>. Mitigation shall be in the form of construction of an equal number of <u>affordable- or moderate-income units</u>, conversion of other structures to <u>affordable- or moderate-income housing</u>, <u>deed</u>-restriction of</p>

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		<p>subdivided units to <del>affordable- or</del> moderate-income housing units, or a combination of the above.</p> <ol style="list-style-type: none"> <li>1. To determine whether a unit is <del>affordable- or</del> moderate-income housing, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as <del>affordable- or</del> moderate income housing. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate- to very low-income households in making the determination. If a rental or sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant.</li> <li>2. Restriction of subdivided units to <del>affordable- or</del> moderate-income housing shall include recordation of deed restrictions running with the land that requires compliance with Section 52.3.4.D.</li> </ol>
39.2.3.M	See above	<p><b>M. Substitution of Local Housing Plans</b>  If a local jurisdiction adopts and implements a program that addresses the need for <del>affordable- and</del> moderate-income housing within its jurisdiction, then TRPA may by ordinance exempt projects within that jurisdiction from the provisions of subparagraph 39.2.3.B.</p>
39.2.5.F	Require 10% deed-restricted housing as a condition of subdivision for pre- and post-1987 structures. Jurisdictions with inclusionary zoning requirements are exempt.	<p><b>F. Affordable and Moderate-Income Housing</b>  <del>1. Subdivisions of post 1987 residential projects in plan areas designated preferred affordable housing areas.</del>  Approval of subdivisions after December 31, 1995, of post-1987 residential projects <u>in designated preferred affordable housing areas</u> that do not qualify as affordable housing shall be prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Policy HS-1.2 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.</p>

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		<p><b>2. Subdivision of eligible structures greater than 4 unit that are not subject to subsection 39.2.3.B shall only be permitted if there is an affordable and moderate-income housing component. No less than 10 percent of residential units in a subdivided structure or at least one unit, whichever is greater, shall be deed-restricted affordable or a mix of affordable and moderate-income housing. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. Deed-restricted units shall be substantially similar to the project's mix of units, size, and design of units. However, two or more smaller affordable deed-restricted units may be substituted for any required larger deed-restricted unit if the combined square footage is similar. Deed-restricted units may be built on site or elsewhere within a center. Deed-restricted units must be built before or concurrently with market rate units. Jurisdictions with inclusionary zoning requirements shall be exempt from this provision.</b></p>
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Attachment B

Draft Climate Code Amendments Table



**ATTACHMENT B**

**DRAFT CLIMATE CODE LANGUAGE**

**Traffic reduction associated with temporary events**

Code Section	Rationale	Proposed Code Language
22.7.6.	<p>Temporary activity transportation plan as a requirement of temporary use permits to require that large events consider how to reduce automobile traffic and increase the use of alternative modes.</p> <p>See City of South Lake Tahoe additional requirements for temporary events (CSLT Code, 6.55.230.A.c.i).</p> <p>TRPA permitting staff noted that requirements for Ch. 22 temporary permits could benefit from additional requirements supporting traffic reduction.</p>	<p><b>22.7.6. Traffic Mitigation</b></p> <p><b>A.</b> For a temporary activity that includes the closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. 50 at any point between the South Y and Kingsbury Grade for any period of time, the applicant shall submit a traffic control plan.</p> <p><b>B.</b> <u>A temporary event transportation plan must be prepared for any event with the potential for more than 500 attendees. A temporary event transportation plan shall include a map of fixed route public transit stops, pedestrian access, and bike access, bike parking (existing and/or temporary) and materials for communicating alternative transportation options to event participants. The plan must include strategies for encouraging the use of alternatives to personal automobiles and should include plans for bike valet, shuttle services, rideshare drop off locations.</u></p>

**Electric vehicle (EV) charging**

Code Section	Rationale	Proposed Code Language
90.2	Define electric vehicle charging stations and related terms in code. Additional terms and detail added to definitions from permitting improvement amendments.	<p><b>Electric vehicle charger</b></p> <p>Off-board charging equipment used to charge an electric vehicle. <u>An “electric vehicle charger level 2” means a 208-240 volt electric vehicle charger. A “direct current (DC) fast charger” means a 400-volt or greater electric vehicle charger.</u></p> <p><b><u>Electric Vehicle (EV) charging space</u></b></p> <p><u>A parking space intended for use of EV charging equipment and charging of electric vehicles. The minimum length of each EV space shall be 18 feet. The minimum width of each EV space shall be 9 feet.</u></p> <p><b>Electric vehicle charging station</b></p> <p>One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.</p> <p><b><u>Electric Vehicle (EV) Capable</u></b></p> <p><u>Installation of the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage and adequate panel capacity to accommodate future installation of a dedicated branch circuit and charging station(s). “EV ready” means EV capable plus installation of dedicated branch circuit(s) or electrical pre-wiring, circuit breakers, and other electrical components, including a receptacle (240-volt outlet) or blank cover needed to support future installation of one or more charging stations. “EV installed” means EV ready plus installation of a minimum number of Level 2 or DC electric vehicle supply equipment (EV chargers).</u></p>

<p>Table 21.4-A</p>	<p>Include electric vehicle charging station as a primary use under service station and vehicle storage and parking.</p> <p>Tesla, Inc. expressed their intentions to develop EV charging as a primary use. This and other proposed code aims to allow charging as a primary use while encouraging more distributed accessory EV charging.</p>	<p><b>Service Stations</b></p> <p>Retail trade establishments primarily engaged in the sale of gasoline <u>and/or electric vehicle charging</u>, which may also provide lubrication, oil change and tune-up services, and the sale of automotive products incidental to gasoline sales. The use may also include as accessory uses towing, mechanical repair services, car washing and waxing, and trailer rental. The use does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work, and retail sale of gasoline as an accessory use to food and beverage retail sales when limited to not more than two pumps.</p> <p><b>Vehicle storage &amp; parking</b></p> <p>Service establishments primarily engaged in the business of storing operative cars, buses, or other motor vehicles. The use includes both day use and long-term public and commercial garages, parking lots, and structures. Outside storage or display is included as part of the use. <u>The use includes electric vehicle charging</u>. The use does not include wrecking yards (see “Recycling and Scrap”)</p>
<p>34.4.1</p>	<p>EV capable language for commercial, multi-family and hotel/motels with more than 40 spaces.</p> <p>Encourage distributed EV charging in integrated mix of uses.</p> <p>Borrowed from Cal Green (5.106.5.3). Cal Green requires 20% in lot’s with 10 spaces or more. See Cal Green Table 5.106.5.3.1.</p>	<p><b><u>34.4.1. Electric Vehicle Capable Parking Spaces</u></b></p> <p><u>Ten (10) percent of the total number of parking spaces on a building site with a minimum of 40 (forty) spaces provided for all types of parking facilities shall be electric vehicle capable spaces (EV spaces) capable of supporting future electric vehicle supply equipment. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes. EV spaces will count toward the total amount of parking spaces.</u></p> <p><u>1. The development of electric vehicle supply equipment applies to new development and redevelopment when the project requires a permit.</u></p>

		<p><u>2. Developments with 100 percent deed restricted housing shall be exempt from the above requirement.</u></p>
30.4.2.A.6	<p>Allow limited coverage exemption and transfer of coverage.</p> <p>Permitting Improvement amendments include Sec. 30.4.6.A allowing 30 sqft. coverage exemption for EV, solar and other “small utility installations”.</p> <p>Aims to encourage installation on existing coverage by allowing limited exemption with the option to transfer coverage is preferable to a large exemption.</p>	<p><b><u>6. Solar Energy Generation and Electric Vehicle Charging Facilities</u></b></p> <p><u>Transfers of land coverage may be permitted for electric vehicle chargers, solar energy systems, and related small utility installations.</u></p> <p><u>The maximum land coverage transferred shall be consistent with the following standards:</u></p> <ul style="list-style-type: none"> <li><u>(1) Transferred coverage shall be the minimum amount necessary to achieve the purpose of the facility;</u></li> <li><u>(2) Coverage shall not be transferred to sensitive land;</u></li> <li><u>(3) Receiving parcels shall have installed and maintained BMPs meeting TRPA requirements and the transferred coverage shall also have BMPs installed and maintained to meet TRPA requirements;</u></li> <li><u>(4) When feasible alternatives exist, TRPA may require the relocation of on-site coverage for some or all of the coverage needed. On-site coverage relocation is appropriate for parcels with non-essential coverage areas that can be reduced in size or replaced with pervious alternatives without significant structural modifications or significant impacts to the usability of the parcel.</u></li> </ul>

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**Solar energy generation**

Code Section	Rationale	Proposed Code Language
90.2	Define active, passive, and solar mounting devices.	<p><b>Active solar energy system</b>                      A solar energy system with a primary purpose to harvest energy by transforming solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.</p> <p><b>Photovoltaic (PV) System</b>  <u>An active solar energy system that converts solar energy directly into electricity.</u></p> <p><b>Passive Solar Energy System</b>  <u>A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger. Examples of passive solar may include skylights, passive solar water heating systems such as flat-plate collectors, or structure design and/or orientation maximizing solar energy capture and retention.</u></p> <p><b>Solar Mounting Devices</b>  <u>Racking, frames, or other devices that allow the mounting of a solar collector onto a roof, the ground, or other surface.</u></p>
2.3.6.A.12.	Qualified exemption for rooftop and parking lot solar energy systems. Require predictable scenic threshold standards when in scenic threshold travel routes and shoreland. QE from scenic review if system meets reflective standard. 3% reflectivity qualifier comes from the highest score given for windows in the shorezone.	<p><b>12. Installation of Roof-mounted Photovoltaic (PV) Systems or PV Systems Mounted Over Parking Lots</b></p> <p><u>The installation of pPhotovoltaic (PV) systems on the rooftops of existing structures or over parking lots that are deemed to be qualified exempt provided:</u></p> <ul style="list-style-type: none"> <li><u>a) Solar roof-mounting devices do not extend beyond the rooftop perimeter and mounting devices do not intrude into setback standards established in 36.5.4.</u></li> <li><u>b) Structure does not create height greater than that allowed by Chapter 37.</u></li> <li><u>c) If the structure is located inside of a Scenic Travel Corridor, the</u></li> </ul>

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		<p><u>Shoreland, or visible from Lake Tahoe, then solar panels shall be constructed of non-reflective material not to exceed 3 percent reflectivity.</u></p> <p>d) <u>The panel trim and mounting devices are designed to reduce reflectivity and blend with the panel and/or surrounding materials.</u></p>
Table 21.4-A	Expand primary use "Power Generating" to include solar facilities.	<p><b>Power generating</b></p> <p>Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, <u>solar facilities,</u> and diesel facilities. Outside storage or display is included as part of the use. The use does not include biofuel <u>or solar</u> facilities accessory to a primary use. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers."</p>
36.5.4.A.1.		Decks (except decks for off street parking), stairs, canopies, building, <u>solar mounting structures,</u> or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.
36.6.1.C.	Remove requirement for project-level assessment for roof-mounted solar. This is a barrier that complicates review of solar proposals. Scenic impacts of solar panels addressed through reflectivity standard.	<p><b>C. Alternative Energy Production</b></p> <p>Solar <del>panels energy systems</del> or other alternative energy equipment may be exempted from the requirements of 36.6.1.A and B if <u>they are constructed of non-reflective material not to exceed 3 percent reflectivity, a project level assessment demonstrates that scenic threshold standards will not be adversely impacted.</u></p>
37.4.3.A.	Expand the height exemptions to include solar energy systems.	Chimneys, flues, vents, antennas, <u>solar energy systems,</u> 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. <u>Height exemptions for solar energy systems shall not exceed the minimum height necessary for the solar energy system to function.</u>

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**Standards to reduce light pollution**

Code Section	Rationale	Proposed Code Language
36.8.1.	Update TRPA's lighting standards, include color temperature, shielding, and other standards to comply with international dark sky standards. Reorganize exterior lighting section for improved legibility.	<b>[See Exhibit A]</b>
13.5.3.F.5	Move lighting standards to single location in chapter 36. Reference 36.8.1.	<p><b>5. Lighting</b>            Lighting increases the operational efficiency of a site. In determining the lighting for a project, the <u>standards set forth in Section 36.8.1.E.1 shall following should</u> be required.:</p> <p><del>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.</del></p> <p><del>b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.</del></p> <p><del>c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.</del></p> <p><del>d. Lights should not blink, flash, or change intensity except for temporary public safety signs.</del></p>

**EXHIBIT A**  
**TO ATTACHMENT B**  
**DRAFT EXTERIOR LIGHTING STANDARDS**

**36.8. EXTERIOR LIGHTING STANDARDS**

**36.8.1. General Standards**

**A.** Exterior lighting shall be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.

**B.** Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.

**C.** Outdoor lighting must serve a functional safety purpose including the illumination of entrances and pathways. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subsection 36.8.5 paragraph E.3, below.

**A.D.** Exterior lights shall not blink, flash, or change intensity except for temporary public safety signs. String lights, building or roofline tube lighting, reflective, or luminescent wall surfaces are prohibited.

**B.E.** Exterior lighting shall not be attached to trees except for the Christmas season.

**C.F.** Parking lot, walkway, and building lights shall be directed downward.

**G.** Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37.

**D.H.** The commercial operation of searchlights for advertising or any other purpose is prohibited.

**I.** Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: Temporary Uses, Structures, and Activities.

**E.**

**36.8.2. Outdoor Lighting—Lighting Design**

The placement, including height, of all outdoor lighting shall be appropriate to serve a functional safety purpose. Exterior lighting shall utilize cutoff shields that extend below the lighting element to minimize stray light. Light shall be directed downward with no

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light emitted above the horizontal plane of the fixture and no splay of light offsite. Outdoor lighting shall be located to minimize impact on adjacent properties.

### **36.8.3 Lighting Levels**

Outdoor lighting levels shall respond to the anticipated use and shall not exceed the amount of light required by users. The maximum color temperature of outdoor lighting is 3,000 degrees Kelvin. TRPA may authorize outdoor lighting with a color temperature up to 5,000 degrees Kelvin when required for public safety.

### **36.8.4 Commercial Lighting**

Outdoor lighting for commercial uses shall not exceed 2,500 Lumens per light and the total lighting shall not exceed 100,000 Lumens per acre. Commercial uses shall reduce outdoor lighting to 50 percent or less of operational lighting levels after business hours. TRPA staff may authorize exceptions for public safety.

### **36.8.5 Cemetery Lighting**

**F.**

~~1-36.8.3.1.1 Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.~~

~~2-36.8.3.1.1 Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subparagraph F.2, below.~~

**2.** Within the veterans' section of an existing cemetery, the United State flag may be illuminated subject to the following limitations:

**A.** Where it may not be possible to reliably or consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the flag.

**B.** Lighting shall be the minimum necessary to properly illuminate the flag. In no case shall any lighting source exceed 2,500 lumens in output.

### **36.8.6 Outdoor Lighting Plan**

The applicant for any project in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the application, evidence that the proposed lighting will comply with subsection 36.8. The submission shall contain the following:

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1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and construction details;
2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings; and
3. A table showing the total number of proposed exterior lights by fixture type, degrees Kelvin, Lumens per fixture, and lamp type.
4. Lamp or Fixture Substitution, On commercial structures, if any outdoor light fixture or the type of light source therein is proposed to be changed after the permit has been issued, a change request must be submitted to TRPA for review, Adequate information to ensure compliance with this Code must be provided and the request must be received prior to substitution.

~~G.36.8.3.1 The commercial operation of searchlights for advertising or any other purpose is prohibited.~~

~~H.36.8.3.1 Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: Temporary Uses, Structures, and Activities.~~

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